

19-8295

ORIGINAL

FILED
FEB 20 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Clarence B. Jenkins Jr. — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Fourth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Clarence B. Jenkins Jr.
(Your Name)

945 Wire Rd.
(Address)

Neeses, SC 29107
(City, State, Zip Code)

(803) 263-4514
(Phone Number)

QUESTION(S) PRESENTED

Did the U.S. District Court violate Pro Se Plaintiff U.S. Constitutional Rights of the Judicial Process which requires a review by U.S. Supreme Court

Where in the U.S. District Court's record did Pro Se Plaintiff appealed the INITIAL REPORT and RECOMMENDATION

Where in the U.S. District Court's record did Pro Se Plaintiff appealed the INITIAL ORDER

Where in the U.S. District Court's record did Pro Se Plaintiff appealed a DENIED of Motion to Dismiss by Defendant

Did U.S. District Court by accepting Defendant's final argument for a SUMMARY JUDGMENT that Pro Se Plaintiff saw suggestion box which was previously rejected by Chief Judge, Terry L. Wooten and Judge, Paige J. Gassett a violation of DUE PROCESS of U.S. Constitution

Is it lawful for this COURT to accept an ORDER that is not based on FACT(s) of this COMPLAINT

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

Pro Se Plaintiff states there are no related cases.

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DATED APRIL 9, 2018

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By MAGISTRATE JUDGE, PAIGE J. GOSSETT - MARCH 12, 2018

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By CHIEF JUDGE, TERRY L. WOOTEN dated JANUARY 8, 2002

APPENDIX F A PETITION FOR REHEARING EN BANC THAT TIMELY
FILED BUT DENIED - NO JUDGE REQUESTED A
POLL

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Davis v. Wechsler 263 U.S. 22, 24, Stromberg v. California,
283 U.S. 359, NAACP v. Alabama, 375 U.S. 449

Elmore v. McCommon (1986)

Moty v. Grasselli Chemical Co. 303 U.S. 197 (1938)

STATUTES AND RULES

28 USC 351

28 USC 352

28 USC 357

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 B 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 C 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 September 30, 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: December 3, 2019, and a copy of the order denying rehearing appears at Appendix F.

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

Pro Se Appellant received FAVORABLE RULINGS from Magistrate Judge, Paige J. Gossett and Chief Judge, Terry L. Wooten based on argument from Defendant-Appellee. Pro Se Appellant then received an UNFAVORABLE RULINGS from Magistrate Judge, Paige J. Gossett and Chief Judge, Terry L. Wooten based on argument (same) from Defendant-Appellee that the COURT had previously rejected and DENIED a motion To Dismiss. Pro Se Appellant did not receive DUE PROCESS with COURT's RULINGS that are JUST.

Fourth Circuit Court of Appeals has based their Decision on Fraudulent FACTS and that itself is a violation of DUE PROCESS. Pro Se Appellant has the right to file an appeal of an UNJUST DECISION to U.S Supreme Court. Pro Se Appellant filed a timely WRIT of Certiorari to the U.S. Supreme Court UNJUST DECISION based on fraudulent facts.

Defendant-Appellee has not provided any evidence to dispute claims made by Appellant and has not proven their case. Pro Se Appellant has produced and provided an abundance of evidence that included an eyewitness statement, police report, emergency room report, pictures of damaged wood suggestion box, a report with advocate, facsimiles from advocate and written verification from DORN VA Medical Center stating no operational video surveillance in pharmacy at the time of incident.

THEREFORE, Pro Se Appellant is requesting a remand to lower court for jury trial and allow this case to be tried or lost base on the merits and not by a Judicial System that has shown to be bias and pre-judice.

STATEMENT OF THE CASE

Pro Se Plaintiff requested a SUMMARY JUDGMENT instead of going to trial after receiving a FAVORABLE RULINGS in the INITIAL REPORT and RECOMMENDATION by Magistrate Judge, Paige J. Gossett and ORDER by Chief Judge, Terry L. Wooten. And furthermore a Motion To Dismiss by Defendant was DISMISSED by both Judge Paige J. Gossett and Judge, Terry L. Wooten. Pro Se Plaintiff did not appealed the INITIAL REPORT and RECOMMENDATION by Judge Paige J. Gossett. Pro Se Plaintiff did not appealed INITIAL ORDER by Chief Judge, Terry L. Wooten. And Pro Se Plaintiff did not appealed the Motion to Dismiss by Defendant. The CONCLUSION of the Fourth Circuit Court of Appeals is not based on FACTS as stated in their DECISION. As a Pro Se Plaintiff saw the apparent disdain and discrimination that courts and judges show toward equality of the Judicial Process.

Elmore v. McCommon (1986)

".... the right to file a law suit pro se is one of the most important rights under the constitution and law."

Devis v. Wechsler 263 U.S. 23, 24; Stromberg v. California, 283 U.S. 359, NAACP v. Alabama, 357 U.S. 449

"The assertion of the federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."

Mary v. Grasselli Chemical Co. 303 U.S. 197 (1938)

"Pleadings are intended to serve as a means of arriving at fair and just settlements controversies between litigants. They should not raise barriers which prevent the achievement of the end. Proper pleadings is important, but its importance consists effectiveness as a means to accomplish the end of a just judgment."

REASONS FOR GRANTING THE PETITION

It would be unlawful in the COURT OF LAW for the Fourth Circuit of Appeals to AFFIRMED by U.S. District Court that is not based FACTUAL ACTIONS of the COURTS. Every man shall be afforded equal justice, life, liberty and property under The Fourteenth Amendment of the United States Constitution. No one is above the law which shall be applied to every man. Pro Se Appellant provided substantial evidence and written verification that was ACCEPTED by Chief Judge, Terry L. Wooten and Magistrate Judge, Paige J. Gossett. And Chief Judge, Terry L. Wooten and Magistrate Judge, Paige J. Gossett both DENIED a Motion To Dismiss by Appellee therefore this is an INJUSTICE. Appellee did not present any evidence to dispute claims made by Appellant therefore this is an INJUSTICE IN EYES OF THE COURT.

By Affirming the RULINGS of U.S. District Court and Fourth Circuit of Appeals stand as is would be an injustice in the eyes of the COURT and HUMANITY. The loss of confidence in the COURT OF LAW by the citizens of the United States therefore humanity suffers as a whole even the Judicial System when there is no credibility to uphold the law.

The very first of these duties is to apply the law equally to all Americans. This obligation flows directly from the Constitution. The rule of law depends on the evenhanded administration of justice and must be impartial and insulated from political influence.

Government that use the enormous power of law enforcement to punish their enemies and reward their allies are not Constitutional republics, they are autocracies.

The Oath of Office by the U.S. District Court and Fourth Circuit of Appeals has been violated by denying the rights of individual(s) to obtain justice required by U.S. Constitution and FRAUDULENT RULINGS that is not based on FACT(S). Pro Se Appellant has been granted to proceed in forma pauperis.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Clarence Berkman Jr.

Date: April 6, 2020