

# IN THE SUPREME COURT OF THE UNITED STATES

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No.

Veronica M. Johnson  
Petitioner (Plaintiff-Appellant below), *Pro se*

v.

THE COMMONWEALTH OF VIRGINIA\*;  
WILLIAM S.MOORE, JR., "under color of law"

Defendant-Appellees

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*ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT*

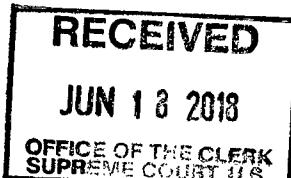
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## PETITION FOR A WRIT OF CERTIORARI

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\* THE COMMONWEALTH OF VIRGINIA was removed as a party on October 11, 2017 in UNITED STATES DISTRICT COURT-EASTERN DISTRICT OF VIRGINIA-Norfolk Division Case No. 2:17-cv-00486-AWA-RJK.

Veronica M. Johnson,  
Petitioner (Plaintiff-Appellant below), *Pro se*  
166 Yorkshire Road  
Portsmouth, Virginia 23701  
(757) 465-0348



## QUESTIONS PRESENTED

1. Is judicial immunity an affirmative defense that must be pleaded and proved by a judge when Plaintiff files a clearly stated, sufficiently documented 42 USC 1983 Complaint against a judge?
2. Whether the refusal of a sitting Circuit Court Judge to exercise his nondiscretionary, ministerial duty to ENTER an already adjudicated, uncontested spousal support judgment (for \$83,500.00) by operation of law enforcing the clear and unambiguous MANDATE contained in a Final Decree of Divorce upon a Plaintiff's written Motion (which Motion had a copy of the Final Decree of Divorce and a Sworn Affidavit of Arrearages attached) and which Final Decree of Divorce was enter by the same Court was a "judicial act" warranting "judicial immunity" when instead of acting in his "normal" capacity as a circuit court judge, taking jurisdiction to enter an Order by operation of law, dismissing Plaintiff's Motion, stating on the transcript, "You can file in juvenile court, and they will give you whatever the appropriate order is?"

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## **PETITION FOR A WRIT OF CERTIORARI**

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I, Veronica M. Johnson, Petitioner (Plaintiff-Appellant below), *pro se*, (“Johnson”) respectfully petitions for a writ of certiorari to review:

The judgment entered on September 11, 2017: UNITED STATES DISTRICT COURT-EASTERN DISTRICT OF VIRGINIA-Norfolk Division Case No. 2:17-cv-00486-AWA-RJK

As Affirmed by The FOURTH CIRCUIT COURT OF APPEALS on February 26, 2018, Case No. 17-2261,

Rehearing being denied on March 27, 2018.

## JURISDICTION

The Jurisdiction of this Court is invoked under the 14<sup>th</sup> Amendment to the Constitution of the United States.

## PARTIES TO THE PROCEEDING

Veronica M. Johnson is Petitioner (Plaintiff-Appellant below), *Pro se*

William S. Moore, Jr., Presiding Judge, Portsmouth Circuit Court ("under color of law") is the Defendant.

### RULE 11 COMPLIANCE

This petition is filed in Compliance with Rule 11.

### CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS INVOLVED

#### 1.42 USC Section 1983

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

#### 2.14<sup>th</sup> Amendment

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

#### 4. 28 USC Section 1915 (e) (2) (B) (2012)

(e)

- (1) The court may request an attorney to represent any person unable to afford counsel.
- (2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that-
  - (A) the allegation of poverty is untrue; or
  - (B) the action or appeal-

- (i) is frivolous or malicious;
- (ii) fails to state a claim on which relief may be granted; or
- (iii) seeks monetary relief against a defendant who is immune from such relief.

### STATEMENT OF THE CASE

Plaintiff/Petitioner appeared before Judge Moore on September 4, 2016 upon her written Motion to have the Court enter an uncontested, non-discretionary, spousal support judgment by operation of law for \$83,500.00 which represented over 20 (twenty) months arrearages.

Judge Moore continued the matter until October 2, 2016, AFTER having Plaintiff present her Motion and vigorously cross-examining her on the numbers in the affidavit and interrogating her about matters in a completely separate, closed legal proceedings; being unable to find any reason to deny Veronica M. Johnson's Motion, stated, in the Certified transcript and Exhibit to Veronica M. Johnsons 42 USC 1983 Complaint, "Well, come back on October 2, (2016) and the Court will give you its decision, 10:00." (transcript page 15, line10, 11, and 12.)

On October 2, 2016, Judge Moore stated, page 3, line 24-25, page 4, line 1-6 Certified transcript, Amended Verified Complaint Exhibit, " THE COURT: Ma'am, let me tell you this. I am not going to argue with you. We have been through this one time before. I am telling you I don't have jurisdiction. I am going to dismiss this, without prejudice. You can file in juvenile court, and they will give you whatever the appropriate order is."

The before stated Orders are attached as Exhibits to Veronica M. Johnson's 42 USC 1983 Amended Verified Complaint.

At 66 years old, I had to struggle to do research and channel every resource I could muster to file a Petition for a Writ of Mandamus in the Supreme Court of Virginia, Record No. 151912, myself, to try to force Judge Moore to "ACT" because I had no money for a lawyer, nearly suffering a nervous breakdown in the process, in that I was already in therapy for depression and anxiety (damages).

WHAT IF PLAINTIFF HAD NOT BEEN ABLE TO FILE A  
MANDAMUS AGAINST JUDGE MOORE HER SELF?

### PROCEEDINGS BELOW

Veronica M. Johnson, Petitioner ("Johnson") filed a Verified 42 USC 1983 Complaint against Judge Moore and the Commonwealth of Virginia on September 11, 2017: UNITED STATES DISTRICT COURT-EASTERN DISTRICT OF VIRGINIA-Norfolk Division Case No. 2:17-cv-00486-AWA-RJK

The Court entered a SHOW CAUSE Order on September 18, 2017. In response to, Plaintiff deleted the Commonwealth of Virginia as a party, and included case law exceptions to “judicial immunity” and Certified transcripts of the Portsmouth Circuit Court proceedings on September 4, and October 2, 2016, with Judge Moore’s Orders and a copy of Plaintiff’s Motion which contained a copy of the Final Divorce Decree citing the non- discretionary automatic judgment MANDATED by operation of law.

The Court dismissed Plaintiff’s AMENDED VERIFIED 42 USC 1983 claim based on “judicial immunity” (28 USC Section 1915 (e) (2) (B) (2012) by Order on October 25, 2017. Plaintiff timelyAppealed to the Fourth Circuit, which Court Affirmed the ruling of the lower Court by Order dated February 26, 2018, Case No. 17-2261, the Fourth Circuit denied rehearing by Order dated March 27, 2018.

### REASONS TO GRANT CERTIORARI

The United States Court of Appeals for the Fourth Circuit, in Affirming the Order of the United States District Court-Norfolk Division, has decided an important question of federal law in a way that conflicts with relevant decisions that this Court has made before.

This Court has previously ruled that “judicial immunity” is an affirmative defense that has to be pleaded and proved by the judge.

The nature of the rulings of this Court relative to “judicial immunity” has always been that a judge is accountable for “all” his conduct on the bench. By limiting the application of the doctrine of absolute judicial immunity, this Court has in past ruling, given effect to the principle affirmed by the Supreme Court in *Butz v. Economou*, 438 U.S. 478, 506, 98 S.Ct. 2894, 2910, 57 L.Ed.2d 895 (1978) that our system of jurisprudence rests on the assumption that all individuals, whatever their position in government, are subject to federal law:

“No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it.”(citing *United States v. Lee*, 106 U.S. 196, 220, 1 S.Ct. 240, 261, 27 L.Ed. 171 (1882)).

This PETITIONER asks this Court to consider the GREATER GOOD done in addressing these questions posed here for those who are not able to fight on

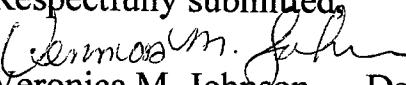
further in their own right, like me, or hire a lawyer in a case like this, when justice is denied.

PRAYER FOR RELIEF

Petitioner, Veronica M. Johnson, pro se, prays for relief as follows:

1. Reverse the ruling of the lower Court.
2. Order that "judicial immunity" is an affirmative defense that must be pleaded and proved.
3. Order that Judge Moore's conduct in refusing to take jurisdiction to ENTER the uncontested spousal support judgment by operation of law, pursuant to 14<sup>th</sup> Amendment due process, which judgment had already been adjudicated by MANDATE in the FINAL DECREE of Divorce, as moved for by Plaintiff, Veronica M. Johnson, when she came before him, was not an act "normally performed by a sitting judge" affording him "judicial immunity" in this case.
4. Order that Judge Moore's conduct, in refusing to enter judgment by operation of law on September 4, 2016 and again on October 2, 2016 deprived pro se Plaintiff of a right to property.
5. Order the lower court to serve Plaintiff's Complaint upon Defendant, and for him to file an answer commensurate with the finding of this Court that refusing to exercise his judicial duty to enter an uncontested non-discretionary spousal support judgment by operation of law on September 2, 2016 and October 4, 2016 is not an act normally performed by a sitting judge and that the "judicial immunity" defense is not available to him.
6. Order that the lower Court set a trial date before a jury, as demanded by Plaintiff in her Complaint, to decide the facts and the damages in this case.

Respectfully submitted,

  
Veronica M. Johnson, Date June 13, 2018  
Petitioner (Plaintiff-Appellant below), *Pro se*  
166 Yorkshire Road  
Portsmouth, Virginia 23701