

No. 21-5796

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SUPREME COURT, U.S.

**ORIGINAL**

In The  
SUPREME COURT OF THE UNITED STATES

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LARRY E. CLARK, ----PETITIONER  
VERSUS  
STATE OF LOUISIANA, DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT ----RESPONDENT

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On Petition for Writ of Certiorari  
to the Louisiana Second Circuit Court of Appeal

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SUBMITTED BY:

The Petitioner  
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## **QUESTION PRESENTED**

A State Law Is At Issue In These Condemnation Cases On Being Repugnant To The U. S. Constitution; But If **No Final Appealable Judgment** Has Been Issued That Can Be Reviewed By The State Appellate Court Or By This Court, **Does: 28 U. S. C. Section 1257 (a) Mandate** For This Court To Consider The Jurisdiction Of This Court And The Jurisdiction Of The State Appellate Court; **And If No Jurisdiction Exists, Must The State Appellate Court** Be reversed, Not On The Merits, But On The Lack Of Jurisdiction?

## List of Parties

Larry E. Clark, is the Petitioner and the State of Louisiana, Department of Transportation And Development is the Respondent. L & M Hair Care Products, Inc., is a party to one of the consolidated cases, but it is not a Petitioner herein.

### **There Are Seven (7) Pending Related State and Federal Suits:**

- (1) Presently pending in the trial court **are these four (4) expropriation suits.** After the Appellate Court issued its opinions and a writ application was denied, Petitioner, realized he had filed the appeal in error. In January 2021, Petitioner began filing various motions, exceptions and amended Petitions into these suits, seeking nullity of the January 15, 2020 opinions issued by the LA 2<sup>nd</sup> Circuit Court of Appeal, based upon the lack of jurisdiction, of both of the lower state courts, and added Bribery, Fraud, and Federal Civil Rights Violations.
- (2) Also Pending, Larry E. Clark, Sr. v. John B. Edwards, Governor of Louisiana, et al., No. 3:21-cv-177, (U. S. District Court, M. Dist. of Louisiana, Baton Rouge, LA 03/29/2021), seeking for: Prospective Injunctive Relief; Prospective Declaratory Relief; and A Writ of Mandamus, filed to stop attempted Bribery and/or a Kick Back scheme and/or Fraud and as a result the Opinions of the Louisiana Second Circuit ruled to affirmed res judicata in part based upon previously issued federal judgments, even though the U. S. 5<sup>th</sup> Circuit Court of Appeal on June 30, 1999 issued unreported and unpublished Opinion No. 97-30715, Clark et., al., v. Pena, et., al., ruling that the lower federal courts had no jurisdiction in these originally filed state court matters (See Pet. Appendix –M, N, O).
- (3) In addition, pending, a March 1996 suit, Larry E. Clark, and L & M Hair Care Products, Inc., v. Frank Denton, Secretary for the Louisiana Department of Transportation And Development et., al., #425,690-D, 19<sup>th</sup> JDC, of East Baton Rouge Parish, requesting: a writ of mandamus; nullity of many previously issued state court civil judgments; an exception of res judicata be declared unconstitutional under the 5<sup>th</sup> and 14<sup>th</sup> Amendment of the U. S. Constitution; and for federal civil rights violations, etc.

(4) Furthermore, presently pending is an originally filed May 1990 state court legal malpractice suit #362,381, against many of Petitioner's former attorneys and their law firms; which was later amended to add federal civil rights violations; and the Respondent and the Respondent's officials, and/or employees and many others were added. See: Larry E. Clark and L & M Hair Care Products, Inc., v. Mangham, Hardy, Rolfs And Abadie, et., al. No. 362,381 1<sup>st</sup> JDC of Caddo Parish, Shreveport, Louisiana; 733 So. 2d 42 (La.App. 2<sup>nd</sup> Cir. 1999).

### **Related Closed Cases**

(5) A federal mandamus suit, filed June 05, 1996, Larry E. Clark and L & M Hair Care Products, Inc, v. Frederico Pena, Secretary of the U. S. Transportation; Rodney Salter, Administrator of the U. S. Department of Transportation; Frank Denton, Secretary of the Louisiana Department of Transportation And Development; and James M. Dousay, Administrator of the Louisiana Department of Transportation And /Development, No. cv96-1360, U. S. District Court, Western District of Louisiana, Shreveport-Division; unpublished and unreported opinion No.97-30715 (U. S.5<sup>th</sup> Cir. June 30, 1999). See Appendix Nos. M, N, O.

(6) Dismissed federal suit 97-1266, filed in April 1997 for civil rights violations and legal malpractice. Larry E. Clark v. George B. Land, et al, No.97-1266, U. S. District Court, Eastern District of New Orleans, New Orleans, Louisiana.

(7) Dismissed Without Prejudice Nullity State Court Civil Suit #429,240, filed in January 1998 to have these expropriation suits declared absolutely void; to have the October 1995 Judgment and the February 4,1997 Judgment issued in expropriation suit #363,679 declared void based upon state and federal constitutional grounds: No Notice of Trial, Bribery, Fraud and Conspiracy, and for nullity of other related State Court Civil Judgments. Larry E. Clark and L & M Hair Care Products, Inc., v. State of Louisiana, Department of Transportation And Development, et al., No. 429,240, 1<sup>st</sup> JDC of Caddo Parish, Shreveport, Louisiana.

(8) Dismissed Without Prejudice federal suit No. cv98-1753, which was part of the originally filed state court nullity suit, #429,240, 1<sup>st</sup> JDC of Caddo Parish, seeking nullity of all the previously issued state court civil judgments, Larry E. Clark and L & M Hair Care Products, Inc., v. State of Louisiana, Department of Transportation And Development, et al.,, Shreveport, Louisiana removed from the state court to the U. S. District Court, Western District of Louisiana, Shreveport-Division and remanded;

(9) Former federal suit No. cv98-0271, the removed state court legal malpractice suit, and remanded back to state court, and is presently pending state court, originally filed July 1990. Larry E. Clark and L & M Hair Care Products, Inc., v. Mangham, Hardy, Rolfs And Abadie, et., al., No. 362,381 1<sup>st</sup> JDC of Caddo Parish, Shreveport, Louisiana, removed from the state court to the U. S. District Court, Western District of Louisiana, Shreveport-Division;

## **OPINION BELOW**

The Louisiana 2<sup>nd</sup> Circuit Court of Appeal on January 15, 2020 issued Opinions that affirmed res judicata based upon a non-final absolutely void state court judgment and/or a void federal court judgment. A Copy of the Ruling is attached, see (Pet. Appendix – A), and is reported at 289 So.3d 226 (La.App.2<sup>nd</sup> Cir. 1/15/20), rehearing denied (Feb. 28, 2020), writ denied, 2020-C-00528 (La. 9/23/20), 301 So.3d 1183, reconsideration denied, 2020-C-00528 (La. 6/01/21), 316 So.3d 830. No state or federal court had **Jurisdiction**, neither the 2<sup>nd</sup> Circuit.

## **JURISDICTION**

No Final appealable Judgment been issued in these suits. 28 U. S. C. Section 1257(a) is the jurisdictional statute for a State Court's Final Judgment, and where a law repugnant to federal law is at issue. With No Final Judgment, this Court only has Jurisdiction to consider its Jurisdiction, and of the Court(s) below.

## **CONSTITUTION AND STATUTORIAL PROVISIONS INVOLVE**

1. The Fifth Amendment of the U. S. Constitution
2. The Fourteenth Amendment of the U. S. Constitution
3. 28 U. S. C. A. Section 1257 (a)
4. LSA-R.S. 13:4231
5. Former LA-C.C. Art. 2286 and Former 3506 (31)
6. Former Louisiana Code of Civil Procedure Articles: 531 and 641
7. Louisiana Code of Civil Procedure Articles: 1913,1914, and 1915
8. Louisiana Code of Civil Procedure Article 1917
9. LSA-R. S. 48:441 et., seq.

## **STATEMENT OF THE CASE**

Patent on the face of these records and the LORD GOD, reveal that under

Art. 1. Section 4., of the LA Constitution, and Expropriation Laws, R. S. 48:441 et., seq., these are four absolutely void Condemnation cases. The 1986 suits, are void for the lack of an Indispensable Defendant. The 1990 filed expropriation suit was filed by a corporation without legislative authority. In Re Mansfield v. Nabors, 135 La. 807, 66 So. 229 (La.1914). The LA 2<sup>nd</sup> Circuit on appeal refused to address such issues. It proceeded to the merits and affirmed the dismissal with prejudice on res judicata, and in part based upon a federal judgment. But, No Final judgment has been issued by the Trial Court, and the 2<sup>nd</sup> Circuit's ruling, overruled three separate Opinions of the U. S. 5<sup>th</sup> Circuit, issued, for related federal suits and all ruled, no federal court jurisdiction(Appendix M, N & O). For decades the former contract lawyers for the Respondent, and a State Judge had been attempting to get a \$200,000.00, Bribe and/or a Kickback from Petitioner and/or from L & M Hair Care Products, Inc. ( "L& M"). Before the Respondent filed the suits, L & M had several leases and options on all property expropriated. One lease was recorded into Public Records, that made L & M an Indispensable party. Then, L & M's suit, No. 363,679, was ruled to be an expropriation in: L & M Hair Care Inc., v. State, DOTD, #23,124-CA (La.App.2<sup>nd</sup> Cir. 12/4/91) 590 So.2d 122; and L & M Hair Care, Inc. v. State, DOTD, 622 So.2d 1194 (La.App.2<sup>nd</sup> Cir. 1993), writ denied, 626 So.2d 1129 (La.1993). The suit was dismissed with prejudice in 1997 without the payment of compensation to L & M. All as a result that Petitioner and L & M wouldn't agree to pay a Bribe and/or a Kickback. The Respondent's

former contract lawyers and the Trial Judge ambushed Petitioner and L & M by not serving them with the mandatory citation and service of the notice of the setting of a jury trial. L & M et. al., v. State, DOTD, 704 So.2d 415(La.2<sup>nd</sup> Cir.1997). Afterwards, litigation continues in many other state and federal suits.

In 2017 and/or in 2018, Petitioner filed Petitions into these four suits, seeking the absolute nullity of all Judgments, based upon: lack of subject matter jurisdiction, and/or lack personal jurisdiction and/or lack of citation and service, etc., and later filed a 'REQUEST FOR NOTICE" requesting written notice on all Orders and Judgments rendered. The Respondent filed exceptions of res judicata. A hearing was held on the exception of res judicata in February 2018. In March 2018 a Judgment was signed granting res judicata. Petitioner filed a **motion requesting the exception of res judicata to be declared unconstitutional based upon the violation of the 5<sup>th</sup> and 14<sup>th</sup> Amendments of U. S. Constitution.**

Before the start of the hearing, on April 23, 2018, for the motion, Petitioner filed a: "**....EX PARTE MOTION WITH AN ORDER REQUIRING FOR THIS COURT TO TAKE JUDICIAL NOTICE OF THE LAWS OF THE UNTIED STATES; THE LAWS OF THE STATE OF LOUISIANA; AND REQUESTING FOR THIS COURT TO OBTAIN SUBJECT MATTER JURISDCITION BY ORDERING THE DOTD TO MAKE L & M A PARTY, ETC., IN THES SUITS"**

At the April 2018 hearing, the Trial Court ruled to: reaffirm the granting of res Judicata it granted in March; to grant Lis Pendens as to Petitioner's motion filed regarding the 5<sup>th</sup> and 14<sup>th</sup> Amendment of the Constitution based upon, that, that same issue was being under review in suit #425,690-D, 19<sup>th</sup> JDC of East Rouge

Parish. However, all the exact same issues were and still is at issue in suit #425,690-D as well as were and still is in pending suit #362,381, 1<sup>st</sup> JDC of Caddo Parish, no ruling was made for the Ex Parte Motion (Appendix – J, K, L).

28 U. S. C. Section 1257(a) provides:

“Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.”

Three Partial Judgments of the Trial Court were served on Petitioner, and were appealed (Appendix Nos. I, J, & K). On appeal, the Court ruled in pertinent part: “Before us is a pro se appeal...**challenging three judgments.**” All state Judgments sustaining res judicata were and still is under review in other pending state court cases. LSA-C.C.P. Art. 1915 provides in pertinent part:

“B.(1) When a court renders a partial judgment or partial summary judgment or sustains an exception in part, as to one or more but less than all of the claims, demands, issues, or theories against a party, whether in an original demand, reconventional demand, cross-claim, third-party claim, or intervention, the judgment shall not constitute a final judgment unless it is designated as a final judgment by the court after an express determination that there is no just reason for delay.

(2) In the absence of such a determination and designation, any such order or decision shall not constitute a final judgment for the purpose of an immediate appeal and may be revised at any time prior to rendition of the judgment adjudicating all the claims and the rights and liabilities of all the parties.”

In Delahoussaye v. Tulane, 155 So.3d 560 (La.App.4<sup>th</sup> Cir. 2013), the Court ruled

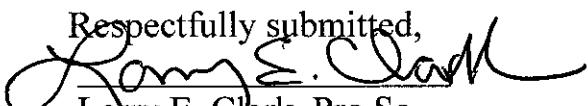
in pertinent parts:

“Because the judgment in question did not dismiss all the plaintiffs' claims against the Administrators, it falls squarely within the ambit of article 1915 B.....No such designation appears in the record, nor do the appellants assert that they have sought or obtained one. We therefore lack appellate jurisdiction.”

In the expropriation case of Grays Harbor Logging Co. v. Coast-Fordney Logging Co., 243 U. S. 251 (1917), this Court ruled in pertinent part “.....The judgment brought up by the present writ of error not being a final judgment,.....the writ must be *Dismissed.*” See also: San Diego Co. v. City of San Diego et al., 450 U. S. 621 (1981); Flint v. Ohio, 451 U. S. 619(1981); Jefferson v. City of Tarrant, 522 U. S. 75 (1997); Radio Station Wow Inc., et al v. Johnson, 326 U. S. 120 (1945); Cox Broadcasting v. Cohn, 420 U. S. 469 (1975); and Steel Co. v. Citizens for Better Environment, 523 U. S. 83(1998), where an Appellate Court was reverse.

### CONCLUSION

Petitioner, prays that his Petition For Writ Of Certiorari be granted, for the limited purposes, for the consolidated Opinions issued by the Louisiana Second Circuit Court of Appeal on January 15, 2020 be reverse, for lack of jurisdiction.

Respectfully submitted,  
  
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## **CONTENTS OF THE APPENDIX**

**EXHIBIT -A: THE CONSOLIDATED OPINIONS OF THE LA 2<sup>ND</sup> CIRCUIT;**

**EXHIBIT -B: AN ORDER ISSUED ON 01/28/ 2029 BY THE LA 2<sup>ND</sup> CIRCUIT THAT DENIED PETITIONER’S “Declinatory Exception For Lack of Subject Matter Jurisdiction, and Appellant’s Requesting For This Appeal Court To Raise Lack Of Non-Joinder Of Indispensable Party On Its Own Motion, and after considering the records, the evidence, and all the laws and prior opinions” ;**

**EXHIBIT - C: AN ORDER ISSUED ON 01/28/2020 BY THE LA 2<sup>nd</sup> Circuit THAT DENIED PETITIONER’S FILED MOTION REQUESTING FOR “For The Full Second Circuit Court of Appeal To Decide Appellant’s Declinatory Exception For Lack Of Subject Matter Jurisdiction;**

**EXHIBIT - D: AN ORDER ISSUED ON 02/28/2020 BY THE LA 2<sup>ND</sup> CIRCUIT THAT DENIED PETITIONER’S “motion to rescue The panel which rendered the original opinion...”;**

**EXHIBIT - E: A RULING ISSUED BY ON 02/28/2020 BY FIVE JUDGES OF THE LA 2<sup>ND</sup> CIRCUIT DENYING PETITIONER’S APPLICATION FILED FOR A REHEARING DENYING PETITIONER’S MOTION FILED FOR A REHEARING;**

**EXHIBIT - F: A RULING ISSUED BY ON 02/28/2020 BY FIVE JUDGES OF THE LA 2<sup>ND</sup> CIRCUIT DENYING PETITIONER’S MOTION FILED REQUESTING THE ENTIRE 2<sup>ND</sup> CIRCUIT COURT OF APPEAL TO DECIDE PETITIONER’S MOTION FILED FOR A REHEARING;**

**EXHIBIT-G: LOUISIANA SUPREME COURT ON SEPTEMBER 23, 2020 DENYING PETITIONER’S APPLICATION FOR WRIT OF CERTIORARI;**

**EXHIBIT -H: LOUISIANA SUPREME COURT ON JUNE 01, 2021 DENYING PETITIONER’S APPLICATION FOR RECONSIDERATION OF DENYING PETITIONER’S WRIT OF CERTIORARI;**

**EXHIBIT - I: THE TRIAL COURT INTERLOCUTORY JUDGMENT  
FILED ON 03/19/2018 ON RENDERED AND SIGNED ON  
03/21/2018 FOR CONSOLIDATES SUIT NOS. 325,511-A;  
325,512-A; AND 328,772-A;**

**EXHIBIT - J: THE TRIAL COURT INTERLOCUTORY JUDGMENT FILED  
ON MAY 17, 2018 AND RENDERED AND SIGNED ON  
05/29/2018 FOR CONSOLIDATED SUIT NOS. 325,511-A;  
325,512-A; AND 328,772-A;**

**EXHIBIT - K: THE TRIAL COURT INTERLOCUTORY JUDGMENT FILED  
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05/24/2018 FOR SUIT NO. 363,679;**

**EXHIBIT - L: THE TRANSCRIPT OF THE HEARING HELD ON APRIL 23,  
2018 BY THE TRIAL COURT FOR THESE FOUR  
EXPROPRIATION SUITS;**

**EXHIBIT-M: AN UNPUBLISHED AND UNREPORTED OPINION NO. 97-  
30715 ISSUED ON JUNE 30, 1999 BY THE U. S. 5<sup>TH</sup> CIRCUIT  
COURT OF APPEAL, RULING THAT THE LOWER FEDERAL  
COURTS HAD NO JURISDICTION IN THE STATE COURT  
SUITS AND ISSUING MONEY SANCTIONS AS A RESULT  
OF FILING THE SUIT IN FEDERAL COURT.**

**EXHIBIT -N: UNPUBLISHED AND UNREPORTED OPINION NO. 11-  
30724 ISSUED ON JUNE 12, 2012 BY THE U.S. FIFTH  
CIRCUIT RULING AGAIN THAT THE U. S. LOWER  
FEDERAL COURT HAD NO JURISDCITION BUT DID HAVE  
JURISDICTION TO ISSUE SANCTIONS;**

**EXHIBIT-O: UNPUBLISHED AND UNREPORTED OPINION NO.14-31376  
ISSUED ON MARCH 17, 2015 BY THE U.S. 5<sup>TH</sup> CIRCUIT  
RULING IT HAD NO JURISDCITION TO ISSUE A  
MANDAMUS, THAT WAS REQUESTED BY PETITIONER.**