

20-7398

No.

ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

KHEMALL JOKHOO — PETITIONER
(Your Name)

vs.

LOLA VELAZQUEZ-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

KHEMALL 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. FIANNABIAN (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 INITIAL PLEADING/COMPLAINT WAS ~~AN~~ ^{APPENDIX D} ACTION PURSUANT TO THE 7TH AMENDMENT OF THE U.S. CONSTITUTION (SEE ^{APPENDIX D} INITIAL PLEADING IN SUPPORT OF COMMON LAW LAWSUIT) JUDGE LOUISE W. FIANNABIAN MISCONSTRUED PETITIONER PLEADING/COMPLAINT AS A BILLYS ACTION (SEE ^{APPENDIX A} U.S. DISTRICT COURT E.D. N.C. WESTERN DIVISION ORDER) ^{& MISCHARACTERIZE} THAT WHAT AUTHORITY ~~APPROPRIATE~~ ^{CONSTITUTIONAL} OR CONGRESSIONAL ACT(S) AUTHORIZES THIS?
- 3) WHY WAS ~~APPROPRIATE~~ ^{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 (^{APPENDIX A} SEE DISTRICT COURT ORDER) WHY DID THE DISTRICT COURT FAIL TO SERVE THE RESPONDENT AS REQUESTED BY THE PETITIONER AND PURSUANT TO F.R.E.V.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 PARTY WHY WAS PETITIONER DENIED EQUAL PROTECTION OF THE LAW (U.S. CONSTITUTION)?
- 6) THE DISTRICT COURT JUDGE (LOUISE W. FIANNABIAN MADE AN IMMUNITY CLAIM ON BEHALF OF THE RESPONDENT, I NEEDED 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:

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	U.S. District Court (E.D. N.C., Western Division) Order
APPENDIX B	U.S. Court of Appeals Order
APPENDIX C	Order Denying Rehearing En Banc
APPENDIX D	Initial Pleading in Support of Common Law Lawsuit
APPENDIX E	Notice of Appeal
APPENDIX F	Notice of Appeal, Rehearing En Banc
APPENDIX G	Mandate, U.S. Court of Appeals for the Fourth Circuit

TABLE OF AUTHORITIES CITED

CASES :

PAGE NUMBER

ODELL V FARNSWORTH CO. 63 160 1111, 253 US 521 3

STATUTES AND RULES : 5 U.S.C.S. 3331

2, 4

RULE 4(C)(3) (F.R.C.V.P.)

2, 3, 4,

OTHER : CONGRESSIONAL ACTS : SEC. 9 OF THE JUDICIARY ACT OF 1789 1, 2
 SEC. 35 OF THE JUDICIARY ACT OF 1789
 SEC. 13 OF THE JUDICIARY ACT OF 1789 2, 4, 5, 6

1,

SEE: CONSTITUTIONAL PROVISIONS (TABLE OF AUTHORITIES ;)

TABLE OF Authorities

PAGE

CASES: ODELL V FARNSWORTH CO. 63 LEd 1111, 250 US 501

3

STATUTES: 5 U.S.C.S. 3331

2, 4,

RULES: RULE 4(E)(3) (F.R.C.V.P.)

2, 3, 4,

Commissioner

~~Legislative~~ Acts: SEC. 9 of the JUDICIARY ACT of 1789
SEC. 35 of the JUDICIARY Act of 1789
SEC. 13 of the JUDICIARY Act of 1789

1, 2,

2, 4, 5, 6,
1,

Constitutional Provisions: 7th Amendment (U.S. Constitution)
Equal Protection & Due Process of Law

1, 2

1, 3, 4, 7

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 ~~ALL~~ 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) (COUNTS RESPECTIVELY SHALL PROCEED AND GIVE JUDGMENT ACCORDING AS THE RIGHT OF THE CAUSE AND MATTER IN 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 9 of the Judiciary Act of 1789 in the U.S. District Court (E.D.N.C., Western Division) the District Court failed to adjudicate the action in accordance with rules of common law, denied petitioner due process of law.
- 2) The U.S. ^{district} Court erred, misconstrued and mischaracterized petitioner's pleading complaint as a "Bribe" action, the cause of action (on the civil cause sheet) is "Common Law Remedy." The Court did not inform petitioner if she lacks authority to adjudicate this action, in 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 ~~was~~ took an oath of office and signed a Department Affidavit on June 7, 2010 to become Civil Service, Department of Justice / Executive Branch employee, Respondent lacks constitutional and constitutional authority to prosecute criminal cases 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 clu) cover sheet ex. A) pursuant to U.S. Constitution 7th Amendment. (see ex. B) and section 9 of the Judiciary Act of 1789 (see ex. N) in the U.S. District Court (Eastern District of N.C.) the District Court failed to adjudicate the action in accordance with rules of common law, petitioner was deprived due process of law.
- 2) the District Court erred, mischaracterizing and mischaracterizing petitioner pleading as a Bivens action, no mention of Bivens were anywhere within the pleading (see "intentional pleading in support of common law lawsuit" the court changed the entire matter to a Bivens action and fail to adjudicate petitioner's claim, pursuant to ~~the~~ U.S. Constitution 7th Amendment and section 9 of the Judiciary Act of 1789 (common law remedy) petitioner was deprived due process of law. see ODELL V FARRISWORTH CO. 63 L.ED 1111, 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, or the expression, of his decision, upon which the federal courts must act in determining the question of their jurisdiction") the District Court did not apply the rules of common law here and assume jurisdiction.
- 3) ~~an executive branch~~ ~~personnel~~ ~~personnel~~ an individual 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 office and signed a appointment affidavit (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 jurisdictional authority (personnel and subject matter) to prosecute.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Without prejudice, without reliance, all rights reserved

K. L. R.

Date: 2-19-21