

NO. _____

18-9507

IN THE

SUPREME COURT OF THE UNITED STATES

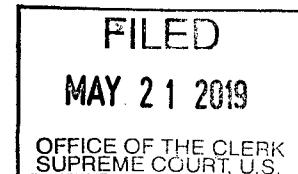
Theon Smith- PETITIONER

Vs.



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 *Can Appellate judges use unpublished per curium opinion to state untrue legal facts and deny me remedy from the courts for injuries done to me?*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*

TABLE OF CONTENTS

1. OPINIONS BELOW JURISDICTION

2. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

3-8 STATEMENT OF THE CASE

9-21 REASONS FOR GRANTING THE WRIT

22 CONCLUSION

INDEX TO APPENDICES

APPENDIX A: United States courts of appeal for the fourth circuit affirm judgement of the district court of South Carolina January 24th 2019 Pg 8,18

APPENDIX B: United States District Court judge of South Carolina DE novo review affirmed Magistrate Judge report and recommendation and dismiss complaint without prejudice November 5th 2018 Pg 5,11

APPENDIX C: United States District Court of South Carolina Magistrate Judge report and recommendation on October 18th 2018 dismiss case without prejudice Pg 5

APPENDIX D: October 4th 2018 Magistrate Judge denied motion for a good cause hearing Pg 5

APPENDIX E: United States courts of appeals for the fourth circuit denies petition for rehearing and en banc. March 12th 2019 Pg 8,13

APPENDIX F: state of South Carolina in the Family Court 9th Judicial District judicial review July 30th 2018 Pg 4,7

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 24th 2019 in a unpublished per curiam opinion Pg. 7

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 21st 2018. So ordered by the Chief Justice of South Carolina on August 27th 2014 that all domestic relation cases in South Carolina be disposed of within 365 days of Filing Pg 6

OTHERS APPENDIX

1. Voluntary parent agreement Pg 4

2. Demand letter submitted September 10th 2018 Pg 4

3. Demand letter submitted June 5th 2018 Pg 4
4. Motion for good cause hearing Pg 5
5. Motion of Objections to Magistrate Judge Report and recommendation Pg 5, 11
6. Motion for Notice of appeal Pg 6
7. Motion to transfer notice of appeal to proper Court jurisdiction November 26th 2018 Pg. 7, 10
8. Motion to transfer notice of appeal to proper Court jurisdiction December 1st 2018 Pg. 7, 10
9. *Motion for petition for rehearing and rehearing En banc* Pg 8, 13
10. Order of the fourth circuit appeals court the first consideration of the motion to transfer case pending review of the appeal on the Merit Pg. 10
11. United States courts of appeal for the fourth circuit stay of the Mandate
12. *Child Support process: administrative Vs Judicial* Pg 4
13. *D.O.J Dear colleague letter March 14th 2016* Pg 20
14. *Charleston County City Resolution Signed by the mayor* Pg 18
15. *Office of the law revision counsel United States code positive law title Vs non positive law title* Pg 1-24
16. *Affidavit for judicial review* Pg 4

TABLE OF AUTHORITIES CITED

<i>CASE: Turner Vs. Rogers</i>	Pg 1-24
<i>Franconia Associates Vs. United States</i>	Pg. 1-24
<i>Blessings Vs. Freestone</i>	Pg. 1-24
<i>Wehunt Vs. Ledbetter</i>	Pg. 1-24
<i>Mason Vs. Bradley</i>	Pg. 1-24
<i>Haller vs. Fitzgerald</i>	Pg 1-24
<i>United States Vs. King</i>	Pg. 1-24

STATUTES AND RULES

Title IV-D of the Social Security Act provisions / Compilation Of
The Social Security Laws: 1-24

42 USC 666(a)(2)(C) REQUIREMENT OF STATUTORILY
PRESCRIBED PROCEDURES TO IMPROVE EFFECTIVENESS OF
CHILD SUPPORT ENFORCEMENT Pg 3

42 USC 654(20)(A)(B) STATE PLAN FOR CHILD AND SPOUSAL
SUPPORT Pg 3

45 CFR 303.101(C)(1)(2) Expedited Process Pg 3

42 USC 666(C)(i) Voluntary paternity acknowledgment Pg 4

45 CFR 302.12(a)(1)(i)(ii)(2)(3)(B) single and separate
organization on unit Pg 1-24

1 U.S. Code: § 204 (a)(b) Codes and Supplements as evidence of
the laws of United States and District of Columbia; citation of
Codes and Supplements Pg 1-24

20 CFR §422.103(d) Security Numbers Pg, 1-24

42 USC §408(a)(8) penalties Pg, 1-24

42 USC §666(a)(13) recording of social security numbers Pg 1-24

5 USC §552(7) (B) *Public information; agency rules, opinions, orders, records, and proceedings*

PG 1-24

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 24th 2019*

*A timely petition for rehearing was denied by the United
States courts of appeals on the following date: March 12th
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. Thirteenth 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 20th 2015 under fraud and duress in a Child Support Enforcement administrative Tribunal negotiation conference.

PURSUANT OTHERS APPENDIX: 2, 3 Demand Letter

June 5th 2018 and September 10th 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 20th 2015.

Pursuant to (APPENDIX F) I the plaintiff file for a *judicial review in family court on. June 11th 2018 and contested child support administrative order And was denied by judge Dana A. Morris at hearing held on July 30th 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 17th 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 4th 2018

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

OTHERS APPENDIX: 5 objection to Magistrate Judge Report and recommendation

October 26th 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 5th 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 21st 2018. So ordered by the Chief Justice of South Carolina on August 27th 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 19th 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 30th 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 22nd 2019 in a unpublished per curium opinion

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted April 29th 2018

Pro Se plaintiff Theon Smith