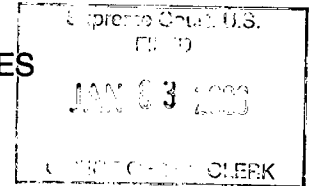


19-7591 ORIGINAL
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



LEO LIONEL PAYNE — PETITIONER
(Your Name)

vs.

JESSICA MANGUM — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LEO LIONEL PAYNE
(Your Name)

1037 ELMWOOD AVENUE
(Address)

COLUMBIA, SC 29201
(City, State, Zip Code)

(803) 915-2812
(Phone Number)

QUESTION(S) PRESENTED

WHEN MS. MANGUM ACTING UNDER COLOR OF STATE LAW DEPRIVED PETITIONER CONSTITUTIONAL RIGHT TO TRAVEL BY THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION. 18 U.S.C. § 242, UNITED STATES V. GUEST, 383 U.S. 745 (1966), AND VIOLATED FED. R. CIV. P. 4(C)(3) ANNOUNCED IN HOME PORT RENTALS, INC. V. RUBEN, 957 F. 2d 126 4TH CIR. (1992), FAILURE TO OTHERWISE DEFEND.

UNDER WHAT CIRCUMSTANCES DOES THE STATE OF SOUTH CAROLINA DEPRIVATIONS OF THE PETITIONER CONSTITUTIONAL RIGHT TO TRAVEL AND FAILURE TO OTHERWISE DEFEND FROM THE VIOLATIONS APPLY?

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:

RELATED CASES

UNITED STATES V. GUEST, 383 U.S. 745 (1966), NO. 65,
SUPREME COURT OF UNITED STATES. ENTERED MARCH 28,
1966.

SHAPIRO V. THOMPSON, NO. 9., SUPREME COURT OF U.S., ENTERED
APRIL 21, 1969.

GRIFFIN V. BRECKENRIDGE, NO. 144., SUPREME COURT OF U.S.,
ENTERED JUNE 7, 1971.

BELLAMY V. MASON'S STORES, INC. (RICHMOND), NO. 74-1139,
U.S. COURT OF APPEALS 4TH CIRCUIT. ENTERED DECEMBER 27,
1974.

BRAY V. ALEXANDRIA WOMEN'S HEALTH CLINIC, NO. 90-985.,
SUPREME COURT OF U.S., ENTERED JANUARY 13, 1993.

SCREWS V. UNITED STATES, NO. 42, SUPREME COURT OF
U.S. ENTERED MAY 7, 1945.

UNITED STATES V. LANIER, NO. 95-1717, U.S. SUPREME COURT,
ENTERED MARCH 31, 1997.

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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 A 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 A 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 date on which the United States Court of Appeals decided my case was NOVEMBER 25, 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

UNITED STATES CONSTITUTIONAL AMENDMENT XIV:

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.

18 U.S.C. § 242 - DEPRIVATION OF RIGHTS UNDER
"COLOR OF LAW., WHOEVER UNDER COLOR OF ANY LAW WILLFULLY SUBJECTS ANY PERSON IN ANY STATE THE DEPRIVATION OF ANY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES".

STATEMENT OF THE CASE

ON APRIL 26, 2014 PETITIONER BROUGHT AN GREYHOUND BUS TICKET FROM COLUMBIA, SC TO WASHINGTON, DC. "APPENDIX A." POLICE OFFICER REINOLD MARK ADAMS ARRESTED PETITIONER WITHOUT PROBABLE CAUSE. "APPENDIX C."

PETITIONER UNAMBIGUOUSLY INVOKED HIS RIGHT TO TRAVEL, WITH HIS BUS TICKET. NONETHELESS, PETITIONER WAS PLACED IN THE DETENTION CENTER FOR TWO(2) MONTHS UNTIL PETITIONER WAS RELEASED IN HIS OWN RECOGNIZANCE. WHEN RELEASED, PETITIONER WAS GIVEN BACK HIS GREYHOUND BUS TICKET.

MS. JESSICA MANGUM, ACTING UNDER COLOR OF STATE LAW DISMISSED ALL OF PETITIONER CHARGES THIRTY(30) MONTHS LATER ON OCTOBER 27, 2016. "APPENDIX A.", CASE # 11803GT.

THE ORDER, WITHOUT ISSUANCE AND SERVICE OF PROCESS SHOWS PREJUDICE. "APPENDIX C."
SEE FED. R. CIV. P. # 4(C)(3).

PETITIONER FILED HIS SECOND COMPLAINT ON JULY 20, 2018 FOR VIOLATION OF HIS CIVIL RIGHTS TO TRAVEL. MS. MANGUM ACTING UNDER COLOR OF STATE LAW DEPRIVED PETITIONER HIS RIGHT TO TRAVEL FREELY BY FALSE REPORTS. "APPENDIX C.", ORDER. THIS COURT HELD: IN THE COMPLAINT OF STATE INVOLVEMENT IN THE DEPRIVATION OF ANY RIGHTS CHARGED UNDER 18 U.S.C. § 242 IS SUFFICIENT TO CHARGE A VIOLATION OF RIGHTS PROTECTED BY THE FOURTEENTH AMENDMENT. UNITED STATES V. GUEST, 383 U.S. 753. "APPENDIX A", COMPLAINT. II. B.

REASONS FOR GRANTING THE PETITION

A. TO AVOID ERRONEOUS DEPRIVATIONS OF THE RIGHT TO TRAVEL, THIS COURT SHOULD CLARIFY THE EQUAL PROTECTION CLAUSE., WHEN MS. MANGUM ACTING UNDER COLOR OF STATE LAW, VIOLATED THE 14TH AMENDMENT APPLIES CONCERNING THE ARREST OF PETITIONER BY MEANS OF FALSE REPORTS.

IN UNITED STATES V. GUEST, 383 U.S. 745 (1966)., THIS COURT ADOPTED A SET OF PROPHYLACTIC MEASURES TO PROTECT PETITIONER FOURTEENTH AMENDMENT RIGHTS TO TRAVEL. Id., AT 757. IN UNITED STATES V. PRICE, post, p. 383 U.S. 787, MAKES ABUNDANTLY CLEAR., PRICE INVOLVES RIGHTS UNDER THE DUE PROCESS CLAUSE, WHEREAS THIS CASE INVOLVES RIGHTS UNDER THE EQUAL PROTECTION CLAUSE. THE COURT MADE CLEAR IN PRICE THAT, WHEN 18 U.S.C. § 242 SPEAKS OF "WHOEVER UNDER COLOR OF ANY LAW WILLFULLY SUBJECTS ANY PERSON IN ANY STATE THE DEPRIVATION OF ANY RIGHTS,

PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE UNITED STATES," IT MEANS PRECISELY THAT. CONCLUDING THAT § 242 IF IT PROTECTS FOURTEENTH AMENDMENT RIGHTS -- PROTECTS RIGHTS SECURED BY THE ONE CLAUSE, BUT NOT THOSE SECURED BY THE OTHER.

INCLUSION OF FOURTEENTH AMENDMENT RIGHTS WITHIN THE COMPASS OF 18 U.S.C. § 242 DOES NOT RENDER THE STATUTE UNCONSTITUTIONALLY VAGUE. SINCE THE GRAVAMEN OF THE OFFENSE ~~IS~~ IS DEPRIVATION OF THE RIGHT TO TRAVEL, THE REQUIREMENT THAT THE OFFENDER MUST ACT WITH A SPECIFIC INTENT TO INTERFERE PAGE 383 U.S. 754 WITH THE FEDERAL RIGHTS IN QUESTION IS SATISFIED.

THE EQUAL PROTECTION CLAUSE SPEAKS TO THE STATE OR TO THOSE ACTING UNDER THE COLOR OF ITS AUTHORITY.

" NO STATE SHALL DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS "

IN THIS CONNECTION, THIS COURT EMPHASIZE THAT 242 BY ITS CLEAR LANGUAGE INCORPORATES NO MORE THAN THE EQUAL PROTECTION CLAUSE ITSELF; THE STATUTE DOES NOT PURPORT TO GIVE SUBSTANTIVE, AS OPPOSED TO REMEDIAL, IMPLEMENTATION TO 383 U.S. 755 ANY RIGHTS SECURED BY THAT CLAUSE.

PETITIONER RIGHTS ARE PROTECTED BY THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT, THE DISTRICT COURT HELD THIS CASE AS MOOT, AS A MATTER OF STATUTORY CONSTRUCTION THAT 18 U.S.C. § 242 DOES NOT ENCOMPASS ANY FOURTEENTH AMENDMENT RIGHTS, AND FURTHER HELD AS A MATTER OF CONSTITUTIONAL LAW THAT "ANY BROADER CONSTRUCTION OF § 242 WOULD RENDER IT VOID FOR INDEFINITENESS". 246 F.Supp. AT 486.

IN THIS COURT HOLDING, THE DISTRICT COURT IS IN ERRORS IN UNITED STATES V. PRICE, Post, P. 383 U.S. 787.

PETITIONER RIGHTS UNDER THE EQUAL PROTECTION CLAUSE ITSELF ARISE ONLY WHERE THERE HAS BEEN INVOLVEMENT OF THE STATE OR OF ONE ACTING UNDER THE COLOR OF ITS AUTHORITY. THE EQUAL PROTECTION CLAUSE "DOES NOT..... ADD ANYTHING TO THE RIGHTS WHICH ONE CITIZEN HAS UNDER THE CONSTITUTION AGAINST ANOTHER." UNITED STATES V. CRUIKSHANK, 92 U.S. 542, 92 U.S. 554.

"THE FOURTEENTH AMENDMENT PROTECTS THE INDIVIDUAL AGAINST STATE ACTION, NOT AGAINST WRONGS DONE BY INDIVIDUALS." UNITED STATES V. WILLIAMS 341 U.S. 70, 341 U.S. 92 (DISSENTING OPINION). THIS HAS BEEN THE VIEW OF THIS COURT FROM THE BEGINNING. UNITED STATES V. CRUIKSHANK, SUPRA; UNITED STATES V. HARRIS, 106 U.S. 629; CIVIL RIGHTS CASES, 109 U.S. 3; HODGES V. UNITED STATES, 203 U.S. 1; UNITED STATES V. POWELL, 212 U.S. 564. IT REMAINS THIS COURT'S VIEW TODAY.

SEE, E.G., EVANS V. NEWTON, 382 U.S. 296;
UNITED STATES V. PRICE, Post, P. 383 U.S. 787.

THE INVOLVEMENT OF THE STATE NEED BE
EITHER EXCLUSIVE OR DIRECT. IN A VARIETY
OF SITUATIONS THE COURT HAS FOUND STATE
ACTION OF A NATURE SUFFICIENT TO CREATE
RIGHTS UNDER THE EQUAL PROTECTION CLAUSE
EVEN THOUGH THE PARTICIPATION OF THE STATE
WAS PERIPHERAL, OR ITS ACTION WAS ONLY ONE
OF SEVERAL COOPERATIVE PAGE 383 U.S. 756
FORCES LEADING TO THE CONSTITUTIONAL
VIOLATION. SEE, E.G., SHELLEY V. KRAEMER,
334 U.S. 1; PENNSYLVANIA V. BOARD OF
TRUSTS, 353 U.S. 230; BURTON V. WILLMI-
NGTON PARKING AUTHORITY, 365 U.S. 715;
PETERSON V. CITY OF GREENVILLE, 373 U.S.
244; LOMBARD V. LOUISIANA, 373 U.S. 267;
GRIFFIN V. MARYLAND, 378 U.S. 130; ROBINSON
V. FLORIDA, 378 U.S. 153; EVANS V. NEWTON,
SUPRA.

THIS CASE, HOWEVER, REQUIRES NO DETER-
MINATION OF THE THRESHOLD LEVEL THAT
STATE ACTION MUST ATTAIN IN ORDER TO
CREATE RIGHTS UNDER THE EQUAL PROTECT-
ION CLAUSE.

BECAUSE, CONTRARY TO THE DISTRICT COURT ORDER DISMISSAL OF PLAINTIFF COMPLAINT, AND THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT DECISION., THE PETITIONER COMPLAINT, IN FACT, CONTAINS AN EXPRESS ALLEGATION OF STATE INVOLVEMENT SUFFICIENT ATLEAST TO REQUIRE THE DENIAL OF A ORDER TO DISMISS PETITIONER COMPLAINT. ONE OF THE MEANS OF ACCOMPLISHING THE OBJECT OF THE DEPRIVATION OF PETITIONER RIGHTS, ACCORDING TO THE COMPLAINT, WAS "BY CAUSEING THE ARREST OF THE PETITIONER BY MEANS OF FALSE REPORTS THAT PETITIONER HAD COMMITTED CRIMINAL ACTS", "APP," "A".

THE ALLEGATION IS BROAD ENOUGH TO COVER A CHARGE OF ACTIVE CONNIVANCE BY AGENTS OF THE STATE IN THE MAKING OF THE "FALSE REPORTS," OR OTHER CONDUCT AMOUNTING PAGE 383 U.S. 757 TO OFFICIAL DISCRIMINATION CLEARLY SUFFICIENT TO CONSTITUTE DENIAL OF RIGHTS PROTECTED BY THE EQUAL PROTECTION CLAUSE.

THE CONSTITUTIONAL RIGHT TO TRAVEL FROM ONE STATE TO ANOTHER, AND NECESSARILY TO USE THE HIGHWAYS AND OTHER

INSTRUMENTALITIES OF INTERSTATE COMMERCE IN DOING SO, OCCUPIES A POSITION FUNDAMENTAL TO THE CONCEPT OF OUR FEDERAL UNION. IT IS A RIGHT THAT HAS BEEN FIRMLY ESTABLISHED AND REPEATEDLY RECOGNIZED. IN CRANDALL V. NEVADA, 6 WALL. 35, INVALIDATING PAGE 383 U.S. 758. A NEVADA TAX ON EVERY PERSON LEAVING THE STATE BY COMMON CARRIER, THIS COURT TOOK AS ITS GUIDE THE STATEMENT OF CHIEF JUSTICE TANEY IN THE PASSENGER CASES, 7 HOW. 283, 48 U.S. 492:

"FOR ALL THE GREAT PURPOSES FOR WHICH THE FEDERAL GOVERNMENT WAS FORMED, WE ARE ONE PEOPLE, WITH ONE COMMON COUNTRY. WE ARE ALL CITIZENS OF THE UNITED STATES; AND, AS MEMBERS OF THE SAME COMMUNITY, MUST HAVE THE RIGHT TO PASS AND REPASS THROUGH EVERY PART OF IT WITHOUT INTERRUPTION, AS FREELY AS IN OUR OWN STATES."
SEE 6 WALL. AT 73 U.S. 48-49.

IN ANY EVENT, FREEDOM TO TRAVEL THROUG-

-HOUT THE UNITED STATES HAS LONG BEEN RECOGNIZED AS A BASIC RIGHT UNDER THE CONSTITUTION. SEE WILLIAMS V. FEARS, 179 U.S. 270, 179 U.S. 274; TWINING V. NEW JERSEY, 211 U.S. 78, 211 U.S. 97; EDWARDS V. CALIFORNIA, 314 U.S. 160, 314 U.S. 177 (CONCURRING OPINION), 314 U.S. 181 (CONCURRING OPINION); NEW YORK V. O'NEILL, 359 U.S. 1, 359 U.S. 6-8; 359 U.S. 12-16 (DISSENTING OPINION).

ALL HAVE AGREED THAT THE RIGHT EXISTS ITS EXPLICIT RECOGNITION AS ONE OF THE FEDERAL RIGHTS PROTECTED BY WHAT IS NOW 18 U.S.C. § 242 GOES BACK (AT LEAST) AS FAR AS 1904. UNITED STATES V. MOORE, 129 F. 630, 633. WE REAFFIRM IT NOW.

PAGE 383 U.S. 760

A SPECIFIC INTENT TO INTERFERE WITH THE FEDERAL RIGHT MUST BE PROVED, THE PREDOMINANT PURPOSE OF THE STATE OF SOUTH CAROLINA DEPRIVATION OF

PETITIONER'S RIGHT TO TRAVEL IMPEDED AND PREVENTED THE PETITIONER EXERCISE OF THE RIGHT OF INTERSTATE TRAVEL, AND OPPRESSED PETITIONER BECAUSE OF HIS EXERCISE OF THAT RIGHT, THEN, WHETHER OR NOT MOTIVATED BY RACIAL DISCRIMINATION, THE DEPRIVATION OF THAT RIGHT IS A PROPER OBJECT OF THE FEDERAL LAW UNDER 18 U.S.C. § 242 WHICH THE COMPLAINT IN THIS CASE IS BROUGHT. SEE "APPENDIX A", COMPLAINT. II. B.

ACCORDINGLY, IT IS AN ERROR BY THE FOURTH CIRCUIT COURT OF APPEALS AND THE DISTRICT COURT TO GRANT THE MOTION TO DISMISS PETITIONER COMPLAINT ON THIS BRANCH OF THE COMPLAINT.

FOR THESE REASONS, THE JUDGMENT OF THE DISTRICT COURT SHOULD BE REVERSED, AND THE CASE SHOULD BE REMANDED TO THAT COURT FOR FURTHER PROCEEDINGS CONSISTENT WITH THIS OPINION.

THIS CASE PRESENT THIS COURT WITH AN OPPORTUNITY
TO CLARIFY THE EQUAL PROTECTION CLAUSE, IN THE FACE
OF THE STATE OF SOUTH CAROLINA ACTIONS THAT VIOLATED
18 U.S.C. § 242 STATUTE AND THE UNITED STATES CONSTITUTIONAL
LAW OF THE FOURTEENTH AMENDMENT.

ABSENT INTERVENTION BY THIS COURT, THE FOURTH
CIRCUIT COURT OF APPEALS UNPUBLISHED OPINION WILL
WORK TO UNDERMINE THE CAREFULLY CRAFTED PROCEDURAL
SAFEGUARDS THAT THIS COURT HAS SPENT THE PAST 50
YEARS DEVELOPING.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: _____