

19-5188

No. \_\_\_\_\_

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
JUN 19 2019  
OFFICE OF THE CLERK

JERMAINE Antwan TART — PETITIONER  
(Your Name)

vs.

JAMES VEGAS, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

4<sup>th</sup> CIRCUIT APPEALS COURT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JERMAINE Antwan TART  
(Your Name)

PO Box 215

(Address)

MAURY, NC 28554-0215  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

RECEIVED

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Do inmates have 5<sup>th</sup> and 14<sup>th</sup> Amendment pre-deprivation rights to funds from existential outside employment or royalties?
2. Should the Eastern District U.S. District Court of NC order the defendants to pay witness fees to plaintiffs Reg Geste witness?
3. Should plaintiff be allowed counsel in the alternate of question (2) two, to enable him to confirm delivery dates, signatures, value of the two royalty checks?
4. Is malicious intent shown by there being two checks, sent on two days, both having to be signed for despite all staff denying their existence?
5. Would it be constitutionally correct to allow Judge James C. Dever III dismiss this claim from a retainer lawsuit?
6. Is plaintiff entitled to discovery of all info including what defendants have done with the checks since they were sent?
7. Does the 4<sup>th</sup> Circuit Court of Appeals have mandamus jurisdiction over state official actions?
8. Is plaintiff entitled to redress for any stolen monies from the possible illegal deposit of checks?
9. The lawsuit has been in effect over one year, is plaintiff entitled to equitable relief since defendants have completely denied the existence of the checks. (The checks are worth millions and plaintiff has no other source of smaller amounts of income) Pursuant to 42 USC § 1997(c), in re: whereabouts of negotiable instruments from Rhapsody.com and GreenLeaves.net recording distributors, both sent in early to mid February, 2018. These companies were contacted by Richard Huffman - owner of Huffman's Services ~~LLC~~ located at PO Box 539, Sugar Grove PA ~~16350~~ 16350 telephone No: (814) 350-6898.

## 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:

1. JAMES SMITH
2. MARK TROCK
3. MAIL ROOM STAFF (DISMISSED)
4. ALL OTHER REGULATORY STAFF DISMISSED

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

<u>ZINERMAN V. BURCH</u> , 494 U.S. 113 (1990)	PG.(5)
<u>WRIGHT V KEEBLAND</u> , 219 F.3d 905, 913 (9th Cir. 2000)	PG.(5)
<u>LOUDERMILK</u> , 470 U.S. AT 80-84	PG.(5)
<u>GOLDBERG</u> , 397 U.S. AT 264	PG.(5)
<u>BERNAL V FATHER</u> , 467 U.S. 216, 222, N.7 104 S.Ct. 2312, 2317, M.7, 81 L.Ed.2d, 175 (1984)	PG.(5)
<u>HEWITT V HELMS</u> , 459 U.S. 460, 462-472, 103 S.Ct. 864, 870-871, 74 L.Ed.2d, 675 (1983)	PG.(5)
<u>HUDSON V PALMER</u> , 468 U.S. 541, 104 S.Ct. 3194, 3209 (1981)	PG.(5)
<u>SANDIA V CONNER</u> , 515 U.S. 472, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995)	PG.(5)
<u>MORTON V. RUIZ</u> , 415 U.S. 199, 235, 94 S.Ct. 1055 (1974)	PG.(5)
<u>UNITED STATES EX REL. MILLER V. TWOMEY</u> , 479 F.2d 701, 712 (CA 7 1973) (FOOTNOTES OMITTED), CERT. DENIED, 439 U.S. 938, 101 S.Ct. 2947, 63 L.Ed.2d 390 (1981)	PG.(5)
<u>DEPARTMENT OF PUBLIC SAFETY OF ILLINOIS V. GUTTEREZ</u> , 414 U.S. 1146, 94 S.Ct. 906, 39 L.Ed.2d 102 (1974)	PG.(5)

### OTHER

1<sup>ST</sup> AMENDMENT U.S. CONSTITUTION

4<sup>TH</sup> AMENDMENT U.S. CONSTITUTION

14<sup>TH</sup> AMENDMENT U.S. CONSTITUTION

5<sup>TH</sup> AMENDMENT U.S. CONSTITUTION

"FUNCTIONAL PREREQUISITES": THE CASE OF PRISON, 63 J.Crim.L., C.P.S. 229 (1972)

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## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was JANUARY 2, 2019.

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: APRIL 2, 2019, and a copy of the order denying rehearing appears at Appendix B.

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).

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/B 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 C to the petition and is

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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1<sup>ST</sup>

AMENDMENT RIGHT TO SEND AND RECEIVE MAIL.

4<sup>TH</sup>

AMENDMENT RIGHT TO BE FREE FROM UNREASONABLE  
SEARCH AND SEIZURE

5<sup>TH</sup>

AMENDMENT RIGHT TO BE FREE FROM THE DEPRIVATION  
OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW;  
AND TO BE FREE FROM MY PRIVATE PROPERTY BEING TAKEN  
FOR PUBLIC USE, WITHOUT JUST COMPENSATION.

14<sup>TH</sup>

AMENDMENT RIGHT TO BE FREE FROM THE STATE  
DEPRIVING MYSELF OF LIFE, LIBERTY, PROPERTY, WITHOUT DUE  
PROCESS OF LAW; OR DENIAL OF THE EQUAL PROTECTION OF

## STATEMENT OF THE CASE

THE CASE BEGAN ABOUT TABOR CITY MAILROOM VIOLATING DUE PROCESS MAIL RIGHTS. JUDGE JAMES C. DEXER III DISMISSED ALL MAIL CLAIMS AS ~~FRIVOLOUS~~ PREVOLOUS. PLAINTIFF AMENDED THE COMPLAINT TO ADD RETALIATION, AND SEVERAL OTHER ~~RETALIATORY~~ INCIDENTS. DEXER III DISMISSED ALL RETALIATORY EVENTS EXCEPT A DUE PROCESS DISCIPLINARY CLAIM. PLAINTIFF HAD ALSO ADDED A CLAIM ABOUT THE THEFT OF TWO ROYALTY CHECKS FROM TWO RECORD LABELS HE WRITES MUSIC FOR AND ASKED FOR DEFENDANTS BE HELD LIABLE FOR PAYING ANY FEES NECESSARY FOR HIM TO PRODUCE EVIDENCE OF ~~HIMSELF~~ SOLICITING ON BEHALF OF THE PLAINTIFF TO BOTH GREENSLEEVES.NET AND RHAPSODY.COM IN EARLY FEBRUARY, 2018. JUDGE DEXER III ALSO DISMISSED THAT CLAIM AND REQUEST ON SEVERAL OCCASIONS. THE PLAINTIFFS WITNESS, RICHARD HUFFMAN SOLICITED TO THE TWO COMPANIES ON PLAINTIFFS BEHALF BECAUSE THE TWO COMPANIES CAN'T BE CONTACTED FROM THE INMATE TELEPHONE SYSTEM. THE PLAINTIFFS WITNESS CONFIRMED THE CHECKS HAD BEEN DELIVERED TO TABOR CITY. TABOR CITY STAFF ~~CONTINUOUSLY~~ CONTINUOUSLY DENIES THE CHECKS @ DELIVERY. HOWEVER THE CHECKS HAD TO BE SIGNED FOR. THE PLAINTIFFS WITNESS HAS REQUESTED THE PAYMENT PLAINTIFF OWES FOR THE SOLICITATION BEFORE HE WILL PRODUCE EVIDENCE SHOWING HE CALLED. PLAINTIFF APPEALED DEXER III'S DECISION SEVERAL TIMES WITHOUT EFFECT. THE FOURTH CIRCUIT COURT OF APPEALS DENIED AN ~~MOTION~~ A PETITION FOR REHEARING AND AMENDED MOTION ~~DEAGRED~~ A PETITION. PLAINTIFF NOW SEEKS CERTIORARI. ~~FOR REHEARING EN BANC~~

## REASONS FOR GRANTING THE PETITION

1. PLAINTIFF PRESENTS QUESTIONS OF SUBSTANTIVE AND PROCEDURAL DUE PROCESS.
2. INMATES HAVE A PROTECTABLE PROPERTY INTEREST IN FUNDS FROM OUTSIDE SOURCES. WRIGHT V RIVECAUD, 219 F.3d 905, 913 (9<sup>th</sup> Cir. 2000)
3. TWO CHECKS FROM TWO RECORD LABELS WHICH HAD TO BE SIGNED FOR ON TWO DIFFERENT DAYS COULDN'T BE MERELY NEGLIGENTLY LOST.
4. IN SITUATIONS WHERE THE STATE FAIRLY CAN PROVIDE A PREDEPRIVATION HEARING BEFORE TAKING PROPERTY, IT GENERALLY MUST DO SO REGARDLESS OF THE ADEQUACY OF A POSTDEPRIVATION TORT REMEDY TO COMPENSATE FOR THE TAKING. ZINERMON V BURCH, 494 U.S. AT 132 (1990) GIVING LAUDERDALE, 470 U.S. AT 80-84; GOLDBERG, 397 U.S. AT 264
5. INMATE HAS A WITNESS WHOM SPOKE ON HIS BEHALF TO THE TWO COMPANIES WHOM HAS CONFIRMED THE CHECKS HAD TO BE SIGNED FOR. SEE APPENDIX E
6. THE COURTS HAVE A SPECIAL OBLIGATION TO PROTECT THE RIGHTS OF PRISONERS. BERNAL V FAZAKER, 467 U.S. 214, 222, N. 7 104 S.G. 2312, 2317, N. 7, 81 L.Ed. 2d. 175 (1984)
7. IT IS WELL SETLED THAT ONCE A STATE CREATES .. A CONSTITUTIONALLY PROTECTED PROPERTY INTEREST, THE CONSTITUTION FORBIDS IT TO DEPRIVE EVEN A PRISONER OF SUCH AN INTEREST ARBITRARILY = HEWITT V HELMS, 459 U.S. 460, 462 -472, 103 S.G. 864, 870-871, 74 L.Ed. 2d, 675 (1983)
8. THE DEFENDANTS HAVE CONTINUALLY DENIED THE CHECKS EXISTENCE.
9. THE DUE PROCESS AND THE TAKINGS CLAUSES OF THE FIFTH AND THE FOURTEENTH AMENDMENTS STAND DIRECTLY IN OPPOSITION TO STATE ACTION INTENDED TO DEPRIVE PEOPLE OF THEIR LEGALLY PROTECTED INTERESTS. HUDSON V PALMER, 468 U.S. 541, 104 S.G. 3194, 3207 (1984)
10. THE DEPRIVATION OF IMMENSE AMOUNTS OF LEGALLY EARNED MONEY FROM CONTINUOUS EXISTENTIAL ENDEAVORS BY THOSE IN CONTROL OF AN INMATES REFORM IS "ATYPICAL AND A SIGNIFICANT HARSHNESS ON AN INMATE IN RELATION TO THE ORDINARY INCIDENTS OF PRISON LIFE" SANDIN V CONNER, 515 U.S. 472, 115 S.G. 2293, 132 L.Ed. 2d 418 (1995)
11. PRISONERS DEPRIVED OF ANY SENSE OF INDIVIDUALITY DEVALUE THEMSELVES AND OTHERS AND THEREFORE ARE MORE PRONE TO VIOLENCE TOWARD THEMSELVES OR OTHERS (FUNCTIONAL PREREQUISITES: THE CASE OF THE PRISON, 183 J. CRIM. L., C & P.S. 229 (1972))

112. THE VIEW ONCE HELD THAT AN INMATE IS A MERE SLAVE IS NOW TOTALLY REJECTED. UNITED STATES EX REL. MILLER VS TWOMEY, 479 F.2d 701, 712 (CA7 1973) (FOOTNOTES OMITTED), CERT. DENIED SUB NOM. GUTIGREZ V DEPARTMENT OF PUBLIC SAFETY OF ILLINOIS, 414 U.S. 1146, 94 S.Ct. 900, 39 L.Ed.2d 102 (1974).

13. WHERE THE RIGHTS OF [INMATES] INDIVIDUALS ARE AFFECTED, IT IS INCUMBENT UPON AGENCIES TO FOLLOW THEIR OWN PROCEDURES. MORTON V RUIZ, 415 U.S. 199, 235, 94 S.Ct. 1055 (1974).

14. NCDPS. POLICY REQUIRES PRE-DESPARATION PROCEDURE FOR ALL INCOMING AND OUTGOING MAIL. SEE APPENDIX D

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Tina B. Peele* #080334M

Date: 6/19/19

NOTARY SIGNATURE Tina B. Peele  
NOTARY EXPLANATION 8.1.20

