

No. 20-1739

Supreme Court, U.S.  
FILED

APR 27 2021

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

CARLINE CURRY ---- PRO SE PETITIONER

V.S

UNITED STATES PRESIDENT AND VICE PRESIDENT, US DEPARTMENT OF JUSTICE,  
SOLICITOR GENERAL OF THE UNITED STATES; UNITED STATES SENATE, SPEAKER  
OF THE HOUSE PELOSI; US HOUSE OF REPRESENTATIVE, US ATTORNEY, CITY OF  
MANSFIELD, OHIO, OHIO ATTORNEY GENERAL, REPRESENTATIVE ROMANCHUK,  
SENATOR, BROWN ---- RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI

SIXTH DISTRICT COURT OF APPEALS (20-3686)  
(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

**QUESTION PRESENTED**

In case No. 18 - 5567 & 2018-0212 Writ and Rehearing in the lower and Supreme Court of Ohio: When the City failed to Plead Should Plaintiff Curry been awarded Default Judgement According to law under Ohio Rule of Civil Procedure Rule 4 Process Summons paragraph B and Default Judgement under Ohio Civil Rule 55 Default Judgement?

In Case No. 18 -5568 the City Submitted a bad faith affidavit. Should plaintiff Curry had been Awarded Summary Judgement by the Clerk under Ohio Rules of Civil Procedure Rule 56 (g) Affidavits made in Bad Faith.?

In Case No 1:19 CV 2984 when the court denied plaintiff Curry's Informa Pauperis Status and she became aware of the denial and paid the fee. Should the United States District Court for the Northern District of Ohio have served her complaint on the defendants to try to get the decision overturned due to a government employee not performing their job (mandamus) and awarding Plaintiff curry Default Judgement in Case No. 18-5557 and Summary Judgement in Case No. 18-5568 for the City submitting a Bad Faith Affidavit and Preponderance of Evidence.?

## LIST OF PARTIES

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

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:

Elizabeth Pregor, Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530-0001

Attorney General Dave Yost, 30 E. Broad Street; 14 th floor; Columbus, Ohio 43215  
28 U.S.C. 451 may apply. No Certification has been granted on the fact that a  
Constitutionality of an Act of Congress has been questioned.

Other Parties The United States President and Vice President; Solicitor General of the United States; The United States Senate; Sherrod Brown; Speaker of the House Nancy Pelosi, State House of Representative U.S. Capital Building, State Representative Romanchuk, Ohio Attorney General, City of Mansfield, Justin Herdman U.S. Attorney; William Barr/ Merrick Garland, Attorney General U.S. Department of Justice.

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## TABLE OF AUTHORITIES CITED

### CASES

Anderson V. Liberty Lobby Inc. 477 U.S. 242,250 (1986)

Boretti V. Wiscomb, 930 F .2d 1150, 1156 (6<sup>th</sup> cir. 1991)

Celotex Corp V. Catrett 477 U.S. 242,250 (1986)

Haines v. Kerner, 404 U.S. 519,520 (1972)

Jones vs. City of Boston 752 F. ed 38 (2014)

McDonnel Douglas Corp vs. Green 411 U.S. 792, 93 S. Ct 1817

New York Time Co v. Sullivan

Vance V. Ball State University

### STATUTES AND RULES

28 U.S.C 2403(a) may apply

O.R.C Chapter 4112

42 U.S.C. 1981 & 42 U.S.C. 1981(a)

42 U.S.C. 1983

42 U.S.C. 2000(e)

42 U.S.C. 2000e-2 & 3

18 USC 79

18 U.S.C. 1621, 1622 & 1623

42 USC 1988(b)

O. R.C. 2307.382

28 USC 1254

28 U.S.C. 1331 and 1343

5 USC 706 & O.R.C. Rule 12 and O.R.C. Rule 4

28 USC 1361

28 USC 1331 and 1343

Ohio Rule of Civil Procedures Rules 60 b

28 USC 1257

## **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.

### **Rule 56 Summary Judgement**

**RULE 56. Summary Judgment (A) for party seeking affirmative relief. A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part of the claim, Counterclaim, cross-claim, or declaratory judgment action. A party may move for summary judgment at any time after the expiration of the time permitted under these rules for a responsive motion or pleading by the adverse party, or after service of a motion for summary judgment by the adverse party. If the action has been set for pretrial or trial, a motion for summary judgment may be made only with leave of court. (B) For defending party. A party against whom a claim, counterclaim, or cross claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part of the claim, counterclaim, cross-claim, or declaratory judgment action. If the action has been set for pretrial or trial, a motion for summary judgment may be made only with leave of court. (C) Motion and proceedings. The motion shall be served in accordance with Civ.R. 5. Unless otherwise provided by local rule or by order of the court, the adverse party may serve responsive arguments and opposing affidavits within twenty-eight days after service of the**

motion, and the movant may serve reply arguments within fourteen days after service of the adverse party's response. **Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.** No evidence or stipulation may be considered except as stated in this rule. A summary judgment shall not be rendered unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor. **A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.** (D) Case not fully adjudicated upon motion. **If on motion under this rule summary judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court in deciding the motion, shall examine the evidence or stipulation properly before it, and shall if practicable, ascertain what material facts exist without controversy and what material facts are actually and in good faith controverted.** The court shall thereupon make an order on its journal specifying the facts that are without controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as

are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly. (E) Form of affidavits; further testimony; defense required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. Sworn or certified copies of all papers or parts of papers referred to in an affidavit shall be attached to or served with the affidavit. court may permit affidavits to be supplemented or opposed by depositions or by further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the party's pleadings, but the party's response, by affidavit or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. **If the party does not so respond, summary judgment, if appropriate, shall be entered against the party.** (F) When affidavits unavailable. Should it appear from the affidavits of a party opposing the motion for summary judgment that the party cannot for sufficient reasons stated present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or discovery to be had or may make such other order as is just.

**(G) Affidavits made in bad faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses**

**which the filing of the affidavits caused the other party to incur, including reasonable attorney's fees, and any offending party, or attorney may be adjudged guilty of contempt.**

### **Default Judgement**

**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

### **§ 1621. Perjury generally**

Whoever— (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or (2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as other (18 U.S.C. Part 1 CHAPTER 79 1621)

**§ 1622. Subornation of perjury** Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both

**§ 1623. False declarations before grand jury or court** (a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted

under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both.

(b) This section is applicable whether the conduct occurred within or without the United States.

**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.

## **§1981. Equal rights under the law**

### **(a) Statement of equal rights**

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and

property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

**(b) "Make and enforce contracts" defined**

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

**(c) Protection against impairment**

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

1. 42 U.S.C. 1981 a

**A) Right of recovery**

**(1) Civil rights**

In an action brought by a complaining party under section 706 or 717 of the Civil Rights Act of 1964 [ 42 U.S.C.A. § 2000e-5 or 2000e-16 ] against a respondent who engaged in unlawful intentional discrimination (not an employment practice that is unlawful because of its disparate impact) prohibited under section 703, 704, or 717 of the Act [ 42 U.S.C.A. §§ 2000e-2, 2000e-3, or 2000e-16 ], and provided that the complaining party cannot recover under section 1981 of this title, the complaining party may recover compensatory and punitive damages as allowed in subsection (b) of this section, in addition to any relief authorized by section 706(g) of the Civil Rights Act of 1964, from the respondent

42 U.S.C. § 1983 - U.S. Code - Unannotated Title 42. The Public Health and Welfare § 1983. Civil action for deprivation of rights

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.

## **§2000e-2. Unlawful employment practices**

### **(a) Employer practices**

It shall be an unlawful employment practice for an employer-

- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or
- (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities

or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

### **§2000e-3. Other unlawful employment practices**

#### **(a) Discrimination for making charges, testifying, assisting, or participating in enforcement proceedings**

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this sub chapter.

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 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

[X] is unpublished.

The court denied to hear my case on May 23, 2018, and I filed for a motion for Reversal of Conflict Certification. **Constitutional Challenge of Default and Summary**

## Judgement

## **JURISDICTION**

[  ] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was on January 28, 2021

No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States court of Appeals on the following date: January 28, 2021, and a copy of the order denying rehearing appears at Appendix A.

[  ] An extension of time to file the petition for a writ of Certiorari was granted to and including 150 days on 3-29-2021 (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_\_

The jurisdiction of this Court is invoked under 28 USC 1254 (1)

for cases from state courts

The date on which the highest state court decided my case was May 23, 2018

**Ohio Supreme Court:** A copy of that decision appears at Appendix F.

[ X ] A timely petition for rehearing was denied by the Court of Appeals on the following date; \_\_\_\_\_ 12-28-2018 & 1-2-2019 \_\_\_\_\_ and a copy of the order denying

rehearing appears at Appendix \_\_\_\_\_ F \_\_\_\_\_. The United States Supreme Court.

[ ] 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 Ohio Supreme Court declined to accept Jurisdiction in 2018-2011 and 2018 -2012, I

sent the Case to Supreme Court and Clerk did not apply fees to my case and closed them..

(Decision I'm trying to get overturned).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED STATUTES AND RULES**

### **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.)

#### Title IV of the Civil Rights Act

Organizations and Jurisdiction of the Supreme Court section IV of the Ohio Constitution.

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

Appellant Curry filed a complaint against the City of Mansfield for Discrimination and Retaliation. The City answered the response to the Civil Rights Commission under perjury. They failed to plead in case no 18-2011 (2017 CV 300 Richland County) and in 18-0212 ( 2017 CV 0426 Richland County) they answered the complaint in defenses in case no. 18-0212 for case no 2018-0212 which was Perjury and a Bad Faith Affidavit .The Judge put the case on a schedule order and the schedule said; **NOTICE YOU STILL MUST ANSWER THE COMPLAINT, WITHIN 28 DAYS AFTER IT WAS SERVED ON YOU, TO AVOID DEFAULT JUDGEMENT AGAINST YOU.** This was on the case schedule because the City did not answer the complaint in the case number 18-0211. Since the City answered the complaint falsely I motioned the court for Summary Judgement: the Judge denied and overruled the motion. There was 30 pages of questions with ninety seven questions and the City answered in seven defenses. On August 22, 2017

the Judge dismissed my case SUA SPONTE DISMISSING ON THE MERITS AND WITH PREJUDICE for failure to amend the complaint to comply with Federal Rules of Civil Procedure. Plaintiff Curry made amendments to comply with the Rules of the Court to the best of her ability without an Attorney because the Judge would not grant a leave until December 20, 2017 to find an attorney. The Judge said I had enough time to find an attorney, I told him when you are working, depending on the type of job you have it takes a lot of time to find an attorney, who will accept your case. On August 29, and 31, of 2017, I objected to the Judge closing the case and motioned to continue with the Scheduled court date of 9-12-2017, and to combine the cases. The motion to consolidate the case was not taken very well and was overruled.

On September 21, 2017, I appealed to the Fifth Appellate Court of Appeals they dismissed the case on January 5, 2018, due to my brief being filed late. The brief was filed late due to an oversight; I was expecting the court to send me a schedule as they had for 17 CA 80: when they put it on the schedule. I called the Fifth Appellate Court and the Common Pleas Court because I had not received anything from them, or heard from them, and when I inquired, I found out my brief was late. I called the Columbus Bar Association and they recommended some attorneys because I was having trouble finding one who would accept my case. Attorney Gary Reeves told me he would accept the case and complete my briefs for me, I gave him a Twenty Five Hundred Dollar retainer, and he told me he would motion the court for an extension of time to file the brief and he submitted it on November 27, 2017. The Judge entered an entry on January 5, 2018, indicating they had not received the brief and the case was dismissed for want of prosecution Pursuant to

APP. R. 18 ©. I called the Richland County Common Pleas Clerk and asked her to email or fax the brief to the Judge again because they said they did not get the brief. I then called Attorney Reeves to tell him they closed the case because he had not called me. Upon calling him, he said he had not received any information on the case. He called the courts and they sent the information to the wrong address.

Plaintiff Curry appealed to the United States Supreme Court they denied my Informa Pauperis Status and told me I had until October 30, 2018 to pay the fee. I sent the fee to the court on October 26, 2018 it was received by J. Cross. He sent the checks back to me and said my case was closed.

I had 30 days to resubmit a rehearing. I submitted the rehearing and paid the fee it was submitted on time and they also sent it back to me and said my case was closed.

Plaintiff Curry is appealing to the United States Supreme Court to accept Jurisdiction and reserve the decision of the lower court and award Plaintiff Curry Summary and Default Judgement in Case No. 18-0212 and 18-0211 or serve the complaint 1:19 CV 2984 to defendants and have them overturn the decision (Injunctive Decree: Motion for Senate and Congress to Review Case and overturn Decision (Act of Congress). Default Judgement should be awarded because the City did not answer ninety six questions in the complaint (they failed to plead). Summary Judgement should be awarded for a Bad Faith Affidavit and Preponderance of Evidence.

The City management failed to discipline insubordinate disrespectful employees and took away my privilege to discipline, evaluate, and sign vacation and sick slips, resulting in disrespect and a handicap of being a women because they wouldn't make the men

respect me and do their jobs, unsatisfactory job performance by employees, loss opportunity for promotion, loss opportunities in life, and they caused me a financial hardship while paying other employees overtime while were supposed to be on reduced work hours, retaliation, denial of work place access; denial of training; harassment with write ups to try to get; me fired which forced me to retire early, and a hostile work environment with false police reports being submitted; denial of job change due to jobs not being posted; denial of not being able to touch the equipment and buy products I liked and needed, and they took away the Pretreatment Account. I was denied the privilege to study on the job like other employees, and they denied me the privilege to cash in sick leave or vacation for pay because they didn't want to change it for everybody. I wanted them to help me under the Employee Assistance Program: The City could afford to let me cash in time they had money in investments. They reduce my pay by 20% or 800 dollars a month while they paid other employees overtime causing me a financial hardship (I was single with dependents). They did not have to cut our hours because our wages did not come out of the general fund; they were taken out of the water and sewer fund and those accounts had plenty of money. Marc Morgan, the Plant Manager, tried to intimidate me about speaking out on the negligence of repairing lift station pumps, flooding the City, and water in basements, and sending raw sewage to the creek from a leaking EQ basin; they denied me the opportunity to resubmit my Class IV Wastewater Thesis to include missing data the Ohio Environmental Protection Agency wanted included so that I could obtain my Class IV Wastewater License, and they denied that I was second in command, inflicted

intentional discrimination, mental stress, humiliation, anguish, suffering and pain to me (Plaintiff Curry) and my family. Attorney fees and damages may be granted under Title VII of the Civil Rights Act of 1964.

The City of Mansfield Retaliated against me by not allowing me to resubmit my Class IV Thesis Application. They would not say I was in charge. The Ex City engineer, James Lichtenwalter, told them I was in charge, and I had signed sick and absent reports with my name on them for the Supervisors Signature. As a class IV operator I could make up to 75,000 dollars per year. Upper Management allowed and approved of a hostile work environment by not controlling the Plant Manager in three incidents in which he physically pushed me on two occasions.

**I appealed the two cases to the United States Supreme Court and they sent back my cases and rehearing which was submitted on time and said my cases was closed.**

Officers / employees of the United States Court failed to perform their duty to enter a Judgement of Default Judgment; when the City failed to plead; and consolidate cases and award plaintiff Curry Summary Judgement for the City of Mansfield Submitting a Bad Faith Affidavit.

The original writ were filed in August I sent in ten copies of the writ under rule 33.2 Paragraph 2. I had until October 30, 2018 to pay for both fees in the amount of 600.00 dollars. I had filed for Informa Pauperis but my Pauperis Status was denied although I was indigent and did not have the court fees. I took out a pay day loan. I sent the check in on

October 24, 2018 it was received at the court by J. Cross on October 25, 2018. On December 3, 2018, Jeffrey Adkins sent back the money for the court fees and on December 13, 2018 I got a letter that said my case was closed and that my leave to proceed *informa pauper* was denied. I called the court house they would not let me talk to anyone they said I had to write the Judges.

Once I got the Writ back I read that I could submit a rehearing within 25 days after entry of the judgement. The rehearing was received by the court on December 28, 2018, By Mr. Kourous with ups tracking. The Clerk stamped it as January 2, 2019, and sent it back to me and said the cases are considered closed in this court and no further consideration by this court is possible.

I submitted the rehearing on December 26, 2018 in booklet format on 8.5 x 11 paper reduced to 6 1/8 x 9 1/4 with 40 copies and included the 400 dollars fee. There was two checks for 200 dollars each; check number 127 & 128. I also included a copy of the original writ from the cases reduced to 6 1/8 X 9 1/4 with a Certificate of Counsel in the back. Mr. Adkins returned my fees again and said the case was closed. They would not let me talk to anyone and said I had to write the Justices.

I made all corrections and submitted the court fees on time and did not get a fair view of my case by the justices and the right to redress under the law. The rehearing was delivered back my house on January 5, 2019. I wrote to the Judges and did not get a reply. They wouldn't talk to me on the phone either so I was trying to figure out what to do. I read the court rules and saw that I could file Law Suit against the President and Congress to try to have a court decision overturned when a government employee fails to do his job.

I filed a Law suit in the United States District Court for the Northern District of Ohio Against the United States President and Congress on December 27, 2019, to get them to over turn the decision under 28 U.S.C 1361 Action to compel an officer of the United States to perform his duty (mandamus).: Ohio Revised Code 2307.382 Ohio Long arm Statute (tort injuries); 28 USC 1331 and 1343.

I filed for Informa Pauperis Status because I was indigent. The court denied my Informa Pauperis Status and I was not aware of the denial. Upon calling the court house on May 20, 2020, the Clerk told me my Informa Pauperis status had been denied. I told the clerk I was hired by a company and had saved the money and I would submit the fee. I asked him if I sent the money to the court house would the clerks submit my complaint to the defendants: he said they should. I submitted the fee, and they would not serve my complaint on the defendants at the United States District Court of the Northern District Court of Ohio.

I filed the complaints and file for Informa Pauperis status. A copy of the complaint was left at the court for the Clerk to serve each defendant. When they denied my Informa Pauperis Status I read the rules and it said I had to serve them or provide postage and ask the court to have the Marshalls serve them. I purchased envelopes and postage of over 150.00 dollars and took it to the court so they could serve the defendants. When I got to the court house they would not let me go to the clerks office due to Covid 19. The Security Guards told me I had to mail them to the court. I mailed the postage paid envelopes to the court and they sent them back to me. I left 9 copies of the complaint at the court house for the defendants. The clerk would not send out the complaint or return

the complaints to me so that I could send them out. I did not have money to recopy the nine complaints.

I had not heard anything from the court so on May 20, 2020 I called to see what was going on with the case. The clerk told me my Informa Pauperis Status was denied and they closed my case on 4-22-20. I had not received any information, I told the Clerk I was hired by a copy and had saved almost all of the money so I had the court fee and would send it in. I had saved the money anticipating paying the court fee, if they denied my Informa Pauperis Status. I asked him if I sent the court fee to the court house will they serve the complaint on the defendants. He said they should. They would not send the complaint to the defendants

I appealed to the United States Court of Appeals for the Sixth Circuit because I had paid the court fee and the clerk would not serve my complaint on the defendants.. I did not have the Money to pay the fee so I filed for Informa Pauperis Status. They denied my Informa Pauperis Status and gave me an extension of 14 days to pay the fee. I did not have the money to pay the fee and they said if I did not pay the fee by January 19, 2021, the appeal will be dismissed for want of prosecution and that no further extension to time to pay the fee will be granted (Letter December 29,2020). I paid the fee to the Northern District Court they should have sent my complaint out.

#### REASON FOR GRANTING THE PETITION

The Petition should be granted because the court erred in not entering Default Judgement when the City failed to Plead in case No. 18-0211 ( 2017 CA 0079) and Summary Judgement when the City submitted a bad Faith Affidavit in case no 18-0212 (2017 CA

0080), the Judgement entry was not according to law, and as a matter of law Plaintiff Curry is entitled to relief

The City of Mansfield's Upper Management and Staff discriminated and retaliated against me under Title VII of Civil Rights Act of 1964 and O.R.C. Chapter 4112, and answered one of the complaint in defenses under perjury, subornation of perjury, and fraud: So they didn't answer the complaint: they submitted an affidavit in bad faith: so I motioned the court for Default Judgement; and Summary Judgement under Perjury, and subornation of perjury. The complaint that was answered was answered in bad faith.

“Legal Dictionary | Law.com”

[dictionary.law.com/Default.aspx?selected=21](http://dictionary.law.com/Default.aspx?selected=21)

**“Bad faith. 1) n. intentional dishonest act by not fulfilling legal or contractual obligations, misleading another, entering into an agreement without the intention or means to fulfill it, or violating basic standards of honesty in dealing with others.”**

Paragraph G of Summary Judgement Rule 56 states” **Affidavits made in bad faith, “the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney's fees, and any offending party, or attorney may be adjudged guilty of contempt.** (I had asked the court to combine the two cases and was denied). In the other case 18-0211 the City did not answer the complaint. This complaint included damages, harm, and discrimination caused to me and my family. The City answered in defenses and did not answer the complaint to evade Perjury, and Fraud, because the information in the complaint is Valid and I have proof included in the

writs and my reconsideration that the clerk sent back to me. Non of the complaints that I submitted were false or frivolous and the City has defamed my character with false accusations.

#### CONCLUSIONS

**The Petition for a Writ of Certiorari should be granted officers of the Court failed to enter Default and Summary Judgement in error**

**There are no genuine issue as to any material fact and Plaintiff Curry is entitled to judgment as a matter of law.**

The City did not answer one of the complaints honestly and failed to plead on the other one.. Paragraph (G) of Summary Judgement Rule 56 states “**Affidavits made in bad faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.”**

The Clerks erred in not providing Plaintiff Curry Default and Summary Judgement under Rule 60 (b). The Judgement Entry for cases No. 2018-0212 (2017 CA080) and No. 2018-0211 (2017 CA079) are not according to law, and they are a Constitutional Challenge, of Default and Summary Judgement and should be reversed.

Therefore, I would like to motion the Court to reverse the lower court decision, and accept jurisdiction, reinstate, and consolidate cases, and grant plaintiff Curry an order for

**SUMMARY JUDGEMENT** for the Defendants submitting an affidavit in bad faith and Preponderance of Evidence, and Default Judgement for failing to defend in case No. 2018-0211, and award Plaintiff relief as requested in my Complaint for Jurisdiction reversal of 31,160,000 Thirty One Million, One Hundred, and Sixty Thousand Dollars: including treble damages due to the fact that I know my son should be in the NBA; the emotional distress, humiliation, financial hardship, loss opportunities, and mental anguish placed on me and my family due to the negligence of the City of Mansfield's Management Staff.

**Treble damages**, in United States law, is a term that indicates that a statute permits a court to triple the amount of the actual/compensatory damages to be awarded to a prevailing plaintiff.

If the Court can not reverse the decision: Plaintiff Curry request the complaint be sent to Defendants (The United States Government and they overturn the decision) and grant Plaintiff Curry Default and Summary Judgement according to Law under the Ohio Rules of Civil Procedure Rules 4, Summons Process failure to defend, Rule 55 Default Judgement, Rule 56 g Affidavits made in Bad Faith, Preponderance of Evidence, and Rule 60 A & B: Clerical Mistakes; inadvertence, mistakes, and fraud.

**Ohio Rule of Civil Procedures Rule 12**

RULE 12. Defenses and Objections--When and How Presented--by Pleading or Motion--Motion for Judgment on the Pleadings (A) When answer presented. (1) Generally. The defendant shall serve his answer within twenty-eight days after service of the summons and complaint upon him;

**Ohio Rule of Civil Procedure Rule 4 Summons Process**

**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. Where there are multiple plaintiffs or multiple defendants, or both, the summons may contain, in lieu of the names and addresses of all parties, the name of the first party on each side and the name and address of the party to be served. A copy of the complaint shall be attached to each summons.

**Ohio Rules of Civil Procedure Rule 56 Bad Faith Affidavits**

(G) Affidavits made in bad faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable attorney's fees, and any offending party or attorney may be adjudged guilty of contempt.

**Title VII Judgments**

**(C) Demand for judgment. A judgment by default shall not be different in kind from or exceed in amount that prayed for in the demand for judgment.** Except as to a party against whom a judgment is entered by default, every final judgment 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.

This case is of such imperative public importance as to justify deviation from normal appellate practice of Default Judgement, Bad Faith Avadivats/ Fraud, Perjury, Subnoration of Perjury and Preponderance of Evidence.

As a matter of Law Plaintiff Curry was entitled to Default Judgement and the Clerk Failed to perform his duty: By not granting Plaintiff Curry Judgement Entry of Default Judgement in case No. 18-5567 and Summary Judgement in case No. 18-5568 for Defendants submiting Bad Faith Affadavits and Preponderance of Evidence. Both cases Writ of Certiorari and Rehearings were submitted in a timely manner.

The Clerk also failed to perform his duty by serving the Complaint filed on Defendants as I requested upon paying the filing fee after becoming aware my Informa Pauperis Status was denied. My complaints were at the court house and they did not send them back to me and there was no access to the court house due to covid 19.

*Carline Curry*  
Respectfully submitted

Date: May 29, 2021

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