

19-8739

Docket Number

IN THE  
SUPREME COURT OF THE UNITED STATES

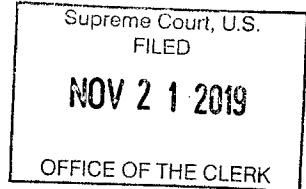
CARL D WOMACK - PETITIONER

VS

JOHANNA FINKELSTEIN - RESPONDENT

THE HONORABLE MARTIN REIDINGER RESPONDENT

ORIGINAL



ON PETITION WRIT OF CERTIORARI TO

UNITED STATES OF COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

Carl Daniel Womack  
141 PARMER STREET  
FOREST CITY, NC  
28043  
(828) 279 4737

## QUESTIONS PRESENTED

Did a Martin Reidinger, district court judge rule against a US SUPREME COURT decision known as the Olmstead Act, and does his ruling contradict another supreme court decision, and did his ties to a major international secretive sect play a role in his decision?

Did Johanna Finkelstein, North Carolina Clerk of Court, also rule against the Olmstead Act as well as go against another Supreme court decision in order to keep my mother in a nursing home? I want my mother out and my mom wants out.

Did Johanna Finkelstein make a ruling that would hurt a person; ability to receive health care benefits? She ruled to sell my mom's house. When my mom is freed, she wants to come home to that house, and I want her there. We want the sale of the house blocked.

Did Martin Reidinger, a federal district court judge, go against the rules of federal civil procedure?

Did Martin Reidinger violate my rights under Amendment 1 of the Constitution?

Did Martin Reidinger violate The American's with Disability Act?

Did Johanna Finkelstein violate The American's with Disability Act?

Did Johanna Finkelstein violate the rule against unauthorized judgements?

Did Johanna Finkelstein go against the Medicaid Recovery Act?

Did Martin Reidinger put sanctions on me that are unconstitutional?

## **LIST OF PARTIES RELATED CASES**

All of the parties involved appear in the caption on the cover page.

### **RELATED CASES:**

- 1- Carl Womack vs. Johanna Finkelstein US District Court 1:19-cv-00150-MR-WCM
- 2- Carl Womack vs. Johanna Finkelstein US Court of Appeals No. 19-1723
- 3- The Competency of Ruth Womack NC Court of Appeals 19 SP 20
- 4- The Estate of Ruth Womack 19 E 63
- 5- Ruth Womack Competency 19 SP 20 (No 19 731 NC Court of Appeals)

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Appendix A - Womack vs. Finkelstein US COURT OF APPEALS Number 19-1723  
dated 11/21/2019

Appendix B – Womack vs. Finkelstein US DISTRICT COURT ASHEVILLE NC NO.  
1:19-CV-00150-MR-WCM dated June 4, 2019

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Appendix A Competency of Ruth Womack Estate of Ruth Womack NORTH  
CAROLINA COURT OF APPEALS No. 19-731 dated 23, October 2019

Appendix B Estate of Ruth Womack BUNCOMBE COUNTY NC COURT dated  
April 23 2019

Appendix C Competency of Ruth Womack BUNCOMBE COUNTY COURT dated  
March 7, 2019

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 \_\_\_\_\_ to the petition and is 11/21/2019

[ ] 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 \_\_\_\_\_ 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 10/23/2019

[ ] 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 11/2/19.

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 10/23/19. 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.

- 1- The Olmstead Act
- 2- 2- O'Connor vs. Donaldson. Mental illness alone is not enough to confine a person who is not violent, and can survive on their own or with the help of friends or family.
- 3- Title 26 HHS – When a party misuses property that substantially hurts a person's ability to receive health care benefits.
- 4- Medicaid Recovery Act – Upon entering a nursing or rest home or upon death, Your property is subject to Medicaid Recovery Act provisions.
- 5- Unauthorized judgements NCGS. Anyone who unlawfully enters a judgement upon any individual in any civil process is guilty of a class H felony.
- 6- Amendment 1 of the Constitution. The right to file grievances with the government.
- 7- American's with Disabilities Act – In part, mental illness is a disability and is effected by ADA guidelines, Discrimination based on age comes under ADA guidelines.
- 8- Jackson vs Indiana – A person cannot be confined involuntarily solely on the basis of incompetence.

## STATEMENT OF THE CASE

Did Martin Reidinger go against a Supreme Court Decision? Yes, he did, in denying my petition for enforcement of the Olmstead Act. On page 10 of his ruling he states that my Petition for Olmstead is dismissed. Can I prove that he did so because of his ties to WOFF, no I cannot, yet I will state, that others involved in the other cases also have ties to the secret sect, from working with the district attorney's office and the Clerk of Court Office, who often sought support from the sect. US District Court.

Did Johanna Finkelstein also go against the Olmstead Act? Yes, she did, by ignoring the petition and denying it in court, as well as going against O'Connor vs Donaldson. Part of the O'Connor vs Donaldson case states (NO state can constitutionally confine a person if that person is capable of surviving on their own or with the help of friends and or family.)

I and my sister, assisted in caring for our mom, as did home health care nurses from Bayada Home Health Care of Shelby NC, and physical therapists and nurses from her new doctor. My mother, Ruth, was home health cared for, (Community Based Health Care) and the only reason given by Social Services for putting her in a nursing home was incompetence. That in itself is discrimination and comes also from the Americans With Disabilities Act. Social Services also mentioned numerous times about her age. THAT is also discrimination, discrimination based on age. Buncombe County Court Asheville NC. Other evidence I presented in court about my mother and competency and that witnesses in my mom's original hearings were investigated are in Docs (A-42) and in (A-44) You will notice on A-44, a release form, dated 2016, it states No Skills Needed.

Does Johanna Finkelstein's ruling in 19 E 63 The Estate of Ruth Womack, hurt my mother's ability to receive health care benefits? Yes. In her ruling (See Doc marked A-1), Johanna Finkelstein freely admits that her decision to sell my mother's property will quote "have medical consequences". This goes against HHS TITLE 26 which in part states "When a party hurts a person's ability to receive healthcare benefits". The house has not been sold. If it is sold, then my mom will lose her Medicaid benefits. My mom wants to return to that home, and I want her there as well, it is my hope that you block that sale. The only things Finkelstein was concerned about at the Estate hearing was paying mom's tiny bills which only came to just a few thousand dollars and which I have tried to petition to pay myself, yet denied each time by Finkelstein. She talks about paying the guardian ad litem, and paying for funeral expenses, which makes me very suspicious. Why bring up funeral expenses when my mom has life insurance and is in excellent health?

My mother is in good health despite being in the nursing home. She plays games with others, including bingo. Reads books and newspapers, and does word find games. She attends church, and sings. Doesn't exactly sound like someone who is incompetent now does it? And this was brought up at the Competency hearings, yet Finkelstein denied restoring her competency. Also, my mother was called incompetent by Social Services, and one part of what they said was that my mom cannot vote. That's a lie. She was deemed incompetent in early 2017. My mother voted at First Baptist Church in Forest City NC in November 2016, voting her usual straight ticket! After Social Services found out my mother was inheriting my sister's estate, that's when they started the incompetence petition.

One more note about Finkelstein's ruling to sell my mother's property. I presented in court, and have enclosed with this Writ, a copy of a document from Social Services, indicating that my mom's house comes into the Medicaid Recovery Act, thus making her property THEIR jurisdiction. Finkelstein ruled to sell it anyway and told the Guardian of the Estate to quote "take care of Medicaid". Please see Doc C 36.

After court, I called Medicaid and told them what happened. I was transferred to their FRAUD DEPARTMENT and a report was made. They ordered me to also call the North Carolina Department of Justice, which I did, if there was no merit to what I was saying, they would not have taken the report and tell me to call the NCDOJ.

Did Martin Reidinger go against the rules of Federal civil procedure? Yes, he did. On every suit I filed, he closed the case and even stated on each ruling that appeals were closed as well. (each time I appealed cases, the appeals court stated he should have let us reply or amend our complaints. Please see Doc (A 14, and A-15)

Did Reidinger state something that he knew the appeals court would read that was not true? He said that ALL of my filings were frivolous, that's not true Please see Doc A-3. Again, on my very first case, one count was remanded back to court for hearing, I even have the letter of apology from the bank concerning the day we went there to try to get the money for her attorney and were turned down by the bank because Social Services had contacted them telling them not to give her any money. Please see Doc A-3

Did Martin Reidinger violate my First Amendment right? Yes, he did. He put sanctions on me concerning filing. 3 of the lawsuits were directly related to my mom, yet each one was different, involving different people and different circumstances. Wow sanctions on someone who had never filed a lawsuit against anyone in 55 years, and then only 4 suits? That's a joke!! It is the right of the people to file grievances as guaranteed under Amendment 1. On one case, (Carl Womack vs. Carrie Howell, other judicial officials took the case and had already requested

documents from me, then, without any reason given, Reidinger, removed them from the case, became appointed, and said what I had was frivolous and dismissed it, along with his Usual APPEAL CLOSED. In that case the Clerk of Court DENIED my mother's Right To Trial By Jury (please see Doc A-17)

Did Johanna Finkelstein also violate my First Amendment right? Yes. By totally ignoring both my Olmstead Rights petition as well as a petition to remove the Guardian of the Estate. Yes, she ignored it in court. She also claimed my mother's lawyer had been notified of the hearings, yet Buncombe County's own words contradict it. Please see Doc (A-22) as well as Doc (A-7) from the Guardian of the Estate.

Did Reidinger go against the Americans with Disabilities Act? Yes, he did. Discussed my mom being ruled incompetent, yet did nothing to step in and rule for her as a judge. The ADA talks about discrimination based on mental illness. Also stated in my original complaint was my mom's age, which he ignored also. Judge, Reidinger can quote Supreme court decisions, its funny in a bad way, that he doesn't know about the Olmstead Act, nor O'Connor vs Donaldson.

Did Johanna Finkelstein also go against the ADA? Yes, she did. As stated above, discrimination against the mentally ill is covered under the Americans with Disability Act as well as age discrimination. Throughout ALL of the court proceedings concerning my mother, dating back to 2017 was that she needed to be put in a nursing home BECAUSE of her incompetence, and due to her AGE. MOST of the documents talk about it. That goes against ADA guidelines, The Olmstead Act, AND O'Connor vs. Donaldson. It also goes against another supreme court case Jackson vs. Indiana. Though a criminal case, it ruled against confining a person solely on the basis of incompetence.

Did Johanna Finkelstein perform Unauthorized judgements which are against NC statutes? Yes, I did not know I was the one who was suppose to motion to move a case to Federal court, I made the motion during the proceedings in Asheville and Finkelstein denied the motion, and stated that my motion to move to federal court concerned guardianship and that is not true. Look at the case number.

## REASONS FOR GRANTING THE PETITION

Part of this story involves North Carolina's continued disregard for your Olmstead Act decision. Thousands of violations over the years and my mom is further proof that it exists. Yet now it is being done in your FEDERAL COURTS as well.

The complete story reads like a bestselling book, filled with intrigue, drama, and suspense. In fact, several books have been written about it, including one by Associated Press writers Mitch Weiss, and Holbrook Mohr in their newly released book *Broken Faith*, but my part of the story involves a US federal district judge Martin Reidinger, his ties to the secretive sect, and a North Carolina clerk of court Johanna Finkelstein,

The church is known as the WOFF and, in western North Carolina recently some of its members were convicted in federal court in Asheville NC on federal charges. Martin Reidinger was the presiding judge. Ironically, one of the members of the church served as his judicial assistant, and he once even gave a speech in Cleveland County NC to a crowd of members of the church. Also, one of the members of the secretive sect worked for Cleveland County Social Services. She resigned amid accusations of coaching children of WOFF on how to answer investigators questions.

My neighbor, Thuy, use to attend the church, and often they would come visit her at her house. She once told me they would love to have my house.

Stories about WOFF have been featured by the Associated Press and the TV show Inside Edition. It is a story spanning nearly 40 years, and the church has had many accusations against them, including accusations from foreign countries.

I filed a total of 4 federal cases, 3 of them concerned motioning to get my mom's competency restored and our rights violated by different parties, starting in 2017. Before 2017, I had never filed a lawsuit in my entire 56 years of life. Each time I filed a lawsuit, Reidinger closed them and even stated that appeals were closed as well, and each time I appealed to the Appeals court, they noted that I should have been allowed to respond or amend my case. Wasn't Reidinger's rulings on closing cases, against Federal civil rules of procedure? . In the very first case. Carl Womack vs Steve Owens, John Carroll et al, and Adena Widener et al., two of the defendants worked for Rutherford County Social Services, and John Carroll is a former Cleveland County social worker.

When the case went before the appeals court, they dismissed all but 1 count, which they remanded back to district court for hearing. It concerned Social Services blocking my mom from her bank account. At the hearing, my mother's guardian and guardian of the estate from Rutherford County NC, were appointed her Guardian Ad Litem. They immediately moved for dismissal of the case. What I did not know at the time was that the guardian of the estate WORKS FOR SOCIAL SERVICES

(Please see document B7) A clear conflict of interest, and she is also a former assistant at the district attorney's office. The district attorney's office often appealed to WOFF for support (according to a Shelby Star newspaper report in Feb 2010). On top of that, several members of the sect were said to work for the Clerk of Court's office in Rutherford County NC (according to the Associated Press writers in their book Broken Faith)

On only my 3<sup>rd</sup> case, Martin Reidinger moved to put sanctions on me, claiming all of my cases were frivolous (Please see Doc A-3. Well at least one count on the first case was not frivolous, and as for the others, they were dismissed due to (according to both courts LACK OF SUBJECT MATTER JURISDICTION). The second one which involved the Guardian of the Estate, was largely dismissed because she was ruled to not be a state actor. On the third case, which by the way concerned Cleveland County, I filed a federal case against the Clerk of Court and the appointed Guardian Ad Litem from Cleveland County. The guardian ad litem had motioned to DENY MY MOTHER THE RIGHT TO TRIAL BY JURY (See Document A17), I objected, and when I did, I was threatened with jail by the clerk of court, then the Clerk ruled in favor of it. I fail to see how that is frivolous. I did not appeal it due to the Cleveland County Clerk of Court moving the case to Buncombe County.

When the case went to Buncombe county, I was hoping things would be different, they were not. In Buncombe County, I brought up the petition concerning enforcement of the Olmstead Act, requesting my mother be set free. Johanna Finkelstein denied it. I motioned for the case to be moved to Federal court, she denied that as well, (I did not know at the time that I was suppose to motion to federal court myself, yet Finkelstein did not mention that to me, she simply ruled against it. This comes under the statute of Unauthorized Judgements.

The other Supreme Court decision Finkelstein violated was O'Connor vs. Donaldson, at 422 US 563 (1975) which says: "A state cannot Constitutionally confine a non dangerous individual who is capable of surviving on their own or with the help of friends and or family".

I had plenty of proof that my mother was competent, I had videos showing her doing ALL the things Social Services said she could not do, yet Finkelstein denied restating my mom's competency.

I had also sent a Notice of hearing to my mom, but she was not there, and when I stated it was imperative she be there so I could prove she was competent, Finkelstein stated that she had sent my mom a notice stating she did not have to appear in court. I asked for a continuance, and Finkelstein denied it. This violates North Carolina General Statute Continuances, 26 NC AC 03.01.18. I had a just cause to call for a continuance.

Peppered throughout the proceedings starting back in 2017, all the way to Buncombe county was that my mom was incompetent (please see Doc 7-A). Even if my mom were mentally incompetent, stating so to put her in a nursing home is discrimination. The Olmstead Act states, mental illness is a form of disability and covered under the Americans With Disabilities Act. Also peppered throughout all these proceedings was my mother's age. That's also discrimination. How many of you are over the age of 50? Does that mean you also need to be put in a nursing home? And how old was Strom Thurmond when he left office?

In Jackson vs Indiana, though a criminal case, it applies to my mother as well, a person cannot be involuntarily confined solely on the basis of incompetency.

I filed a lawsuit against Finkelstein, largely for denying my petition to enforce the Olmstead Act provisions yet also for ignoring my petition to remove the Guardian of the Estate. Reidinger, also denied the Olmstead Act Petition, without even giving the findings of fact or conclusions of law, and the court of appeals went along with his ruling.

Yet also, Martin Reidinger, misinformed the appeals court. He said that all of my lawsuits were frivolous, and that is not true. Again, one count of the first case was remanded back to district court for hearing, where the Guardian Ad Litem, who again works for Social Services, conveniently called for a dismissal.

The second case was denied due to Subject Matter Jurisdiction, by both Reidinger and the appeals court. And again, I did not appeal the third case. As for the fourth and final case, Both Reidinger and the Appeals court came to the same rulings. Both also denied my petition for Olmstead Act provisions for my mom, and the appeals court also failed to note findings of fact and conclusions of law concerning the petition. I stated in my lawsuit, that the petition was not part of it, that it was a separate matter, yet both denied it.

In 2012, the US Department of Justice successfully sued North Carolina for over 2000 violations of the Olmstead Act, Now judges in both state and federal courts in North Carolina are denying Olmstead Act provisions.

The Olmstead Act is YOUR DECISION, and it must be upheld because you, the Supreme Court, have the authority and the powers.

You have a reputation for looking out for those who cannot defend themselves.

My mom, and others in our family were ganged up on by government officials using their authority deny us our rights, go after what little money we have, and psychologically bully us. If they are doing it, others are doing it as well and it should be a wakeup call for all Americans, that if you don't know the law, and if you cannot afford to hire an attorney, you are going to be ganged up on as well, not only in state

court but in Federal court as well. I turned to the federal court in good faith, believing they would uphold the law. My faith in them is lost.

I petitioned both NC state court as well as US Federal Court, to enforce Olmstead Act provisions, so my mom could return home and get Community Based health care like she was before she was put in the nursing home by court order, yet both denied it. And when I appealed in both courts of appeal the petitions were denied as well.

This is a continued pattern and practice. Prior to 2012 there were numerous blatant violations, then the USDOJ went in and prosecuted North Carolina and won. It continues according to the United States Department of Justice, and my mom's case is proof of it. Yet I am appalled that even in federal court, the act continues. I seek justice for my mom, a woman who does not have a criminal record of any kind, not even an arrest. A woman of character, friends with some of the most successful people in the area. People of dignity and highly respected in the community. I am asking you to see she gets set free, and return to the home she loves and wants to go to, having expressed it on her birthday in 2019.

In court, she answered all the questions they asked her, yet ruled incompetent. No doctors appeared in court, and even one of those who testified against her was proven to a liar (see enclosed document from HHS concerning Carolina Home Care Doc A-42)

My mom was getting Community Based health care long before she got the court order to go into a nursing home, Yet, because my mother was ruled incompetent, she was placed in a nursing home, even though my sister and myself were also helping take care of her.

In O'Connor vs Donaldson, the supreme court ruled: A state cannot Constitutionally confine a non-dangerous individual who is capable of surviving on their own or with the help of willing friends or family.

Another reason my mother Ruth Womack, was put in a nursing home was because of her age. That's right, it is noted in the early petitions from Social Services. My mom went in when she was 91, and how old was Strom Thurmond when he left office? Double standards.

As for myself, I don't claim to be a saint, but then again, my writings have saved THOUSANDS of lives. I've been published numerous times. In 2016 I was invited and joined an organization known as the Illuminati, an organization that thrives on the advancement of mankind. Verified by both Facebook and Twitter, and membership worldwide. I have been invited to join other organizations as well, including the Freemasons, and The Knights Templar.

I'm fighting to get my mother out of a nursing home she does NOT want to be in. She IS a saint, a woman well respected in the community, and was friends with two of the most influential people in North Carolina, until they died. Wilbur Burgin, who was a Captain in the Navy, served in the Pentagon, and later became an aide to a US Congressman. Next was Mr. McNair, the owner of the McNair Foundation, who mentors high school students. She went to school with both them, and they held her in high regards. She does not deserve what has happened to her, and I am fighting to bring her home.

Stiffer penalties for those who ignore the Olmstead Act need to be introduced. According to the USDOJ, North Carolina has until 2021 to bring itself to standards regarding the Olmstead Act, yet they continue to ignore it. My mom is not the only one. When Social Services found out my mom was inheriting my sister's estate, that was when they went after her.

I plead that my mother be set free, and be community health cared for, and let her be an inspiration to the thousands still held in captivity.

Do it for her, and do it for yourselves, to show your supreme power within the United States.

W

CONCLUSION

*Carl Womack*

Carl Daniel Womack

141 Parmer Street

Forest City, NC

28043

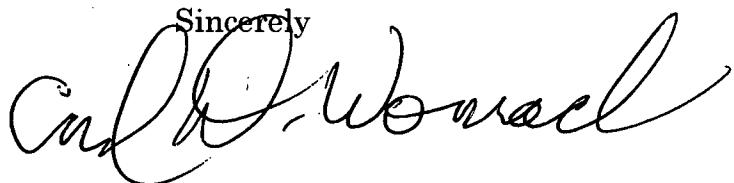
November 2019

The proof of service

**PROOF OF SERVICE**

I, Carl Womack do certify that a copy of this petition will be served on both Martin Reidinger, and Johanna Finkelstein. I will also serve a copy on the Solicitor General of the United States.

Sincerely



Carl Daniel Womack

141 Farmer Street

Forest City, NC

28043

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