

20-8023

No. _____

Supreme Court, U.S.
FILED

APR 16 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

IM Re: DAVE — PETITIONER
(Your Name)

VS.

Eric A Hook et Al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Fourth Circuit NO: 20-7772
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mr Walter T. Dave
(Your Name)

527 Commerce Dr
(Address)

Elizabeth City NC, 27906
(City, State, Zip Code)

- NA -
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

Mr. Sauer. AM pro se. layman of
law, Assertion, Unconstitutional Unlawful
Restraint AM HABEAS Petition, Amend +
file With fed Dist Ct. on the
Merits, of negotiations

Mr Sauer present following Question is
Actual innocent Assertion on 'Amend
Habeas' petition, And STARK CLASSIC ACT
of fundamental miscarriage of justice.
IS AM UNAUTHORIZED Succession petition
on AM Amend per. Rules established
By fed Court. Are the forth Court. Person
is Abuse of Process, Plain error?

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:

- 1) U.S. Court of Appeal Fourth Cir.
- 2) U.S. Dist Ct. CHAR DN.
- 3) NC Court of Appeals, Raleigh North Carolina, 27699
- 4) Meck Cnty Superior Court. Charlotte, NC. 28202
- 5) NC Court Div. Dept of Justice Raleigh NC; 27699

RELATED CASES

- 1) GAUZE V. PENNY. 3:16-cv. 631 FDW,
- 2) GAUZE V. PENNY. 17. 6249.
- 3) GAUZE V. HOOK et AL. 3:20 cv 306 - MA
GAUZE V. HOOK et AL. 20-7772
- 4) GAUZE V. HOOK et AL, 3:19 cv. 341 FDW.
- 5) GAUZE V. MURRAY et AL. 3:18 cv. 378 FDW.
- 6) GAUZE V. HOOK et AL. 3:20 cv. 507 MA
- 8) U.S. Supreme Court. Certiorari petition - filed
NOV. 21-2017. Fourth Cir. NO: 17:6249

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APPENDIX E	US Dist Ct. Amended petition O'Keefe Brief on merits. (D & # 7 # 9 # 10 # 11) 306-M.
APPENDIX F	Notice with petition cert filed Nov. 21-2017. with Court NO: 17:6249

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

MAYIA V. Felix, (2008)
Pittman V. LS, (2000)
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STATUTES AND RULES

Fed & Civ proc R(c) et seq. Brief on Merit. And
Informal Brief. Cotton INC.

§ 2254(b)(1)(A)(i)(i)

§ 2253 et seq

§ 2243. et seq.

§ 2211

§ Fed claim proc. 52(b)

OTHER

Cotton Cert pet. filed Nov. 21. 2017, INC.

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 _____; 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 _____; 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 1st April 2021.

☐ 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: 1 April 2021, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. 26 A 777.2

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

U.S. Constitution, 14th Amdt, Art III § 1 & 2. Court Rules 10 and 17. Authority, Mayla V. Felix, (2005) FR Civ Proc. 8, 12(c) and 15(c) et seq., Authority Cone V. Bell (2009) § 2254(b)(1)(A)(ii)

☐ 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

- 1) U.S. Const Art III § 1 & 2
- 2) U.S. Const Art VI Cl. 2.
- 3) U.S. Const Amnt, 14th, 6th 5th 4th And 8th Amnt.
- 4) Fed R civil proc. 8(c) & 15(c)
- 5) Fed R Crim proc. 52(b)
- 6) § 28 USC § 2111
- 7) § 28 USC § 1254 et seq
- 8) § 28 USC § 1257 et seq
- 9) § 28 USC § 2243 et seq
- 10) § 28 USC § 2242. et seq
- 11) § 28 USC § 2247 et seq
- 12) § 28 USC § 2253 et seq
- 13) § 28 USC § 2254 et seq

STATEMENT OF THE CASE

Mr. Case, on every level, Assertion, of —
Constitutional Violation injury. By Malice
Willful Misconduct. By State North Carolina
Adm of Justice, joint participation. Collusion. By
State official et al, Malfeasance, Mr. Case
Have shown. Const. Constitutional illegal false
imprisonment. By fraudulent fabricated, evidence, MANU-
factured, to convicted, By deception. And fraud
in the process. due in larger judicial Court
Misconduct, Mr. Case have raise & shown
Const Constitutional Due process Violation. And
The Court Continue to Turn AN Blind eyes
to AN pro se layman. who shown AN
deliberated Manifest injustice, which don't comport
with Dictation of Due process of Constitutional
Law

REASONS FOR GRANTING THE PETITION

1) Mr Case, Confund, Assult, ACTUAL —
INNOCENCE

2) Mr Case Conviction is obtained By Mize
AND Abuse of Authority, By State official et al
INTEGRITIES

— The Court, Sworn, of Liberty Justice is
Empower to Correct. Classic Act fundamental
MISFEASANCE of Justice, And to ABATE
This flagrant Assault. Adm upon the —
Constitution. Which I don't think it
can not Withstand, The Court is
empower preserve Constitution. to Correct
Any Manifest disregard of Const Law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

M. Walter T. O'Quinn

Date: 9th April 2021