No. _____

In the Supreme Court of the United States

CHARLES LAVEL STRINGER,
Petitioner,

v.

STORESONLINE INC. AND CREXENDO, INC.,
Respondents.

On Petition for Writ of Certiorari
to the Supreme Court of Mississippi

PETITION FOR WRIT OF CERTIORARI

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Petitioner Pro Se

QUESTIONS PRESENTED FOR REVIEW

1. DID THE MISSISSIPPI SUPREME COURT REFUSE TO APPLY THE MANDATORY LANGUAGE IN THE USE OF THE WORD OF SHALL IN MISSISSIPPI CODE OF ANN § 11-1-17 IN VIOLATION OF 28 U.S.C.A. § 1654, IN VIOLATION OF PRO SE PETITIONER FIRST, SIXTH AND FOURTEENTH AMENDMENT OF UNITED STATE CONSTITUTION.

2. THE CHANCERY COURT DENIED THE APPELLANT/PLAINTIFF THE RIGHT TO REPRESENT HIMSELF IN CIVIL ACTION AND TO BE TREATED THE SAME OTHER APPELLANT/PLAINTIFF WHO HAVE COME BEFORE THE CHANCERY COURT ON A DEFAULT JUDGEMENT IN VIOLATION OF 28 U.S.C.A. § 1654. AND IN VIOLATION OF THE SIX AND FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

3. THE CHANCERY COURT ERRED CITING BAKER & McKENZIE LLP V. EVENS 123 So. 3d 387 IS NOT ONE DIGEST KEY IN THAT CASE THAT ADDRESS A RULE MOTION AND IT STATES COMPLAINTS FILED IN OTHER STATES UNDER DIFFERENT LEGAL CLAIMS NOT COLLATERAL ESTOPPEL.

4. THE CHANCERY COURT JUDGE ERRED IN NOT GRANTING PLAINTIFF MOTION TO STRIKE ANSWER AND AFFIRMATIVE DEFENSES UNDER MRCP. 12(f).

5. THE CHANCERY COURT JUDGE ERRED IN NOT GRANTING PLAINTIFF SECOND MOTION TO STRIKE MOTION TO DISMISS UNDER MRCP. 12(f).

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PETITION FOR A WRIT CERTIORARI

Petitioner Charles L. Stringer prays that a writ of certiorari be issued to review the judgment and Order of the Mississippi Supreme Court for not following State Law and for not completely addressing the issues raised on appeal that being by not applying the case law cited and rules of civil procedure cited by petitioner in his brief. Which is a violation of petitioner rights under the First Sixth and Fourteenth Amendment of the U.S. Constitution.

OPINIONS BELOW

A copy of the Mississippi Supreme Court Order is Attached as Appendix "A". The Order Dismissing Petitioner Petition for Rehearing is Attached as Appendix "F". A copy of the Mississippi Supreme Court Order dismissing the Petitioner Appellant Brief is Attached as Appendix "C". The September 1st, 2016 is the Chancery Judge Dewayne Thomas Order of dismissal and is attached as Appendix "E". That the September 13th, 2016, Oder denying Motion to Alter or Amend is attached as Appendix "D". That the November 7th, 2017 Order by Judge Dewayne Thomas denying Petitioner Amended Alter or Amend Judgment is attached as Appendix "B".

JURISDICTION

The Mississippi Supreme Court Order No. 2017-CP-01673, filed with the clerk on August 30th, 2018. The Mississippi Supreme Court Order denying Petition for rehearing No. 2017-CP-01673, Consolidated with 2016-CP-01449, filed with the clerk on November 14th, 2018. The Court jurisdiction is invoked under Title 28 U.S.C. § 1254(1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following Constitutional and Statutory Provisions are reproduced in the appendix at App. 14.

Amendment One of the United States Constitution.

Amendment Six of the United States Constitution.

Amendment Fourteenth of the United States Constitution.

28 U.S.C.A. § 1654.

Mississippi Code Ann. § 11-1-17.

STATEMENT OF THE CASE

That on November 12th, 2015, the Appellant/Plaintiff filed a civil action for Fraud and Unjust Enrichment in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

That also on that same day November 12th, 2015, Appellant/Plaintiff filed a copy summons, pursuant to Rule 4(c)(3) of the Mississippi Rules of Civil Procedure.

That on January 5th, 2016, Appellant/Plaintiff filed Request for Default Judgment, Affidavit for Default Judgment, and Affidavit as to Military Service.

That on January 6th, 2016, the defendants counsel issued a Notice of Appearance by Attorney Christopher Weldy.

On January 12th, 2016, the Appellant/Plaintiff files his First Motion for Permanent Injunction.

Again, on January 12th, 2016, the Appellant/ Plaintiff files his Second Motion for Permanent Injunction.

That on February 2nd, 2016, the Appellant/Plaintiff files his First Notice of a Hearing, before Chancery Judge Patricia D. Wise, on March 23rd, 2016.

That the defendants counsel on March 11th, 2016 files Answer to Complaint, and a Motion to Dismiss and a Notice of Hearing, set at the same time and date as the Appellant/Plaintiff Notice of Hearing.

That on March 17, 2016, Appellant/Plaintiff file his Response to Defendants Motion to Dismiss.

That on March 23rd, 2016, After Appellant/Plaintiff hearing before Chancery Judge Patricia D. Wise, she issued a Order of Recusal.

On April 19th, 2016 Appellant/Plaintiff files his Motion to Strike Motion to Dismiss and his Motion to Strike Answer and Affirmative Defenses.

On May 5th, 2016, the Appellant files his Second Notice of a Hearing before Chancery Judge Dewayne Thomas, on June 1st, 2016, on his two motions for Permanent Injunction.

On May 10th, 2016, the defendants counsel files his Second Notice of a Hearing, set at the same date and time as the Appellant/Plaintiff hearing.

On June 1st, 2016, the Appellant/Plaintiff file his motion for Demand for Judgment.

On June 21st, 2016, Appellant/Plaintiff, file his Statement of Facts, as request by Chancery Judge Dewayne Thomas on June 1st, 2016.

On September 1st, 2016, the Chancery Judge Dewayne Thomas issues his Order of Dismissal.

On September 8th, 2016, Appellant/Plaintiff files his Motion to Alter or Amend Judgment.

On September 13th, 2016, the Chancery Judge Dewayne Thomas issues his Order denying Motion to Alter or Amend Judgment.

On September 29th, 2016, the Appellant/Plaintiff files Notice of Appeal.

On October 12th, 2016, Notice of Appeal filed with the Supreme Court Clerk.

On October 12th, 2016, Final Judgment filed with the Supreme Court Clerk.

On October 12th, 2016, Trial Court Order received and filed with the Supreme Court Clerk.

On October 12th, 2016, Appearance Form Issued for Attorney Christopher Jackson Weldy.

On October 17th, 2016, Appearance Form received, Christopher Jackson Weldy.

On October 24th, 2016, Deficiency Notice Letter, Charles Lavel Stringer.

On October 27th, 2016, Motion to Instruct the Chancery Court to Address the Facts.

On October 27th, 2016, Motion to Instruct Counsel to Address the Facts.

On November 3rd, 2016, the Appellant/Plaintiff files Certificate of Compliance under Rule 11(B)(1).

On November 3rd, 2016, Court Reporter Transcript due, Date Issued.

November 15th, 2016, Ordered Entered Motion.

November 15th, 2016, Order Entered Motion.

On December 27th, 2016, Transcript, Certificate of Compliance under Rule 11(D)(2) and Certificate of the Clerk are filed.

On January 5th, 2017, Motion to Correct Transcripts, is filed with the Supreme Court clerk.

On January 27th, 2017, Order Entered on Motion.

On January 31st, 2017, Record filed.

On January 31, 2017, Briefing Schedule Notice Letter.

On February 7th, 2017, Motion for Enlargement of Time to File Appellant Brief.

On February 7th, 2017, Clerk Notice Issued Motion.

On February 7th, 2017, Motion for clerk request transmission All Document and Transcripts.

On March 14th, 2017, Order entered Motion.

On March 24th, 2017, Appellant's Brief filed on behalf of Charles Lavel Stringer.

On March 24th, 2017, Record Excerpts filed on behalf of Charles Lavel Stringer.

On March 24th, 2017, Brief Notification Letter.

On March 24th, 2017, Brief Non-Compliance Letter, Charles Stringer.

On April 3rd, 2017, Motion to Dismiss Appeal.

On April 5th, 2017, Response to Motion to Dismiss Appeal and Motion to Strike.

On April 20th, 2017, Motion for Stay and Enlargement of to File Appellee Brief.

On May 2nd, 2017, Order Entered Granting Motion to Stay and Enlargement of Time to File Appellee Brief. (Some 12 days after the Appellee's brief was due!)

On August 22nd, 2017, some one hundred and fifty days after Appellant filed Appellant Brief Justice Jess H. Dickinson Dismisses Appeal and denies Appellant Motion to Strike Motion to Dismiss.

On October 5th, 2017, the Appellant/Plaintiff pro se file Amended Motion to Alter or Amend Judgment.

On October 6th, 2017, Appellees/Defendants counsel files his Response to Amended Motion to Alter or Amend Judgment.

On October 12th 2017 the Appellant/Plaintiff pro se filed his Reply to Amended Motion to Alter or Amend Judgment, stating that the Chancery Judge Dewayne Thomas had failed to use the word Final in his final order denying his first Motion to Alter or Amend Judgment.

On November 7th, 2017, the Chancery Judge Dewayne Thomas issue a Order denying Appellant Amended Motion to Alter or Amend Judgment without ever addressing his not using the word Final his first order and in his second. Order.

On November 30th, 2017, the. Appellant/Plaintiff filed his Second Notice of Appeal.

On February 8th, 2018 the Appellant filed his second Motion of Facts of the Trial Court., requesting that this Court issue a Order to the Chancery Court to address the fact he did not address the issue of him not using the word final in is First and Second Orders denying Motions to Alter or Amend Judgments.

On March 15th, 2018 a panel of Kitchen, P.J. Beam and Ishee, JJ issued a Order denying Appellant Motion of Facts of the Trial Court, dealing with the Chancery Court Judge Dewayne Thomas not using the word final in his Order denying Amended Motion to Alter or Amend Judgment.

On May 3rd, 2018, the Appellant filed his Second Appellant brief.

On May 31st, 2018, Appellees/Defendants filed his Second Motion to Dismiss Appeal.

On June 4th, 2018, the Appellant/Plaintiff Response to Second Motion to Dismiss Appeal.

On August 29th, 2018, docketed by clerk office on August 30th, 2018, a panel of Kitchens, P.J., King and Maxwell, JJ issue a Oder dismissing Appeal alleging that it is interlocutor and never addressed the Appellant response claim that it was filed under

Mississippi Code of Ann. § 11-1-17, without having to use the word final.

On September 4th, 2018, the Petitioner filed his Petition for Rehearing in the Mississippi Supreme Court.

That on November 14th, 2018, the Mississippi Supreme Court denied Petitioner Petition for Rehearing.

REASONS FOR GRANTING THE PETITION

ARGUMENT 1

THE SUPREME COURT ERRED IN DISMISSING THE APPELLANT/ PETITIONER FIRST APPELLANT BRIEF, SEE MISS. CODE ANN. § 11-1-17

That on September 8th, 2016, the Appellant filed his Motion to Alter or Amend Judgment under M.R.C.P. 59(e)(Vol.1., pg.104) that is a final motion for the court to review all err before you file a notice of Appeal. That on September 13th, 2016, the Chancery Court Judge denied that motion to alter or amend judgment (Vol.1., pg.107), that is a final order and only the Supreme Court can review all legal matters in this case. Again On October 5th, 2017, the Appellant/Plaintiff pro se file Amended Motion to Alter or Amend Judgment. On November 7th, 2017, the Chancery Judge Dewayne Thomas issue a Order denying Appellant Amended Motion to Alter or Amend Judgment without ever addressing his not using the word Final his first order and in his second. Order. see Mississippi Code Ann. § 11-1-17, Time for rendition of final decrees; right of

appeal where decree not entered within required time, states:

> All chancellors or judges of the chancery and circuit courts Of the state of Mississippi shall render their final decree on On any and all matters taken under advisement by such Chancellors or judges not later than six (6) months after the Date when sane are taken under advisement or no later than Six (6) months after the date on which the chancellors or Court or judges set as a date for the final brief or memoranda Of authority is required to be filed on or as to the cause taken Under advisement, which ever is the latest date after the date On which the cause or case is taken under advisement. In the Event a final decree has not been entered within the six months Period hereinbefore referred to, then any party to said law suit shall have the right to appeal on the record as otherwise provided The same as if a final decree has been rendered adversely. Said Appeal shall be to the supreme court of the State of Mississippi And shall be treated as a preferred case over other cases except Election contests.

Also see BOARD OF PARDONS v. ALLEN, 107 S. Ct. 2415 (1987), In deciding that this statute created a constitutionally protected liberty interest, the Court found significant its mandatory language -the- use of the word "shall". Meaning: shall have the right to appeal is mandatory.

That the Appellant has already file complaint with the Mississippi Commission on Judicial Performance and a complaint with the State Bar and a Complaint with the Mississippi Ethics Commission, because the Appellees counsel with the help of District Attorney Robert Smith and his character witness Tony Davis, in his criminal trial, who was a defendant in STRINGER V. AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA, 822 So. 2d 1011, are behind Chancery Judge Thomas, trying to have Appellant arrested on June 1st, 2016 hearing, with promise that they with Ed Peters will give him campaign funds and that they control the black vote in Jackson and Hinds County area. (See Exhibit "7") submitted by Appellee counsel on June 1st, 2016 hearing. Through these individuals they have gotten the chancery clerk, and chancery judge to not follow the rules of civil procedures dealing with a defendant who is in Default. See (Vol. 2., Trs., pgs 44-50), you will see the chancery judge allowed Appellee counsel to go on a fishing expedition in a case that was in default. See NATIONAL SHOPMEN PENSION FUND V RUSSELL, 283 F.R.D. 16, Where as here there is a complete "absence of any request to set aside the default or suggestion by the defendant that it has a meritorious defense, it is clear that the standard for default judgment has been satisfied. Also see the Fifth Circuit of Appeal, in BHTT ENTERTAINMENT, INCORPORATED, v. BRICKHOUSE CAFÉ & LOUNGE, ET AL, 858 F.3d 310 (2017) and this case addresses the very same issue that is before this Court! In the alternative, BHTT contends that Brickhouse's failure to contest the default judgment first in the district court means that all its issues in the court of appeals are waived, based on our well-known practice of generally not considering

arguments not first made before the district court. See If this court will look at the motion to dismiss, on the first page it tell procedural background. If you see Appellee's counsel does not even have the January 5th, 2016 date listed, being that default being filed and counsel enters a appearance on January 6th, 2016, above facts show that District Attorney Robert Smith who has been Indicted on obstruction of justice in a criminal case, show evidence that they were obstructing justice in civil cases to! For more about the Chancery judge performance, see the Appellant Brief docketed on March 24th, 2016. The cases cited in the Appellee motion to dismiss In re Estate of Lewis, 135 So.3d 202 and Williams v. Wilson's Mobile Home Serv. 887 So.2d 830 (Miss. App. 2004), do not apply to this case because this is a appeal from a Rule 59(e) motion to alter or amend judgment and they were both appeals from a single issue and in both cases the judge was not given a second chance to review the issues on appeal! Under Mississippi Rules of Civil Procedure that is all that is required for an final judgement. See COAHOMA COUNTY BANK & TRUST CO. V. FEINBERG, 128 So. 2d 562 (1961) Evidence, section 136 p.141. The party who has the burden of proof may be determined by considering which would succeed if no evidence was offered, and by examining what would be the effect of striking out of the record the allegation to prove. The Appellee's are in default since January 5th, 2016. (Vol 1., pg.86) Chancery Judge Patricia D. Wise understood this fact and would not allow the Appellee's counsel to raise a defense, so with the help of District Attorney Robert Smith he got her to recuse herself and Appellee's counsel went judge shopping for one who would allow him to break the rules, when a default judgment prohibits of raising a defense. See SOUTH V.

UNITED STATES, 40 F.R.D. 374 .Upon motion made by a party before responding to a pleading or if no responsive pleading is permitted by the these rules upon motion made by a party within 20 days after service of the pleading, upon him or upon the court's own initiative at any time the court may order stricken from any pleading any insufficient immaterial, impertinent, or scandalous matter. As for Appellee's counsel claim that Terminal Resource, was not served. Counsel entered a appearance for Crexendo the parent company, who counsel states is over all the named business in the complaint, and it Crexendo that pays all damages in all civil action for all the other named defendants named in the complaint! so, all of them have been served under the rules of civil procedure. That finely I *want to point out that Justice Michael K. Randoulph granted a stay in the briefing schedule after the Appellees brief was due and that Justice Jess H, Dickinson, Justice P.J., Coleman and Justice Beam, JJ., granted a Motion to Dismiss some one Hundred, fifty days after the Appellant Brief was filed. I state on the record I question the Judicial integrity of these justices! Because they are not interpreting the facts of the case. Or the rules of civil procedure, or the case law cited as they are written! In fact, they did not even cite any facts, any rule of civil procedure, or any case law to support their ruling that has no merit.*

ARGUMENT 2

THE CHANCERY COURT DENIED THE APPELLANT/PLAINTIFF THE RIGHT TO REPRESENT HIMSELF IN CIVIL ACTION AND TO BE TREATED THE SAME AS OTHER APPELLANT/PLAINTIFF WHO HAVE COME BEFORE THE CHANCERY COURT ON A DEFAULT JUDGEMENT IN VIOLATION OF 28 U.S.C. A. § 1654. AND IN VIOLATION OF THE SIX AND FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

That on September 8E 2016 the Appellant Charles L. Stringer, pro se filed a Motion to Alter or Amend Judgment, (Vol. I, Dct., pgs. 104-106). On page 105, stating: The above facts stated in the first three paragraph is a violation of the Plaintiff Charles L. Stringer Sixth and Fourteenth Amendment to United States Constitution, that his right to represent himself in civil legal matter and him being treated the same as other Plaintiffs who have come before this Court on a default issues, this will be proven by this Court stating on the record how many default cases have come before him since being a judge and how many of them he has dismiss on these grounds. That on November 12th, 2015, Appellant Pro Se Charles L Stringer files a complaint on grounds of Fraud and Unjust Enrichment (Vol 1, Dct., pgs. 4-13). That some fifty four days after that Appellant served the defendants with process, the Appellant files with the clerk office January 5th, 2016, Request for Default Judgment, Affidavit for Default Judgement and Affidavit as to Military Services, (Vol.

1, Dct. Pgs 16-18). see NATIONAL SHOPMEN PENSION FUND V. RUSSELL, 283 F.R.D 16, at 19

> Where as here there is a complete "absence of any request to set aside the default or suggestion by the defendant that it has a meritorious defense, it is clear that the standard for default judgment has been satisfied.

Also See BHTT ENTERTAINMENT INCORPORATED. V. BRICKHOUSE CAFÉ & LOUNGE ET AL 858 F.3d 310 In the alternative, BHIT contends that Brickhouse's failure to contest the default judgment first in the district court means that all its issues in the court of appeals are waived based on our well-known practice of generally not considering arguments not first before the district court. As this Court, will see through this Appeal, not once did the Appellee/Defendant counsel ever seek to file a motion to set aside default judgment that was entered on January 5th, 2016. That on March 23rd, 2016, Appellant request a hearing before Chancery Court Judge Patricia D. Wise on hearing for a hearing on two motions for permeant injunction (Vol. 1 Dct. 21-23), requesting that the defendants put Appellant/Plaintiff website back on the Internet without a fee and to stop charging Appellant/Plaintiff a fee ever month to process credit cards. see JULES JORDON VIDEO: INC. V. 144942 CONAOLO. INC. 617 F.3d 1146 (9th Cir. 2010) at 1159, A defaulted defendant cannot answer the complaint unless and until the defaulted is vacated. At Judge Wise hearing on March 23, 2016, (VOL 2, Cr., Trs pages 2-22), you will see that all she does is harass the Appellant/Plaintiff pro se about the fact he is not a attorney and he does not have a right to

represent himself in her court. This is a violation of 28 U.S.C.A. § 1654 and in violation of the Six and Fourteenth Amendment of the United State Constitution. Again in JULES JORDON VIDEO INC. at 1159 it also cannot respond to request for admission at least until the default is vacated. See DYASTEEL V. AZTEC INDUSTRIES 611 So.2d 977 (Miss. 1992) Judgment Debtor that did not file answer to creditor's complaint did not appeal within meaning of rule governing applications for default judgment and was not entitled to notice of creditor's application for default, absent evidence showing intent on part of debtor to defend; debtor did not hire attorney before entry of judgment and did not respond to any creditor's settlement offers. Rule Civil Proc. 55(b). That on that same date March 23rd, 2016, Judge Wise also told Appellant/Plaintiff pro se in the middle of his hearing to stop talking and step aside and allow Attorney John Reeves to have his hearing at the same time as Appellant/Plaintiff was having his and I had to sit through a hearing were the witness claimed to be a DEA agent and he was being ask about how much he was paying his x-wife in child support. When he started telling him he could not remember and each time Reeves ask a quest, he would say I don't remember. I Appellant/Plaintiff sat there for some twenty minutes before they ask the Judge to let him go to his hotel and get all the documents he had to be able to answer their questions. At (Vol. 2, Cr.,Trs.21-22) that is where the court reporter says (Recess) were the above facts took place. When she come back to Appellant/Plaintiff pro se she recuse, herself and issues a Order (Vol. 1, Cr. Dct. 66) This cause came before this Court on Motion for Permanent Injunction. The Court, finding that it has jurisdiction over the person and subject matter herein

and considering all other facts and matters relative thereto, finds that it will be necessary and proper for Chancellor Patricia D. Wise to recuse herself from any further actions in this case. Judge Wise would rather recuse herself from my case before she would have to rule in Appellant favor! See TRAGUTH V. ZUCK, 710 F.2d 90 (1983) at 95.

> The district court also abused its discretions in failing to take Into account Zuck pro se status, Implicit in the right to selfrepresent is an obligation on the part of the court to make reasonable allowances to protect pro se litigants from inadvertent for forfeiture of important rights because of their lack of training.

That as I (Plaintiff/Appellant) was leaving the Chancery court that March 23nd, 2016, outside the courthouse, I saw the man who claim to be going to his hotel room to get documents, the DEA agent and he was waiting on me, I just kept walking. But the point has been since my November 16th, 1988, arrest in Stringer v. State, 627 So. 2d 326 (Miss. 1993), I have had to deal with Defendants in Stringer v. Peters, 464 Fed. Appx. 309, demanding they be allowed to have meeting with the judges in my Justice, Municipal, County, Circuit, Chancery, State and Federal courts without Plaintiff/Appellant being present! That when there was a hearing in any of my criminal cases or law suits cases filed, demanding that they not rule in Plaintiff/Appellant favor. Because I am not like them, I don't try to have my friends and family arrested, or help them set them up like they did me! Again, on March 23rd, 2016, that had been what happen with Chancery Judge Wise. That the child custody hearing

was just a stage act and all they were doing was trying to get the present law suit dismiss! But Judge Wise, just decide to recuse herself rather than be put in the middle criminal conspiracy that date back to 1988. That John Reeves and this DEA agents are new parties in Peters case. That for this Court to understand why the Plaintiff/Appellant is acting Por Se, we must go back to his criminal case Stringer v. State, 627 So. 2d 326, In that case Attorney Thomas Lowe, had conspired with Ed Peters and other defendants in the Rico case to send Plaintiff/Appellant to prison to this date of filing this appeal. But if you read the case, you will see that I stood up and raised up my hand and ask for a mistrial, because my attorney was misrepresenting Plaintiff/Appellant. See ANDREWS V. BECHTEL POWER CORP. 780 F.2d 124 (1st Cir. 1985), Which states: Section 1654 comes to us freighted with history; it call back visions of days when much litigation especially on the law side", was carried on by strong self-reliant citizens who preferred to appeal to the sense of justice of "the country rather than entrust their causes to lawyers trained in the intricacies of the law. Again in Stringer v. State this Court wrote:

> We take this opportunity to caution this bench and bar of a Growing number of reversals caused by inefficient, ineffective Or unprofessional conduct by counsel. Retrials of criminal Proceedings are extremely costly to the taxpayers of this State. It is not beyond the authority of this Court to assess The entire costs of a new trial to the attorney whose conduct Made the trial necessary in those cases where this occurs, Personal liability for this cost may well be imposed by this Court in the future and

> it will be done with an even hand, Applies both to the private attorney and the attorney re-Presenting the State. This Court is increasingly unwilling to Cast the burden of incompetence on innocent taxpayers and Consider this notice to the bench and bar that in the future We may not do so.

It because of this above statement and the fact that every attorney Plaintiff/Appellant tried to hire find out that there is a conspiracy by Ed Peters and the other defendants in that case against him that make them withdraw from his case and will not try and seek out federal agents to help Plaintiff/Appellant get justice in his cases! Now back to case at hand, this is not the first time the Plaintiff/Appellant has gotten a default judgment, see Stringer v. Campbell et al, 30 F.3d 1492 (5th Cir. 1994) and Stringer v. McAdory, et al, 42 F.3d 642 (5th Cir. 1994), both are unpunished opinions. Judge Tom Lee and Judge William Barbour first made the Defendant counsels in those cases first file a motion to set aside default Judgments, before their counsels could files answer and affirmative defenses in these cases. Again see Stringer v. American Bankers Insurance Company of Florida, et al, 822 So. 2d 1011, in that case Judge James Graves would not allow counsel to file answer and affirmative defenses, until a motion to vacate or to set aside default judgment was filed. see NATIONAL SHOPMEN PENSION FUND V. RUSSELL, 283 F.R.D 16, at 19.

> Where as here there is a complete "absence of any request to set aside the default or suggestion by the defendant that it has a

meritorious defense, it is clear that the standard for default judgment has been satisfied.

In MARSHALL V. BAGGETT 616 F.3d 849 (8th Cir. 2010). It is nearly axiomatic that when a default judgment is entered facts alleged in the complaint may not be later contested. See Thomson v. Wooster, 114 U.S. 104 (1885). This is a violation of 28 U.S.C. A. § 1654 and of the Plaintiff/Appellant Sixth and Fourteenth Amendment to United States Constitution, that his right to represent himself in civil legal matter and him being treated the same as other Plaintiffs.

ARGUMENT 3

THE CHANCERY COURT ERRED CITING BAKER & McKENZIE, LLP V. EVENS 123 So.3d IS NOT ONE DIGEST KEY IN THAT CASE THAT ADDRESS A RULE MOTION AND IT STATES COMPLAINTS FILED IN OTHER STATES UNDER DIFFERENT LEGAL CLAIMS IS NOT COLLATERAL ESTOPPEL.

That on September 1, 2016, Chancery Court Judge Dewayne Thomas issued a Order of Dismissal under Rule 12(b)(6) of the Mississippi Rules of Civil Procedure, (Vol. 1, pgs.101-103). At 102-103, Accordingly, this Court must grant the Defendants' Motion to Dismiss and dismiss the Plaintiffs Complaint for failure to state a claim upon which relief can granted under Rule 12(b)(6). Such dismissal shall be with prejudice. That on March 11th, 2016 the Defendants/Appellees filed Defendants' Answer and Affirmative Defenses to Complaint, (Vol. 1, pgs. 27-33) and Motion to Dismiss Plaintiffs Complaint with

Prejudice, (Vol. 1, pgs. 34-41). That on March 17th, 2016, the Plaintiff/Appellant filed his Response to Defendants Motion to Dismiss, (Vol. 1, pgs. 70-85). As stated in the Response: First this Court will see that the Defendants are in Default and have been since January 5th, 2016, some 73 days and the Defendants counsel filed a Notice of Appearance on January 6th, 2016, so it not like he didn't know of fact! Because of the Default, counsel for the Defendants cannot file any motion to dismiss, because of this fact, he must first deal with the issue of Default and it is not Plaintiff job to tell him this fact or how to deal with it. Counsel cannot object to any pleadings filed by the Plaintiff or any statements made by Plaintiff in open Court on our hearing on March 23rd, 2016, he can only watch what take place and report to the Defendants what has taken place. That all Defendants counsel did at that hearing March 23rd, 2016. Because Chancery Judge Wise Would not allow it. But on our June 1st, 2016 hearing before Chancery Judge Thomas, he allowed Attorney Weldy to raise a Motion to Dismiss, when he was in Default, something he knew Chancery Judge Wise would not allow, (Vol 2, pgs.n25-54). See SHAKMAN ET AL V. DEMOCRATIC ORGANIZATION OF COOK, 533 F.2d 344, at 352 (7th Cir. 1976) Moreover plaintiffs alleged in their petition that Cardilii possessed actual notice of the judgment, Respondents failure to deny this allegation in their answer deemed as admission under Fed. R. Civ. P. 8(d). Again if this Court would review BAKER & McKENZIE LLP V. EVENS 123 so. 2d 387(Miss.2013), at 401, To succeed on a motion for a judgment as a matter of law, a party must prove that "the pleadings, depositions, answers to interrogatories and admissions on file, together with affidavits, if any show that there

is no genuine issue of material fact. In Baker this Court stated only after discover can a Judge make a ruling of doctrine of collateral estoppel and res judicata. Had Chancery Judge Thomas read all of Baker he would have known he could not grant such a ruling without discovery and he was procedure bar based on that fact alone! Again, if we go by Baker ruling on this case, it support the Plaintiff/Appellant, how a class action lawsuit filed by attorneys Christopher Brown and Glen Reid in Circuit Court of Shelby County Tennessee, (Vol. 1, at 49-56) on the grounds of how many hours person work on a website over the telephone. Could give the Chancery Court Judge the idea it apply to my case, were the Plaintiff/Appellant never collected a dime in that lawsuit! See Baker at 402, Even if the nonparty is consider to be in privity, the issues must be "the specific issues actually litigated." Marcum v. Mississippi Valley Gas Co. Inc., 672 So.2d 730 (Miss.1996). This is a Fraud and Unjust Enrichment action that has never been filed in any other courts and was filed the first time in Chancery Court on November 12th, 2015, (Vol. 1, pgs. 4-13). That on September 10th, 2015, in New Orleans, Louisiana before Arbitrator Robert Redfearn, Jr. Appealing at the hearing were Charles Stringer ("Claimant"), and Jeffery Korn, on behalf of Storesonline, Inc. and its parent, Credxendo, Inc. (Respondents"), (Exhibit 4, from Trial Exhibits List). It states in the next paragraph what the ground for the Arbitration were. That none of those grounds are what this law suit were filed on, that being Fraud and Unjust Enrichment! See (Vol. 1, pgs.11-12) First case of Action, That because the Arbitrator Robert Redfearn Jr., did not address the other issues raised, reimbursement of certain fees for hosting his website, domain registration and credit card processing that he

is being improperly charged, that Storesonline had told Charles Stringer if he finished his Website by the end of 2008* they would pay him ten thousand dollars as a spokesman for Storesonline at one of their Internet Marketing Workshop. A undefined amount for his website being down for about one year, the above facts amount to Fraud and Unjust Enrichment, since it would cost tens of thousands of dollars to have to file for on each issue with American Arbitration. Second case of Action, That paragraph 1 through 23 amount to Fraud and Unjust Enrichment since Storesonline told Charles Stringer in writing and on the phone that he Owns his Website and would never have to pay any more fees after he paid off his website. Third Case of Action, The evidence will show that the defendants are the ones who built the Website: American Arbitration Association and are the ones that run it and have total power over the Arbitrator rulings and that is Fraud and Unjust Enrichment. Again in BAKER & McKENZIE LLP V. EVENS 123 So.2d 387 (Miss.2013), at 402.

> Even if the nonparty is considered to be in privity, the issues must be "the specifie issues actually Litigated."

So now were in the above two issues does Chancery Judge Dewayne Thomas claims are barred by the doctrine of collateral-estoppel and res judicata. Not once in these cases does it state: Fraud and Unjust Enrichment! I want to incorporate this second argument in support of my first argument. This is a violation of 28 U.S.C.A. § 1654 and of the Plaintiff/Appellant Sixth and Fourteenth Amendment to United States Constitution, that his right to

represent himself in civil legal matter and him being treated the same as other Plaintiffs.

ARGUMENT 4

THE CHANCERY COURT JUDGE ERRED IN NOT GRANTING PLAINTIFF MOTION TO STRIKE ANSWER AND AFFIRMATIVE DEFENSES UNDER MRCP. 12(f).

That on September 8th, 2016, the Plaintiff/Appellant file a motion to Alter or Amend Judgment, (Vol. 1, pgs-104-105). The Chancery Court erred in not addressing Plaintiff motion to Strike Answer And Affirmative Defendants under MRCP 12(f) because the defendants are in Default, as of January 5th, 2016 and because of this fact, the defendants counsel is not allowed to file any pleadings, until this issues is addressed by the court. On March 11, 2016, some 120 days since process was issued and some 66 days after default was entered, the defendants counsel files his Answer to Complaint and his Motion to Dismiss, (Vol. 1, pgs. 27-42). see SHAKMAN ET AL V. DEMOCRATIC ORGANIZATION OF COOK 533 F.2d 344, at 352 Moreover plaintiffs alleged in their petition that Cardilli possessed actual notice of the judgment, Respondents failure to deny this allegation in their answer deemed as admission under Fed. R. Civ. P. 8(d). That on March 17th, 2016 the Plaintiff files his Response to Defendants counsel motion to dismiss, addressing all the defendants counsel claims and stating on the record that all the claims raised by defendants' counsel were in fact frivolous, (Vol. 1, pgs. 70-74). That on March 23rd, 2016, Judge Patricia D. Wise issues a Order stating: This cause came before this Court on Motion for Permanent Injunction. The

Court, finding that it has jurisdiction over the person and subject matter herein, and considering all other facts and matters relative thereto, finds that it will be necessary and proper for Chancellor Patricia D. Wise to recuse herself from any further actions in this case, (Vol. 1, pg. 86). That on April 19th, 2016, the plaintiff files two motion to strike on the grounds that the defendants counsel motion to dismiss is prohibited on grounds that the defendants are in default and that it violates 902, 1001 and 1002 of Mississippi rules of Evidences (Vol. 1, pgs. 87-88). see GEORGE B. GILMORE CO. V. GARRETT 582 So. 2d 387 at 396 (1991). This circuit court correctly excluded them. There was no showing that these were in fact true and correct copies of VA Inspection report on the construction of the house. That since the filing of these motion to strike, the defendants counsel has not filed any response to them. See LIPTON INDUSTRIES INC. V. RALSTON PURINA CO. 670 F.2d 1024, at 1030, Rule 8(d) of Miss. Rules of Civil Procedure provides Averments in pleading to which a responsive pleading is required are admitted when not denied in the responsive pleading. That on June 1st, 2016, the Plaintiff had a hearing before Chancery Judge Dewayne Thomas, on his two Motion for Permanent Injunctions, not once has the defendants counsel filed any response to these motions and defendants counsel in open court on June 1st, 2016, did not object to this Court in granting these Injunctions, See Miss. Rule of Civil Procedure 8(d) Effect of Failure to Deny. Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damages, are admitted when not denied in the responsive pleading.

I want to incorporate this third argument in support of my first argument. This is a violation of 28 U.S.C.A. § 1654 and of the Plaintiff/Appellant Sixth and Fourteenth Amendment to United States Constitution, that his right to represent himself in civil legal matter and him being treated the same as other Plaintiffs.

ARGUMENT 5

THE CHANCERY COURT JUDGE ERRED IN NOT GRANTING PLAINTIFF SECOND MOTION TO STRIKE MOTION TO DISMISS UNDER MRCP. 12(f).

That on September 8th, 2016, the Plaintiff/Appellant file a motion to Alter or Amend Judgment, (Vol. 1, pgs.104-105).The Chancery Court erred in not addressing Plaintiff motion to Strike Motion to Dismiss, under MRCP 12(f) because the defendants are in Default, as of January 5th, 2016 and because the defendants counsel is not allowed to file any pleadings, until this issues is addressed by the court. On March 11th, 2016, some 120 days since process was issued and some 66 days after default was entered, the defendants counsel files his Answer to Complaint and his Motion to Dismiss, (Vol. 1, pgs. 2742). See SHAKMAN ET AL V. DEMOCRATIC ORGANIZATION OF COOK 533 F.2d 344, at 352 Moreover plaintiffs alleged in their petition that Cardilli possessed actual notice of the judgment, Respondents failure to deny this allegation in their answer deemed as admission under Fed. R. Civ. P. 8(d). That on March 17th, 2016 the Plaintiff files his Response to Defendants counsel motion to dismiss, addressing all the defendants counsel claims and stating on the record that all the claims by defendants' counsel were in fact frivolous, (Vol. 1, pgs. 70-74). That

on April 19th, 2016, the plaintiff files two motion to strike on the grounds that the defendants counsel motion to dismiss is prohibited on grounds that the defendants are in default and that it violates 902, 1001 and 1002 of Mississippi rules of Evidences (Vol. 1, pgs. 87-88). see GEORGE B. GILMORE CO. V. GARRETT 582 So.2d 387, 396. This circuit court correctly excluded them. There was no showing that these were in fact true and correct copies of VA Inspection report on the construction of the house. That since the filing of these motion to strike, the defendants counsel has not filed any response to them. see LIPTON INDUSTRIES, INC. V. RALSTON PURINA CO., 670 F.2d 1024, at 1030 (1982), Rule 8(d) of Miss. Rules of Civil Procedure provides Averments in pleading to which a responsive pleading is required are admitted when not denied in the responsive pleading. That the plaintiff Charles L Stringer took that stand on June 1st, 2016 and testified that he in fact owns the website and he owns the credit card processing program and entered into evidence, Certificate for Confidential Storesonline Merchants Only, stating: Plaintiff Charles L. Stringer does not have to pay these monthly fees, that they are being waved. After the Plaintiff rested, the defendants counsel tried to make all kinds of legal claims. The Plaintiff objected to all his claims and to any documents he tried to entered under Mississippi Rule of Evidence. see COAHOMA COUNTY BANK & TRUST CO. V. FEINBERG, 128 So. 2d 562 at 565 Evidence, section 136 p.141. The party who has the burden of proof may be determined by considering which would succeed if no evidence was offered, and by examining what would be the effect of striking out of the record the allegation to proved. See SOUTH V. UNITED STATES, 40 F.R.D. 374 at 375 Upon motion

made by a party before responding to a pleading or if no responsive pleading is permitted by the these rules upon motion made by a party within 20 days after service of the pleading, upon him or upon the court's own initiative at any time the court may order stricken from any pleading any insufficient immaterial, impertinent, or scandalous matter. The Plaintiff objection that the defendants counsel tried to entered evidence and also attached exhibits to his motion to dismiss, spoliated evidence. see DOWDLE BUTANE GAS CO. INC. V. MOORE, 831 So.2d 1124(Miss.2002) at 1127 The inference entitles the non-offending party to an instruction that the jury may infer that spoliated evidence is unfavorable to the offending party.

I want to incorporate this forth argument in support of my first argument. This is a violation of 28 U.S.C.A. § 1654 and of the Plaintiff/Appellant Sixth and Fourteenth Amendment to United States Constitution, that his right to represent himself in civil legal matter and him being treated the same as other Plaintiffs.

CONCLUSION

In conclusion, this Court should grant the Petition For A Writ Of Certiorari and issue a order striking all Respondent pleadings from the record, with instructions that the Respondent's are not to be allowed to file any pleading because they have been in default since January 5th, 2016. And grant any other issue this Court should find to be deem fit and proper in the above styled case.

Respectfully submitted,

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APPENDIX