

No.18-5106

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IN THE
SUPREME COURT OF THE UNITED STATES
SHIRLEY A. STEWART,
PETITIONER

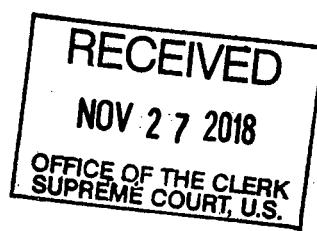
VS.

ERIC H. HOLDER, JR., ET AL.
RESPONDENT

ON PETITION FOR REHEARING TO
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
PETITION FOR REHEARING

SHIRLEY A. STEWART
1601 SOCIETY COURT
HERNDON, VA 20170

(703)774-2466



I. Question(s) Presented

- A. Did the District Court committed clear error by stating Petitioner handed over various false forms of identification, including an identification card from the “World Service Authority.?
- B. Did the District Court commit harmful error in dismissing Petitioner case as result of a traffic stop which raises questions whether Petitioner being stopped was supported by reasonable suspicions that criminal activity was afoot.?
- C. Did the District Court commit harmful error in dismissing Petitioner case when evidence shows Petitioner license was not suspended ?
- D. Did the District Court commit harmful error in dismissing Petitioner case who is a pro-se litigants who lack of counsel denies the constitutional rights of equal protection and due process a civil right to counsel ?

II. List of Parties

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:

1. Shirley A. Stewart (Petitioner)
2. United States of America (Respondent)
3. ERIC HIMPTON. HOLDER, JR.;

4. THOMAS S. WINKOWSKI;
5. EDWIN C. ROESSLER, Fairfax County Police Department;
6. STACEY KINCAID, Fairfax County Sheriff Dept.;
7. MICHAEL L. CHAPMAN;
8. JOHN F. KERRY, U.S. Department of State;
9. SARAH SALDANA, Immigration and Customs Enforcement;
10. STEPHEN HOLL, Metropolitan Washington Airports Authority;
11. B. A. PITTS, (Fairfax Sheriff), in his Personal capacity;
12. JASON S. MANYX, (U.S. Homeland Security), in his personal capacity;
13. DOUG COMFORT, (Fairfax Police), in his personal capacity;
UNITED STATES OF AMERICA;
14. JEH JOHNSON, U.S. Homeland Security

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TABLE OF AUTHORITIES CITED

CASES	PAGE
<i>Kalamazoo County Road Commission, et al. Petitioners v. Robert DeLeon, et Ux. (2015)</i>	10

Turner v. Rogers, 564 U.S. 431 (2011) is a case decided by the United States Supreme Court on June 20, 2011, that held that a state must provide safeguards to reduce the risk of erroneous deprivation of liberty in civil contempt.

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OTHER

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The Equal Protection Clause in the **Fifth** and **Fourteenth Amendments**. 5,7,8,9
Both the **5th Amendment** and the **14th Amendment** of the
US Constitution provide all citizens with equal protection of
their right to life, liberty and property.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR REHEARING

Petitioner respectfully prays that a petition for rehearing issue to review the judgments below:

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix A to the petition and is unpublished.

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

JURISDICTION

The date on which the United States Court of Appeals decided her case was January 30, 2018.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: April 3, 2018, and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of this Court is invoked under 25 U.S.C. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) 25 U.S.C. §1254(1)
- (2) 28 U.S.C. §1654
- (3) Fed R.Civ.P Rule 12(b)(6)

STATEMENT OF THE CASE

A *Pro Se* litigant should not be denied her rights under law because district courts' clerk offices appear overwhelmed with *pro se* litigation. The right to appear *pro se* in a civil matter in federal courts is defined by statute 28 U.S.C. §1654. *Equal Justice Under Law* stands firmly engraved over the pillared entrance of the United States Supreme Court Building in Washington, D.C. "Litigation involving *pro se* litigants poses distinct challenges to the equal administration of justice in the federal courts."¹ *Pro Se* litigants were responsible for more than fifty-one percent (51%) of appeals in federal court between September 2011 – September 2012. See *Administrative Office of the United States Courts, Judicial Business 2012: U.S. Court of Appeals*.

There are four fundamental issues that are presented for review: (1) whether a lower court committed clear error by stating Petitioner handed over various false forms of identification, including an identification card from the "World Service Authority, (2) whether the lower court erred in dismissing Petitioner claim as a result of a traffic stop which raises questions whether Petitioner being stopped was supported by reasonable

¹ Spence G. Park, *Providing Equal Access to Equal Justice: A Statistical Study of Non-Prisoner Pro Se Litigation in the United States District Court for the Northern District of California in San Francisco*, 48 Hastings L. J. 821 (1996-1997).

suspicious that criminal activity was afoot, (3) whether the lower court committed harmful error in dismissing Petitioner case when evidence shows Petitioner license was not suspended and (4) whether the lower court committed harmful error in dismissing Petitioner claim who is a Pro-se litigants who lack of counsel denies the constitutional rights of equal protection and due process to a civil right to counsel .

Issue I

Whether a District Court committed clear error by stating Petitioner handed over various false forms of identification, including card from the “World Service Authority.

The lower court made reference in its order to “the tortured procedural history of this case”. (Dkt. No. 116, p. 3) Petitioner states that Deputy Pitts was following Petitioner a Black American who testimony given to World Service Authority that her World Passport was confiscated by Deputy Pitts on 19, September 2013 and has yet to be returned to her. The WSA Legal Department hereby affirms the legality of the World Passport and denounces the violation of Petitioner human rights. The Warrant of Arrest issued to Petitioner by Magistrate Maria McCormick based on the sworn statements of Deputy Pitts states that Petitioner was in violation of Section 18.2-204.2 of the Code of Virginia for “possess[ing] a fictitious, facsimile, or simulated official federal, state or foreign government identification,” These claims regarding the validity

of the World Passport have no basis under Virginia state law or U.S. federal Law as neither jurisdiction has a law that identifies specifically the World Passport as illegal. The World Passport is not a fictitious form of identification because it does not claim to be issued from a false state entity, either within the United States or within a foreign government, but rather it is issued by the World Government of World Citizens administrative branch, the World Service Authority, which is legally incorporated as a non-profit organization under the laws of the District of Columbia. The World Passport is personal property of the passport holder, in this case, the Petitioner's. The arbitrary confiscation of the Petitioner's World Passport, a violation of the right to own property and not be arbitrarily deprived of it, violates the laws that the United States and the Commonwealth of Virginia are required to uphold and is an illegal act under United Nations treaties, customary international law, and United States domestic law. Even if the Government of Fairfax County of the Commonwealth of Virginia fails or refuses to accept the legal validity of the World Passport, the Government is bound to return the passport to the Petitioner's. By confiscating the World Passport indefinitely, the United States would violate the putative sovereignty of every other nation in the world. Lastly, the World Passport is not a simulated official federal, state or foreign government identification because it is not a reproduction of one of these types of identification. Rather, it is an original, legal and valid form of identification affirming the right to choose one's political allegiance to humanity as World Citizens.

Issue II

Whether the lower court erred in dismissing Petitioner claim as a result of a traffic stop which raises questions whether Petitioner being stopped was supported by reasonable suspicions that criminal activity was afoot.

The lower court made reference in its order to “the tortured procedural history of this case”. (Dkt. No 116, p.2) Deputy Pitts of the Fairfax County , Virginia Sheriff Department initially was following Petitioner, Deputy Pitts never challenged this. While waiting for Petitioner as she exited from the construction site staging area. The site visit was for a potential contract with a prime electrical company and her company would be a sub -contractor, this is a federally and state funded project. As she exited from the staging area gate, Deputy Pitts was driving at a high rate of speed on the shoulder off the main road where construction workers parked almost causing an impact with her vehicle. Deputy Pitts continue driving at a high rate of speed onto the main road. Deputy Pitts disappeared (out of sight). Ten minutes later Petitioner was on the ramp heading North toward Washington and Deputy Pitts is following her again and then this time he pulls her over stating her tags were expired. All charges were dismissed in the Fairfax County Courts except driving on a suspended license which she appeals in Fairfax County Court because license was not suspended.

III.

Whether lower court committed harmful error in dismissing Petitioner claim when evidence shows Petitioner license was not suspended.

The lower court made reference in its order to "the tortured procedural history of this case". (Dkt. No. 116, p. 2 footnote) This first traffic stop is when Deputy Pitts almost hit her vehicle when she was leaving the construction site staging area. The second traffic stop and now she is being detained by Deputy Pitts for expired tags. Petitioner first saw Deputy Pitts when she was leaving the staging area from a construction project that Petitioner had great potential in being awarded an electrical contract. There is evidence in the records that the license was not suspended. The lower court have yet to prove that Petitioner license was suspended. The lower court have yet to prove that Petitioner knew it was suspended or if the lower court can prove it was suspended but cannot prove that Petitioner knew that fact.

IV.

Whether the lower court committed harmful error in dismissing petitioner claim who is Pro se litigants who lack of counsel denies the constitutional rights of equal protection and due process.

Rights of civil litigants have always taken a subordinate position to rights of criminal defendants, at least in the constitutional sense. The "Right" to Counsel

in Civil Cases, has the lower court or the supreme court begun to recognize that in some circumstances civil litigants do in fact have a right to unfettered access to the judicial process and a right to the services of an attorney after they gain access. The Discretionary appointment of counsel in civil cases especially when Petitioner who was the defendant in an alleged criminal activity, case 1:13: MJ-605 that was dismissed with prejudice on or about December 21, 2015 in the U.S. Eastern District Court of Virginia.

REASONS FOR GRANTING THE PETITION FOR REHEARING

The Maness v. Meyers case represents an important development in the law of the right to counsel in civil litigation, since it recognized implicitly that the grounding of the requirement of appointed counsel solely on the matter of the litigation in issue (civil as opposed to criminal) is fallacious. In Maness, the Court looked to the type of issues involved and whether such issues might potentially lead to a violation or inadvertent waiver of a constitutional privilege which could be avoided by appointing counsel at the very start.

THIS MATTER SHOULD BE REVERSED AND ADDRESSED ON THE MERITS.

Additionally, it is highly unlikely that if she was represented by counsel that she would have this kind of runaround. The life of this case was tainted

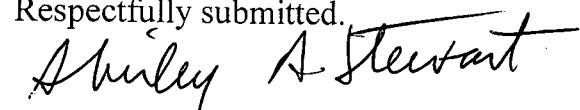
from inception, and if only on that basis the matter should be remanded for a fresh do-over!

All charges were dismissed in the Fairfax County Courts except driving on a suspended license which she appeals in Fairfax County Circuit Court because license was not suspended, clear evidence from the Department of Motor Vehicle that registration, tags was valid as well as the others articulate above, this entire case needs to be remanded for a fresh "do-over"!

CONCLUSION

The petition for a rehearing should be granted.

Respectfully submitted.



SHIRLEY A. STEWART

November 17, 2018