

20-7398

ORIGINAL

FILED
FEB 22 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Kitemall JOKHOO — PETITIONER
(Your Name)

vs.

Lola VELAQUEZ-AGUILU — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FOURTH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kitemall JOKHOO - F.C.I.
(Your Name)

PO BOX 1000
(Address)

MILAN, MI 48160
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) DID LOUISE W. FLANAGAN (JUDGE, U.S. DISTRICT COURT, EASTERN DISTRICT OF N.C.) LACK CONSTITUTIONAL AUTHORITY TO ADJUDICATE PLAINTIFF / PETITIONER PRESENTED SUIT AT COMMON LAW ACTION ? (DUE PROCESS OF LAW VIOLATION)
- 2) THE DISTRICT PLEADING / COMPLAINT WAS FILED AS ACTION PURSUANT TO THE 7TH AMENDMENT OF THE U.S. CONSTITUTION (SEE DISTRICT PLEADING IN SUPPORT OF COMMON LAW LAWSUIT) JUDGE LOUISE W. FLANAGAN MISCONSTRUED PETITIONER PLEADING / COMPLAINT AS A BILATERAL ACTION (SEE U.S. DISTRICT COURT E.D.N.C. - WESTERN DIVISION ORDER) THAT WHAT AUTHORITY ENFORCES THAT (CONSTITUTIONAL ORDER OR CONGRESSIONAL ACTS) AUTHORIZES THIS ?
- 3) WHY WAS PETITIONER DENIED A SUIT AT COMMON LAW AND A TRIAL BY JURY, PURSUANT TO THE U.S. CONSTITUTION 7TH AMENDMENT AND SECTION 9 OF THE JUDICIARY ACT OF 1789 ?
- 4) AFTER IN FORMA PAUPERIS WAS ALLOWED BY THE DISTRICT COURT (SEE DISTRICT COURT ORDER) WHY DID THE DISTRICT COURT FAIL TO SERVE THE RESPONDENT AS REQUESTED BY THE PETITIONER AND PURSUANT TO F.R.CIV.P. RULE 4(C)(3) ?
- 5) THE DISTRICT COURT ORDER WAS BASED SOLELY ON THE PRISON LITIGATION REFORM ACT (P.L.R.A.) PROVISION 28 U.S.C. 1915 (IN FORMA PAUPERIS, STATUS) AS A INDIGENT PERSON, WHY WAS PETITIONER DENIED EQUAL PROTECTION OF THE LAW (U.S. CONSTITUTION) ?
- 6) THE DISTRICT COURT JUDGE (LOUISE W. FLANAGAN) MADE AN IMMUNITY (14TH OR BEHALF OF THE RESPONDENT, I NEED THIS COURT TO MAKE A JUDICIAL DETERMINATION AS TO RESPONDENT POLITICAL STATUS ?

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:

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Equal Protection & Due Process of Law

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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

For cases from **federal courts**:

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

reported at SEE Appendix B; 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 _____ to the petition and is

[] reported at _____; 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 _____.

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: December 15, 2020, and a copy of the order denying rehearing appears at Appendix C.

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

7th Amendment (U.S. Constitution) IN SUITS AT ~~COMMON LAW~~ COMMON LAW
SECTION. 9 OF THE JUDICIARY ACT OF 1789 (1 STAT. 73) COMMON LAW REMEDY, WHERE
THE COMMON LAW IS COMPETENT TO GIVE IT. (RIGHT TO COMMON LAW REMEDY)
SECTION. 35 OF THE JUDICIARY ACT OF 1789 (1 STAT. 73) ONLY THE JUDICIAL BRANCH CAN
PROSECUTE, ACCORDING TO THIS SECTION.
SECTION. 32 OF THE JUDICIARY ACT OF 1789 (1 STAT. 73) (COURTS RESPECTIVELY SHALL PRACTICE
AND GIVE JUDGMENT ACCORDING AS THE RIGHT OF THE CAUSE AND MATTER OR LAW SHALL APPEAR
UNTO THEM)

STATEMENT OF THE CASE

- 1) Petitioner Initiated a suit at common law and a trial by Jury, pursuant to the ~~7th~~^{Amendment} (U.S. Constitution) and ~~the~~ Section 35 of the Judiciary Act of 1789, by the U.S. District Court (E.D.W.C., Western Division) of Common Law, Denied Petitioner Due Process of Law.
- 2) The U.S. Court Erred, misconstructed and mischaracterized petitioner ~~procedural~~ "complaint as a ~~civil~~ action, the cause of action (on the Civil Court Street) is common law remedy." the Court did not inform petitioner of ~~she lacks~~ ~~any~~ authority to ~~adjudicate~~ this action, ~~by~~ accordance with the rules of common law, petitioner was left to believe this action will be a suit at common law, pursuant to U.S. Constitution 7th Amendment, Petitioner was Denied Due Process of Law.
- 3) Respondent ~~that~~ took the oath of office and signed an appointment affidavit as employee, Respondent lacks congressional and constitutional authority to prosecute criminal causes on behalf of the U.S., this function belongs to ~~the~~ a judicial branch officer, pursuant to Section 35 of the Judiciary Act of 1789 (1 Stat. 73)

REASONS FOR GRANTING THE PETITION

1) Petitioner Initiated a Suit at common law & a trial by Jury (SEE CLR) case sheet EX-14) pursuant to U.S. Constitution 7th Amend. (SEE EX-B) and Section 9
of the Judiciary Act of 1789 (SEE EX-W) in the U.S. District Court (Eastern, ^{District} N.C.) the District Court Failed to do Judicate the action in accordance with rules
of common law, Petitioner was Denied Due process of law.

3) the District Court ERRED, misconstruing and mischaracterizing Petitioners Plaintiff
as a B. v. B. action, no mention of B. v. B. were anywhere within the Plaintiff (SEE "In the
Plaintiff for support of common law lawsuit" the Court changed the B. v. B. matter to a B. v. B.
action and fail to to indicate Petitioners claim, pursuant to the U.S. Constitution 7th Amendment
and Section 9 of the Judiciary Act of 1789 (Common law remedy) Petitioners were
providing and denied Due Process of law. OPINION OPINION v. Farnsworth Co. 63 L 60111, 250 US
501 (S. Ct. 1919) ("the party who brings suit is the master to decide what law he will
rely upon, and the allegations of his bill are the evidence, on the express, or, of his
decision, upon which the several courts must act in determining the questions of their
jurisdiction") the District Court did not apply the rules of common law here and ASSUMING
JURISDICTION.

3) ~~any~~ ~~executive~~ ~~personnel~~ ~~any~~ ~~by~~ ~~division~~ ~~elected~~ ~~or~~ ~~appointed~~ ~~to~~ ~~an~~ ~~office~~ ~~of~~ ~~honor~~ ~~or~~ ~~profit~~ ~~in~~ ~~the~~ ~~civil~~ ~~service~~ ~~(executive~~ ~~branch~~) ~~must~~ ~~take~~ ~~an~~ ~~oath~~ ~~of~~ ~~office~~, pursuant ~~to~~ 5 U.S.C.S. - 3331 ~~on~~ ~~June~~ ~~7~~, ~~2010~~ ~~respondent~~ ~~took~~ ~~an~~ ~~oath~~ ~~of~~ ~~and~~ ~~signed~~ ~~a~~ ~~appointment~~ ~~affidavits~~ ~~(standard~~ ~~form~~ ~~61~~) ~~to~~ ~~become~~ ~~a~~ ~~executive~~ ~~branch~~ ~~employee~~ ~~(see~~ ~~Ex.~~ ~~M~~) ~~section~~ ~~35~~ ~~of~~ ~~the~~ ~~Judiciary~~ ~~Act~~ ~~of~~ ~~1789~~ ~~(see~~ ~~Ex.~~ ~~N~~) ~~gives~~ only ~~the~~ ~~Judiciary~~ ~~the~~ ~~authority~~ ~~to~~ ~~prosecute~~ ~~someone~~ ~~for~~ ~~violation~~ ~~of~~ ~~an~~ ~~act~~ ~~of~~ ~~congress~~, ~~respondent~~ ~~lacks~~ ~~all~~ ~~jurisdiction~~, ~~authority~~ ~~(personam~~ ~~and~~ ~~subject~~ ~~matter~~) ~~to~~ ~~prosecute~~.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,
Without PREJUDICE, Without RECALL, All rights reserved
Kero

Date: 2-19-21