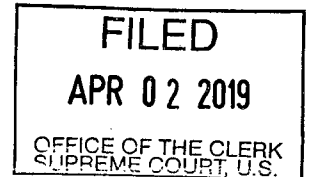


ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

No. 18-8710



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

v.

THE SOCIAL SECURITY ADMINISTRATION
Defendant-Appellee

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

PETITION FOR A WRIT OF CERTIORARI

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

QUESTIONS PRESENTED

1. Whether the United States District Court had jurisdiction to make a 14th /5th Amendment due process declaration of rights pursuant to the Declaratory Judgment Complaint filed by Petitioner, pro se, when the SOCIAL SECURITY ADMINISTRATION had refused to execute a LIEN duly served upon the SOCIAL SECURITY ADMINISTRATION by the local Sheriff's Department directing the SOCIAL SECURITY ADMINISTRATION to liquidate the current monthly SOCIAL SECURITY ADMINISTRATION Payment Benefit Entitlement of Petitioner's ex-spouse to satisfy a spousal support judgment?
2. Whether the refusal of the United States District Court Judge to compel the SOCIAL SECURITY ADMINISTRATION to produce the Certified Administrative Record of a spousal support judgment debtor as "relevant evidence," to allow Petitioner to prove the existence and value of a spousal support judgment debtor's readily liquidatable current monthly SOCIAL SECURITY ADMINISTRATION Payment Benefit Entitlement "asset" as authorized by 42 USC 659 (a) and (b) upon Petitioner's Motion for Production, Motion to Compel, and the law of Local Rule 7 (c) violated Petitioner's 14th Amendment right to due process and Fundamental Fairness in a Court proceeding?

3. Whether the United States District Court's misrepresentation of Petitioner's Declaratory Judgment issue in her FINAL ORDER, as enforcement a "moot" spousal support "Garnishment Order" as opposed to a Declaratory Judgment Complaint to declare Petitioner's 14th Amendment due process rights, was in violation of 14th Amendment substantive due process?

LIST OF PARTIES

All parties appear on the caption of the case on the cover sheet.

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Dated November 19, 2018
unpublished

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unpublished

APPENDIX G. REMOVAL OF PETITIONER'S STATE COURT SPOUSAL SUPPORT ENFORCEMENT PROCEEDING TO US DISTRICT COURT BY THE UNITED STATES ATTORNEY STATING THE AUTHORITY OF 28 USC

**1331 and 28 USC 1442 (a) (1), U S DISTRICT Case No 18cv-mc-00005, FINAL
ORDER at APPENDIX H**

APPENDIX H. Decision of U S District Judge Entered August 7, 2018

In Case No 18cvmc-00005, **THE REMOVAL OF PETITIONER'S SPOUSAL
SUPPORT ENFORCEMENT PROCEEDING FROM STATE COURT TO
UNITED STATES DISTRICT COURT** wherein the United States District Court
Judge "quashed" Petitioner's SHOW CAUSE for the SOCIAL SECURITY
ADMINISTRATION to answer for their refusal to execute the LIEN placed by the
Portsmouth Sheriff's Department requiring the SOCIAL SECURITY
ADMINISTRATION to liquidate the current monthly SOCIAL SECURITY
ADMINISTRATION payment Benefit Entitlement of a spousal support debtor to
satisfy the spousal support judgment of Petitioner
AND
which Order **dismissed Petitioner's spousal support proceeding** which was
removed from the Portsmouth Circuit Court by the United States Attorney on
March 27, 2017 citing no legal authority.

**APPENDIX I. Copy of SOCIAL SECURITYADMINISTRATION Record of
spousal support judgment debtor, Christopher Lee Johnson, showing his SOCIAL
SECURITY Benefit Payment Entitlement as of July 20, 2010.**

APPENDIX J SOCIAL SECURITY ADMINISTRATION Refusal to Execute

LIEN to enforce Petitioner's spousal support judgment

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<i>Deference and Due Process</i> , 1. 129 Harv. L. Rev. 1890 (2016).	15
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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 judgments
below

OPINIONS BELOW

The Opinion of the United States court of appeals appears at **APPENDIX A** and it
is unpublished

The Opinion of the United States district court appears at **APPENDIX B** and it is
unpublished

JURISDICTION

The date on which the United States Court of Appeals decided my case was
November 19, 2018.

A timely petition for rehearing was denied by the United States Court of Appeals
on **January 22, 2019** and a copy of the Order denying rehearing appears a

APPENDIX F

CONSTITUTIONAL AND STATUTORY PROVISIONS

RELEVANT AUTHORITIES

14th 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 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.

5th Amendment:

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 offense 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.

42 U.S. Code § 659 –

Consent by United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligation.

(a) Consent to support enforcement

Notwithstanding any other provision of law (including section 407 of this title and section 5301 of title 38), effective January 1, 1975, moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the United States or the District of Columbia (including any agency, subdivision, or instrumentality thereof) to any individual, including members of the Armed Forces of the United States, shall be subject, in like manner and to the same extent as if the United States or the District of Columbia were a private person, to withholding in accordance with State law enacted pursuant to subsections (a)(1) and (b) of section 666 of this title and regulations of the Secretary under such subsections, and to any other legal process brought, by a State agency administering a program under a State plan approved under this part or by an individual obligee, to enforce the legal obligation of the individual to provide child support or alimony.

(b) Consent to requirements applicable to private person

With respect to notice to withhold income pursuant to subsection (a)(1) or (b) of section 666 of this title, or any other order or process to enforce support obligations against an individual (if the order or process contains or is accompanied by sufficient data to permit prompt identification of the individual and the moneys involved), each governmental entity specified in subsection (a) shall be subject to the same requirements as would apply if the entity were a private person, except as otherwise provided in this section.

(c) Designation of agent; response to notice or process

(1) Designation of agent—The head of each agency subject to this section shall—

(A)

designate an agent or agents to receive orders and accept service of process in matters relating to child support or alimony; and

(B)

annually publish in the Federal Register the designation of the agent or agents, identified by title or position, mailing address, and telephone number.

(2) Response to notice or process—If an agent designated pursuant to paragraph (1) of this subsection receives notice pursuant to State procedures in effect pursuant to subsection (a)(1) or (b) of section 666 of this title, or is effectively served with any order, process, or interrogatory, with respect to an individual's child support or alimony payment obligations, the agent shall—

(A)

as soon as possible (but not later than 15 days) thereafter, send written notice of the notice or service (together with a copy of the notice or service) to the individual at the duty station or last-known home address of the individual;

(B)

within 30 days (or such longer period as may be prescribed by applicable State law) after receipt of a notice pursuant to such State procedures, comply with all applicable provisions of section 666 of this title; and

(C)

within 30 days (or such longer period as may be prescribed by applicable State law) after effective service of any other such order, process, or interrogatory, withhold available sums in response to the order or process, or answer the interrogatory.

(d) Priority of claims—If a governmental entity specified in subsection (a) receives notice or is served with process, as provided in this section, concerning amounts owed by an individual to more than 1 person—

(1)

support collection under section 666(b) of this title must be given priority over any other process, as provided in section 666(b)(7) of this title;

(2)

allocation of moneys due or payable to an individual among claimants under section 666(b) of this title shall be governed by section 666(b) of this title and the regulations prescribed under such section; and

(3)

such moneys as remain after compliance with paragraphs (1) and (2) shall be available to satisfy any other such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.

(e) No requirement to vary pay cycles

A governmental entity that is affected by legal process served for the enforcement of an individual's child support or alimony payment obligations shall not be required to vary its normal pay and disbursement cycle in order to comply with the legal process.

(3) Alimony

(A) In general

The term “alimony”, when used in reference to the legal obligations of an individual to provide the same, means periodic payments of funds for the support and maintenance of the spouse (or former spouse) of the individual, and (subject to and in accordance with State law) includes separate maintenance, alimony pendente lite, maintenance, and spousal support, and includes attorney’s fees, interest, and court costs when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction.

**42 U.S.C. § 666 - U.S. Code -Title 42. The Public Health and Welfare § 666.
Requirement of statutorily prescribed procedures to improve effectiveness of
child support enforcement**

(a) Types of procedures required

In order to satisfy section 654(20)(A) of this title, each State must have in effect laws requiring the use of the following procedures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part:

(1)(A) Procedures described in subsection (b) of this section for the withholding from income of amounts payable as support in cases subject to enforcement under the State plan.

(B) Procedures under which the income of a person with a support obligation imposed by a support order issued (or modified) in the State before January 1, 1994, if not otherwise subject to withholding under subsection (b) of this section, shall become subject to withholding as provided in subsection (b) of this section if arrearages occur, without the need for a judicial or administrative hearing.

42. USC. Code § 407 - Assignment of benefits:

(a)

The right of any person to any future payment under this subchapter shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

(b) Amendment of section

No other provision of law, enacted before, on, or after April 20, 1983, may be construed to limit, supersede, or otherwise modify the provisions of this section except to the extent that it does so by express reference to this section.

42 USC 1306

Disclosure of information in possession of Social Security Administration or Department of Health and Human Services

(a)

Disclosure prohibited; exceptions

(1)

No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code [of 1939], or under regulations made under authority thereof, which has been transmitted to the head of the applicable agency by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the head of the applicable agency or by any officer or employee of the applicable agency in the course of discharging the duties of the head of the applicable agency under this chapter, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the head of the applicable agency or from any officer or employee of the applicable agency, shall be made except as the head of the applicable agency may by regulations prescribe and **except as otherwise provided by Federal law**. Any person who shall violate any provision of this section shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not exceeding \$10,000 for each occurrence of a violation, or by imprisonment not exceeding 5 years, or both.

28 U.S. Code§ 1331. Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 USC § 1442. Federal officers or agencies sued or prosecuted

(a)

A civil action or criminal prosecution that is commenced in a State court and that is against or directed to any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1)

The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue

STATEMENT OF THE CASE

Sixty –six year old spousal support Judgment debtor, Christopher Lee Johnson had not signed up to be paid his “current” monthly SOCIAL SECURITY ADMINISTRATION Payment Benefit Entitlement as of October 30, 2017. Since there was no ongoing check payment from the SOCIAL SECURITY ADMINISTRATION to spousal support judgment debtor, there was no check upon which to execute the “MOOT” garnishment order that had been entered by the Portsmouth Circuit Court.

Alternatively, since common sense says that you cannot garnish a check if there is no check, in order to proceed to collect on Petitioner’s spousal support judgment, Petitioner executed the necessary paperwork to have the Portsmouth Circuit Court Clerk’s Office issue LIEN process as authorized by 8.01-475-Subsequent Executions (CODE OF VA.),

8.01-475. Subsequent executions. (Code of Virginia) states:

“Subject to the limitations prescribed by Chapter 17 (§ 8.01-426 et seq.) of this title, a party obtaining an execution may sue out other executions at his own costs, though the return day of a former execution has not arrived; and **may sue out other executions** at the defendant's costs, when on a former execution there is a return by which it appears that the writ has not been executed, or that it or any part of the amount thereof is not levied, or that property levied on has been discharged by legal process which does not prevent a new execution on the judgment. In no case shall there be more than one satisfaction for the same money or thing.

And the fact that a judgment creditor may have availed himself of the benefit of any other remedies under this chapter, shall not prevent him from issuing, from time to time, without impairing his lien under it, other executions upon his judgment until the same is satisfied.”

AND 42 USC 659 (a) (b) and 5th and 14th Amendment procedural due process on October 30, 2017.

After the SOCIAL SECURITY ADMINISTRATION refused to execute the LIEN placed by the Portsmouth Sheriff's Department on October 30, 2017 to enforce Petitioner's spousal support judgment, on March 27, 2017, a spousal support judgment enforcement hearing was set to convene in the Portsmouth Circuit Court in Case No. CL11-1492-02, Veronica M. Johnson vs. Christopher Lee Johnson, for the purpose of having the SOCIAL SECURITY ADMINISTRATION respond to a SHOW CAUSE issued by the Court for failure of the SOCIAL SECURITY ADMINISTRATION to execute a Lien, duly served on the SOCIAL SECURITY ADMINISTRATION by the Portsmouth Sheriff's Department on October 30, 2017 requiring the SOCIAL SECURITY ADMINISTRATION to liquidate the current monthly SOCIAL SECURITY ADMINISTRATION Payment Benefit Entitlement (a property right) of Petitioner's ex-spouse, a spousal support judgment debtor and fugitive from the law, as authorized by 14th Amendment due process enforcement of a spousal support order, 42 USC 659 (a) and (b).

42 USC 659 (a) states that,

“With respect to notice to withhold income pursuant to subsection (a)(1) or (b) of section 666 of this title, or any other order or process to enforce support obligations against an individual (if the order or process contains or is accompanied by sufficient data to permit prompt identification of the individual and the moneys involved), each governmental entity specified in subsection (a) shall be subject to the same requirements as would apply if the entity were a private person, except as otherwise provided in this section.

Instead of the scheduled Spousal Support Enforcement Proceeding that was set in the Case of Veronica M. Johnson vs. Christopher Lee Johnson ,CL11-1492-02, in the Portsmouth Circuit Court for the purpose of having the SOCAL SECURITY ADMINISTRATION answer a SHOW CAUSE served upon the SOCAL SECURITY ADMINISTRATION for their failure to execute a lien duly placed by the local Sheriff's Department on October 30, 2017 taking place, the United States Attorney undertook the unprecedented action or in the least, the highly unusual action of **Removing Petitioner, Veronica M. Johnson's Spousal Support Enforcement Proceeding to United States District Court** (See Notice of Removal, Case 2:18-mc-00005-AWA_RJK; **APPENDIX G**) , **interfering with the enforcement of a state court spousal enforcement proceeding**, despite the fact that the Removal Statue cited for the Removal, 28 USC 1331 and 28 USC 1442 (a) **conflicts with the law of Rose v. Rose**, 481 U.S. 619, 625, 107 S. Ct. 2029, 95 L. Ed.2d 599 (1987).

Upon removal to United States District Court by the United States Attorney, **APPENDIX G)** over numerous written pleadings filed by Petitioner in Federal Court objecting to Removal of her Spousal Support Enforcement Proceeding to Federal Court, the United States District Court Judge proceeded to “**quash**” Veronica M. Johnson’s SHOW CAUSE filed in State Court for the SOCIAL SECURITY ADMINISTRATION’s refusal to execute the lien served by the Portsmouth Sherriff’s Office on October 30, 2017 and she dismissed Veronica M. Johnson’s Spousal Support Enforcement Proceeding , **APPENDIX H,** effectively **blocking enforcement** of Veronica M. Johnson’s **spousal support judgment** by way of the LIEN duly served by the Portsmouth Sheriff’s Office on October 30, 2017 to collect a spousal support judgment in violation of 14th Amendment due process. See Dismissal Order Case No. 2:18 mc 00005 dated August 7, 2018 at **APPENDIX H**

To be clear, the United States District Court’s Dismissal Order Case No. 2:18 mc 5 dated August 7, 2018 at **APPENDIX H** is clearly not being appealed but the order itself constitutes a material fact, relevant to this PETITION FOR WRIT OF CERTIORARI to this United States Supreme Court.

Based on the fact that the SOCIAL SECURITY ADMINISTRATION refused to execute the LIEN served by the Portsmouth Sherriff’s Department on

October 30, 2017 , Petitioner, Veronica M. Johnson, had no recourse whatsoever to enforce her spousal support judgment but to file the Declaratory Judgment that is the subject of this Petition to have her 14th /5th Amendment due process rights declared, because the Recommendation of the United States Magistrate adopted in FULL by the United States District Judge that this Petitioner should “WAIT” until spousal support judgment debtor, Christopher L. Johnson, a fugitive from the law, decides to file for benefits that he is currently entitled to be being paid so that Petitioner can garnish them is clearly **UNREASONABLE**.

The United States District Court Judge refused to grant Petitioner’s Motion to produce “relevant evidence” and the United States District Court Judge refused to grant Petitioner’s Motion to Amend her Declaratory Judgment Complaint.

According to Board of Regents v. Roth, 408 U.S. 564 (1972), an insurance entitlement is a “property right.”

“Property interests, of course, are not created by the Constitution. Rather, they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law—rules or understandings that secure certain benefits and that support claims of entitlement to those benefits. Thus, the welfare recipients in Goldberg v. Kelly, supra, had a claim of entitlement to welfare payments that was grounded in the statute defining eligibility for them. The recipients had not yet shown that they were, in fact, within the statutory terms of eligibility. But we held that they had a right to a hearing at which they might attempt to do so.”

ARGUMENT

In our federal system, virtually all of family law is left to the States, not the federal government. As this United States Supreme Court has put it: “We have consistently recognized that ‘the whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States and not to the laws of the United States.’” Rose v. Rose, 481 U.S. 619, 625, 107 S. Ct. 2029, 95 L. Ed.2d 599 (1987).

The Federal Court is called upon to “occupy the field” from time to time, in particular questions of law, and generally, it has the power to do so, even when it results in unintended consequences of unjust enrichment and inequity. *See Carmona v. Carmona*, 603 F. 3d 1041 (9th Cir. 2010)

The Federal Court has the jurisdiction to interpret “rights” created by 14th Amendment due process enforcement of law which is tangentially related to domestic relations as the same constitutes interpreting the Constitution which is the role of the Federal Court.

Preemption is explained, again by the United States Supreme Court, as necessary for a federal system, but to be very strictly limited because of the obvious opportunity for abuse and inequity.

“On the rare occasion when state family law has come into conflict with a federal statute, The Federal Court has limited review under the Supremacy Clause, only having the POWER to interpret/clarify constitutional provisions making a declaration of rights.

Before a state law governing domestic relations will be overridden or preempted, it ‘must do “major damage” to “clear and substantial” federal interests.’” *Rose v. Rose*, 481 U.S. 619, 625, 107 S. Ct. 2029, 95 L. Ed.2d 599 (1987).

On August 7, 2018, the United States District Court Judge entered the FINAL ORDER in this Declaratory Judgment Action, APPENDIX A , ruling that she had no jurisdiction to make a declaration of Petitioners 14th Amendment rights pursuant to the law of (42 USC 659, and 42 USC 407, 42 USC 1306, and 8.01-475-Subsequent Executions (CODE OF VA.).

In this August 7, 2018 FINAL ORDER, APPENDIX A, the United States District Court Judge denied this Petitioners Motion to Amend which Motion to Amend stated that it was filed specifically to clarify and streamline the issue before the court and to emphasize that the issue being presented in Petitioner’s Declaratory Judgment is one of NATIONAL IMPORTANCE.

All the findings and rulings of the Magistrate Judge, adopted by the United States District Court Judge, **materially misrepresent** the issue presented in this Petitioner's Declaratory Judgment Complaint as "enforcement of a "Moot" garnishment Order as opposed to being a Declaratory Judgment action to have Petitioner's 14th Amendment right to have the SOCIAL SECURITY ADMINISTRATION execute a duly placed spousal support judgment enforcement LIEN to liquidate Petitioner's ex-spouses SOCIAL SECURITY Monthly Benefit Payment Entitlement to satisfy Petitioner's judgment in contravention of this Petitioner's 14th Amendment right to substantive due process.

Petitioner's Declaratory Judgment COMPLAINT issue clearly states that it is to declare her 14th Amendment right to have a spousal support judgment LIEN executed by the SOCIAL SECURITY ADMINISTRATION as served by the Portsmouth Sheriff's Department on October 30, 2017 and not to enforce a "Moot" garnishment order because common sense dictates that you cannot garnish a check if there is no check. The United States District Court Final Order has materially misrepresented the issue of Petitioner's Declaratory Judgment Complaint in contravention of 14th Amendment substantive due process.

The current NATIONIONWIDE "pattern and practice" of the SOCIAL SECURITY ADMINISTRATION to "only" take action to make judicial payments to domestic support judgment Plaintiff's by way of the "garnishment process"

violates 14th Amendment due process rights over which the United States District Court clearly had jurisdiction to make a declaration of rights for this Petitioner as pleaded in her Declaratory Judgment Action filed in this case.

Refusal of the the SOCIAL SECURITY ADMINISTRATION to liquidate a domestic support judgment debtor's current SOCIAL SECURITY ADMINISTRATION Payment Benefit Entitlement by "operation of law" because the "LIEN" process is inconvenient and or unc customary violated the 14th Amendment due process.

In his essay *Deference and Due Process*, 1. 129 Harv. L. Rev. 1890 (2016). Professor Adrian Vermeule argues for an innovative approach to procedural due process analysis. He contends that courts should defer to the judgments of administrative agencies on due process issues unless those judgments are "arbitrary" as administrative lawyers use that term.2. *Id. at 1895*. This would be desirable, he says, because agencies are better positioned to prescribe procedural norms than courts are.

The due process followed in an administrative proceeding depends upon the nature of the administrative agency's actions[v]. In *State ex rel. Ormet Corp. v. Industrial Com. of Ohio*, 54 Ohio St. 3d 102, 107 (Ohio 1990), the court held that a practice which violates due process because of mere administrative inconvenience,

is not excused. However in *Medeiros v. Hawaii County Planning Comm'n*, 8 Haw. App. 183 (Haw. Ct. App. 1990), the court held that due process is not a fixed concept requiring a particular procedure in every situation. In *Medeiros* the court observed that due process is a flexible concept and could be followed as per situation demands.

This case demanded a non-customary enforcement process of LIEN versus “garnishment process” but as stated above, the SOCIAL SECURITY ADMINISTRATION did not have the right to refuse enforcement of the LIEN served on October 30, 2017 because of mere administrative inconvenience. This is not excused.

An administrative agency should follow principles of fundamental fairness. In *State ex rel. White v. Parsons*, 199 W. Va. 1 (W. Va. 1996), the court held that administrative agencies are limited by principles of fundamental fairness. The court further held that “cardinal test of the presence or absence of due process of law in an administrative proceeding is the presence or absence of the rudiments of fair play long known to law.”

In *Mathews v. Eldridge*, 424 U.S. 319 (U.S. 1976), the court held that factors to be considered in determining whether administrative procedures provide due

process are; the fairness and reliability of the existing procedures, and the probable value of additional procedural safeguards.

In this case, THE SOCIAL SECURITY ADMINISTRATION simply “ignored” the Lien served by the Portsmouth’s Sherriff’s Office and refused to execute it.

This case is not one of APPLYING FOR SOCIAL SECURITY ADMINISTRATION BENEFITS. There was/is NO “Administrative Appeal Process” applicable to this case. This case is “straight up” one of 14th Amendment due process enforcement of a spousal support judgment.

In Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803), the U.S. Supreme Court, per Chief Justice John Marshall, ruled that the ultimate authority for determining the Constitution’s meaning lay with the judicial branch of government through the power of judicial review. Pursuant to this power, courts are authorized to review laws enacted by government officials and invalidate those that violate the Constitution.

The lower Court clearly had jurisdiction to act in this Declaratory Judgment Case.

SUMMARY OF PROCEEDINGS BELOW:

November 6, 2017: Petitioner, filed a Declaratory Judgment Complaint to have her 14th Amendment due process rights declared relative to the SOCIAL SECURITY ADMINISTRATION'S refusal to execute the LIEN duly served by the Portsmouth's Sheriff's Department on the SOCIAL SECURITY ADMINISTRATION requiring the SOCIAL SECURITY ADMINISTRATION to liquidate the current SOCIAL SECURITY Monthly Payment Benefit Entitlement of spousal support debtor, Christopher Lee Johnson, to satisfy Petitioner's Portsmouth Circuit Court Spousal Support Judgment No. 160000823 in the amount of \$83,500.00 entered February 26, 2016 representing over 20 months in unpaid spousal support.

January 19, 2018: SOCIAL SECURITY ADMINISTRATION filed a Motion to Dismiss based on lack of jurisdiction

February 2, 2018: Petitioner filed a Motion in Opposition to above citing 14th Amendment due process rights

February 2, 2018: Petitioner filed a Motion to produce the SOCIAL SECURITY ADMINISTRATION Record of spousal support judgment debtor Christopher Lee Johnson as "relevant evidence" pursuant to Rule 410 and pursuant to Local Rule 7 (c) in order for Petition to prove the existence and value of a spousal support judgment debtor's readily liquidatable asset.

February 14, 2018: Petitioner filed a Motion to Compel Production stated above

April 2, 2018: United States Magistrate filed his Report and Recommendation stating Petitioner should "**WAIT**" until spousal support judgment debtor decides to file to be paid his "current" SOCIAL SECURITY Benefits and then collect by way of the "NORMAL" garnishment process, substantively misrepresenting the fact that the issue clearly stated in Veronica M. Johnson's Declaratory Judgment Complaint is refusal of the SOCIAL SECURITY ADMINISTRATION to execute the LIEN placed by the Portsmouth's Sheriff's Department on October 30, 2017.

April 4, 2018: United States Magistrate entered an Order denying Petitioner's Motion to Compel "Relevant Evidence."

April 16, 2018: Petitioner filed Objections to the above as violation of 14th Amendment due process, again

June 26, 2018: Petitioner filed a Motion to Amend with proposed Amendment Attached which the judge denied

July 10, 2018: SOCIAL SECURITY ADMINISTRATION filed Opposition to Motion to Amend stating to allow it would be “futile”

August 7, 2018: FINAL ORDER United States District Court dismissed my Declaratory Judgment Complaint based on “no jurisdiction” affirming all rulings and findings of the United States Magistrate.

August 29, 2018: Petitioner filed Notice of Appel to FOURTH CIRCUIT COURT OF APPEALS

November 19, 2018: FOURTH CIRCUIT COURT OF APPEALS affirmed the Decision of United States District Court dismissing Petitioner’s Declaratory Judgment Complaint based on “no jurisdiction”

January 22, 2019: FOURTH CIRCUIT COURT OF APPEALS denied Petitioner a rehearing.

REASONS FOR GRANTING THE PETITION

The FOURTH CIRCUIT COURT OF APPEALS has so far departed from the accepted and usual course of judicial proceedings, sanctioning such a departure by a lower court, as to call for an exercise of this Court's supervisory power, BECAUSE:

THE SOCIAL SECURITY ADMINISTRATION'S refusal to execute the LIEN duly placed by the local sheriff's Department upon the SOCIAL SECURITY ADMINISTRATION requiring the SOCIAL SECURITY ADMINISTRATION to liquidate the "current" Monthly Benefit Payment Entitlement of a spousal support debtor (a property right) to enforce a spousal support judgment as authorized by 42 USC 659 (a) and (b) pursuant to 14th Amendment due process enforcement of a Spousal Support Order violated Petitioners 14th Amendment due process rights and Petitioner Veronica M. Johnson's Declaratory Judgment Complaint to have her 14th Amendment rights relative thereto declared clearly falls under the jurisdiction of the United States District Court as has been pleaded.

The United States District Court's failure to take jurisdiction over the SOCIAL SECURITY ADMINISTRATION's unconstitutional refusal to execute a duly placed spousal support judgment LIEN based on the authority of 42 USC 659 (a) and (b) pursuant to 14th Amendment due process in this case allows the SOCIAL SECURITY ADMINISTRATION to perpetuate a **NATIONWIDE** unconstitutional policy and procedure depriving spousal/domestic support judgment Plaintiff's access to income that the Courts have already ruled that they are entitled to be receiving, "throwing them on the PUBLIC DOLE", which is "verbatim" what Congress stated it wanted NOT to have happening when it enacted 42 USC 666, 42 USC 659, 42 USC 407, and 42 USC 1306.

Unfortunately, domestic relationships NATIONWIDE are some of the most toxic and volatile relationships. Domestic Support Judgment debtors refusing to sign up to receive their SOCIAL SECURITY ADMINISTRATION benefits to deprive a domestic support judgment Plaintiff from being able to collect is commonplace. An adversary will deprive himself in order to see his foe suffer.

This Court should GRANT THIS PETITION FOR WRIT OF CERTIORARI because emphatic interpretation of 14th Amendment due process in this case by this UNITED STATES SUPREME COURT can relieve economic suffering for many senior citizen spousal/domestic support judgment Plaintiff's

NATIONWIDE who are suffering deprivation of income that the Courts have already ruled that they are entitled to at the hand of “vindictive” domestic support judgment debtors.

This Court should GRANT THIS PETITION FOR WRIT OF CERTIORARI to clearly establish UNITED STATES SUPREME COURT case law, that 14th Amendment due process forbids the SOCIAL SECURITY ADMINISTRATION or any other Federal Agency from giving a spousal support judgment debtor the “luxury” of deferring and sheltering their assets/property rights from being liquidated to satisfy a domestic support judgment depriving bona fide domestic support judgment Plaintiffs from income that the SOCIAL SECURITY ADMINISTRATION or other Federal Agency is the custodian of.

GRANTING THIS PETITION FOR WRIT OF CERTIORARI in this case will have **NATIONWIDE IMPACT** upon many senior citizen domestic support judgment Plaintiff's suffering from deprivation of income that the SOCIAL SECURITY ADMINISTRATION and other Federal Agencies are allowing domestic support judgment debtors to “shelter” from the judicial domestic support collection process in violation of 14th Amendment due process.

CONCLUSION

The petition for certiorari should be granted.

Respectfully submitted,

Veronica M. Johnson

Veronica M. Johnson

Date April 2-2019