

19-5213

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



ARTHUR O. ARMSTRONG PETITIONER
(Your Name)

School District of vs.
Philadelphia & City of PHILADELPHIA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the THIRD CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Arthur O. Armstrong
(Your Name)

8113 Pleasant Hill Road
(Address)

Elm City NC 27822
(City, State, Zip Code)

252-218-2007
(Phone Number)

QUESTION(S) PRESENTED

Whether Petitioner is entitled to relief, pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure or any relief.

Whether Petitioner was deprived of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

Whether petitioner was deprived of liberty and/or property without due process of law.

Whether Respondents violated petitioner's Fourth and Fourteenth Amendments to the Constitution to the United States.

Whether petitioner is entitled to his constitutional rights under the Fourth and Fourteenth Amendments to the Constitution of the United States.

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:

THE SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG, PETITIONER

VS.

CITY OF PHILADELPHIA, et al, RESPONDENTS

DISCLOSURE OF CORPORATE AFFILIATION AND OTHER
ENTITIES WITH DIRECT FINANCIAL INTEREST IN LITIGATION

ARTHUR O. ARMSTRONG, who is PETITIONER . (Name of party)
(Appellant/moving party or defendant)

makes the following disclosure:

1. Is party of public held corporation or publicly held entity?

. () Yes (X) No

2. Does Party have any parent corporation?

. () Yes (X) No

If yes, identify all parent corporation, including grandparent and great grand-parent corporation

3. Is 10% or more of the stock of a party owned by a publicly held corporation or other publicly held entity?

() Yes (X) No

If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?

5. () Yes (X) No

If yes, identify and nature of the interest

C-1 of 2

Signature



This the 12th of July, 2019.

OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NC 27822

252-218-2007

CERTIFICATE OF SERVICE

I certify that the within and foregoing disclosure statement was served on all counsel of record by depositing copy of same in the U.S. Mail First-Class with adequate postage affixed thereon to ensure delivery at:

REGULAR US MAIL:

COLIN STUART HAVILAND
Office of the General Counsel
School District Of Philadelphia
440 North Broad Street
Suite 313
Philadelphia, PA 19130

July 12, 2019

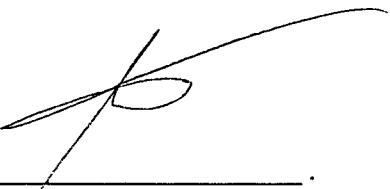

Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 27822

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APPENDIX A: ON July 5, 2019, THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT DENIED PETITIONER'S PETITION FOR A WRIT OF MANDAMUS.

APPENDIX B: ON OCTOBER 4, 1999, THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA DISMISSED PETITIONER'S COMPLAINTS AND DENIED HIS MOTIONS.

APPENDIX C. THE CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN THE CASE, SET OUT VERBATIN WITH APPROPRIATE CITATION.

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 1 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 _____ 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.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 5, 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: _____, 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. § 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS

Fourth Amendment

Fourteenth Amendment

STATUTORY PROVISIONS

28 U.S.C. 1254(1)

28 U.S.C. 1291

28 U.S.C. 1746

42 U.S.C. 1983

42 U.S.C. 1985

42 U.S.C. 1986

42 U.S.C. 1985(3)

STATEMENT OF THE CASE

ARTICLE B-VIII GRIEVANCE PROCEDURE:

Section I. Definition

A grievance is a complaint involving the work situation, that there is a lack of policy. That a policy or practice is improper or unfair, or there has been a deviation from, or a misinterpretation or misapplication of a practice or policy. Or that there has been a violation, misinterpretation or misapplication, inequitable or otherwise improper application of any provision of this Agreement when plaintiff on August 25, 1992 was discharged from his teaching position without a hearing in violation of the grievance procedure without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States. That the School District acted with active connivance in the making of the **meeter false reports** and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprived plaintiff of property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. Plaintiff was never afforded the grievance procedure.

Nothing within this procedure shall be construed to deny any employe his rights under any applicable law. Refused to observe his lesson.

Plaintiff filed a grievance which shall first be discussed with the principal but the principal refused to meet and discuss the grievance with the objective of resolving the matter informally. Instead, saw the plaintiff in the hall and threatened the plaintiff with the loss of his job; when she said "next year is going to be difference without just cause without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

Appellees failed to conform to the requirements of the federal constitution and laws of the United States (Fourth and Fourteenth Amendments violations), Acted with racial profiling (Fourth and Fourteenth Amendments violations). Trespassed on private property (Fourth and Fourteenth Amendments violations). Made an entry without a warrant (Fourth and Fourteenth Amendments

violations). Made some falsities (Fourth and Fourteenth Amendments violations). Assaulted the plaintiff (Fourth and Fourteenth Amendments violations). Harassed the plaintiff (Fourth and Fourteenth Amendments violations) Threatened the plaintiff with the loss of is job (Fourth and Fourteenth Amendments violations). Invaded his privacy (Fourth and Fourteenth Amendments violations). Kicked plaintiff out his property (Fourth and Fourteenth Amendments violations). Racial discrimination (Fourth and Fourteenth Amendments violations). Boarded up the window (Fourth and Fourteenth Amendments violations). Defamed plaintiff (Fourth and Fourteenth Amendments violations).

2. Appellee City of Philadelphia is duly organized, existing and operating under the federal constitution and laws of the United States and is liable for a damages judgment entered against appellee School District of Philadelphia "in its official capacity" as a result of an action brought against it under 42 U.S.C.S. 1983 Civil Rights Act by appellant who had been violated by it for the transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States.

3. In an action brought under 42 U.S.C.S. 1983 Civil Rights Act, a judgment entered against appellee School District of Philadelphia "in its official capacity" imposes liability on the City of Philadelphia, provided the City received notice and an opportunity to respond.

4. The conduct complained of was engaged in under color of state law and that such conduct subjeced the plaintiff of the deprivation of rights, privileges and immunities secured by the federal constitution and laws of the United States while engaged in the conduct complained of.

5. On August 25, 1992 in Philadelphia County, Pennsylvania, appellee School District "in its official capacity" failed to conform to the requirements of the federal constitution and laws of the United States when appellee, without probable cause, acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others when appellee acted with active connivance in the making of the state law violation **false reports** and other conduct amounting to official discrimination, clearly sufficient to constitute denial of rights protected by the Equal Protection

Clause to deprived the plaintiff of property when appellees on August 25, 1992, discharged plaintiff from his teaching position without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. Then acted with including but not limited to: arbitrariness, capriciousness, malice, RICO, trickery, extortion, deceit, kidnapping, falsity, assault, misrepresentation, fraud, pattern of racketeering activities, defamation, racketeering, gross negligence, highway robbery and conspiracy.

6. On October 4, 1999, trial court dismissed plaintiff's complaint and denied his motion for relief, pursuant to Rule 60 (b)(6) of the Federal Rules of Civil Procedure without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. On motion and just term, a party may move for relief from a final order, judgment or proceeding pursuant to Rule 60 (b)(6) of the Federal Rules of Civil Procedure, which is the only provision available and may be invoked only in extraordinary circumstances when the reason for relief from a final judgment order or proceeding does not fall between the list of enumerated reasons giving in Rule 60(b)(1)-(5).

VERIFICATION

I, Arthur O. Armstrong, being first duly sworn, deposes and says that he is the Plaintiff in the foregoing matter and that the allegations set forth in the Complaint are true and correct to the best of his knowledge and belief except for those allegations set forth on information and belief and as to those allegations he believes them to be true.

July 12, 2019

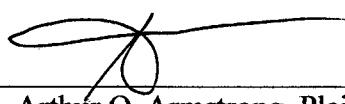


Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under United States laws that the within and foregoing statements set forth in the verification are true and correct (28 U.S.C.S.1746.).

July 12, 2019



Arthur O. Armstrong, Plaintiff

REASONS FOR GRANTING THE PETITION

1. Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons when:
 - (a) A United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
 - (b) A state court of last resort has decided an important federal question in a way that conflicts with the decision with another state court of last resort or of a United States court of appeals;
 - (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decision of this Court.
 - (d) Show not only why decision in the lower court may be erroneous when the lower court dismissed plaintiff's complaint and denied his motion without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States, but of national importance of having the Supreme Court decide the questions involved; whether liberty or property can be deprived without due process of law. Whether petitioner is entitled to relief pursuant to Rule 60(b)(6) of the federal Rules of Civil Procedure.

The issuance of a writ of certiorari will bring all parties/people with similar situation under the same protective roof. And that petitioner would be the king of the federal constitution and laws of the United States and would be followed by millions with new found freedom. And that the writ will not only establish petitioner his constitutional rights but would move the mountains for other people with similar situation and let the respondents know they can not continue the assault on the people and citizens of the United States. That there is a state law and there is the United States Constitution. That

respondent violated no state law when the school district discharged the plaintiff from his job without due process of law in violation of the collective bargaining Agreement. People will be talking and celebrating the new found freedom. Wont have to endure the tango with the state and local goverment like a teachable lesson that every body will benefit and sing we are free at last, we are free at last, thank god almighty we are free at last.

Appellees violated the Fourth and Fourteenth Amendments to the Constitution of the United States to deprive Petitioner of property and liberty without due process of law.

WHEREFORE, Petitioner prays that this Court:

1. Issue a writ of certiorari to the United States District Court for the Eastern District of Pennsylvania.
2. To review on a writ of certiorari.
3. Such other and further relief as the Court deems just and proper.

Respectfully submitted this the 12th day of July, 2019.

July 12, 2019

Respectfully submitted,


Arthur Q. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC27822

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arthur O. Armstrong

Date: July 13, 2019