

In the Supreme Court of the United States

TERM, 2011

NICHOLAS E. PURPURA, and DONALD R. LASTER Jr.,
ET AL., PETITIONERS

V.

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES;
KATHLEEN SEBELIUS, in her official capacity individually & in their Official Capacity as the
Secretary of the United States, Department of Health and Human Services;
UNITED STATES DEPARTMENT OF THE TREASURY;
TIMOTHY F. GEITHNER, in his official capacity as the Secretary of the United States
Department of the Treasury;
UNITED STATES DEPARTMENT OF LABOR; and HILDA L. SOLIS, in her official capacity
as Secretary of the United States Department of Labor,

MOTION TO EXPEDITE

IN FORMA PAUPERIS

PETITION FOR WRIT OF CERTIORARI

EXTRODINARY CIRCUMSTANCES REQUIRING EMERGENCY RELIEF

In Compliance with Rule 21

NICHOLAS E. PURPURA
1802 Rue De La Port
Wall, New Jersey 07719
(732) 449-0856

DANA KAERSVANG
ALISA B.KLEIN,
MARK B. STERN
TONY WEST
ETHAN P. DAVIS

DONALD R. LASTER
25 Heidl Avenue
West Long Branch, New Jersey. 07764
(732) 263-9235

Council for Appellee/Defendants

Pro se[s] for the Petitioners

1. Petitioner submits this motion pursuant to Rule 21 to each individual justice of the Supreme Court requesting the following relief to expedite this action due to extraordinary circumstances.

2. Petitioner are of the understanding numerous petitions requesting a ruling by the Supreme Court on the "*Patient Protection and Affordable Care Act*" "H.R.3590" a/k/a Obama-Care were distributed to the Justices' chambers on October 27, 2011.

3. It has come to Petitioners attention the Honorable Justices will review each Petition and then convene in a closed-door session on November 10, 2011 to decide which cases will be heard, which will be consolidated (if any), and whatever other courses of action they might consider. It is almost certain the High Court will accept one or more cases involving Obama-Care. True many if not all the Petitions before the Court are meritorious and deserve to be heard.

4. That being said, no Petition now pending before this Honorable Court has presented 19 Constitutional violations to include 4-legislative laws with specificity and particularity as does the Writ of Certiorari submitted by Petitioners, *Purpura v. Sebelius* combined with this Motion for Extraordinary Relief.

5. In the interest of substantial justice, to forgo any immediate and imminent danger posed by the "Act" a/k/a Obama-Care not presently being argued in the Writs now pending other than the Constitutional validity of the "Act" in relationship to the Commerce Clause and the usurpation of Amendment 10, Petitioners Writ contains those same two argument, in addition to 17-additional violations of the Constitution and usurpation of 4-specific legislative laws, not presented by those other pending action. It would a gross miscarriage of justice to proceed based upon the limited arguments now being considered concerning the "*Patient Protection and Affordable Care Act*" "H.R.3590" a/k/a Obama-Care

7. Petitioners' Writ has been reviewed by numerous scholars and been touted as the most comprehensive argument against the "Act" now pending. The reasoning is simple; the "Act" as written contains provisions that totally shreds the United States Constitution. Therefore for the protection of all the citizens of these United States it is incumbent upon this Honorable Court to

rule on each of the 17-additional violations not listed in the current cases now being considered and to set a precedent for future usurpation of specific Articles and Amendments violated.

Specific Violations not present in other pending Actions:

Count 1. Article 1, Section 7, Clause 1; Evidence presented that the “Act” illegally originated in the Senate not the House of Representatives, voted upon in fraudulent manner in violating proper Legislative procedure. [Defendants failed to dispute, below, see FRCP 8 (b)].

Count 2. Article 1, Section 8, Clause 3; Before the Court in other pending Writ’s. Petitioners have no argument with others arguing this point. But must bring to this Court’s attention that matter is “*Stare Decisis*” not argued in pending Writs. The “Act” mandates “*specific welfare*” which the Supreme Court found unconstitutional in 1936 see *Butler v. United States*. [Defendants failed to dispute below, see FRCP 8 (b)].

Count 3. Article 1, Section 8, Clause 12, the “Act” appropriates monies for 4-years not 2 as mandated by the Constitution. Also violates the *Posse Comitatus* Act. Petitioners cite provisions in “Act”. [Defendants failed to dispute below, see FRCP 8 (b)].

Count 4. Article 1, Section 9, Clause 4; As far as Petitioner know no other “Writ” notes that the “Act” violates the “Capitation” without apportionment. [Defendants failed to dispute below].

Count 5. Article 1, Section 9, Clauses 4, 5, and 6; bills of attainder... taxes and duties... regulation of commerce. Also interrelates to violation of Amendment 5, by excluding all judicial review allowing punishment without proper “due process”; [Defendants failed to dispute below, or even put forth a general denial that by law, required forfeiture see, FRCP 8(b)(d)].

Count 6. Article 2, Section 1, Paragraph 5; This issue is either *Stare Decisis* or an issue of first impression. The fact remains no other Writ proves beyond a shadow of a doubt that Mr. Obama was unauthorized to sign the “Act” into law! [Defendants failed to dispute below, or even put forth a general denial that by law, required forfeiture see, FRCP 8(b)(d)].

Count 7. Amendment 16 interconnected with Amendment 5, 8, and 14, deals with “excessive fines” among other violations. [Defendants failed to dispute below, or even put forth a general denial that by law required forfeiture, *see* FRCP 8(b)(d)].

Count 8. Amendment 4 and “HIPAA” legislation; provisions in the “Act” provide for warrantless searches and seizures and invasion of privacy” [Defendants failed to dispute below, *see* FRCP 8 (b)].

Count 9. Amendment 5, interrelates with Amendment13: Most importantly provision throughout the “Act” deprive citizens of “due process” rendering the judiciary totally irrelevant! In short petitioners set forth facts that demonstrate citizens are relegated to criminal status and involuntary servitude. [Defendants failed to dispute below, *see* FRCP 8 (b)].

Count 10, Article 4, Section 2, Citizens of each State entitled to “Privileges and Immunities” and Amendment 14, violates “*equal protection*” clause. That interrelates with Amendment 1, *see*, Count11. [Defendants failed to dispute below, *see* FRCP 8 (b)].

Count 11, Amendment 1, the “*Establishment Clause*” Irrefutable evidence demonstrates provisions in the “Act” violates Amendment 14 and “equal treatment” and open the door for additional litigation related to the IRS codes. [Defendants failed to dispute below, or even put forth a general denial that by law required forfeiture, *see* FRCP 8(b)(d)].

Count 12, Violation of the Anti-trust laws. Interconnects with violations of Amendment 5 that precludes all judicial review and demonstrates “*Reckless Endangerment*”. [Defendants failed to dispute below, or even put forth a general denial that by law required forfeiture, *see* FRCP 8(b)(d)].

Count 13, Amendment 14, and violation and Title VII and Article 4, Section 2, Clause 1, [Defendants failed to dispute below, or even put forth a general denial that by law required forfeiture, *see* FRCP 8(b)(d)].

Count 14, Article 6, Paragraph 3, Violation of “Oath of Office” high crimes and misdemeanors. [Defendants failed to dispute below, or even put forth a general denial that by law, required forfeiture, *see* FRCP 8(b)(d)].

Count 15, Issue of first impression Amendment 10, violation, appropriate to say; no State has yet surrendered their Sovereignty to Federal Government. The “Act” usurps contractual agreement between the States that created the Federal Government effectively eviscerates the limits of power on the Federal Government. The elimination of these limits on the Federal Government is inconsistent with the dual sovereignty system and jeopardizes the integrity of our dual structure of government. Petitioners recognize most Writs being reviewed by the Court at this time argue this same point, and do not object to those learned counsels arguing this point. It is important to note, the lower Courts failed to address all 15-Counts. Nor did Department of Justice respond in violation of FRCP Rule 8(b) (d) with any specificity and particularity.

Please take Special Judicial Notice: Throughout Petitioners adjudication on these issues the lower Courts intentionally violated proper judicial procedure and in various motions decided void “*subject-matter jurisdiction*” in order to avoid adjudication. The Circuit Court, displayed inconsistent judicial treatment ruled on numerous ruling to include the final judgment authored by judge that lacked “jurisdiction” to hear or render a decision, defying Title 28 USC, Section 455, knowing the outcome would effected his appointment and personal financial interest.

In Conclusion

8. Clearly, the District Court and Circuit Court erred in denying jurisdiction to hear Petitioners case. Indisputable the “Act” is a blatant denial of “fundamental rights” guaranteed by the Constitution. Petitioner like this Courts Honorable Justices believe in the principles and laws upon which our Nation was founded. As prior servicemen we swore an oath to uphold the Constitution of this United States against all enemies foreign and domestic. This “Act” transcends Party lines and affects all citizens of our great Nation.

9. One need not be an attorney, judge, law clerk to comprehend an injustice. Petitioners realize expediting review of certiorari is not the usual practice of the court. That being said, to deny *Purpura v. Sebelius*, review when it is the most comprehensive Petition against this

unconstitutional "Act" "H.R.3590" would be a travesty of justice when so many violation have been point to with specificity and particularity.


10. The District and Circuit Court refused to hold a "full and fair" denying Petitioners an opportunity to present their case. The Courts resorted to procedural ploys to avoid adjudication. The denial based upon the "standing" and jurisdiction" was/is ploy to protract and avoid review by this Honorable Court of the issues at bar. Deflecting the Courts attention from the merits and numerous violations contained in provisions throughout the "Act". Relying on either the Court denying certiorari or a remand thereby avoiding the adjudication on the merits, for the time being in a judicial con-game.

11. "We the People" Petitioners and all those that we are speaking for deserve to be heard, to deny us this opportunity is to close the doors of justice to the people. To hear other Writs that fail to bring to light the many violation contained in the "Act" and concentrate on the issues of only the commerce clause, the individual mandate, and Amendment 10, respectfully, is inadequate.

12. Respectfully, the Courts belong to the people, and the people should take precedent and be granted the opportunity to argue this important issue without costs based upon the laws and facts set forth in this Motion and outlined in our "Writ of Certiorari" *in forma pauperis*.¹ See attached financial Exhibit 1,

Respectfully submitted.


Nicholas E. Purpura, *pro se*


Donald R. Laster, Jr. *pro se* Dated, October 31, 2011

¹ Please Take Mandatory Notice (Federal Rules of Evidence 201(d)) that Petitioners had a lawful right to proceed without cost, based upon the following law:

The U.S. Supreme Court has ruled 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). Plaintiff should not be charge fees, or costs for the 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 the Plaintiff who is a natural individual and entitled to relief; *Hale v. Henkel*(201 U.S. 43)