

original

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

RUFUS JONES PRO SE ____ PETITIONER

VS.

COMMISSIONER OF SOCIAL SECURITY
MONROE COUNTY DEPT. HUMAN SERVICE__RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

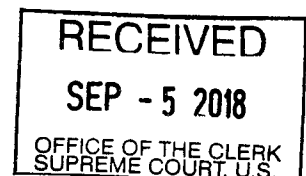
PETITION FOR WRIT OF CERTIORARI

RUFUS JONES PRO SE

150 VANAUKE ST. APT 6E

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QUESTION(S) PRESENTED

- (1) Does Social Security claimants, pursuant to Title II 42 USC 423 entitled to be paid all back payments, free from garnishments or attachments by the County or the state except child support in reference to 42 USC 407 (a). (wage earner)?
- (2) Does the state and County welfare departments have the legal writ to attach or garnish claimants Title II Social Security Benefits.?
- (3) Is all Judicial officers bound by oath to support and enforce the U.S. Constitution?
- (4) Does the Court of Appeals, District Court have to Respect the Supremacy Clause pursuant to Article VI Section (2) of the U.S. Constitution?
- (5) Do the Court of Appeals and The District Court," quoting Federal codes of conduct for U.S. Judges cannon 2(A); must respect and comply with the law Federal law, Decisional law, court rules, and codes of federal regulations?
- (6) Is approved Social Security Benefits a protected Characteristic against Discrimination in reference to the Equality Act of 2010?
- (7) Does violations of the Equality Act effects the entire Country?
- (8) Are Title II Social Security Benefits protected by the 5th Amendment to the U.S. Constitution? See (MATHEWS V. ELDRIDGE).
- (9) Does the District Court Retain Jurisdiction, after Federal Court Remand Pursuant to 42 USC 405 (g) Sentence (6)?

LIST OF PARTIES

{X} All parties appear in the caption of the case on the cover page.

{ } All list of all 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 judgement is the subject of this petition is as follows:

- (1) **United States Court of Appeals for the Second Circuit**
- (2) **United States District Court Western District Of New York**
- (3) **Commissioner of Social Security**
- (4) **Monroe County Department of Human Services**

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Court Decision **With docket sheet.**

APPENDIX B United States District Court Western District Of New York
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APPENDIX G a Copy of Garnishment by Monroe County Department of Human
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Benefits Are Protected from Creditors.

APPENDIX I A Copy of Appellant Brief filed in the Court of Appeals. P-V

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 17, 2018.

☒ No petition for rehearing was timely filed in my case.

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

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CASES

BENNENT V. ARKANSAS

485, U.S. 395, (1988)

BLUVBAND V. HECKLER

730 F2d 22, (2nd Cir. 1984)

JACKSON V. CHATER

3d. 1086, 1095, (11th Cir. 1996)

PHILPOTT V. ESSEX COUNTY WELFARE BOARD

409, U.S. 413 (1973)

MATHEWS V. ELDRIGE

442, U.S. 319, (1976)

PULLMAN STANDARD V. SWINT

456. U.S. 273 (1982)

RICHARDSON V. PERALES

402, U.S. 389, (1971)

SHALALA V. SHAEFER

509, U.S. 292 (1993)

STATUTES AND RULES

42 USC 423 Title II Insurance law (Wage Earner) Americans
that work paid into the system is legally entitled to all payments.

42 USC 407 (a) Garnishment Prevention of All Social Security Benefits law
and all Federal Benefits Employee Retirement, Railroad Retirement,

5TH AMENDMENT TO THE U.S. CONSTITUTION DUE PROCESS

Federal Rule Civil Procedure 52 Findings of FACTS and Conclusions of law

Supremacy Clause Article VI Section (2) of the U.S. Constitution

5 USC 7311 OATH OF OFFICE

EQUALITY ACT OF 2010

STATEMENT OF THE CASE

January 14, 2015 Rufus Jones Pro se Filed a complaint against the Commissioner of Social Security for Denial of Title II Insurance Benefits;

January 12, 2016 Magistrate Feldman Remanded the case to the Commissioner of Social Security to provide Claimant Due Process and a fair Hearing. February 12, 2016 claimant had a hearing with Social Security ALJ, and was awarded Benefits April 12, 2016 for Heart Disease, Kidney Disease, and Severe Hypertension. The Commissioner staff local Team 108 mailed Rufus Jones a letter stating the award of Benefits, also stating that 9,838.18 Dollars will be sent to Monroe Count Dept.(A-G) of Human Services. I Rufus Jones quickly filed objections to Monroe County claim, because according to my research, pursuant to 42 USC 407 (a) the County and the state is not a statutory beneficiary of Title II Benefits see Supreme Court case law BENNETT V. ARKANSAS 485, U.S. 395, (1988)" *quoting the State of Arkansas violated the Supremacy Clause, there is no implied exceptions the the express language of 42 USC 405 (a), and it is the clear intent of U.S. Congress that Social Security Benefits not be attachable, because the State is not a Statutory Beneficiary? See MATHEWS V. ELDRIGE 442, U.S. 319, (1976), "quoting Social Security Benefits Are Statutory created property rights protected by the 5th Amendment to the U.S. Constitution. My objections fell on deaf ears by the Appeals Council, District Court, And the Court of Appeals.*

REASONS FOR GRANTING THE PETITION

If the District Court and the Court of Appeals would respect the U.S. Constitution we would not be here. All too often court cases fall deaf ears and violations of the Constitution because lower courts think that they are above the law. Every time the court of Appeals does not follow U.S. Supreme Court Case Laws and Federal law, there promoting Tyranny and it is a threat to everyone in this Country. 42 USC 407 (a) are Federal protected Benefits that all Americans work for pursuant 42 USC 423, (WAGE EARNER); the benefits are protected by the Rule of law and the U.S. Constitution. Monroe County Department of Human Service has no Statutory Right to Rufus Jones Title II Benefits of 9,838.18, in fact? no creditors have the right to Garnish Federal Protected Benefits except child support which makes sense. See Appendix (H) Congress passed new laws in May of 2011 quoting "new Federal rule protecting benefits from Garnishment; what stands out to me, most is Federal retirement benefits this applies to all 9 Justices of the Supreme Court with all due respect, what courts are saying is that creditors can take your money when Federal employees retire, same law applies, different Type of payment. Rufus Jones prove with clear convincing evidence that Social Security Benefits are exempt from garnishment and there are no implied exceptions. See (Bennett v. Arkansas) Respectfully request the court to grant petition, this may apply to you or anyone in this Country one day, Americans cannot work for ever and because of my health I was forced to retire early.

X-III-A

REASONS FOR GRANTING PETITION

U.S. District Judge Charles Siragusa is setting a precedent(A-2) that it is ok to Violate 42 USC 407 (a) and this precedent is confirmed by the Court of Appeals for the Second Circuit. Congress passed the new laws for a reason because; local welfare agencies get paid Millions(A-H) of Dollars every year from Taxes paid by hard working people like myself, and now Monroe County Department of Human Services Garnishing Federal Benefits, getting paid twice which is clearly fraud.

The Second Circuit Court of Appeals needs a wakeup call, because they consistently dismiss Appeals without citing Findings of facts or Conclusions of Law Pursuant to Federal Rule Civil Procedure 52; they probably feel like most petition to the U.S. Supreme Court will not be granted; taking advantage of abusing the U.S. Supreme Court process. Rule 52 requires the Courts to cite legal principles of lawfulness words spoken by Justice Clarence Thomas, violation of legal principle is a violation of Due Process which should be the Court of Appeals and the District Court Job Description. If this injustice stands it will effect a lot of people (Disparate Impact) which it already has, see (Pullman standard v. Swint). This Issue is clearly discrimination against people Disability Insurance Retirement Funds, a protected Characteristic pursuant to the Equality Act of 2010, and 42 USC 407 (a).

CONCLUSIONS

The Court of Appeals for The Second Circuit and the District

Court is in Violation of (BLUVBAND V. HECKLER) this case law instructs the Courts to make sure that plaintiff pro se Rights are adequately protected from abuse. The Commissioner Attorney failed to file a response to a properly served summons and complaint, Monroe County Attorney failed to file a response in the Court of Appeals for The Second Circuit; both Defendants Defaulted in this case because they know that they are wrong. Pursuant to Federal Rule Civil Procedure 55 Plaintiff requested Default Judgement in the District court it fell on deaf ears. The District Court and The Court of Appeals for the Second Circuit, in clear in violation of plaintiff Due Process Rights in Federal Court. The Court Of Appeals and the District Court ,Partial to the Defendants promoting fraud in the Court system without any evidence to support their actions; taking Federal protected, Exempt Benefits, should be a crime, Thank you for your Considerations.

OATH OF OFFICE 5 USC 7311

"1. United states of America are a nation of laws, every Citizen whether an individual private citizen or citizen who has been placed in a position to Represent any District or any populace of citizen local or national are equally bound by the limits of the exact same laws. 2." The United states Constitution is the Supreme law of the land, meaning the entire United States as well as each and every citizen residing within the boundaries of the United States are equally subject to the laws in compliance with the Supreme law of the land." 3. U. S. District Court precedent with the support of the Court of Appeal must not stand, because it will encourage various District Courts that Federal Protected Benefits can be garnished defying U.S. Congress Intent that is supported by the Supreme Court. See (Bennett v. Arkansas). Article VI Section (2). U.S. Constitution. 4. Respectfully request that the U.S. Supreme Court set a new precedent in Reference to 42 USC 407 (a) Supreme Court in the past Ruled that violating Federal Protected Benefits violates the Supremacy Clause stated in the above Constitution Article VI also violates Oath of Office, Thank you. Respectfully.

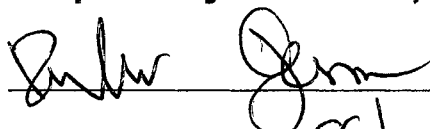
CONCLUSIONS

The Second Circuit Court of Appeals is in clear conflict with the 11th Circuit Case law JACKSON V. CHATER 3d, 1086, 1095, (11th Cir. 1996), U.S. Supreme case law SHALALA V. SHAEFER 509 U.S.292, (1993), Social Security regulation, Programs Operation Manual System (POMS), GN 03106.036 Court Remand orders because the decision by the ALJ was partially favorable (A-E) to claimant " quoting The District Court Retains Jurisdiction over those cases Remanded under sentence 6"; in cases where the new and final decision of the Commissioner is either partially favorable or unfavorable to the claimant. "The main reason for dismissal of this complaint and Appeal is Jurisdiction. This is in reference to District Court Docket Number 15-CV-6022, the beginning of this case. See 42 USC 405 (g) sentence (6). Thank you. Respectfully.

CONCLUSION

The petition for writ of certiorari should be granted

Respectfully Submitted,



Date 8/2/18

XIII-A