

FOURTH AMENDMENT

The right of the people to be secure in their persons, house, papers and effects against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

FOURTEENTH AMENDMENT

All persons born or naturalized in the United States and of the State wherein they reside, 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 law.

42 U.S.C. 1983 Every person who is under color of any statute, ordinance, regulation, custom, usage of any State or the District of Columbia subject or cause to be subjected any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by Constitution and laws of the United States shall be liable to the party injured in an action at law, suit in equity or other proper proceeding for redress.

APPENDIX C

NORTH CAROLINA
COUNTY OF WILSON

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
03-CvS-000105

ARTHUR O. ARMSTRONG,
PLAINTIFF,
vs.
D. C. AUTOMOTIVE (D 001),
RALPH DARDEN (D 002),
MARCUS HILL,
DEFENDANTS.

ENTRY OF DEFAULT DEFAULT JUDGMENT

THIS CAUSE is before the Court on Plaintiff's Motion for Default Judgment on Claims made against Defendants. This Court, having called the matter on for hearing determines that it has jurisdiction and that the aforementioned motions are properly noticed and before the Court for hearing; and

The Court having considered said Motions, including the pleadings in the case, all other documents filed in this case, and hearing arguments from the Plaintiff and Defendants, if any, and finds the following facts:

1. The Court has personal jurisdiction over the Plaintiff and has jurisdiction of the subject matter of this action.
2. That within the time allowed by law the Plaintiff filed Claims against the Defendants for Breach of Contract under Rule 8 of the North Carolina Rules of Civil Procedure on or about January 14, 2003.
3. Defendants failed to Respond or otherwise plead to the Plaintiff's Claims as required by the North Carolina Rules of Civil Procedure, Rule 7(a).
4. The facts alleged in Plaintiff's Claims are supported by affidavit and documentation and are deemed established and admitted pursuant to NC Rules of Civil Procedure, Rule 8.
5. On or about October 10, 2002, Plaintiff entered into an oral/written contract with Defendants when Plaintiff, in good faith, prepaid Marcus Hill \$265.00 for a promised adequate auto service with check #2087.
6. Plaintiff immediately supplied Defendants with cash when Blanche Artis, upon cashing Plaintiff's check, No. 2088, at her Elm City Bank for Plaintiff, delivered in cash \$265.00 the following day to Defendants, OCT 15, PAID.
7. Instead of returning check #2087 as required by the agreement, Defendants decided to reimburse themselves, or otherwise act with fraud when Marcus Hill attempted cashing

it against an overdraft \$155.19 available funds giving the Defendants a total of \$530.00, causing Plaintiff \$25.00 for insufficient fund and \$5.00 stop check payment.

8. Letter sent to Defendants, dated November 13, 2002 for refund and release of car so plaintiff could get it fix at .

9. Letter signed by Defendant, Marcus Hill - November 15, 2002.

10. From the date of receipt of letter, Defendant kept and refused to relinquish plaintiff's car - towed returning it to plaintiff on February 24, 2003, forcing plaintiff to rent car for transportation.

11. Rental car from Enterprise - 106 days @ \$24.99/day = \$2,648.94.

12. Plaintiff is entitled to his Motion for Judgment by Default against the Defendants on his Claims for sum certain of \$2,943.94.

CONCLUSION OF LAW

On the foregoing Finding of Fact, the Court concludes as a matter of law:

1. That there is no genuine issue as to any material fact. wlg

2. That the undisputed facts show that the Plaintiff is entitled to a Default Judgment pursuant to North Carolina, Rule 55(b) on his Claims for:

(a) Breach of Contract in the sum of \$265.00 + \$30 = \$295.00

(b) Rental Car expenses paid to Enterprise in the sum of \$2,648.94 due to refusal to return plaintiff's car. Returned car February 24, 2003.

WHEREFORE, Judgment is rendered against the Defendants by DEFAULT and the Plaintiff is entitled to: TWO THOUSANDS NINE HUNDREDS FORTY THREE DOLLARS AND NINETY FOUR CENTS (\$2,943.94).

Let a copy of this Judgment be served on the Defendants by First Class Mail, postage prepaid. wlg

DONE AND ENTERED this 23 day of September, 2003.


Hon. William C. Griffin, Jr.
Superior Court Judge Presiding

NORTH CAROLINA

FILED

WILSON COUNTY

2004 AUG -3 PM 2:31

WILSON COUNTY, C.S.C.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT - CIVIL DIVISION
FILE NO.: 03 CVS 1939

ARTHUR O. ARMSTRONG,

Plaintiff,

v.

NINA RUTH KNIGHT,
BESSIE JONES, and
MARJORIE EVANS,

Defendants.

ORDER

THIS CAUSE being heard by the undersigned Judge on motion of Defendants to dismiss the above-entitled action for failure of the complaint to state a claim upon which relief can be granted and on the Plaintiff's motion for Judgment, Motion for Leave to File Petition for Writ of Mandamus, Plaintiff's Petition for A Writ of Mandamus, Petitioner's Motion for Damages Judgment Entered;

AND IT APPEARING TO THE COURT that the Plaintiff was present in Court and representing himself pro-se, and the Defendants were present in court with their attorney, Thomasine E. Moore, of Jacksonville, North Carolina;

AND IT FURTHER APPEARING TO THE COURT that the Court heard and considered exhibits introduced into evidence by both the Plaintiff and the Defendants and heard oral argument from Plaintiff and counsel for the Defendants; and it appearing to the Court that the Defendant's motion to dismiss the complaint for failure to state a claim upon which relief can be granted should be allowed; that the Plaintiff's motion for Judgment, the Plaintiff's motion for Leave to File Petition for Writ of Mandamus and

THOMASINE E. MOORE
ATTORNEY AT LAW, P.A.
P.O. BOX 177
JACKSONVILLE, NC 28541

Plaintiff's Petition for A Writ of Mandamus, and the Plaintiff's Motion for Damages Judgment should be denied;

IT IS THEREFORE ORDERED that the complaint is hereby dismissed and that the Plaintiff's motions for Judgment, motion for leave to file petition for Writ of Mandamus, Petition for a Writ of Mandamus and the Plaintiff's motion for damages judgment are denied.

This the 3rd day of August, for July 12, 2004.


Judge Presiding

NORTH CAROLINA
WILSON COUNTY

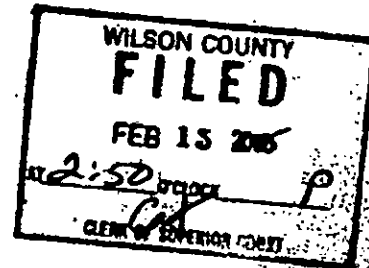
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 03 CVS 1939

ARTHUR O. ARMSTRONG,
Plaintiff,

vs.

ORDER

NINA RUTH KNIGHT,
BESSIE JONES, and
MARJORIE EVANS,
Defendants.



This cause coming on to be heard and heard by the undersigned judge presiding on the plaintiff's motion for judgment finds as follows:

That this matter was dismissed by order entered by the Honorable Milton F. Fitch, Jr., on August 13th, 2004; that plaintiff has filed several papers since that order but no indication of appeal of said order has been perfected; and that plaintiff has filed voluminous paper since that time.

The Court having considered this motion and the dismissal by the Honorable Milton F. Fitch, Jr., and after having examined the file, makes the following findings of fact:

(1) The court has personal jurisdiction over the defendants and has jurisdiction over the subject matter of this action; (2) that this matter was dismissed by the Honorable Milton F. Fitch, Jr., on August 13, 2004; and (3) that no appeal was taken.

IT IS THEREFORE ORDERED that the Wilson County Clerk of Court is not to accept any further documents or pleadings in this matter without the prior approval of the resident superior court judge of Wilson County.

This 15th day of February, 2005.

The Honorable W. Russell Duke, Jr.
Judge Presiding

cc. Milton F. Fitch, Jr.

STATE OF NORTH CAROLINA

FILE NO. 03 CIV 8564

03 31 05 FILED

DOCKET BOOK ENTRY

2003 DEC 11 AM 9:24

JUDGMENT OR DISMISSAL

SUMMARY JUDGMENT

BY

JOHN L. RICE, ARTHUR D.

VS

JOHN L. RICE

1860 ORCHARD ROAD

ELM CITY, NC 27822

WELSH COUNTY

THE COURT FINDS THAT PLAINTIFF () HAS ☒ HAS NOT PROVED THE CASE BY THE GREATER WEIGHT OF EVIDENCE.

IT IS ORDERED THAT:

() THE DEFENDANT(S) BE REMOVED FROM AND THE PLAINTIFF BE PUT IN POSSESSION OF THE PREMISES DESCRIBED IN THE COMPLAINT.

() THE PLAINTIFF RECOVER RENT OF THE DEFENDANT(S) AT THE RATE LISTED BELOW, PLUS DAMAGES IN THE AMOUNT INDICATED. PLAINTIFF IS ALLOWED INTEREST ON THE TOTAL PRINCIPAL FROM THIS DATE UNTIL PAID.

() THE PLAINTIFF RECOVER POSSESSION OF THE PERSONAL PROPERTY DESCRIBED BELOW OR IN THE COMPLAINT.

() (FOR BREACH OF CONTRACT CASES) THE PLAINTIFF RECOVER OF THE DEFENDANT(S) THE FOLLOWING PRINCIPAL AND INTEREST ACCRUED TO THE DATE OF THE JUDGMENT, PLUS INTEREST AT THE LEGAL RATE ON THE PRINCIPAL FROM THIS DATE UNTIL PAID.

() (FOR TORT CASES) THE PLAINTIFF RECOVER OF THE DEFENDANT(S) THE FOLLOWING PRINCIPAL, PLUS INTEREST AT THE LEGAL RATE FROM THE DATE THE ACTION WAS INSTITUTED UNTIL PAID.

☒ THE PLAINTIFF RECOVER NOTHING OF DEFENDANT(S) AND THIS ACTION IS DISMISSED WITH PREJUDICE.

☒ COSTS ARE TAXED TO ☒ PLAINTIFF () DEFENDANT.

PRE-JUDGMENT INTEREST \$

PRINCIPAL SUM OF JUDGMENT \$

DAMAGES/ATTORNEY FEES \$

RATE OF RENT \$ () WK () MO RENT OWED TO DATE \$

TOTAL AMOUNT \$

PERSONAL PROPERTY

☒ JUDGMENT *waived to plaintiff and defendant* entered and signed in open court

DATE 12/11/03

SIGNATURE *K. Rice*

APPEARED IN OPEN COURT BY

***** DISMISSAL *****

THIS ACTION IS DISMISSED () WITH () WITHOUT PREJUDICE BECAUSE THE PLAINTIFF

() HAS MOVED FOR A VOLUNTARY DISMISSAL.

() FAILED TO APPEAR AND THE DEFENDANT DID APPEAR.

() FAILED TO APPEAR AND THE DEFENDANT FAILED TO APPEAR.

DATE

SIGNATURE

08-14
08 R 146

FILED
STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
COUNTY OF WILSON 2008 NOV -3 PM 3:15 SUPERIOR COURT DIVISION

NOV - 3 2008

WILSON COUNTY, C.S.C. ORDER PROHIBITING
FRIVOLOUS FILINGS

BY: _____

IN RE: ARTHUR ORLANDUS ARMSTRONG,

THE COURT makes the following findings of fact:

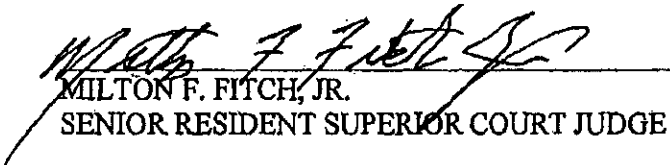
5. The Court finds as a fact that Arthur Orlandus Armstrong has in the past several years filed numerous complaints, motions, petitions, requests and paper writings that have no basis in law or in fact with this Court.
6. That the Court has repeatedly dismissed all complaints, motions, petitions, requests and other paper writings previously filed by the said Arthur Orlandus Armstrong with prejudice.
7. The Court further finds that the said Arthur Orlandus Armstrong persists and will continue to file in the future frivolous lawsuits that have no basis in law or in fact.
8. Furthermore, the Court finds that these complaints, motions, petitions, requests and other paper writings filed by the said Arthur Orlandus Armstrong are designed and intended to be vexatious and are filed for no lawful or useful purpose.

THE COURT therefore concludes ex mero motu, on its own motion, that there are no probable grounds for relief in any of the complaints, motions, petitions, requests or other paper writings heretofore filed by the said Arthur Orlandus Armstrong, and IT IS THEREFORE ORDERED that:

7. Prior to the docketing of any complaint, motion, petition, request or other paper writing by the Wilson County Clerk of Superior Court from the said Arthur Orlandus Armstrong that the Clerk is hereby directed to refer the paper writing to be filed to the undersigned judge for determination of whether the complaint, motion, petition, request or paper writing has merit or value either in law or in fact.
8. In the event the undersigned judge determines that the complaint, motion, petition, request or paper writing is frivolous it shall not be accepted for filing or be docketed by the Wilson County Clerk of Superior Court and it shall not be returned to the said Arthur Orlandus Armstrong.

3. No response, answer, pleading or any other action shall be necessary or required by any party named in any complaint, motion, petition, request or paper writing that the said Arthur Orlandus Armstrong shall attempt to file with the Wilson County Clerk of Superior Court.
4. The Clerk shall not respond to any letters from the said Arthur Orlandus Armstrong.
5. The Clerk may deposit any letters, complaints, motions, petitions or any other paper writing received from the said Arthur Orlandus Armstrong that are deemed frivolous by the Court in a specially designed receptacle where they shall remain undisturbed "until some uncertain day before the last lingering echo of Gabriel's horn trembles into ultimate silence." *See Ervin, J. writings in N.C. Hwy. and Public Works Comm. v. Black, 239 N. C. 198, 205 (1954).*
6. A copy of this ORDER shall be forwarded by the Clerk to the said Arthur Orlandus Armstrong at his last known mailing address

This the 3rd day of November, 2008.


MILTON F. FITCH, JR.
SENIOR RESIDENT SUPERIOR COURT JUDGE