

NO. \_\_\_\_\_

18-9507

IN THE

SUPREME COURT OF THE UNITED STATES

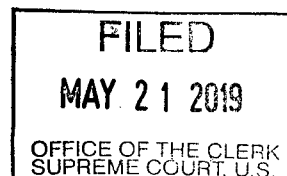
Theon Smith- PETITIONER

Vs.

ORIGINAL

*Domestic Relations Of Charleston County;*

*Judge Dana A. Morris*



ON PETITION FOR WRIT CERTIORA

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT CERTIORARI

*Theon Smith*

*471 Madeline Dr.*

*GooseCreek S.C 29445*

*843-826-961*

*Pro se PETITIONER*

### *Question(s) Presented*

- I. Does the United States unequivocally wave its sovereign immunity when it does business with its citizens?*
- II. Is the office of Child Support Enforcement 45 CFR 302.12(a)(1)(i)(ii)(2)(3) single and separate organizational unit. A foreign corporation in the state administer under the country?*
- III. Can federal judges violate Canon rules of judge conduct to protect the United States interest in a civil lawsuit against it FOR its role in Title IV-D paternity establishment?*
- IV. Does the federal Title IV-D agency violate parents parental rights by not allowing them to challenge a voluntary acknowledgment agreement on the basis of Fraud and duress pursuant to section 466(A)(5)(1)(iii)?*
- V. Does the Title IV-D program incentive payment to officials of the courts in the county to assist with establishing paternity violates separation of power?*
- VI. Can the Title IV-D agency prima facie evidence be Challenged in a federal court with a civil lawsuit under 18 U.S.C. §241 Conspiracy against Rights 42 U.S.C. §1983 Deprivation of Rights?*
- VII. Does the United States courts of appeal for the fourth circuit have special jurisdiction to hear patent claims pursuant to the Tucker Act?*
- VIII. Can Appellate judges use unpublished per curium opinion to state untrue legal facts and deny me remedy from the courts for injuries done to me?*

*Can African American citizen's descendants from slavery still be treated in this manner reference in this case? Dred Scott v. Sanford?*

- IX. *Can Title IV-D Child Support Enforcement Force upon a farther a Voluntary paternity acknowledgment agreement by compel use of his social security number in violation of the Privacy Act?*
- X. *Does the court systems that receives federal funds Violate Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, when they unnecessarily impose disparate harm on the basis of race or national origin?*

*LIST OF PARTIES*

*Domestic Relations of Charleston County;  
And Judge DANA A. Morris*

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*Others*

*Original Voluntary paternity acknowledgment*

*U.S. Department of Justice Civil Rights Division Office for Access to Justice*

*IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI*

*Petitioner respectfully prays that a writ certiorari issue to  
review the Judgment below.*

*OPINIONS BELOW*

- ✓ *For cases from federal courts:  
The opinion of the United States courts of appeal  
appears at Appendix A to the petition and is*
- ✓ *Is unpublished.*

*JURISDICTION*

- ✓ *For cases from federal courts:  
The day on which the United States courts of appeals  
decided my case was January 24<sup>th</sup> 2019  
  
A timely petition for rehearing was denied by the United  
States courts of appeals on the following date: March 12<sup>th</sup>  
2019, and a copy of the order denying rehearing appears at  
APPENDIX "D".*

~~\_\_\_\_\_~~ The jurisdiction of this court is invoke under 28 USC§ 1254

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Article 1§ 9 paragraph 3 infliction of a Bill of Attainder
2. First Amendment, forced or compelled Association
3. Fourth Amendment, the right to be secure and the right to privacy
4. Fifth Amendment, double jeopardy, self-incrimination and due process.
5. Sixth Amendment denial of a trial by Jury and the right to counsel
6. Thirteen Amendment Involuntary Servitude

## STATEMENT OF THE CASE

Pursuant to [42 U.S.C. 666] (a)(2)(c)(d) In order to satisfy  
Section 42 USC 654(20)(A)(B) STATE PLAN FOR CHILD AND  
SPOUSAL SUPPORT

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:

2) Expedited administrative and judicial procedures (including the procedures specified in subsection (c)) for establishing paternity and for establishing, modifying, and enforcing support obligations. The Secretary may waive the provisions of this paragraph with respect to one or more political subdivisions within the State on the basis of the effectiveness and timeliness of support order issuance and enforcement or paternity establishment within the political subdivision (in accordance with the general rule for exemptions under subsection (d)).

PURSUANT to 45 CFR 303.101(C(1)(2) Expedited Process administer the Child Support Enforcement Division of the Department of Social Services, or its designee, also has jurisdiction to establish paternity, to establish and enforce child support, and to administratively cases brought pursuant to Title IV-D of the Social Security Act. The Charleston County Title

IV-D Agency quasi- judicial process must follow Expedited process safeguards to protect the due process rights of the parties involved. PURSUANT to the 42 U.S.C. 666(c) Voluntary paternity acknowledgment agreement.

See OTHERS APPENDIX: 1 voluntary parent agreement

I the plaintiff was compelled and forced to sign on January 20<sup>th</sup> 2015 under fraud and duress in a Child Support Enforcement administrative Tribunal negotiation conference.

PURSUANT OTHERS APPENDIX: 2, 3 Demand Letter

June 5<sup>th</sup> 2018 and September 10<sup>th</sup> 2018. I put the child support enforcement division agency directors of Charleston County on notice with a demand letter detailing my inherent constitutional rights that's was being violated by the Title IV-D Agency pursuant to the contract that was sign January 20<sup>th</sup> 2015.

Pursuant to (APPENDIX F) I the plaintiff file for a *judicial review in family court on. June 11<sup>th</sup> 2018 and contested child support administrative order And was denied by judge Dana A. Morris at hearing held on July 30<sup>th</sup> 2018 to resending my signature from the parentage agreement for deprivation of my constitutional and inherent Rights under fraud and duress pursuant to 42 U.S.C. 666(iii)(ii) CONTEST.—Procedures under which, after the 60–day period referred to in clause (ii), a signed voluntary acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with*

the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

Pursuant to August 17<sup>th</sup> 2018 see OTHERS APPENDIX: 4 motion for good hearing.

I the plaintiff file a civil lawsuit and attached motion for show cause hearing to temporary suspend title D administrative child support order until this case was constitutional challenge See-

*APPENDIX D: United States District Court of South Carolina Magistrate Judge denied Motion for a Good Cause hearing on October 4<sup>th</sup> 2018*

*APPENDIX C: United States District Court of South Carolina Magistrate Judge report and recommendation on October 18<sup>th</sup> 2018 dismiss case without prejudice*

OTHERS APPENDIX: 5 objection to Magistrate Judge Report and recommendation

*October 26<sup>th</sup> 2018 I the plaintiff timely file objections to the Magistrate judge Report and recommendation see-*

*APPENDIX B: United States District Court of South Carolina De novo review affirmed Magistrate Judge Report and*

*recommendation and dismiss complaint without prejudice  
November 5<sup>th</sup> 2018*

*See-*

*APPENDIX H: before I file notice of appeal of South Carolina District Court decision. I received a courtesy notice provided by the Charleston County Clerk of Court. That the child support case between Theon Smith vs Brittany Mitchell was schedule for administrative dismissal on December 21<sup>st</sup> 2018. So ordered by the Chief Justice of South Carolina on August 27<sup>th</sup> 2014 that all domestic relation cases in South Carolina be disposed of within 365 days of Filing. This order was issued under another case number (2017-DR-10-4043) and not the original case number (2015-DR-10-00216) so in my opinion this deception was to mislead me from continuing with my lawsuit to think that my case was dismiss when the original case is still active an garnishing my wages without no legal Authority and not giving me an option to challenge. When the courts are open to the citizens of the United States.*

*Pursuant to OTHERS APPENDIX: 6 notice of appeal*

*November 19<sup>th</sup> 2018 I the plaintiff file my notice of appeal to the United States federal circuit court for a patent claim under the Tucker Act.*



*Then the South Carolina Federal District Court still sent my notice of appeal to the fourth circuit*

*Pursuant to OTHERS APPENDIX: 7 motion to transfer notice of appeal to court of proper jurisdiction*

*I the plaintiff filed a motion to the United States courts of appeals for the fourth circuit on November 30<sup>th</sup> 2018 the court of the fourth circuit order defers consideration of the motion to transfer case pending review of the appeal on the merit.*

*Pursuant to OTHERS APPENDIX: 8 motion to transfer notice of appeal to court of proper jurisdiction*

*I the plaintiff filed another follow up motion to transfer notice of appeal and challenge the United States court of appeals for the fourth circuit jurisdiction of special jurisdiction cases.*

*PURSUANT to Appeals from the District of South Carolina are taken to the United States Court of Appeals for the Fourth Circuit (except for patent claims and claims against the U.S. government under the Tucker Act, which are appealed to the Federal Circuit)*

*See- APPENDIX G: United States court of appeals for the fourth circuit denies motion to transfer appeal to the federal circuit and affirm Judgment of the South Carolina District Court January 22<sup>nd</sup> 2019 in a unpublished per curium opinion*

## Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted April 29<sup>th</sup> 2018

Pro Se plaintiff Theon Smith