

No.

19-6982

IN THE
SUPREME COURT OF THE UNITED STATES

ERNEST COLLINS — PETITIONER
(Your Name)

vs.

BURNS THORNBURG
WESTERN ELECTRIC STGE — RESPONDENT(S)
OF INDIANA

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

ERNEST COLLINS
(Your Name)

P.O. BOX 241203
(Address)

INDIANAPOLIS, INDIANA 46224
(City, State, Zip Code)

CEI
(317) 766-6140
(Phone Number)

Supreme Court, U.S.
FILED

JUL 13 2019

OFFICE OF THE CLERK

1. DOES THE DISCRETIONARY FUNCTIONS EXCEPTIONS IN 28 U.S.C. § 2680 (a) APPLY WHEN THE ALLEGED CONDUCT ALSO VIOLATES THE PLAINTIFF'S CONSTITUTIONAL RIGHTS?
2. DOES THE "COMMITTED TO AGENCY DISCRETION" EXCEPTION IN 5 U.S.C. § 701 (a) (2) APPLY WHEN THE CHALLENGED AGENCY ACTION ALSO VIOLATES THE PLAINTIFF'S CONSTITUTIONAL RIGHTS?
3. IS IT PROPER FOR A DISTRICT COURT TO DECIDE THE APPLICABILITY OF 28 U.S.C. § 2860 (H) ON A MOTION TO DISMISS PURSUANT TO RULE 12 (b) (1) F.R. CIV. P., WITHOUT GIVING THE PLAINTIFF AT LEAST ONE OPPORTUNITY TO AMEND THE COMPLAINT TO ALLEGE THE FACTS WHICH WOULD DEFEAT THESE AFFIRMATIVE DEFENSES?
4. WHY DID THE DISTRICT COURT JUDGES DENIED THE PLAINTIFF'S WITNESSES AND JURY TRIAL COME FORWARD FOR A HEARING, OR THAT DATE TO BE SCHEDULED @ COURT FOR THE PLAINTIFF'S CASE TO BE TRIED IN A COURT OF LAW SIGNED BY JUDGE J. PATRICK EUDSLEY FOR JANUARY 1983. WITH WITNESSES, SUBPOENAS ISSUED BY THE UNITED STATES DISTRICT COURT, THERE WERE A GREAT DEAL OF COURT DATES ISSUED FROM JAN. 1983 UNTIL WARRANTS FOR THE ARREST OF CERTAIN DEFENDANTS IN THE OBSTRUCTION OF JUSTICE AND OTHER CHARGES AS WELL. THIS CASE WAS SUPPRESS FOR 40 YEARS AGO. I WAS DEPRIVED OF MY COLLEGE EDUCATION FROM PURDUE UNIVERSITY SCHOOL OF ENGINEERING IN WHICH I WAS ALSO DEPRIVED OF MY DAY IN COURT.

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:

BORLES / THORNBURG

WESTERN ELECTRIC

STATE OF INDIANA

PLAINTIFF WAS DEPRIVED OF HIS DAY IN COURT.
ONE BILLION DOLLARS FOR EACH PLAINTIFF WAS DEPRIVED
OF HIS DAY IN COURT PLUS ALL OF THE OTHER
CHARGES PENDING AS WELL.

RELATED CASES

MICHIGAN COURT OF CLAIMS

ERNEST COLLINS

PLAINTIFF

CASE No. 02-21-MP-C30

02-21-MZ-C30

VS

TIME OF COURT

W H CONTRACTING CO.

UPJOHN CO.

UPJOHN SECURITY DIVISION

BRAND INDUSTRIAL SERVICES, INC

LOCAL UPJOHN HALL 640

STATE OF MICHIGAN - CITY GEN.

JUNE 26, 2002 1:30 P.M.

Judge PETER D. HOOK
PRESIDING

LANSING, MICHIGAN

WITNESSES on my behalf Affidavit from my brother

NEVER HAD opportunity to present my case in court on
THIS DATE on JUNE 26, 2002 @ 1:30 P.M.

I WOULD HAVE CASE IN COURT AS WELL.

ONE BILLION TWO HUNDRED FIFTY - FIVE MILLION
FIVE HUNDRED DOLLARS.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A *NONE*

APPENDIX B *NONE*

APPENDIX C *NONE*

APPENDIX D *NONE*

APPENDIX E *NONE*

APPENDIX F *NONE*

*IF I HAVE AN INDEX TO APPENDICES I WILL
ADD IT TO THE PAPERWORK AND DOCUMENTS.*

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

FEDERAL STATUTES AND RULES

5 U.S.C. § 701(a)	20
28 U.S.C. § 2680 (a)	9, 11, 14, 18, 20, 21
28 U.S.C. § 2680 (h)	9, 12, 23, 24
F.R. CIV. P. RULE 12(b)(1)(b)	9, 12

OTHER

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 _____ 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.

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was MAY 16, 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

THE RELEVANT STATUTES ARE SECTIONS
701 AND 702 OF THE ADMINISTRATIVE PROCEDURE
ACT, 5 U.S.C. §§ 701 AND 702, AND THAT PART
OF THE UNITED STATES FEDERAL COURT OF
CLAIMS ACTS FOUND @ 28 U.S.C. § 2860.
THEY ARE REPRODUCED IN APPENDICES
D AND E, RESPECTIVELY.

STATEMENT OF THE CASE

THE UNITED STATES SUPREME COURT NOW
HAS JURISDICTION OVER THIS CASE MATTER, THIS
CASE MATTER IN ORDER FOR THIS CASE TO BE
TRIED BY A JURY IN THE UNITED STATES
DISTRICT COURT IN THE STATES OF INDIANA
AND MICHIGAN.

REASONS FOR GRANTING THE PETITION

PETITION FOR WRIT OF CERTIORARI

SHOULD BE GRANTED BECAUSE DISTRICT COURT HASN'T HAD A HEARING, OR A TRIAL DATE SET, OR TRIED BY A JURY. THERE ARE EXEMPLARY, PUNITIVE, OBSTRUCTION OF JUSTICE, ENTRAPMENT, DEPRIVED OF COLLEGE EDUCATION @ PURDUE UNIVERSITY, DESTROYING OF EVIDENCE DEPOSITION TRANSCRIPT, WITNESSES TESTIFYING IN COURT. THESE ATTORNEYS HERE IN THE STATE OF INDIANA STOLE OVER TWENTY THOUSAND DOLLARS OF MY HARD EARNED MONEY IN WHICH I RETIRED FROM JOB ALL THE YEARS I WORKED 38 YEARS I'VE BEEN A TAX PAYER ALL THOSE YEARS THAT I WORKED. STATE OF MICHIGAN STOLE GREAT DEAL OF MONEY FROM ME AS WELL BECAUSE IF I HAD STAYED IN MICHIGAN I WOULD'VE RETIRED FROM TAKING OUT ASBESTOS IN BUILDING IN MICHIGAN FOR 12 YEARS. EARLEST THORNBURG HAVE KEY WITNESSES NAME MS. LINDA TODD (317) 286-1313. MS. TODD CAN TELL YOU THAT EARLEST THORNBURG'S ATTORNEYS DESTROYED A GREAT DEAL OF MY DOCUMENTS, AND THE NATIONAL ARCHIVES HAS MY FILE IN ALL DEFENDANT SWEPT MY CASE UNDER THE RUG. NEVER DID GET MY DAY IN COURT,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ernest Levin", written over a horizontal line.

Date: 12/12/2019