

19-5886

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

IN THE

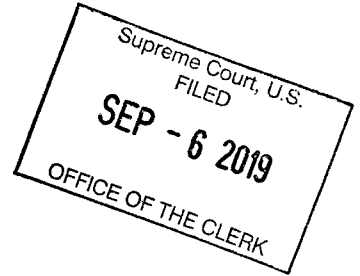
SUPREME COURT OF THE UNITED STATES

ORIGINAL

ARTHUR O. ARMSTRONG

- PETITIONER

vs.



NORTH CAROLINA, ROY COOPER, MICHAEL P. DAVIDSON,  
C. A. KIRBY, BATTS BATTS & BELL, LLP, MICHAEL R. SMITH, JR.,  
NASH COUNTY, QUENTIN R. SUMNER, ALMA L. HINTON,  
ROBERT A. EVANS, CLARE MARIE MEDDLE, W. EVERETT, JR.,  
E. M. MCAULEY.

- RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Arthur O. Armstrong  
8113 Pleasant Hill Road  
Elm City, NC 27822  
252-218-2007

### **QUESTIONS PRESENTED**

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

**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 respondents acted in a conspiracy.**

**Whether there was ever probable cause.**

**LIST OF PARTIES**

**[x] All parties appear in the caption of the case on the cover sheet**

ARTHUR O. ARMSTRONG, PETITIONER,

Vs.

NORTH CAROLINA, et al,

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

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

makes the following disclosure:

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

☐ Yes ☒ No

2. Does Party have any parent corporation?

☐ Yes ☒ 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? ☒ 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? ☒ No

If yes, identify and nature of the interest \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## TABLE OF CONENT

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## INDEX TO APPENDICES

**APPENDIX A** ON ~~AUG. 27,~~ <sup>AUG. 26,</sup> 2019, THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT DENIED PETITIONER'S PETITION FOR A WRIT OF MANDAMUS.

**APPENDIX B** ON JULY 18, 2016, TRIAL COURT DISMISSED PETITIONER'S COMPLAINT AND DENIED HIS MOTION FOR RELIEF WITHOUT DUE PTOCESS OF LAW IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

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

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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 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

[x] For cases from federal courts

The case in which the United States Court of appeals for the ~~Eleventh~~ <sup>FOURTH</sup> Circuit decided my case was Aug 27, 2019

The Jurisdiction of this Court is invoked under 28 U.S.C.S. 1254 (1)

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Their pertinent text is set out in appendix B

### **CONSTITUTIONAL PROVISIONS**

Fourteenth Amendment

Fourth Amendment

### **STATUTORY PROVISIONS**

28 U. S.C. S. 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



### STATEMENT OF THE CASE

1. Appellant resides at 8113 Pleasant Hill Road, Elm City, North Carolina 27822. Appellees acted with racial profiling (Fourth and Fourteenth Amendments violations). Stopped appellant ) Fourth and Fourteenth Amendments violations). Detained him (Fourth and Fourteenth Amendments violations). Assaulted him (Fourth and Fourteenth Amendments violations). Made an entry (Fourth and Fourteenth Amendments violations). Searched and seized his property (Fourth and Fourteenth Amendments violations). Made some falsities (Fourth and Fourteenth Amendments violations). Invaded his privacy (Fourth and Fourteenth Amendments violations). Acted in a conspiracy (Fourth and Fourteenth Amendments violations). Lack of probable cause (Fourth and Fourteenth Amendments violations)

2. Appellee North Carolina 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 Roy Cooper "in his individual capacity" as a result of an action brought against him under 42 U.S.C. §§ 1985 & 1986 – Civil Rights Act by plaintiff who had been violated by the appellee state trooper for the transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States.

3. Appellee Roy Cooper is attorney general of the State of North Carolina. In an action brought under 42 u.S.C. S. 1985 and 1986 -Civil Rights Act, a judgment entered against the appellee Roy Cooper "in him individual capacity" imposes liability on the State of North Carolina, provided the State received notice and an opportunity to respond. Brandon v. Holt (1985 US) 83 L Ed 878, 105 S Ct 873, 40 FR Serv 2d 861.

4. Appellee Michael Davidson and C. A. Kirby are state trooper who acted with the transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States.

5. Appellee Batts Batts & Bell, LLP is located at 103 Candlewood Road, Rocky Mount, North Carolina 27804. In an action brought under 42 U.S.C. 1985 and 1986, a judgment entered against appellee Batts Batts & Bell, LLP "in its individual capacity" imposes liability on the State of North Carolina, provided the State received notice and an opportunity to respond.

6. Appellee Michael R. Smith, Jr. is the attorney who transgressed the Fourth and Fourteenth Amendment to the Constitution of the United States and acted with gross negligence.

7. Appellee Nash County 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 the defendants Quentin T. Sumner and Robert A. Evans "in their official capacity" as a result of an action brought against them under 42 U.S.C. 1983 and 1986 – Civil Rights Act by appellant who had been violated by appellees Alma L. Hinton and Clare Meddle for transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States.

8. Appellee Quentin T. Sumner is senior resident Nash County superior court judge. In an action brought under 42 U.S.C. 1983 and 1986, a judgment entered against appellee Quentin T. Sumner "in his official capacity" imposes liability on the County of Nash, provided the County received notice and an opportunity to respond.

9. Appellee Alma L. Hinton is superior court residing who transgressed the Fourth and Fourteenth Amendments to the Constitution of the United States.

10. Appellee Robert A. Evans is district attorney of Nash County, North Carolina. In an action brought under 42 U.S.C. 1983 and 1986, a judgment entered against appellee Robert A. Evans in his official capacity imposes liability on the County of Nash, provided the County received notice and an opportunity to respond.

11. Appellee Clare Meddle is assistant district attorney who acted with malicious prosecution.

12. Appellees Kenneth C. Barnes, McCauley and Everett are Nash County magistrate judges who transgressed the Fourth and Fourteenth Amendments to the Constitution of the United States.

13. That the conduct complained of was engaged in under color of state law and that such conduct subjected the Appellant of the deprivation of right, privileges and amenities secured by the federal constitution and laws of the United States while engaged in the conduct complained of.

14. Appellees acted in a conspiracy.

15. In the furtherance of such a conspiracy, on November 2, 2013, the conspiratorial appellees failed to conform to the requirements of the federal constitution and laws of the United States when appellees conspired to go in disguise on the highway for the sole purpose of depriving either directly or indirectly the appellant of the equal protection of the law, or of equal privileges and immunities under the law; or for the purpose of hindering or preventing the constituted authorities within any State or Territory from giving or securing the appellant in any State or Territory the equal protection of the law when appellees, without probable cause acted with reckless indifference and wanton disregard for the truth or falsity and the rights of appellant and others when appellees acted with including but not limited to: arbitrariness, capriciousness, fraud, malice, trickery, harassment, falsity, gross negligence, deceit, RICO, pattern of racketeering activity and obstruction of justice when appellee Michael P. Davidson and Roy Cooper on November 2, 2013 stopped, detained, assaulted and kidnapped the appellant, made an entry without a warrant on to private area of personal premise of appellant. Handcuffed and arrested the appellant, searched and seized his property including a 2012 Volkswagen Jetta and invaded his privacy in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States and never returned it. Then acted with active connivance in the making of the DWLR REV false Reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the Appellant of property and liberty without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States and then hauled him down to the magistrate office and appellee McCauley issued a search warrant to search and seized appellant's blood in violation of the Fourth and Fourteenth Amendments violations.

16. On November 5, 2013, appellee Robert A. Evans and Clare Meddle acted with malicious prosecution and gross negligence when appellees failed to investigate every phase of Appellant's case prior to the action or investigated every phase of appellant's case prior to the action but failed to discover or discovered the absent of probable cause but acted with acted connivance in the making of

72/55-DWLR False Reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of right protected by the Equal Protection Clause to deprive the Appellant of property and liberty without due process of law when appellees deprived the Appellant of his 2012 Volkswagen Jetta and later disposed of it without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States

17. On or about January 12, 2015, appellees before an illegal grand jury acted with in concert did some acted and/or omitted some duty when appellee Roy Cooper, without probable cause acted with active connivance in the making of the DWLR and 72/55 miles per hour false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. Appellee Robert A. Evans, without probable cause acted with malicious prosecution and gross negligence in proceeding with such a case and active connivance in the making of the 72/55 miles per hour and DWLR false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. Appellee Rachel Joyner acted with active connivance in the making of the DWLR criminal false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive Appellant of property and liberty without de process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

18. The grand jury, without probable cause decided that the charges were indictable and the clerk of clerk, Rachel Joyner via of mail fraud sent appellant a letter without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

19. On March 6, 2015, appellees Rachel Joyner, Robert A. Evans and Quentin T. Summer acted

with active connivance in the making of the failed to appear false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the Appellant of liberty or property without due process of law when appellee without a warrant trespassed on private property of Appellant and entered his facility handcuffed the appellant and hauled him down to the magistrate's office and placed the appellant under a \$30,000,00 bond without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

20. On May 20, 2015, Appellee Batts Batts & Bell, LLP, without probable cause, acted with gross negligence when appellees failed to investigate every phase of appellant's case but failed to discover, remotely, a copy of notification or a signed notification of suspension but acted with active connivance in the making of the DWLR and 72/55 miles per hour false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. Appellee Quentin T. Sumner without probable cause acted with active connivance in the making of the DWLR and 72/55 miles per hour false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of his liberty and property without due process of law and sentenced appellant 120 days confinement in Wilson County jail in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. Appellee Roy Cooper and Michael P. Davidson, without probable cause acted with 72/55, DWLR False Reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the Appellant of liberty or property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

21. Each conspirator had knowledge of the wrongs conspired to be done and had the power to

prevent or aid in preventing the commission of same but refused or neglected so to do.

22. 42 U.S.C. §§1985 prohibits conspiracy to interfere with civil rights and 1986 proscribes knowing neglect to prevent(or aid or abet after the fact) such a conspiracy.

23. Appellees did some act and omitted some duty and as a result of such conduct appellant was deprived on having and exercising any right or privilege of a citizen of the United States..

24. Appellees aided and abetted after the fact such a conspiracy.

25. As a direct and proximate result of appellees' conspiratorial action, appellant suffered Continuing Injuries, including but not limited to: mental distress, psychic injury, injury to his reputation, Humiliation, and mental anguish. I pray for judgment in the sum of 125,000,000.00.

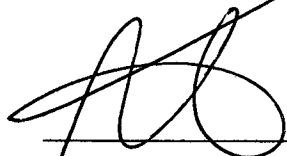
On July 18, 2016, trial court dismissed petitioner's complaint and denied his motion without due process of law. Now on motion and just terms, a party may move for relief from a final judgment, order or proceeding, pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedures which is the only provision available and may be invoked only in extraordinary circumstances when the reason for relief does not fall between the list of enumerated reasons giving in Rule 60 (b)(1)-(5).

**WHEREFORE**, Appellant prays for judgment as follows:

1. Compensatory and punitive damages in the sum of \$125,000,000.00 under 42 U.S.C. §§1985 & 1986 Civil Rights Act.
2. Intangible harm.
3. Attorney Fees under 42 U.S.C. §1988 - Attorney's Awards Act, or as a component of punitive damages.
4. Costs and expense of this action and such other and further relief as the court deems just and proper.

Respectfully submitted this the 3<sup>rd</sup> day of August, 2019.

August 3, 2019

  
\_\_\_\_\_  
Arthur O. Armstrong, Appellant  
8113 Pleasant Hill Road

9

Elm City, NC 27822

**VERIFICATION**

I, Arthur O. Armstrong, being first duly sworn, deposes and says that he is the Plaintiff in the foregoing action 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 those to be true.

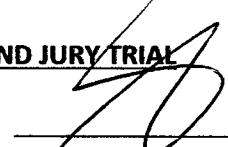
August 3, 2019

  
\_\_\_\_\_  
Arthur O. Armstrong, Appellant  
8113 Pleasant Hill Road  
Elm City, NC 27822

Plaintiff demands jury trial on all issues raise by the pleading in this action.

**DEMAND JURY TRIAL**

May 30, 2017

  
\_\_\_\_\_  
Arthur O. Armstrong, Appellant

**AFFIDAVIT OF ARTHUR O. ARMSTRONG**

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

May 30, 2017

  
\_\_\_\_\_  
Arthur O. Armstrong, Appellant

## REASONS FOR GRANTING THE PETITION

Review on a writ of certiorari is not a matter of right but of judicial discretion. A petition for rehearing 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.

The Court should grant the writ to make Petitioner whole again therefore satisfying due process of law which states that no life, liberty of property shall be denied from any citizen of the United States without due process of law nor shall any State deny any people within its jurisdiction the equal protection of the law. That the writ will make Petitioner whole again. That the writ will not only make petitioner whole again but would set forth precedent, a judicial decision that serves as a pattern in future situations that are similar or analogous; would help other citizens of this generation and generation to come in similar situation. It will send a message throughout the land and give conformity within the judicial system. And that every body will know that the Constitution of the United States protected the petitioner and that going forward, all citizens and all people in the jurisdiction thereof cannot be denied life, liberty or property without due process of law. State deprived the petitioner of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. And that without the writ petitioner will be dooned forever.

lt

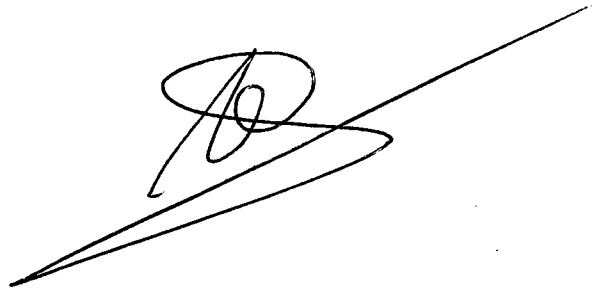


Dooms day for the petitioner. That a lesson for the lower courts; make them more honest and respectfully of the law. That trial court's decision was erroneous when it dismissed Petitioner's complaint and denied his motion for relief without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

These are compelling circumstances and the petition should be granted

WHEREFORE; petitioner respectfully prays that:

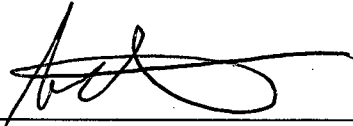
- 1, This Court grants the Petition for the writ
2. Such other and further relief as the Court deems just and proper.

A handwritten signature in black ink, featuring a large, stylized capital 'P' followed by a long, sweeping horizontal line that extends to the right.

**CONCLUSION**

The Petition for a writ of certiorari should be granted.

Respectfully Submitted.

A handwritten signature in black ink, appearing to read 'Arthur O. Armstrong', written over a horizontal line.

Arthur O. Armstrong, Petitioner  
8113 Pleasant Hill Road  
Elm City, North Carolina 27822  
cell phone 252-218-2007

August 12, 2017