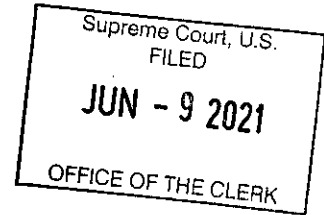


20-8397

No: _____

ORIGINAL

SUPREME COURT OF THE UNITED STATES



Mr. Louis A Banks, parent of D.B a minor,

Petitioners et, al

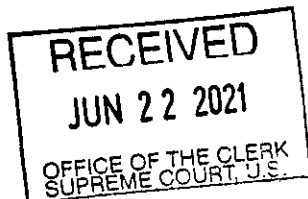
vs.

District of Columbia et, al

Respondent(s)

On Petition for a Writ of Certiorari to the United States Court of Appeals
for the District of Columbia Circuit from En banc

PETITION FOR WRIT OF CERTIORARI



Louis A Banks, parent of D.B a minor,
3227 Fort Lincoln, Dr NE
Washington D.C 20018
Pro Se, Friend of the Court
E-mail ismgroup@hotmail.com

I QUESTION(S) PRESENTED

1. Whether Teacher, officers, law enforcement violate the rule announced in *Edwards v. Arizona* by interviewing, interrogated, unreasonable searches False Imprisonment a 6-year old minor (heterosexuality Straight), gender black male who has previously invoked the Fifth Amendment right to his father and counsel, under what circumstances does the custodial detainee "initiate" further communications with law enforcement and thereby purge the taint from the *Edwards* violation, and using his or her official title position while engaged in political activity **Hatch Act**. **Under** Title IX the Education Amendments of 1972 prohibits discrimination based on sex in education, discharge though an adversary proceeding commenced by filing a grievances/ complaint mailing by the clerk of the court, serving it summons on an appropriate agent of respondents. **When** does such procedure meet the rigorous demands of due process and entitle the resulting order to respect under principles of *res judicata* and thereby purge taint from the Petition Clause First Amendment,?

2. Whether claims for declaration, injunctive monetary, punitive damages relief can be certified under Federal Rule of Civil Procedure Rule 23(c)(3) the binding effect of a class judgment on members under which by its terms to injunctive or corresponding declaratory relief. **Under Rule 60(b)** as a remedial provision is to be "liberally construed for the purpose of doing substantial justice," *Patton v. Sec'y of Health & Human Servs.*, 25 F.3d 1021, 1030 (Fed. Cir. 1994) Timing of Rule 60(b) Motions.

When does a State Judge, Magistrate Judge have authority to preside over a case when He/She has a conflict of interest? Does absolute immunity apply when a judge, public officer, lawyers, law enforcement has acted criminally under color of law and without jurisdiction, as well as actions taken in an administrative capacity to influence cases? Can a judge, public officer, lawyers, Act of Congress have Immunity for their non - judicial activities who knowingly violate civil right act 1871?

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IV LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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 the petition is as follow:

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Mr. Karl A Racin Attorney General LGBTQ
Mayor Muriel Bowser LGBTQ
Guy Tuner Paul Charter School - , LGBTQ
Donald Jenkins DCPS - LGBTQ
Willis Jefferson DCPS - LGBTQ
Janina Green DCPS Washington DC 2003
DCPS Kevin Walker LGBTQ
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Director Monica Palacio Office of Human Rights One Judiciary 441 4th Street NW Suite 625S Washington DC

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Superior Court Judge, United State Judge William Nooter, Superior Court Judge, United State Judge Jennifer A Di DToro, Judge Anna Blackburne-Rigsby

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V. Related Case

Banks et al v United State, No. 1:17-cv-00808-LKG United State Court of Federal Claims Judgment entered Nov. 6, 2017

Banks et al; v United State, 2018-1254 United State Court of Appeal Federal Circuit Judgment entered June 12, 2018

Banks et al v United State, No. 1:19-cv-00334 United State Court of Federal Claims Default judgment and declaration entered in June 20,2019

Banks et al v United State, No 2020-1039 United State Court of Appeal Federal Circuit judgment entered April 13, 2020 Rule 60(b)

Banks, et al v District of Columbia et al, 2015 CA 010051B Superior Court Judgment entered 12/30/2015

Banks, et al v District of Columbia et al, 2017 CA 006401, Superior Court Judgment entered 09/19/2017

Banks, et al v Muriel Bowers et al 2018 CA 005689B Superior Court Judgment entered 08/14/2018

Banks, et al v United State of America, 2018, CA 006084, Superior Court Judgment entered 08/24/2018

Banks, et al v District of Columbia et al, 16-cv-0478 District of Columbia Court of Appeal Judgment entered 09/06/2016

Banks et al v United State of America et al, 18-cv-1046, District of Columbia Court of Appeal Judgment entered 08/16/2019

Banks et al v District of Columbia et al, 18-cv-0212 District of Columbia Court of Appeal Judgment entered 10/09/2019

Banks et al v Inspired Teaching Public School 16-0038 (RBW) U. S District Court For District The District of Columbia. Judgment entered March 17, 2017

Banks, et al v District of Columbia et al, 20-1598 (UNA), U. S District Court For District The District of Columbia. Judgment entered June 29,2020

Banks et al v Muriel Bower, et al 18-2146 (TNM) U. S District Court For District The District of Columbia. Judgment entered May 17, 2019

Banks et al v Muriel Bower, et al 18-1916 (TNM) U. S District Court For District The District of Columbia. Judgment entered September 13, 2018

Banks et al v Kanyan McDuffie, et al 18-452 (UNA) U. S District Court For District The District of Columbia. Judgment entered May 17, 2019

Banks et al v Kanyan McDuffie, et al 18-452 (UNA) U. S District Court For District The District of Columbia. Judgment entered August 20, 2018

Banks et al v District of Columbia et, al Case 19.5063 U. S District Court of Appeals For The District of Columbia Circuit Judgment entered

Office of Civil Rights and Civil Liberties U.S Department of Homeland Security Judgment Sep 23,2020
U.S Department of Justice Civil Right Division Education Opportunities, Section -PHB Judgment entered Nov 07, 2018

United States Department of Education Officer For Civil Rights Judgment entered May 10, 2018
District of Columbia Commission on Judicial Disabilities and Tenure Judgment entered August, September October 9, 2018

Office of Disciplinary Counsel August 14, 2018 Re Palacio/Banks 2018-U351 Rankin/Banks 2018-U352, Hawkins/Banks 2018-U353, Cheh/Banks 2018-U354, McDuffie/Banks 2018-U355, Racin/Banks 2018-U356

VI. Petition for Writ Of Certiorari

I am writing on behalf of me Louis A Banks parent of D.B minor, a student in Washington DC Public School GPA 3.8 a person that love sports reading, math, science and playing with his friends. In addition, I am loving father who nature, provided, protect his son, also holds a B.S Business Administration Concentration Marketing and Master of Science in Administration Concentration Information Resource Management respectfully petitions this court for a writ of certiorari to review the En banc judgment of the United States Court of Appeals for the District of Columbia Circuit.

VII. Opinions Below

The decision by the United States Court of Appeals for the District of Columbia Circuit denying Mr. Banks, parent of D.B a minor enbac direct appeal before Srinivasan, Chief Judge, and Henderson, Rogers, Tatel, Millett, Pillard, Wilkins, Katsas, Rao, and Walker, Circuit Judges and Sentelle, Senior Circuit Judge, Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote it is.

VIII. Jurisdiction

Mr. Banks Petition, parent of D.B minor petition for hearing to the District of Columbia Court of Appeals for the District of Columbia. was denied on March 31, 2021. Mr. Banks invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the District of Columbia of Appeals judgment. For the purposes of this section, the term "Highest court of a State" includes the District of Columbia Court of Appeals. In addition, District of Columbia is a Corporation governing the entire federal territory (Organic Act), State Actor are persons who is acting on behalf of a governmental body and is therefore subject to limitations imposed on government by the United States Constitution, including the First, Fifth, and Fourteenth Amendments, which prohibit the federal and state governments from violating certain rights and freedoms. They conspire with District of Columbia, government officials to deprive Petition Louis A Banks, parent D.B minor fundamental civil rights.

IX. Constitutional Provisions Involved

United States Constitution, Amendment

The First Amendment to the United States Constitution prevents the government from making laws which regulate an establishment of religion, or that would prohibit the free exercise of religion, or abridge the freedom of speech, the freedom of the press, the freedom of assembly, or the right to petition the government for redress of grievances, as one of the ten amendments that constitute the Bill of Rights.

United States Constitution, Amendment IV:

The Fourth Amendment to the United States Constitution is part of the Bill of Rights. It prohibits unreasonable searches and seizures. In addition, it sets requirements for issuing warrants: warrants must be issued by a judge or magistrate, justified by probable cause, supported by oath or affirmation, and must particularly describe the place to be searched and the persons or things to be seized.

United States Constitution, Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, 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.

United States Constitution, Procedural Due Process

Procedural due process refers to the constitutional requirement that when the federal government acts in such a way that denies a citizen of a life, liberty, or property interest, the person must be given notice, the opportunity to be heard, and a decision by a neutral decisionmaker.

United States Constitution, Substantive Due Process

Substantive due process is the notion that due process not only protects certain legal procedures, but also protects certain rights unrelated to procedure.

X. Statement of the Case

This case is a Bivens Claims and 42 U.S.C Section 1983 suit with omission that was filed against City of District of Columbia et al in the United States District Court for the District of Columbia . This case consists of race, sex , gender "Separate educational facilities unfair treatment discipline disparities against black males' students' boys, black males' parents' father/dad. These disparities are widespread regardless of the type of disciplinary action, level of school poverty, and type public attended. In additions it shows harassment, institutional racism by social, political institutions, such as public schools, courts, health care, housing, education, among others.

It the Petitioners Louis A Banks, parent of D.B minor First Amendment right "to petition the Government for a redress of grievances" includes a right of court access, but narrowly define this right as the right to file a lawsuit The most significant threats to court access today occur after the filing stage, when courts deny the Petitioners Louis A Bank, parent of D.B minor limit remedies to legally injured Petitioners Louis A Banks, parent of D.B minor — by enforcing a mandatory arbitration provision that violated the Petitioners Louis A Banks, parent of D.B minor Procedural due process and Substantive Due Process refers to the constitutional requirement .

Suits 2-17 Alleges New Facts, With Worsening Of The Earlier Conditions.

Petitioners Louis A Banks, parent of D.B minor Case # 2 though Case # 17 current grievances complaints raises new facts that do not arise out of the same transaction or occurrence res judicata does not bar a suit, even if it involves the same course of wrongful conduct as alleged earlier, Lawlor v National Screen Service Corp. Here, district court mistakenly view Petitioners Louis A Banks Parent of a DB minor earlier dismissal for lack of standing which the and district court was not on the merits as analogous to dismissal of Case # 1, Louis A Banks Parent of DB a minor v Inspired Teaching School, Case 2, Case 3, Case ,4, Petitioners Louis A Banks et al did appeal there cases in other words, has case # 1 the Petitioners could have chosen not appeal and the court could have allowed case #2, though Case # 17 to proceed , consistent with rule that dismissals for lack of standing are not dismissals on the merits

regardless of any appeal. See *Media Tech. Licensing LLC v. Upper Deck Co.*, 334, F.3d 1366, 1370 (Fed. Cir. 2003) (reversing application of res judicata where first suite was dismissed for lack of standing and not appealed)

Res judicata is a slavery law that Enacted Black Laws that restricted Blacks, movement the right to sue as well laid to violation of Petitioners Louis A Banks et al Civil Rights, Human Rights under Executive Order 13107 Civil Rights Act with Liberties, and "Under Color of State Law" means to act beyond the bounds of lawful authority, but in such a manner that the unlawful acts were done while the official was purporting or pretending to act in the performance of his official duties. In other words, there unlawful acts consist of an abuse with misuse of power which is possessed by the official because he/she is an official. *United States v. Classic*, 313 U.S. 299 (1941).

Congress increased the scope of the Hatch Act in 1940 by extending its restrictions to employees of state and local governments that receive federal funds (Act of July 19, 1940, ch. 640, 54 Stat. 767

Over 21 year ago, this Court held *Franklin v Gwinnett County Pub Schs* (1992) held that Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs activities that receive federal financial assistance.

This case presents the question of whether the "initiation" standard of the Title IX is enforceable through an implied right of action. *Cannon v. University of Chicago*, 441 U.S. 677 . P. 65.

The longstanding general rule is that absent clear direction to the contrary by Congress, the federal courts have the power to award any appropriate relief in a cognizable cause of action brought pursuant to a federal statute. See, e.g., *Bell v. Hood*, 327 U.S. 678, 684 ; *Davis v. Passman*, 442 U.S. 228, 246 -247. Pp. 65-68.

Title IV of the Civil Rights Act of 1964 prohibits discrimination based on race, color, national, origin, sex, in public schools this was "unequal", and therefore violate the Equal Protection Clause.

"Brown v Board of Education"

Over 12 years ago, this Court held in *Safford Unified School District v Redding*, 557 U.S. 364, held that a strip search of a middle school student by school - teacher, officials violated the Fourth Amendment to the U.S. Constitution, which prohibits unreasonable searches and seizures.

This case presents the question of whether the "initiation" standard of the *New Jersey v T.L.O* (1985) rule is satisfied when Teachers violate Fourth Amendment to the U.S Constitution the Court found that the search failed to meet the reasonable suspicion " standard for searches of students in a school.

Over 60 years ago, this Court held in *Miranda v. Arizona* that law enforcement may not interrogate a custodial detainee-who has invoked his right to counsel, unless and until counsel is made available to him. *Miranda* holds that the right to counsel is a significant event, and once exercised, "the interrogation must cease until an attorney is present." 384 U.S. 474.

In *Edwards v. Arizona*, this Court held that when a custodial detainee has invoked his right to counsel, all subsequent statements obtained in violation of *Miranda* are presumed involuntary and inadmissible unless the (1) the accused himself initiated further communication, exchanges, or conversations and (2) knowingly and intelligently waived the right he had invoked. 451 U.S. 477, 486, n. 9 (1981).

This case presents the question of whether the "initiation" standard of the *Edwards* rule is satisfied when officers violate *Miranda* by contacting a custodial suspect who has unambiguously invoked his right to counsel without first making counsel available to him, and the kid responds by asking to speak with his father they contact him.

XI. REASONS FOR GRANTING THE WRIT

To avoid erroneous deprivations of the Bill of Rights, Procedural Due Process the right to present evidence, abridged the fundamental right of law Substantive Due Process to counsel, right to his father this Court should clarify the "initiation" standard under Title IX the Education Amendments of 1972, Franklin v Gwinnett County Pub Schs (1992), and Edwards that applies when law enforcement contacts a 6-year-old minor who has previously invoked their right to counsel and father. The conflict between state and federal laws are at direct odds, and many honest, American People, Kids are being caught in this legal web that laid to bias, prejudice harassment, because of race, sex, gender and socio economic.

In Miranda v. Arizona, 384 U.S. 436 (1966), this Court adopted a set of prophylactic measures to protect a suspect's Fifth Amendment right to counsel during custodial interrogation. Id., at 467. In order to dissipate the "compelling pressures which work to undermine the individual's will to resist and to compel him to speak where he would not otherwise do so freely," 384 U.S. at 467, the police must advise a suspect of his right to counsel and, "[i]f the individual states that he wants an attorney, the interrogation must cease until an attorney is present." 384 U.S. at 474.

Over 12 years ago, this Court held in Safford Unified School District v Redding, 557 U.S. 364, held that a strip search of a middle school student by school - teacher, officials violated the Fourth Amendment to the U.S. Constitution, which prohibits unreasonable searches and seizures.

Over 21 year ago, this Court held Franklin v Gwinnett County Pub Schs (1992) held that Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs activities that receive federal financial assistance.

Title IV of the Civil Rights Act of 1964 prohibits discrimination based on race, color, national, origin, sex, in public schools this was "unequal", and therefore violate the Equal Protection Clause. "Brown v Board of Education"

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

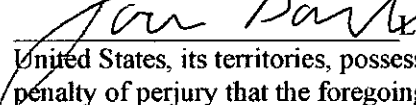
STRICT SCRUTINY ANALYSIS

1. The Statue deprive (s) Louis A Banks, Parent DB a minor child of our fundamental right with interfere with free exercise thereof through enactment of a law. (YES)
2. The Statue intended to achieve a compelling government purpose passed a law involving a suspect classification, that including race Black with national origin also poverty, religion and alien with citizenship status (YES)
3. There less restrictive means for achieving the purpose. (There is a more narrowly drawn means possible.) (NO)
4. **PASSES STRICY SRUITY DUE PROCESSS ANALYSES**

This case presents this Court with an opportunity to clarify the Franklin v. Gwinnett County Public Schools, case in which the U.S. Supreme Court on February 26, 1992, ruled (9-0) that students who are subjected to sexual harassment in public schools may sue for monetary damages under Title IX of the Federal Education Amendments of 1972. Edwards' "initiation" standard in the face of law enforcement actions that violate the Edwards rule. Absent intervention by this Court, the United States Court of Appeals for the District of Columbia Circuit from En banc' published decision will work to undermine the carefully-crafted procedural safeguards that this Court has spent the past 70 years developing.

XI. Conclusion

For the foregoing reasons, Louis A Banks p respectfully requests that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the District of Columbia.

 Louis A Banks et al Pro Se 28. U.S.C 1746 If executed within the United States, its territories, possession or commonwealth, I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.