No. _____

In The
Supreme Court of the United States

DOUGLAS WALTER GREENE,

Petitioner,

v.

INDEPENDENT PILOTS ASSOCIATION; ROBERT TRAVIS, in his capacity as President of the Independent Pilots Association; ERICK GERDES, in his capacity as Vice President of the Independent Pilots Association; THOMAS KALFAS, in his capacity as Secretary of the Independent Pilots Association; BILL CASON, in his capacity as Treasurer of the Independent Pilots Association; HARRY TREFES, in his capacity as At Large Representative of the Independent Pilots Association,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. A National precedent setting question is asked, may Federal District & Appellate Courts render a Decision abridging First Amendment Rights to Freedom of Speech, Freedom of Religion and exercise thereof based on overwhelming fraud in the record as its foundation. While at the same time abusing its discretion when a decision rests on an error of law using clearly erroneous factual findings with a decision that cannot be located within the range of permissible decisions denying due process and a jury trial (*Zervos v. Verizon N.Y.*, 252 F.3d 163, 168-69 (2d Cir. 2001); *accord SEC v. Lynn A. Smith*, 11-3843-cv (L) (2d Cir. 2013)?

2. Is it within jurisdiction of District/Appellate courts to abandon the rule of law by unlawfully setting aside findings of fact and denying Petitioner's rights to challenge/question credibility of known perjured witnesses, while never being afforded the opportunity to be heard in a trial court with manufactured false facts and tampering with evidence by the Court itself compromising the sanctity of the Judicial mechanism. *Bulloch v. United States*, 763 F.2d 1115 (10th Cir. 1985) *citing Wilkin v. Sunbeam Corp.*, 466 F.2d 714 (10th Cir. 1972).

We hold this question affects Constitutional Rights (1st, 4th, 5th, 7th, 8th, & 14th Amendments) of all Americans under the Rule of Law having a direct impact on Public Policy in this and similar cases posing an enormous threat by denying an American citizen their 1st, 5th, 7th, & 14th Amendment rights to due

QUESTIONS PRESENTED – Continued

process and a jury trial while punishing American citizens for exercising their unalienable Rights to Freedom of Speech, Freedom of Religion and exercise thereof for a proper defense in accordance with the Rule of Law.

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Petitioner prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Sixth Circuit affirming summary judgments granted by the District Court to respondents Independent Pilots Association in this case.

OPINIONS BELOW

Decision of U.S. District Court Western District of Kentucky was entered on February 22, 2018 (App. 9). Disposition Court of Appeals for the Sixth Circuit was entered on October 10, 2018 and NOT RECOMMENDED for full-text publication as set forth in Appendix (App. 1). Petitioner filed Petition for Rehearing *En Banc* received on October 17, 2018 (App. 76). Sixth Circuit Court order of denial for Petition Rehearing *En Banc* was entered on November 26, 2018 (App. 38). Mandate order of U.S. District Court Western District of Kentucky was entered on December 04, 2018.

BASIS FOR JURISDICTION IN THIS COURT

Judgment of Sixth Court of Appeals was entered on October 04, 2017. Jurisdiction of this Court is invoked under 28 U.S.C. §1254(1), 28 U.S.C. §1651(a), and 28 U.S.C. §2403(a) raising a constitutional question.

CONSTITUTIONAL & STATUTORY PROVISIONS

Constitutional rights of 1st, 5th, 7th, and 14th Amendments are embodied in this case that:

- *"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech."*
- *"No Person shall. . . . be deprived of life, liberty, or property without due process of law."*
- *"In suits at common law. . . . the right of a trial by jury shall be preserved."*
- *"All persons born or naturalized in the United States . . . 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; or deny to any person within its jurisdiction the equal protection of the law."*

Federal Rules of Civil Procedure (FRCP) and Federal Rules of Appellate Procedure (FRAP) comprise Rules of Law that aren't open for interpretation and weren't complied with by lower courts to include Standards of Review.

FRCP Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

(b) REPRESENTATIONS TO THE COURT. By presenting to the court a pleading, written motion, or other paper – whether by signing, filing, submitting, or later advocating it – an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

District/Appellate Courts sustained Attorney, Irwin Cutler ("Cutler"), on behalf of Independent Pilots

Association (IPA), making purposeful/gross misrepresentations committing blatant acts of Fraud Upon the Court.

Cutler's mendacious conduct comprised the integrity of all proceedings with Cutler thwarting the *"Truth Seeking Function of the Court"* stripping Greene of unalienable rights to life, liberty, and the pursuit of happiness.

FED. R. CIV. P. 11(b)(1)-(3), see *Andretti v. Borla Performance Indus., Inc.*, 426 F.3d 824, 835 (6th Cir. 2005):

> **Rule 11** sanctions are warranted if the attorney's conduct was unreasonable under the circumstances. *Ridder v. City of Springfield*, 109 F.3d 288, 293 (6th Cir. 1997). Additionally, 28 U.S.C. §1927 provides: "Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct."
>
> We review a district court's grant or denial of Rule 11 sanctions for abuse of discretion. *Tahfs v. Proctor*, 316 F.3d 584 (6th Cir. 2003). "A court necessarily abuses its discretion if it bases its ruling on an erroneous view of the law or a clearly erroneous assessment of the evidence." *Ridder*, 109 F.3d at 293.

FRCP Rule 38. Jury Trial Demand:

(a) Right Preserved. The right of trial by jury declared by the Seventh Amendment to the Constitution – or provided by a federal statute – is preserved to the parties inviolate.

(b) Demand. On any issue triable of right by a jury, a party may demand a jury trial. . . .

District/Appellate courts unlawfully ignored the Rule of Law and Petitioner's Motions asserting jury trial demand rights.

FRCP Rule 52(a)(5)(6). Findings and Conclusions by the Court; Judgment on Partial Findings. . . .

District/Appellate Courts denied Petitioner's rights to a trial court so as to question defendant evidentiary support comprised with findings of fact that were *"clearly erroneous."*

Lower courts ignored the Rule of Law unlawfully setting aside Petitioner's hundreds of exhibits containing evidence with findings of fact in both oral & documentary evidence without giving due regard to providing a trial court opportunity to judge witnesses' credibility.

FRCP Rule 56. Summary Judgement: "The court shall grant summary judgment if the movant shows there is no genuine dispute as to any material fact." Lower courts unlawfully ignored Petitioner's hundreds of material facts in dispute.

FRCP Rule 60(b)(3). Relief from a Judgment or Order:

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

Lower courts unlawfully ignored the Rule of Law and Petitioner's Motions asserting these rights. Appellate Court failed to comply with 1st, 5th, 7th, & 14th Amendments to Freedom of Speech, Freedom of Religion and exercise thereof, due process and equal protection of the law failing to conduct *de novo* review unlawfully giving complete deference to District Court. Appellate courts must consider the matter anew, as if no decision previously had been rendered. (*Freeman v. DirecTV, Inc.*, 457 F.3d 1001, 1004 (9th Cir. 2006)).

No deference is given to the district court. (*Barrientos v. Wells Fargo Bank, N.A.*, 633 F.3d 1186, 1188 (9th Cir. 2011)); *Ditto v. McCurdy*, 510 F.3d 1070, 1075 (9th Cir. 2007); *Rabkin v. Oregon Health Sciences Univ.*, 350 F.3d 967, 971 (9th Cir. 2003) ("When *de novo* review is compelled, no form of appellate deference is acceptable.").

U.S. Supreme Court holds *de novo* review occurs when a "reviewing court makes an original appraisal

of *all* the evidence to decide whether or not it believes [the conclusions of the trial court]" (*Bose Corp. v. Consumers Union of United States, Inc.*, 466 U.S. 485, 514 n.31 (1984)).

De novo standard is applied when appellate court is in as good a position as the trial court to judge the evidence. Because of this, if *all* the relevant evidence is in documentary or deposition form, the appellate court should be able to substitute its judgment for that of the trial court about facts as well as application *(Southwest Wash. Prod. Credit Ass'n v. Seattle-First Nat'l Bank*, 19 Wash. App. 397, 406, 577 P.2d 589, 594 (1978), *rev'd on other grounds*, 92 Wash.2d 30, 593 P.2d 167 (1979)). Giving substantial weight to the lower court's decision is not in accord with strict *de novo* review.

STATEMENT OF CASE

I. UNLAWFUL DENIAL OF HONEST ADJUDICATION

This case is directly related to U.S. Supreme Court case 18-330 that unlawfully denied honest adjudication for Captain Douglas Greene ever being heard before a trial court to judge credibility of known perjured witnesses, UPS/IPA pilots, Michael Starnes, Peyton Cook, Marc McDermont, & Chris Harper.

As a direct result of Greene's efforts to encourage and induce perjured UPS/IPA witness's truthful testimony, it was feared by Defendants that their perjured

witnesses would concede to telling the truth and used this case as means to protect their perjured witnesses abusing the arm of the law to silence Greene's efforts in obtaining UPS/IPA pilots, Michael Starnes, Peyton Cook, Marc McDermont, & Chris Harper's truthful testimony. Evidence in the record shows Chris Harper was originally on the right side of justice even acknowledging UPS' falsification of an FAA record against Greene was grounds for a lawsuit:

> ***"Like my friend Rich said this is grounds for a lawsuit over this lie."***

Unfortunately for Harper and the other perjured pilots, he allowed himself to be implicated into absolute perjury by Cutler on behalf of attempting to protect IPA's fraud against Greene.

Arbitrator, Barry Marc Winograd committed fraud during related proceedings to this case blatantly ignoring testimony of Captain Greene's witnesses that proved UPS and their perjured witnesses were a party to fraud and corruption which affected the result of the arbitration. This was a clear violation of Federal Law under the Railway Labor Act (RLA) ignored by lower courts. Arbitrator, Barry Winograd knowingly rendered a decision based on false premises and known perjury by UPS witnesses who were coerced and threatened to testify falsely. In accordance with **FRCP Rule 52(a)(5) & (6)**, Captain Greene had the right to judge UPS/IPA witness's credibility. Yet, lower courts exceeded their jurisdiction ignoring the rule of law denying Captain Greene's federal rights in

dismissing fraud committed by Arbitrator, Barry Winograd and UPS/IPA witnesses while ignoring exculpatory evidence.

A. Lawfare Suppressing Basic First Amendment Rights

Vexatious acts by District/Appellate Courts against Captain Greene by sustaining IPA's multiple counts of misconduct in violation **18 U.S.C. §§4, 1001, 1505, 1512(e) & 29 U.S.C. §666**, is nothing more than a gag order. A suppression of basic rights afforded under the First Amendment to Freedom of Speech, Freedom of Religion and expressions thereof subversively punishing Captain Greene to pay for crimes committed against me of perjury by UPS/IPA witnesses known by the Courts, law clerks, IPA/UPS attorneys and all others:

> ***"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech."***

Thus, neither Judges nor Government attorneys are above the law. See *United States v. Isaacs*, 493 F.2d 1124, 1143 (7th Cir. 1974). In our judicial system, few more serious threats to individual liberty can be imagined than a corrupt judge or judges acting in collusion outside of their judicial authority with the Executive Branch to deprive a citizen of his rights.

Sixth Circuit Court Case Manager, Jill Wallace Colyer made it clear she was well aware of the

compromised judicial mechanism showing remorse over the abomination of justice denying American Citizens/Veterans honest adjudication violating the rule of law. Proper Department of Justice (DOJ)investigation in oversight of the McConnell controlled Courts would reveal the McConnell agenda on behalf of his Dark Money donors:

- NO HEARING
- NO TESTIMONY
- NO CROSS EXAMINATION
- NO EVIDENCE
- NO VERDICT

Sixth Circuit Court Case Manager, Jill Wallace Colyer must be called as a witness to confirm her positive knowledge of gross misconduct at every level of adjudication.

IPA abused the judicial mechanism in a desperate effort to cover up blatant vexatious/indignant Fraud Upon the Court because it was allowed by the compromised venue of the "*Mitch McConnell*" controlled District/Appellate Courts putting UPS/IPA interests ahead of Justice.

B. The Law of Lying: Perjury, False Statements, and Obstruction

(Attorney, Helen Klein Murillo former editor Harvard Law review)

The following law review is a precise summation of crimes committed against Captain Greene by Cutler, on behalf of UPS/IPA, unlawfully sustained by the lower courts that also aided and abetted in the following actions:

Perjury

Perjury, criminalized at **18 U.S.C. §1621**, is perhaps the most recognizable law against lying. The statute makes it a crime to "willfully and contrary to [an] oath state[] or subscribe[] any material matter which he does not believe to be true." It likewise criminalizes doing so in a written statement made under penalty of perjury, and it applies to statements made in federal court or other proceedings under oath, including congressional hearings.

False Statements

18 U.S.C. §1001, which makes it a crime to "knowingly and willfully . . . make[] any materially false, fictitious, or fraudulent statement or representation" in the course of "any matter within the jurisdiction of the executive, legislative, or judicial branch" of the federal government. There's no requirement that the statement be under oath.

In 1996, **§1001** was revised to explicitly apply to "any matter within the jurisdiction of the executive, legislative, or judicial branch." In its present form, **§1001** sweeps incredibly broadly: just about any material statement to an official of any branch of the federal

government on a matter they are investigating. It implicates many written representations to the federal government as well.

The statement must be "material" but materiality means only that the statement is "predictably capable of affecting . . . [an] official decision." This same definition of materiality applies to perjury. In *United States v. Gaudin*, the Supreme Court held that the issue of materiality is to be determined by juries.

Obstruction of Justice

18 U.S.C. §1505, a felony offense is committed by anyone who "corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation in being had by either House, or any committee of either House or any joint committee of the Congress."

18 U.S.C. §1515(b), defines "corruptly" as "acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information" (emphasis added). This is where obstruction of justice intersects with the false statements law. If you knowingly and willfully make a false statement of material

fact in a federal government proceeding, you've potentially violated §**1001**, and when you add an objective to influence, obstruct, or impede an investigation, you've now possibly violated §**1505** as well. Perjury can intersect with obstruction of justice in the same way. **Section 1503** criminalizes the same conduct in judicial proceedings.

Under §**1512(e)**, it is an affirmative defense if the conduct was otherwise lawful and was merely an effort to persuade the witness to testify truthfully, but the burden to prove that is on the defendant.

Lies by government actors threaten even greater harms: they interfere with democratic self-governance by concealing relevant information from the voting public, undermine faith in institutions, and may implicate areas with informational imbalances, making uncovering lies particularly difficult. The government must prove substantive offenses: where individual liberty is on the line, we don't want the government to be able to skirt burdens of proof with stand-in offenses. If you make an agreement to lie, that might be criminal conspiracy under **18 U.S.C. §371**.

> Investigation goes to the very heart of our institutions, faith in our government, and protection of our democracy. Lying in these investigations shouldn't be tolerated. Because perjury is concrete and difficult-to-prove and prosecuting perjury rather than **§1001** lessens the problems of chilling interbranch speech and of uneven enforcement, its enforcement may seem more legitimate.
>
> The question of materiality is not left to judges rather than juries. While materiality was at one point a legal question for the court, it has been an issue for the jury as of the Supreme Court's 1995 decision in *United States v. Gaudin*.

C. Duty of Adjudicators Knowledge & Adherence of Law

District Court Judge Thomas Banister Russell and his co-opted law clerks Colton Givens and Andrew Hagerman are required to have knowledge of the law and adherence including the judicial Canons that are supposed to be the moral compass of a judge and the judiciary such as **Canon 2A**, which states:

> ***"An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired. Public confidence in the judiciary is eroded by***

> ***irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety."***

District Court, Judge Russell and his law clerks, Colton Given and Andrew Hagerman exhibited premeditated bias against Greene and this was ***no mistake*** *[emphasis added]*. The record shows Judge Russell through his law clerks sustained UPS/IPA Attorneys multiple violations of Federal/State laws including **18 U.S.C. §§4, 1001, 1505, 1512 & 29 U.S.C. §666**.

Cutler maliciously harassed Captain Greene purposely committing Fraud Upon the Court to hinder, delay, prevent, & dissuade Captain Greene from obtaining justice. In accordance with **18 U.S.C. §1512(e)**, Captain Greene made efforts to encourage & induce UPS/IPA coerced witnesses Michael Starnes, Peyton Cook, Marc McDermont, and Chris Harper to come forward with their *truthful* testimony, exercising my lawful right under the rule of law. As a result, Cutler, on behalf of IPA, retaliated against Greene for doing so by filing vexatious sanctions to shut Greene up protecting UPS/IPA perjured witnesses:

> **18 U.S.C. §1512(e)** In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

Greene's efforts to encourage truthful testimony of UPS/IPA perjured witnesses was lawful and necessary to stop UPS/IPA from further compromising aviation safety by having coerced pilots flying airplanes under duress knowing UPS/IPA compromised their careers through fraud. This is the ***ESSENCE*** of witness tampering by UPS against their employees sustained by IPA fraud in not taking action on behalf of the pilot membership protecting pilots from such coercion. **18 U.S.C. §1512(e)** states that Greene only needed a ***"preponderance of evidence"*** exhibiting lawful conduct with the sole intention of *encouraging*, inducing, or causing UPS/IPA perjured witnesses, Michael Starnes, Peyton Cook, Marc McDermont, and Chris Harper to *testify truthfully*, despite evidence ***"Beyond Reasonable Doubt"*** purposely ignored by District/Appellate Courts, starting with Judge Russell and his law clerks, Colton Given and Andrew Hagerman. During UPS/IPA rigged arbitration, truthful arbitration witness testimony of other pilots on behalf of Greene, to now include audio files/transcripts and depositions exposed UPS/IPA pilots, Michael Starnes, Peyton Cook, and Marc McDermont's blatant perjury in which Cutler initially defended this ***TRUTH***. Now Cutler, on behalf of IPA, commits Fraud Upon the Court recanting his original position selling fraud/perjury as truth. Cutler's history of calculating/abusive behavior to threaten Greene shows Cutler's willingness to engage in conduct involving ***dishonesty***, ***fraud***, & ***deceit to (ABA Rule 8.4(e))***:

> ***"Influence improperly a government agency or official or to achieve results***

by means that violate the Rules of Professional Conduct or other law."

Cutler was desperate to exercise damage control committing gross acts of fraud evading legal consequences should UPS/IPA perjured witnesses, Michael Starnes, Peyton Cook, and Marc McDermont crack under pressure coming forward with their truthful testimony.

Cutler's fraud upon the court continued with *wildly speculative* fabrications, further stage setting, and misconduct clearly exposing his alignment with UPS/IPA sustaining benefit of UPS/IPA corporate fraud as Dark Money donors ***"too big to fail."***

United Parcel Service, is a major Mitch McConnell Dark Money donor. McConnell and his political operatives, especially within his home State of Kentucky to include the judiciary, are well aware that as stated in Louisville Business First, 29 March 2019 press release:

> ***More than 200 companies have relocated or moved parts of their operation to Louisville region in order to be close to United Parcel Service Inc.'s Worldport facility. . . . The study said more than 62,000 jobs in Kentucky are related to UPS's presence here – that includes jobs at the aforementioned 200 companies. Those jobs account for more than $2.5 billion in annual payroll in the state. . . . UPS and Kentucky are symbiotic, said Mike Jones, chief financial officer at UPS Airlines, a division of the company that is based in Louisville. Through this long-standing***

> ***relationship, UPS has done well in the Bluegrass State. "And in turn this region has become the crossroads of the global economy," he said.***

UPS/IPA, a company ***"too big to fail,"*** this is why irrefutable evidence in the record beyond reasonable doubt is ignored by District/Appellate Courts. Substantive evidence in Cutler's IPA Post Arbitration Hearing Brief/Reply [3:14cv628 DN 42-3 & 4] and other discovery shows his statements against Greene as intervenor working for IPA (*UPS's Company controlled union*) that he committed fraud over and over again with a mantra of untruthful statements sustaining Cutler aided and abetted in multiple crimes.

The evidence *In The Record* is ***"Beyond Reasonable Doubt"*** warranting appropriate investigations by U.S. DOJ, and the Federal Aviation Administration for criminal prosecution of all involved to include immediate revocation of Airline Transport Pilot Licenses (ATPL) for known perjured UPS/IPA pilots Michael Starnes, Peyton Cook, Marc McDermont, and Chris Harper.

Greene made a professional attempt *encouraging truthful testimony* of Michael Starnes in exchange for Greene holding Starnes harmless with the proven acts of Michael Starnes *intentional misconduct* that both UPS/IPA coerced him into. It was my hope when presented with the facts of the case Starnes would concede to minimizing consequences of his *intentional misconduct*, finally coming forward with the truth instead of

believing he could continue sustaining perjured testimony. Victims of UPS workplace Violence know coercing other troubled employees to lie about those UPS targets is a routine tactic UPS uses like they did in the tragic massacres in San Francisco, CA against UPS employee Jimmy Lam and Birmingham, AL against UPS employee Joe Tesney that must be stopped.

II. CONSTITUTIONALLY GUARANTEED RIGHTS DENIED WITHOUT JURISDICTION

Question is ***"WHY"*** does Judge Thomas Banister Russell and his co-opted law clerks, Colton Given and Andrew Hagerman completely ignore **Canon 2A** and *"The Rule of Law?"* Given Judge Russell and his law clerks knowledge of evidence ***"Beyond Reasonable Doubt"*** *In The Record* they purposely ignored, demonstrates an appearance of impropriety lacking honesty, integrity, impartiality, temperament, and fitness to serve as a judge during these proceedings. District Court, Judge Russell's decisions drafted by his law clerks demonstrates willingness in succumbing to politically syndicated (*Mitch McConnell*) fraud via UPS' Corporate Infiltration of the U.S. Justice System.

Judge Russell was hand-picked, purposely inserted into these proceedings hence commandeering three inextricable cases before other judges in the U.S. District Court, Western District of Kentucky. Evidence *"Strongly Suggests"* a ***proper*** DOJ investigation will reveal the paper trail speaking loud & clear for itself to the tentacles of syndicated crime in all proceedings.

The paper trail establishes *"Citizens United"* fraud compromising the integrity of the judicial mechanism and our Government Regulatory Agencies. How does this happen in what's supposed to be a sacred system of Justice? It happens when the Judicial Mechanism abandons the *"Rule of Law"* which is supposed to be inherent in *"The Peoples"* last line of defense. U.S. Secretary of State, Michael Pompeo cited U.S. rhetoric in stating at a recent global energy conference:

> ***"We're not just exporting American energy, we're exporting our commercial value system to our friends and to our partners. The more we can spread, the United States model of free enterprise, of the* rule of law, *of diversity and stability, of transparency in transactions, the more successful the United States will be and the more successful and secure the American people will be."***

Unfortunately, it's the further thing from the truth to suggest the American people are secure when the rule of law is abandoned by Judges like Thomas B. Russell and his co-opted law clerks stripping the American people of basic human/civil rights to freedom of speech to properly defend themselves against corporate infiltration of our democracy. Because Greene stated the truth of UPS/IPA witnesses committing actual crimes codified in the *"Rule of Law,"* Judge Russell sustained Defendant's fraud in suggesting Greene's evidence ***"Beyond Reasonable Doubt"*** was nothing more than *accusations* of perjury or related crimes and speaking

the truth has very serious consequences [3:14cv628 DN 83-1 *Id.* at 3084].

A. Fraud Upon the Court

Fraud upon the court has been defined by the ***7th Circuit Court of Appeals*** to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication."

In *Bulloch v. United States*, the ***10th Circuit Court of Appeals*** ruled: "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury . . . It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function – thus where the impartial functions of the court have been directly corrupted."

B. United Nations International Covenant on Civil and Political Rights

Article 14: Right to equality before courts and tribunals and to a fair trial.

I claim my Right to equality before courts and tribunals and to a fair trial as a procedural means to safeguard the Rule of Law. As a legal Resident of the European Union (EU), I claim ALL Rights under U.N.

Human Rights Committee International Covenant on Civil and Political Rights which must be equally respected in the U.S. Courts. I do not give concede jurisdiction to U.S. Federal/State Courts over my sovereignty as a free man.

U.S. Federal/State Courts lack personal & subject matter jurisdiction making rulings in a case based on known fraud while not considering findings of facts in both oral & documentary evidence in the record. It's unlawful and without jurisdiction to ignore the law imposing $10,000 in sanctions on an American citizen for lawfully exercising free speech to defend themselves. Paul Manafort admitted crimes of money laundering, bank fraud, and illegal foreign lobbying and was only fined $50,000 yet the District/Appellate Courts have the audacity to impose $10,000 in sanctions on Captain Greene for exercising free speech for lawfully encouraging truthful testimony of known IPA/UPS perjured witnesses. Sixth Circuit Court sustained this fraud Affirming District Court Sanction Decision, demanding filing Petition Rehearing *En Banc* showing a paper trail of retaliation/injustice against a Pro Se Litigant. Legitimacy of District/Appellate courts has been defiled with "Unclean Hands." Their appearance is reproachable making them incapable of seeking/rendering a judgment or a conviction against anyone else. Constitutional guaranteed Rights relentlessly denied are without jurisdiction having no authority to impose sanctions on Greene or any other American citizen that is the victim of known perjury.

C. UNITED NATIONS Universal Declaration of Human Rights

I've been endowed by my creator with the unalienable right to LIFE, LIBERTY, & the PURSUIT of HAPPINESS. I am a FREE MAN in accordance with UNITED NATIONS Universal Declaration of Human Rights, Articles 1 through 30:

> ***Article 3:*** Everyone has the right to life, liberty, and security of person.
>
> ***Article 4:*** No one shall be held in slavery or servitude.

III. FEDERAL COURTS SUSTAIN IRWIN CUTLER'S 18 U.S.C. CODES CRIMES

18 U.S.C. §4 – Misprision of Felony: is a crime in violation of federal law. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

"Misprision of Felony" is still an offense under United States federal law after being codified in 1909 under 18 U.S.C. §4.

Judge Thomas Banister Russell, U.S. District Court, Western District of Kentucky condones perjury on behalf of his friend *Mitch McConnell* facilitating

the *"Citizens United"* UPS corporate infiltration of our American Democracy.

A. Federal Court's Duty to Supervise Attorney Conduct

Federal courts have a duty and responsibility to supervise the conduct of attorneys who appear before them and to take measures against unethical conduct occurring before them. *In re American Airlines, Inc.*, 972 F.2d 605, 610-12 (5th Cir. 1992). When considering a motion, the court must exercise its judgment with an eye toward:

> ***"upholding the highest ethical standards of the profession, protecting the interest of the litigants in being represented by the attorneys of their choosing, protecting the loyalty and confidences [of clients], and the overriding societal interests in the integrity of the judicial process."*** *Bartech Indus. v. Int'l Baking Co.*, 910 F.Supp. 388, 392 (E.D.Tenn.1996) (*citing Manning v. Waring, Cox, James, Sklar and Allen*, 849 F.2d 222, 224 (6th Cir. 1988)*; see also McKinney v. McMeans*, 147 F.Supp.2d 898, 900 (W.D.Tenn.2001).

Cutler and UPS/IPA controlled Courts are desperate to silence Greene, manufacturing Fraud Upon the Court ensuring this case never sees the daylight of a ***JURY*** trial. There are so many disputes in Material Facts it's inherent upon the court to resolve these disputes by respecting Greene's Constitutional Right to a

JURY trial versus *"Citizens United"* never ending cycles of fraud.

District Court, Judge Russell stated: ***"I don't think anyone is above the law."*** If in fact this is true, it is time for the Court to uphold and enforce the rule of law and supervise the conduct of attorneys who appear before them taking measures against unethical conduct to commit fraud upon the court. It's time to put Captain Greene's evidence ***"Beyond Reasonable Doubt"*** in front of a *"Trier of Fact"* reconciling unlawful/misguided judgments of District/Appellate Courts putting UPS/IPA interests ahead of Justice. It's Captain Greene's unalienable right having the multitude of material facts in dispute and evidence ***"Beyond Reasonable Doubt"*** heard before a jury trial. IPA's filed briefs have been frivolous/vexatious litigation filled with rhetoric, speculation and accusations unsupported by any evidence committing relentless Fraud Upon the Court.

Captain Greene has produced overwhelming evidence ***"Beyond Reasonable Doubt"*** UPS/IPA have committed countless acts of RICO Act fraud in violation of numerous Federal Laws. IPA/UPS have caused voluminous hours in time and resources causing Captain Greene to defend years of blatant fraud that has been an abomination/mockery of the U.S. Justice System. Cutler, on behalf of IPA, has made purposeful and gross misrepresentations in violation of FRCP Rule 11.

Cutler's determined/malicious conduct has threatened the integrity of these proceedings with Cutler

thwarting the *"Truth Seeking Function of the Court"* while at the same time stripping Greene of his unalienable rights to **Equal * Justice * Under * Law.**

B. IPA Attorney, Irwin Cutler Defiles Integrity of the Court

Cutler's underhanded involvement/devious acts are no different in this case than that of his co-conspirator, Frost Brown Todd Attorney, Tony Coleman's involvement on behalf of UPS in *Frank Robbins DORSEY, Plaintiff-Appellant v. UNITED PARCEL SERVICE, Defendant-Appellee*, No. 98-6464 (6th Cir. 1999). Senior Judge Gilbert S. Merritt stated UPS committed a *coup de gras* against UPS pilot Dorsey's career, no different than UPS/IPA's same actions against Captain Greene. Now the Sixth Circuit establishes a circuit split in their own court defying their previous decisions:

> *"Accordingly, the summary judgment in favor of the defendant on the issue of liability under the Railway Labor Act is reversed and the case is remanded to the district court with instructions to grant the plaintiff's motion for summary judgment on the issue of liability and to submit the question of damages suffered by the plaintiff to trial by jury in accordance with plaintiff's prayer for relief in his complaint"* [*United States Court of Appeals, Sixth Circuit. Frank Robbins DORSEY, Plaintiff-Appellant v. UNITED PARCEL SERVICE, Defendant-Appellee*, No. 98-6464 (6th Cir. 1999).]

Countless acts of workplace violence committed by Cutler's mendacity, too many to count. Cutler, on behalf of IPA/UPS, sustained IPA orchestrating the coercion of UPS/IPA perjured witnesses knowing they've no credibility.

In violation of FRCP Rule 11, Cutler refuses to come forward with his positive knowledge of the coerced witnesses' acts of perjury under oath in violation of **18 U.S.C. §4 – Misprision of felony** and **18 U.S.C. §1622 – Subornation of perjury.** Citing **FRCP Rule 52(a)(5)**, Captain Greene questioned sufficiency of evidence *purportedly* supporting District/Appellate Court findings.

IV. GOVERNMENT RESTRAINT OF FREE SPEECH IN CONTENT & EXPRESSION

As a general matter, government may not regulate speech "because of its message, its ideas, its subject matter, or its content (*Regan v. Time, Inc.*, 468 U.S. 641 (1984)). First Amendment, by targeting the "abridgement of speech," is centrally concerned with the operations of laws and not the motivations of those who enacted the laws. The "vice" of content-based legislation is not that it will "always" be used for invidious purposes, but rather that content-based restrictions necessarily lend themselves to such purposes. Sanction is an unlawful content-based restriction used for invidious purposes as a weapon to silence Greene's right to free speech in this case.

The Supreme Court has recognized that the First Amendment permits restrictions upon the content of speech in a "few limited areas," including obscenity, defamation, fraud, incitement, fighting words, and speech integral to criminal conduct. In the absence of incitement to illegal action, may government punish mere expression or proscribe ideas (*Cohen v. California*, 403 U.S. 15 (1971); *Bachellar v. Maryland*, 397 U.S. 564 (1970); *Street v. New York*, 394 U.S. 576 (1969); *Schacht v. United States*, 398 U.S. 58 (1970); *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952); *Kingsley Pictures Corp. v. Regents*, 360 U.S. 684 (1959); *Stromberg v. California*, 283 U.S. 359 (1931)).

Only "true" threats are outside the First Amendment (394 U.S. 705, 708 (1969) (per curiam)). An advocate must be free to stimulate his audience with spontaneous and emotional appeals for unity and action in a common cause. When such appeals do not incite lawless action, they must be regarded as protected speech (458 U.S. at 928).

- In *Planned Parenthood v. American Coalition of Life Activists*, 290 F.3d 1058 (9th Cir. 2002), the en banc Ninth Circuit, Ninth concluded that a "true threat" is "a statement which, in the entire context and under all the circumstances, a reasonable person would foresee would be interpreted by those to whom the statement is communicated as a serious expression of intent to inflict bodily harm upon that person.

- In *Gertz v. Robert Welch, Inc.* (418 U.S. 323 (1974)), the Court stated, persons who are neither public officials nor public figures may recover for the publication of defamatory falsehoods so long as state defamation law establishes a standard higher than strict liability, such as negligence; damages may not be presumed, however, but must be proved, and punitive damages will be recoverable only upon the Times showing of "actual malice." (*New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

The Court's opinion by Justice Powell established: "There is a legitimate state interest in compensating individuals for the harm inflicted on them by defamatory falsehoods. An individual's right to the protection of his own good name is, at bottom, but a reflection of our society's concept of the worth of the individual."

Generally, juries may award substantial damages in tort for presumed injury to reputation merely upon a showing of publication. But this discretion of juries had the potential to inhibit the exercise of freedom of the press, and moreover permitted juries to penalize unpopular opinion through the awarding of damages. Therefore, defamation plaintiffs who do not prove actual malice – that is, knowledge of falsity or reckless disregard for the truth – will be limited to compensation for actual provable injuries, such as out of pocket loss, impairment of reputation and standing, personal humiliation, and mental anguish and suffering. A plaintiff who proves actual malice will be entitled as

well to collect punitive damages (418 U.S. at 348-50. Justice Brennan would have adhered to Rosenbloom, id. at 361, while Justice White thought the Court went too far in constitutionalizing the law of defamation. Id. at 369.).

- In *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 491 (1975), Justice Powell contended that the question of truth as a constitutionally required defense was long settled in the affirmative and that *Gertz* itself, which he wrote, was explainable on no other basis. But he too would reserve the question of actionable invasions of privacy through truthful reporting. "In some instances, state actions that are denominated actions in defamation may in fact seek to protect citizens from injuries that are quite different from the wrongful damage to reputation flowing from false statements of fact. In such cases, the Constitution may permit a different balance. And, as today's opinion properly recognizes, causes of action grounded in a State's desire to protect privacy generally implicate interests that are distinct from those protected by defamation actions" (420 U.S. at 500). Above JUSTIA citations free speech law review.

V. FAILED DE NOVO REVIEW DENYING JURY TRIAL DEMAND

Petitioner demanded my rights under **FRCP 38 Right to a Jury Trial Demand** because there was no

evidence proffered supporting the countless false claims/fabrications of evidence submitted by Defendants biasedly parroted by the District/Appellate Courts violating Federal Rules of Evidence and **18 U.S.C. §4 – Misprision of felony**. District/Appellate Courts violated **FRCP 52(a)(6)** setting aside ***findings of fact*** never providing Petitioner the opportunity to be heard in a trial court to judge the credibility of UPS/IPA perjured witnesses:

> ***"Findings of fact, whether based on oral or documentary evidence, shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses."***

"A grant of judgment as a matter of law is reviewed de novo. Kusens v. Pascal Co., Inc., 448 F.3d 349, 360 (6th Cir. 2006). *In entertaining a motion for judgment as a matter of law,* ***the court is to review all evidence*** *and draw all reasonable inferences in the light most favorable to the non-moving party, without making credibility determinations or weighing the evidence." Jackson v. FedEx Corporate Servs., Inc.*, 518 F.3d 388, 392 (6th Cir. 2008).

Judgment as a matter of law is appropriate when "a party has been *fully heard* on an issue during a jury trial and the court finds that a reasonable jury wouldn't have a legally sufficient evidentiary basis to find for the party on that issue[.]" Fed. R. Civ. P. 50(a)(1)(A) & B.

Captain Greene has relentlessly been denied access to a trial court ***never heard*** despite invoking jury trial demand rights in accordance with **FRCP Rule 38 Jury Trial Demand.**

> *"The failure to apply the law correctly in reaching a decision is always an abuse of discretion. Koon v. United State*s, 518 U.S. 81, 100 (1996) *("A district court by definition abuses its discretion when it makes an error of law.")."*
>
> *"An appellate court will affirm the trials court's fact determinations unless, based on a review of the* entire *record, it is "left with the definite and firm conviction that a mistake has been committed." Pullman-Standard v. Swint*, 456 U.S. 273, 284-85 n.14 (1982)

Appellate Court Decision **AFFIRMING** District Court judgments reveals failure to conduct *de novo* review. Had Appellate Court done so, voluminous evidence in the record of countless *Material Facts in Dispute* establish egregious error with *clearly erroneous* factual determinations that must be overturned.

The record shows lower court rulings are based on false & fabricated evidence by Defendants, the Arbitrator, & the mendacity of lower courts, proving beyond reasonable doubt an egregious error showing flagrant disregard for Supreme Court teachings & Canons of Ethics including harsh/unreasonable results in the record of an appalling decision that amount to defamation.

Congress attempted to put in place a system of checks and balances to limit undue Dark Money donor influences. Like our founding fathers, Judge Elena Kagan appears to share concerns of very powerful "Dark Money" influences infiltrating Washington, D.C., manipulating the sanctity of our sacred system of Justice. Judge Kagan stated:

> *"In fact, corporate and union moneys go overwhelmingly to incumbents, so limiting that money, as Congress did in the campaign finance law, may be the single most self-denying thing that Congress has ever done."*

Judge Kagan's quote exemplified protections Congress intended which were overturned by McConnell undermining Congress' efforts to inhibit "Dark Money" influences (*McConnell v. Federal Election Comm'n*, 540 U.S. 93 (2003)). Now played out in this and many other cases including countless Government agencies being directly & unduly influenced. McConnell's arrogance confirmed his "Dark Money" influences stating:

> *"One of my proudest moments was when I looked Barack Obama in the eye and I said, Mr. President, you will not fill the Supreme Court vacancy."*

IPA/UPS uses ties to State/National Government officials, & members of the judiciary abusing their potential power within the judicial and enforcement systems protecting UPS and IPA RICO Act crimes against UPS employees. **Western District Court Judge, Thomas B. Russell**, longtime McConnell

friend, former McConnell law clerk, and University of Kentucky College of Law Alumni is directly linked to McConnell and countless other political operatives working on behalf of IPA/UPS. In this case and countless others to include *Laferty v. United Parcel Service, Inc.*, KY Western District, 3:14-cv-00853 (2016), Judge Russell continues showing bias to McConnell's "Dark Money" donors by continuously granting Motions for Summary Judgment in favor of UPS over and over again while denying labor access to honest adjudication.

This case witnesses the full extent of the polluted environment since the advent of *"Citizens United."* Supreme Court Justice, Ruth Bader Ginsburg said it best:

> *"If there I was one decision I would overrule, it would be Citizens United. I think the notion that we have all the democracy that money can buy strays so far from what our democracy is supposed to be." . . . Supreme Court Justice, Ruth Bader Ginsburg, The New Republic September 28, 2014*

UPS's "Dark Money" influence shows their countless connections to the judiciary and their undue influence throughout the District Courts of Kentucky and Sixth Circuit Court of Appeals, honest adjudication is impossible as a result of UPS's Corporate Infiltration of our American Democracy:

> *"We can have democracy in this country, or we can have great wealth concentrated in the hands of a few, but we can't have both". . . . Louis D. Brandeis*

VI. HISTORY OF IPA HOSTILITY & DISCRIMINATION

The record shows IPA knowingly assisted three coerced pilots Michael Starnes, Peyton Cook, Marc McDermont to craft fraudulent & perjured statements. Factual findings of both oral and documentary evidence *In the Record* establish the false statements of UPS/IPA crewmembers, IPA had this information & purposely made no effort to ascertain the truth violating their Duty of Fair Representation:

> *"The falsity of the charges could have been discovered with a minimum of investigation, and that the union had made no effort to ascertain the truth and thereby had violated its duty of fair representation by arbitrarily and in bad faith depriving petitioners of their employment and permitting their discharge without sufficient proof." Hines v. Anchor Motor Freight*, 424 U.S. 554 (1976).

> *"Inadequately investigating a grievance by overlooking critical facts or witnesses. Hines v. Anchor Motor Freight*, 424 U.S. 554 (1976); *Graphic Communications, Local 4*, 104 LRRM 1050 (NLRB 1980); *see also Garcia v. Zenith Electronics Corp.*, 58 F.3d 1171 (7th Cir. 1995) *(a union "must provide 'some minimal investigation of employee grievances'").*

This Court stated – Union owes "duty to exercise fairly the power conferred upon it on . . . without hostile discrimination" against bargaining unit members (*Steele v. Louisville & Nashville R.R.*, 323 U.S. 192 (1994)).

and

Subject to the Duty Fair Representation (DFR) obligation "applies to all union activity" involving all duties as exclusive collective bargaining representative (*Air Line Pilots Ass'n v. O'Neill*, 499 U.S. 65 (1991)).

As stated by this court in *Air Line Pilots Ass'n v. O'Neill*, the IPA violated the Arbitrary Conduct Standard with Action "so far outside a wide range of reasonableness as to be wholly irrational" (*Air Line Pilots Ass'n v. O'Neill*, 499 U.S. 65 (1991)).

In collusion with UPS, IPA violated the Discrimination Standard with Actions based on "irrelevant, invidious or unfair" distinctions (*Vaca v. Sipes*, 386 U.S. 171 (1967)). These actions by IPA were also "intentional, severe and unrelated to legitimate union objectives" (*Motor Coach Employees v. Lockridge*, 403 U.S. 274 (1971))

VII. ESTABLISHED MATERIAL FACTS IN DISPUTE

Captain Greene's witnesses, proved UPS/IPA and their perjured witnesses were a party to fraud and corruption. Lower Court decisions were based on false premises and known perjury by IPA/UPS witnesses who were coerced and threatened to testify falsely.

Captain Greene had the right to judge the UPS/IPA witness's credibility. Do lower courts have jurisdiction to take federal rights away from Petitioner, dismissing UPS/IPA witnesses' false accusations while

ignoring exculpatory evidence? In criminal law, the prosecution has a duty to provide all evidence to the defense, whether it favors the prosecution's case or the defendant's case. The U.S. Supreme Court held in *Brady v. Maryland*, 373 U.S. 83 (1963) that *Constitutional Due Process* requires disclosure of false misrepresentations & evidence in opposing counsel's possession with Justice William O. Douglas writing:

> *"We now hold that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment . . . Society wins not only when the guilty are convicted, but when criminal trials are fair"* (*Brady v. Maryland*, 373 U.S. 83 (1963))

Instead lower courts sustained known free-wheeling perjury and misrepresentations by Cutler on behalf of IPA, while at the same time taking a hard stance in defending known perjurers.

> *"The failure to apply the law correctly in reaching a decision is always an abuse of discretion. Koon v. United States*, 518 U.S. 81, 100 (1996) *"A district court by definition abuses its discretion when it makes an error of law."*
>
> *"An appellate court will affirm the trials court's fact determinations unless, based on a review of the ENTIRE record, it is "left with the definite and firm conviction that a mistake has been committed." Pullman-Standard v. Swint*, 456 U.S. 273, 284-85 n.14 (1982)

Lower court's Decision is without rational support blatantly ignoring substantive evidence and Federal Rules of Civil/Appellate Procedure. This is Manifest Disregard of the law wholly unsupported U.S. Supreme Court principles and guidance.

PROCEDURAL BACKGROUND

Petitioner filed Response to Defendant's RICO Act fraud and vexatious sanctions on October 10, 2017; and Sur-Reply on October 25, 2017 respectively in the Western District Court of Kentucky. On February 22, 2018, under dubious procedural circumstances, District Court Granted Defendants' vexatious Motion for Sanctions based on perjured statements, fraud upon the court, and under false grounds that there were no material facts in dispute. Captain Greene filed Notice of Appeal to Western District Court of Kentucky on March 16, 2018. Greene filed an appeal to the Sixth Circuit Court (18-5296), after which the Appellate Court Affirmed the District Court Decision on all accounts without conducting a legitimate *de novo* standard of review.

District/Appellate Courts abandoned the Rule of Law in accordance with Federal Rules of Civil & Appellate Procedure (**FRCP Rule 52(a)(5)(6)**) by unlawfully setting aside all of the Petitioner's findings of fact in both oral and documentary evidence that wasn't *"clearly erroneous"* without the reviewing courts giving due regard to providing a trial court

opportunity to judge the witnesses' credibility. Petitioner now petitions this Court to review the Court of Appeal's judgment of affirmance in favor Defendants.

REASONS FOR GRANTING CERTIORARI & WHY IT'S WARRANTED

This case presents a Good Vehicle for this Court to consider and decide issues presented herein settling a question of National importance that adhering to the Rule of Law isn't open for interpretation but mandatory. This case demonstrates a crying need by ALL American Citizens for immediate Supreme Court intervention to guarantee the principles of Equal Justice Under Law to uphold respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech.

I. The Decision of the Sixth Circuit

Decision of the Sixth Circuit cannot be reconciled with Supreme Court and other Circuit court stare decisis precedents set in past decisions identified in this Petition for Writ of Certiorari. This includes blatant lower court disharmony with the plain language of Federal Constitutional & Statutory provisions/history while failing to give application or due regard to teachings of the Supreme Court precedent.

II. Unlawful Denial of Constitutional Rights

Facts of this case present compelling light on unlawful denial of Constitutional Rights providing this Court with an optimal opportunity to consider and decide the substantial Constitutional and legal issues involved. There is overwhelming evidence Captain Greene was lawfully exercising his Rights to **Free Speech, Freedom of Religion**, and **18 U.S.C. §1512(e)**.

Factual findings in both oral and documentary evidence establishes vexatious Union misconduct by IPA that was at best arbitrary, irrational, and clearly in "bad faith" out of hostile motives toward Captain Greene and "friendly" motives toward UPS to protect known perjured UPS/IPA pilot witnesses, Michael Starnes, Peyton Cook, Marc McDermont, and Chris Harper.

Exculpatory evidence in the record demonstrates the highest degree of proving fraud necessary to overturn District/Appellate Court decisions. Failure of lower courts in essential fact-finding deprives both Petitioner and a trier of fact the benefit of unequivocal exculpatory evidence of IPA's hostility and discrimination in violation of multiple Federal Laws against Captain Greene. These facts present basic Constitutional issues of nationwide concern in their clearest light for consideration by this Court.

III. Lower Courts Violated FRCP Rule 52(a)(5)(6)

When confronted with evidence via Petitioner's judicial notice of criminal complaints and pleadings that were sequestered by the Sixth Circuit Court, numerous **Title 18 U.S.C. Crimes** are clearly apparent.

De novo review would've revealed crimes that weren't raised for the first time on appeal. The Defendants didn't deny any of the cited **Title 18 U.S.C. Crimes**.

Despite positive knowledge of Defendant's crimes, in violation of Federal Law, Sixth Circuit Court sustained sequestration of evidence formerly raised with the district court [16-6772, DN-50].

Had Appellate Court done an actual *de novo* Review required by Federal law, the Panel would have reviewed the entire record finding clear *"abuse of discretion"* by District Court's refusal to apply the law correctly, unlawfully *setting aside findings of facts* in Granting Defendants motion despite countless material facts in dispute in the record.

IV. FRCP Rule 56. Summary Judgment

Federal District/Appellate Courts erred when Granting/Affirming judgment without looking at evidence *in the record* and Defendants never showing there was no genuine dispute to countless material facts presented by the Petitioner.

Petitioner's supported factual positions established material facts in dispute with evidence *"Beyond Reasonable Doubt,"* including depositions, documents, electronically stored information, affidavits, transcript admissions, audios and other materials in the record. The Petitioner's supported factual positions were thoroughly covered in countless pleadings yet evidence was unlawfully/purposely ignored by District/Appellate Courts. District Court Judge Russell entered the Petitioner's supplemental materials and audio-tapes in the record via court order then ignored the evidence as if it didn't exist. These proceedings have presented more than a mere *"scintilla"* of sufficient evidence favoring the nonmoving party for a jury verdict for that party:

> *"The right to a jury trial is fundamental in our judicial system, and that the right is one obviously immovable limitation on the legal discretion of the court to set aside a verdict, since the constitutional right of trial by jury includes the right to have issues of fact as to which there is room for a reasonable difference of opinion among fair-minded men passed upon by the jury and not by the court."* (*Michael Tomick v. United Parcel Service, et al.*, Superior Court of Connecticut, CV064008944, Decided: October 28, 2010).

All Courts have a duty and obligation to follow the *Rule of Law* in ascertaining truth and securing a just determination. A judge must render a Decision grounded in principle and reasoned argument, not in

power, manipulating and ignoring the rule of law in order to advance political agendas.

CONCLUSION

Unleashed Corporate Power is destroying our modern democracy influencing elections, legislation, administration of Justice and enforcement of the Rule of Law. The peripheral issue of this case is whether the petitioner, whose livelihood has been jeopardized and whose good name has been ruined by demonstrably false & manufactured charges, is to be permanently deprived of his job and honor because he was the subject of District/Appellate Court Decisions based on known RICO Act fraud. If the answer (which shouldn't depend on whether petitioner was subject to honest adjudication in the Sixth Circuit rather than the Second or Ninth) is to be "yes," it should be so only after a reasoned consideration and explanation by this Court based on the Rule of Law which gives a foundation to compel such a result. Central issue of this case is that this filing brings sunlight to systemic corruption attacking our rights and freedoms as U.S. Citizens. Epic corruption that sustain the McConnell avarice as a benefactor of Dark Money donors such as UPS/IPA.

For all the reasons set forth above, Captain Greene seeks relief via remanding this case for a jury trial in accordance with my original counter Motion for Sanctions of Fifty Million Dollars for insurmountable amages of Defendant's mendacious Attacks of

Workplace Violence & RICO Act fraud. We hold this case represents deteriorating ethics permeating throughout various government departments and agencies.

Allowing this case to move forward can help bring an end to the undue corporate influences of our political & judicial process putting a stop to "Dark Money" influence of our sacred institutions and Government regulatory agencies. Accordingly, Captain Douglas Greene prays that the United States Supreme Court **GRANT** this Petition for Writ of Certiorari considering this case with full merits briefing and oral argument.

Respectfully submitted,

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