19-7281

No. _____

In The
Supreme Court of the United States

CLIFTON A. GRANT.,

Petitioner,

v.

MTGLG INVESTORS, L.P.,

Respondent.

On Petition for Writ of Certiorari
From the District of Columbia Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Clifton A. Grant
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QUESTION(S) PRESENTED

1) Whether the Court of Appeals for the District of Columbia denial of Petitioner's timely and duly filed Appeal, without any lawful judicial reasoning or analysis to support their decisions whatsoever deprives a *pro se* litigant of their right to petition the government or the redress of grievances and to the enjoy meaningful access to the Court's in violation of the 1st and 14th Amendment?

2) Whether the Court of Appeals for the District of Columbia, denying Petitioner's timely and proper Petition for rehearing, without any explanation as to facts or case law involved, or the legal or factual basis upon which their decision rested, comports with the Due Process Clause and Equal Protection Clauses of the 14th Amendment?

3) Whether the Court of Appeals for the District of Columbia's decision to dismiss Petitioner's appeal, holding that it "lacks jurisdiction to review an unelaborated decision from a district court that is issued without lawful opinion or explanation' deprives a *pro se* litigant of his right to petition his government for the redress of grievance or is violation of right to be heard in a meaningful time and in a meaningful manner in violation of the Due Process Clause of the 14th Amendment?

4) Whether the court of Appeals for the District of Columbia can deny one the due process right to seek review of an interlocutory order after submitting a timely notice of appeal after the final order in the case?

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PARTIES TO THE PROCEEDINGS

Clifton A. Grant, who is a Citizen of the United States of America, is this Court's Petitioner herein.

MTGLG INVESTORS, L.P., is a Corporation whose principle place of business is in the District of Columbia.

OPINIONS BELOW

The Superior Court for the District of Columbia entered an order granting the Respondent herein Summary Judgment in the underlying lawsuit based on nonresponse because the Petitioner was incarcerated by the Government at the time opposition papers were required to be filed. (App. at 15).

The Court of Appeals for the District of Columbia entered order to review the April 27, 2018 final order based on a timely filed notice of appeal. (App. At 27).

The Court of Appeals for the District of Columbia entered a judgement granting respondent motion to dismiss Mr. Grant Appeal as untimely on August 21, 2019. (App. At 112). The Court of Appeals for the District of Columbia denied Mr. Grant petition for rehearing on October 10, 2019. (App. At 122).

JURISDICTON

The Court of Appeals for the District of Columbia denied Mr. Grant petition for rehearing on October 10, 2019. (App. At 122). Mr. Grant invoked this Court's jurisdiction under 28 U.S.C. § 1257(a).

STATUTES AND CONSTITUTIONAL PROVISIONS INVOLVED

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." *1st Amendment to the United States Constitution.*

"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." *Section One of the 14th Amendment.*

INTRODUCTION

The District of Columbia Court of Appeals had jurisdiction of appeals from all final orders and judgments of the Superior Court of the District of Columbia. The April 27, 2018 Superior Court order left nothing else needed to be done and the case was ordered closed, thus it is a final order. Once a case is dismissed upon stipulation of dismissal all interlocutory orders become final and subject to review. The matter of the October 26, 2017 order is now a part of the April 27, 2018 final order The Court of Appeals had jurisdiction of these orders based on the timely notice of appeal filed May 22, 2018 see DC Code 11-721 and 28 U.S.C. 1292.

The Superior Court error when it granted this summary judgment as there is a material fact at issue. There is an issue of who own the note as there is not a clear chain of title, which is required to have standing in the court to get a judgment. This material issue can affect the results as no standing no right for judgment. Facts must be viewed in light most favorable to party opposing motion.The Superior Court had no discretion in granting this summary judgment as there is material fact at issue, Rule

56 requires reversal of the judgment as there is a material fact at issue. Petitioner had no notice of this motion for summary Judgment (App. at 83).

Petitioner was incarcerated at the time the motion was submitted. In his numerous communications with his counsel on the phone and though a friend, Petitioner did not receive notice of this motion for summary judgment, even though I was giving notice of the October 27th status hearing from my counsel after my release. I showed up for the status hearing only to find out that it had been rescheduled and a judgment was entered against me. The court has the power to relieve a party from a final judgment, if the movant did not had notice of the proceeding. The main reason for the granting of the motion was the nonresponse which is inconsistent with Fed.R.Civ.P. 56. Petitioner could not respond to something he did not know about.

Since Petitioner did not know about the motion for summary judgment, this judgment should be vacated, for lack of Notice in violation of the 14th Amendment.

The District of Columbia Superior Court abused its discretion by granting a Summary Judgment, even though no paper were filed opposing the motion, one day before a schedule status hearing, as it is inconstant with Rule 56(e)(1). If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may give an opportunity to properly support or address the fact. It is just unfair on its face to take away someone's home when court have power and have scheduled a time where it can check the facts one day later. Motion for summary judgment cannot simply be entered because there is no opposition, even if failure to oppose violates local rules, as this court favors making

decision on its merit. Facts must be viewed in light most favorable to party opposing motion. In light of the above fact this ruling should be reversed.

There is an issue with the chain of title. Common law dictates that you need a clear chain of title to have standing in the court. The Respondent does not have a clear chain of title. Without the clear chain of title Respondent has no standing to bring a motion for judgment of foreclosure. Facts must be viewed in light most favorable to party opposing motion. In light of the above fact this ruling should be reversed

Petitioner has an issue with the amount that is owed as such has issues with the accounting. Petitioner states the principal balance is based on fraud, as GMAC cover charge for the mortgage at 4505 15th Street, N.W. Washington D.C. and the Respondent claims to take over this promissory note is now representing this fraud. In addition, the loan was written off as bad debt.

The Respondent attempted to collect interest retroactively from the time that the GMAC charged off the debt to the point of the Summary Judgment hearing. The Respondent may have legally waived the right to collect interest and that the waiver may apply to the debt buyer who purchases the debt. A fact finder would need to determine whether the creditor waived its right to collect interest. The stated accounting is incorrect.

The Respondent violated Fair Debt Collection Practices Act (FDCPA), 15 USCS §§ 1692 et seq., by having more than one exclusive holder of the note in question. This motion should have been dismissed.

Whereas Petitioner was in the custody of the authorities and did not have the ability to enjoy his fundamental right to notice and to access the Court in a meaningful

time and in a meaningful manner, the Decision complained of herein entered by the District of Columbia's Court of Appeals is repugnant to the 1st and 14th Amendments to the US Constitution on its face.

STATEMENT OF THE CASE

The Petitioner hereby asserts that he has been oppressed and suppressed of his civil rights as well as his 1st and 14th Amendments rights as conveyed in the United States Constitution, by the deprivation of a fair and impartial Judge, Procedural and Civil Due Process, denial of Equal Protection and Abuse of Power/Authority.

On June 21, 1999 Petitioner Clifton A. Grant was granted a Deed to the real property known as 4505 15th Street, N.W, Washington, D.C. 20011.

On December 11, 2006, Petitioner refinance and got a $417,000 loan by executed a note in favor of GMAC MORTGAGE, LLC.

The deed of Trust is recorded with the Recorder of Deeds for the District of Columbia as Document Number 2007005063.

On September 1, 2008, Petitioner fell behind on his payment.

On December 18, 2008 Petitioner was sent a nonjudicial notice of foreclosure sale of his property 4505 15''' St. N.W. Washington D.C.

The letter stated the holder of the note is GMAC MORTGAGE, LLC and Petitioner has a balance due of $419,900.55 approximately has the loan been accelerated.(App. at 67)

July 22, 2013 Green Tree Servicing, LLC. is now claiming it was assigned the rights under the note and deed of trust by the Mortgage Electronic Registration System, Inc. who was the nominee for Citywide mortgage. On September 08, 2016 Ditech

Financial, LLC. Successor by merger to Green Tree Servicing, LLC. Who assign its rights to the Respondent (MTGLQ Investors, L.P.)

A motion for judicial foreclosure was commenced on January 28, 2016. Petitioner filed an answer on February 25, 2016; ownership of the note is in dispute (two separate company claimed holder of the note at the same time).

Petitioner filed a motion to dismiss (expiration of the statute of limitation) on August 24, 2016, which was denied on September 16, 2016.

On September 16, 2016, Respondent written Motion was granted orally to have the United State join as a defendant in this case (lien on property).

Respondent filed a motion seeking extension of time to file its affidavit under SCR 4(1) due to the inability to discover the whereabouts of the defendant(s). Respondent is working diligently to have the amended complaint verified; however, it has encountered issues with the chain of title that must be clarified. (App. at 82).

Respondent filed an amended complaint for judicial foreclosure to join the USA as a defendant. (App. at 71).

Petitioner counsel made his appearance on January 31, 2017. (App. at 67).

Petitioner incarcerated March 20, 2017.

On May 9, 2017 MTGLO filed a motion for summary Judgment. (App. at 83).

Petitioner had no notice of the motion for summary judgment. (App. at 103).

Disclaimer by the United States of America to right to property February 28, 2017 Mediation was scheduled for July 11, 2017 then rescheduled August 22, 2017 Petitioner was incarcerated. Status hearing scheduled for October 27, 2017.

Motion for summary judgment was entered on October 26, 2017. (App. At 83).

Status hearing rescheduled from October 27, 2017 to February 2, 2018.

Petitioner counsel on November 11, 2017, filed a motion to vacate the October 26, 2017 judgment received no notice, it was denied. (App. At 103).

Petitioner released counsel, as counsel not notify May 9, 2017 motion for summary judgment and misinformed Petitioner he unable to file an appeal of a nonfinal order. .

Petitioner notice of appeal for October 26, 2017 order denied being untimely.

Plaintiff's motion to ratify the sale of real property February 2, 2018, .

April 27, 2018 order ratify accounting and close case, final order. (App. at 100).

May 22, 2018 Notice of Appeal. (App. At 12) for the October 26, 2017 and the April 27, 2018 orders. Timely filed so the October judgement is now a final order.

Court of Appeal limit review to the final order since the court previously dismissed appeal no.18-CV-127 which sought review of the October 26, 2017, order that granted judicial foreclosure as untimely filed, petitioner rehearing motion denied (App. at 27). Brief (App at 42) and appendix (App at 67) filed,

Respondent motion to dismiss appeal as untimely was granted (App at 112).

Petitioner motion for rehearing, stating the October judgement became final after the April 27, 2018 order, appeal of the foreclosure order is timely, denied (App at 122).

Petitioner files this writ to address this denial of due process right to appeal the foreclosure summary judgement timely filed.

REASONS FOR PETITIONERING THE PETITION

The Court of Appeal violate due process in dismissing a timely appeal. The court speaks through its orders, saying in effect, dismissing an untimely notice of appeal from an interlocutory order makes the order final order, so bars re-litigation (appeal). Article VI of the U.S. Constitution makes "the Constitution the Supreme Law of the Land," *Cooper v. Aaron,* 358 U.S. 1, 18 (1958), "which is also the Supreme Law of [Florida]," *Poindexter v. Greenhow*, 114 U.S. 270, 292 (1885). "An unconstitutional law will be treated by the Courts as null and void," *Board of Liquidation v. McComb*, 92 U.S. 531, 532, 541 (1875), because "the constitution and laws of a State, so far as they are repugnant to the constitution and laws of the United States, are absolutely void" *Cohen v. Virginia*, 19 U.S. 246, 414 (1821) accord *Maybury v. Madison*, 5 US 137, 174, 176 (1803). no state can, in respect to any matter, set at naught the paramount provisions of the National Constitution." *Braxton v. West Virginia*, 208 U.S. 192, 197 (1908).

"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." U.S Const. Amend. 14.

"It is State action of a particular character that is prohibited. It nullifies and makes void all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty or property without due process of law, or which denies to any of them the equal protection of the laws. *United States v. Stanley*, 103 U.S. 3, 11-12 (1883).

It is axiomatic that "[a] fair trial in a fair tribunal is a basic requirement of due process." *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876, 129 S. Ct. 2252, 2259, 173 L. Ed. 2d 1208 (2009).

This Court has established that even convicted felons serving active sentences as prisoners and children have a fundamental right to enjoy meaningful access the courts in a series of important cases, including *Ex parte Hull*, 312 U.S. 546 (1941), *Johnson v. Avery,* 383 U.S. 483 (1969), and *Bounds v. Smith*, 430 U.S. 817 (1977). *Prince v. Massachusetts*, 321 U. S. 158, 321 U. S. 170 (1944). See *Ginsberg v. New York,* 390 U. S. 629 (1968). See also *McKeiver v. Pennsylvania*, 403 U. S. 528 (1971).

"Fraud upon the court" has been defined by a United States Court of Appeals for the Seventh Circuit to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (7th Cir. 1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. "There is no question of the general doctrine that fraud vitiates the most solemn contracts, documents, and even judgments." *United States v. Throckmorton*, 98 U.S. 61 (1878).

Lawyers are professionally and ethically responsible for accuracy in their representations to the Court. Rule 3.1 of the Model Rules of Professional Conduct states that lawyers "shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good-faith argument for an extension, modification or reversal of existing law." Similarly, Rule 3.3 provides that "[a] lawyer shall not knowingly . . . make a false

statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." *Id.* at 3.3(a).

In *Kupferman v. Consolidated Research & Manufacturing Corp*, the court stated that

> [w]hile an attorney "should represent his client with singular loyalty that loyalty obviously does not demand that he act dishonestly or fraudulently; on the contrary his loyalty to the Court, as an officer thereof, demands integrity and honest dealing with the court." And when he departs from that standard in the conduct of a case he perpetrates a fraud upon the court. *Id.* 459 F.2d 1072, 1078 (2d Cir. 1972).

In *Aoude v. Mobil Oil Corp*, the Court stated:

> The requisite fraud on the Court occurs where "it can be demonstrated, clearly and convincingly, that a party has sentimentally set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier of fact or unfairly hampering the presentation of the opposing party's claim or defense." *Id.* 892 F.2d 1115, 1118 (1st Cir.1989).

"Tampering with the administration of justice ... is a wrong against the institutions set up to protect and safeguard the public ... in which fraud cannot be complacently tolerated with the good order of society." *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246, 64 S. Ct. 997, 88 L. Ed. 1250 (1944).

Because fraud on the courts pollutes the process society relies on for dispute-resolution, subsequent courts reason that "a decision produced by fraud on the court is not in essence a decision at all, and never becomes final. Judgments ... obtained by fraud or collusion are void and confer no vested title." *League v. De Young*, 52 U.S. 185, 203, 13 L. Ed. 657 (1850).

Due process does not permit fraud on the court to deprive any person of life, liberty or property. A biased Court also violates constitutional due process guarantees by tolerating that fraud. As long ago as *Mooney v. Holohan*, 294 U.S. 103, 112, 55 S.Ct. 340, 342, 79 L.Ed. 791 (1935), this Court made clear that deliberate deception of a court ... by the presentation of known false evidence is incompatible with 'rudimentary demands of justice' ... the same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears.'" *Giglio v. United States*, 405 U.S. 150, 153, 92 S. Ct. 763, 766, 31 L. Ed. 2d 104 (1972).

This Court has made it clear that pleadings of *pro se* litigants are to be held to less rigorous standards than those drafted by attorneys. *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (per curiam). Furthermore, *pro se* filings should be construed liberally and courts have a duty to ensure that *pro se* litigants do not lose their right to a hearing on their claim due to ignorance of technical procedural requirements. *Balisteri v. Pacifica Police Department*, 901 F. 2d 696, 699 (9th Cir. 1990); *Borzeka v. Heckler*, 739 F. 2d 444, 447 n. 2 (9th Cir. 1984); *Cripps v. Life Ins. Co. of North America*, 980 F. 2d 1261, 1268 (9th Cir. 1992) (Default judgment vacated in part due to *pro se* status of Petitioner and unfamiliarity with court procedures).

Pro se litigants, as well as those represented by counsel, are entitled to meaningful access to the courts. See *Bounds v. Smith*, 430 U.S. 817, 828 (1977); *Wolff v. McDonnell*, 418 U.S. 539, 579 (1974); *Ross v. Moffitt*, 417 U.S. 600, 612-15 (1974) ; *Johnson v. Avery*, 393 U.S. 483, 485 (1969); *Rudolph v. Locke*, 594 F.2d 1076, 1078 (5th Cir. 1979).

Sufficient access to the courts, is a right protected by the Due Process Clause of the Fourteenth Amendment. See *Wolff*, 418 U.S. at 579-80; *Corpus v. Estelle*, 409 F. Supp. 1090, 1097 (S.D. Tex. 1975), aff'd, 542 F.2d 573 (5th Cir. 1976); *Potuto, The Right of Prisoner Access: Does Bounds Have Bounds?*, 53 Ind. L.J. 207, 215-19 (1977-78); Note, *Prisoners' Rights- Failure to Provide Adequate Law Libraries Denies Inmates' Right of Access to the Courts,* 26 U. Kan. L. Rev. 636, 643-44 (1978).

Sufficient access to the courts is equally a fundamental right protected by the First Amendment, which guarantees to all persons use of the judicial process to redress alleged grievances. See *Cruz v. Beto*, 405 U.S. 319, 321 (1972) (right to petition Government for redress of grievances); *NAACP v. Button*, 371 U.S. 415, 428-29 (1963)(same), *Bounds v. Smith*, 430 U.S. 817, 825 (1977); *Wolff v. McDonnell*, 418 U.S. 539, 579 (1974); *Johnson v. Avery*, 393 U.S. 483, 488 (1969).

Procedural due process imposes constraints on governmental decisions which deprive individuals of "liberty" or "property" interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment, even in the civil context at issue here, See, e. g., *Richardson v. Belcher*, 404 U. S. 78, 80-81 (1971); *Richardson v. Perales*, 402 U. S. 389, 401-402 (1971); *Flemming v. Nestor*, 363 U. S. 603, 611 (1960).

The "right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society." *Joint Anti-Fascist Comm. v. McGrath,* 341 U. S. 123, 168 (1951) (Frankfurter, J., concurring). The fundamental requirement of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U. S. 545, 552 (1965). See G*rannis v. Ordean*, 234 U. S. 385, 394 (1914);

Fuentes v. Shevin, 407 U.S. 67, 81, 92 S.Ct. 1983, 1994, 32 L.Ed.2d 556 (1972). The right to notice and the opportunity to be heard "must be granted at a meaningful time." *Fuentes,* 407 U.S. at 81, 92 S.Ct. at 1994; *Cleveland Bd. of Education v. Loudermill,* 470 U.S. 532, 542, 105 S.Ct. 1487, 1493, 84 L.Ed.2d 494 (1985).

"Finality requirement for constitutional claims of due process violation that implicate a due process right either to a meaningful opportunity to be heard or to seek reconsideration of an adverse [] determination. *Evans v. Chater,* 110 F.3d 1480, 1483 (9th Cir. 1997)."

The United States Court has established what is essentially a two-tiered analysis for due process challenges to conduct which, like the one in this case, involves property rather than liberty interests. The first "tier" involves a two-fold inquiry: (1) an examination of whether there has been a significant deprivation or threat of a deprivation of a property right, see *Fuentes v. Shevin*, 407 U.S. 67 (1972), and (2) an examination of whether there is sufficient state involvement of that deprivation to trigger the Due Process Clause, see *Lugar v. Edmondson Oil Co.*, 457 U.S. 922 (1982).

If there is state action and if that action amounts to the deprivation or threat of a deprivation of a cognizable property interest, the Court proceeds to the second "tier" to then determine what procedural safeguards are required to protect that interest. *Connecticut v. Doehr*, 501 U.S. 1 (1991). The Court traditionally uses the three-factor test first discussed in *Mathews v. Eldridge*, 424 U.S. 319 (1976), to assess what safeguards are necessary to pass muster under the Due Process Clauses of the Fifth and Fourteenth Amendments. The *Mathews* analysis weighs (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of

such interest through the procedures used, and the probable value, if any, of additional or substitute safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. at 335; see also Doehr, 501 U.S. at 26-28.

Courts have held that even "a small bank account" is sufficient to trigger due process protections. See *Nat'l Council of Resistance of Iran v. Dept. of State*, 251 F.3d 192, 202-205 (D.C. Cir. 2001) (citing *Russian Volunteer Fleet v. United States*, 282 U.S. 481, 489-42 (1931)).

The issues complained of herein were committed by the Superior Court for the District of Columbia, whose power deprives from the Constitution of the United States Therefore, this prong is satisfied. "First, the deprivation must be caused by the exercise of some right or privilege created by the State.... Second, the party charged with the deprivation must be a person who may fairly be said to be a state actor." *Lugar v. Edmondson Oil Company*, 457 U.S. 922, 937 (1982).

Due Process protects against the arbitrary deprivation of property and reflects the value our constitutional and political history places on the right to enjoy prosperity, free of governmental interference. *Fuentes v. Shevin*, 407 U.S. 67, 80-1, 92 S.Ct. 1983, 1996 (1972).

Under the Magna Carta, the Due Process Clause limits the powers of all branches of government, including the judiciary. *Truax v. Corrigan*, 257, U.S. 312,333, 42 S.Ct. 124, 129 (1921). Chief Justice Taft wrote: Our whole system of law is predicated on the general fundamental principle of equality of application of the law. 'All men are equal

before the law,' 'This is a government of laws and not of men,' 'No man is above the law,' are all maxims showing the spirit in which legislatures, executives and courts are expected to make, execute and apply laws." *Id.*

The guaranty of due process "was aimed at undue favor and individual or class privilege.... *Id.* This is why "Equal Justice Under Law" is etched in all caps across the front of the U.S. Supreme Court. "The vague contours of the Due Process Clause do not leave judges at large." *Rochin v. People of California*, 342 U.S. 165, 170, 72 S.Ct. 205, 209 (1952)..

Judges have long been required to give a public reasoned opinion from the bench in support of their judgment. *Id.* at fn. 4. The reason given to support state action that takes property may not be so inadequate that it may be characterized as arbitrary. *Jeffries v. Turkey Run Consolidated School District*, 492 F.2d 1, 4 (7th Cir. 1974).

State action is "arbitrary" when it takes without reason or for merely pretextual reasons. The "arbitrary and capricious" standard requires a state to examine the relevant data and to articulate a satisfactory explanation for its action. *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm*, 463 U.S. 29, 43, 103 S.Ct. 2856, 2867 (1983) citing *Burlington Truck Lines v. United States*, 371 U.S. 156, 168, 83 S.Ct. 239, 245-246 (1962). As the Florida Supreme Court has held, "one of the best procedural protections against arbitrary exercise of discretionary power lies in the requirement of findings and reasons that appear to reviewing judges to be rational." *Roberson v. Florida Parole and Probation Commission*, 444 So. 2d 917, 921 (Fla. 1983).

Heretofore, evidenced by the Record of this case, Petitioner has been diligent in pursuing his rights and notwithstanding each and every attempt, all of Petitioner's

Motion and Appeals have simply been denied without any substantive reasoning ever being provided by a Court of Appeals for the District of Columbia.

Whereas Petitioner was in the custody of the authorities and did not have the ability to enjoy his fundamental right to access the Court in a meaningful time and in a meaningful manner, the Decision complained of herein entered by the District of Columbia's Court of Appeals is repugnant to the 1st and 14th Amendments to the US Constitution on its face.

CONCLUSION

For the foregoing reasons the Petition for Writ of Certiorari should be granted

Respectfully Submitted,

January 8, 2020

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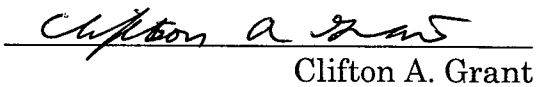
CERTIFCATE OF COMPLICANCE

I, Mr. Clifton A. Grant, This Court's Petitioner, proceeding pro se, hereby certifies that the foregoing Petition for Writ of Certiorari complied with the Rules of the Supreme Court of the United States, whereas the same is submitted on 8½ by 11 inch paper, is in Century Font, 12-point-type with 2-point leading between lines, and contains a total a total of 4,699 words per Microsoft Word 2016.



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CERTIFICATE OF SERVICE

I, the undersigned, hereby certifies that a true and correct copy of the above and foregoing Petition for Writ of Certiorari was furnished by the United States postal Service, postage prepaid, on January 8, 2020 to:

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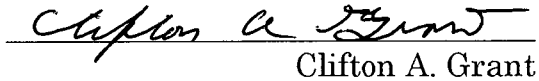

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