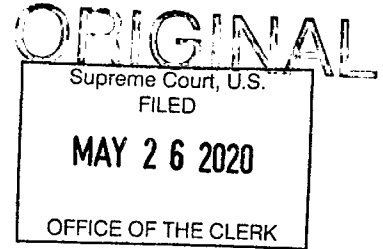


No. 19-8595



IN THE SUPREME COURT OF THE UNITED STATES

BRANDON WILLIAMS,

Petitioner,

Versus

STATE OF MARYLAND OFFICE OF THE GOVERNOR c/o Attorney General,
BALTIMORE OFFICE OF CHILD SUPPORT ENFORCEMENT,

Respondent

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

PETITION FOR WRIT OF CERTIORARI

Brandon Williams
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Certified Mail No. 7019 2280 0001 4269 5893

Notice to agent is notice to principal. Notice to principal is notice to agent

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I. QUESTIONS PRESENTED

1. Does statutes of the State of Maryland supersede and/or override the Constitution of the United States and the Bill of Rights?
2. Is the Constitution of the United States and the Bill of Rights deemed as Supreme law of the land over State statutes?
3. Has the Court of Appeals for the Fourth Circuit exceeded its enumerated powers and violated basic principles of federalism and cause further confusion with no consideration taken of the multiple violations made by Respondents; STATE OF MARYLAND, Office of the Governor; BALTIMORE COUNTY OFFICE OF CHILD SUPPORT ENFORCEMENT, as described in my case, and rushed to judgment and dismissed it based on biasness and not being impartial? Maddox v. State, 32 Ga. 587, 79 Am.Dec. 307; Pierson v. State, 18 Tex.App. 558, also Yarbrough v. Mallory, 225 Ala. 579, 144 So.447, 448 and Evans v. Superior Court in and for Los Angeles County, 107 Cal.App. 372, 290 P. 662, 665.
4. Was it not due to negligence, pursuant to 42 U.S.C. § 1986 that Respondent; STATE OF MARYLAND, et. al, in which they had the power to prevent or aid in preventing such wrongful doings which makes them liable to Petitioner for the injuries ensued? Cullinan v. Burkhard, 41 Misc.Rep. 321, 84 N.Y.S. 825.
5. Was it not Respondents legal representatives for all damages caused by such wrongful acts, by which such “persons” by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of “persons” guilty

of such wrongful neglect or refusal may be joined as defendants in this action? See, Schneider v. C. H. Little Co., 184 Mich. 315, 151 N.W. 587, 588; Hulley v. Moosbrugger, 88 N.J.L. 161, 95 A. 1007, 1010, L.R.A. 1916C, 1203; and Krom v. Antigo Gas Co., 154 Wis. 528, 143 N.W. 163, 164

6. As in accordance with the Bill of Rights:

- A. Does Amendment 4 protect me from unreasonable searches and seizures?
- B. Does Amendment 5 provide me protection of rights to life, liberty and property?
- C. Does Amendment 6 provide me the right to face my accuser and cross examine in criminal cases?
- D. Does Amendment 7 give me rights in Civil cases to sue at **common law** and not be deprived **under color of law**?
- E. Does Amendment 8 forbid excessive fines and cruel and unusual punishments?
- F. Does Amendment 9 provide other rights kept by me, not to be construed to deny or disparage other rights retained by me?
- G. Does Amendment 10 provide undelegated powers kept by the States and the people?
- H. Does Amendment 13 forbid slavery nor involuntary servitude, except as a punishment for a **crime** whereof the party shall have been duly convicted and that Congress shall have power to enforce this article by appropriate legislation?

- I. Does Amendment 14 provide Citizenship rights, that 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?

i.

PARTIES TO THE PROCEEDINGS

The parties to this proceeding are Petitioner, Brandon Williams, and Respondents, State of Maryland Office of Governor and Baltimore Office of Child Support Enforcement.

RULE 29.6 DISCLOSURE

State of Maryland Office of the Governor, c/o Attorney General

Baltimore County Office of Child Support Enforcement Agency

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**IN THE SUPREME COURT OF THE UNITED STATES
PETITION FOR A WRIT OF CERTIORARI**

Petitioner prays unto the Creator of the Universe and respectfully submits this petition for a writ of certiorari be issued to review the judgment of the United States Court of Appeals for the Fourth Circuit in this case.

OPINIONS BELOW

The decision made by the Court of Appeals for the Fourth Circuit dismissing Petitioner's direct appeal was referenced by 4th Cir. R. 34(b). That order and Judges; Wynn, Diaz and Richardson's dissent is attached at **Appendix A** pg. 2 of 2. Further opinion made by the Circuit Judges are claiming that my informal brief does not challenge the basis for the district court's disposition, and further claim that I have forfeited appellate review of the court's order. Quite on the contrary, my brief challenged every claim of the district court's order the same as is incorporated in my initial Complaint filed in district court on July 12, 2019. Moreover, how did the Circuit judges derive their opinion based on a precedent case referenced as Jackson v. Lightsey, 775 F3d 170, 177 (4th Cir. 2014)? My appeal provided all violations that were perpetrated by the Respondent, so how does the Circuit judges claim add up with their statement; *"The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."* So, what issues in my brief are limited for review against the violations that are described?

Moreover, the case pertaining to Jackson v. Lightsey, 775 F3d 170, 177 (4th Cir. 2014) states; "The principal question before the Circuit judges is whether Jackson's complaint sets forth

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plausible claims of deliberate indifference that should survive a motion to dismiss. But before the judges can reach that issue, they must consider whether that appeal is properly before them, in whole or in part, in light of certain omissions in Jackson's notice of appeal. Then it goes on to further say; that the Circuit judges concluded that Jackson did not appeal from the district court order dismissing the Staff as a party to that case, depriving the Circuit judges of jurisdiction to review that order. However, the Circuit judges do have jurisdiction over the dismissal of Jackson's claims against the doctors, and the Circuit Judges hold that while the claim against Lightsey was properly dismissed under Rule 12(b)(6), Jackson has alleged facts supporting a plausible claim of deliberate indifference against Guleria. The Circuit judges therefore vacate the district court's dismissal of Jackson's claim against Guleria and remand for further proceedings.

However, how does that case apply to me? How did the Circuit judges allege that I forfeited appellate review of the district court's order? How did I fail to state a claim upon which relieve be granted? Which of my claims of action can relief cannot be granted on?

These are my claims:

1. Wage garnishments and seizures in violation of Amendment 4
2. Violation of Due Process and Equal Protection pursuant to Amendment 5 and 14.
3. Excessive fines in violation of Amendment 8, Article 1 § 10, and 31 U.S.C. § 3124.
4. Deprivation of rights violation pursuant to 42 U.S.C. § 1983.
5. Conspiracy to interfere with civil rights violation pursuant to 42 U.S.C. § 1985.
6. Deprivation of rights under color of law pursuant to 18 U.S.C. § 242.
7. Fair Debt Collection Practices Act (FDCPA) violation pursuant to 15 U.S.C. § 1692-1692.

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8. Negligence actionable under 42 U.S.C. § 1986.

Can relief be granted for my claims listed above?

Further judgment made by the Circuit judges Wynn, Diaz and Richardson, referenced to Fed. R. App. P. 41 is attached at **Appendix B**. In addition, the Circuit Judges, issued a mandate pursuant to Rule 41(a) and is attached at **Appendix C**. The order made by the United States District Judge that dismissed my Complaint, is void of no date entered in that order and is attached at **Appendix E**. Lastly, the opinion made by the United States District Judge of the U.S. District Court for the District of Maryland denying my claim, is attached at **Appendix D**.

The rulings entered by the Circuit and district judges are unequal, unfair, and biased. The Circuit and District judges are seemingly acting as attorneys for the defense in defiance of the law, which oversteps the canons of legal ethics and are disqualified to adjudicate this case. Amendment 1 of the U.S. Constitution gives Petitioner the right to petition the Government for a redress of grievances. See State v. Bowers, 178 Minn. 589, 228 N.W. 164, 165. Moreover, every final judgment of a circuit court in a civil case is appealable as a right. But in this case, Petitioner continues to be denied that right. According to an Illinois Supreme Court. Rule, *"The appeal is initiated by filing a notice of appeal. No other step is jurisdictional. An appeal is a continuation of the proceeding, and that the trial courts are not revested with jurisdiction until the mandate issues and the parties have exhausted all of their rights of appeal."* See, Independent Voters of Illinois v. Illinois Commerce Commission, 117 Ill.2d 90 (1987) and Jones v. Board of Fire and Police Commissioners of Village of Mundeline, 127 Ill.3d 793 (2nd Dist., 1984).

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Moreover, the Circuit and District judges failed in adjudicating this matter in accordance with the Constitutional and Bill of Rights protections, which the Respondents violated. Pursuant to the Federal Rules of Civil Procedure, Rule 1 – Scope and Purpose where states; ***“These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”***

JURISDICTION

The date on which the United States Court of Appeals for the Fourth Circuit decided my case was **January 28, 2020**.

The opinion of the United States District Court appears at **Appendix D** to the petition and is designated for publication on Pacer.gov.

The jurisdiction of this Court is invoked pursuant with 28 U.S.C §§ 1257(a).

The United States District Court for the District of Maryland had jurisdiction over this case pursuant to 18 U.S.C. §§ 3231, but denied Petitioner’s Complaint and is being quoted with precedent case; Jordahl v. Democratic Party, 122 F3d. 192, 199 (4th Cir. 1997) and is attached at **Appendix D**. The United States Court of Appeals for the Fourth Circuit had jurisdiction pursuant to 28 U.S.C. § 1291.

The Fourth Circuit rendered its decision on January 28, 2020 as aforementioned. In doing so, the court of appeals misapplied the use of Rule 34(b) with claiming that my informal brief does not challenge the basis for the district court’s disposition and that I forfeited appellate

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review of the court's order. Albeit, it is fully incorporated in my brief and the appeal disputing the district court's order that was submitted.

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1). Petitioner, who is filing this Affidavit of Fact and Writ of Discovery in lieu of a Writ of Certiorari by Certified First Class United States Mail on or before April 20, 2020. See, Sup. Ct. R. 13.1 & 29.2. This Court does have discretion to review decisions that the Court of Appeals for the Fourth Circuit, misapplied Rule 34(b), based on what was filed in their Court, with the Exhibits provided.

The willingness of the Court to review decisions implicating this misapplication is understandable because those decisions directly affect the Petitioner's due process rights as guaranteed by the United States Constitution. My rights which are protected by the Constitution of the United States should not depend upon the federal circuit in which he finds himself. See, Sup. Ct. R. 10(a). Consequently, a Writ of Certiorari is warranted in this case.

CONSTITUTIONAL PROVISIONS INVOLVED

Amendment 5 pursuant to the United States Constitution provides: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a

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witness against himself, nor be deprived of life, liberty, or property, without due process of law, nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

Petitioner submits this brief detailing the fraudulent activity by government officials whose job is to serve and not harm the public. Baltimore County Office of Child Support Enforcement agency has been causing garnishments against my salary as all of this was done without a contract, due process of law and violation against the Consumer Protections Act.

I have been garnished in the amount of \$442.50 including respondents claim that I owe arrearages in the amount of \$29,626.42 with an additional \$88.50 attached against my wages for every employer I have previously and presently work for in the State of North Carolina since September 2010. I received a letter from John Angel, manager at Baltimore County Office of Child Support Enforcement dated April 30, 2014, which my checking account was seized with all my monies of \$750 taken. I sent a letter to John Angel challenging that he validate this debt in accordance with Fair Debt Collection Practices Act (FDCPA) and for what gave him the authority to do such activity. To date John Angel has failed to respond which placed him in Default which I sent John Angel a Notice of Default dated 6/16/2014. Angel continues to attach garnishments against my wages.

I received another letter from Jeanette Gonce who's the Child Support Specialist, dated, June 14, 2017. Gonce's letter claims they have only received a last payment from my employer on 3/01/2017. I requested debt validation twice and got no response. Gonce instead, sent me only a payment summary letter, dated June 26, 2017.

NOTICE OF EX PARTE DAVIS, 344 SW 2D 925 (1976)

State Law, Uniform Interstate Family Support Act (U.I.F.S.A.), is proof that full validity and disclosure is to be provided by consent from every MAN or WOMAN entering State TITLE IV-D Child Support Enforcement hearing. Every State has Interstate Family Support Act that is a mirror image of the federal Uniform Interstate Family Support Act (U.I.F.S.A.):

1. Sec. 321. Adoption of Uniform State laws, 42 U.S.C. § 666 is amended by adding at the end, the following new subsection;
2. “(f) Uniform Interstate Family Support Act, -In order to satisfy 42 U.S.C. § 654 (20) (A), on and after January 1, 1998, **each State must have in effect the uniform Interstate Family Support Act**, as approved by the American Bar Association on February 9, 1993, together with any amendments officially adopted before January 1, 1998, by the National Conference of Commissioners on Uniform State Laws.” P.L. 104-193, §§ 321, 110 Stat. 2221.

A. Establishing a Support Order;

1. Family Support. The Act may be used only for proceedings involving the support of a child or spouse of the support obligor; it does not include enforcement of other duties of support found in the statutes of a few states, such as requiring support of an elderly or disabled parent by an adult child, Sections 101(2), (18).

JURISDICTION, Part 1. Extended Personal Jurisdiction. § 52C-2-201. Bases for Jurisdiction over Nonresident; (a) In a proceeding to establish, or enforce, or modify a support order or to determine parentage, a tribunal of the State of Maryland may exercise personal jurisdiction over a nonresident individual [or the individual’s guardian or conservator] if:

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- (1) The individual is personally served with a summons and complaint within this State;
- (2) The individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- (3) The individual resided with the child in this State;
- (4) The individual resided in this State and provided prenatal expenses or support for the child;
- (5) The child resides in this State as a result of the acts or directives of the individual;
- (6) The individual engaged in sexual intercourse in this State and the child may have been conceived by the act of intercourse; or
- (7) Repealed by Session Laws 2015-117, s. 1, effective June 24, 2015.
- (8) There is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

Further, section 102. Definitions. In this [Act] describes:

(14) "Person means an **individual**, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity. As I am a living breathing, flesh and blood and human being. I am not a sovereign citizen. I am a State citizen who is sovereign which excludes me from any "legal process," and I object to being called a "**person**" or "**individual**."

Additionally, 42 U.S.C. § 659(i)(5) The term "legal process" means any writ, order, summons, or other similar process in the nature of garnishment- (A)which is issued by- (i)a

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court or and administrative agency of competent jurisdiction in any State, territory, or possession of the United States.

B. Enforcing a Support Order;

1. Direct Enforcement. U.I.F.S.A. provided two direct enforcement procedures that do not require assistance from a tribunal. First, a notice may be sent directly to the obligor's employer in another State, § 501, which triggers income withholding by that employer without the necessity of a hearing unless the employee objects. The Act details the procedure to be followed by the employer in response to an interstate request for direct income withholding, §§ 502-506. Additionally, the Act provides for direct administrative enforcement by the support enforcement agency of the obligor's State, § 507.

C. Registration of a Support Order;

Enforcement of a support order of another State or nation involving a tribunal of the forum State begins with the registration of the existing support order in a tribunal of the responding State, §§ 601-604. However, the registered order continues to be the order of the issuing State, §§ 605-608. The role of the responding State is limited to enforcing that order except in the very limited circumstances under which modification is permitted, *infra*.

(18) "Responding State" means a State in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating State under this [Act] or a law or procedure substantially similar to this [Act];

(21) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. Not a State in the continental United States of America.

D. Example of State Laws for Uniform Interstate Family Support Act (U.I.F.S.A);

New York Family Court Act, Article 5-B §§ 580-201. Bases for jurisdiction over nonresident. (a) In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if; (1) **the individual is personally served with a summons and petition within this state;** (2) **the individual submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document or other action having the effect of waiving any contest to personal jurisdiction.** These exact same procedure and requirements follows Pennsylvania Consolidated Statutes Title 23 – Domestic Relations Chapter 72-Jurisdiction, § 7201, Florida Statutes 88.2011 as well as in other States.

Pursuant to 18 U.S.C § 2265 (b) (2), Federal statutes guarantee protection from having “imputed income” orders and that pertains to “any support” or injunction order that is administered against Procedural due process, **Sundlun v. Zoning Board of Review of City of Pawtucket, 50 R.I. 108, 145 A. 451, 454;** or of liberty. **Lynch v. City of Muskogee, D.C.Okl., 47 F.Supp. 589, 592.**

Furthermore, these statutes provide protection of one's rights to be free from unlawful child support, or any kind of garnishment. That being, child support is a civil matter and there is no probable cause to seek or issue body attachment, bench warrant, or arrest in child support matters because it is a civil matter whereas an adversary proceeding for declaration, enforcement, or protection of a right, or redress, or prevention of a wrong, **People v. Barker, 29 Cal.App. 2d Supp. 766, 77 P.2d 321, 323; Lee v. Lang, 140 Fla. 782, 192 So. 490, 491;**

Johnston v. State, 212 Ind. 375, 8 N.E. 590, 592. Moreover, it is every action other than a criminal action, **City of Neenah v. Krueger, 206 Wis. 473, 240 N.W. 402, 404; Gillson v. Vendome Petroleum Corporation, D.C.La., 35 F.Supp. 815, 819.**

Insomuch as, in Civil Law, it is a personal action which is instituted to compel payment, or the doing of some other thing which is purely Civil. Blacks Law Dictionary Edition IV pg. 312; **Pothier, Introd. Gen. aux Cont. 110.** At Common Law, it is one which seeks the establishment, recovery, or redress of private and civil rights. One brought to recover some civil right, or to obtain redress for some wrong not being a crime or misdemeanor, **Wheeling Traction Co. v. Pennsylvania Co., D.C.Ohio, 1 F.2d 478, 479.**

In addition, the use of such instruments aforementioned as; seizure of one's property, body attachments, bench warrants, arrests, etc. presumably is a method to "streamline" arresting people for child support and circumventing the Fourth Amendment protection of the United States Constitution. This is a method used as a debt-collecting tool using unlawful arrests and imprisonment to collect a debt or perceived debt by duress, threat or coercion. It is a "contract" that is in absence of full disclosure of its validity, as there was no informed consent or Miranda warning when I sought council for my defense in this matter at the time, which was misrepresentation and is fraud and obliteration of my rights protected by the federal Constitution. The arrest of non-custodial parents in which men make up the significant majority as the "arrestees", is "gender profiling", "gender biased discrimination" and a "gender biased hate crime" in that it violates the Equal Protection Clause of the Fourteenth Amendment; **State v. Montgomery, 94 Me. 192, 47 A. 165.**

A man, pursuant to the Equal Protection clause of the Constitution of the United States, cannot have his property seized by garnishment of his wages or be arrested without Procedural

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due process in a civil matter as a woman is not. There seems is no escaping the fact that there is no probable cause in a civil matter to seize a "person's" property by wage garnishments, arrests or issue body attachments. "Probable cause" to seize a "person's" property by wage garnishments or arrest requires a showing that both a crime has been, or is being committed, and that the "person" sought to be arrested or to have his property seized committed the offense. U.S.C.A. Const. Amend. 4. In the instant case, no probable cause can exist, because the entire matter has arisen out of a civil case.

Therefore, seeking of body attachment bench warrant, seizing of property especially by wage garnishment, or arrest by the Petitioner (and her attorney) who is the respondent in this case, and/or issuing of the same by the court, in this civil case, would be against the law and the Constitution. Under United States v. Rylander, 460 U.S. 752 (1983), ignorance of the order, or the inability to comply with the child support order, or as in this case, to pay, would be a complete defense to any.

Moreover, the Respondents have violated their Oath to defend the constitution pursuant with Article VI, clause 3 of the constitution, so the Eleventh Amendment immunity is lost, as NO ONE is immune once they violate Constitutional law.

In violation of Article I § 10, only gold and silver coins should be made tender in payment of debts. And being that this is a tax, in accordance with 31 U.S.C. § 3124, every form of taxation that would require an obligation of the United States Government are EXEMPT from taxation. Under 18 U.S.C § 8, Federal Reserve notes are obligations or other security of the United States.

REASONS FOR GRANTING THE WRIT

A Writ of Certiorari is warranted in this case because a conflict and misapplication of Rule 34(b), exists among the Circuit judges as to whether my brief and Complaint does not challenge the basis for the district court's disposition, and that I have forfeited appellate review of the court's order. I provided the necessary facts as indicated in my brief and Complaint. Because that conflict is now ripe for judgment, this Court should issue a Writ of Certiorari that contains an affidavit of fact and writ of discovery to resolve this conflict and misapplication in favor of Petitioner, as the Respondents must produce any requested, exculpatory evidence, admissible or not, where that evidence is likely to lead to the discovery of admissible evidence. See, Hosmer v. Hoitt, 161 Mass.173, 36 N.E. 835.

A. THE COURT SHOULD ISSUE A WRIT OF CERTIORARI BASED ON AN AFFIDAVIT OF FACT THAT CONTAINS A WRIT OF DISCOVERY TO RESOLVE THE CONFLICT AND MISSAPPLICATION OF RULE 36(b), AS THE PETITIONER, IN NO WAY VOLUNTEERED A DISMISSAL OF THIS CASE OR HAS EVER PREVIOUSLY DISMISSED ANY FEDERAL CLAIM SUCH AS WHAT WAS FILED IN THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT. THE FEDERAL CIRCUIT JUDGES NEED TO PROVIDE PROOF THAT PETITIONER WILLIAMS HAS DONE SUCH THING. See all aforementioned and the Exhibits that were provided in my Brief and Complaint.

B. THE GOVERNMENT'S OBLIGATION UNDER PETITIONER WILLIAMS' PRESENTMENTS IN THIS CASE IS NOT EXCUSED BECAUSE THEIR DUTY IS TO PROTECT THE LIVES OF ITS CITIZENS UNDER DUE PROCESS OF LAW AS IN

ACCORDANCE WITH THE FOURTEENTH AMENDMENT OF THE UNITED STATES
CONSTITUTION.

See, Pennoyer v. Neff, 95 U.S. 733, 24 L.Ed. 565.

CONCLUSION

Petitioner submits this Writ of Certiorari, detailing the criminal, biased and unfair activity against Petitioner by government officials whose job is to serve and not harm the public. This is not an excuse from Petitioner not to continue providing the necessary care for my child(ren) as I always have on my own since their birth, but I never consented to such order coerced by any State, especially without its full disclosure and validity. Further, Petitioner was injured and my unalienable rights which are protected by the Constitution of the United States were violated. I was deprived of these rights and conspired against under the color of state law. I am entitled to bring this action for these deprivations and for respondents neglecting to prevent further injury to me. This misconduct and violations of the law is why I seek damages and accountability from STATE OF MARYLAND, OFFICE OF THE GOVERNOR, and BALTIMORE COUNTY OFFICE OF CHILD SUPPORT ENFORCEMENT.

Given all of the above, this Court should grant certiorari, consider this case on the merits, and answer the questions presented. Consequently, this Writ of Certiorari should be granted.