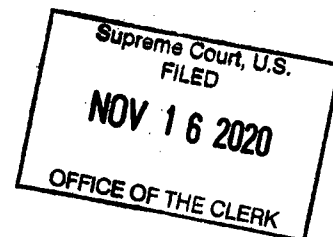


No. **20-6506**

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Andy Buxton

— PETITIONER

(Your Name)

vs.

Iva C. Dougherty et al

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United STATES Court of APPEALS For THE THIRD Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Andy Buxton

(Your Name)

MS#1885 801 Butler Pike

(Address)

Mercer, PA 16137

(City, State, Zip Code)

NA

(Phone Number)

QUESTION(S) PRESENTED

Whether federal courts should liberally construe a pro se litigant's Complaint in need of appointed counsel during the pandemic? (6th Amendment)

Especially during the discovery period in which appointment was very much needed against the very skillful respondents? (6th Amendment, the case or law doctrine)

Is the constitution available to a pro se prisoner in a civil litigation in which prior cases which a petitioner is represented

by counsel? (the law of the case doctrine) (Fed. R. Evid. 201)

Petitioner's statement of undisputed material facts based on first hand knowledge and certified affidavits. Does this suffice also as to various emails between defendant qualifying as agreements? (Fed. R. Evid. 602, 701)

Does the respondents violate the constitutional rights of the petitioner when it fails to provide exculpatory and/or inculpatory evidence to the prosecutor? (Black v. Montgomery City 835 F.3d 358, 369) (Gallon City of Phila) (the law of the case doctrine)

If the supporting evidence is weak or strong is it enough for a jury to decide? Or is it right for the court to decide, whether weak evidence favors one side and/or to make credible determinations?

Based on plaintiff's case is it the function of the court to assume the role of the fact-finder upon summary judgment? (Article VII, VI. Sec 2)

Whether testimony by a plaintiff of events of which he has personal knowledge is sufficient to overcome summary judgment? (United States v. Gerard, 507 F. Appx 218, 222 (3d Cir. 2012), Are the defendants immune for clear violations of Plaintiff's

constitutional rights?

Based on the law of the Case doctrine should the United States Court of appeals overrule the recent judge in this case?

(Buxton v. Dougherty, 2017 WL 1373275 at *3) (The case of law doctrine)

Should district courts deny summary judgment in favor of the plaintiff being that he is pro se and record clearly shows based on scheduling matters, at the Correctional Institution which didn't give him adequate time for discovery?

An incarcerated plaintiff whose being denied access to Courts. Is he not entitled to an extension of time to obtain discovery as well as filing a COM? In which is very difficult to obtain a Certificate of Merit being many Correctional facility

If a professional has been disciplined in the Supreme Court and/or has several track records of misconduct. For the sake of an incarcerated plaintiff pro se. Can the courts accept the clear record and let the plaintiff proceed to the next proceeding. By passing the COM requirements and to provide assistance to a pro se litigant and or provide more time?

Does an incarcerated plaintiff have a right to a stand alone 14th Amendment Right to fabricated evidence even though the evidence might be weak supporting evidence and circumstantial?

(The law of the Case doctrine) (Black v. Montgomery City, 835 F.3d 358, 369 (3d Cir 2016))

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 parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Iva C. Doughty, Katie Wymarch, Richard Miller
Christopher Antonucci, Robert Mas. h, Amber Noel, Scott Sherk
Rivers Casiro, Attorney General's office, Andrew Toth
DAN SAMMARTINO

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	Decision of the United States Third Circuit of Appeals
APPENDIX B	Decision of the United States District Court and the Findings and Recommendations of the United States Magistrate Judge
APPENDIX C	Copy of the United States Court of Appeals Denial of a Truly Filed Petition for Rehearing
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- Dennis v. Sparks, 409 U.S. 24, 28, 101 Ct 183, 661 L. Ed 185 (1980)	6,
Skates v. Anderson, 625 F.3d 294, Buxton v. Dougherty, 2017 WL 1373275	6, IIa
United States v. General, 507 F. App'x 218, 222 (3 ^d Cir, 2012)	6
Big Apple BMW, INC v. BMW of North America, Inc, 974 F.2d 1358, 1363 (3 ^d Cir 1992)	4, 6
Par-Knit Mills, 636 F.2d at 54, (Linn, 383 U.S. at 55)	4
Black v. Montgomery City, 835 F.3d 358, 369 (3 ^d Cir 2016)	
Designs v. New York City Health & Hospital Corp, 861 F. Supp 2d 185, 195 (S.D.N.Y. 2012)	6, IIa
Gallo v. City of Phila, 161 F.3d, 217, 220 N.2	6

STATUTES AND RULES

Rule 56(f)	6
Federal Rule of Evidence 602, 701	II 6
Fed. R. Evid. 201	II 6
Article VII, VI. Sec. 2	II, 3
Local Rule 56.C	

OTHER - The law of the Case doctrine 6 th Amendment	II 3, 6
Due process Clause of the 14 th Amendment	3
see certified record (#DOC, 210 pg. 4 of 7) Judicial Notice	6
previous writ of certiorari's granted based on the law of the cases doctrine	II

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 judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix "A" to the petition and is

☒ reported at C.A. No. 20-1575; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix "B" to the petition and is

☒ reported at D.C. No. 2:15-cr-01653; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 9-14-20.

☐ 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: 11-2-20, and a copy of the order denying rehearing appears at Appendix 4C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Sixth Amendment to the United States Constitution provides the Assistance of Counsel. The 14th Amendment due process Clause.

The cornerstone of our American legal system rests on this recognition of the Constitution as the Supreme law of the land; and the paramount duty of the Federal Judiciary is to uphold that law.

Instantly, it becomes the solemn duty of this court to assure compliance with the Constitution. Pursuant to Article VII. The Right to Jury trial. No matter how weak or strong the evidence may be. Also see Article VI, Sec. 2. "This Constitution and the laws of the Land etc. shall be the Supreme Law of the Land; and the Judges in every state shall be bound thereby, any thing in the Constitution, etc."

STATEMENT OF THE CASE

This is a Civil case against numerous defendants in which the courts allowed civil conspiracy and fabrication of evidence claims to proceed. In which petitioner supplied numerous affidavits and a certified complaint which was notarized but was considered conclusory and speculation, which clearly shows a genuine dispute but the courts are taking the respondents version. The evidence petitioner provided may have been weak it's not up to a judge but for a jury to decide, petitioner provided several email exchanges in which in prior cases this constitutes as circumstantial evidence and clearly is enough for a jury to decide the respondents conspired with other actors to deprive him of his constitutional rights. In which the District Court determined that petitioner failed to present evidence, in which based on the clearly record petitioner provided reason to dispute the respondents material facts and should have been decided by a jury but being pro se and devoid of counsel was held to a higher standard the courts affirmed the District Court's judgment without construing the complaint liberally (Big Apple BMW 974 F.2d 1363) (Par-Knit Mills, 636 F.2d at 54) (Linn, 383 U.S. at 55)

REASONS FOR GRANTING THE PETITION

The decision of the lower court is erroneous and the national importance of having the Supreme Court decide the question involved is very vital. A lot of cases the judges are taking upon themselves and deciding the fact finder at summary judgments etc. In which it is clear the District Court agrees the supporting evidence is weak, clearly in conflict with several of the decision of several complaints in several appellate courts. The importance of the case not only to me but to several others similarly situated, in which District dismiss several pro se litigants who cases are not liberally construed and held to a higher standard as a skillful lawyer. The decision of the lower court in my case was erroneous because several times petitioner requested appointment of counsel based on several disabilities ex (Covid-19, denied access to library, unable to get discovery, being incarcerated). In which being a pro se litigant being incarcerated supplying a notarized, certified complaint, affidavits from his first hand knowledge must be accepted as true. In which the District court erroneously determined the respondents version and sided with them in summary

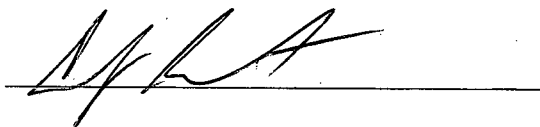
Judgement. (Big Apple BMW, 974 F.2d 1363) (The law of the case doctrine). The decision should be decided by a reasonable jury (Davis v. Sparks). The fact the respondent did not initiate the prosecution of the appellant for involvement in continuing (lobbying/communities and meetings (email)) as sufficient to support liability (Skeels v. Anderson, 625 F.3d 247) (law of the case doctrine). It's clear from the clear record that plaintiff's testimony of events of which he has personal knowledge is sufficient to overcome summary judgment (United States v. Gerard, 507, Appx 218222 (3d Cir 2012)). In which this court can take Judicial Notice (Fed. R. Evid. 201) plaintiff verified complaint, video, and by withholding information the respondent concealed evidence from the courts which influenced/participated of bringing charges. Where the record may be weak but supports a disagreement, conspiracy which shows a general dispute (Black v. Montgomery City, 835 F.3d 358 (3d Cir 2016)) (Designs v. New York City Health & Hospital Corp. 861 F.Supp.2d 185, 195 (S.D.N.Y. 2012)) (Gallo v. City of Phila, 161 F.3d, 217, 220 N.d. (1998))

CONCLUSION

In which based of the law of the case doctrine plaintiff did comply with (Local Rule 56.C) a 5056(f) in which he stated facts by citation in which he submitted his own appendices which was overbooked (Memorandum Opinion # Doc, 210 Pg. 4 of 7) In which counsel should have been appointed to help

The petition for a writ of certiorari should be granted. during the discovery (6th Amendment)

Respectfully submitted,



Date: 11-16-20