
In The Supreme Court Of The
United States Of America

Barry Wayne Adams, a Natural Person,

Petitioner,

vs.

COUNTY OF CALHOUN, a public body corporate; STATE OF MICHIGAN, a public body corporate; MICHIGAN DEPARTMENT OF CORRECTIONS, a public body corporate; as yet unnamed Jane and John Does, individuals and state actors operating under color of law;

Respondents

Notice of Objection to Order and
Request for Rehearing By Affidavit

Notice of Objection to Order and
Request for Rehearing by Affidavit

Affidavit

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, do declare and assert that the following statements are true and correct:

Now comes Affiant/Petitioner and Natural Person Barry Wayne Adams (hereafter, "Petitioner") before this Court to provide notice of his specific objections to the purported "Order" entered into the instant action on February 24, 2020 (as was represented in the letter of "Scott S. Harris" postmarked that same day), and to request rehearing of said purported "Order", in the manner of Supreme Court Rules 21 and 44, *inter alia*; for the following reasons:

Statements of Fact

1. That Supreme Court Rule 44(1) indicates as follows:

"Any petition for the rehearing of any judgment or decision of the Court on the merits shall be fled within 25 days after entry of the judgment or decision, unless the Court or a Justice shortens or extends the time."

2. That that written communication to Petitioner mentioned above indicated the following:

"The Court today entered the following order in the above-titled case:

The motion of Petitioner for leave to proceed *in forma pauperis* is denied and the petition for writ of certiorari is dismissed. See Rule 39.8. As the Petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). "

Although no actual copy of a captioned and signed order was included with said Clerk's letter, as is done in all the other courts.

3. That said colorable subjective assessment by the Scott S. Harris used to deny Petitioner's due process did not find any defect or insufficiency with the actual petition for writ of certiorari, or the claims presented therein.

4. That the colorable rationale(s) used by Scott S. Harris to deny Petitioner due process appear, on its face, to be spurious, tendentiously contrived, and made in bad faith, for the following reasons:

- (a) Mr. Harris' claim(s) of abuse are without any specificity as to why, or how, Petitioner has "repeatedly abused this Court's process";
- (b) Mr. Harris' allegation(s) describe "repeated" abuses of process, notwithstanding that this instance is the first time that Petitioner has ever been advised that his presentments are/were "abusive";
- (c) Over seven months transpired from the initial filing before the retrospective and arbitrary determination was made denying *in forma pauperis* status to Petitioner;
- (d) The claims made by Petitioner were not "noncriminal" inasmuch as issues of the Petition dealt with specific federal crimes committed by Respondents and their state actor "employees", and the relief sought involved the prosecution of said federal crimes through the statutory instrumentality of the extraordinary writ of *qui tam* via the "All Writs Act". Reference – 18 USC 1581-1595; 28 USC 1651; 42 USC 1994; *inter alia*;
- (e) The assertion by Scott S. Harris that Petitioner's efforts at litigation are "abusive" is clearly projective inasmuch as Petitioner was subjected to the procedural abuses of unnecessary procedural "hoop-jumping" and hyperformalistic demands by clerk's employees that were superfluous throughout each of his nonfrivolous attempts at litigation; and Petitioner diligently

chronicled those instances of bad faith by clerk's employees in his successive certiorari pleadings (*i.e.*, USSC dockets 09-9089, 10-9067, 11-8580, 12-10177, 13-5587, 14-8600, and the current 19-7200); and

- (f) Petitioner has already been subjected to repeated financial abuse by having to unnecessarily re-file the instant petition 3 times for ridiculously trivial formalistic demands in including superfluous statements that involved information that was self-evident from the nature of the petition, necessitating Petitioner to spend about \$600.00 to "correct" aspects of his pleadings that were strictly formalistic and did not add to the informational substance of those documents.

5. That such colorable denial appears to be standard "boilerplate" language that has been repeatedly used by clerk's employees to deprive an indigent Petitioner fundamental due process and from having his or her claims actually bought for consideration before the Justices of the Court.

6. That the attempt to equate Petitioner's efforts at litigation in the United States Supreme Court with the actions of the Petitioner in *Martin* is made in bad faith and egregiously misplaced because:

- (a) Petitioner Martin had filed 45 certiorari petitions over a 10 year period (with 15 in the preceding 2 years before the decision of the case), while between 2009 and 2019 Petitioner had only filed 5 previous certiorari petitions in addition to the instant action, and 1 common law habeas petition (refer to subparagraph 4(e) above); and
- (b) The court considered Martin's petitions frivolous and held that "Martin is a notorious abuser of the Court's certiorari process, and consideration of his repetitious and frivolous petitions does not allow the Court to allocate its resources in a way that promotes the interests of justice"; whereas the instant certiorari petition contains substantial nonfrivolous claims supported by ample evidence and operant statutory authority.

7. That the legal representatives of the Respondent parties have failed to object or dispute Petitioner's instant indigency motion claims.

8. That Petitioner clearly cannot afford the substantial financial burden of paying a filing fee and publishing his pleadings in "booklet" form, which would cost Petitioner about one-quarter of his expected annual earnings.

9. That the tactic of rigid hyperformalistic adherence by Clerk's employees to a court rule that places an unnecessary financial and logistical burden on a *pro se* litigator (and contrary to the Supreme Court's decision in Haines vs. Kerner) is clearly a procedural device used to prevent "inconvenient" or "pesky" issues (that is, claims that are "paradigm-challenging") from actually being brought before the Court and be given good faith consideration by arbitrarily imposing intractable financial burdens on an indigent Petitioner. Reference - Haines vs. Kerner, 404 US 519 (1972)

"The United States Supreme Court holds allegations of a *pro se* complaint to less stringent standards than formal pleadings drafted by lawyers." Haines vs. Kerner, 404 US 519 (1972)

10. That the actions of the clerk's employees are further exemplified by the failure of the Clerk's office to file Petitioner's objections to the miscaptioning of the instant action that were mailed to the Court on January 28, 2020. Reference - "Notice of Objection to Miscaptioning by Affidavit" of January 28, 2020, with "Proof of Service" (attached)

11. That the bad faith actions of the clerk's employees are consistent with the issues stated in paragraph 55 of Petitioner's Certiorari Petition.

12. That, for the reason stated above, such boilerplate denial appears on its face as a *sub rosa* procedural machination used to circumvent Petitioner's First Amendment right to redress and obviate having the court to actually address in good faith the claims involving the radically fundamental systemic governmental corruption that was set forth in the instant Petition for Writ of Certiorari.

Brief in Support

Petitioner asserts that the subjective assessment that denies Petitioner's *in forma pauperis* motion is in contravention of First Amendment protections to the right to redress and equal protection of the laws:

"The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection." *Marbury vs. Madison*, 5 US 137 (1803)

"It is the duty of the United States Supreme Court to assure to the greatest degree possible, within the statutory framework for appeals created by Congress, equal treatment for every litigant before the bar." *Coppedge vs. United States*, 369 US 438 (1962)

The claims presented by Petitioner reflect a fundamental inconsistency in the laws that the Supreme Court is required to consider, notwithstanding the effort by clerk's employees to subjectively engineer a procedural obstruction to the presented issues being brought before the Court:

"If two laws conflict with each other, the courts must decide on the operation of each. So if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. If, then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply." *Marbury vs. Madison*, 5 US 137 (1803)

Request for Relief

"Of Necessity", and in consideration of the statement of facts, and references of law set forth above, Affiant/Petitioner and Natural Person Barry Wayne Adams does request the following relief:

1. That this Court takes notice of Petitioner's objections to the deliberate and unjustified denial of his *in forma pauperis* petition as enumerated above;
2. That this Court rehear and grant the relief request in Petitioner's *in forma pauperis* motion and allow the instant action to continue;

3. That, in the alternative, the instant action be held in abeyance until Petitioner somehow acquires the means to afford the additional financial and logistical costs associated with filing and publishing in the special "booklet" format a certiorari petition in the Supreme Court; and

4. Any other form of relief that this Court deems appropriate.

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, further say nothing.

All Rights Reserved,

March 14, 2020

Barry Wayne Adams
Barry Wayne Adams
622 West Green Street
Marshall, Michigan

Self-Verification

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, do attest and affirm that the averments and statements in the above "Notice of Objection to Order and Request for Rehearing by Affidavit" are true and correct, under penalty of perjury.

All Rights Reserved,

March 14, 2020

Barry Wayne Adams
Barry Wayne Adams
622 West Green Street
Marshall, Michigan

Attachments

COPY

Number 19-7200

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vs.

COUNTY OF CALHOUN, a public body corporate; STATE OF MICHIGAN, a public body corporate; MICHIGAN DEPARTMENT OF CORRECTIONS, a public body corporate; as yet unnamed Jane and John Does, individuals and state actors operating under color of law;

Respondents

Notice of Objection to Miscaptioning
By Affidavit

Notice of Objection to Miscaptioning by Affidavit

Affidavit

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, do declare and assert that the following statements are true and correct:

Now comes Petitioner and Natural Person Barry Wayne Adams (hereafter, "Petitioner") before this Court to provide notice of his specific objections to the erroneous miscaptioning of the instant action, in the manner of Supreme Court Rules 14, and 21, *inter alia*; for the following reasons:

Statements of Fact

1. That the Petitioner originally captioned the listing of the named respondents in the instant petition as follows:

"COUNTY OF CALHOUN, a public body corporate; STATE OF MICHIGAN, a public body corporate; MICHIGAN DEPARTMENT OF CORRECTIONS, a public body corporate; as yet unnamed Jane and John Does, individuals and state actors operating under color of law"

2. That, without substantial justification, clerk's employee Susan Frimpong erroneously chose to amend the complaint *sua sponte* and re-caption the naming of the respondents in the petition as follows:

"Calhoun County, Michigan, et al."

3. That Petitioner originally and intentionally brought the instant action against the corporate respondents (*i.e.*, COUNTY OF CALHOUN, a public body corporate; STATE OF MICHIGAN, a public body corporate; MICHIGAN DEPARTMENT OF CORRECTIONS, a public body corporate), and did not make any claims against any geographic locality (*i.e.*, "Calhoun County, Michigan").

4. That Petitioner never made any claims against any geographic locality in the instant petition for writ of certiorari, but did bring specific claims against precisely-named corporate *personae* and their state actor employee agents in their respective capacities, as was accurately depicted in Petitioner's originally-presented captioning.

5. That such errant miscaptioning completely alters the fundamental significance of the legalistic claims in the original petition, and absurdly subverts the essential nature of the complaint as was originally presented by Petitioner into nonsensicality and party incapacity; and the crucial distinction between the "fictional" person (the "corporation") and the natural person is fundamental to the nature of the claims presented by Petitioner in the instant petition.

6. That both the Federal Rules of Civil Procedure Rule 10(a) and the Supreme Court Rule 14(i)(b) require the accurate naming of parties:

Federal Rules of Civil Procedure Rule 10. Form of Pleadings -

"(a) Caption; Names of Parties. Every pleading shall contain a caption setting forth the name of the court, the title of the action, the file number, and a designation as in Rule 7(a). In the complaint the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties."

Supreme Court Rule 14(b)(i) -

"A list of all parties to the proceeding in the court whose judgment is sought to be reviewed (unless the caption of the case contains the names of all the parties)"

7. That such miscaptioning appears to be an act *ultra vires*.

Request for Relief

"Of Necessity", and in consideration of the statement of facts, and references of law set forth above, Affiant/Petitioner and Natural Person Barry Wayne Adams does request the following relief:

1. That this Court takes notice of Petitioner's objections to the deliberate and unjustified miscaptioning by clerk's employee Susan Frimpong for the reasons enumerated above;
2. That this Court disregard and remove such miscaptioning and order that the caption that was originally presented by Petitioner be re-instated;
3. Any other form of relief that this Court deems appropriate.

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, further say nothing.

All Rights Reserved,

COPY

Barry Wayne Adams
622 West Green Street
Marshall, Michigan

Self-Verification

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, do attest and affirm that the averments and statements in the above "Notice of Objection to Miscaptioning by Affidavit" are true and correct, under penalty of perjury.

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Number 19-7200

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Respondents

Proof of Service

Proof of Service

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, declare under penalty of perjury that a copy of the "Notice of Objection to Miscalcaptioning by Affidavit" were served on the corporate Respondents by depositing a correctly-addressed envelope containing said document, to be sent and delivered by first class mail, at an office of the UNITED STATES POSTAL SERVICE, on January 28, 2020.

The document(s) named above was/were sent to the following address(es):

MARCELYN A. STEPANSKI (P44302)
ROSATI SCHULTZ JOPPICH & AMTSBUECHLER PC
27555 Executive Drive, Suite 250
Farmington Hills, Michigan

FADWA A. HAMMOUD (P74185)
DEPARTMENT OF ATTORNEY GENERAL
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Post Office Box 30212
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copy

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Barry Wayne Adams
622 West Green Street
Marshall, Michigan