No. 20-59

In the Supreme Court of the United States

CHARLES R. CAMPBELL,

Petitioner,

v.

HOLLIE S. BENNETT, ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

PETITION FOR REHEARING

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TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES ii

CONCLUSION 7

RULE 44 CERTIFICATE 8

APPENDIX Reh.App.1a

TABLE OF AUTHORITIES

Page

CASES

Bolden v. City of Topeka,
441 F.3d 1129 (10th Cir. 2006) 2

Davani v. Virginia Dept. of Transp.,
434 F.3d 712 (4th Cir. 2006) 3

District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983)..... passim

Ernst v. Child & Youth Servs.,
108 F.3d 486 (3rd Cir. 1997) 2, 3

Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005) 2, 3

Gash Associates v. Village of Rosemont, Ill.,
995 F.2d 726 (7th Cir. 1993) 2

Great Western Mining & Mineral v. Fox Rothschild, 615 F.3d 159 (3rd Cir. 2010) 2

Hulsey v. Cisa,
947 F.3d 246 (4th Cir. 2020) 1, 2, 3

Lassiter v. Department of Social Servs. of Durham Cty., 452 U.S. 18 (1981) 5

McCormick v. Braverman,
451 F.3d 382 (6th Cir. 2006) 2, 3

Nesses v. Shepard,
68 F.3d 1003 (7th Cir.1995) 2, 3

Rooker v. Fidelity Trust Co.,
263 U.S. 413 (1923) ..... passim

TABLE OF AUTHORITIES – Continued

Page

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. V 5

U.S. Const. amend. XIV § 1 6

JUDICIAL RULES

Sup. Ct. R. 44.2 1

Pursuant to Rule 44.2, Charles R. Campbell as Petitioner, respectfully petitions for rehearing of the Court's order denying certiorari in this case.

1. Petitioner advances a Request for Rehearing for Denial of Writ of Certiorari based on "intervening circumstances of a substantial effect . . . not previously presented".

a. In specific, the 4th Circuit's opinion for Petitioner does not reflect their own opinion as published in *Hulsey v. Cisa*, 947 F.3d 246 (4th Circuit 2020).

b. The timeline for Petitioner's Appeal was as such:

   i. On October 21, 2019 Petitioner filed Notice of Appeal in the 4th Circuit Court of Appeals. Case file 19-2149 was then appropriately docketed to the Appeals Court.

   ii. Petitioner-Appellant then appropriately filed an Informal Brief with the Appeals Court on November 14, 2019.

   iii. Said Informal Brief included carry-forward contention arguing that the District of South Carolina Magistrate Judge had erred in applying the so-called "Rooker-Feldman Doctrine" to Petitioner's case. This Doctrine suggested that the District Court was barred from ruling on Petitioner's underlying case.

iv. Judgement was entered against Petitioner-Appellant in the 4th Circuit on April 16, 2020 affirming all questions in favor of the District Court's ruling.

c. Because Petitioner's Informal Brief (November 2019) was filed prior the *Hulsey* judgement (January 2020), his Brief could not have reflected said ruling.

d. Petitioner has previously argued in his Petition to the Supreme Court that the 4th Circuit opinion to his case is, as a minimum, at odds with the following authorities:

Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 293 (2005)

Gash Associates v. Village of Rosemont, Ill., 995 F.2d 726, 728 (7th Cir. 1993)

Great Western Mining & Mineral v. Fox Rothschild, 615 F.3d 159 (3rd Cir. 2010)

Ernst v. Child & Youth Servs., 108 F.3d 486, 491-92 (3rd Cir. 1997)

McCormick v. Braverman, 451 F.3d 382, 384 (6th Cir. 2006)

Nesses v. Shepard, 68 F.3d 1003, 1004 (7th Cir. 1995)

Bolden v. City of Topeka, 441 F.3d 1129, 1143 (10th Cir. 2006)

e. Specifically, Petitioner notes the following: "If a federal plaintiff 'present[s] some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party . . . , then

there is jurisdiction' . . . " from *Exxon Mobil*, 544 U.S. 280 (2005), at 293.

f. A like sentiment is selected from the from *Hulsey* at 250 (*See* Reh.App.1a): "*Hulsey* does not "seek redress for an injury caused by the state-court decision itself'," (*Davani v. Virginia Dept. of Transp.*, 434 F.3d 712 (4th Circuit 2006) at 718), "but rather for injuries caused by the defendants' allegedly fraudulent conduct in prosecuting the defamation suits against him in state court."

g. Likewise, Petitioner then provides from his original Petition for Writ of Certiorari, referencing part "II. Statement (2) – Rooker-Feldman Doctrine" on page 21, "Petitioner's contention then is clear. As in *Nesses* para, *McCormick* para, and *Ernst* para, Petitioner's Constitutional Rights were subverted by a Collusive and Failed Due Process which is in itself the "independent claim", separate from the State court judgement, thus invalidating the applicability of the Rooker-Feldman doctrine." Said Failure of Due Process is specifically noted by Petitioner as to be caused by Defendants other than the Court itself.

h. Petitioner believes his original argument before the South Carolina District Court reflects this same alignment with appropriate authorities, including the 4th Circuit's *Hulsey* opinion.

i. Petitioner warrants to the Court that he used the tools available to him as a Pro Se liti-

gant in searching for relevant opinions prior his November 2019 Informal Brief to the 4th Circuit.

j. Petitioner now simply apologizes to the Court that being Pro Se he was unfortunately remiss in not continuing to look for such applicable opinions in the period after the Informal Brief's submittal (November 2019), and thus did not include this information in his original Petition to the Supreme Court for Writ of Certiorari (July 15, 2020).

k. Should the Court continue to view his overall Petition for Writ of Certiorari as "un-interesting", Petitioner humbly requests in the least a remand to the 4th Circuit (and by extension the District of South Carolina) for additional review and correction of the above noted inconsistency, inclusive of all aspects of Petitioner's complaint.

2. Petitioner advances request for Rehearing based on the combined Failure of the Federal Court System to provide guaranteed procedural Due Process.

a. Petitioner notes that the Supreme Court's initial Denial of a Writ of Certiorari, while within the scope of Judicial Review, unfortunately combines with District Court and Circuit Court actions to completely deny Petitioner even the barest of Due Process hearing.

b. Per published guidance the SCOTUS denial of Writ determines that the case will "not be reviewed" at the Supreme Court level. This also seemingly "does not mean that the

Supreme Court either agrees or disagrees with the decision of the Court of Appeals", effectively it seems ignoring the case merits.

c. Unfortunately neither the District Court nor the Circuit Court of Appeals has "reviewed the case" either.

d. The South Carolina District Court claimed a Rooker-Feldman Doctrinal failure such that the District Court did not have "jurisdiction" in the case. Therefore no review of the case merits was given.

e. The 4th Circuit Court of Appeals ostensibly agreed with the District Court, sans the inconsistency noted in the paragraphs above. Again, no review of the merits of the case was provided.

f. The effect of this combination of actions is such that "no Federal Court has reviewed the case or claimed jurisdiction", thus denying Petitioner his basic right of 5th Amendment Due Process "Fair Hearing" even as he has presented a Prima Facie case for denial of 14th Amendment Constitutional Rights at the State level.

g. In the 1981 case *Lassiter v. Department of Social Servs. of Durham Cty.*, 452 U.S. 18 (1981), SCOTUS discussed whether Parental Rights could be terminated by the State without providing the singular Due Process aspect of "assistance of counsel to the indigent". The argument was that denying just this singular aspect of "Due Process" could possibly ruin the State's case.

h. The final decision in this case was 6-3 in favor of allowing such termination however. Yet still, Justices Blackmun, Marshall, and Brennan dissented, highlighting the hallowed importance of all facets of procedural Due Process in such Substantive Due Process cases.

i. Forty years later Petitioner has lost total access to all three of his children for over seven years and counting, even as he was patently denied Fair Hearing at the State level, suffered under the predatory behavior of multiple false arrests, remains at perpetual risk for ill-gotten permanent Restraining Orders, and was ultimately denied access to State Courts by the actions of the combined State legal community.

j. And now Petitioner finds that even the basics of procedural Due Process might be denied at the Federal level as well.

k. Petitioner humbly then requests "GVR" (grant, vacate, remand) or the like for his case, with possibility to another Federal District (other than South Carolina) that will appropriately provide Due Process to his evidentiary-backed claims.

CONCLUSION

Petitioner humbly believes the inconsistency in the 4th Circuit's recent rulings relative the so-called Rooker-Feldman Doctrine is appropriately meaningful so as to suggest his petition for rehearing should be granted. Likewise, the lack of any substantive procedural Due Process to date relative Petitioner's merits also suggests possible remand of his case as a minimum consideration.

Respectfully submitted,

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OCTOBER 30, 2020

RULE 44 CERTIFICATE

I, CHARLES CAMPBELL, petitioner pro se, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. This petition for rehearing is presented in good faith and not for delay.

2. The grounds of this petition are limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

CHARLES R. CAMPBELL

Signature

Executed on October 28 2020
Date

Notary Public

APPENDIX

Hulsey v. Cisa, 947 F.3d 246-Court of Appeals, 4th Circuit 2020

At 250: "This case does not fall within the Rooker-Feldman doctrine's narrow scope, for multiple independent reasons. First and foremost, Hulsey is not complaining of an injury caused by a state-court judgment. *See Exxon*, 544 U.S. at 284, 125 S.Ct. 1517. In the federal complaint, Hulsey sought damages, disgorgement, and injunctive relief against the Limehouses and their co-defendants for alleged RICO violations, fraud, and abuse of process, among other allegations. Hulsey does not "seek redress for an injury caused by the state-court decision itself," *Davani*, 434 F.3d at 718 (emphasis added), but rather for injuries caused by the defendants' allegedly fraudulent conduct in prosecuting the defamation suits against him in state court. Even if the denial of discovery in the default proceedings may have aided the defendants' alleged fraudulent concealment of evidence, that does not make the state court's discovery ruling the cause of Hulsey's injury. A plaintiff's injury at the hands of a third party may be "ratified, acquiesced in, or left unpunished by" a state-court decision without being "produced by" the state-court judgment. *Hoblock v. Albany Cty. Bd. of Elections*, 422 F.3d 77, 88 (2d Cir. 2005). Such is the case here. According to the complaint, 251*251 Hulsey's injuries were caused by the defendants' fraud, which was merely enabled by the state court's

discovery ruling. The defendants' alleged use of the courts as a tool to defraud does not make the state court's ruling the cause of Hulsey's injury."