

No. 19-_____

In the
Supreme Court of the United States

ANDREW CLARKE and BEVERLY ELAINE CORBIN,
Petitioners,

v.

RAY D. GOODSON, County Commissioner, Ret.,
PIKE COUNTY BOARD OF COMMISSIONERS,
JOEY JACKSON, County Commissioner,
ROBIN SULLIVAN, County Commissioner,
JIMMY BARRON, County Commissioner,

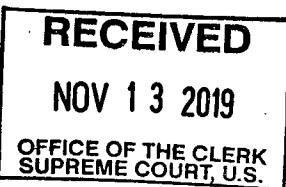
Respondents.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Does substantive due process really mean anything, or is it mere mythology? Does equal protection of the law, apply to everyone, or not?

LIST OF PROCEEDINGS

United States Court of Appeals for the Eleventh Circuit

No. 18-14537

Andrew Clarke, Beverly Elaine Corbin, Plaintiffs-Appellants, v. Ray D. Goodson, County Commissioner, Ret., Pike County Board of Commissioners, Joey Jackson, County Commissioner, Robin Sullivan, County Commissioner, Jimmy Barron, County Commissioner, Defendants-Appellees

Decision Date: January 30, 2019

Date of Rehearing Denial: April 10, 2019

District Court of the United States for the Middle District of Alabama, Northern Division

Civil Action No. 2:17-cv-730

Andrew Clarke and Beverly Elaine Corbin, Plaintiffs, v. Ray D. Goodson, Et Al., Defendants

Decision Date: September 25, 2018

Magistrate Report Date: May 1, 2018

TABLE OF CONTENTS

	Page
QUESTION PRESENTED	i
LIST OF PROCEEDINGS	ii
TABLE OF AUTHORITIES	iv
OPINIONS BELOW	1
JURISDICTION.....	1
CONSTITUTIONAL PROVISION INVOLVED.....	1
STATEMENT OF THE CASE.....	2
REASONS FOR GRANTING THE PETITION.....	3
ARGUMENT	4
CONCLUSION.....	5

APPENDIX TABLE OF CONTENTS

Opinion of the United States Court of Appeals for the Eleventh Circuit (January 30, 2019).....	1a
Opinion of the District Court of the United States for the Middle District of Alabama, Northern Division (September 25, 2018)	3a
Judgment of the District Court of the United States for the Middle District of Alabama, Northern Division (September 25, 2018).....	5a
Report and Recommendation of the Magistrate Judge, Middle District of Alabama, Northern Division (May 1, 2018)	7a
Order Denying IFP Motion Which Had Not Been Filed, by the Middle District of Alabama, Northern Division (May 1, 2018)	28a
Order Denying Rehearing by the United States Court of Appeals for the Eleventh Circuit (April 10, 2019)	30a

TABLE OF AUTHORITIES

	Page
CONSTITUTIONAL PROVISIONS	
U.S. Const. amend. I.....	2
U.S. Const. amend. XIV § 1.....	1
STATUTES	
28 U.S.C. § 1254(1)	1
42 U.S.C. § 1981.....	4, 5
42 U.S.C. § 1983.....	2, 4, 5
JUDICIAL RULES	
Fed R. App. P. 3	3



OPINIONS BELOW

The opinion of the United States Court of Appeals for the Ninth Circuit in *Andrew Clarke & Beverly E. Corbin v. Ray Goodson et al.*, dated January 30, 2019, is unpublished and reproduced below at App.1a. This opinion denied petitioners oral argument, or even reasonable review of district court's dismissal, based frivolous grounds. The Opinion of the District Court of the United States for the Middle District of Alabama, Northern Division, dated September 25, 2018 is included below at App.3a. The Report of the Magistrate Judge, dated May 1, 2018, is included below at App.7a.



JURISDICTION

The judgment of the court of appeals was entered on May 19, 2019. The Petition for Writ of Certiorari was filed initially filed on July 19, 2019. The Clerk of Court gave petitioner additional time file a compliant booklet. The jurisdiction of this court is invoked under 28 U.S.C. § 1254(1).



CONSTITUTIONAL PROVISION INVOLVED

U.S. Const. amend. XIV § 1

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are

citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



STATEMENT OF THE CASE

The Petitioners, Andrew Clarke, and Beverly E. Corbin, in July, 2016, appeared before the Defendants, Ray Goodson Et Al., the Pike County Commission, to pursue a Certificate of Approval, which was a prerequisite, to apply to The Alabama Alcoholic Beverage Control Board, to obtain a alcohol license, to serve beer and wine at their eatery.

The Defendants, declined to issue the requisite Certificate of Approval, necessitating that the Petitioners appeal to the Alabama Alcoholic Beverage Board, in Montgomery, AL. Said Board issued the license, and was stunned that the Board, should be requested to take action, as most local entities automatically provide the Certificate of Approval, for applicants, who pass the criminal background investigation.

The Defendants allowed church officials to speak at the County Commission meeting, in violation of the establishment clause, and SCOTUS opinions.

In October, 2017, the Petitioners filed a § 1983 complaint, as the real reason for the denial was the fact that the Petitioners, were involved in an inter-racial relationship, black male and white woman. Multiple licenses had been issued in the same building, on the same parcel of land, going back fifty to sixty years, as long as there were no black male/white woman couples involved.

A year later, the District Court, for the Middle District of Alabama, dismissed the case, as frivolous. The Petitioners, filed an appeal, in The Eleventh Circuit Court of Appeals. Defense Counsel, filed a motion to do dismiss the Appeal, and Appellate Judge William Pryor granted said motion. The Petitioners, requested an *en banc* hearing, which was denied, but the three judge panel, subsequently affirmed the dismissal issued by the district court. And, now the Appellants, seek the Writ of Certiorari, from this august Court. The granting of the motion to dismiss Petitioners Right of Appeal Right of Law, violates Fed. R. App. P. 3. The Petitioners were stunned by that action of the appellate jurist.



REASONS FOR GRANTING THE PETITION

In the instant case, there is video of The Pike County Commission, in a deliberative session, deciding on the Petitioners' application for The Certificate of Approval. The video, can be accessed on You Tube.

The district court's assessment of frivolousness, is unfounded, and unreasonable. It is certainty, that

if the district court, or one of his family members, had been subjected to similar racial persecution, it would not have been deemed, to be frivolous. That categorization is so arbitrary, and capricious. Federal judgeships, from SCOTUS, on down to district court, are political, absolutely, and often ideology trumps equal protection of the law. Therein, lies the biggest problem in The United States, the race issue, for the past 400 years. Does substantive due process really mean anything, or is it mere mythology? Does equal protection of the law, apply to everyone, or not?



ARGUMENT

Since the enactment of 42 U.S.C. § 1983, 1981, from 1871-1961, not a single case was able to forward, not because of lack of merit, but because the federal bench turned a blind eye to racial discrimination, and racial persecution. When cases arise, such as the instant case, the federal bench, protects the bad governmental actors, through routine dismissals, using the frivolous shield.



CONCLUSION

In order to enforce the fourteenth Amendment—guaranteed of procedural and substantive due process, and equal protection of the law, and the enforcement of the enabling legislation, 42 U.S.C. §§ 1983, 1981, aforementioned, the Writ of Certiorari, should be granted.

Respectfully submitted,

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JULY 19, 2019

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