

No. 19-1450

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In the Supreme Court of the United States

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Samuel T. Russell,  
*Petitioner,*

v.

State of Texas - TEA,  
*Respondent.*

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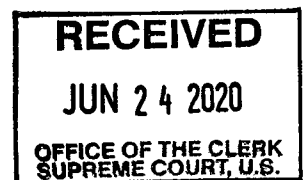
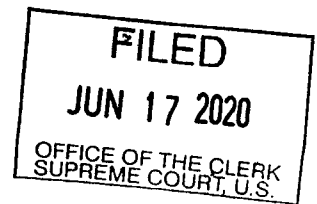
On Petition for a Writ of Certiorari to  
United States Court of Appeals for the  
Federal Circuit

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PETITION FOR A WRIT OF CERTIORARI

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Samuel T. Russell



## I. QUESTION PRESENTED

This petition presents the following question:

When the lower Courts overlooked the Framers' written intent of the 11th Amendment (which plainly reads that States cannot be sued by “ (1) Citizens of another State, or by (2) Citizens or (3) Subjects of any Foreign State”, by applying this oversight to Rules of law that discredit Bill of Rights 1, 4, 5, 7, 9 and 10, as well as reject the case histories of *Apodaca v. Oregon*, 406 U.S. 404 (1972), *Ramos v. Louisiana*, 590 U.S. (2020), *Hernandez v. Texas*, 347 U.S. 475 (1954), and *Taylor v. Illinois*, 484 U.S. 400; under what Congressional authorization are the lower Courts consenting to a fourth (4<sup>th</sup>) variable, that a citizen suing his own State is barred by State sovereign immunity, when merits of Federal Rules of Law violations are alleged; which thereby removes the purpose of the Founding Fathers' and their Oath to Justice' intent, as GOD Himself (Deuteronomy 1: 16-17 - KJV) nor the 11<sup>th</sup> Amendment authorized non-Congressional members to add a fourth (4<sup>th</sup>) variable?

## **II. PARTIES TO THE PROCEEDING**

All parties are listed in the caption.

## **III. RULE 29.6 STATEMENT**

The petitioner is not a nongovernmental corporation, nor does the petitioner have a parent corporation or shares held by a publicly traded company.

## **IV. STATEMENT OF RELATED CASES**

United States Appeal Court:

*Samuel Russell v. State of Texas*, No. 19-11191 (5th Cir. 2020).

United States District Court:

*Samuel Russell v. State of Texas*, USDC No. 3:19-CV-430.

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## VII. Petition For a Writ of Certiorari

Samuel T. Russell, a State of Texas citizen, respectfully petitions this court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit on an appeal from the United States District Court for the Northern District of Texas USDC No. 3:19-CV-430.

## VIII. Opinions Below

The decision denying Mr. Russell's direct appeal is reported as *Samuel Russell v. State of Texas*, No. 19-11191 (5th Cir. 2020). The United States Court of Appeals for the Fifth Circuit denied Mr. Russell's petition for hearing on April 8, 2020. That order and Justices King, Graves, and Willett's dissent is attached at Appendix pp. 1-2.

## IX. Jurisdiction

Mr. Russell's petition for hearing to the United State Court of Appeals for the Fifth Circuit was denied on April 8, 2020. Mr. Russell invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the United States Court of Appeals for the Fifth Circuit judgment.

## **X. Constitutional Provisions Involved**

### **United States Constitution Amendment 1:**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### **United States Constitution Amendment 4:**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### **United States Constitution Amendment 5:**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in

jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution Amendment 7:

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

United States Constitution Amendment 9:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

United States Constitution Amendment 10:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

United States Constitution Amendment 11:

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

## XI. Statement of the Case

This Appeal is a question of whether or not a State can lynch its own citizens upon whom that State has violated numerous Federal Rules of Law, while Federal Courts look the other way due to *'century old,'* non-Congressional standards.

When past bias practices set a precedent by supporting the misinterpretation of the *'plain language'* of an Amendment to the US Constitution (11<sup>th</sup> Amendment) by adding a fourth (4<sup>th</sup>) variable, will not such uniformed consent lead to current US Constitutional biased interpretations of other Federal Rules of stated Law?

Such as, when the 11<sup>th</sup> Amendment plainly says a State cannot be sued by "(1) Citizens of another State, or by (2) Citizens or (3) Subjects of any Foreign State;" but the lower Courts' biasness of this Amendment has occurred by them adding a fourth (4<sup>th</sup>) variable to support *'lack of jurisdiction'* against the intent of the 11<sup>th</sup> Amendment, and without *'Congress abrogating foreclosed, proscribed consent'* that the *'State of Texas has sovereign immunity from its own citizens.'*

Is not this biasly adjudicated *'century old'* practice of adding a fourth (4<sup>th</sup>) variable to the 11<sup>th</sup> Amendment being upheld without Congressional approval; as well as prejudicially against Fed. R. Civ. Proc. 55a, Fed. R. Civ. Proc 12a, and Fed. R. Civ. Proc. 4d, because this biased practice *'delimits'* and devalues *'the (plain) terms'* of the 11<sup>th</sup> Amendment, and other Federal Rules of Law, by making a State's own citizen plead for *'consent to sue?'*

Also, according to Fed. R. Civ. Proc 12a, the Respondents filed out of time; and, according to Fed. R. Civ. Proc. 55a, Petitioner was due a Default Judgment verdict.

In connection with these rulings, Petitioner argues that the lower Courts erred when it denied his Motion for Default Judgment and dismissed his suit based on 11<sup>th</sup> Amendment *'lack of subject matter jurisdiction'* by adding a fourth (4<sup>th</sup>) variable not written in the 11<sup>th</sup> Amendment.

## XII. Reasons for Granting the Petition

The Appeals Court quoted from *Hans v. Louisiana*, 134 U.S. 1, 10-16 (1890) that *'a federal court could not entertain a suit brought by a citizen against his own State,'* but where is it in the governing Rules of law for the Court or within the 11<sup>th</sup> Amendment that says *'a federal court could not entertain a suit brought by a citizen against his own State?'*

The 11<sup>th</sup> Amendment failed to include that a (4<sup>th</sup> variable) citizen is barred from suing his own State.

On the contrary, the 11<sup>th</sup> Amendment clearly does not have a 4<sup>th</sup> variable sovereign immunity component that grants sovereign immunity for *'lack of subject matter jurisdiction'* to a State when its own citizen is suing for guaranteed Federal Rules of Law and Bill of Rights violations.

This case presents this Court with a duty to clarify the lack of jurisdiction intent of the 11<sup>th</sup> Amendment, which is that *'a Federal Court (can) entertain a suit*

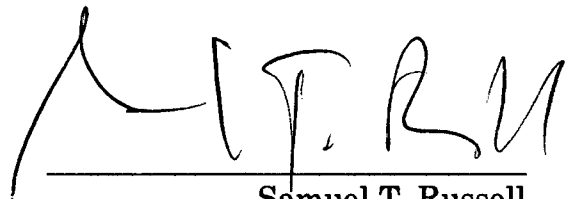
*brought by a citizen against his own State'* when Federal rights apply to that citizen.

Absent intervention by this democratically legitimate Court, the North Texas Court of Appeals' (5<sup>th</sup> Circuit) published decision, that was based on a 4<sup>th</sup> variable component, will work to undermine the carefully-crafted procedural safeguards against what this Court and the Framers of the Constitution spent years developing.

### XIII. Conclusion

For the foregoing reasons, Mr. Russell respectfully requests that this Court issue a writ of certiorari to review the judgment of the North Texas Court of Appeals (5<sup>th</sup> Circuit).

DATED this 16<sup>th</sup> day of June, 2020.

A handwritten signature in black ink, appearing to read 'S. T. Russell', written over a horizontal line.

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