

18-8637

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
MAR 26 2019
OFFICE OF THE CLERK

James P. Arlotta

(Your Name) — PETITIONER

vs.

N.F.T.A. et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Second Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James Paul Arlotta

(Your Name)

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(Address)

Orchard Park, NY 14127

(City, State, Zip Code)

(716)-395-6103

(Phone Number)

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QUESTION(S) PRESENTED

- 1.) Pursuant to 28 U.S.C. § 2403(a), may apply because neither the W.D.N.Y. federal district court, nor the U.S. C.A. 2dCir. certified to the U.S. Attorney general the fact that the constitutionality of an Act of congress was drawn into question.
- 2.) How Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d is being violated by the state of New York, and its Niagara Frontier Transportation Authority?
- 3.) Why is the N.F.T.A., and ultimately the state of New York, further reverse discriminating this petitioner, (along with the taxpaying and indigent residents'.) By violating Title VI 42 U.S.C. § 2000d. As the federal and state taxpaying residents' of the Town of Orchard Park, NY, (and collectively the residents of the Northern and Southern Most parts of suburban-rural Erie and Niagara Counties,) by not proportionately providing N.F.T.A. transportation services to these areas; but providing block by block bus services to the metropolitan areas of Buffalo and Niagara Falls NY? Why does the N.F.T.A., "of counsel" Wayne Grady, and Governor Andrew Cuomo insist that this petitioner have to walk five miles to catch a bus if missed, when the metropolitan residents' have frequent bus service. That is appropriated in a reverse discriminatory fashion in contravention of the federal Civil Rights Act of 1964 42 U.S.C. § 2000d as indicated in the first question?
- 4.) Why is the N.F.T.A., N.Y.S. Division of Human Rights, and state of New York violating 42 U.S.C. § 2000a1; as New York State Law states under CVR civil rights Article 4 § 40. Similar language in the statutes concurrently?
- 5.) Why are the state of N.Y. and N.F.T.A. violating the federal constitution's 1st Amendment Establishment Clause? By the recommendation of a roman catholic nun, sister Denise A. Roche, member of the Grey Nuns of the Sacred Heart? As it gives the people of the state of N.Y. and U.S.A. that they are individually endorsing Christianity over all other religions?
- 6.) Why did Erie County Supreme Court judge Frank Sedita III deny this petitioner civil due process in his court?
- 7.) Why did the NYSDHR verify the complaint and not give the petitioner a "fair hearing?" Was this perpetrated so in a reverse discriminatory manner, as the Commissioner Helen Diane Foster is African American? Just as denied petition for SCOTUS Docket # 17-9078, regarding Buffalo City Court African American judges' Debra Givens and Robert T. Russell reverse discriminatory treatments regarding NY PEN Title N, Article 240 § 240.30(1). As the NYS C. A. ruled that statute unconstitutional, just like this court as further explained in June 5, 2014 New York Law Journal Column titled, "COLUMN: THE ANNOYING FIRST AMENDMENT THICKET OF AGGRAVATED HARASSMENT." Also on the website: <https://www.nyclu.org/en/publications/column-annoying-first-amendment-thicket-aggravated-harassment-new-york-law-journal>

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Governor Andrew Cuomo of the state of New York
Executive Chambers

"Of Counsel" Wayne Grady Esq.
Niagara Frontier Transit Metro Systems Inc(NFT Metro)
181 Ellicott Street Buffalo, NY 14205

New York State Division of Human Rights
Helen Diane Foster "Commissioner"
NYS Division of Human Rights One Fordham Plaza
Fourth Floor Bronx, NY 10458

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>James P. Arlotta v. B.O.A. et al. & Diocese of Buffalo et al.</i> , 139 S. Ct. 110 (2018).....	3
<i>James Arlotta v. Cook Moving Systems Inc. et al.</i> , 139 S. Ct. 317 (2018).....	3
<i>James P. Arlotta v. N.F.T.A. Inc. et al.</i> , 2018 WL 4681585.....	
<i>Lemon v. Kurtzman</i> , 403 U.S. 602 (1971).....	3-6
<i>Neitzke v. Williams</i> , 490 U.S. 323, (1989).....	3,4,6

STATUTES AND RULES

28 U.S.C. § 1915 (d),(e)(1).....	3
29 U.S.C. § 794 (a)-(c).....	3
42 U.S.C. § 2000a-1.....	3-5
42 U.S.C. § 2000d.....	3-4

STATE STATUTES

Art. 4 § 40.....	4-5
Art. 240 § 240.30(1)	

OTHER

U.S. Const. Amend. I Establishment Clause.....	3
--	---

TABLE OF CONTENTS

OPINIONS BELOW 1
JURISDICTION..... 2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED 3
STATEMENT OF THE CASE 4
REASONS FOR GRANTING THE WRIT 5
CONCLUSION..... 6

INDEX TO APPENDICES

APPENDIX A Judgement in a civil case from the W.D.N.Y. case # 18-cv-879-FPG

APPENDIX B Decision and order in case # 18-cv-879-FPG

APPENDIX C Dismissal from U.S. C.A. 2d Cir. Docket # 18-3368

APPENDIX D

APPENDIX E

APPENDIX F

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI
request's

Petitioner respectfully [REDACTED] that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

- reported at 2018 WL 4681585; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 14, 2019.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1.) 28 U.S.C. § 2403(a)
- 2.) 28 U.S.C. § 1915 (d), (e)(1) through U.S. C.A. 2d Cir. citing Neitzke v. Williams, 490 U.S. 319, 325 (1989).
- 3.) U.S. Const. Amend I, through the Lemon v. Kurtzman, 403 U.S. 602 (1971) Lemon v. Kurtzman Test.
- 4.) Title VI 1964 Civil Rights Act regarding proportionate services regardless of race or color. For taxes paid.
- 5.) 42 U.S.C. § 2000a1 and NY CVR Art. 4 § 40 concurrently.
- 6.) NY PEN Title N Art. 240 § 240.30(1) referenced from SCOTUS Docket # 17-9078.
- 7.) 29 U.S.C. § 794 (a)-(c).

STATEMENT OF THE CASE

Petitioner-appellant filed complaints concurrently with the U.S. Dept. of Justice and NYS Division of Human Rights. Where he was denied a "fair hearing," when his complaint was verified. He subsequently filed a notice of petition in Erie County Supreme Court Index #'s 806108/2018 and 81150/2018 where judge Frank Sedita III denied civil due process. Also, WDNY chief judge Frank P. Geraci Jr., had approved petitioner's *in forma pauperis* motion; only for dismissal of U.S. C.A. 2d Cir. docket# 18-3368. Circuit judges' Richard Wesley, Raymond Lohier, Jr., and Richard Sullivan to cite the case *Neitzke v. Williams*, 490 U.S. 323 (1989). S. Ct. Rule 10, " a U.S. Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power." Along with the fact that respondents' NFTA and the state of New York are, (through the Lemon Test,) violating the U.S. Const. 1st Amendment's Establishment Clause. As governor Andrew Cuomo has recommended a Roman Catholic Nun of the Grey Nuns of the Sacred Heart. Indicating to the people of the state of New York and U.S.A. that they endorse Christianity over all other religions'. Furthering the entanglements' through sister Denise Roche's chairship of the NFTA Board of Commissioners. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d exemplifies reverse discrimination by gov. Andrew Cuomo's recommended NFTA Board chair, the board of commissioners' of the NFTA, the legislative bodies of the state of NY , and the NYS Division of Human Rights violating 42 U.S.C. § 2000a 1; as NYS law states under CVR, civil rights Article 4 § 40. Similar language concurrently in both state and federal statutes'. As the metropolitan areas of Buffalo and Niagara Falls NY receive more public transit services'. When those areas pay less in state and federal income taxes. As the majority of the highest paying Erie and Niagara County taxpayers' live in the extremely underserved suburban-rural parts of the NFTA's "service area."

REASONS FOR GRANTING THE PETITION

- 1.) Petitioner-Appellant's denial of civil due process through the NYS DHR, Erie County S. Ct. judge Frank Sedita III, chief judge Frank P. Geraci Jr.'s in the WDNY, and subsequently the U.S. C.A. 2d Cir.'s dismissal of docket# 18-3368.
- 2.) Violation of the U.S. Const. 1st Amendment's Establishment Clause; evidently displayed by the application of the "Lemon Kurtzman Test."
- 3.) Violation of the Civil Rights Act of 1964 in the REVERSE DISCRIMINATION of the majority of caucasian riders' of the suburban-rural Town of Orchard Park NY. NFTA Bus Route 72. Through the misapplication of 42 U.S.C. § 2000d.
- 4.) # 3 is evidently proven by respondents' violating 42 U.S.C. § 2000a 1; as NYS law states under NY CVR Art. 4 § 40 similar language in both the federal and states statutes concurrently.
- 5.) According to 28 U.S.C. § 2403 (a) intervention by the United States is warranted.

Contrary to "main-stream," media coverage of one-sided issues regarding color and race, this petitioner is evidently the victim of reverse discrimination. Evidenced in the denied SCOTUS petition docket # 17-9078 regarding mis and maltreatments' by the Diocese of Buffalo, respondent St. Bernadettes R.C. parish, (the former primary school of the chief justice John Roberts. Where a bronze plaque commemorates his attendance there,) the police department for the city of Buffalo, African American Buffalo city court judges' Debra Givens and Robert T Russell. That have been ignored in the WDNY by caucasian judge Frank P. Geraci Jr., and 2d Cir judges' Richard Wesley, Raymond Lohier Jr., and Richard Sullivan.

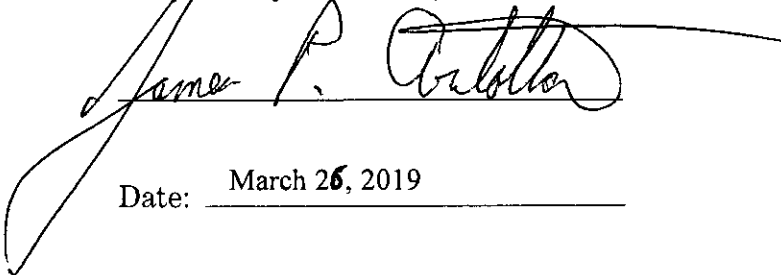
Along with this court's denying S. Ct. dockets' certiorari. As the mandates in the 2d Cir. were issued prematurely, before this court even read the petitions' in dockets' 17-8627 and 17-9078. When S. Ct. R. 10 states..."a U.S. Court of Appeals has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power."

The chief judge of the WDNY federal district court approved petitioner's *in forma pauperis* motion, ruled sua sponte, denied petitioner civil due process; U.S. C.A. 2d Cir. circuits judges' cite...*Neitzke v. Williams*, 490 U.S. 325 (1989). Which clearly states..."837 F. 2d 304 Affirmed. MARSHALL J. delivered the opinion for a unanimous court. JUSTICE MARSHALL delivered the opinion of the Court. The question presented is whether a complaint filed *in forma pauperis* which fails to state a claim under Federal Rule of Civil Procedure 12(b)(6) is automatically frivolous within the meaning of 28 U.S.C. § 1915(d). The answer we hold is *no*."

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James P. Talbot

Date: March 26, 2019