

**ORIGINAL**

No. 19-8785

Supreme Court, U.S.  
FILED

JUN 15 2020

OFFICE OF THE CLERK

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**IN THE SUPREME COURT OF THE UNITED STATES**

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Brandon Williams

Petitioner,

Vs.

STATE OF NORTH CAROLINA OFFICE OF THE GOVERNOR c/o Attorney General,  
Commissioner North Carolina Department of Motor Vehicles, et. al.,  
Respondent.

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On Petition for a Writ of Certiorari to  
The United States Court of Appeals  
For the Fourth Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

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**Certified Mail No. 7019 2280 0001 4269 6043**

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

**PARTIES TO THE PROCEEDINGS**

The only parties to this proceeding are Petitioner, Brandon Williams, and Respondent, State of North Carolina Office of Governor, et. al.

**RULE 29.6 DISCLOSURE**

- Cooper, Roy A. – Governor of North Carolina / Respondent
- Stein, Joshua - Attorney General of North Carolina / Respondent
- Jessup, Torre – Commissioner of NCDOT - NCDMV / Respondent
- Crump, Avery – District Attorney of Guilford County / Respondent
- Johnson-Tonkins, Lisa – Guilford County Clerk of Superior Court / Respondent
- Holliday, Tabatha. – Guilford County District Court Judge / Respondent
- Vaneekhoven, Roxann – District Attorney of Cabarrus County / Respondent
- McGee, Martin B, - Cabarrus County Superior Court Judge / Respondent
- Grossman, Steven A. – Cabarrus County District Court Judge / Respondent
- Denver III, James C. – United States District Judge / Respondent
- Swank, Kimberly A. – United States Magistrate Judge / Respondent
- Sellers, Nicole – United States District Court Deputy Clerk / Respondent
- King, Robert B. – U.S.C.A. Fourth Circuit Judge / Respondent
- Keenan Barbara M. - U.S.C.A. Fourth Circuit Judge / Respondent
- Floyd, Henry F. - U.S.C.A. Fourth Circuit Judge / Respondent

## I. QUESTIONS PRESENTED

1. Did the United States Court of Appeals for the Fourth Circuit exceed its enumerated powers and violate basic principles of federalism which seemed to have caused confusion regarding consideration of this case and ruled to dismiss it on a discriminatory basis and being partial? Canons of Judicial Ethics; *'Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently....'* Pierson v. Ray, 386 US 547 - Supreme Court 1967 See also, Williams v. Pennsylvania, 579 U.S. \_\_\_\_ (2016)
2. Does the Constitutional violations regarding this case remain as undefined, even while the evidence has been provided in the Exhibits?
3. Is there confusion in what clearly establishes law?
4. Is it increasingly hard to establish the law and get past the hurdle of qualified immunity?
5. Does violating the Constitution grants qualified immunity?
6. Does a public official "defraud" the government of its property by advancing a "public policy reason" for an official decision that is not her subjective "real reason" for making the decision?
7. Was it not due to negligence, pursuant to 42 U.S.C. § 1986 that Respondent; STATE OF NORTH CAROLINA, et. al, in which they had the power to prevent or aid in preventing such wrongful acts which makes them liable to Petitioner for the injuries ensued? Fulton v. Coburn, 133 Ohio St. 192, 12 N.E.2d 471, 477, 10 O.O. 249.
8. 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

9. 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?

10. With understanding **corruption** in Criminal Justice as a robust and resilient system introduction, the abuse of entrusted power for personal gain, otherwise known as **corruption**, is a pernicious force at all levels of government in fragile states, and nowhere is its impact more pronounced than within the criminal justice system.

**Corruption** in its many forms undermines the very purpose of citizen security and justice institutions, as the protectors and arbiters of fairness have become predators; for sale to the highest bidder. The actors within the criminal justice system no longer remain above the fray ensuring the rules of the game (i.e. legal, lawful obedience), but are now players in the mix. In context, the 'Rule of Law' is replaced by that of wealth, power, and influence. **State v. Barnett, 60 Okl.Cr. 355, 69 P.2d 77, 87;**

**Johnson v. U. S., C.C.A.Alaska, 260 F. 783, 786; Worsham v. Murchison, 66 Ga. 719; U. S. v. Edwards, C.C.Ala., 43 F. 67.**

11. If law enforcement and judges of courts of record of superior or general jurisdiction are not liable to civil actions for their judicial acts, even when such acts are in excess of their jurisdiction, and are alleged to have been done maliciously or corruptly. A distinction as to their liability made between acts done by them in excess of their

jurisdiction and acts done by them in the clear absence of all jurisdiction over the subject matter, then where does accountability and authentic justice prevail?

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1.

**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 that 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 my direct appeal is reported as interlocutory; Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 545-46 (1949). That order is attached at **Appendix A (pp.2)**. Further, Judgment made by the Circuit Judges after I filed a timely appeal was dismissed by the clerk, is attached at **Appendix B**. In addition, the Circuit Judges, King, Keenan, and Floyd denied my direct appeal and motion for judgment as a matter of law, as the court claims to lack jurisdiction pursuant to 28 U.S.C. §§ 1291, 192 (2018) and assert that I violated Fed. R. App. P. 3(c)(1)(B). The main reason I appealed to the U.S. Court of Appeals for the Fourth Circuit is because I continued to be deprived due process and disregarded by U.S. District Court for the Eastern District. The Deputy Clerk, Nicole Sellers of U.S. District Court never followed up with a response to my notice in objection to a motion to dismiss my claim. U.S. District Court received and file stamped my notice on October 25, 2019. This notice I filed was in response to Sellers informing me there was no case in their court, since no judgment was made on my Motion to Proceed in Forma Pauperis that was filed with my Complaint was received and file stamped by the clerk on June 19, 2019. However, ironically my Motion to Proceed In Forma Pauperis (IFP) was granted on January 23, 2020, which was 200 days later and my complaint and other

2.

motions submitted were dismissed on February 13, 2020, (attached at **Appendix F**). My IFP of U.S. Court of Appeals was granted on January 23, 2020, the same date U.S. District Court finally approved my IFP, attached at **Appendix C**.

These actions appears as unfair, bias, and an unequal ruling entered by the Clerk and Circuit judges. The Clerk and Circuit judges are seemingly acting as attorneys for the defense in defiance of the law, overstepping the canons of legal ethics and proves to be disqualified to adjudicate this case and matter solely based on the way it was handled. Amendment 1 of the U.S. Constitution gives me the right to petition the Government for a redress of grievances. See, **Kings Mall, LLC v. Wenk, 42 AD 3d 623 - NY: Appellate Div., 3rd Dept. (2007)**. Moreover, every final judgment of a circuit court in a civil case is appealable as a right. But in this case, I continue to be denied that right. According to Article III, Rule 301 of the Civil Appeals Rules, *"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, **Lea County State Bank v. McCaskey Register Co., 39 N.M. 454, 49 P.2d 577, 579.** and **Jones v. Board of Fire and Police Commissioners of Village of Mundeline, 127 Ill.3d 793 (2nd Dist., 1984)**.

Further, the U.S. District Court and Court of Appeals failed to take action in adjudicating this matter 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.”*

3.

**JURISDICTION**

The date on which the United States Court of Appeals for the Fourth Circuit granted my motion to leave to proceed in forma pauperis (IFP) was **January 23, 2020**. The date on which my Appeal was denied and dismissed by United States Court of Appeals was on **March 17, 2020** and appears at **Appendix A**.

The opinion and order of the United States District Court for the Eastern District of North Carolina appears at **Appendix D**, however Judge Denver erred in his statement that “*Williams did not object to the M&R*” pp. 1 of 2, which is incorrect because my objection to the Memorandum & Recommendation (M&R) appears at **Exhibit W**. The Order and Memorandum & Recommendation appears at **Appendix E**, and the judgment, IFP granted, and dismissal notice appears at **Appendix F**, 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 Eastern District of North Carolina had jurisdiction over this case pursuant to 18 U.S.C. § 3231, but denied my Complaint alleging that it is “frivolous” and reported as *Neitzke v. Williams*, 490 U.S. 319, 327 (1989) and appears 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 March 17, 2020 as aforementioned at **Appendix A**. In doing so, the court of appeals overlooked the reason why I appealed from U.S District Court based on the information I received from Deputy Sellars from a phone

conversation on October 18, 2019 at 2:15 p.m. Deputy Sellers informed me that there was no case in their court, since no judgment was made on my Motion to Proceed in Forma Pauperis.

4.

But I was sent a notice to respond within twenty-one (21) days, (attached as **Exhibit 1.1**) to the Commissioner of the Department of Motor Vehicles motion to dismiss my claim, dated October 17, 2019. So I sent my response, which was received and file stamped by the Clerk of court, dated October 25, 2019, and is attached as **Exhibit 1.2**. I sent a follow-up Notice in objection to the motion to dismiss to Deputy Sellers requesting that Sellers provide a copy of the order granting me the Motion to Proceed in Forma Pauperis (IFP) and a copy providing proof that all parties have been served, since Sellers previously informed me that there was no case in their court, since no judgment was made on my IFP (attached as **Exhibit 1.3**). Deputy Sellers never provided a follow up nor responded to the notice I filed in objection to the motion to dismiss my claim.

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1254(1). I filed a motion for leave to proceed in forma pauperis (IFP), is timely filing this Petition for a Writ of Certiorari by Certified First Class United States Mail on or before June 17, 2020. See, Sup. Ct. R. 13.1 & 29.2. This Court does have discretion to review decisions that the Court of Appeals alleges that I violated Fed. R. App. P. 3(c)(1)(B) based on what was filed in their Court, with the Exhibits provided. My appeal fully describes the reason I made the appeal due to the inconsistency of information I received from Deputy Clerk Sellers and the lack of response. It was a total of 200 days past, since my IFP application and Complaint was initially filed with U.S. District Court,

5.

and an additional span of 3 months since no responses were provided by the Deputy Clerk which left me abandoned in thinking there was no case is why I filed the appeal.

The willingness of the Court to review decisions implicating this misapplication is understandable because those decisions directly affect my due process rights as secured by the United States Constitution. My rights should not depend upon the federal circuit in which I find myself. 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 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**

It has been a tremendous uphill battle and gruesome ordeal in defending this matter which initiated in January / 2013. The issues for review are the numerous violations of the protections of the Constitution of the United States. Amendment 4 provides that there shall be a Warrant based on probable cause, supported by Oath or Affirmation in order for my arrest to be valid. The protection of Amendment 5 is that, Petitioner is not to be deprived of life, liberty or property without due process of law. Amendment 6 guarantees that I be informed of the nature and cause of the accusation and be confronted with the witnesses against me. Amendment 8 prohibits excessive bail and the infliction of cruel and unusual punishment on the Petitioner. Amendment 13 forbids slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted shall exist within the United States, or any place subject to their jurisdiction. Amendment 14 forbids the states from enforcing any law which abridge the privileges or immunities of Petitioner as a U.S. citizen. It also guarantees that the states not to deprive me of life, liberty or property without due process of law and the equal protection of the laws.

7.

**Per All Three (3) Counties and Commissioner NC DMV:**

**Issue 1.** False Arrest in violation of Amendment 4.

**Issue 2.** Wrongful Imprisonment in violation of Amendments 4, 5, 6, 13 and 14 and defective Warrant.

**Issue 3.** Police brutality and misconduct which violates Amendments 4, 8 and the Miranda warning.

**Issue 4.** Excessive bail in violation of Amendment 8.

**Issue 5.** Kidnapping and slavery violates Amendments 5, 13 and 14.

**Issue 6.** Negligence actionable under 42 USC § 1986, Practice of law from the bench -28 USC § 454, 18 U.S.C. Title 18, U.S.C., § 242 - Deprivation of Rights Under Color of Law, Amendment 6 – Right to Speedy Trial, Confrontation of Witnesses and Code of Judicial Conduct violations.

**Issue 8.** Fair Debt Collection Practices Act (FDCPA) violation -15 U.S.C. §§ 1692-1692.

**Issue 9.** Violation of Due Process and Equal Protection of Amendments 5 and 14.

**Supporting Facts and Argument.**

**1. MECKLENBURG COUNTY**

**Cases: 13CR201226, 13CR201227, 13CR201230, 13CR201233, 13CR2012337, and 14CRS234279**

8.

On January 8, 2013 approximately at 9:20 a.m., I was assaulted and attacked while on my property, by Police M.T. Retort badge#1526, M. Doan badge#3460, Tonsing badge#4451 and Townsend badge#4698 of the Mecklenburg County Police Department. I was grabbed around the neck, pulled from my car and thrown to the ground with one of the police officer's knee in my back resulting in my eyeglasses being broken and a deep laceration in the upper corner of my right eye, bleeding heavily. I was taken in the patrol car to the precinct located at 4045 North Tryon Street where I was held with both wrists and feet chained to the floor for 2 hours before I was taken to Carolinas Medical Center (now Atrium Health) for treatment of my injuries. The doctor, Breckon D. Pav, stitch glued the deep laceration above my right eye and examined the deep imprints on both my wrists from the tightly applied handcuffs which resulted in me not having any feelings in both hands. I was not able to move freely because of the intense pain in my lower back after the assault. I was discharged from the hospital and taken back to the local precinct where I was again chained and handcuffed for another 3 hours. I needed to use the restroom. Both policemen, MT Retort and M. Doan, walked me to the restroom while still in handcuffs and chains. I asked the officers to back up a little while taking care of my needs in private. M. Doan yelled to me, "You don't get any damn privacy! We're gonna stand here and watch you piss! We're doing you a favor dammit!" I replied, "*I am not a dog and that I do not appreciate being yelled at and disrespected this way.*" I was then transported to Mecklenburg County jail.

On January 9, 2013, I was released and obtained a copy of my medical report from Carolinas Medical Center (now Atrium Health) at University Charlotte, dated 1/08/2013. Dr. Pav incorrectly wrote that I have a "**history of mania.**" The treatment of my wounds inflicted by



9.

Mecklenburg police was the first time that I had ever seen Dr. Pav and there is no proof of this statement. This caused me additional emotional distress.

I appeared in court several times in which constitutionally protected rights were violated as follows:

April 5, 2013 at approximately 11 a.m. I went before Judge Louis A. Trosch Jr. I entered a plea of "Innocent". Judge Trosch converted that to "not guilty" without my consent, which violated the Code of Conduct for United States Judges, Canons 1 – 5, and violated Rule 5.5 - Unauthorized Practice of Law from the bench and violated 28 USC § 454.

April 29, 2013 at approximately 10 a.m. I went before Judge Hugh B. Lewis, I entered a plea of "Innocent." Lewis stated that I had to plead "guilty" or "not guilty" or face the consequences of disrupting his court.

April 10, 2013 at approximately 1 p.m., Judge David H. Strickland was presiding. on the docket, but never had the opportunity to hear my case as I sat in court for 3.5 hours and was told to return on April 11, 2013 which was continued to April 29, 2013, and kept being continued thereafter.

August 28, 2014 at approximately 8:30 a.m., I was assaulted and attacked again while on my property by police J.M. Cherry badge#768, F.M. Solomon badge#3426, J.A. Burton badge#645, and B.P. Kovach badge#2404. I was yelled at, cursed at, yanked from my car, and wrestled to the ground while brute force was applied, while choking me until I lost consciousness and control of my bowels, resulting in me defecating in my pants. The policemen applied handcuffs so tightly that I lost feelings in both my wrists and hands. I was dragged and thrown inside of the patrol car where I waited for the ambulance which transported me to Carolinas

10.

Medical Center (now Atrium Health) because of the attack. Dr. Breckon Pav diagnosed a contusion of my neck, neck strain and multiple bruises. I was then taken to Mecklenburg County Jail.

May 5, 2019 at approximately 5 p.m., policemen Wagner badge#5009 and Wallace badge#5612, confronted me as I was driving onto my property supposedly about a robbery that occurred earlier that day. As I exited my vehicle, one of the policemen grabbed and pushed me against the wall and asked me for details regarding the robbery in which my license plate was seen on the surveillance cameras. The policeman alleged that I was an accessory to the crime. I denied any knowledge of such robbery while I was at the store making a purchase. I was compelled to provide my driver's license which allowed Wagner to find that there were two (2) alleged warrants for my arrest pending for Guilford and Cabarrus counties. I was arrested, handcuffed and taken to Mecklenburg County Jail. Grier Simmons, Magistrate issued two (2) unsecured appearance bonds; one in the amount of \$25,000, another in the amount of \$2,500 on behalf of Cabarrus County and a secured bond in the amount of \$500 on behalf of Guilford County in order for me to be released, which is excessive bail in violation of Amendment 8 of the U.S. Constitution. This contact with Wagner and Wallace violated the Miranda Warning, Amendments 4, 5, 13 and 14.

**Supporting Facts and Argument.**

**1. CABARRUS COUNTY**

**Cases: 12-CR-IF703941, /12-IFS703941, 17-CR-052675, 052676**

On April 22, 2013 at approximately 4:30 p.m. I appeared before Judge D Brent Cloninger at Cabarrus County Courthouse. Cloninger found me guilty.

11.

I appealed that order in open court and Judge Cloninger ordered that I be arrested until a \$200 bail was paid, attached as **Exhibit A**. I paid the bond for my release and awaited for my next scheduled hearing for which I was never notified even while I inquired the court of the date and time beforehand. This is Cruel and Unusual Punishment which violates Amendment 8 of the U.S. Constitution.

On July 14, 2014, I received a Bond Forfeiture Notice, attached as **Exhibit B**, for “Failure to Appear” on 7/11/2014, but never received a hearing date as aforementioned. I sent a “Notice of Appeal Due To Lack of Notice” certified via USPS on 07/18/2014, attached as **Exhibit C**, but my appeal was ignored.

March 16, 2015 at approximately 9 a.m., I appeared before Judge Martin B. McGee. I sat there in court for 6 hours and then told the case was being continued. I was forced to appear on the dates and times as follows; 12/01/2015 @ 9 a.m., 1/26/2016 @ 9 a.m., 3/16/2016 @ 9 a.m., 4/18/2016 @ 9 a.m., 5/16/2016 @ 9:30.a.m. 6/01/2016 @ 9:30 a.m., and 6/06/2016 @ 9:30 a.m. This was done for more than 36 months with no resolution.

June 2, 2017 at approximately 3:30 p.m., policeman B.L. Pizzino badge#4720, of Concord Police Dept. stopped me. I informed Pizzino that I was heading home with my son who was ill. Pizzino had no Warrant, no Oath or Affirmation and no probable cause for the unlawful traffic stop.

On May 11, 2019, I served a “Notice of Motion Show Cause” via USPS certified mail, attached as **Exhibit 1**, for Defendant-Appellees’ response. To date, Respondents has not provided an answer which placed them in default.

12.

On June 13, 2019, I filed into the case an “Affidavit of Default Judgment,” attached as **Exhibit 1a**.

On May 28, 2019 at approximately 9 a.m. I appeared before Judge Nathaniel Knust of Cabarrus County Courthouse. Knust yelled at me and entered a “guilty” plea giving me no opportunity to respond. Knust violated the Code of Conduct for United States Judges, Canons 1 – 5, and violated Rule 5.5 -Unauthorized Practice of Law from the bench and violated 28 USC §§ 454.

I received a “NOTICE OF RETURN OF BILL OF INDICTMENT” from Cabarrus County, date issued 07/09/2019 and signed by S. Shumate, Deputy CSC, attached as **Exhibit 1B**. This places STATE OF NORTH CAROLINA CABARRUS COUNTY in violation of 28 U.S.C. § 1446(d) and N.C.G.S. Rule 12 (a) (2) because this Rule does state; *“Upon the filing in a District Court of the United States of a petition for the removal of a civil action or proceeding from a court in this State and the filing of a copy of the petition in the State court, the State court shall proceed no further therein unless and until the case is remanded. If it shall be finally determined in the United States courts that the action or proceeding was not removable or was improperly removed, or for other reason should be remanded, and a final order is entered remanding the action or proceeding to the State court, the defendant or defendants, or any other party who would have been permitted or required to file a pleading had the proceedings to remove not been instituted, shall have 30 days after the filing in such State court of a certified copy of the order of remand to file motions and to answer or otherwise plead.”* Nevertheless, this case has not been remanded.

13.

Further, a copy of the federal petition was filed in Cabarrus County Court via U.S. First Class Certified Mail No. **7019 0160 0000 5623 3313**, with delivery confirmation.

Moreover, INDICTMENT dated 07/08/2019, was done without an Oath or Affirmation, valid warrant, Due Process of law and equal protection of the laws as guaranteed by the federal U.S. Constitution pursuant to Amendments IV, V and XIV.

I received two (2) BOND FORFEITURES NOTICES for "Failure to Appear" dated 07/23/2019 in the amount of \$2,500.00 each and another one dated 10/25/2019 in the amount of \$25,000.00. I filed a "NOTICE OF OBJECTIONS AND APPEAL" to Respondents in Cabarrus County Court as well as filed a copy into my Civil Case, and "Accepted for Value and Honor On Behalf Of the State of North Carolina" affidavits and mailed the packets via USPS Registered Mail Nos. **RF323927480US** and **RF323927493US** to U.S. Department of Treasury located at 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

On December 4, 2019 at 2:33 p.m. I called and spoke with Autumn, Clerk of District Division at Cabarrus County Court. I inquired about the outstanding charges pending, while I am needing to reinstate my driver's license for employment purposes. Autumn researched the database and responded with there now being a mistake on behalf of the court with the charges aforementioned above and have been reportedly waived and disposed. See attached as **Exhibit 6, pp 1-4.**

**14.**

I again spoke with Autumn on December 30, 2019 at 12:40 p.m. with this time she now informed me that I still have charges pending in Superior Court Division, as she put another Clerk whose name is Crystal on the phone and she informed me of an FTA on 10/25/2019 and an order for arrest with case number 17CRS052675. This matter has caused great harassment and confusion is because I was never notified by the court for a hearing date, nor was I obligated to appear for said hearing since the court was already made aware and received notice of this case removed to U.S. District Court as aforementioned. I received a phone call from Mr. William (Bill) W. Baggs, Clerk of Superior Court on 6/12/2020 at 11:08 A.M. about an upcoming case at their court about a tentatively scheduled hearing on 6/22/2020, but was not sure that it may be continued to 7/27/2020. Mr. Baggs called again at 11:53 A.M. and left me a voice message that he had stricken an Order for Arrest they had. This is excess of jurisdiction as Cabarrus County Court knew or should have known not to continue proceeding, as the Respondents are again in violation of 28 U.S.C. § 1446(d) and N.C.G.S. Rule 12 (a) (2), which is Negligence actionable under 42 U.S.C. § 1986.

**Supporting Facts and Argument.**

**1. GUILFORD COUNTY**

**Cases: 16-CR-734414, 734416**

On December 23, 2016 at approximately 9:30 a.m., I was stopped by Trooper R.G. Barham supposedly for excessive speeding while I was trying to avoid a collision with another driver. I gave Barham my license and other documents and my 9-year-old son and I sat in the cold car for 40 minutes until Barham returned with my documents. Barham gave me a citation,

15.

attached as **Exhibit D** and stated I could pay the ticket or to go to Guilford County Courthouse on 02/15/2017 at 8:30 am. I paid the unlawful ticket under duress and coercion to avoid the inconvenience of appearing, attached as **Exhibit E**. I contacted "Melinda" of Guilford County Courthouse Bookkeeping and clerk Heather Bray both of whom confirmed receipt of my payment. I asked Heather for a copy of the disposition showing that the case was waived, but she said my receipt is my confirmation. I mailed a letter to Guilford County Court on 8/29/2017, attached as **Exhibit F**, requesting copies of any and all charges and alleged Warrants along with supporting Oath or affirmations signed by the victims as proof of probable cause. To this date, my request has been ignored.

On May 11, 2019, I served a "Notice of Motion Show Cause" via USPS certified mail, attached as **Exhibit 2**, to date, Respondent has not provided an answer which placed them in default. On June 13, 2019, I filed into the case an affidavit for default judgment attached as **Exhibit 2a**.

June 5, 2019, at 8:30 a.m. I appeared at Guilford County Courthouse. Ryan Hargrave, Asst. District Attorney asked if I wanted a court appointed attorney. I declined and signed a waiver. I asked Hargrove if they had a Warrant to which he replied that he could not answer and could not provide legal advice. I responded that I was asking only for a valid Warrant supported by Oath or Affirmation as protection of my unalienable rights and not for legal advice. Hargrave told me to return on July 19, 2019 @ 8:30 a.m. I then asked Jana Weaver, Asst. Superior Court Clerk for the refund of my \$500 appearance bond. Weaver responded that they cannot release the bond until a disposition of the case has been determined.

I received a “BOND FORFEITURE NOTICE” dated 07/19/2019 for “Failure to Appear” in the amount of \$500. I filed into my federal case, a “NOTICE OF APPEAL FOR VIOLATION OF N.C.G.S. RULE 12 (a) (2)” and “ACCEPTANCE FOR VALUE AND HONOR ON BEHALF STATE OF NORTH CAROLINA” affidavit and mailed the packet via USPS Registered Mail Nos. **RF23927502US** to U.S. Department of Treasury located at 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220. Also attached as **Exhibit 7**, is proof of my train boarding passes that I did appear on both dates; 6/05/2019 and 7/19/2019 as aforementioned, although I was not obligated. Respondents in Guilford County Court were aware and did receive my timely notice that this case has been removed to U.S. District Court via U.S. First Class Certified Mail No. **7019 0160 0000 5623 3306** with delivery confirmation. I was informed by Clerk of Court in Guilford County that there is an order for arrest also pending in their court. This is excess of jurisdiction as Guilford County Court knew or should have known not to continue proceeding, as the Respondents are in violation of 28 U.S.C. § 1446(d) and N.C.G.S. Rule 12 (a) (2), which is Negligence actionable under 42 U.S.C. § 1986.

### **Supporting Facts and Argument.**

#### **1. COMMISSIONER OF DEPARTMENT OF MOTOR VEHICLES**

Regarding the issue of my suspended driver’s license, this matter has already been settled twice and I request the judgment under the legal principle of stare decisis, having the Court determining points in litigation according to the precedent set in the U.S. District Court Michigan case of **Fowler v. Johnson 2:17-cv-11441-LVP-MKM** and the U.S. District Court Tennessee case of **Thomas v. Haslam, 3:17-cv-00005.** In ***Fowler v. Johnson*** it warns that the Constitution



imposes on the Secretary the State's concomitant duty to see that no deprivation occurs without adequate procedural protections – the State must comply with the due process requirement. In *Thomas v. Haslam*, the Court ordered the Commissioner not to withhold reinstatement of the driver's license based on failure to pay court debt or related reinstatement fees.

Commissioner owes me a legal duty to protect and to exercise at least reasonable care. Commissioner neglected to prevent my driver's license from being suspended while it was within his power to do so, pursuant with 42 USC § 1986. Commissioner breached his duty of protection and care and I was damaged as a direct result of the breach. Commissioner's wealth-based suspension scheme which violates procedural due process because it does not guarantee an ability-to-pay hearing. A person's driver's license is recognized as a property interest that may not be taken away without due process of law. See *Bell v. Burson*, 402 U.S. 535 (1971); see also *Sanderson v. Village of Greenhills*, 726 F.2d 284, 286 (6th Cir. 1984) 157. Due Process requires the DMV to conduct ability-to-pay inquiries at each stage in a case, including the point at which it proposes to take coercive action to punish for non-payment.

I received two (2) letters from the DMV dated 03/15/2017 and 08/23/2017 stating that my driver's license was scheduled for suspension for an "FTA" in Guilford County and for "FAILURE TO PAY FINE" for Cabarrus County. Since the DMV is a separate agency, it appears that the Commissioner is acting as a debt collector for both counties. I mailed a letter to James H. Trogon III, Office of the Secretary of Transportation on 08/29/2017, attached as **Exhibit 3**, and I received a reply from the Commissioner dated 09/25/2017, attached as **Exhibit 4H**.

18.

Commissioner stated that he requested a thorough review of the file to determine the appropriate action and asked that I allow him time to gather accurate information and he would follow up with me soon. Commissioner added that if I needed additional assistance to contact his office. There has been no follow up since that letter. I called and spoke with Commissioner's Secretary, Carmen Torres on 10/23/2017 who said she would have someone contact me. That never happened even after I made other multiple attempts to contact Commissioner and my driver's license is still suspended. This creates further hardship for me all because of my inability to pay court-ordered debt. Without me having a driver's license while financially impoverished, I face additional hurdles and burdens of not being able to drive to and from work, taking and picking up my son to and from school, doctor's appointments and other important business matters. North Carolina's automatic suspension of driver's licenses is designed to coerce payment from me. This penalization for being unable to pay court debts violates the Equal Protection Clause of Amendment 14, the Due Process guarantee of fundamental fairness, my right to interstate and intrastate travel and longstanding Supreme Court precedence. North Carolina has trapped me in an inescapable cycle of increased poverty by suspending my license, thereby reducing or eliminating my job opportunities and obstructing and hampering my ability to take care of my children and other responsibilities. This matter of suspending driver's licenses without first performing a financial assessment to determine ability to pay has been declared unconstitutional, and a violation of Due Process and Equal Protection Clauses of Amendment 14.

***Fowler v. Johnson and Thomas v. Haslam***

19.

Please be advised of Respondents' unfair trade practices listed as follows:

1. The DMV is acting as a 3rd party debt collector who has not verified nor validated, but is attempting to collect any alleged consumer debt on behalf of another agency known as the CABARRUS COUNTY COURT. This is a violation of 15 U.S.C. 1692g §§ 809.
2. The DMV is not a real party in interest in this case and has no standing to suspend my driver's license.
3. There is no oath or affirmation to support probable cause for a warrant to issue, therefore there is no valid warrant. There is no valid reason for the DMV's suspension.
4. The DMV has left the CITATION NUMBER field blank, so there is no way for me to determine the case this SUSPENSION is referring to. The only case between me and CABARRUS COUNTY COURT and GUILFORD COUNTY COURT was moved to federal court on June 19, 2019 as Case No. **5:19-CV-00253-D**. N.C.G.S. Rule 12 (a) (2) says, the State court shall proceed no further therein unless and until the case is remanded. This suspension notice sent by DMV is attached as **Exhibit 4I**, dated 8/19/2019 and initiated by CABARRUS COUNTY COURT is unfair or unconscionable means in an attempt to collect a debt per 15 U.S.C. 1692f §§ 808. This is bold disobedience of the law by CABARRUS COUNTY COURT and GUILFORD COUNTY COURT.

**REASONS FOR GRANTING THE WRIT**

A writ of certiorari is warranted in this matter because a conflict and misapplication of Fed. R. App. P. 3 (c)(1)(B). The reason I appealed this case to U.S. Court of Appeal was because of being informed by the Deputy Clerk at U.S. District Court that there was no case in their court, since no ruling was made on my IFP prior to filing my appeal. I continued to be ignored by the Deputy Clerk of U.S. District Court when I requested that they send me that information in response to my objection to a motion to dismiss my claim notice that I sent. The Deputy Clerk never responded. Because that conflict is now ripe for judgment, this Court should issue a writ of certiorari 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 TO RESOLVE THE CONFLICT AS TO WHETHER PETITIONER WILLIAMS DID ANYTHING WRONG BY PETITIONING THE FEDERAL CIRCUITS FOR THE CONTINUOUS REDRESS OF GREIVANCES MADE BY THE LOWER COURTS
- 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

**CONCLUSION**

I submits this Writ of Certiorari detailing the criminal, biased and unfair activity against mer by government officials whose job is to perform their lawful duties and not harm the public. I was brutalized, arrested, imprisoned by the police, and was made to pay excessive bail. All was done without a valid Warrant, oath of affirmation, reading of the Miranda Warning, and against my will. I was injured and my unalienable rights were violated. I was deprived of rights secured by the Federal Constitution and conspired against under the color of state law. I am entitled to bring this action for these deprivations and for law enforcement, judges and the other North Carolina state actors neglecting to prevent further injury to me. This police misconduct results in a violation of my unalienable rights and is why I seek compensation and accountability from the police officer, the municipality employing the police officers and the State of North Carolina.

Given all of the above, this Court should grant certiorari, consider this case on the merits, and answer the questions presented. Consequently, this Petition for a Writ of Certiorari should be granted as Petitioner has exhausted all of my administrative remedies in defending this matter.

It is concluded that, STATE OF NORTH CAROLINA judges are prone to be biased because their salaries are paid by, STATE OF NORTH CAROLINA, or a subdivision of the STATE OF NORTH CAROLINA. Reasonable "persons" would view those judges as incapable of being fair and impartial in this instance, and there is no way that I can get a fair trial.

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities

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secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. As this should be read against the background of tort liability that makes a man responsible for the natural consequences of his actions."

**42 U. S. C. § 1983.**

I hereby move this Court for the judgment and compensation of damages and other just compensation the Court deems fair and reasonable under the circumstances. Under the law of precedence it has been decided that once a right and a violation have been shown, the scope of a Federal Court's equitable powers to remedy past wrongs is broad, because breadth and flexibility are inherent in equitable remedies, as in per case, *Fowler v. Johnson 2:17-cv-11441-LVP-MKM*.