20-1513

IN THE SUPREME COURT OF THE UNITED STATES

JANE DOE, LUKE LOE, RICHARD ROE, and MARY MOE, individually and on behalf of all others similarly situated

Plaintiffs,

RAJ PATEL

Intervenor-Plaintiff-Appellant-Petitioner,

v.

THE TRUMP CORP., DONALD J. TRUMP, in his personal capacity, DONALD TRUMP JR., ERIC TRUMP, and IVANKA TRUMP

Defendants-Appellees-Respondents.

On Petition for a Writ of Certiorari to the Court of Appeals for the Second Circuit

PETITION FOR A WRIT OF CERTIORARI

Raj Patel, *pro se*
raj@rajpatel.live
317-450-6651

STATEMENT OF THE ISSUES

I. Whether the Southern District Court of New York's decision was arbitrary or unfair and violated Due Process, when denying Fed. R. Civ. P. 24(b)(1)(B) permissive intervention, especially per United States v. Local 638, 347 F.Supp. 164, 166 (S.D.N.Y. 1972).

II. Whether rules 24(b)(1)(B) and 8(e) of the Fed. R. Civ. P. require the Southern District Court of New York to grant permissive intervention or require the Court of Appeals to overturn the Southern District Court of New York and grant permissive intervention.

III. Whether the legal capacity of Donald J. Trump in the happenings of the main case and in the happenings of the intervention are shared common questions of law or fact for permissive intervention to be granted.

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JURISDICTIONAL STATEMENT

The jurisdiction of the United States District Court for the Southern District of New York was founded upon 28 U.S.C. Section 1331.

The jurisdiction of the United States Court of Appeals for the Second Circuit is founded upon 28 U.S.C. Section 1291, and is based upon the judgment entered on October 9, 2020.

The jurisdiction of the Supreme Court of the United States is founded upon 28 U.S.C. Section 1254(1), and is based upon the judgment entered on October 9, 2020.

IN THE SUPREME COURT OF THE UNITED STATES

JANE DOE, LUKE LOE, RICHARD ROE, and MARY MOE, individually and on behalf of all others similarly situated, *Plaintiffs* RAJ PATEL, *Intervenor-Plaintiff-Appellant-Petitioner* v. THE TRUMP CORPORATION, DONALD J. TRUMP, in his personal capacity, DONALD TRUMP JR., ERIC TRUMP, and IVANKA TRUMP, *Defendants-Appellees-Respondents*	No. 20-1706

CORRECTED-COPY OF PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE SECOND CIRCUIT SEEKING TO OVERTURN THE SOUTHERN DISTRICT COURT OF NEW YORK'S DENIAL OF MY MOTION FOR PERMISSIVE INTERVENTION

I, Raj K. Patel (*pro se*), respectfully move this Supreme Court in support to overturn the Second Circuit Court of Appeal's denial of the Southern District Court of New York, New York's decision to deny my permissive intervention and dismissal of my appeal for it "lacks an arguable basis either in law or in fact." Dkt. 48, *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____). *See also* Dkt. 33, *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____) (Amended Mot. in Support of Notice of Appeal at Dkt. 1, filed on July 19, 2020). Pursuant to Rule 24(b)(1)(B) of the Federal Rules of Civil Procedure, I share, with Jane Doe et al.'s main action, at least one common question of law or fact. Fed. R. Civ. P. 24(b)(1)(B); *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____); *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____); and *Doe et al. v. The Trump Corp. et al.*, No. 18-1228 (2d Cir. ____). Beyond the

commonalities between Doe et al.'s main action and my intervention, my case may also rise to "involuntary servitude" and "slavery." U.S. const. amend. XIII; *see also* 42 U.S.C. §§ 1981-1983. Motions drafted by *pro se* plaintiffs "are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers." *Fed. Exp. Corp. v. Holowecki*, 552 U.S. 389, 402 (2008) (citations omitted). For the reasons discussed herein, I respectfully request this Court of Appeals order the Southern District Court of New York (New York City) to allow my motion for intervention. *See also* Mot. in Support of Notice of Appeal, *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____), Dkt. 8.

FACTUAL BACKGROUND

On October 29, 2018, Doe and her co-plaintiffs ("Doe et al.") filed a class action lawsuit of eight counts against now-President Trump, in his personal capacity, Donald Trump, Jr., Ivanka Trump, Eric Trump, and the Trump Corporation, and I argue that of the eight counts are common, per the Fed. R. Civ. P. 24(b)(1)(B), with my matter. Doe et al.'s main action involves (i) the interpretation of Section 1961 of Title 18 of the United States Code, Racketeer Influenced and Corrupt Organizations ("R.I.C.O.") Act against President Donald J. Trump, in his personal capacity, with wire fraud or honest services fraud, Section 1343 of Title 18 of the United States Code, embedded in the R.I.C.O. claim as its predicate crime, which, I argue, are the same laws that Donald J. Trump, in his personal capacity, United States Presidential Candidate capacity, and United States Presidential capacity, has violated and is violating, (ii) the interpretation of conspiracy to conduct R.I.C.O. racketeering activities, which, I argue, is related to the aforementioned R.I.C.O. violations, (iii) the interpretation of common law fraud, which, I argue, is related to the R.I.C.O.-honest services fraud and honest services fraud claim, and (iv) the interpretation of five total counts of wrongful business practices, which, I argue, is related to the

wrongful practices of R.I.C.O., honest services fraud, theft of intellectual property, and the unjust use of a stress weapon (i.e. battery with sound). Art. 17, § 2 of the Universal Declaration of Human Rights of the United Nations; 18 U.S.C. §§ 1961–1968 and 1343–1346; *United States v. Nixon*, 418 U.S. 683 (1974); *see also* Compl. at 131 and 137-160, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 1. Doe et al. and I seek various forms of damages, including equitable relief and compensatory and actual damages.

In 2016, I noticed a few times on television that Mr. Trump eluted to a scenario which made me further suspicious about my privacy. At this point, I thought that President Trump (1) engaged in an "enterprise" with Notre Dame Law School and others, which breached my privacy, (2) embedded in the aforementioned (1) and independently, defrauded and "deprive[d]" me of honest services, through a "scheme or artifice," under sections 1341–1351 of Title 18 of the United States Code (within a governmental system that is for and by the people), and (3) together with aforementioned (1) and (2) and independently, took my intellectual property (my unique word patterns, including what I said in seclusion with no other person or hearing device in plain eye-sight). 18 U.S.C. §§ 1961(4) and 1346 and *see infra,* p. 6 (comment on "just compensation" and disciplinary efforts and "slavery" and "involuntary servitude") and *see generally infra* (other possible claims). I demand identical relief as mentioned in Doe et al.'s main complaint.

In 2017, I do not remember, at this time, President Trump's role in the enterprise, but I remember a few Notre Dame professors saying my word patterns before class started, and some of those word patterns came from a conversation, with an insubordinate undertone, in 2014 with Dr. Ajay Nair (as far as I know, Pennsylvania State University with Ph.D. degree in Education and bachelor's degree in psychology) (Ajay calls judges and justices "mentally disabled, not

smart"), now-President of Arcadia University in Glenside, Pennsylvania and former Dean of Campus Life at Emory University, Inc. in Atlanta, Georgia and my then-horizontal and vertical subordinate, the institution where I served as a corporate officer/President of the Student Government Association/Student Body President and graduated with an "A" average (3.72/4.0 G.P.A.) and with a Bachelor of Arts in Political Science and with Honors in the Academic Study of Religion. Art. 26, § 2 of the Universal Declaration of Human Rights of the United Nations. At the Oxford College of Emory University, from 2011 to 2012, I was also a politically independent member of the Oxford College Republicans and served as the club's Vice President of Finance. I was also a supplemental instructor of probability and statistics at Oxford College. Most importantly, for the times I served in student government or in a club leadership, I felt like that my rights as a co-leader from The Declaration of Independence (U.S. 1776) (i.e. right to represent in a charter and freedom from interference in a charter) and my rights as a student from the Declaration of Independence (1776) (i.e. right to be represented in a charter) were violated, which are fundamentally essential for my "[S]afety and [H]appiness." The Declaration of Independence (U.S. 1776).

In 2018, I noticed that President Trump used my exact word patterns, an identical phenomena, as aforementioned, to what was happening in his environs at the University of Notre Dame Law School in Notre Dame, Indiana prior to the time period I took a voluntary separation in good standing, in November 2017, during my fifth semester of law school, which I started in August 2015, with a scholarship from the Notre Dame Law School and a scholarship from the Indiana Conference of Legal Education Opportunity administered by the State of Indiana Supreme Court. My classmates and roommates would be able to serve as witnesses, though I think that some of my roommates were asked to participate in this situation. Needless to say,

because the United State Secret Service, along with the Federal Bureau of Investigations ("F.B.I."), and other federal military and civilian agencies, shares responsibility for the security of the many United States Presidential Candidates and the President of the United States, I knew that federal law enforcement is aware that my words patterns were being transferred to President Trump, with or without legal authorization; Policy Advisors Don Jr.'s and Ivanka Trump's Instagram were also used; and my stay at a Trump Corp. International Hotel location in Washington, D.C. also included eavesdropping and e-battery through the hotel television, earlier in the contemporary ongoing C.O.V.A.I.D. pandemic (my younger brother Neal K. Patel, who is currently enrolled at Georgetown Law Center, also stayed with me in the same room). The transfer of word/data can be happening through, including but limited to, beaming (e.g., satellite, radio, soundwaves, etc.) or wire (e.g. internet, telecommunications, etc.). *Cf.* To-be-First Lady Melina Trump recites, at the 2016 Republican National Convention, identical word patterns from First Lady Michelle Obama's speech at the 2008 Democrat National Convention, in which word patterns are not exactly identical but might be paraphrased, which demonstrates a campaign and Administration style. I also think that telecommunication companies (including cell-site simulator companies) or the F.B.I. is facilitating this enterprise; alternatively, state or local authorities, National Guard, community informants (As current U.S. President, former U.S. Vice President, former U.S. Senate President, and current 2020 U.S. Presidential Candidate Joe Biden might ask, do the selected community informants create or aim to create monolithism, with the use of a stress weapon, as being one of their tactics to create their ideal, utopian monolith? For instance, do the F.B.I.-Multi-Cultural Engagement Council (MCEC) and the community informants have social targets to re-rank their monoliths?), a private business, cultural police, or any person with paramilitary technologies can be facilitating this enterprise with President

Trump is and was partaking. U.S. const. amend. II (right to bear arms but may not illegally use on another person). *See also* "monolithism" in Merriam-Webster.com Dictionary (1828) ("the quality or state of being monolithic...where political monolithism inevitably leads"). *See also* "umma" Lexico.com powered by Oxford U. Press (2020) ("The whole community of Muslims bound together by ties of religion"...'In Medina, [Prophet] Mohammed established an ummah, a Muslim community, with every aspect of life - political, religious, social and economic - subject to Islamic teaching.'"). *See also* "Community Outreach" webpage at https://www.fbi.gov/about/community-outreach. *But see* Declaration of Independence (Ajay Nair and many other non-elected and non-appointed officials as community informants would be in violation of this Text, "deriving their just powers from the consent of the governed...To prove this, let Facts be submitted to a candid world."). *See also* Art. 18 & 29 of the Universal Declaration of Human Rights of the United Nations. I have plead, any of these individuals, if not willfully participating, could be being accessorized for these legal violations, i.e. words/sounds fly out person's mouth, or are hypnotized with aid from biological or chemical potions.

Sometimes, though never from President Trump (R) nor Speaker Pelosi (D), the sound/tones of the words is supposed to trigger a whip/battery. The academic study of political science and political psychology calls this phenomena "word whipping" or "word lash" (a person must first be infected with a psycho-tech) and military psychology has analogous applied and executed functions. As a side note, I am not sure if the initiative of word whipping/lashing, as a matter of policy, belongs to a political party, a corporation, a home-grown terrorist group (i.e. within and from person's home, within the Homeland, etc.), a charted cultural group, a state of the United States, the United States, or a foreign power. *See also Goldwater v. Ginzburg*, 414 F.2d 324, 337 (2d Cir. 1969), *cert. denied*, 396 U.S. 1049 (defendants found guilty for

compensatory and punitive damages for actual malice libel case with the use of tactical psychology). Nonetheless, as in aforementioned (3), my verbatim word patterns were taken from me, but if they were taken for public use, including but not limited to disciplinary or correctional efforts, I did not have "just compensation," pursuant to the Fifth Amendment or the Fourteenth Amendment of the United States Constitution. U.S. const. amend. V and XIV. Theft or taking also necessitates a breach of the Fourth Amendment. U.S. const. amend. IV. Overall, I think that some thing [sic] has been misapplied or mis-enforced, and I do not know what I did to deserve this inducement and delay in my career. I also think that this situation violates the prohibition on "cruel and unusual" punishment because it permanently lowers my grades and impacts my career and social status, in the domestic and foreign contexts. U.S. const. amend. VIII; U.S. const. art. IV, § 2, cl. 2 ("Comity Clause" or "Doctrine of Comity" or "Privileges & Immunities Clause"); U.S. const. amend. XIV, § 1 ("Privileges or Immunities Clause"); and U.S. const. art. IV, § 2 ("Full Faith & Credit Clause"). I believe that all behavior was unlicensed or illegal some other way. *See also Id.* and 42 U.S.C. § 1981 ("...pains..."). *See generally* 42 U.S.C. §§ 9501 *et seq.* (Mental Health "Bill of Rights"), 9501(1)(A)(i) – (ii), & (2)(A). I voted in almost every election since I have turned eighteen (18) years old. U.S. const., amend. XV, §§ 1 & 2 and Art. 21(3) of the Universal Declaration of Human Rights of the United Nations. Based on my observations, I am able to send a possible implementation method of depression/anxiety/stress, to the Supreme Court.

In many folds, should this be a Taking, because the Taking was continuous or forcibly used for corrections, in addition to other crimes, I feel that my situation is one of "slavery" or "involuntary servitude." U.S. const. amend. XIII; *see also* 42 U.S.C. §§ 1981(a)-(c) ("Equal rights under the law"), 1982 ("Property rights of citizens"), and 1983 ("Civil action for

deprivation of rights"). *See also* "slavery" in Merriam-Webster.com Dictionary (1828) ("the practice of slaveholding...the state of a person who is a chattel of another...submission to a dominating influence") and "involuntary servitude" in West's Encyclopedia of American Law, retrieved August 2020 from Encyclopedia.com ("slavery; the condition of an individual who works for another individual against his or her will as a result of force, coercion, or imprisonment, regardless of whether the individual is paid for the labor."). *See also* Arts. 1-12 & 22 of the Universal Declaration of Human Rights.

Should my case at hand entail medical attention, all medical attention was unconsented and unnecessary and based on false information. *Collins v. Thakkart*, 552 N.E.2d 507 (Ind. Ct. App. 1990) (intentional, unconsented medical procedure through intimately connected object was battery, unlawful touching of another person). Section 9501 preempts Indiana State constitution and law, per the Supremacy Clause, and is a part of Due Process and Amendment IX, and furthers the general United States constitutional rights to medical privacy and to refuse medical care. *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Cruzan v. Director, Missouri Dept. of Health*, 497 U.S. 261, 270 (1990); U.S. const. art. VI, cl. 2; and *Id.* amends. V, IX, & XIV. *See also* 42 U.S.C. § 9501(2)(A). Section 9501 refers to the President's Commission on Mental Health. 42 U.S.C. § 9501, para. 1.

President Biden, who succeeded Presidents Bush, Obama, and Trump, is the Head of State of the United States and the Head of Government of the United States and stated at his inaugural address that the United States is an un-civil war; President Trump's comments only indicate support of President Biden's remarks. U.S. const. art. II, § 3. Defendants Donald Trump Jr. and Ivanka Trump are both policy advisors at the White House with the Trump Administration. Defendant Eric Trump is continuing his work at The Trump Corporation, and he

is not listed as a policy advisor for the White House. Moreover, Vice President Pence could have brought this situation from Indiana, where we both live, or Indiana State Capitol, where we both used to work, to the White House.

The privacy breach has not only defrauded me of President Trump's honest public service to protect me but also caused a tortious loss in business opportunity and harassment by knowing that my intellectual property has been taken from me. *See* 42 U.S.C. § 1982. President Biden owes me a similar duty, and my face-to-face interactions with the F.B.I.-South Bend and -Indianapolis indicate that they were asked to participate; such information could be stored in the respective government security clearances, i.e. top-top secret, top-secret, confidential, or sensitive, or individuals can be ordered to testify.

Several times in 2018, 2019, 2020, and 2021, I contacted the White House through its website to ask President Trump, both in his official capacity as President of the United States and in his personal capacity, to see whether he was aware of my situation, but I received no explicit answer. In addition to the protection my personhood has from the U.S. Constitution and state and local law, the privileges and/or immunities I hold pursuant to the United States Constitution, including while I was Representative to the Indiana State Bar Association of the Great State of Indiana and which I carry as 2013-2014 Student Government Association President of Emory University, Inc. in Georgia and 2009-2010 Student Government President of the Brownsburg Community School Corporation in Indiana have been violated. U.S. const., art. IV, § 2 and amend. XIV, § 1; *United Building & Construction Trades Council v. Mayor and Council of Camden*, 465 U.S. 208 (1984); *see also* 18 U.S.C. § 2385 ("political subdivision"). When I contacted President Obama in 2009 and 2014 or 2015 about this on-going conspiracy through

whitehouse.gov, now-President Joe Biden was Vice President of the United States; I contacted President Bush too.

President Trump can trigger "need to know" and terminate the on-going privacy breach and electronic battery (e.g. CDMA-controlled ringing-sound technology, etc.); or, President Trump should have ordered the United States Attorney General, as is President Trump's power, to investigate this on-going R.I.C.O. enterprise and situation, or killed the aggressors or rebellion. 18 U.S.C. § 1968; 42 U.S.C. § 1983; Guarantee Cl., U.S. const. art. IV, § 4. *But see* 18 U.S.C. § 2383.

In 2018 and 2019, I moved President Trump, the Oval Office, and the Court of the West Wing to Order a restoration of my rights and to be free from this privacy breach and enterprise and to ensure that private enforcement companies, working for a political or personal rival, were not harassing me, including for the reason to reduce the chances of me holding political office one day, which is a form of unlawful political succession planning. 18 U.S.C. §§ 1964(b), 1968, and 1343. *See also* Arts. 12, 13, 17, 20, 25, 26, and 27, International Covenant on Civil and Political Rights, United Nations General Assembly Resolution 2200A (XXI). I also moved the United States Senate and its committees and the United States House of Representative and its committees. As I informed President Trump and Speaker Pelosi, I co-founded the Indiana High School Democrats-Young Democrats of America (Y.D.A.) and was later Vice Chair of the Indiana High School Democrats. While I want to keep the word patterns and scenario as sensitive information, I would like to state that the content of the word patterns is non-profane and non-explicit. Nonetheless, the word patterns were used to batter/whip me via the soundwaves as a part of this enterprise or scheme, across state (including but not limited to California, Florida, and Georgia) and international boundaries.

Other knowledgeable parties include Vice President Mike Pence (who is from the same state, Indiana, as me, the Intervenor), Emory University, Inc. (Atlanta, Georgia) officials, University of Notre Dame (South Bend, Indiana) administration and professors, F.B.I., family members, family friends, and acquaintances, and I sued many of them in the Southern District of Indiana in Indianapolis, Indiana. No. 1:2020-cv-00758 (S.D. Ind. Mar. 9, 2020); No. 1:2020-cv-00454 (S.D. Ind. Feb. 19, 2020); No. 1:2018-cv-03442 (S.D. Ind. Nov. 13, 2018); No. 1:2018-cv-03443 (S.D. Ind. Nov. 13, 2018); and No. 1:2018-cv-03441 (S.D. Ind. Nov. 13, 2018). Prior to suing in the Indiana federal court, on August 23, 2018, the Superior Court of Hendricks County, Indiana granted me a protective order against Mr. Kartik Patel, my father. *Patel, Raj v. Patel, Kartik*, No. 32D05-1808-PO-000372 (Ind. Super. Ct. 2018). At the time I filed for a protection order against Kartik, I should have also moved the court for a protective order against Manisha Patel, my mother. Nonetheless, on July 7, 2020, I did move the Indiana Superior Court for a protective order against Manisha, and the court denied my complaint for a protective order, on August 4, 2020. *Patel, Raj v. Patel, Manisha*, No. 32D04-2007-PO-000276 (Ind. Super. Ct. 2020).

These other knowledgeable parties are the individuals that President Trump, with or without actual knowledge, engaged in an "enterprise" with to defraud me and put me in a state of psychological warfare and deprived me of honest services. 18 U.S.C. §§ 1961 and 1346 and 42 U.S.C. § 1983. Nonetheless, the application and enforcement of a stress weapon on a citizen of the United States, including those in civil incapacitation, violated Original Intent of the Founding Fathers and Framers of the Constitution (1789) and appears in the Privileges and Immunities Clause, Article IV, Section 2, applicable to political subdivisions, states and the federal

governments and their chartered entities. Thomas Jefferson introduced in the Virginia General Assembly and the Assembly passed "A Bill for Establishing Religious Freedom, 18 June 1779":

> *Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that* Almighty God hath created the mind free, *and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint*; that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion,...that our civil rights have no dependance [sic] on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends also to corrupt the principles of that *very* religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; *that the opinions of men are not the object of civil government, nor under its jurisdiction*; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous falacy [sic],...human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.
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> ... *Acts passed at a General Assembly of the Commonwealth of Virginia,* Richmond: Dunlap and Hayes [1786], 26–7 cited in "82. A Bill for Establishing Religious Freedom, 18 June 1779," *Founders Online,* National Archives, https://founders.archives.gov/documents/Jefferson/01-02-02-0132-0004-0082 citing *The Papers of Thomas Jefferson*, vol. 2, 1777–18 June 1779, ed. Julian P. Boyd. Princeton: Princeton University Press, 1950, 545–553.

In Federalist No. 42, James Madison, Father of the Constitution, states that "[t]hose who come under the denomination of free inhabitants of a State, although not citizens of such State, are entitled, in every other State, to all the privileges of free citizens of the latter; that is, to greater privileges than they may be entitled to in their own State..." Federalist No. 42. In Federalist No. 80, James Madison states that the Privileges and Immunities Clause is "the basis of the union." Federalist No. 80. The Supreme Court, in *Corfield v. Coryell*, 6 F. Cas. 546 (1823), also states

that the Privileges and Immunities Clause, U.S. Constitution Article IV, Section 2, Clause 2 also includes the "Protection by the government; the enjoyment of life and liberty, *with the right to acquire and possess property of every kind*, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole." *Corfield v. Coryell*, 6 F. Cas. 546 (1823) (Washington, J.) (emphasis added) and U.S. const. art. IV, § 2, cl. 2 ("Privileges & Immunities Clause"); *see also* U.S. const. amend. XIV, § 1 ("Privileges or Immunities Clause"), 42 U.S.C. §§ 1981-1983. On July 12, 1816, Thomas Jefferson said to Samuel Kercheval, also known as H. Tompkinson, the following, which advocates for remedying the use of psychological weapons, such as the stress weapon:

> I am certainly not an advocate for frequent and untried changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects. But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors. Thomas Jefferson to Samuel Kercheval. *The Thomas Jefferson Papers at the Library of Congress*, Series 1: General Correspondence 1651 to 1827, Retrieved from the Library of Congress, https://www.loc.gov/item/mtjbib022494/.

As aforementioned, this enterprise was ongoing when I was enrolled at the University of Notre Dame Law School, from August 2015 to November 2017, in order to decrease my academic performance and social performance. Per my academic performance, grade deflation happened by inducing stress, via a "stress weapon," rather than by professors lowering my grade, although that too could have happened along with the inducement of stress. Materially put, on the Notre Dame Law School grading curve, which limits the number of honorable grades (e.g. "A," "A-," and "B+") and which varies based on class size, scientifically-statistically stated, a

handful of my fellow gradees and classmates, effectively, have a higher grade than they otherwise would but for the inducement of stress, and many of my fellow gradees and classmates have a relatively higher academic and social standing than they otherwise would but for the inducement of stress, which all also entails to appropriating my identity, and produced arbitrary undergraduate and law school admissions results. *Contra* "dyslexia" as a political disease; *see* "dyslexia" in Lexico.com powered by Oxford U. Press (2020) ("A general term for disorders that involve difficulty in learning to read or interpret words, letters, and other symbols, but that do not affect general intelligence."); *see also* "stress" in *Id.* ("Pressure or tension exerted on a material object...'the distribution of stress is uniform across the bar'...'The degree of stress differs in each specific case'...'he's obviously under a lot of stress'...'the stresses and strains of public life'...'he has started to lay greater stress on the government's role in industry'"). *Compare Id. with* "terrorist" in Lexico.com powered by Oxford U. Press (2020) ("The search is on for the terrorists and politicians are trying to calm the public down.'...'Terrorism is not a nation and terrorists are not an army that you can send troops against.'...'The great and the good are telling us that we must not change policy in deference to terrorists.'...'Most terrorists know exactly what they are doing and the effect they want to produce.'...'The biggest danger to society is what would happen if these terrorists did get their own way.'...'I could see real terror on their faces and thought it might be a terrorist attack.') *and* (Is the word "stressors" an euphemism for "terrorizers" or "terrorists?"). *See* Foreign Com. Cl., U.S. const. art. I, § 8, cl. 3. But for this peril/conspiracy/assault/battery, I would have easily had a cumulative grade point average of 4.0 to 3.5 out of a 4.0, while maintaining my rigorous exercise schedule. 18 U.S.C. §§ 111 *et seq.*; 175 *et seq.*, 1961 *et seq.*, 1951 *et seq.*, and 2510 *et seq.* and 42 U.S.C. §§ 1981-1983.

Nonetheless, I was elected by my law school peers as a Representative to the Indiana State Bar Association from the Notre Dame Law School Student Bar Association.

In addition, one of the purposes of the enterprise might be to target me politically, especially because my honor's thesis, titled "Weight Loss as a Religion," was supported by Faith Spotted Eagle, a 2016 United States Presidential Candidate from the Democratic National Committee and receiver of one (1) vote from the constitutionally-established Electoral College (my honors thesis and Faith's activism to end biological-warfare and heal post-traumatic stress disorder can be categorized under Commander-in-Chief Barack Obama's policy or law on identity politics). In fact, I had lost 50 pounds during the freshman year of my high school, from 200 pounds to 150 pounds. During the first two years of my college, I gained weight, about 30 to 40 pounds, and I lost this weight, before my junior year, which was primarily through P90X. Therefore, because of my recent severe weight gain (almost 150 pounds of fat mass) caused by this stress weapon, which started a few months prior to my voluntary separation of leave in good standing, but exceptionally after May 2018, I feel a loss of legitimacy, personal achievement, embarrassment, health, athleticism, beauty, and personal happiness. In fact, I was at my fittest, through cardiovascular activities and weight lifting, from April 2015 to February 2016. As this situation was on-going prior to writing and getting approved my honors thesis, I do not think that my scholarship made me a target of this stress weapon, but maybe a group read my scholarship incorrectly. U.S. const. amend. I (prohibited prevention of Free Exercise of Religion; prevention of Establishment of Religion; defamation; false light; not-political free speech; interference of business transaction). Maybe the stress weapon is the next edition of discrimination at universities, including against Asian-Americans. Anemona Hartocollis and Giulia McDonnell Nieto del Rio, "Justice Dept. Says Yale Discriminates. Here's What Students Think.," *New York*

Times: https://www.nytimes.com/2020/08/14/us/yale-asian-american-discrimination.html. *Cf. Students for Fair Admissions, Inc. v. Harvard*, No. 14-cv-14176-ADB (D. Mass. September 30, 2019), Dkt. 679.

Overall, since November 2017, I have taken unplanned and unwanted time off of law school which unduly and unwantedly effects my career timeline and unjustly limits my career choices, which all also causes me extreme emotional distress. Interestingly, the average cost of keeping a state prisoner is $31,000, from the year 2010 to 2015, across the Sister States. Chris Mai and Ram Subramanian, *The Price of Prisons, Examining State Spending Trends*, 2010-2015, Vera Institute of Justice: https://www.vera.org/publications/price-of-prisons-2015-state-spending-trends. In federal prison, the average cost per inmate, in FY 2017, was $36,299.25. "Annual Determination of Average Cost of Incarceration," Bureau of Prisons, Department of Justice, 83 FR 18863 (April 30, 2018). Although state and federal prison and civil incapacitation and civil confinement are different, I had the undue burdens of paying for the cost of this civil incapacitation, which unduly changes my commercial participation for this time period and afterwards, and, unlike in federal or state prison cases, taxpayers only paid mild costs. U.S. const. amends. XIII and XIV. Mind you, I neither abused/used controlled drugs nor have committed any crime which could have caused this situation. I e-mailed now-Her Honor Amy Barrett and few other e-mails before leaving from my student e-mail, but I did not receive the correct e-mail address.

On May 22, 2020, I filed a Motion of Intervention with the Clerk of the Southern District Court in *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____). *Id.*, Dkt. 267-8. On May 26, 2020, Judge Lorna G. Schofield DENIED my application and motion for

intervention. *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____), Dkts. 32 and 2 at 6; *Trump v. Vance*, No. 1:19-cv-08694-VM (S.D.N.Y. ____), Dkt. 45.

On October 9, 2020, the Court of Appeals for the Second Circuit DENIED and DISMISSED my appeal because it lacks an arguable basis either in law or in fact. *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____), Dkts. 1, 8, 33 (filed on July 19 and docketed July 20), 47, and 48.

As of October 12, 2020, in distribution of Peace and Order, this enterprise and situation is mildly ongoing and began fifteen years ago (i.e. 2005 or before), which is approximately the amount of time Doe et al. say they have been defrauded by President Trump's enterprise with the American Communication Network (A.C.N.).

On April 6, 2021, I filed *Raj Patel v. Veronica Syretia Root Martinez, University of Notre Dame Du Lac, The President of The United States Joe Biden, and Federal Bureau of Investigations* (N.D. Ind. ____).

A petition for writ of *certiorari* was filed on October 12, 2020 with the United States Supreme Court. This corrected copy of the petition of writ of certiorari was re-filed, after a few communications with the Clerk of the United States Supreme Court.

ARGUMENT

Motions for Permissive Intervention drafted by *pro se* plaintiffs "are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers." *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015) cited in *Cobb v. Benjamin*, 1:20-cv-01303-JPH-DML, ROSS 13521336 (S.D. Ind. Aug. 07, 2020); *see also Gould v. Schneider*, 448 F. App'x. 615 (7th Cir. 2011) quoting *Fed. Exp. Corp. v. Holowecki*, 552 U.S. 389, 402 (2008); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *McNeil v. United States*, 508 U.S. 106, 113 (1993). Motions for

permissive intervention "must be construed so as to do justice." Fed. R. Civ. P. 7(b) and 8(e). In the second circuit, a district court's decision to deny permissive intervention is reviewed for abuse of discretion. *Floyd v. City of New York*, 770 F.3d 1051, 1057 (2d Cir. 2014) and *United States v. Glens Falls Newspapers, Inc.*, 160 F.3d 853, 854 (2d Cir. 1998). A district court abuses its discretion when "its decision rests on an error of law (such as application of the wrong legal principle) or a clearly erroneous factual finding." *MasterCard Int'l Inc. v. Visa Int'l Serv. Ass'n*, 471 F.3d 377, 385 (2d Cir. 2006). *Cf. San Jose Mercury News Inc. v. United States Dist. Court – N. Dist.*, 187 F.3d 1096, 1100 (9th Cir. 1999) (when the district court's decision rests on a legal question, the review is *de novo*). "On timely motion, the court may permit anyone to intervene who....has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1). As a general matter, a question may be of either law or fact, or both—law and fact. A district court has a duty to grant permissive intervention where the "legal issues are the same." *United States v. Local 638, Enterprise Ass'n of Steam, etc.*, 347 F.Supp. 164, 166 (S.D.N.Y. 1972) (hereunto "*Enterprise Ass'n*") and *Nuesse v. Camp*, 385 F.2d 694, 704 (D.C. Cir. 1967). In other words, when the legal issues are the "same," the legal issues are to be treated as if they are "common." *Cf.* Fed. R. Civ. P. 24(b)(1)(A); *Enterprise Ass'n*, 347 F.Supp. at 166. *Enterprise Ass'n* (S.D.N.Y. 1972) also implies that "common" does not mean "same," and "common" does not require a question from the main action to be strongly analogous with the question in the intervenor's claim for permissive intervention to be granted. *Id.* at 166 and *Nuesse*, 385 F.2d at 694-704. The element in the Fed. R. Civ. P. 24(b)(1)(B) that the intervenor shares with the main action a "claim or defense" has not been interpreted strictly to preclude permissive intervention. *Nuesse*, 385 F.2d at 704 and Fed. R. Civ. P. 24(b)(1)(B). Nor has this element that the intervenor shares with the main action a "claim or defense" been "read in a

technical sense." *Brooks v. Flagg Bros., Inc.*, 63 F.R.D. 409, 415 (S.D.N.Y. 1974) and Fed. R. Civ. P. 24(b)(1)(B). When a material fact in the intervenor's claim is shared with a fact in the main action, a common question of fact exists for permissive intervention to be granted. *See generally Nationwide Mut. Ins. v. Nat'l Reo Mgmt., Inc.*, 205 F.R.D. 1 (D.D.C. 2000) (internal citations omitted) (single similarity of facts between the original plaintiff's main action and the intervenor's action satisfies the element of common question of fact); *see also EEOC v. Nat'l Child. Center*, 146 F.3d 1042, 1047 (D.C. Cir. 1998) (identity of defendants, functions of a space, and patterns of misconduct may constitute common question of facts between the main action and the intervenor's action); *cf.* when a material law in the intervenor's claim is shared with a law in the main action, a common question of law, fact, or both, exists for permissive intervention to be granted. Therefore, intervention is "allowed" even in situations where the existence of any "nominate" 'claim' or 'defense' is difficult to find. *Nuesse*, 385 F.2d at 704. A mere "presence of a question of law or fact" "common" with the main action is sufficient for the District Court to grant intervention. *Id.* and Fed. R. Civ. P. 24(b)(1)(B). Overall, an intervenor can share a "common" claim or defense with the original plaintiff through four (4) main possibilities. First, at plain reading, when the intervenor's claim or defense is "common" with the main action. Or, by satisfying one of the alternative legal standards for interpreting "common" in the Fed. R. Civ. P. 24(b)(1)(B): (1) when the questions are "common" because they are the "same", (2) when the questions are "common" because they are "nominate"-difficult-to-find (i.e. not-specific), or (3) when the questions are "common" because there is a "presence" of alikeness between the main action and intervenor's claim. *Nuesse*, 385 F.2d at 704 and *Enterprise Ass'n*, 347 F.Supp. at 166. Intervention rests on the policy that like matters be resolved together and that all parties are able to exercise their right to sue. *See generally Dred Scott v. Sandford*, 60

U.S. (19 How.) 393 (1857), *United States v. Nixon*, 418 U.S. 683 (1974) (no person or no project/experiment is above the law, the Federalist Project/Experiment), *Clinton v. Jones*, 520 U.S. 681 (1997) (president's acts before becoming president are not subject to immunity), and *Nixon v. Fitzgerald*, 457 U.S. 731 (1982) (immunity limited to official acts). The Southern District Court implied that the motion to intervention was timely by not commenting on the timeliness element, and the Southern District Court denied the motion to intervene for not sharing a common question of fact or law. *Doe et al. v. The Trump Corp. et al.*, No. 18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 at 6 and Fed. R. Civ. P. 24(b)(1). *United Building & Construction Trades Council v. Mayor and Council of Camden*, 465 U.S. 208 (1984). If one of the parts from my numbered arguments below (i.e. 1, 1-A, 1-B, 1-C, 1-D, 2, 3,...6, 10) is persuasive that the Southern District Court misapplied its discretion to disallow my permissive intervention, then that part alone is persuasive enough to overturn the lower court and instruct it to allow my permissive intervention.

1. By stating that the matter in my intervention is not a "common question of law or fact *sufficient* to grant permissive intervention," the Southern District Court of New York *sub silento* agrees that a common question of law or fact exists between my intervention and Doe et al.'s main action, which satisfies the legal standard requiring a same-match, nominate-match or a presence-match between Doe et al.'s, original plaintiff's, action and my, the intervenor's, action, therefore, requiring the Southern District Court of New York to use discretion to grant permissive intervention. *Doe et al. v. The Trump Corp. et al.*, (1:18-cv-09936-LGS) (S.D.N.Y. ____), Dkt. 272 (emphasis added).

Here, in 2018, Doe et al. brought a class action lawsuit of eight counts: (aa) R.I.C.O.-honest services fraud, (bb) conspiracy R.I.C.O., (cc) four different violations of unfair and unprofessional business practices, (dd) common law fraud, and (ee) common law misrepresentation. Compl. at 137-160, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 1. Last month, I too brought an intervention with various civil

matters, including, but not limited to, the following: (aaa) R.I.C.O.-honest services fraud, (bbb) R.I.C.O., (ccc) honest services fraud, and (ddd) theft of my intellectual property. *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____), Dkt. 2 at 6; *see also Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 at 6. The Southern District Court of New York agreed, *sub silento*, that a common question of law or fact was demonstrated, but that common question of law was not demonstrated "sufficient[ly]." *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 (emphasis added). We may ask, "what is sufficient?," "when is sufficient, sufficient?," "what is 'common?,'" "how alike is 'common?,'" or "when is enough, enough?" Fed. R. Civ. P. 24(b)(1)(B). *See generally Nationwide*, 205 F.R.D. at 1 (single similarity of facts, carbon monoxide and carbon monoxide, between the main action and the intervenor's action satisfies the element of common question of fact). Notably, the Southern District Court *did not* say that "*no* common question" existed, simply one that is not "sufficient." *Id.* Nonetheless, each alternative legal standard requiring "same"-level-match, "nominate"-difficult-to-find-level-match (i.e. not-specific-level-match), or "presence"-level-match between Doe et al.'s action and my action has been satisfied because Doe et al. and I share at least "a" (e.g. "one" or "partially one") common question of law or fact: (*compare* (aa) *with* (aaa)) R.I.C.O.-honest services fraud, (*compare* (aa) *or* (bb) *with* (bbb)) R.I.C.O., and (*compare* (aa) *or* (dd) *with* (ccc) *or* (aaa)) honest services fraud, and (*compare* (cc) *and* (ee) *with* (ddd)) wrongful practices. *Nuesse*, 385 F.2d at 704 and Fed. R. Civ. P. 24(b)(1).

1-A. Even though a common question of law or fact might be difficult to find between my intervention and Doe et al.'s complaint, the shared questions between our claims need not be alike as either specific or nominate in order to trigger the Southern District Court of New York's duty to grant permissive intervention because a common question of law or fact exists between my intervention and Doe et al.'s claim.

Here, in 2018, Doe et al. brought a class action lawsuit of eight counts: (aa1) R.I.C.O.-honest services fraud, (bb1) conspiracy R.I.C.O., (cc1) four different violations of unfair and unprofessional business practices, (dd1) common law fraud, and (ee1) common law misrepresentation. Compl. at 137-160, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 1. Last month, I too brought an intervention with various civil matters, including, but not limited to, the following: (aaa1) R.I.C.O.-honest services fraud, (bbb1) R.I.C.O., (ccc1) honest services fraud, and (ddd1) theft of my intellectual property. *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____), Dkt. 2 at 6; *see also Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 at 6. The Southern District Court of New York stated that a common question of law or fact was not demonstrated "sufficient[ly]." *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 (emphasis added). Notably, the Southern District Court *did not* say that "*no* common question" existed, simply one that is not "sufficient." *Id.* We may ask, "what is sufficient?," "when is sufficient, sufficient?," "what is 'common?,'" "how alike is 'common?,'" or "when is enough, enough?" Fed. R. Civ. P. 24(b)(1)(B). *EEOC*, 146 F.3d at 1047 (vague common environs and vague common patterns of conduct were sufficient for intervention). But, the legal standard, requiring below a "nominate"-level question shared between Doe et al.'s action and my action, has been satisfied because Doe et al. and I share at least "a" (e.g. "one" or "partially one") of the following common-nominate or common-specific matters of law violations: (*compare* (aa1) *with* (aaa1)) R.I.C.O.-honest services fraud, (*compare* (aa1) *or* (bb1) *with* (bbb1)) R.I.C.O., and (*compare* (aa1) *or* (dd1) *with* (ccc1) *or* (aaa1)) honest services fraud, and (*compare* (cc1) *and* (ee1) *with* (ddd1)) wrongful practices. *Nuesse*, 385 F.2d at 704 and Fed. R. Civ. P. 24(b)(1).

1-B. A presence of commonalty exists between my intervention's claim and Doe et al.'s claim, which triggers the Southern District Court of New York duty to grant permissive

intervention, because a common question of law or fact exists between my intervention and Doe et al.'s claim.

Here, in 2018, Doe et al. brought a class action lawsuit of eight counts: (aa2) R.I.C.O.-honest services fraud, (bb2) conspiracy R.I.C.O., (cc2) four different violations of unfair and unprofessional business practices, (dd2) common law fraud, and (ee2) common law misrepresentation. Compl. at 137-160, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 1. Last month, I too brought an intervention with various civil matters, including, but not limited to, the following: (aaa2) R.I.C.O.-honest services fraud, (bbb2) R.I.C.O., (ccc2) honest services fraud, and (ddd2) theft of my intellectual property. *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____), Dkt. 2 at 6; *see also Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 at 6. The Southern District Court of New York stated that a common question of law or fact was not demonstrated "sufficient[ly]." *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 (emphasis added). Notably, the Southern District Court *did not* say that "*no* common question" existed, simply one that is not "sufficient." *Id.* We may ask, "what is sufficient?," "when is sufficient, sufficient?," "what is 'common?,'" "how alike is 'common?,'" or "when is enough, enough?" Fed. R. Civ. P. 24(b)(1)(B). *See generally Nationwide*, 205 F.R.D. at 1 (presence of carbon monoxide in both the main action and the intervenor's action satisfied the element of common question of fact) and *EEOC*, 146 F.3d at 1047 (presence of same defendants in their individual capacity, presence of the same environs, and presence of misconduct was sufficient for intervention). But, the legal standards requiring only a "presence"-level question shared between Doe et al.'s action and my action has been satisfied because Doe et al. and I share at least "a" (e.g. "one" or "partially one") of the following matters: (*compare* (aa2) *with* (aaa2)) R.I.C.O.-honest services fraud, (*compare* (aa2) *or* (bb2) *with* (bbb2)) R.I.C.O., and

(*compare* (aa2) *or* (dd2) *with* (ccc2) *or* (aaa2)) honest services fraud, and (*compare* (cc2) *and* (ee2) *with* (ddd2)) wrongful practices. *Nuesse*, 385 F.2d at 704 and Fed. R. Civ. P. 24(b)(1).

1-C. Doe et al. and I have plead "the same" legal issue by complaining about violations of "the same" statutory laws, which indicates a common question of law or fact between our actions and which triggers the Southern District Court of New York's duty to grant permissive intervention, because a common question of law or fact exists between my intervention and Doe et al.'s claim. *Enterprise Ass'n*, 347 F.Supp. at 166 and *Nuesse*, 385 F.2d at 704.

Here, in 2018, Doe et al. brought a class action lawsuit of eight counts: (aa3) R.I.C.O.-honest services fraud, (bb3) conspiracy R.I.C.O., (cc3) four different violations of unfair and unprofessional business practices, (dd3) common law fraud, and (ee3) common law misrepresentation. Compl. at 137-160, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 1. Last month, I too brought an intervention with various civil matters, including, but not limited to, the following: (aaa3) R.I.C.O.-honest services fraud, (bbb3) R.I.C.O., (ccc3) honest services fraud, and (ddd3) theft of my intellectual property. *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____), Dkt. 2 at 6; *see also Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 at 6. The Southern District Court of New York stated that a common question of law or fact was not demonstrated "sufficient[ly]." *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 (emphasis added). Notably, the Southern District Court *did not* say that "*no* common question" existed, simply one that is not "sufficient." *Id.* We may ask, "what is sufficient?" "when is sufficient, sufficient?," "what is 'common?,'" "how alike is 'common?,'" or "when is enough, enough?" Fed. R. Civ. P. 24(b)(1)(B). *Compare Nationwide*, 205 F.R.D. at 1 (single similarity of fact, carbon monoxide and carbon monoxide, between the main action and the intervenor's action satisfies the element of common question of fact) with *here* (single similarity of types of law violations and type of fact between Doe et al.'s main action and my intervention).

Compare EEOC, 146 F.3d at 1047 (identity of defendants, functions of a space, and patterns of misconduct may constitute common question of facts between the main action and the intervenor's action) *with here* (identity of defendants-Trumps, functions of fraud, etc. between Doe et al.'s main action my intervention) *and infra*, pp. 22-39. But, the legal standard requiring that the common question of law or fact in Doe et al.'s action and my action be the "same" has been satisfied because Doe et al. and I share at least "a" (e.g. "one" or "partially one") of the following "same"-"common" matters of law violations (i.e. "same"-level-match): (*compare* (aa3) *with* (aaa3)) R.I.C.O.-honest services fraud, (*compare* (aa3) *or* (bb3) *with* (bbb3)) R.I.C.O., and (*compare* (aa3) *or* (dd3) *with* (ccc3) *or* (aaa3)) honest services fraud, and (*compare* (cc3) *and* (ee3) *with* (ddd3)) wrongful practices. *Nuesse*, 385 F.2d at 704 and Fed. R. Civ. P. 24(b)(1).

1-D. A single commonality of a question of law or fact, which need not be specific or nominate and may be difficult to find between my intervention and Doe et al.'s complaint, is sufficient to trigger the Southern District Court of New York's duty to grant permissive intervention.

Here, in 2018, Doe et al. brought a class action lawsuit of eight counts, with one of the counts being a law violation of R.I.C.O. and honest services fraud as its predicate crime. Compl. at 137-160, *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 1. Last month, I too brought an intervention with various civil matters, including one law violation of R.I.C.O. with honest services fraud as its predicate crime. *Doe v. The Trump Corp.*, No. 20-1706 (2d Cir. ____), Dkt. 2 at 6; *see also Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272 at 6. The Southern District Court of New York stated that a common question of law was not demonstrated "sufficient[ly]." *Doe et al. v. The Trump Corp. et al.*, No. 1:18-cv-09936-LGS (S.D.N.Y. ____), Dkt. 272. Notably, the Southern District Court *did not* say that "*no* common question" existed, simply one that is not "sufficient." *Id.* We may ask, "what is sufficient?," "when is sufficient, sufficient?," "what is 'common,'" "how alike is

CONCLUSION

For the foregoing reasons, I, Raj K. Patel, respectfully request this Supreme Court to reverse the lower courts and allow my permissive intervention and entertain lawsuit and demand for relief.

Dated: April 7, 2021

Respectfully submitted,

Raj K. Patel
1239 Spring Lake Drive
Brownsburg, IN 46112
Hendricks County
317-450-6651 (cell)
rajp2010@gmail.com
raj@rajpatel.live

Pro se

J.D. Candidate, Notre Dame L. Sch. 2021 or 2022
President/Student Body President, Student Gov't Ass'n of Emory U., Inc. 2013-2014
Student Body President, Brownsburg Cmty. Sch. Corp./President, Brownsburg High Sch. Student Gov't 2009-2010
Rep. from the Notre Dame L. Sch. Student B. Ass'n to the Ind. St. B. Ass'n 2017
Deputy Regional Director, Young Democrats of Am.-High Sch. Caucus 2008-2009
Co-Founder & Vice Chair, Ind. High Sch. Democrats 2009-2010
Vice President of Fin. (Indep.), Oxford C. Republicans of Emory U., Inc. 2011-2012