

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Victor Dewayne White — PETITIONER
(Your Name)

VS.

ECTOR COUNTY APPRAISAL DISTRICT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

TEXAS SUPREME COURT NO. 18-0122
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

VICTOR DEWAYNE WHITE
(Your Name)

Michael Unit 2664 FM, 2054
(Address)

Tennessee Colony, Texas 75886
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

NO. ONE

Did the Texas Courts abuse thier descretion when they ruled contrarily to established Federal Law, or as now Rule contrary to this Honorable Court's Ruling in California v. LaRue, when the lower-court's clearly lacked subject-matter jurisdiction?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ 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:

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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 _____ 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☐ is unpublished.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 _____ 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☐ is unpublished.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 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☒ is unpublished.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 _____ 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☐ is unpublished.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 _____.

☐ 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 May 4, 2018.
A copy of that decision appears at Appendix Sent white card to clerk Harris with request for extention to Nov. 4, 2018.

☐ 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

UNITED STATES CONSTITUTION;FOURTEENTH AMENDMENT

"Section 1. 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 where-in 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.

Section 2. In pertinent part...

But when the right to vote at any election for the choice of electors for President and Vice-President of eh United States,Representatives in Congress,the Executive and Judicial officers of a state,or members of the Legislature thereof, is denied to any citizen of the United States,or in any way abridged,except for participation on rebellion,or other crime,..."

VERNON'S

TEXAS CONSTITUTION, ARTICLE I,§ 19 DUE PROCESS

" No citizen of this state shall be deprived of life,liberty,property,privileges or immunities or in any manner disinfranchised, except by the due process of the law of the land."

VERNON'S TEXAS CODES ANNOTATED,RULES OF CIVIL PROCEEDURE,RULE 21(a) IN PART:

"Every pleading...must be filed with the clerk of the court...must state grounds...must set forth relief...and at the same time must be served on all parties,and must be noted on the docket."

RULE 663a

"...There shall be prominently displayed on the face of the copy of the writ served on the defendant,in ten-point type and in a manner calculated to advise a reasonably attentive person of its contents,the following:

"You are hereby notified that certain properties owned by you have been garnishe. If you claim any rights to such property you are advised:

YOU HAVE A RIGHT TO REGAIN POSSESSION OF HE PROPERTY BY FILING A REPLEVY BOND. YOU HAVE A RIGHT TO SEEK TO REGAIN POSSESSION OF THE PROPERTY BY FILING WITH THE COURT A MOTION TO DISOLVE THIS WRIT."

STATEMENT OF THE CASE

Respondents Ector County Appraisal District sought foreclosure on Petitioner's homestead of 24 years by filing a fraudulent document with the Ector County District Clerk's office titled Ector Co. App. Dist. v. Victor Downey White et al, 1087, that failed to have the required NOTICE pursuant to Vernon's revised civil procedure, rule 663a and was not logged on the docket as required pursuant to Vernon's revised civil procedure, rule 21(a) on October 22, 2010.

Petitioner was arrested on September 18, 2010 after a 23 hour stand-off. He always paid his taxes and this suit was unreal.

A second fraudulent lien was filed on October 22, 2010. Titled Amended Complaint or Petition claiming taxes for March and April of 2012? without being logged on the docket in violation of rule 663a, Supra.

Petitioner was tried, convicted and sentenced with sentence begin date of September 18, 2010 and thereafter transferred to Texas Dept. of Criminal Justice.

On November 19, 2010 Petitioner's twin brother Richard White of Fort Wayne, Indiana was working on paying the back taxes and planned to keep them paid until he was acquitted of these fictitious charges. (By David A. Johnson at the Odessa American at <http://www.oaoa.com/common/printer/view.php?db=odessa&id=5675>)

On December 8, 2016 Petitioner wrote to Janis Morgan the Ector County District Clerk to get a copy of the Judgment Order as he had no way to know Brother paid Taxes until later!

December 23, 2016 Petitioner received "order setting hearing" for January 23, 2017 filed on December 19, 2016!

Petitioner immediately filed a Motion to Dismiss, for 3 year limitation had expired; Petitioner filed October 22, 2010 claiming 2012 Taxes and it was not logged nor had the requisite notice in violation of Rule 21(a) and 663a supra. and further it was a deceptive trade practice under uniform commercial code § 17.42 and Petitioner was a convicted felon and was exempt from taxation

STATEMENT OF THE CASE

after September 18,2010 until he discharges his sentences under Texas Statute.

Petitioner received no ruling on his motion,yet,received Judgment for Taxes for 2011 thru 2016(No prior notice,no opportunity to respond.The original fraudulent petition was for Taxes from 1995 until 2010!) on February 2, 2017,Petitioner filed Notice of Appeal immediately.

Petitioner was assigned Appellate No. 11-17-00059-CV from the Texas Eleventh(11th) Court of Appeals on March 29,2017.Petitioner received the clerk's record and reporter's record on May 8,2017 and was shocked. None of the listed documents were listed on the docket as can be seen by the record and petitioner saw for the first time the respondents "Petitioners First Amended Petition" that was remarkably filed four(4) years and eight(8) months after the first fraudulent filing.(All evidence presented herein contained in petitioner's writ of Quo Warranto in the in the Appellate court records). Yet,it was filed miraculously twenty-two(22) days before petitioner wrote the clerk on December 8,2016? then filed motion for "order setting heraing" on December 15,2016, (7) days after petitioner brought attention to the case CC-10,128T which had no prior movement for almost five(5) years? Petitioner believes to this day that the clerk Janis Morgan notified the respondents after she received petitioners letter between Dec. 10 & 12,2016 and then when presented back dated the filing to show it was filed prior to reciving petitioner's letter. Thats why its NOT ON THE DOCKET clerk just filed stamped the motion for hearing on the fifteenth (15th) of December 2016.Dirty pool! yet forgot to log the entry.

Judge Bobo had no vested subject-matter jurisdiction to entertain case No. CC-10,128T. It did not comply with Texas Law so petitioner filed his writ of Quo Warranto instead of an appellate brief claiming:Lack of Subject-Matter Jurisdiction and Conspiracy

STATEMENT OF THE CASE

to deprive petitioner from his rights to due process; to be secure in his papers, home, land and the pursuit of happiness.

The Eleventh (11th) Court of Appeals affirmed on December 14, 2017. Petitioner filed Notice of Appeal on December 22, 2017. Petitioner filed for extension of time to file his petition for review to the Texas Supreme Court on February 5, 2018. Texas Supreme Court Granted Motion for Extension of time to March 30, 2018. Petitioner mailed petition for review on March 26, 2018. Petition denied and received by petitioner on June 1, 2018, No. 18-0122.

Petitioner being a layman in the area of law asks this Honorable Court to give him leeway under *Haines v. Kerner*, 404 U.S. 59, 30 L.Ed. 2d 652, 92 S.Ct. 594 (Jan. 13, 1972) and understand his inadvertent filing to the Texas Supreme Court without the required mandate from the Texas 11th court of appeals. (see Appendix A).

Petitioner request an extension of time from this Honorable court on June 3, 2018 and received the extension from Justice Alito on July 3, 2018 to October 1, 2018.

Petitioner received the mandate from the 11th Court of Appeals on July 25, 2018 and at which time petitioner knew he filed falsely from 11th court of appeals, the highest court in Texas for a civil matter in the county court so he now filed this Writ of Certiorari to this Honorable Court, to correct the abuse of the Texas Courts in this matter.

REASONS FOR GRANTING THE PETITION

QUESTION NO. 1

To vest subject-matter jurisdiction in any given court there must be filed a valid complaint, petition, motion or appeal. This Court addressed this issue in a number of criminal cases where the proper indictment lacked the requisite language to charge a valid offense such as *Ex parte Bain*, 7 S.Ct. 781, 787 (1887); *Macklin v. United States*, 117 U.S. 348 (1886) and *Ekhlu Saku* in 1015. Without the proper valid filed document there is no vested subject-matter jurisdiction. The document originally filed in case No. CC-10,128T in the Ector County District Clerk's Office lacked the requisite Notice to file reply Bond and failed to be logged on the docket. Claimed Taxes for 2012, yet states its file date is October 22, 2010? There can be no due process or equal protection of the laws in a situation such as this.

The original, filed many times without claiming to be an "Amended Complaint" lacking the requisite language of rule 663a nor logged on the docket under rule 21(a) Supra. This is a fraudulent document and filed in violation of the uniform commercial code § 17.42 (same under Tex. Business & Commerce Code) as such have been procedurally defaulted and dismissed by Judge Bobo yet he found for respondents and denied petitioner his right to due process and equal protection and thus violated this Honorable Court's rulings in the afore mentioned cases, plus Judge Bobo dismissed the original void complaint on assessment of 1995 thru 2010 taxes yet without subject-matter jurisdiction breathed air back into the dismissed case and ruled on 2011 thru 2015 cases, as presented in the first amended petition.

Further under the Fourteenth (14th) Amendment Section two petitioner became exempt from taxation upon his conviction of his crime prior to the filing of the amended complaint on November 18, 2016. Since petitioner sentence begin date is September 18, 2010, Judge Bobo again lacked subject-matter jurisdiction

REASONS FOR GRANTING THE PETITION

as petitioner was now a non-resident alien and exempt under policy No. 216, supplement A-NonResident Alien Individuals, section 211(a),(b) of the Revenue Act of May 10, 1934 and section 2 of the 14th Amendment, Supra.

Subject-Matter cannot be consented to by the parties. **California v. Larue**, 409 U.S. 109, 112 N.3, 93 S.Ct. 390, 34 L.Ed. 2d 342 (1972). Jurisdiction may be concisely stated to be the right to adjudicate concerning the subject-matter in a given case. Unless the power or authority of a court to perform a contemplated act can be found in the constitution or laws enacted thereunder, it is without jurisdiction and its acts without validity.

Vernon's Texas Codes Annotated, Rules of Civil Procedure, Rule 663a is a mandatory requirement set by the Texas Legislature for the Garnishment of Delinquent Ad Valorem Taxes and the clearly states:

"...shall be prominently displayed on the face of the copy served on the defendant..."

yet, as can be seen by petitioners Quo Warranto (in the record of the 11th court of appeals of Texas & the Texas Supreme Court) not one of the petitions filed by the respondents has this mandatory required NOTICE "on the face" of any of the writs/petitions filed in Cause No. CC-10,128T and only one(1) is the Title Document of the Clerk's Docket. The record speaks for itself in the instant case and the 11th court of Appeals of Texas and the Texas Supreme Court abused their discretion when they refused to grant petitioner writ of Quo Warranto and ruled contrary to Texas Civil procedure's mandatory required notice on the face of the original petition and in so doing, denied petitioner his right to due process under section 1 of the 14th amendment

REASONS FOR CRANTING THE PETITION

to the U.S. Constitution as it applies to the states, and the Texas Constitution, Art I § 19, and allowed Judge Bobo to proceed without subject-matter jurisdiction authority to act in any manner thers than one of dismissal because all the below courts violated petitioner constitutional rights tand caused greivous harm or injury they ruled contrary to *In Re Sawye*, 24 U.S. 200 (1888) and *Hafer v. Melo*, 502 U.S. 21 and are liable and have no immunity when violating a constitutional right...for they are deemed to know the law.

The judgment in case No. CC-10,128T on January 23, 2017 is void and withut authority and the rulings by the lower courts should be reversed and the case dismissed with prejudice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Victor Duwayne White
#1835870

Date: September 21, 2018