

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

⑯

QUESTION(S) PRESENTED

(1)[#] WAS IT NOT? ERROR: FOR UNITED STATE DISTRICT COURT: MAGISTRATE: DISMISSED PETITION ORIGINAL COMPLAINT: AS, FRIVOLOUS AND WITHOUT ISSUANCE AND SERVICE FAILURE, SERVE AHO: PARTIES 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(3) THESE COURT'S ABOVE, HAS CONTINUE CONTEST: UNPUBLISHED OPINIONS THAT ARE NOT BLINDING PRECEDENT IN THESE CIRCUIT:

(8)[#]

PART (B)

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: US DISTRICT COURT
MAGISTRATE JUDGE: MISCONDUCT.

THESE ABOVE PARTIES WAS NAMED IN PETITIONER
ORIGINAL COMPLAINT: THAT U.S. DISTRICT COURT'S O.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 A	<u>Submitted: December 18, 2018</u> <u>Decided: December 21, 2018</u>
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 denies</u> <u>Petition for Rehearing & En Banc.</u>
APPENDIX E	<u>Filed March 6, 2019 Mandate Judgment.</u> <u>ENTERED 12/21/2018</u>
APPENDIX F(S)	<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>14th 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</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 5 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.

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ORIGINAL

PART C

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JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 21st 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 issue's 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 WRIT'S 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

THESE, RETURN AFFIDAVIT F.R.C.P. Rule §6(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 JACQUELINE D. AUSTIN CONTRADICTED HERSELF
IN EXHIBIT 25. THERE'S 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 REASON SEEKING BROWNS - V - SIX UNKNOWN NAMED
AGENTS OF FED BUREAU OF NARCOTICS 403. U.S 388 1971

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STATEMENT OF THE CASE

* INCORRECT PROCEDURAL HISTORY by parties below:

* U.S. DISTRICT COURT MAGISTRATE JUDGE

* STATE OF SOUTH CAROLINA ATTORNEY GENERAL

PETITIONER HAS PRESENTED PRIMA-FACIE FACTS -

THAT'S NO. REPORTED PUBLIC RECORDS OF GRAND JURY *

* ACTIVITY. REPORTED ACTION OF 12th 18th LANCASTER COUNTY
HONESTLY COMMUNITY CITIZEN, DELIBERATING & VOTING * DELIBERATION
OF FINDING OF INDICTMENT 2007. 65-29-880. MURDER.

S.C. CODE ANN'S 16-3-10. STATE COURTS 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 ANN'S 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. IN CORRECT PROCEDURAL HISTORY: AUGUST 02, 2007

(SEE) → Exhibit (A) MARCH 7th 2018. MARCH 6th 2018.

NO: REPORTED GRAND JURY CONVENING AUGUST 02, 2007

(SEE) → Exhibit (A) REPORT-AND-RECOMMENDATION:

(SEE) → ANALYZE ALL AUGUST 02, 2007 * APPEAL 18-6954 *

Exhibit 2018. INCORRECT PROCEDURAL HISTORY

SUSPICIOUS CHESTER COUNTY JURISDICTION
AUGUST 02, 2007.

(SEE) → Exhibit (B) SUSPICIOUS CHESTER COUNTY AUGUST 02, 2007

(SEE) → Exhibit (A) CONTRARY INFORMATION. (RETURN BACK) EXHIBIT

x(A) → 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. RESULT'S IS ALREADY
A PART OF THE RECORDS.

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

(SEE) → Exhibit Sept 75th 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, VINDICITIVENESS:
IN DEPRIVATION OF PLAINTIFF'S CIVIL Rights when there's
MISSING STATE GOVERNMENT IMPANELMENT DOCUMENTATION
OF GRAND JURY ACTIVITY. THAT MAGISTRATE JUDGE Jacqueline
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