

No. 20-1219

IN THE  
SUPREME COURT OF THE UNITED STATES

CARLINE CURRY ---- PRO SE PETITIONER

V.S

Douglas Mackenzie ----- RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF OHIO 2020-0727  
(NAME OF COURT THAT LAST RULED ON MERITS  
OF CASE)

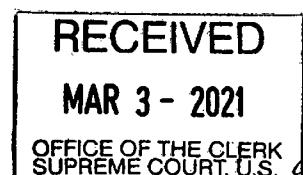
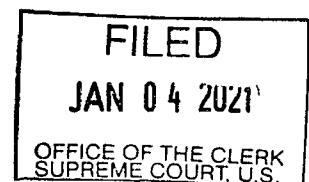
PETITION FOR A WRIT OF CERTIORARI

Carline Curry (Pro Se)

606 Bowman Street

Mansfield, Ohio 44903

567-274-9130 or 567-3907



**QUESTION PRESENTED**

**THIS IS A QUESTION OF CONSTITUTION**

**CHALLENGE FOR DEFAULT JUDGEMENT**

**The Ohio Supreme Court declined to accept**

**Jurisdiction of the Appeal & a motion for a new**

**Reconsideration or trial was denied the tenth District**

**Court dismissed my case because they said the brief was  
not submitted on time; the brief was submitted on time;**

**and I resubmitted it once the clerk told me it wasn't**

**submitted. The court awarded me partial Liability of  
11,671 when I actually spent 14,679.04 (the judge**

**misunderstood what I told her the final balance was for**

**the company to revive the patent.)**

**The judgement entry was not according to law. Mr.**

**Mackenzie failed to plead and I should have been**

**awarded the amount prayed for in the initial complaint**

**which was 100,000,000 million dollars under Rule 4 B  
Process of Summons and Ohio Rule of Civil Procedure  
Rule 54 C. The question of constitution challenge is  
should plaintiff Curry had been awarded the amount  
prayed For in the initial complaint according to law  
under Ohio Rules of Civil Procedure Rule 4 Process of  
Summons, and Rule 54 ( C ) Demand.**

**LIST OF PARTIES**

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list

of all the parties to the proceeding in the court whose judgement is the subject of

this petition is as follows:

Douglas Mackenzie 19 Saucito Ave. Monterey, CA 93940

Attorney General Dave Yost, 30 E. Broad Street; 14 th floor; Columbus, Ohio 43215

28 U.S.C. 451 may apply.

Solicitor General, Elizabeth Prelogar; Department of Justice Room 5616; 950 Pennsylvania Ave. N.W. Washington D.C 20530

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**TABLE OF AUTHORITIES CITED****CASES**

Bank of America vs. William Chad Sullivan Trial Court  
CV20140743

Thomas V. State Farm Fire & Casualty Company No 2002  
CA-00656-C)A

Brandon Apparel Group vs. Kirkland Ellis NO. 1-06-1432

Fitzgerald v. Harris (County Sheriff Department U.S. D. C.  
(S.D Tx) No. 4:14 CV-01330

Joyce vs. Pepsi Inc. May 25, 2012 813 N.W. 2d. 247 Wis.

Columbus v. Hodge 37 Ohio App. 3d8, 523 N.E. 2d 515  
(1987)

Bivens v. Six Unknown Named Agents of Federal Bureau  
of Narcotics, 403 U.S. 388 (1971)

**CONSTITUTIONAL PROVISIONS & STATUTES**

Rule 55 Default Judgement

Rule 4 B Summons Process

Rule 54 C JUDGEMENT COST

42 U.S.C. 1983DEPRIVATION OF RIGHTS

42 U.S.C. 1985 Conspiracy to Interfere with Civil Rights

5<sup>th</sup> and 16 th Amendment of the Bill of Right

Ohio Rule of Civil Procedure Rule 38

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States to perform his or her duty (mandamus)

**OHIO RULES OF CIVIL PROCEDURES**

**RULES OF PRACTICE OF THE SUPREME COURT  
OF OHIO**

**7.08(B) (4) JURISDICTION**

(B) Decision on jurisdiction upon review of the  
jurisdictional memorandum, the Supreme Court will do one  
of the following:

- (1) Accept the appeal and order that the case be briefed in accordance with the applicable provisions of S.Ct.Prac.R. 16.01 through 16.08;
- (2) Accept the appeal and hold the decision in the appeal for another case that is pending before the Supreme Court;
- (3) Accept the appeal and enter judgment summarily; 2013 v 2017 Rules of Practice

Rules of Practice 47 RULES 7.08-7.09

**(4) Decline to accept the appeal. In declining to accept an appeal the Supreme Court has determined that one or more of the following are applicable after review of the jurisdictional memorandum: (a) The appeal does not involve a substantial constitutional question and should be dismissed; (b) The appeal does not involve a question of great general or public interest; (c) The appeal does not involve a felony; (d) The appeal does involve a felony, but leave to appeal is not warranted.**

**The Ohio Constitution [The 1851 Constitution with  
Amendments to 2015]**

**IV.02 Organization and jurisdiction of Supreme Court**

(A) The Supreme Court shall, until otherwise provided by

law, consist of seven

Judges, who shall be known as the chief justice and justices. In case of the absence or disability of the chief justice, the judge having the period of longest total service upon the court shall be the acting chief justice. If any member of the court shall be unable, by reason of illness, disability or disqualification, to hear, consider and decide a cause or causes, the chief justice or the acting chief justice may direct any judge of any court of appeals to sit with the judges of the Supreme Court in the place and stead of the absent judge. A majority of the Supreme

Court shall be necessary to constitute a quorum or to render a judgment.

(B)(1) The Supreme Court shall have original jurisdiction in the following:

(a) Quo warranto;

(b) Mandamus;

(c) Habeas corpus;

(d) Prohibition;

(e) Procedendo;

(f) In any cause on review as may be necessary to its complete determination;

(g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

**2) The Supreme Court shall have appellate jurisdiction  
as follows:**

(a) In appeals from the courts of appeals as a matter of right  
in the following:

**(i) Cases originating in the courts of appeals;**  
**(ii) Cases in which the death penalty has been affirmed;**  
**(iii) Cases involving questions arising under the  
constitution of the United States or of this state.**

(b) In appeals from the courts of appeals in cases of felony  
on leave first obtained,

(c) In direct appeals from the courts of common pleas or  
other courts of record inferior to the court of appeals as a  
matter of right in cases in which the death penalty has been  
imposed;

(d) Such revisory jurisdiction of the proceedings of  
administrative officers or

agencies as may be conferred by law;

**(e) In cases of public or great general interest, the Supreme Court may direct any court of appeals to certify its record to the Supreme Court, and may review and affirm, modify, or reverse the judgment of the court of appeals;**

(f) The Supreme Court shall review and affirm, modify, or reverse the judgment in any case certified by any court of appeals pursuant to section 3(B)(4) of this article. ((3(b) (4) missing.)

**(3) No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the Supreme Court.**

**(C) The decisions in all cases in the Supreme Court shall be reported, together with the reasons therefor.**

(Amended November 8, 1994)

**BILL OF RIGHTS AMENDMENT 16 & 5**

Redress for injury; Due process. §16 all courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. Suits may be brought against the state, in such courts and in such manner, as may be provided by law. (1912)

**Trial by jury. §5**

The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury. (1912)

The constitutionality of a statue of a state was drawn into questioning under Supreme Court Rule number 29. (Jurisdiction of the court, right to redress, default Judgement/Summary Judgement & jury by trial) 28 U.S.C.

2403(a) may apply and the complaint is being served on  
The Solicitor General of the United States, Room  
5616, Department of Justice, 950 Pennsylvania Ave., N. W.  
Washington , DC 20530-  
0001 and Mr. Dave Yost, The Attorney General of Ohio,  
150 East Gay Street, Columbus, Ohio 43215.

**Default Judgement**

defendant that in case of failure to do so,  
judgment by RULE 4. Process: Summons (A)  
Summons: issuance. Upon the filing of the  
complaint the clerk shall forthwith issue a  
summons for service upon each defendant listed

**Rule 55** Default (A) Entry of judgment. When a  
party against whom a judgment for affirmative relief  
is sought has failed to plead or otherwise defend as  
provided by these rules, the party entitled to a

judgment by default shall apply in writing or orally to the court.

**OHIO RULE 58. Entry of Judgment** (A) Preparation; entry; effect; approval. (1) Subject to the provisions of Rule 54(B), upon a general verdict of a jury, upon a decision announced, or upon the determination of a periodic payment plan, the court shall promptly cause the judgment to be prepared and, the court having signed it, the clerk shall thereupon enter it upon the journal. A judgment is effective only when entered by the clerk upon the journal.

(2) Approval of a judgment entry by counsel or a party indicates that the entry correctly sets forth the verdict, decision, or determination of the court and does not waive any objection or assignment of error for appeal.

(Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, 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 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, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

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 judgement below.

**OPINIONS BELOW**

This case was not heard in federal courts or the United

States district court

For cases from state courts;

The opinion of the highest state court to review the merits

appears at

Appendix \_\_\_\_ A \_\_\_\_ to the petition and is

[ ] reported at

\_\_\_\_\_; or,

[ ] has been designated for publication but is not yet

reported; or

is unpublished.

The court denied to hear my case on **December 2, 2020**

**JURISDICTION**

This case was not heard before federal court;

for cases from state courts

[X ] The date on which the highest state court decided  
my case was December 2, 2020

A copy of that decision appears at Appendix A.

[ ] A timely petition for rehearing was denied by the  
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.  
\_\_\_\_\_.

[X] The jurisdiction of this Court is invoked under 28  
U.S.C. 1257(a).

The court denied to hear my case on December 2, 2020

**CONSTITUTIONAL AND STATUTORY  
PROVISIONS INVOLVED STATUTES AND RULES  
Ohio Rule of Civil Procedure Rule 4 B Process of  
Service**

**I.05 Trial by jury (1851, amended 1912)**

The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury. "Ohio Constitution Bill of Rights"

(As amended September 3, 1912.)

**I.16 Redress in courts (1851, amended 1912)**

All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. [Suits against the state.] Suits may be brought against the state, in such courts

and in such manner, as may be provided by law. "Ohio  
Constitution bill of Rights"

(As amended September 3, 1912.)

#### **STATEMENT OF THE CASE**

Mr. Mackenzie was negligent in processing my patent and I was awarded Default Judgement of 11,761 plus interest and cost not in accordance with Civil Rule 54 © and Civil Rule 4 B Process of Summons. The amount the Judge awarded me did not cover the cost that I paid to Attorneys to Revive my patent. The Judge misunderstood me oh how much I paid the attorneys in a hearing held on September 3, 2019.. The total expenditures were 8074.04 paid to Invent help, and 5,840.00 dollars to Hahn and Loeser to revive the patent, and 745 dollars for the basic information packet for a total of 14,697.04 cents. On October 16, 2019 and October 26, 2019, I objected and motioned for reconsideration.

I appealed to the court for two reason: #1. Eleven thousand seven hundred and sixty dollars (11,761) was calculated in error because I called the Attorneys and they said I owed 2,761 on the balance and the Judge thought that was the total amount paid. I asked the Judge for reconsideration due to her misunderstanding me for the sum of 14,784.00 in my brief that was submitted on February 10, 2020. The court said they did not receive the brief. I had to send the brief again in March and motioned the court to accept the brief late when I had already sent it in February. (I copied the submitted page). I got a letter in the mail from the court on March 10 2020, saying that I did not submit my brief so, I resubmitted it on March 11, 2020 and motioned the court to resubmit it again. The Judge closed my case for failure to submit a brief in a timely manner when the brief had been submitted. The second reason I appealed was the Judgement was not according to law

according to Rule 54 ( C ) of the Ohio Rules of Civil Procedure and Rule 4 Process of Summons.

**Ohio Rule of Civil Procedure Rule 54 ( C )**

A Judgement by default shall not be different in kind from or exceed in amount that prayed for in the demand for judgement, Except as to a party against whom a judgement is entered by default, every final judgement shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party had not demanded the relief in the pleadings.

In my original complaint I prayed for relief of 100,000,000 One Hundred Million Dollars including the cost to process the patent, due to lost profit opportunities, a financial hardship, loss quality time with family, stress, mental anguish and negligent tort by Mr. Mackenzie.

**Ohio Rule of Civil Procedure Rule 55 Default****Judgement & Rule 4**

## RULE 4. Process: Summons (A)

Summons: issuance. Upon the filing of the complaint the clerk shall forthwith issue a summons for service upon each defendant listed in the caption. Upon request of the plaintiff separate or additional summons shall issue at any time against any defendant. (B) Summons: form; copy of complaint. The summons shall be signed by the clerk, contain the name and address of the court and the names and addresses of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the times within which these rules or any statutory

**provision require the defendant to appear and defend, and shall notify the defendant that in case of failure to do so, judgment by default will be rendered against the defendant for the relief demanded in the complaint.**

**REASON FOR GRANTING THE PETITION**

**The Petition should be granted because Mr. Mackenzie was in default and failed to plead and the judgement entry was not according to law under Ohio Rules of Civil Procedure Rule 4 Process of Summons and Rule 54 © Demand for Judgement,**

**Ohio Rule of Civil Procedure Rule 54 C**

A Judgement by default shall not be different in kind from or exceed in amount that prayed for in the demand for judgement. Except as to a party against whom a judgement is entered by default, every final judgement shall grant the relief to which the party in whose favor it is rendered is

entitled, even if the party has not demanded the relief in the pleadings.

#### CONCLUSIONS

The Petition for the writ of Certiorari should be granted, Mr. Mackenzie abandoned my patent application the Office of Discipline and Enrollment found Mr. Mackenzie to be negligent in processing my patent and he failed to plead so Judge Brown awarded me default judgement because he failed to plead or answer the complaint which was Default Judgement under Ohio Civil Rule 55 and Ohio Civil Rule 4 Process of Summons.

The Judgement that the judge granted me was not according to law. If Judgement is not granted according to law I should at least get 14,697.04 cents the amount I spent to file the patent and have it revived. The Battery Industry will be a 129 billion dollar industry in the future. Plaintiff Curry is motioning the court to reverse the lower court

decision and award Default Judgement according to law under Rule 4 B Process of Summons. The amount requested in the initial complaint was One Hundred Million Dollars which would include the 3023 dollars not awarded at the lower court due to an misunderstanding

Respectfully submitted

Date:

February 25, 2021

Carline Curry Pro Se

606 Bowman Street

Mansfield, Ohio 44903

567-274-9130 and 419-709-9716