

19-5887

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

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

ARTHUR O. ARMSTRONG

- PETITIONER

VS.



GUILFORD COUNTY, MAGISTRATE OFFICE. JOHN DOE,  
A. G. BATEMAN, JEAN DO &, CITY OF GREENSBORO

- 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 probable cause.

## **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:

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

Arthur O. Armstrong  
. vs,  
City of Greensboro, et al

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 (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? (X) No

If yes, identify all such owners: \_\_\_\_\_

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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? (X) No

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

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**Signature**

C-1

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OPINION BELOW .....	1
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## INDEX TO APPENDICES

*Aug-27*

**APPENDIX A** ON JULY 18, 2019, THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT DENIED PETITIONER'S PETITION FOR A WRIT OF MANDAMUS.

**APPENDIX B** ON DECEMBER 18, 2018, 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.

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 case in which the United States Court of appeals for the Fourth Circuit decided my  
Aug. 27  
case was July 18, 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. On March 16, 1999 appellee acted with racial profiling (Fourth and Fourteenth Amendment violations). Stopped appellant (Fourth and Fourteenth Amendments violations). Made an entry (Fourth and Fourteenth Amendments violations). Harassed appellant (Fourth and Fourteenth Amendments violations). Detained the petitioner (Fourth and Fourteenth Amendments violations). Arrested petitioner (Fourth and Fourteenth Amendments violations) Placed petitioner in his cruiser (Fourth and Fourteenth Amendments violations). Hauled him down to the magistrate's office (Fourth and Fourteenth Amendments violations). Jailed the petitioner (Fourth and Fourteenth Amendments violations). Assaulted the appellant (Fourth and Fourteenth Amendments violations). Made some falsities (Fourth and Fourteenth Amendments violations). Searched and seized his property (Fourth and Fourteenth Amendments violations). Invaded his privacy (Fourth and Fourteenth Amendments violations). Handcuffed plaintiff (Fourth and Fourteenth Amendments violations). Placed him in his vehicle (Fourth and Fourteenth Amendments violations). Seized his car, driver's license and keys (Fourth and Fourteenth Amendments violations). Administered a breathalyzer test (Fourth and Fourteenth Amendments violations). Jailed appellant (Fourth and Fourteenth Amendments violations). Cited appellant (Fourth and Fourteenth Amendments violations).

2. Appellee City of Greensboro 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 John Doe " in his official capacity" as a result of an action brought against him under 42 §1985 and 1986 Civil Rights Act by plaintiff who had been violated by two police officers for the transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States.

3. Appellee A. G. Bateman and Jean Doe are police officers who acted with the transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States.

4. Appellee John Doe is director of Police Department. In an action brought under 42 U.S.C.S. 1983

– Civil Rights Act, a judgment entered against appellee “in his official capacity” imposes liability on the City of Greensboro, North Carolina, provided the City 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.

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

6. Respondents acted in a conspiracy.

7. In the furtherance of such a conspiracy, on March 16, 1999 in Guilford County, North Carolina, respondents acted with racial profiling when respondents failed to conform to the requirements of the federal constitution and laws of the United States when appellees without probable cause acted with reckless indifference and wanton disregard for the truth or falsity and the rights of plaintiff and others when appellees conspired to go in disguise on the highway and the premise thereof for the purpose of depriving petitioner, either directly or indirectly, the equal protection of the law, or of equal privileges and immunities under the law; or for the purpose of preventing or hindering the constituted authorities within any State or Territory from giving or securing petitioner within any State or Territory the equal protection of the law when respondents acted with including but not limited to: defamation of character arbitrariness, capriciousness, fraud, malice, falsity, gross negligence, deceit, RICO, extortion, pattern of racketeering activity, conspiracy, obstruction of justice and trickery when appellee without a warrant, stopped, assaulted and detained plaintiff, made an entry, without a warrant, onto private areas of personal premise of plaintiff, searched and seized his property and invaded his privacy and placed him in his vehicle and hauled him down to the magistrate's office and subjected plaintiff to a breathalyzer. Then acted with active connivance in the making of the DWI 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 and property when appellee magistrate acted with active

connivance in the making of the DWI false reports and other conduct amounting to official discrimination closely sufficient to constitute denial of right protected by the Equal Protection Clause and jailed the plaintiff without procedural and substantive due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

8. That each conspirator did some acts and omitted some duty and as a result of such commission, petitioner was deprived of having and exercising any right or privilege of a citizen of the United States.

9. 42 U.S.C.S. 1985 Prohibits conspiracy to interfere with civil right and 1986 proscribe knowing neglect to prevent (or aid and abet after the fact) such a conspiracy.

10. Each conspirator had knowledge of the wrongs conspired to be done and had the power to prevent or aid in the preventing the commission of same but refused or neglected so to do.

11. Respondents aided and abetted after the fact such a conspiracy.

12. As a direct and proximate result of respondents' 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.

13. On December 18, 2018, trial court dismissed petitioner's complaint and denied his motion for relief without due process. 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 Procedure 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). On July 18, 2019, petitioner filed action in the United States Court of Appeals for the Fourth Circuit.

**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 and 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

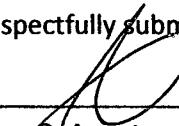
punitive damages.

4. Costs and expense of this action and such other and further relief as the court deems just and proper.

Respectfully submitted this the 13<sup>th</sup> day of August, 2019.

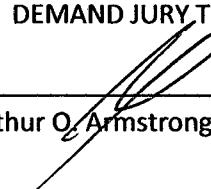
Respectfully submitted,

August 13, 2019

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

I hereby demand jury trial on all issues raised by the pleading in this action

DEMAND JURY TRIAL

  
Arthur O. Armstrong, Appellant

VERIFICATION

I, Arthur O. Armstrong, being first duly deposed and says that he is the Appellant 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 13, 2019

  
Arthur O. Armstrong, Appellant  
8113 Pleasant Hill Road  
Elm City, NC27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under US Laws that the within and foregoing statements made in the verification of the pleading are true and correct (28 U.S.C. 1746.)

August 13, 2019

  
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 or 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 doomed forever.

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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:

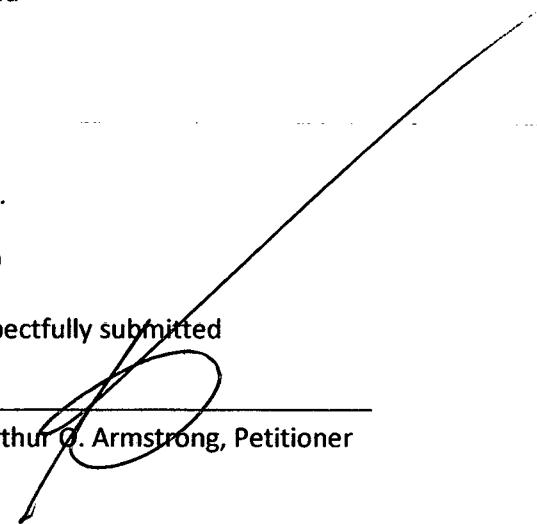
- 1, This Court grants the Petition for the writ, and
2. Such other and further relief as the Court deems just and proper.

Respectfully submitted this the 13<sup>th</sup> day of August, 2019

Respectfully submitted

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Arthur G. Armstrong, Petitioner

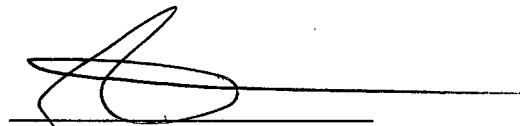


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## **CONCLUSION**

The Petition for a writ of certiorari should be granted.

Respectfully Submitted.



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

August 12, 2019