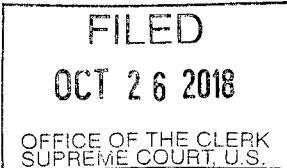


18-6628
No. 18-6628



IN THE
SUPREME COURT OF THE UNITED STATES

Cornelius Clemons — PETITIONER
(Your Name)

vs.
Governor John Kasich ^(official capacity) — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ohio Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Cornelius S. Clemons
(Your Name)

1280 Norton Avenue
(Address)

Columbus, Ohio, 43212
(City, State, Zip Code)

(614) 816-3416
(Phone Number)

QUESTION(S) PRESENTED

(1) Whether, pursuant Cornelius Clemons demand in the proceeding of Mandamus, under his 42 U.S.C. Section 1981's "same right" in enforcing contract for the security of his property, as secured by COTUS Fifth Amendment; does Governor John Kasich, in his official capacity, as in accordance with COTUS Fourteenth Amendment, have the ministerial duty to provide Cornelius Clemons with the security of his \$2,868,752.00 monetary property conveyed to Cornelius Clemons under Ohio Constitution Article II Section 35, for which said property conveyed to Cornelius Clemons under Ohio Constitution Article III Section 35 is presently under the dominion and control of Governor John Kasich, in his official capacity, and the State of Ohio?

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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OTHER

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 is unpublished.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 is unpublished.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 State of Ohio ex rel Clemmons v. Governor Kasich No. 2018-701, Judgment (Aug 1, 2018); or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Ohio Supreme Court court

- appears at Appendix A to the petition and is
 reported at State of Ohio ex rel Clemmons v. Kasich No. 2018-701, Judgment (Aug 1, 2018); 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 Aug. 1 2018. A copy of that decision appears at Appendix 4.

[] 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

COTUS Article I SECTION. 10

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

COTUS Article IV SECTION. 2

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

COTUS Article VI

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States shall be bound by Oath or Affirmation to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

COTUS Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

COTUS Amendment V's Magna Carta Chapter 29

"We will sell to no man, we will not deny or defer to any man either justice or right"

"And therefore, every subject of this realme, for injury done to him *in bonis, terris, vel persona*, by any other subject, be he ecclesiasticall, or temporall, free, or bond, man, or woman, old, or young, or be he outlawed, excommunicated, or any other without exception, may take his remedy by the course of the law, and have justice, and right for the injury done to him, freely without sale, fully without any deniall, and speedily without delay." See Klopfer v. North Carolina, 386 US 213, 224 S.Ct. (1967).

COTUS Amendment IX

The enumeration in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

COTUS Amendment X

The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people.

COTUS Amendment XIII

SECTION 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2.

Congress shall have power to enforce this article by appropriate legislation.

COTUS Amendment XIV

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 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.

SECTION 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Equal Rights 42 U.S.C. § 1981

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) Protection against impairment

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

Ohio Constitution Article IV § 2(B)(1)(b &f)

(B)(1) The Supreme Court shall have original jurisdiction in the following:
(b) Mandamus;
(f) In any cause on review as may be necessary to its complete determination;

Ohio Constitution Article IV § 2(C)

(C) The decisions in all cases in the Supreme Court shall be reported together with the reasons therefor.

Ohio Constitution Article IV § 3

(3) No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the Supreme Court.

Ohio Constitution Article II § 35

For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a state fund to be created by compulsory contribution thereto by employers, and administered by the state, determining the terms and conditions upon which

payment shall be made therefrom. Such compensation shall be in lieu of all other rights to compensation, or damages, for such death, injuries, or occupational disease, and any employer who pays the premium or compensation provided by law, passed in accordance herewith, shall not be liable to respond in damages at common law or by statute for such death, injuries or occupational disease. Laws may be passed establishing a board which may be empowered to classify all occupations, according to their degree of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto. Such board shall set aside as a separate fund such proportion of the contributions paid by employers as in its judgment may be necessary, not to exceed one per centum thereof in any year, and so as to equalize, insofar as possible, the burden thereof, to be expended by such board in such manner as may be provided by law for the investigation and prevention of industrial accidents and diseases. Such board shall have full power and authority to hear and determine whether or not an injury, disease or death resulted because of the failure of the employer to comply with any specific requirement for the protection of the lives, health or safety of employees, enacted by the General Assembly or in the form of an order adopted by such board, and its decision shall be final; and for the purpose of such investigations and inquiries it may appoint referees. When it is found, upon hearing, that an injury, disease or death resulted because of such failure by the employer, such amount as shall be found to be just, not greater than fifty nor less than fifteen per centum of the maximum award established by law, shall be added by the board, to the amount of the compensation that may be awarded on account of such injury, disease, or death, and paid in like manner as other awards; and, if such compensation is paid from the state fund, the premium of such employer shall be increased in such amount, covering such period of time as may be fixed, as will recoup the state fund in the amount of such additional award, notwithstanding any and all other provisions in this constitution.

Ohio Rev. Code § 4123.74

Employers who comply with section 4123.35 of the Revised Code shall not be liable to respond in damages at common law or by statute for any injury, or occupational disease, or bodily condition, received or contracted by any employee in the course of or arising out of his employment, or for any death resulting from such injury, occupational disease, or bodily condition occurring during the period covered by such premium so paid into the state insurance

fund, or during the interval the employer is a self-insuring employer, whether or not such injury, occupational disease, bodily condition, or death is compensable under this chapter.

Ohio Rev. Code § 1343.03 (A & B)

(A) In cases other than those provided for in sections 1343.01 and 1343.02 of the Revised Code, when money becomes due and payable upon any bond, bill, note, or other instrument of writing, upon any book account, upon any settlement between parties, upon all verbal contracts entered into, and upon all judgments, decrees, and orders of any judicial tribunal for the payment of money arising out of tortious conduct or a contract or other transaction, the creditor is entitled to interest at the rate per annum determined pursuant to section 5703.47 of the Revised Code, unless a written contract provides a different rate of interest in relation to the money that becomes due and payable, in which case the creditor is entitled to interest at the rate provided in that contract.

(B) Except as provided in divisions (C) and (D) of this section and subject to section 2325.18 of the Revised Code, interest on a judgment, decree, or order for the payment of money rendered in a civil action based on tortious conduct or a contract or other transaction, including, but not limited to a civil action based on tortious conduct or a contract or other transaction that has been settled by agreement of the parties, shall be computed from the date the judgment, decree, or order is rendered to the date on which the money is paid and shall be at the rate determined pursuant to section 5703.47 of the Revised Code that is in effect on the date the judgment, decree, or order is rendered. That rate shall remain in effect until the judgment, decree, or order is satisfied.

STATEMENT OF THE CASE

On May 18, 2018, in accordance with Ohio Constitution Article IV §§ (2 & 3), and pursuant the Original Mandamus jurisdiction of the Ohio Supreme Court; Cornelius Clemons, as Relator, petitioned the Ohio Supreme Court, under United States Revised Statute § 1977 (hereinafter 42 U.S.C. § 1981), for a Writ of Mandamus to compel Governor John Kasich, in official capacity, as Respondent, to make payment of Relator's property, owed Cornelius Clemons under contract of Ohio Constitution Article II § 35, to Relator; pursuant Relator's COTUS Fifth Amendment Rights of: acquisition of his property; possession of his property; and having an opportunity of being heard at a meaningful time and in a meaningful manner [169 US 366 (1891)] Holden v. Hardy, (Id. 390 & 391) and [380 US 545 (1965)] Armstrong v. Manzo, (Id. 552); as such are applicable in Relator's 42 U.S.C. § 1981 "same right" to enforce contract for the security of his property; and as such is also made applicable in demanding a Ministerial Duty upon Respondent in providing Relator with the security of Relator's property that is under the dominion of the Respondent; pursuant COTUS Fourteenth Amendment's State Inhibitions.

On June 14, 2018, Governor John Kasich, in official capacity, as Respondent, through his legal counsel Motioned the Ohio Supreme Court to dismiss Relator's Mandamus Complaint pursuant, under color of law, Legal Precedence and otherwise legal authority in denouncing Relator's 42 U.S.C. § 1981 and COTUS Fifth Amendment rights to enforce contract for the security of property in Mandamus proceeding against Respondent. Respondent did not controvert the material facts supporting Relator's claim for relief; but instead provided affirmation of the material facts.

On June 22, 2018, Relator filed a Motion to Strike the Motion to Dismiss of Respondent as unconstitutional, unjust, and else-wise impermissible as previously supported by the Memorandum in Support of Mandamus. Relator relied upon COTUS Article I § 10 Clause 1 (Contract Clause); COTUS Article VI § 2 Clause; COTUS Fifth Amendment's Due Process Immunity; COTUS Fourteenth Amendment § 1's State Inhibitions; Federal Statute 42 U.S.C. § 1981; the authority of [109 US 3 (1883)] United States v. Stanley, (Id. 16-18); the authority of [427 US 160 (1976)] Runyon v. McCrary et al., (Id. 195 & 203); the authority of [292 US 571 (1934)] Lynch v. United States, (Id. 579 & 580); and the authority of [245 US 60 (1917)] Buchanan v. Warley, (Id. 74 &78), to conclude that Governor John Kasich, in his official capacity, as Respondent; nor the Ohio Supreme Court had the authority to deny Relator's 42 U.S.C. §

1981 demand for the security of his property in the enforcement of contract of Ohio Constitution Article II § 35 in Mandamus proceeding pursuant COTUS Fourteenth Amendment Section I'(s) State Inhibitions.

On August 1, 2018, the Ohio Supreme Court dismissed Relator's Mandamus complaint upon the motion of Respondent Governor John Kasich. Whereas the actions of the Respondent in having motioned the Ohio Supreme Court upon unjust and unconstitutional cause has trespassed the Petitioner personal and property rights, for which has caused him the deprivation of his property without due process of law since the date of the judgment of the Ohio Supreme Court; Petitioner specifically requests that his Magna Carta Chapter 29 rights as explicated in the authority of [386 US 213 (1967)] Klopfer v. North Carolina, (Id. 224) be afforded him in consideration of this Writ of Certiorara; along with providing Petitioner with other appropriate relief pursuant O.R.C. 1343.03 (A) & (B) for which provides for interest upon the Petitioner's property that has been unlawfully withheld from Petitioner due of Respondent's unconstitutional and unjust pleading in Ohio Supreme Court case no. 2018-701; for which resulted in trespass upon Petitioner's person and property rights.

REASONS FOR GRANTING THE PETITION

In Ohio Supreme Court case no. 2018-701, Petitioner Cornelius Clemons' personal right of; COTUS Fifth Amendment's Due Process of Law Immunity from deprivation of property without due process of law; was trespassed by Governor John Kasich (official capacity) and the Ohio Supreme Court. Pursuant Magna Carta Chapter 29 as explicated in *Klopfer v. North Carolina* at paragraph 224, this Court shall not deny, delay, nor withhold in anyway; the complete execution of right and justice to Petitioner from the trespass committed against him. Pursuant COTUS Fifth Amendment's Due Process of Law Immunity from deprivation of property without due process of law; this Court is obliged to provide Petitioner with relief of Writ of Certiorari in accordance with rule of law of Magna Carta Chapter 29; so as to end the trespass of Petitioner's property rights; and thus to provide Petitioner with the security of his property; in protection of Petitioner's basic civil Right for which is an essential precondition to realization of his other basic civil rights. See Lynch v. Household Finance Corp., 405 US 538, 544 S.Ct. (1972). With the Petitioner being without the possession of his property; he is unable to proceed with the great majority of all his civil liberties; and to inform Petitioner that he must overcome the difficulties associated with proceeding in the District

Court for Remedy of the Wrong promulgated against him; would be a denial of Justice.

Magna Carta Chapter 29, as the root of COTUS Fifth Amendment, states and is explicated as, “"We will sell to no man, we will not deny or defer to any man either justice or right; And therefore, every subject of this realme, for injury done to him *in bonis, terris, vel persona*, by any other subject, be he ecclesiasticall, or temporall, free, or bond, man, or woman, old, or young, or be he outlawed, excommunicated, or any other without exception, may take his remedy by the course of the law, and have justice, and right for the injury done to him, freely without sale, fully without any deniall, and speedily without delay." See Klopfer v. North Carolina, 386 US 213, 224 S.Ct. (1967).

Governor John Kasich and the Ohio Supreme Court forsook their oath and affirmation pursuant COTUS Article VI of upholding the United States Constitution and also disregarded this United States Supreme Court's holding in Buchanan v. Warley [245 US 60 (1917)] at paragraphs (74 & 78) providing; “The Federal Constitution and laws passed within its authority are by the express terms of that instrument made the supreme law of the land. The Fourteenth Amendment protects life, liberty, and property from invasion by the States without due process of law. Property is more than the mere thing which a person owns. It is elementary that it includes the right to acquire, use,

and dispose of it. The Constitution protects these essential attributes of property. Holden v. Hardy, 169 U.S. 366, 391. Property consists of the free use, enjoyment, and disposal of a person's acquisitions without control or diminution save by the law of the land"; "Again this court in Ex parte Virginia, 100 U.S. 339, 347, speaking of the Fourteenth Amendment, said:" "Whoever, by virtue of public position under a State government, deprives another of property, life, or liberty, without due process of law, or denies, or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State". See Buchanan v. Warley, 245 US 60, 74 & 78 S.Ct. (1917). In disregard of Buchanan v. Warley, and their oaths and affirmations; John Kasich and the Ohio Supreme Court has injured Petitioner in his Rights of Person and Property. Now presently, this United States Supreme Court is called upon; to set straight purposeful discrimination against the Petitioner, without having him suffer burdensome affliction beyond previously experienced; in order to have the exercising of just administration.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John H. Moore".

Date: Oct. 25, 2018