

MAR 19 2019

OFFICE OF THE CLERK

No. 18-9139

IN THE  
SUPREME COURT OF THE UNITED STATES

PROSE CALVIN L GADDY — PETITIONER  
(Your Name)

vs.

U.S. DISTRICT COURT D.S.C. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURTS APPEALS FOURTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CALVIN L GADDY  
(Your Name)

KERSHAW C.I. H.C. 215  
(Address)

4848 Gold mine Hwy Kershaw S.C. 29067  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

**ORIGINAL**

⑦

PART ⑧

⑭

QUESTION(S) PRESENTED

(1)<sup>#</sup> WAS IT NOT? ERROR: FOR UNITED STATE DISTRICT:  
COURT: MAGISTRATE: DISMISSED PETITION ORIGINAL COMPLAINT:  
AS, FRIVOLOUS AND WITHOUT ISSUANCE AND SERVICE  
FAILURE, SERVE ALL: [REDACTED] PARTIE LISTED \*NEXT PAGE: \*  
OF ORIGINAL COMPLAINT: U.S. DISTRICT COURT MAGISTRATE:  
JUDGE DEEMED (A) "STRIKE" PURSUANT TO 28 U.S.C.  
1915 (g) \*SEE GADDY VS- UNITED STATE DISTRICT COURT D.S.C.  
\*0:18-cv-01445 J.F.A. APPEAL 18-6954

(2) PETITIONER: HAS DISPUTED SINCE 2010: THROUGH  
\* U.S. DISTRICT COURTS OF COLUMBIA S.C. D.S.C.  
\* U.S. STATE COURTS OF APPEALS OF FOURTH CIRCUIT  
THERE'S WAS NO GRAND JURY CONVENED AUGUST 02, 2007.  
FOR: TRUE BILLING STATE INDICTMENT 2007-65-29-880.  
MURDER: S.C. CODE ANNS 16-3-10. TO REDUCE VOLUNTARY  
MANSLAUGHTER S.C. CODE ANNS 16-3-50. WHEN GREATER OFFENSE  
OF MURDER: WAS NEVER FOUNDED: BY LIVE GRAND JURY.  
IN TERMS: OF GENERAL SESSION IN LANCASTER COUNTY  
SIXTH JUDICIAL CIRCUIT COURTS

(3) THESE COURTS ABOVE, HAS CONTINUE CONTEST:  
UNPUBLISHED OPINIONS THAT ARE NOT BLINDING  
PRECEDENT IN THERE CIRCUIT:

## 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:

\* State of South Carolina Attorney General's Office's

\* The Clerk of Court of Lancaster County.

\* Jeff Hammond:

\* Mrs. Jacquelyn D. Austin: U.S. District Court  
Magistrate Judge: Misconduct.

These Above: Parties was named in Petitioner  
Original Complaint: That U.S. District Court's D.S.C  
Dismissed (as) Frivolous - And - Without Issuance:

And, Service of Process on Defendant's Above:  
That This Action is deemed (A) "Strike":

See Appendix (F)

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APPENDIX B	<u>Judgment DECEMBER 21, 2018</u>
APPENDIX C	<u>Filed JANUARY 15, 2019 Stay of Mandate</u>
APPENDIX D	<u>Filed FEBRUARY 26, 2019 ORDER denying's</u> <u>PETITION FOR REHEARING &amp; EN BANC.</u>
APPENDIX E	<u>Filed MARCH 6, 2019 Mandate Judgment.</u> <u>ENTERED 12/21/2018</u>
APPENDIX F(5)	<u>DATE Filed July-09-2018</u> <u>UNITED STATES DISTRICT COURT Judgment</u> <u>CASE dismissed AS FRIVOLOUS without issuance</u> <u>- AND - SERVICE OF PROCESS.</u>
APPENDIX (G)	<u>14<sup>th</sup> PAGES OF Magistrate Judge</u> <u>Report - AND - Recommendation - petitioner</u> <u>Objected to date: ON JUNE 27, 2018</u> <u>NEXT PAGE: Appendix (F) (2)<sup>#</sup></u> <u>PART (B)</u>

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 F to the petition and is \* ORDER : \*

- ☐ 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 J to the petition and is

- ☐ reported at OTHER ORDER; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished. - petition is without merit's

JOHNSON v. STATE 294 S.C. 310  
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.

1.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was DECEMBER 21<sup>st</sup> 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: FEBRUARY 26, 2019, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

Conflicting of \* South Carolina Constitutional Provisions \*

\* Article: Indictment issues at disputed.

\* Article: 1 § 11 vs 22. And \* State Indictment \*

Must a shall be presented with Grand Jury in terms of general session, with presiding Judge

Petitioner dispute: This indictment issue, State lacked. Subject matter Jurisdiction. On 1st Federal writs of Habeas Corpus: Gaddy vs McCall. 8:10-CV-01743 J.F.A. That: WAS Gaddy CORRECT: ~~Vehicle~~ Vehicle for Relief That was denied; by United State District Court granted State: ~~Summary~~ Summary Judgment: without there, Return Affidavit F.R.C.P. Rule 56(G) Good Faith. of Grand Jury impanelment documentation: of Grand Jury Activity in question? of August 02, 2007. Reported Records.

(SEE) S.C. Code §§ 14-7-1550 to 1570 Supp 1993

(SEE) S.C. Code ANNS 14-9-210 MANDATE IN SOUTH CAROLINA

(SEE) S.C. Code ANNS 16-9-10. PERJURY Testimony by State Solicitor Douglas BARFIELD.

Magistrate Judge JACQUENLY D. AUSTIN CONTRADICTED HERSELF. in Exhibit 25. THERE NOWAY POSSIBLE: THE DELIBERATING & Voting deliberation Indictment 2007-65-29-880. is ALREADY PART OF RECORDS IN PRECEDENT:

Gaddy - VS - McCall. 8:10-CV-01743 J.F.A J.D.A.

APPEAL - 11-7424

Petitioner Reasons Seeking RIVERS - V - SIX UNKNOWN NAMED

Agents of Fed BUREAU OF NARCOTICS 403. U.S 388 1971

## STATEMENT OF THE CASE

\* INCORRECT PROCEDURE HISTORY by. PARTIES below:

\* U.S. DISTRICT COURT MAGISTRATE JUDGE

\* STATE OF SOUTH CAROLINA ATTORNEY GENERAL

PETITIONER HAS PRESENTED PRIMA-FACIE FACTS -

THERE'S NO REPORTED PUBLIC RECORDS OF GRAND JURY \*

\* ACTIVITY. REPORTED ACTION. OF 12<sup>TH</sup> 18<sup>TH</sup> LANCASTER COUNTY  
HONESTLY COMMUNITY CITIZEN, DELIBERATING & VOTING \* DELIBERATION  
OF FINDING OF INDICTMENT 2007-65-29-880. MURDER.

S.C. CODE ANNS 16-3-10. STATE COURT'S LACKED SUBJECT MATTER:  
JURISDICTION. ACCEPT PETITIONER GUILTY PLEA. VOLUNTARY MANSLAUGHTER  
WITHOUT WRITER WAIVER PRESENTMENT TO GRAND JURY.  
S.C. CODE §§ 17-23-130-140-150.

S.C. SUPREME COURT HAS HELD THAT ABSENCE OF SIGN WAIVER  
OF LESSER INCLUDED OFFENSE: COURTS LACK POWER: OF.

SUBJECT MATTER JURISDICTION, WAS RAISED IN PETITIONER.

1ST WRIT'S OF HABEAS CORPUS. APPEAL 11-7424,

GADDY VS MICHAEL MC CALL. 8:10-CV-01743-J.F.A.

THAT. U.S. COURT APPEAL OF FOURTH CIRCUIT CONTINUE: RULING

\* UNPUBLISHED \* OPINION. (CAUSE) THERE'S NO: STATE OF SOUTH

\* SUPREME COURT \* OPINION: (AFFIRMING) PETITIONER CONVICTION

STANDING 85% PERCENT \* 25 YEARS SENTENCE CONFIRMATIVE

RULING PRECEDENT: THE STATE OF SOUTH CAROLINA. IS

THE ONLY STATE: ILLEGALLY TRUE BILLING: IGNORING

MANDATE S.C. CODE ANNS 14-9-210. TERMS OF GENERAL SESSION

ISSUE. RAISE PETITIONER 1 WRIT'S OF HABEAS CORPUS. ABOVE:

PART (C)



## REASONS FOR GRANTING THE PETITION

FOR: U.S. District Court Magistrate Judge  
MRS Jacquelyn D. Austin. \* FALSE \* INFORMATION.

IN EXHIBIT'S. INCORRECT PROCEDURAL HISTORY: August 02, 2007

(SEE) → EXHIBIT (A) MARCH 7<sup>th</sup> 2018. MARCH 6<sup>th</sup> 2018.

NO: REPORTED GRAND JURY CONVENING August 02, 2007

(SEE) → EXHIBIT (2)<sup>th</sup> REPORT-AND-RECOMMENDATION:

ANALYZE ALL August 02, 2007 \* APPEAL 18-6954 \*

(SEE) → EXHIBIT 2018. INCORRECT. PROCEDURAL HISTORY

SUSPICIOUS CHESTER COUNTY JURISDICTION  
August 02, 2007.

(SEE) → EXHIBIT (B) SUSPICIOUS CHESTER COUNTY August 02, 2007

(SEE) → EXHIBIT (25)<sup>th</sup> CONTRARY INFORMATION. (RETURN BACK) EXHIBIT

\* X X X  
X (A) X  
THE SOUTH CAROLINA COURT ADMINISTRATION ANSWER?

PROVE: PETITIONER BURDEN OF PROOF. HE'S DISPUTED.

SINCE 2010. GADDY VS MCCALL. 8:10-CV-01743-J.F.A J.D.A.

APPEAL 11-7424. IT'S IMPOSSIBLE DELIBERATING & VOTING  
OF INDICTMENT 2007-65-29-880. RESULTS IS ALREADY  
A PART OF THE RECORDS.

(SEE) → EXHIBIT (F) STATE, STATUTE, STATUTORY, CODE, INDICTMENT

(SEE) → EXHIBIT SEPT 75<sup>th</sup> NOV-2018.

(SEE) → EXHIBIT (G) GROUND (3) FEDERAL COURT'S RESPECTFULLY  
DECLINE'S TO ACCEPT THE MAGISTRATE JUDGE'S  
RECOMMENDATION AND REASONING ON THE MATTER  
LACK OF SUBJECT MATTER JURISDICTION ISSUE:

IN APPEAL 11-742. CASE GADDY VS. MCCALL.

8:10-CV-01743. J.F.A. J.D.A.

CONTINUE: Exhibit's PRIMA-FACIE-FACTS AT disputed  
OF MAGISTRATE Judge ERRONEOUSNESS \*

SEE: Exhibit (I) issue's RAISE IN  
Gaddy vs. U.S District of Columbia D.S.C  
18: CV- 01445. APPEAL 18-69-54

WAS: AND: BIVENS-V- SIX ACTION. CAUSE, VIOLATION  
OF CONSTITUTIONAL Right. FALSE IMPRISONMENT VIOLATION OF  
DUE PROCESS Fourteenth Amendment FRAUD, VINDICTIVENESS:  
IN DEPRIVATION OF PLAINTIFF'S CIVIL RIGHTS WHEN, THERE'S  
MISSING STATE GOVERNMENT IMPANELMENT DOCUMENTATION  
OF GRAND JURY Activity. That MAGISTRATE Judge JACQUELYN  
d. AUSTIN SAID: They WAS PART OF Gaddy. vs. McALL.  
\* PRECEDENT \*

**CONCLUSION**  
**\* REASONS \***

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Calvin L Gaddy

Date: APRIL 11th 2019