23-78

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

PALANI KARUPAIYAN et al
---Petitioners

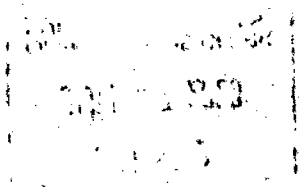
V.

ARNAUD VAISSIE et al
---- Respondents

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit
Docket-23-1288

PETITION FOR A WRIT OF CERTIORARI

Palani Karupaiyan.
Pro se, Petitioner,
1326 W. William St,
Philadelphia, PA 19132
palanikay@gmail.com
212-470-2048(m)



I. QUESTION PRESENTED

Petitioner's prayed 9 reliefs were

i) National importance of having the US Supreme Court decide or conflict with USSC ruling, or importance of similarly situated over millions of citizens or the first impression is raised at USSC.

Petitioner's prayed 9 reliefs were as Writ of Mandamus or Prohibition or alternative so the questions were part of three test condition requirement of the Writs.

ii) *Lower -Courts ruled*

Plaintiff [petitioner] contends, however, that the judgment in the Prior Action was not "on the merits" because it was premised on pleading deficiencies under Rules 8 and 10 and on his failure to comply with Court Orders under Poulis v. State Farm Fire and Casualty Co., 747 F.2d 863 (3d Cir. 1984). While Plaintiff is correct as to the bases of the prior dismissal, he is incorrect as to the preclusive effect of such dismissals.

Lower Courts' decisions about preclusive effect on Meritless (not on merits) order is incorrect as below

Semtek Int'l Inc. v. Lockheed Martin Corp., 531 US 497 - Supreme Court 2001@502 -503

i) *("The prototyp[ical] [judgment on the merits is] one in which the merits of [a party's] claim are in fact adjudicated [for or] against the [party] after trial of the substantive issues").*

ii) *Semtek @503, In short, it is no longer true that a judgment "**on the merits**" is*

necessarily a judgment entitled to claim-preclusive effect; and there are a number of reasons for believing that the phrase "adjudication upon the merits" does not bear that meaning in Rule 41(b).

iii) When *Moses H. Cone Memorial Hospital v. Mercury Constr. Corp., 460 US 1 - Supreme Court 1983* @footnote[6] ruled that

More fundamentally, a Court of appeals has no occasion to engage in extraordinary review by mandamus "in aid of [its] jurisdiction[n]," 28 U. S. C. § 1651, when it can exercise the same review by a contemporaneous ordinary appeal. See, e. g., Hines v. D'Artois, 531 F. 2d 726, 732, and n. 10 (CA5 1976).

Following USCA3's ruling is error

Mandamus relief is unavailable because he may challenge the District Court's dismissal order through the normal appeal process. See In re Nwanze, 242 F.3d 521, 524 (3d Circuit. 2001) (noting that, "[g]iven its drastic nature, a writ of mandamus should not be issued where relief may be obtained through an ordinary appeal") (citation omitted).

II. PARTIES TO THE PROCEEDING

PALANI KARUPAIYAN; P. P.; R. P. are petitioners

Respondents are

ARNAUD VAISSIE, Individually and in his official capacity as CEO of International SOS;
DESSI NIKALOVA, Individually and in her official capacity as director, product engineering of the international SOS;
ACCESS STAFFING LLC;
MIKE WEISTEIN, Individually and in is official capacity as principal, product engineering of Access Staffing LLC;
KAPITAL DATA CORP;
KUMAR MANGALA, individually and in their official capacity as founder and CEO of the Kapital Data Corp;
KARUPAIYAN CONSULTING INC;
GREGORY HARRIS, individually and in his official capacity as team leader, mobile applications of the international SOS;
INTERNATIONAL SOS ("ISOS")

III. RELATED CASE

Palani Karupaiyan v. International SOS et al.

USSC- Docket 21-7532

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.