

03/22/21
MD

No. 20-1723

IN THE
Supreme Court of the United States

JANE DOE,
Petitioner,

v.

JAMES T. DEWEES, ET AL
Respondents.

**On Petition for a Writ of Certiorari
to the Maryland Court of Appeals**

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

The fundamental right of all persons to seek remedy for injury via the courts has been variously grounded in Article IV's privileges and immunities clause, the First Amendment, and the Fourteenth Amendment. Actions seeking remedy are necessarily filed in the names of the real parties in interest. It has long been established that a person has the right to sue in the name which he has chosen for himself and the name by which he known and identified by other humans in society; this is a common law right throughout the States.

Question:

Do homeless people known by their common-law names and without home addresses have a constitutional right to sue in state courts for remedy of injuries?

LIST OF PARTIES

Jane Doe is the petitioner herein and was plaintiff and plaintiff-appellant, respectively, in the Maryland Circuit Court for Carroll County, the Court of Special Appeals, and the Court of Appeals.

Defendants below and Respondents herein are government employees and government contractors: James DeWees, Monisa Logan, Michele Miner, Ben Craft, Daren Metzler, Douglas Kriete, Michael L. McCrea, Michael E. Boyd, John Bowen III, Mary C. Reece, JoAnn Ellinghaus-Jones, CONMED Healthcare Management, Inc., George Hardinger, Joyce Schaum, Amanda Blizzard, Kristy Cerny, Britnie Boschert, Joshua Boschert, Michael Green, Larry Naill, Jr., Kenneth Chesgreen, Tracy Lillehaug, Dennis Harmon, Nadia Medevich, Paula Hyde, Cheyenne Lee, Judy Warner, Mr. Jersild, Tony J. Mummert, Teresa L. Bosley, Robin L. Shorb, Garth Mays, James Kershesky, Chester L. Arnott, Craig Koerner, Michael Andrews, C.S. Wendell Highsmith, Jr., Douglas McGreevy, Jr., Mary K. Smith, Kathryn Glenn, C. Haines, B. Shirey, Brian DeLeonardo, Adam G. Wells, Five unidentified District Court Clerks, Two unidentified Sheriff's Office employees, Eight unidentified correctional officers, and One unidentified contracted psychiatrist.

CORPORATE DISCLOSURE STATEMENT

Petitioner is an individual.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Jane Doe (“Doe”) respectfully petitions for a writ of certiorari to review a judgment of the Court of Special Appeals of Maryland, where certiorari was denied by the Court of Appeals of Maryland.

OPINIONS BELOW

The opinion of the Maryland Court of Special Appeals appears at Appendix A. The court’s opinion is unreported. The Court of Appeals denied certiorari; that order appears at Appendix B.¹

JURISDICTION

The Maryland Court of Appeals issued its denial of certiorari on October 23, 2020. The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

INTRODUCTION

This petition presents a first-impression question involving whether persons who are known by their “common-law” name and have no residential address are still persons with fundamental rights to justice in the courts, guaranteed by the U.S. Constitution, rather than outlaws.

¹<https://www.courts.state.md.us/coappeals/petitions/202010/petitions; Pet. Docket 230>.

RELEVANT CONSTITUTIONAL PROVISIONS, AND COURT RULES

United States Constitution, Article IV, Sec. 2

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

United States Constitution, First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

United States Constitution, Fourteenth Amendment, Sec. 1

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 laws.

Maryland Declaration of Rights, Art. 5. (a)

(1) That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; ... subject,

nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. ...

Maryland Declaration of Rights, Art. 19

That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.

Maryland Declaration of Rights, Art. 23

... The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of \$15,000, shall be inviolably preserved.

Maryland Rule 2-201

Every action shall be prosecuted in the name of the real party in interest.... No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for joinder or substitution of the real party in interest.

Maryland Rule 1-311

(a) Requirement. ... Every pleading and paper of a party who is not represented by an attorney shall be signed by the party. Every pleading or paper filed shall contain (1) the signer's address, telephone number, facsimile number, if any, and e-mail address, if any ...

STATEMENT OF THE CASE

Jane Doe is the common law legal name of Petitioner, and she is the real party in interest in this matter. Doe is a homeless person with no fixed residential address.

In June 2015, Jane Doe was arrested by a deputy sheriff in Carroll County, Maryland for alleged minor traffic violations. She was detained pending trial for over two months because a Carroll County district court judge set a condition for release which required her to give evidence against herself² and demanded an excessive bail of over \$500,000 to be paid in cash only.³ All charges were eventually dropped and Doe was finally released.⁴

Since at least 2009, well before her arrest, and during the period of her arrest and pre-trial detention in 2015, and to this day, Doe identified herself — and was known to all persons and parties as — Jane Doe. Her mailing address as existed in 2015 — and as demonstrated by court records — was and remains the same address which appears on this petition.

Doe filed complaints in the circuit court of Carroll County alleging common law torts and violations of Maryland constitutional rights against Respondents, who are all government contractors or employees, pertaining to her false arrest and

² Petitioner was ordered held in detention to compel her to give, specifically, her social security number, her birth date, her birth name, and her residential address to assist law enforcement to fish for other evidence to be used against Doe: a violation of the Fifth Amendment.

³ In violation of the Eighth Amendment.

⁴ But was *actually* still detained for four days beyond the release ordered by the judge.

imprisonment in 2015. In her complaints, she set forth her name and address as they appear in this Petition.

Respondents filed motions to dismiss the complaints, alleging that Doe was proceeding "anonymously," despite their own records⁵ showing that all parties knew Petitioner as Jane Doe, her common law name, and as no other name.

The circuit court ordered Doe to amend her complaints to contain her name and full address or be dismissed. Doe amended her complaint by setting forth her name and address, and adding factual allegations that her name and address as shown were in fact true, that she was the real party in interest, and that her true mark was attached as signature. Doe further filed notices of compliance, including as evidence: affidavits from multiple persons who identify and know her as Jane Doe; newspaper reports identifying her as Jane Doe, and business and court records submitted by Respondents showing they know her as Jane Doe. Doe further requested a jury hearing on the fact that her common law name identifies her as the real party in interest.⁶

The circuit court struck Doe's amended complaints without a hearing, stating merely that Doe had not provided "her name and full address," and dismissed her complaints. In a final ruling on a motion to vacate the order of dismissal, the circuit court concluded *without any evidence* that Doe was proceeding anonymously, and that Maryland Rule 2-

⁵ Some of which were submitted to the circuit court. In addition, the circuit court had the evidence of the record in the arrest case.

⁶ Pursuant to the Maryland Declaration of Rights, Article 23.

2017⁷ overrides the common law right to change one's name without resort to a court, and to sue or be sued in one's common law name.

On appeal, the Court of Special Appeals again concluded, without evidence, that Doe was proceeding anonymously. That court also held that Doe's address was *not* 'hers' because it was listed as 'in care of LWRN, and that the fact that Doe admitted she has used her common law name for less than ten years is *sufficient* for the circuit court to conclude that Doe was "attempting" to proceed anonymously against parties who have known who she is for over five years.⁸

The Maryland Court of Appeals denied certiorari on October 23, 2020.

REASONS FOR GRANTING THE WRIT

The Constitution of the United States, and the Constitution of Maryland, were ratified by the people in order to safeguard their rights, so that government would protect and order those rights for the people's benefit.

⁷ Maryland Rule 2-201 "Every action shall be prosecuted in the name of the real party in interest"

⁸ On the strength of the same evidence submitted to the state courts, Judge Chuang of the U.S. District Court for Maryland reached the opposite conclusion: that Doe was not proceeding anonymously in a § 1983 case against the same Respondents, see *Doe v. DeWees, et al*, Case 8:18-cv-02014-TDC, Doc. 48, p 13. Judge Chuang has adjudged that Jane Doe is Petitioner's legal name, sufficient to maintain her complaint, based on the same allegations in her complaint and the same records as submitted to the circuit court herein.

Article 19 of Maryland's Declaration of Rights guarantees every man remedy by the Law of the Land for injury done to him in his person, and to have justice and right fully without any denial. This Article mirrors the provisions of the majority of State constitutions, demonstrating that access to the courts for remedy is considered a fundamental right across this country.

Pertinent here, the right of instituting and maintaining actions in state courts is a fundamental right protected by the U.S. Constitution. Access to the courts is grounded in Article IV's privileges and immunities clause, the First Amendment, and the Fourteenth Amendment.

Petitioner was denied access to the courts for remedy in a case where she alleges common law torts and constitutional violations against government officials in law enforcement, detention, and prosecution. She was discriminated against because she uses a common law name and has no fixed residential address. Despite *unrebutted* evidence that she sued in the only name that can identify her as the real party in interest — in fact, the only name by which all parties and the public know and can identify her — and that her peers have known her by her name for over nine years (twelve years now), the lower courts ignored the facts, refused to acknowledge that juries are the judges of all civil case facts in Maryland, and wrongly decided Doe was attempting to proceed *anonymously* and could therefore be dismissed. Doe never requested to proceed anonymously, however, nor contended that she was attempting to do so.

If the people of Maryland can so easily be dismissed from courts, on the threshold of their suit,

at the suggestion, sans evidence, that the common law name known by all defendants to identify a plaintiff does not in fact identify him or her as a real party, then all homeless and undocumented persons, including illegal aliens, transitioning, as well as persons who have merely changed their name pursuant to the common law, are at the same risk as Petitioner of being barred from obtaining remedy in the courts. This, in turn, will unfortunately encourage an open season on the disadvantaged and homeless, a situation in which the police will violate and oppress their lives, liberty, and property without fear of being held accountable by persons from whom the court may arbitrarily demand some other name than the one they use to identify themselves and interact with others.

Further, there is always a class of people who live without government documentation, or without a home, including people who come to this country as "illegal" immigrants. Are not those people, whether on the street, in shelters, abandoned homes, or living temporarily with relatives or friends, persons still entitled to equal protection under the law, and access to the courts for remedy of injuries? Should homeless people with common law or otherwise "undocumented" names be excluded from the benefit or protection of the law, made outlaws by requiring them to identify themselves with some name approved by government officials or judges or via government ID? Should discrimination against persons who have no home and lack residential addresses be enshrined in case law, where no law or court rule requires homes for access to the courts? Maryland Rule 2-201, just as the rules of the federal courts and other states, only requires the real party

in interest to sue in their own name. No other qualification is given for the name, and common law names are valid in Maryland. The Maryland courts' repudiation of common law names is oppressive and denies equal protection of access to the courts based merely on the *name* by which a person is known.

This denial of substantive due process rights should be rejected by this Court, to set a clear standard reaffirming the fundamental right, guaranteed by the federal Constitution, that all persons, regardless of their names or their living conditions, are entitled to petition the courts and be heard. It is even more important that this right be affirmed by the Supreme Court in the present economic and social conditions across the country.

The U.S. Department of Housing and Urban Development 2020 AHAR Report estimated 580,466 homeless in America in January 2020; this before the COVID-19 crisis caused loss of jobs on a massive scale, which is resulting in increased homelessness. The loss of jobs presently being experienced will greatly increase this population: an analysis by a Columbia University economist predicted a 40-45% increase in homeless people by the end of 2020.⁹ A large proportion of the homeless, often up to 40%, are unsheltered (on the street, in abandoned buildings, or in places unsuited for habitation). Those people (and even the "sheltered") struggle to obtain mailing addresses so that they can receive notifications from government offices, including courts.

If a homeless person has established an address at which they can receive notification and be contacted, is it a violation of the equal protection of

⁹ <https://community.solutions/analysis-on-unemployment-projects-40-45-increase-in-homelessness-this-year/>

the laws to dismiss them from court on the basis of the fact that they did not provide a residential address? Attorneys routinely use their business address in suits representing others; those who represent themselves — an increasing proportion of the public — also often use their business addresses. It is clear that to dismiss a case on the basis of a court's mere disapproval of the form or type of the address, or the fact that the address given is not a residential one, is blatant oppression. If this Court does not act swiftly to clarify that such forms of discrimination are violations of the Fourteenth Amendment's equal protection clause, the potential exists for many disadvantaged people to be barred from the courts because they lack a residential address. In Petitioner's case, the appeals court decision was unreported, but this does not keep courts from discriminating again. Indeed, if state officials wish to quell a homeless person's suit for constitutional torts, all that needs to be done is to dismiss the case on the basis of the address, and leave the decision unreported. In this manner, discrimination can happen multiple times on a plaintiff-by-plaintiff basis, with no case demonstrating such discrimination placed on the books. Again, if this discriminatory ruling on grounds not found in any state or federal rules is unchecked by this Court, it will encourage courts to dismiss plaintiffs over the *form* of plaintiffs' address, even where plaintiffs' show they in fact receive mail at those addresses.

Discrimination and abuse against persons with common law names, without government ID, and with respect to addresses somehow displeasing to the court, will be repeated — albeit in a hidden,

“unreported” way — against an increasing number of homeless, aliens, and disadvantaged persons should this Court fail to set a clear standard of equal protection.

Common law names are valid as party names

Md. Rule 2-201 provides that an action be prosecuted in the name of the real party in interest. This rule largely tracks Fed. R. Civ. P. 17(a), and federal precedent is therefore helpful in determining its procedural requirements. *Southdown Liquors, Inc. v. Hayes*, 323 Md. 4, 6 (1991).

“This rule enshrines the principle that ‘the action must be brought by *the person* who, according to the governing substantive law, is entitled to enforce the right.’ 6A Wright and Miller, FEDERAL PRACTICE AND PROCEDURE § 1543.” *Lozano v. City of Hazelton*, 496 F. Supp. 2d 477, 504 n.27 (M.D. Pa 2007) (emphasis added).

The rule does not require a person to provide a “real” name; it requires a person to be the “real” party in interest. In other words, it concerns getting the right *person* — the “real party” — rather than getting the right *name*. A name may sufficiently identify the right party, whether adopted under the common law or otherwise.

Further, all persons in Maryland are entitled to the Common Law of England as set forth in the Declaration of Rights, at Art. 5(a). Petitioner brought her action for common law torts using her common law name. She, and all persons similarly situated, are entitled to do both.

“Maryland recognizes common law name changes,” and “[n]either the statutory or common law

method is ... the exclusive manner in which a name may be changed." *Torbitt v. State*, 650 A.2d 311, 314 (Md. Ct. Spec. App. 1994) (citing *Stuart v. Bd. of Supervisors of Elections*, 295 A.2d 223 (Md. 1972)).

"[A]bsent a statute to the contrary," there is a common law right of any person "to adopt any name by which [a person] may become known, and by which [such person] may transact business and execute contracts and sue or be sued." *Stuart v. Bd. of Supervisors of Elections*, at 226. "If there is no statute to the contrary, a person may adopt any name by which he may become known, and by which he may transact business and execute contracts *and sue or be sued*. And this without regard to his true name." *Romans v. State*, 16.A.2d 642 (1940) (internal citations omitted, emphasis added). See also *Schofield v. Jennings*, 68 Ind. 232, 235 (1879) ("A person may be known by any name in which he may contract, and in such name he may sue and be sued, and by such name may be criminally punished; and when a person is known by several names—by one as well as another—he may contract in either, and sue and be sued by the one in which he contracts, and may be punished criminally by either.")

Common law in England and the United States has always permitted common law names. An individual may choose any name he wishes—provided the reasons for choosing another name are not to defraud another.

A man may lawfully change his name without resort to legal proceedings, and for all purposes the name thus assumed will constitute his legal name just as much as if he had borne it from birth.

29 Cyclopedia of Law and Procedure
261, 271 (William Mack ed., 1908).

In all States of the union, this common law right is recognized; in only four states has this right to control one's own legal name been explicitly abrogated by statute.¹⁰ While all states have enacted name change statutes, those statutes have *not* been held to abrogate the common law right to control one's own name without utilizing the statutory provisions. See, e.g., *Leone v. Comm'r, Ind. Bureau of Motor Vehicles*, 933 N.E. 2d 1244, 1253 (Ind. 2010) ("All states have enacted similar statutes [providing a name change procedure], and all but two have concluded that they do not abrogate but instead supplement the common law.")

In California, for example, a common law change of name, that is, "the adoption and use of a name different from the one by which a person was formerly known, without resort to judicial process or other intervention by the state," is valid. (Report of Attorney General, No. 00-205, June 9, 2000).¹¹ "At common law, all persons had, and in most common law jurisdictions ... continue to have a right to change their given names and surnames at will. ... [A] person [has a right] to use whatever name he or she chooses, as long as the purpose is not 'to defraud or intentionally confuse.'" *Id.* (omitting internal citation).

Where the court rule supplies that the "real party in interest" be named in the suit, such rule

¹⁰ Hawaii, Oklahoma, Alabama, and Louisiana (the last has never been a common law State). See Julia Shear Kushner, *The Right to Control One's Name*, 57 UCLA L.REV.313, 328 (2009).

¹¹ See <https://oag.ca.gov/system/files/opinions/pdfs/00-205.pdf>

must be congruent with the common law right to the name of one's choosing, and to the name he or she is known by. By ruling that Doe may only file suit under some (unknown) name other than her own name, the Maryland courts abrogated her entitlement to a common law name as practiced by the courts of law or equity, in violation of the Maryland's Declaration of Rights, Article 5, which secures that right (except when the Legislature explicitly repeals those aspects of common law, which it has not). In doing so, the Maryland courts also ruled against their own established precedents (*See, e.g., Romans v. State, supra*).

Barring a person from access to the courts on the frivolous ground that she has been known by her name only for nine years operates as a denial of equal protection of the laws in violation of the Fourteenth Amendment, and is so arbitrary and oppressive that it violates the Due Process clauses as well.

Dismissal on form of address violates
equal protection

The Court of Special Appeals opined that Doe did not supply "her" address because inclusion of the phrase "c/o LWRN" means that the address is not "hers." This ground of dismissal of Doe's suit is frivolous; no authority of any kind was cited — nor can any be found — to support this ruling. As long as court papers are delivered to a real address at which the party in fact receives his papers, the provision of Md. Rule 1-311 that the "signer's address" be included in the initial filings is met.

How can a person be barred from court by

using the only address he can obtain and at which he can receive documents? If Md. Rule 1-311, and other similar rules in other States can be interpreted to require addresses which do not use the phrase "care of," homeless and alien plaintiffs who do not have fixed residential addresses, but must use any address they can acquire — whether in care of a business, organization, homeless shelter, church, relative or friend — will be, as Jane Doe is here, cut off from the Courts. This ruling is arbitrary and oppressive, not just to Doe, but to all persons similarly disadvantaged. If such judicial interpretation will not be applied to others, because the opinion is unreported, then Doe has been singled out and treated unequally under the law. Doe cannot conceive of any interest of the courts or parties which would justify the exclusion of particular *forms* of otherwise valid mailing addresses over other forms.

Barring a person from access to the courts on the frivolous ground that the form of her valid mailing address is offensive is a denial of equal protection of the laws in violation of the Fourteenth Amendment, and is so arbitrary and oppressive that it violates the Due Process clauses as well.

The Constitution secures a fundamental
right to access the courts

The denial of Petitioner's common law right to use her own name and address bars Petitioner from access to the Maryland courts, not only in this case, but in any case in the future, under the doctrine of *collateral estoppel*. Accordingly, Doe is being further denied, now and forever, the exercise of her right under Maryland's Declaration of Rights, Article 19,

to have remedy by the Law of the Land — which includes both common law torts and common law names. In short, the courts decision has made her an outlaw.

Access to the courts is a right guaranteed by the U.S. Constitution. As early as 1823, a federal circuit court discussed whether a state statute infringed Article IV, Section 2 of the U.S. Constitution, which declares that “the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.” Justice Washington, in answering this question, stated that these privileges and immunities “are in their nature, fundamental, which belong, of right, to the citizens of all free governments.” *Corfield v. Coryell*, 6 F.Cas. 546, 551 (E.D. Pa 1823). These rights included “the right ... to institute and maintain actions of any kind in the courts of the state.” *Id.*, at 552.

In *Chambers v. Baltimore & Ohio R. Co.*, 207 U.S . 142, 148 (1907), this Court reiterated this right to sue in the courts:

[T]here are some fundamental principles which are of controlling effect. The *right to sue and defend in the courts is the alternative of force*. In an organized society it is the right conservative of all other rights, and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship, and must be allowed by each State to the citizens of all other States to the precise extent that it is allowed to its own citizens. *Equality of treatment in this*

respect is not left to depend upon comity between the States, but is granted and protected by the Federal Constitution. (internal citations omitted, emphasis added).

The U.S. Constitution would not be the supreme Law of the Land "if any right given by it could be overridden either by state enactment or by judicial decision." *Id.*, at 159. The right to court access has been grounded also in the First Amendment, *Bill Johnson's Restaurants, Inc. v. NLRB*, 461 U.S. 731, 741 (1983); *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 513 (1972), the Fourteenth Amendment Equal Protection Clause, *Pennsylvania v. Finley*, 481 U.S. 551, 557 (1987), and Due Process Clauses, *Wolff v. McDonnell*, 418 U.S. 539, 576 (1974); *Boddie v. Connecticut*, 401 U.S. 371, 380-381 (1971).

Barring Doe from using her name violates the First Amendment protection to free speech

In effect, the state courts here told Petitioner that she may not call herself Jane Doe, and that she will be barred from the courts unless she calls herself by some other name (but all this without indicating what name Doe is ordered to call herself to have her suit accepted for filing).¹² This is especially

¹² The courts below dismissed the case "without prejudice," but since the statutory limitation for filing a state suit had been reached, this was a *de facto* dismissal "with prejudice." Moreover, any other name Doe chose, or any other address she acquired, for the purpose of a law suit, could as easily have been dismissed by the court for failure to state the name of the real

oppressive where all parties only know Petitioner by her name, Jane Doe. If Doe used any other name, Respondents could then assert that they knew no such party, and that the case had not been brought in the name of the "real party in interest."

The right to control what one calls oneself is a quintessential free speech (expression) issue. A person's identity as it comes about in a free society is not based on what *other* persons call him, it is based on what he himself *acknowledges* as his identity; it is the name one calls oneself and responds to when called out by others that becomes recognized by those others as one's name.

The right to name oneself is guaranteed by the First Amendment. We can see this right in action in many transitioning transgenders, who call themselves not only by the name they choose for themselves, but refer to themselves even with different pronouns. If the courts can merely discriminate against such free speech, then the courts may distinguish between litigants whose names they personally approve, and those they don't. This converts the freedom of naming oneself into an exercise in obtaining a court-approved name.

The courts below erred in denying Petitioner access to the courts

The Maryland courts committed several plain errors to reach the conclusion that Jane Doe could not use her common law name. First, the courts failed to deem the allegations in Doe's complaints, as amended, to be true, as is required on a motion to dismiss. Second, the courts failed to consider the

party in interest, or failure to give a proper address.

facts set forth in her notices of compliance in the light most favorable to her (analogous to a decision on summary judgment, since evidence outside of the motion to dismiss was considered, and no trial of the facts was held). Finally, both courts decided the critical issue of fact — is Jane Doe the name of the real party in interest — while denying Doe her constitutional right to have all facts adjudicated by a jury, as is guaranteed by Maryland's Declaration of Rights, Articles 20 and 23. Finally, the courts decided the fact at issue contrary to all evidence before them. These errors, taken together, demonstrate a complete lack of conformity with the Due Process rights of Petitioner.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

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