IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

JAMES CHELMOWSKI	)
	)
Petitioner,	)
	)
v.	)
	)
FEDERAL COMMUNICATIONS COMMISSION and	)
UNITED STATES OF AMERICA,	)
Respondents	)
	)
AT&T MOBILITY LLC,	)
Intervenors	)

Petition for Review of Orders of the Federal Communications Commission

1. Pursuant to 47 U.S.C. § 402(b) and (c) and Rule 15(a) of the Federal Rules of Appellate Procedure, James Chelmowski hereby appeals the final order of the Federal Communications Commission ("FCC" or "Commission") captioned “James Chelmowski (“Chelmowski”) v AT&T Mobility LLC (“AT&T”) FCC Docket No. 14-260.
2. James Chelmowski is a pro litigant[1] in FCC Formal Complaint 47 C.F.R. § 1.720 “James Chelmowski v. AT&T Mobility, LLC for 14 FCC violations and Ongoing Fraudulent

[1] "Therefore, federal courts demand less from pro se litigants in the context of pleadings and motions. See Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam) (holding pro se litigants to “less stringent standards than formal pleadings drafted by lawyers”); Miller v. Norris, 247 F.3d 736, 739 (8th Cir. 2001) (construing a pro se litigant’s motion liberally)

Concealment Scheme", file number EB-14-MD-016 and FCC Docket/Proceeding Number 14-260.

3. The FCC's "Order on Reconsideration" was adopted on October 15, 2015 and released on October 16, 2015 for FCC formal complaint "James Chelmowski v. AT&T Mobility, LLC for 14 FCC violations and Ongoing Fraudulent Concealment Scheme".
4. This Court possesses exclusive jurisdiction over Chelmowski's challenge 47 U.S.C. § 402(b)(5) in the Order, the Commission expressly relied on 47 U.S. Code § 415 statute of limitations, FCC July 10, 2015 Order dismissed formal complaint Proceeding Number 14-260 and File number EB-14-MD-016 "In this Order, we dismiss such a complaint because it was filed outside this strict two-year period." The Order was finalized and appealable[2] on October 15, 2015 "Order on Reconsideration".
5. Chelmowski will rely on equitable tolling doctrines and/or statutes which including but not limited to Fraudulent Concealment[3] and Equitable Estoppel[4].
6. Chelmowski could rely on FCC law, FCC rule determinations on December 16, 2014 and FCC rules for Formal complaint 47 C.F.R. §§ 1.720 through 1.728[5].

---

[2] Bellsouth Corp V. FCC, 17 F. 3d 1487 (D.C. Cir. 1994)

[3] Chief Justice Ginsburg ruled in Sprint Communications Co. v. F.C.C., 76 F.3d 1221, 1226 (D.C. Cir 1996) ("In order to establish fraudulent concealment . . . the plaintiff must show that the defendant took 'some misleading, deceptive or otherwise contrived action' to conceal information material to the plaintiff's claim.") (quoting Hobson v. Wilson, 737 F.2d 1, 34 (D.C. Cir. 1984))… "Silence does toll the statute of limitations, however, if defendant has an affirmative duty to disclose the relevant information to the plaintiff. See Smith v. Nixon, 606 F.2d 1183, 1190 (D.C.Cir.1979); see also Rutledge v. Boston Woven Hose & Rubber Co., 576 F.2d 248, 250 (9th Cir.1978).")

[4] US Supreme Court ruled in multiple cases, "This equitable doctrine is read into every federal statute of limitations." Bailey v. Glover, 21 Wall. 342 88 U.S. 348; and see Exploration Co. v United States, 247 U.S. 435; Sherwood v. Sutton, 5 Mason 143.

[5] No FCC law, rules or determination allows a telecommunication like AT&T or any litigant to file a "Footnote Rules Petition" inside a FCC required fact based pleading stating this fact based pleading does not contain requires factual evidence because "Given the propensity of Mr. Chelmowski to verbally abuse AT&T's employees, barrage its executives with emails, and impose the costs of serial litigation over the loss of a phone number that was seldom if ever used". This AT&T "footnote rules petition" on page 13 of AT&T January 16, 2015 required fact based pleading Answer does not conform to any FCC rules or federal rules of civil procedures. AT&T not did include any citations of laws, court cases or evidence to back up this outrageous "Footnote Rules Petition". It appears

7. Chelmowski, pro se litigant, request the right to amend or correct this filing, if it is needed[6].
8. Chelmowski, pro se litigant[7], which by federal law required only jurisdiction is over 700 miles from his residence per 47 U.S.C. § 402(b). Chelmowski is unable use a court with jurisdiction near his residence in Illinois[8], prays the court takes this location burden in consideration for this proceeding for any filings, hearings, etc. required in this case.
9. Chelmowski request upon proving his case that James Chelmowski v. AT&T Mobility LLC, 14 FCC violations and Fraudulent Concealment Scheme be remanded to a proper jurisdiction where Chelmowski will receive fair due process hearing.

Respectfully Submitted,

James Chelmowski

6650 N Northwest Hwy #300
Chicago, IL 60631
847-768-0000

November 13, 2015

AT&T was not required provide acceptable evidence in a required fact based pleading required by FCC laws and rules and FCC December 16, 2014 rules determination for this formal complaint.

[6] This policy of liberally construing pro se submissions is driven by the understanding that "[i]mplicit in the right of self-representation is an obligation on the part of the court to make reasonable allowances to protect pro se litigants from inadvertent forfeiture of important rights because of their lack of legal training." Traguth v. Zuck, 710 F.2d 90, 95 (2d Cir. 1983); see also Ruotolo v. I.R.S., 28 F.3d 6, 8 (2d Cir.1994) (recognizing that pro se litigants must be accorded "special solicitude"). See generally Jonathan D. Rosenbloom, Exploring Methods to Improve Management and Fairness in Pro Se Cases: A Study of the Pro Se Docket in the Southern District of New York, 30 FORDHAM URB. L.J. 305, 380 (2002) ("In this time of ever increasing legal costs and complexity of litigation, the pro se litigant is at an insurmountable disadvantage.").

[7] *Id.*

[8] Mapquest states that United States Court of Appeals District of Columbia Circuit is 719 miles from Chelmowski's residence and almost a 12 hour drive.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 2015, United States Court of Appeals a Petition for Review of Orders of the Federal Communications serviced by the Commission's online Electronic Comment Filing System (ECFS) in docket number 14-260 and by email to FCC Lisa Saks and FCC Michael Engle and AT&T Mobility counsel Micheal Groggin and AT&T Jacquelyne Flemming

FCC Respondents:

Federal Communication Commission
Lisa Saks lisa.saks@fcc.gov
Michael Engle michael.engle@fcc.gov

AT&T Mobility, LLC. Intervenors:

AT&T Mobility LLC (counsel)
Michael Groggin mg7268@att.com
Jacquelyn Flemming jw1196@att.com

James Chelmowski
Petitioner

11/13/15
Date