

20-1358

No. ____

In The

Supreme Court of the United States

Supreme Court, U.S.
FILED

MAR 22 2021

OFFICE OF THE CLERK

ARTHUR O. ARMSTRONG

Petitioner

VS.

NORTH CAROLINA,
DONALD W. STEPHEN,
CHAD E. OWENS,
COLON WILLOUGHBY,
CALVIN WOODARD, JR.,
ROBERT A. EVANS,
ROLAND LOFTIN,
MILTON F. FITCH, JR.,
CYNTHIA THORNTON,
THOMAS E. ASBELL, II,

Respondents.

Petition For writ Of Certiorari

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

Petition for Writ of Certiorari

Arthur O. Armstrong, Pro se
8113 Pleasant Hill Road
Elm City, NC 27822

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

- 1. Whether appellees acted in a conspiracy to deprive appellant of liberty or property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.**
- 2. Whether appellee Donald W. Stephens acted with active connivance in the making of the March 31, 2011 driving while impaired and DWLD false reports and other conduct to deprive appellant of liberty or property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.**
- 3. Whether appellees detained appellant in prison without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.**

PROCEEDING AND RELATED CASES

Armstrong v. North Carolina, et al No. 5:20-CV-00331-D. United States District Court for the Eastern District of North Carolina, Western Division. Judgment entered August 14, 2020.

Armstrong v. North Carolina, et al; No. 20-431, United States Court of Appeals for the Fourth Circuit. Judgment entered March 10, 2021.

Rule 26.1: Disclosure statement.

There is no parent of publicly held company owing 10% or more of the corporate stock.

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APPENDIX A. On March 10, 2021, the United States Court of Appeals for the Fourth Circuit denied petitioner's motion for rehearing.

APPENDIX B: On August 14, 2020, the United States District Court for the Eastern District of North Carolina, Western Division, dismissed petitioner's complaint and denied his motion.

APPENDIX C: constitutional and statutory provisions involved set out with appropriate citations.

For the case from federal court, the opinion of the United States Court of Appeals for the Fourth Circuit appears at Appendix A to the petition and is unpublished

The opinion of the United States District Court appears at B to the petition and is unpublished.

JURISDICTION

From the federal court, the date on which the United States Court of Appeals for the Fourth Circuit decided my case was March 10, 2021.

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

CONSTITUTIONAL PROVISION

Fourth Amendment

Fourteenth Amendment

STATUTORY PROVISION

28 U.S.C.S.1245(1)

28 U.S.C.S. 1291

28 U.S.C.S. 1746

42 U.S.C.S. 1985

42 U.S.C.S. 1986

Set out verbatim, the constitutional and statutory provisions involved in the case at Appendix C.

STATEMENT OF THE CASE

1. Appellant resides at 8113 Pleasant Hill Road, Elm City, NC 27822.

2. The appellees acted in a conspiracy.

3. In the furtherance of such a conspiracy, the appellees failed to conform to the requirements of the federal constitution and laws of the United States when appellees acted with reckless indifference and wanton disregards for the truth or falsity and the rights of appellant and others when appellees, without probable cause, acted with including but not limited to: arbitrariness, capriciousness, elusive, malice, trickery, misrepresentation, fraud, highway robbery, kidnapping, deception, extortion, RICO, gross negligence, defamation, falsity, obstruction of justice, racketeering, invasion of privacy and pattern of racketeering activities when appellees conspired to go in disguise on the highway and the premise thereof for the purpose of depriving, either directly or indirectly, the equal protection of the law, or of equal privileges and immunities in der the law; or for the purpose of hindering or preventing the constituted authorities within any State or Territory from giving or securing to appellant within any State or Territory the Equal Protection of the law to deprive the appellant of liberty or property without due process of law when Appellee Donald W. Stevens on March 31, 2011 acted with active connivance in the making of the DWLR and driving while impaired false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of liberty and property when appellee ordered appellant a two year probation and a seven (7) days active jail rime without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

4. Appellee Colon Willoughby acted with malicious prosecution and gross negligence

when appellee failed to investigate every phase of appellant's case prior to the action or investigated every phase of the case prior to the action but failed to discover or discovered the lack of probable cause but acted with active connivance in the making of the DWLR and DWI false reports and other conduct amounting to official discrimination to deprive appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

5. On May 19, 2019 appellee Clads E. Owns acted with civil rights violation when appellee assaulted, detained, harassed and tortured the appellant when appellee handcuffed the appellant, searched and seized his property and invaded his privacy and forced the appellant to release a urine sample to see whether he was dirty

6. On July 11, 2011, appellee Clads E. Owens acted with active connivance in the making of the probation violation false reports and other conduct amounting to official discrimination and sent the Sheriff to appellant resident and arrested appellant without due process of law.

7. On October 7, 2011, appellee Calvin Woodard trespassed on private property of appellant, made an entry, without a warrant, onto personal premise of appellant, Folded appellant's hands behind his back and handcuffed them. Dragged the appellant across the yard and placed him in the cruiser and hauled him down to the magistrate's office and the magistrate jailed the appellant and placed him under a \$15,000.00 bond

8. On December 5, 2011, appellee Milton F. Fitch, Jr. acted with libelous and false statements when appellee sent false and misleading information to Roland Loftin bails-bondman office and stated that appellant failed to appear in court.

9. Appellee Robert A. Evans acted with malicious prosecution and gross negligence.

10. On December 29, 2011, appellee Roland Loftin trespassed on private property of

appellant, made an entry, without a warrant, handcuffed the appellant, searched and seized his property and invaded his privacy and hauled the appellant down to the Magistrate's office and magistrate jailed appellant and placed him under a \$3,000.00 cash bond without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States..

11. On January 28, 2012, appellee Milton F. Fitch, Jr. acted with active connivance in the making of the failed to appear false reports when appellee directed the clerk to inquire with Wake County clerk on CONFIRMATION appellant's December 5, 2011 presence – confirm said clerk. "Now appellant, said appellee Milton F. Fitch, Jr. "You have thirty days JAIL CREDIT in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

12. On June 21, 2012, appellee Milton F. Fitch, JR. acted with active connivance in the making of the \$3,000.00 probation fee false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of liberty or property without due process of law

13. Appellee Robert A Evans acted with malicious prosecution and gross negligence when appellee failed to investigate every phase of the case prior to the action or investigated the case prior to the action and failed to discover or discovered the lack of probable cause but acted with active connivance in the making of the probation violation false reports and other conduct and sentenced appellant 120 in prison without due process of law.

14. That appellee Calvin L. Woodard arrested the appellant when appellee handcuffed the appellant, searched and seized his property and invaded his privacy and walked appellant to a jail cell and detained appellant therein for 30 days, the Wilson County detention center without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution

of the United States.

15. On June 22, 2013, appellee Cynthia Thornton made an entry, without a warrant, onto private area of personal premise of appellant, searched and seized his property and invaded his privacy and detained appellant for 35 days without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States on probation violation false reports.

16. On October 13, 2012, in Greene County, North Carolina, appellee Thomas Asbell ii, arrested, assaulted and detained the appellant, made an entry, without a warrant onto private areas of personal premise of appellant, searched and seized his property and invaded his privacy without due process of law and detained appellant for thirty-five days in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

17. Melton Fitch, Jr., on December 12, 2011, sentenced appellant (12) twelve month in Wilson County detention Center.

18. 42 U.S.C.S. 1985 prohibits conspiracy to interfere with civil rights and 1986 proscribes knowing neglect to prevent (or aid or abet after the fact) such a conspiracy.

19. Each conspirator had knowledge of the wrongs conspired to be done and had the Power to prevent or aid in the preventing the commission of same but neglected or refused so to do.

20. That appellees aided and abetted after the fact such a conspiracy.

21. Each conspirator did some act or omitted some duty and as a result of such commission appellant was deprived of having and exercising any right or privilege as a citizen of the United States.

22. As a direct and proximate result of the appellees' conspiratorial action appellant

suffered continuing injuries, including but not limited to: mental distress, mental anguish, injuries to his reputation, psychic injuries, humiliation and financial depletion. I pray for judgment in the sum of \$125,000,000.00.

WHEREFORE, appellant prays for judgment in the sum of \$125,000,000.00 as follows:

1. Compensatory and punitive damages in the sum of \$125,000,000.00 under 42 U.S.C.S. 1985 and 1986 Civil Rights Act.
2. Intangible harms
3. Attorney's fees, under the Attorney's Awards Act; or as a component of punitive damages.
4. Costs and Expenses of this action and such other and further relief as the Court Deems just and proper.

Respectfully submitted this the 20th day of March, 2021

March 20, 2021



 Arthur O. Armstrong, Appellant
 8113 Pleasant Hill Road
 Elm City, NC 27822

Appellant demands jury trial on all issues raised by the pleadings in this action.

DEMAND JURY TRIAL

March 20, 2021



 Arthur O. Armstrong Appellant

VERIFICATION

I, Arthur O. Armstrong, being duly sworn, deposes and says that he is the Appellant in the foregoing action and that the allegations set forth in the Complaint are true and correct to the best of his knowledge and belief except for those allegations set forth on information and belief and as to those allegations he believes them to be true.

March 20, 2021



Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 27822

AFFIDAVIT OF ARRRHUR O. ARMSRONG

I swear under penalty of perjury under United States law that the within and foregoing statements set forth in the verification are rue and correct (28 U.S.C.S. 1746).

March 20, 2021



Arthur O. Armstrong, Appellant

REASON FOR GRANTING THE PETITION

The Petition should be granted because of a federal question secured by the federal constitution and laws of the United States that has not been decided but should have, in the United States Court of Appeals for the Fourth Circuit; should be settled by this Court or has decided an important question in a way that conflicts with relevant decision of this Court.

CONCLUSION

Because of the conduct of the Respondents, Petitioner respectfully requests that Petition for Writ of Certiorari by granted.

March 20, 2021



Arthur O. Armstrong, Petitioner