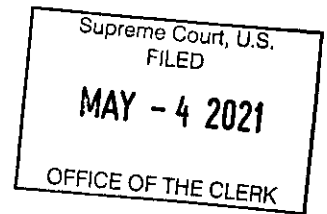


20-1551

No. \_\_\_\_\_

In The  
Supreme Court of the United States



\_\_\_\_\_  
Petition for Writ of Certiorari  
\_\_\_\_\_

Arthur O. Armstrong

\_\_\_\_\_  
Petitioner

Vs.

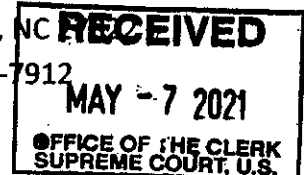
North Carolina,  
Farris Thomas Law Office,  
Thomasine E. Moore,  
Fannie Farmer,  
Nina A. Night,  
Bessie A. Jones,  
Marjorie A. Evans,  
John Jones,  
Milton F. Fitch, Jr.,  
Joseph Whitley,  
Walter Evans,  
Bruce Stephen Ammons,  
Charles C. Farris, Jr

\_\_\_\_\_  
Respondents.

\_\_\_\_\_  
Petition for writ of Certiorari  
\_\_\_\_\_

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NORTH CAROLINA

Arthur O. Armstrong, Pro se  
8113 Pleasant Hill Road  
Elm City, NC  
252-236-7912



i

**QUESTIONS PRESENTED**

1. Whether respondents transgressed the Fourth and Fourteenth Amendments to the Constitution of the United States when appellees on or about December 12, 1991 acted with encroachment on private land of petitioner to construct a septic tank.

2. Whether respondents acted in a conspiracy to deny the existence of a bona fide Will and Last testament to deprive petitioner of land and property Willed to him in the Will and Last Testament without due process of law.

**Proceeding and Related Cases**

All parties appear in the caption are on the cover page.

**RELATED CASES**

**Armstrong v. North Carolina**, et al – 03-CvS-01939-MFF – Wilson County Superior Court  
judgment entered November 23, 2020.

**Armstrong v. North Carolina**, et al 41-P-17-8 – Supreme Court of North Carolina, entered April  
14, 2021

Rule 26.1 Corporate Disclosure Statement:

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

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**Index to Appendix**

**Appendix A:** On April 14, 2021, Supreme Court of North Carolina dismissed petitioner's  
complaint and denied his motion for relief

**Appendix B:** On November 23, 2020, trial court dismissed petitioner's complaint and denied

**Appendix C:** Constitutional and statutory provision set out with appropriate citations.

him motion for relief

**Jurisdiction Statement**

The date on which the Supreme Court of North Carolina decided my case was April 14, 2021

Constitutional and statutory Provisions involved

**Constitutional Provision:**

Fourth Amendment

Fourteenth Amendment

**Statutory Provision:**

28 U.S.C.S. 1254(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.

**STATEMENT OF THE CASE**

1. Petitioner resides at 8113 Pleasant Hill Road. Elm City, NC 27822.
2. Respondents acted in a conspiracy.
3. In the furtherance of such a conspiracy, respondents failed to conform to the requirements of the federal constitution and laws of the United States when respondents failed to conform to the requirements of the federal constitution and laws of the United States when respondents acted with reckless indifference and wanton disregards for the truth or falsity and the rights of petitioner and others when respondents without probable cause, acted with including, but not limited to: arbitrariness, capriciousness, malice, fraud, trickery, RICO, misrepresentation, deceit, defamation, highway robbery, trespassing, racketeering, gross negligence, pattern of racketeering activities, elusive, encroachment, assault, intimidation, distortion, extortion and vandalism to deprive petitioner of property without due process of law when respondents Nina A. Knight and Marjorie A. Evans on September 12, 1989 denied

petitioner access to the House while mother visited Bessie Jones in Philadelphia. PA. when respondent Marjorie Evans refused to unlock the door and Nina Knight threatened petitioner with bodily injuries when she said: Charlie, her late husband, got a gun and she can use it if petitioner persisted on over night residential occupation. Petitioner was farming the ½ acres of land with a sweet potatoes crop and was there to harvest his produce along with his son, and two daughters Arthur, Courtney and Monica living in Greensboro at the time, since September 1, 1978.

4. On or about December 12, 1990 respondents Bessie and John Jones, a construction worker for AT and T, for about fifty year, with a vast retirement plan sought an attorney to disregard the Will and Last Testament when respondents dumped a great sum of money on Farris Thomas law office to act with fraud, deceit and misrepresentation on the premise that petitioner will never know the tricks of the trade when respondent without a second thought for the service charged or received a sum in excess of \$150,000.00 with a guarantee that no investigation will ensure thereafter and that petitioner will not know what hit him and that every one will be safe and sound and petitioner's litigation skill is inept and any lawsuit will be frivolous, ridiculous and ignored – petitioner is black and law office is White.

5. That on January 1, 1991, or some such time, respondent Clerk of Court, Joseph Whitley, in violation of the July 9, 1968 Will and Last Testament, acted with gross negligence when respondent approved respondent's Nina A. Knight's application as the probate administrators for the Armstrong's Estate. Or that he failed to discover or discovered the existence of the living Will and Last testament filed in the probate office but acted with active connivance in the making of the no July 9, 1968 Will and Last Testament false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive petitioner of house and ½ acre of land Willed to petitioner in the Will and Last testament.

6. That on March 2, 1991, respondents, Bessie Jones, Nina A. Knight, Walter Evans ( a brother -in-law) Fannie Farmer (unknown) gather at the probate office and swore that the proceeding was legal and Fannie P. Armstrong was the sole owner of the Armstrong's Estate and that there existed no Will and Last Testament signed by any one including Fannie P. Armstrong and James A. Armstrong, when at all times relevant Clerk of Court, Joseph Whitley maintain the Will was filed in the probate office.

7. Respondent Charles C. Farris, Jr. had a duty to act in his client's best interest when respondent failed to investigate every phase of the case prior to the action or investigated every phase of the case prior to the action but failed to discover the living Will and Last Testament or discovered the filed Will and Last Testament in the clerk's office but acted with active connivance in the making of the no Will and Last Testament false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to construct a DEED and on March 1, 1992 deeded the 37 acres of land, the 8468 farm house and ½ acre on which it is situated without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

8. On April 1, 1992, respondent needed more land for added construction and the respondent Joseph Whitley granted such request furthering the encroachment.

9. That on January 18, 1994 mother died.

10. On April 23, 1994, respondent Nina A. Knight breached her fiduciary responsibility when she failed to read the Will and Last testament when Bessie A. Jones acted with active connivance in the making of the "Every thing on this side of Orchard Road belongs to the girls and every thing on the other side of the road belongs the boys false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the petitioner of property without due process of law and in violation of the Will and Last Testament.

11. In 1995, petitioner filed a lawsuit against respondent Nina A. Knight but was suggested by Frank Brown in 2003 to start all over again.

12. That on or about, but not limited to May 29, 1997, respondent Bruce Stephen Ammons had moved in petitioner's property and threatened the petitioner when petitioner traveled from Greensboro, NC to his 8468 Orchard Road, Elm City, NC 27822 farm house to look after his property, when respondent came to the door and said, "you almost got shot, I didn't know who you was", and went back in the house and locked the door.

13. And on subsequent time, perhaps, when petitioner visited the home place, to visit his brother, Willie, nearby and sister Nina A. Knight, respondent, knowingly the house belongs to the petitioner would follow behind him and put on his defensive mechanism like asking his mother, "Is every thing Okey, like is he trying to get the house or some such thing or is he harassing you. And at one instant, while I was visiting his mother at her house, he, respondent Bruce Ammons came bursting through the door, picked up a butcher knife and tried to cut the petitioner with it when his mother cried out "No Bruce! No Bruce! No. Don't do that! Then on on May 19, 1999, respondent vandalized petitioner's '65 Pontiac Classic while it was parked in the yard, claiming it was parked in his flower bed with a six foot by 2" pole when he drove the nail spiked pole through the trunk lid of petitioner's car leaving a gapping hole; court found him guilty and charged him accordingly.

14. That on November 23, 2003, at 03-CvS-01939-MFF, petitioner filed lawsuit against the Armstrong Estate including the siblings: Knight, Evans and Bessie Jones.

15. Respondents acted in a conspiracy.

16. That in the furtherance of such a conspiracy on August 12, 2004, respondents failed to conform to the requirements of the federal constitution and laws of the United States when



respondents acted with reckless indifference and wanton disregards for the truth or falsity and the rights of petitioner and others when respondents, without probable cause, acted with including but not limited to: arbitrariness, capriciousness, malice, fraud, RICO, trickery, vandalism, deceit, highway robbery, falsity, defamation, gross negligence, racketeering, misrepresentation, pattern of racketeering activities, assault, intimidation, illegal occupation when respondents conspired to go in disguise on the premise thereof for the purpose of depriving the petitioner, either directly or indirectly, the equal protection of the law or of equal privileges and immunities under the law; or for the purpose of hindering or preventing the constituted authorities within any State or Territory from giving or securing the petitioner within any State or Territory the equal protection of the law to deprive petitioner of his property without due process of law when respondent Milton F. Fitch, Jr. acted with active connivance in the making of the Fannie P. Armstrong 8468 Orchard Road Farm house plus ½ acre of land false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the equal Protection Clause to deprive petitioner of his property without due process of law in violation of the Fourth and fourteenth Amendments to the Constitution of the United States.

17. That respondent Thomasine E. Moore acted with gross negligence when respondent failed to investigate every phase of petitioner's case prior to the action or investigated every phase of the case prior to the action but failed to discover or discovered the existence of the living Will and Last Testament displaying the 8468 Orchard Road farm house + ½ acre of land belonging to Petitioner but acted with active connivance in the making of the petitioner's wanting something he is not entitled to false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection

Clause to deprive the petitioner of property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

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

19. 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.

20. Respondents aided and abetted after the fact such a conspiracy.

21. That each respondent did some act and omitted some duty and as a result of such commission, petitioner was deprived of having and exercising any right or privilege of a citizen of the United States.

22. On August of 2021, respondent Bruce Stephen Ammons threatened the petitioner while petitioner was tending to business when he yelled to me, YO! What do you want. I drove to the house and he went inside and locked the door.

23. As a direct and proximate result of respondents' conspiratorial action, petitioner suffered continuing injuries, including but not limited to: mental distress, mental anguish, psychic injury, injury to his reputation, humiliation, harassment and intimidation. I pray for judgment in the sum in excess of \$10,000.00.

**WHEREFORE** petitioner prays for judgment in the sum in excess of \$10,000.00 as follows:

1. Compensatory and punitive damages in the sum in excess of \$10,000.00 under 42 U.S.C.S. 1985 and 1986 – Civil Rights Act.

2. Intangible harm

3. Attorneys fee under Attorney's Awards Act, 42 U.S.C.S 1988; 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 5<sup>th</sup> day of May, 2021

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

**DEMANDS JURY TRIAL**

Petitioner hereby demands trial by jury on all issues raised by the pleading in this action.

  
 \_\_\_\_\_  
 Arthur O. Armstrong, Petitioner

**VERIFICATION**

I, Arthur O. Armstrong, being first duly sworn, deposes and says that he is the Petitioner in the foregoing matter and that the allegations set forth in the Petition 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.

May 5, 2021

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

**AFFIDAVIT OF ARTHUR O. AMSTRONG**

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

March 5, 2021

  
 \_\_\_\_\_  
 Arthur O. Armstrong, Petitioner

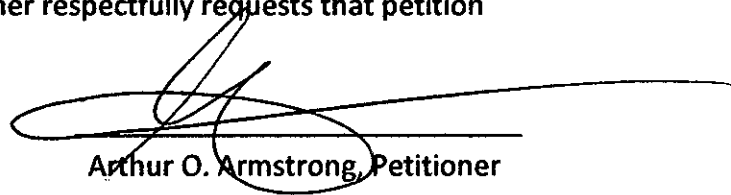
**REASON FOR GRANTING THE PETITION**

The petition should be granted on a federal question that the Supreme Court of North Carolina has decided an important question of federal law that has not been but should be settled by this Court or had 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 be granted.

May 5, 2021



Arthur O. Armstrong, Petitioner

# Supreme Court of North Carolina

ARTHUR O. ARMSTRONG

v

STATE OF NORTH CAROLINA, ET AL.

From Wilson  
( 03CVS00105 03CVS00401 03CVS01939 03CVS04584 )

## ORDER

Upon consideration of the petition filed by Plaintiff on the 26th of March 2021 in this matter for a writ of certiorari to review the decision of the Superior Court, Wilson County, the following order was entered and is hereby certified to the Superior Court:

"Dismissed by order of the Court in conference, this the 14th of April 2021."

s/ Berger, J.  
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 16th day of April 2021.



*Amy L. Funderburk*

Amy L. Funderburk  
Clerk, Supreme Court of North Carolina

M. C. Hackney  
Assistant Clerk, Supreme Court Of North Carolina

Copy to:  
Mr. Arthur O. Armstrong, For Armstrong, Arthur O.  
West Publishing - (By Email)  
Lexis-Nexis - (By Email)

Appendix A