

No. 20-6900

**IN THE
SUPREME COURT OF THE UNITED STATES**

JOHN REINTS,

Petitioner

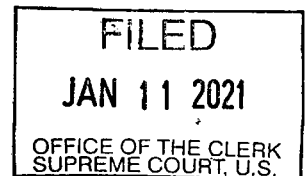
v.

JANET SAYLER; PENNINGTON COUTY, SOUTH DAKOTA;
RON BUSKRD; NANCY TRAUTMAN; LYNDELL PETERSON;
DEB HADCOCK; GEORGE FEREBEE; MARK DiSANTO

& LLOYD LaCROIX,

Respondents

ORIGINAL



ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPREME COURT OF THE STATE OF SOUTH DAKOTA

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

- I. Are the Fourteenth Amendment procedural due process rights of a recipient of the need-based, statutory economic benefit at issue here violated when he or she is first granted and then suddenly denied that benefit without pre-deprivation notice and without opportunity for pre-deprivation hearing?
- II. Is the recipient of a need-based, statutory economic benefit deprived of Fourteenth Amendment due process when a state's courts, including in turn the state's Supreme Court, accept jurisdiction but refuse to acknowledge, take up or rule upon the recipient's timely, well-pleaded, clearly presented claim that his or her federal rights were violated when said benefit was suddenly withdrawn without opportunity for pre-deprivation hearing?
- III. Are the *Goldberg v. Kelly* requirements for pre-deprivation notice and hearing "clearly established law" in the fact situation presented here?
- IV. Is a county's repetition for five consecutive years of failure and refusal to provide pre-deprivation notice and hearing to the recipient of a statutory, need-based economic benefit, before that benefit is suddenly withdrawn, sufficient to establish that the county maintains the custom, regular practice and/or policy of such failure and refusal?

LIST OF PARTIES

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

RELATED CASES

Reints v. Sayler, et al, No. 51Civ15-001711, South Dakota 7th Circuit Court. Judgement entered October 28, 2019.

Reints v. Sayler, et al, No. 29118; South Dakota Supreme Court. Judgement entered August 31, 2019. Order Denying Rehearing entered October 14, 2020.

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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

The opinion of the highest state court to review the merits, the South Dakota Supreme Court, was entered on August 31, 2020. It is scheduled for publication but is not yet reported. It appears in the appendix of this petition at Appendix (“App.”) p. 1-2.

The South Dakota Supreme Court order denying petition for rehearing was entered on October 14, 2020. It is at App. p. 21.

The Seventh Circuit Court's *Findings of Fact and Conclusions of Law* were adopted and affirmed without change in the state Supreme Court opinion. The Circuit Court order denying all of Mr. Reints' claims and incorporating said *Findings of Fact and Conclusions of Law* was entered on October 29, 2020 and is at App. pp 3-4. The *Findings of Fact and Conclusions of Law* included in the final orders of both the Circuit Court and the South Dakota Supreme Court are at App. pp. 5-20.

JURISDICTION

The South Dakota Supreme Court entered judgment on August 31, 2020, and denied rehearing on October 14, 2020. 28 U. S. C. § 1257(a) confers jurisdiction.

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

Constitution of the United States, Amendment XIV

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

South Dakota Statutes

SDCL §43-31-32

Any person making an application under the provisions of §§43-31-31 to 43-31-41, inclusive, is entitled to a prohibition on the collection of real property taxes upon the person's single-family dwelling if the following conditions are met:

- (1) Has owned a single-family dwelling, in fee or by contract to purchase, for at least three years, or has been a resident of South Dakota for at least five years;
- (2) Has resided for at least eight months of the previous calendar year in the single-family dwelling;
- (3) Has established a base year;
- (4) Has a household income as defined in §10-6A-1 of less than sixteen thousand dollars if the household is a single-member household; and
- (5) Has a household income as defined in §10-6A-1 of less than twenty thousand dollars if the household is a multiple-member household.

STATEMENT OF THE CASE

In each of the years 2015 through 2019, Petitioner John Reints (Reints) --- now a 76-year-old retiree --- applied for and was granted South Dakota's "prohibition on the collection of real property taxes upon [his] single-family dwelling," pursuant to South Dakota Codified Law (SDCL) 43-31-32. In each of those years, after the county treasurer who received Reints' applications approved them, she collected property taxes on Reints' home anyway. Reints never received pre-tax collection notice of the county's intention to deprive him of the tax relief benefit it had granted, nor was he ever provided opportunity for pre-deprivation hearing. The treasurer ignored timely, repeated, written demands for pre-deprivation hearing she received year after year, in some of which Reints called to the treasurer's attention the requirements established by *Goldberg v. Kelly*, 397 U.S. 254 (1970).

The treasurer, who by statute is "the tax collector" for the county (SDCL 7-11-1), accomplished the tax collections by falsely reporting to the agent of the mortgagor on Reints' home that the taxes in question were currently due, rather than causing the tax lists to be corrected to reflect that, upon approval of Reints' applications, these taxes were deferred by operation of SDCL 43-31-32 and could not be collected. Correction of the tax lists is mandatory pursuant to SDCL 10-11-10 and the method of correction, including instruction to line through the original amounts and enter revised amounts with red ink, is spelled out by SDCL 10-11-12. The treasurer admitted at trial that she took no step to cause correction of the tax lists. When the mortgagor's agent received from the treasurer the computerized data file based on the county's uncorrected tax list, this agent automatically paid from mortgage

escrow --- escrow that Reints funded in order to avoid foreclosure --- the full amounts falsely indicated as currently due on Reints' home. Reints repeatedly demanded in writing that the treasurer promptly correct the tax list and stop this means of collection. The treasurer and the county commissioners who received copies of Reints' letters to the treasurer ignored these written demands in every case.

Reints' annual income during each of the five years was less than \$9500, all derived from Social Security and SSI. To qualify for the prohibition on collection, a single-person household such as that of Reints must have an annual income less than \$16,000. SDCL 43-31-32(4). According to the South Dakota Supreme Court in a previous case brought by Reints, “[A] prohibition, once granted, restrains a county from collecting any real property taxes on the applicant's single-family dwelling.” ¶20, *Reints v. Pennington Co., et al*, 2015 S.D. 74, N.W. 2D 466 (2015). (*Reints I*). “The prohibition offered by SDCL chapter 43-31 is intended to provide tax relief for low-income applicants who have reached the age of 70 by deferring property taxes on their actual dwellings.” *Ibid* at ¶30. The prohibition on collection is an element of a statutory scheme which implements the mandate of Article XXI, § 4, of the South Dakota Constitution, namely, to “provide for the family a home in which it may have shelter from and a protection against the claims of creditors or its own improvidence and where it may live and be protected.” *Ibid* at ¶7, quoting *Ramsey v. Lake City*, 70 S.D. 61, 62, 14 N.W.2d 125, 126 (1944).

Prior to the South Dakota Supreme Court's memorandum decision in the instant case, it recognized that homestead protection arises “by reason of possession and use and occupancy as a homestead, under the general statute. The source of title is immaterial.”

Gross v. Gross, 491 N.W. 2D 751, 753 (S.D. 1992), citing *Bailey v. Farmer's State Bank of Sisseton*, 35 S.D. 122, 150 N.W. 94, 944 (1915). If an applicant for the prohibition on collection has been a resident of South Dakota for five years or more, there is no requirement that he or she own the home on which taxes may not be collected. SDCL 43-31-32(1). Reints has lived alone in his home, a 68-year old frame structure of 864 square feet, since 2000. As he testified at trial, Reints has struggled to avoid foreclosure and homelessness and experienced real privation because this tax relief was denied him. His trial testimony concerning the hardships caused and the precariousness of his ability to remain in his home was not disputed.

In December, 2015, Reints filed his initial petition and complaint in this matter in South Dakota Seventh Circuit Court, seeking mandamus relief, equitable relief and damages pursuant to 42 U.S.C 1983 for violations of his Fourteenth Amendment due process rights. Litigation continued for nearly five years during each of which the county first granted Reints the prohibition on collection and then collected property taxes on his home. Five months after trial on March 18, 2019, the Circuit Court denied all of Reints claims. It held, in effect, that the county had not collected taxes on Reints' home but only accepted them; that no federal or state law right was violated when it did so; that the county had no liability because it had no custom or regular practice which violated any of Reints' Constitutional rights; and that the treasurer and the county commissioners enjoyed qualified immunity because there was no violation of Reints' rights and no clearly established law prohibiting acceptance of property taxes.

On August 31, 2019, the South Dakota Supreme Court affirmed the Circuit Court's denial of all of Reints' claims and adopted the Circuit Court's *Findings of Fact and*

Conclusions of Law in its memorandum opinion (App. pp 1-2) as the sole basis for its affirmance. The state Supreme Court ruled that no questions of law were involved in Reints' appeal. "[T]he issues on appeal were factual and there clearly is sufficient evidence to support the findings of fact and conclusions of law below." App. p. 2.

In its *Findings of Fact and Conclusions of Law*, the Circuit Court did not acknowledge, take up or rule upon Reints' specific claim that he was repeatedly denied pre-deprivation hearings in violation of his due process rights, nor did it acknowledge that Reints had timely demanded such hearings, in writing. It did rule that Reints had no right to pre-deprivation notice before any tax collection "because Reints was aware that WFHM [Wells Fargo Home Mortgage, the mortgagor's agent,] paid the real property taxes twice annually before the statutory deadlines for doing so." *Conclusions of Law B.(1.) (c.)*, App. p. 17.

The Circuit Court held that, *if* Reints acquired a property interest in the tax relief benefit, then that property interest was "subordinate to, and subject to, the terms of a mortgage agreement entered into by a co-owner of the property before her death." *Conclusions of Law B.(1.) (b.)*, App. p. 16. The Circuit Court acknowledged that the recipient of SDCL 43-31-32 tax relief need not own the home on which taxes may not be collected, but held that taxes could continue to be collected on Reints home because, "[N]either does South Dakota law indicate that a co-owner of the property who does not qualify for the tax relief is entitled to the same tax deferral." *Conclusions of Law II(5)*, App. p. 18. As to state law, these findings reversed, without analysis or explanation, the same Circuit Court's earlier findings of November 23, 2016, (App. pp. 22-29). The findings of November 23 were based on precedent in the South Dakota Supreme Court and the Eighth Circuit.

Here, while Mr. Reints is entitled to a prohibition upon collection of real estate taxes, his position is that the County continues to list the property as having taxes due, and as such, the Estate and/or the mortgage company are making those payments. To the extent such are paid by Mr. Reints' mortgage company, they are paid from escrow and charged to Mr. Reints. Defendants argue statutory changes to the chapter, specifically SDCL 41-31-[41] allows a third party to make payments like these. This argument overlooks the reality facing Mr. Reints: his tax status, as well as his escrow, are impacted by the County listing the property as having taxes due. The import of the collection prohibition statute (SDCL 43-3[1]-32) is to proscribe just such collection. (Ftnote 9: "See *Reints*, 2015 SD 74, ¶20")

App. p. 27.

In the same preliminary ruling of November 23, 2016, the Circuit Court, citing South Dakota Supreme Court and Eighth Circuit authorities on homestead law, rejected Defendants' argument that Reints should be denied the tax relief benefit because the co-owner of the property, the un-probated estate of Reints' late mother, had not applied for the prohibition on tax collection.

"Mr. Reints applied for the collection prohibition, while the joint property owners did not. Mr. Reints was granted approval. There is no requirement for all joint property owners to apply for the collection prohibition under the statute. Accordingly, this Court finds the entire homestead includes all property owners, including the Estate of Anne Reints, and the collection prohibition applies to the homestead."

App. p. 27.

The Circuit Court's final *Conclusions of Law*, as adopted by the South Dakota Supreme Court, conflict with and would reverse, without analysis or reason given, *all* of the precedent the Circuit Court relied upon in its November 23, 2016, findings. For this authority and precedent, see App. pp. 26-27.

REASONS FOR GRANTING THE PETITION

I. The Opinion Below Upends This Court's Long-Standing Precedent and Directly Conflicts with *Goldberg v. Kelly*, *Board of Regents v. Roth* and *Vitek v. Jones*.

The state Supreme Court's holding that there were no issues of law on appeal is breathtaking. It contradicts unmistakable written pleadings and ignores law rulings in the *Conclusions of Law* which it adopts as the basis for denying all of Reints' claims. *No* fact issues were involved in Reints' appeal to the South Dakota Supreme Court. There was no dispute below on any fact Reints alleged and proved. Whether statutory, need-based benefits are property interests protected by the Fourteenth Amendment *is* an issue of law, one that was decided in *Goldberg* and *Board of Regents v. Roth*, 408 U.S. 564 (1972).

Property interests, of course, are not created by the Constitution. Rather, they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law -- rules or understandings that secure certain benefits and that support claims of entitlement to those benefits.

Ibid at 577

The law issue of how much and what kind of due process is required in cases such as this was decided in *Goldberg v. Kelly*. The county and the Circuit Court ignored these authorities and thereby raised law issues which Reints clearly stated in his *Appellant's Brief* (App. pp. 30-69) to the South Dakota Supreme Court.

This Court's holdings in *Goldberg* and *Board of Regents* were specific as to what satisfies Fourteenth Amendment requirements for procedural due process, down to what contents are required in pre-deprivation notice and what is and is not required at a pre-

deprivation hearing. There is little left for interpretation. The South Dakota Supreme Court *chose* to ignore the law issues on which Reints appealed and *chose* to rule as if the important Constitutional protections involved do not exist.

The South Dakota Supreme Court itself was specific, five years ago in *Reints I*, as to the consequences of approval of an application for the prohibition on collection of property taxes. “Once [such application is] approved” a county is “prohibited from collecting any real property taxes” on the “actual dwelling” of the beneficiary. (See p. 4 herein). South Dakota’s SDCL 43-31-32 prohibition on collection is self-evidently and by a holding of the state Supreme Court a need-based benefit. In *Reints I*, the South Dakota Supreme Court ruled, “[T]he County’s interpretation has the potential to frustrate the Legislature’s intent by divorcing the grant of a prohibition from the applicant’s *concurrent* economic need.” (emphasis in original) *Reints I*, at ¶19. *Goldberg* held that only a pre-deprivation evidentiary hearing satisfies the constitutional requirement for procedural due process when the benefit in question “provides the means to obtain essential food, clothing, housing, and medical care,” since “termination of aid pending resolution of a controversy over eligibility may deprive an eligible recipient of the very means by which to live while he waits. Since he lacks independent resources, his situation becomes immediately desperate.” *Goldberg*, at 263. In *Board of Regents*, this Court broadened *Goldberg*, holding that “a legitimate claim of entitlement to” a need-based benefit was sufficient to establish the federal due process requirement for pre-deprivation notice and hearing. *Ibid*, at 577.

By adopting the Circuit Court's finding that, *if* Reints had a property interest in the tax deferral benefit, then such interest was subordinate to a mortgage obligation incurred by someone else, the state Supreme Court joined the Circuit Court in conflating Reints' property right by title to half-interest in the homestead property with Reints' Constitutionally-protected property interest in the SDCL 43-31-32 tax relief benefit. Reints pointed out this confusion in his *Appellant's Brief* (App. p. 62), but the state Supreme Court ignored it.

This Court has clearly rejected subordination of federal due process requirements to provisions of state law, whether by confusion or intent. “[M]inimum [procedural] requirements [are] a matter of federal law, they are not diminished by the fact that the State may have specified its own procedures that it may deem adequate for determining the preconditions to adverse action.” *Vitek v. Jones*, 445 U.S. 480, 491 (1980). “It is well settled that state law does not define the parameters of due process for purposes of the Fourteenth Amendment.” *Brown v. Daniels*, 290 Fed. Appx. 467, 471 (3d Cir. 2008), referencing *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 541.

This Court should grant the Petition and intervene to prevent destruction without due process of Reints' and similarly-situated others' state-created property interest and to prevent confusion as to governing authority in South Dakota's courts.

II. Significant numbers of similarly-situated, elderly South Dakotans are adversely affected.

Those who qualify for South Dakota's homestead tax relief benefit are in most cases subject to economic duress, especially if they are paying off a mortgage. Reints' situation is typical. Even with help from SNAP benefits and Energy Assistance, it is and has been a full-time struggle for him to meet basic living expenses on the roughly \$150 per month which remains after mortgage payment and utilities. As Reints testified at trial, receipt of the tax relief benefit would have added between \$100 and \$135 to his effective monthly income over the five-year period and meaningfully relieved chronic insecurity. For example --- as Reints testified at trial --- this addition to his monthly income would have made it possible to restore running water to his home, after a plumbing failure resulted in a huge water bill he could not pay. Reints was fortunate during the period 2015 to 2020 to avoid any greater emergency involving substantial expense, since any such would almost certainly have caused him to lose his home. Only by unusual good fortune was he able to find an attorney to represent him before the Circuit and state Supreme Courts in the hope and expectation that he, the attorney, might be compensated pursuant to 42 U.S.C. 1988. Further, Reints was able to survive because, unlike many of his aged peers, he remained able to use a bicycle for some transportation and to perform home maintenance and repair his 20-year-old auto himself. As noted by the *Goldberg* Court, when a need-based benefit is denied the “need to concentrate upon finding the means for daily subsistence, in turn, adversely affects [the

recipient's] ability to seek redress.” *Goldberg* at 264. This Court should grant the Petition and intervene, in part because the large majority of elderly who are similarly affected are highly vulnerable and typically without the means to seek redress in the courts.

Enforcement upon South Dakota's county treasurers of the requirement for pre-deprivation hearing preceded by “timely and adequate notice detailing the reasons for a proposed termination” (*Goldberg*, at 264) and conducted before an impartial decision-maker who has not “participated in making the determination under review” (*Goldberg*, at 271), can effectively prevent the routine, arbitrary withholding and cancelation of this need-based, state law benefit which now occurs.

The South Dakota Legislature has made county treasurers responsible for judging applications for the tax relief benefit and for not collecting deferred property taxes, but it has not provided any detailed procedure for treasurers to follow. In these circumstances, it is apparently easy for a South Dakota county treasurer to feel that he or she is doing nothing wrong in “merely accepting” property taxes as he or she has always done. Enforcement of the well-settled Constitutional requirement for pre-deprivation hearing and notice specifying reasons for proposed withdrawal of this benefit can confront these powerful officials with the reality *that there must be a reason* if the benefit is to be denied. In the instant case, both county officials and the South Dakota courts have ruled, in effect, that state laws governing normal collection of property taxes supersede and nullify clearly established federal due process rights and cancel out the state-law-based prohibition on collection, as well.

Reints and the similarly-situated elderly have a vital interest at stake. The tax relief benefit in question often determines whether an aged, low-income retiree or subsistence-wage employee can remain in his or her own home, preserve a treasured independence and participate fully in the life of the community. The *Goldberg* court listed these as among the individual interests which require a high degree of due process protection. See *Goldberg* at 265.

III. This Court Should Exercise Its Duty To Supervise the Lower Courts in Their Adjudication of Federally-Protected Individual Rights Especially When, As In This Case, There Is Kafkaesque Denial of Due Process.

At no point during five years of litigation did the Circuit Court or the South Dakota Supreme Court acknowledge, consider, analyze or rule upon Reints' clearly and timely pled claim that he was being denied the need-based, tax relief benefit without pre-deprivation hearing. Such omission undercuts respect for the courts and belief in the rule of law.

This claim was not held to be frivolous. It was not dismissed at any stage of litigation for any reason. There was no finding that the claim was inadequately or implausibly pled. The facts supporting this claim remained undisputed throughout and their adequacy to support the claim was never challenged. There was no finding that the statutory benefit in question was not based on urgent economic need, and the evidence presented that the benefit is based on such need is clear and was undisputed. There was no finding that the claim was not raised before the Circuit Court. There was no application of *Mathews v. Eldridge* balancing to conclude that due process requirements could be satisfied by post-deprivation review. The law supporting this claim was clearly established by this Court

nearly 50 years ago and remains unchanged to this day with no significant conflict among the Circuits, undoubtedly because of the clarity and specificity of *Goldberg*.

There has been *refusal* by South Dakota courts to address this claim, apparently from erroneous deference to state law. Such apparent refusal cries out for this Court to act upon its duty to supervise the lower courts in their adjudication of federally-protected, individual rights.

This Court has cautioned against relaxing due process protection where the pecuniary interests of a government entity are involved. In *James Daniel Good Real Prop.*, 510 U.S. 43 (1993), this Court rejected the government's attempt to sidestep a pre-deprivation hearing requirement in the case of civil seizure of a house not occupied by its owner --- a case where denial of pre-deprivation process had less drastic consequences than here. The right to pre-deprivation hearing was held to be “of particular importance ... where the Government has a direct pecuniary interest in the outcome of the proceeding.” (*Ibid*, at 55-56). The principal was emphasized by Justice Scalia in *Harmelin v. Michigan*, 501 U.S. 957, (1991): “[I]t makes sense to scrutinize governmental action more closely when the State stands to benefit.” *Ibid* at 979. The South Dakota Supreme Court has done the opposite in this case, which involves deferred collection of taxes.

In historical cases, this Court consistently reversed where state law was applied to stifle a federal claim or to evade vindication of federal rights, as in *Davis v. Wechsler*, 263 U.S. 22, 24–25 (1923): “Whatever springes the state may set for those who are endeavoring to assert rights that the state confers, the assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice.” *Vitek* applies this in the context of due process rights. The South Dakota Supreme Court's refusal to take up

Reints' correctly and clearly pled due process claim undermines the long-standing principal as well as the specific holdings of this Court.

The Circuit Court and state Supreme Court refusals to take up and rule upon Reints' procedural due process claim resulted in an erroneous finding of qualified immunity. The *Conclusions of Law* adopted by the South Dakota Supreme Court ignore Reints' actual allegations and hold, based on nothing in the record, that Reints alleged only that Respondents "accept[ed] real property taxes from WFHM on behalf of the estate of Anne Reints pursuant to the terms of [a] mortgage...". Recitation of of this phrase is substituted throughout the *Conclusions of Law* for fact allegations Reints pled and proved.

Defendants sued in their individual capacities are immune from suit under the principals of qualified immunity because there was no clearly established law which would have put a reasonable official on notice that the acceptance of real property taxes from WFHM on behalf of the estate of Anne Reints pursuant to the terms of that mortgage would violate John Reints' federally-protected constitutional or statutory rights.

B(1)(a), *Conclusions of Law*, App. p. 16

The state Supreme Court similarly held, while ignoring what Reints alleged and proved at trial, that the county had no liability.

Because none of the individually-named Defendants took any action which violated Reints' procedural due process rights, no unconstitutional Pennington County custom or policy motivated any of the individually-named Defendants to violate Reints' federally-protected constitutional or statutory rights. There is no legal basis for liability against Pennington County.

B(2)(a), *Conclusions of Law*, App. p. 17.

Reints failed to produce any evidence of any unconstitutional Pennington County custom or policy. There is no legal basis for liability against Pennington County for any alleged violation of Reints' federally-protected statutory or constitutional rights.

B(2)(b), *Conclusions of Law*, App. p. 17.

Reints clearly alleged and proved that he was never afforded pre-deprivation hearings. The Circuit and the state Supreme Courts *systematically omit* from consideration this proven, procedural due process claim and --- on the sole basis of their omission --- find that none of Reints' rights were violated. Respondents did not dispute at trial and have never disputed that they maintained for a five year period the regular practice of never responding to Reints' demands for pre-deprivation hearing and never affording pre-deprivation notice and hearing.

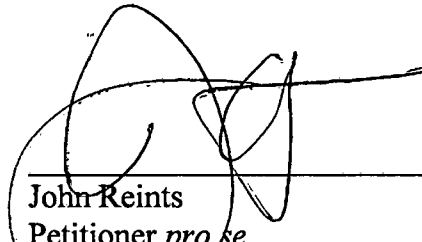
This is a case where a clearly-established Fourteenth Amendment right was “disappeared.” It was not disputed that Reints had “a legitimate claim of entitlement to” and was granted the statutory economic benefit. Rather, the county administered laws and rules governing typical property tax collection as if the prohibition on these collections was not there. The state courts, including the state's highest court, then refused to take up and rule upon Reints' claim of deprivation of the benefit without constitutionally-required due process. The constitutional protection at issue is meaningless if it exists only on paper. This case presents this Court with the question, “May a county and state use these means to effectively erase a federally-protected due process right and a federally-protected property interest?”

CONCLUSION

For all of the above-stated reasons, the petition for a writ of certiorari should be granted.

Dated this 11th day of January, 2021

Respectfully submitted,



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