

IN THE UNITED STATES SUPREME COURT

RKB CURTIS CLAY PHILLIPS JUNIOR (P)
(CAPTIVE CASE FISHES)

v.

DEREK F. ORFELANDER ET AL (D)
(CAPTIVE CASE FISHES)

Doc. No.: 19-8848

Supreme Court, U.S. FILED
OCT 17 2020
OFFICE OF THE CLERK

PETITION FOR RECONSIDERATION

ON OCTOBER 8TH, 2020 THE COURT APPEARS TO HAVE ISSUED AN "ORDER", VIA THE ATTACHED LETTER CORRESPONDANCE BEARING ONLY AN ELECTRONIC SIGNATURE FROM THE CLERK OF COURTS AS THE ISSUING AUTHORITY, DENYING A PETITION FOR CERTIORARI THAT WAS PUT BEFORE THE COURT ON THE ABOVE CAPTIONED DOCKET. PETITIONER PROCEEDS WITH THE INSTANT PETITION FOR RECONSIDERATION BASED ON THE FOLLOWING FACTS IN SUPPORT:

1.) AS THE "ORDER" APPEARS TO BE ISSUED BY THE CLERK VIA ELECTRONIC SIGNATURE ONLY WITHOUT ANY ADDITIONAL ENDORSEMENT AND DEVOID OF ANY RAISED SEAL IT WOULD SEEM TO BE ISSUED PURSUANT TO INCOMPETENT AUTHORITY BASED ON THE FACTS OF THE INSTANT MATTER. THE MATTER REQUIRES A DETERMINATION TO BE RENDERED BY A COURT OF EQUITY AND/OR A CHANCELLOR

PURSUANT TO EQUITABLE PRINCIPLES LEST IT BE MADE VOID BY THE PRINCIPLE OF INCOMPETENT JUDGMENT. WILGAS AB v. MARATHON OIL CO., 526 U.S. 574, 583-84, 119 S.Ct. 1563, 143 L.Ed.2d 760 (1990) (COURT MUST FIRST HAVE SUBJECT MATTER JURISDICTION - POWER TO DECIDE THE CLAIM BEFORE IT, AND PERSONAL JURISDICTION - POWER OVER THE PARTIES, BEFORE IT CAN RESOLVE A CLAIM); WACHOVIA, NA v. SCHMIDT, 546 U.S. 303, 316, 126 S.Ct. 941, 663 L.Ed.2d 797 (2006) ("[S]UBJECT MATTER ... CONCERNS A COURT'S COMPETENCE TO ARTICULATE A PARTICULAR CATEGORY OF CASES."); PENNOYER v. NEFF, 95 U.S. 714, 733, 24 L.Ed. 565 (1878) ("[T]HERE MUST BE A TRIBUNAL COMPETENT BY ITS CONSTITUTION - THAT IS, BY THE LAW OF ITS CREATION - TO PASS ON THE SUBJECT MATTER OF THE SUIT.").

IN THIS INSTANCE, THE CONSTITUTION DICTATES, IN CONJUNCTION WITH THE LAWS IN PURSUANCE, THAT THIS MATTER MUST BE DETERMINED BY THE PRINCIPLES OF EQUITY AS CITED WITHIN THE PETITION TO DETERMINE NECESSITY AND FOR CERTIORARI ITSELF.

2.) ALTHOUGH IT IS TITLED AS A PETITION FOR CERTIORARI, IN SUBSTANCE THE PETITION IS ESSENTIALLY ONLY AN INITIATION OF AN ORIGINAL ACTION IN THE SUPREME COURT UNDER THE JUDICIARY ACT OF 1789 AND THE COURT SEEMS NOT TO HAVE TENDERED MUCH CONSIDERATION INTO THE NATURE OF THE ACTION, PERHAPS AS AN UNINTENDED RESULT OF THE RECENT CHANGE OF TERMS DUE TO THE FACT THAT IT WAS DENIED BASEDLY ON THE VERY SAME DAY THAT A NEW TERM BEGAN AND HAD BEEN BEFORE THE PREVIOUS TERM FOR APPROXIMATELY THREE MONTHS.

3.) THIS MATTER IS ATYPICAL IN THAT THE JURISDICTION OF THE COURT IN THE CASE HAD BEEN LIMITED TO THE EQUITY JURISDICTION GRANTED ON THE COURT UNDER THE JUDICIARY ACT OF 1789 IN WHICH THE COURT'S GENERAL DISCRETION IS A BIT LESS BROAD, AS CITED WITHIN THE ACCOMPANYING PETITION FOR DETERMINATION OF NECESSITY. FOR COMPARABLE PROCEDURES IN EQUITY PROCEEDINGS AS EVIDENCE OF MANIFEST INTENT, SEE 53 U.S.C. § 4309(c) (DICTATES THAT A COURT 'SHALL' ORDER THE RELIEF SOUGHT IN FAVOR OF CLAIMANT); KINBOMWARE TECHNOLOGIES, INC. V. UNITED STATES, 579 U.S. —, 136 S. Ct. 1969, 1977, 195 L. ED. 2D 334, 344 & 40. NT. 11 (2016) (THE USE OF THE WORD 'SHALL' IMPOSES A MANDATORY DUTY); MORGAN V. BELLOT, 7 WALL. 613, 19 L. ED. 203 (IT IS A PROVINCE OF EQUITY TO ENFORCE A RIGHT THAT THE LAW DOES NOT RECOGNIZE); BECKER STEEL CO. V. CUMMINS, 296 U.S. 74, 80 L. ED. 540 (UN-CONSTITUTIONAL IF FUNDS ARE NOT RETURNED AND/OR JUSTLY COMPENSATED); PEOPLES NAT. BANK V. MARYE, 191 U.S. 272, 43 L. ED. 180, 24 S. Ct. 63 (THE COURT WILL NOT BE MADE THE INSTRUMENT BY WHICH AN INJUSTICE IS CONTINUED); NAT. EXCH. BANK V. WILEY, 195 U.S. 257, 49 L. ED. 187, 25 S. Ct. 70 (JUDGMENT IS VOID WHERE ATTORNEY APPEARS WITHOUT RIGHT OR AUTHORITY TO CONFERS JUDGMENT); BROOKLYN CRY AND NEWTON MFG. CO. V. NAT. BANK, 102 U.S. 14, 21, 27, 26 L. ED. 61, 66 (COMMERCIAL ENGAGEMENTS ARE "TO REST UPON A VALID CONSIDERATION.").

4.) THE 'ORDER' ISSUED BY THE COURT HAS THE CONCLUSIVE

EFFECT OF DENYING PETITIONER TO THE RIGHT TO DUE PROCESS OF LAW AND TO A MEANINGFUL DECISION BASED ON THE FACTS SPECIFIC TO THE CIRCUMSTANCES OF THE INDIVIDUAL MATTER BEFORE THE COURT, ALSO AS CITED WITHIN THE PETITION FOR CERTIORARI ITSELF, SINCE IT ESSENTIALLY FACILITATES DENIAL OF ACCESS TO THE COURT WITHOUT EXPLANATION, AUTHORIZATION SUPPORT OR ANY JUSTIFIABLE CAUSE TO DO SO AND, WITHOUT ANY INDICATION AS TO THE ISSUING AUTHORITY'S COMPETENCE IN THE MATTER, WOULD BE ALTRUISTIC TO THE INTERESTS OF JUSTICE AND OF THE COURT SINCE IT WOULD BE OF NO FORCE. BUSH V. WARE, ET AL, 15 PETERS. 93, 100, 10 LED. 672 (GRANT CANNOT BE UPHELD IN A COURT OF LAW); FITZSIMONS & OTHERS V. ORDEN & OTHERS, 7 CHANCERY. 2, 10, 3 LED. 249 ("THE EQUITY WILL ALWAYS BE IN THE CESTUI QUE TRUST AND NOT IN THE TRUSTEE"); LANDALE V. DANIELS, 100 US. 113, 117-18, 25 LED. 581 (SUPERIOR EQUITY MUST PREVAIL); HANSON, ET AL V. THE LESSEE OF EVSTACHE, 2 HOWARD. 653, 678-79, 11 LED. 416 (PRIORITY OF EQUITY); BUSH V. WARE, SUPRA, AT 112-114 ("IF THE LAW REQUIRES REASONABLE DILIGENCE IN A PURCHASER TO ASCERTAIN ANY DEFECT OF TITLE."). SEE ALSO, PP 1 OF THIS DOCUMENT (A JUDGMENT IS VOID WHERE IT HAS BEEN ISSUED WITHOUT COMPETENT JURISDICTION).

5.) A RECONSIDERATION SHOULD BE GRANTED WHERE THE COURT "OVERLOOKED CONTROLLING DECISIONS OR FACTUAL MATTERS THAT WERE PUT BEFORE THE COURT ON THE UNDERLYING MOTION."

BOOM V. ST. PAUL SUNDAY LINES INC. CO., 162 F. SUPP. 2d. 714,

718 (ED MICH. 2001). PETITIONER IS A NATURAL BORN AMERICAN INHABITANT WHO IS BEING HELD AGAINST HIS WILL BY THE STATE OF 'PENNSYLVANIA' (CAPITAL CASE FIGURES) IN ITS CAPACITY AS A PRIVATE CORPORATION PURSUANT TO INSTRUMENTS TENDERED THEREBY THAT HE HAS NO LIABILITY TO IN ABSENCE OF A BINDING LEGITIMATE SENTENCE OF INCARCERATION, OR ANY SENTENCE OF INCARCERATION, AND IS ENTITLED TO THE AID OF THE COURT AS IS THE COURT OBLIGED TO ASSIST IN SECURING HIS PERSONAL FREEDOM AS WELL AS ENFORCING THE TRUSTS THAT HE HAS HIGHLIGHTED WITHIN THE PROCEEDINGS TOGETHER WITH THOSE CITED THEREIN AS THE LAW APPLICABLE TO THE FACTS OF THE MATTER DICTATES. MCDONOUGH V. MURDOCK, 15 (VS.) HOW. 367, 14, LEO 732 (BOTH LEGAL AND EQUITABLE OWNERS ARE ENTITLED TO THE AID OF THE COURT IN TRUST ENFORCEMENT); BOONE, ET AL V. CHARLES, IO PETERS, 177, 289-12, 223-24, 9 LEO 388, 405 ("A PURCHASER WITH NOTICE MAY PROTECT HIMSELF UNDER A PURCHASE BY DEED WITHOUT NOTICE, BUT CANNOT DO IT BY PURCHASE FROM ONE WHO HOLDS ON CLAIM BY CONTRACT ONLY."); MOUNT PLEASANT V. BECKWITH, 100 US. 514, 529, 25 LEO. 699, 703 (WHEN MUNICIPAL CORPORATIONS ENGAGE IN COMMERCIAL RELATIONS "THEY ARE, TO THAT EXTENT, TO BE DEEMED PRIVATE CORPORATIONS, AND THEIR OBLIGATIONS ARE SECURED BY ALL THE GUARANTEES WHICH PROTECT THE ENGAGEMENTS OF PRIVATE INDIVIDUALS.") (CITATION OMITTED).

b) THE FACTS SET FORTH BY PETITIONER IN MATTER UNDERLYING THE PETITION AND WHEREIN THE PETITION ITSELF VIA COMPETENCY

ISSUES ESTABLISH THE RIGHT TO AN EVIDENTIARY PROCEEDINGS
IN ORDER TO FULLY DEVELOPE THE FACTS, PRESENT EVIDENCE IN
SUPPORT THEREOF AND APPLY THE LAW TO MATCH THE FACTS
AND EVIDENCE OF THE MATTER. BAB HARDWARE, INC. V. HANGLS
INDVS., 135 S.Ct. 1312-18, 191 LED 210. 251 (2014) (NECESSARY
CAUSES OF ACTION SHALL "BE DECIDED BY 'ARTICLE III JUDGES
IN ARTICLE III COURTS'" (CITATIONS OMITTED); GREEN, ET AL
V. BIDDLE, B WHITT., 1, 107, 5 LED 541 ("THE JUDICIARY ACT
OF THE UNITED STATES BOTH RECOGNIZES THE SEPARATION
BETWEEN COMMON LAW AND EQUITY, AND FORBIDS THAT ANY
COURT SHOULD BLEND AND CONFOUND THEM.").

WHEREFORE, PETITIONER RESPECTFULLY DEMANDS THAT THIS
COURT RECONSIDER THE 'JUDGMENT' TENDERED AND ATTACHED TO
THIS PETITION AND ENTERED BY THE CLERK ON OCTOBER 5TH,
2020 DENYING THE PETITION FOR CERTIORARI SUBMITTED IN THIS
MATTER.

DATE: 10/12/20

By: [Signature]
RESTRICTED SPECIAL & PRIVATE
Curtis Clay Phillips Junior
AT CURTIS PHILLIPS - LLS924
PA. DOR, SCT. - FOREST
286 WOODLAND DRIVE, PO BOX 307
MARIENVILLE, PA. 16239

ATTN: Clerk of Court

10/12/20

SUPREME COURT OF THE UNITED STATES

1 FIRST STREET, N.E.

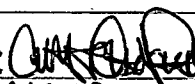
WASHINGTON, D.C. 20543

RE: 19-8848

TO THE CLERK:

ENCLOSED PLEASE FIND ONE ORIGINAL FOR SUBMISSION
TO THE COURT OF MY PETITION TO RECONSIDER.

DATE: 10/12/20

BY: 
RESTRICTED, SPECIAL & PRIVATE
Curtis Clay Phillips for
AT CURTIS PHILLIPS • L6924
PA DOC, see folios
286 WOODLAND DRIVE, PO BOX 307
MANHATTANVILLE, PA 16239

RECEIVED

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