

Case Number #

21-6317

In the
Supreme Court of the United States

Clayton G. Walker,

Petitioner,

Vs.

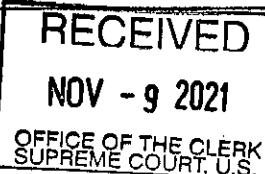
Steve Barnett, Marcia Hultman in Official Capacity, Steve Barnett & Marcia Hultman in their
Individual Capacity, DOL, United States, Unknown Employees, ect al.

Respondent.

On petition for Writ of Certiorari to eight circuit court of appeal

PETITION FOR WRIT OF CERTIORARI

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Clayton G. Walker

Petitioner,

Vs.

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& Individual Capacity, DOL, United States,

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Case # _____

Appellate # 20-3199

Petition for Writ of Certiorari

I. Questions Presented

1. Should everyone have the same Access During the Pandemic.
2. Should Walker as a Candidate for United States Sente be grated the same rights as other when it comes to a Pacer Account?
3. Are the rights of a candidate that is treated differently during an election, violate the equal protection clause of the 9th and 14th Amendment?
4. Was it Constitutional for our Governor Kristy Noem to be the only State that didn't require Mask Mandates?

5. What's more Important, Money or Death

List of Parties

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceedings in the court whose judgment is the subject of this petition is as follows:

Steve Barnett, Marcia Hultman in Official Capacity, Steve Barnett & Marcia Hultman in their Individual Capacity, DOL, United States, Unknown Employees, Marcia Hultman

Clayton G. Walker will be referred to as the Petitioner, I , Walker, him, me, and the plaintiff.

Steve Barnett, In his official & individual capacities, will be referred as Defendants, they and Respondents.

The Candidate Clayton G. Walker was electrocuted by High Voltage of 277 volts in which he is suffering from memory loss, brain injury and a shoulder injury, care was denied by the insurance and Walker will most likely have to send those appeal to the Supreme Court of the United States. Walker is asking the court to liberally construed this brief as to give substantial justice that is fair and equal.

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IV. Jurisdiction

Candidate Clayton G. Walker petition for a hearing to the 8th Circuit Court of Appeals was denied on or about the April 4th 2021. Mr. Walker invokes this court jurisdiction under 28 U.S.C. § 1331 § 1251, having timely filed this petition for Writ of Certiorari within the time extension during the pandemic of Covid-19 within the time allowed of the eights circuit court of Appeals. The court has jurisdiction over this action under 42 U.S.C. § 1983. This court has Jurisdiction Under 28 U.S.C. § 129. Fed. R Civ. P 4 under article III of the United States Constitution.

Under Article III, § II of the Constitution establishes the Jurisdiction (legal ability to hear all cases) of the Supreme Court. The court can hear the case on Appeal and has appellate Jurisdiction on lmost any other case that involves a point of Constitutional and or Federal Law.

V. Petition for Writ of Certiorari

Candidate Clayton G. Walker is a resident in the Rapid City area of South Dakota, Walker respectfully petitions this court for a Writ of Certiorari to review the order of the eight Circuit Court of Appeals.

VI. Statement of the case

The case challenges the Federal Constitutional Right of getting equal access to the ballot during a pandemic. Clayton G. Walker the petitioner knew he wasn't going to get ballot access after fighting in his district for the past 6 years as an Independent candidate. Walker has been fighting the two major party system on getting Equal Access for minor parties. The Petitioner filed a Motion for a Writ of Mandamus with the court for equal access to justice before the petitions were due at the Secretary of State. There are disputed facts when the candidate should get the same rights as major parties. That MSJ was premature and MSJ should have been denied until after Discovery was completed. The plaintiff is a Pro Se indigent litigant, with limited access to the internet, a computer and with no access to a pacer Account.

This is the Petitioner Clayton G. Walker who was the Plaintiff in 18-4059. Walker pursued a Motion for a Pacer Account for Equal Access to Justice. This two party system needs to come to an end and the court needs to start letting Walker have access to the same rights as the Respondent gets. The courts need to let Walker litigate his case in the same way as the other parties are allowed to do with a Pacer Account. The courts can't continue to be one sided and keep Walker from having access to the courts, Walker needs to litigate the case in the same way as other parties get too. For the courts to be one sided is unconstitutional. To only have one side get access to the courts is Unconstitutional.

A brief history of the expert witness, the expert witness has been accepted as part of civil and criminal trials since 1670. The expert witness are called upon to serve as an objective

witness to the lawsuit that is not fighting for either side. The expert witness is there to explain complicated scientific issues like getting Access to Justice in the same way as the other parties do with a Pacer Account.

It is up to the jury to decide these disputable facts not the Respondents Attorney, Walker request a Writ of Mandamus and it was ignored/denied. Now the courts want to give an opportunity with this appeal, I'm a little confused on how now the courts will change the past? The writ of mandamus was filed because there is no way for the courts to overturn and start an election all over. Please review walkers motion for clarification on this matter. Look at all the cases where clayton has been denied ballot access, access to justice, police brutality, violation of the plaintiffs 8th 9th and & 14th Amendments, freedom of Speech and Religion. please stop the courts continue to harm, Walker has the right to Freedom of Association and denial again of a Pacer Account would violate Walker Constitutional rights. Please allow walker to have Constitutional Rights and not be discriminated because of his political views, and religious beliefs and Disability.

The petitioner needs his day in court, and to continue to let the state get away with election fraud is Unconstitutional. When all these Unconstitutional rights are put together, they are extremely burdensome. The Supreme Courts Shouldn't continue to violate and ignore the Constitutional Rights of Candidate Clayton Walker. When we have huge protest fighting for Justice and Access to the courts for these victims like clayton walker that are at the hands of these horrible violations that are protected by the United States Constitution,(the court needs to take notice) walker has been denied even access to review case laws on a pacer account in the lower district court and the Appellant court shouldn't allow Walkers rights to be to violated again, no matter what is religious beliefs are, his political views, or his disability.

The petitioner has had his briefs interpreted wrong/unconstitutional before in the district court and respectfully ask the Appellant court to review the motion for oral argument before the case is dismissed. The petitioner has very little law experience, just recently suffered from a concussion from being electrocuted by high voltage of 277 volts , falling off an 8ft ladder landing on his shoulder and head on a concrete floor, suffers from a disability,(see 20-1209) the covid-19 pandemic and here the courts have held the case in balance so long that the election has gone and past for over two years now, I think the petitioner has had enough cases being denied Access to Justice.

The 14th Amendment of the United States of America states that the law should be equal for everyone, if walker can't get access to look at and review the cases that the Respondents have placed into the record in the lower court, this would be a violation of the Constitution and walkers rights. It was the United States Supreme court Justice Hugo L. Black that once said "a mans trial should not be determined by the amount of money he has in his bank account." Walker can't afford a pacer account to review the case laws and the cases that the Respondents have placed into the Record in the lower court. The Court needs to be fair and open for all parties and not just the ones that have money or that works for the state. The court has significant discretion to take account of the special circumstances that often arise in Pro Se litigation situation. See Haines vs Krener 404 U.S. 519 (1972) the claims should not be dismissed without affording him the opportunity to present evidence on his claims. Mr. Walker the Petitioner, should get the opportunity to offer proof and facts with discovery.

Constitutional and Statutory provisions involved

In *Williams v. Rhodes* 393 US. 23 30(1968) the court stated that Ballot access restrictions infringed on the rights of Individuals to associate for political purposes. In *Williams v. Rhodes* 1968 the supreme court of the United States the *Williams et al v. Rhodes*, governor of Ohio et al that Ohio's restrictive were discriminatory and violated the Equal Protection Clause because they gave the two old established parties a decade of advantages over minor candidate parties. The Supreme Court in a 6-3 opinion authored by justice Hugo L. Black, the Supreme court found that Ohio failed to show a compelling interest in limiting the parties' ballot access. The court concluded that Ohio's restrictions gave the two major parties a "total monopoly" and imposed a significant, unequal burden on minority parties. Given the importance of the right to vote, Ohio's arguments that its restrictive policies maintained an orderly process and ensured an electoral victor would have at least 50% of vote failed to meet the necessary standard of a compelling the state interests. The United States Supreme court struck down the Ohio restrictions and granted the American Independent Party full ballot access.

Introduction

The case challenges the Federal Constitutional Right of getting equal access to the ballot during the pandemic of CoVid-19. Clayton G. Walker the Appellant filed a Motion for a Writ of Mandamus with the appellant court for equal access to justice before the election. Walker asked for a motion to be liberally construed, but the case was dismissed because of non-service to the governor's office, service was mailed by the Appellant to the Secretary of State office and Attorney General's office. Before the due date of petition circulation, Walker the candidate asked about getting an online petition option or if the Secretary of State had made any other arrangements due to the fact of the ongoing pandemic. The reply was "no" please see exhibit.

Walker thought he was finally going to get ballot access after fighting in his Federal District court for the past 6 years as an Independent candidate. But again, denied access under the 14th Amendment. Walker has been fighting against the two major party system (a party monopoly) on getting Equal Access for minor parties. The Appellant filed a Motion for a Writ of Mandamus with the court for equal access to justice before the petitions were due at the Secretary of State office.

CASE HISTORY

Walker was watching as the pandemic unfolded in China as the rest of the world watched in its early stage of November 2019. Covid-19 was a Coronavirus disease caused by SARS-COV-2 and microorganisms in which we are till trying to understand all of the different strains and to come up with a vaccine that works. Walker started circulating his petitions for United States Senate for South Dakota in January 2020. After videotaping the local office about getting the petitions needed to circulate, Walker was finally granted that right to run after she seen walker was recording the denial of getting access to the petition to start circulating. Walker found it to be difficult to circulate his petitions due to the pandemic that was making it across the world. A lot of people would state “ I would sign but not during this pandemic, I’m sorry.” I was threatened with being arrested for circulating outside of the city Administration office in Rapid City. Walker asked the Secretary of state (SOS) if they had made any arrangements due to the pandemic with getting access to the ballot during the pandemic. Like online petitions See Walker vs. Barnett evidence/ Exhibit placed into the record, (see Email to Christine Lehrkamp SOS Election Coordinator on January 28th 2020) they said “no” but the SOS have brought bills/ ideals to the legislature council before see Walker vs. Barnett 20-2870. The states argument is that they can’t bring bills to the legislature, a contradicting statement from a previous brief filled

in district court (a perjury statement) but they did go to the legislature before see Walkers lawsuit for getting access to the Ballot when running for governor a case pending before this court. See walker vs. Barnett 20-2870. Held in abeyance for over two years after the election was over.

Walker started this lawsuit about getting access to the ballot during a pandemic before the election was over, filing a writ of mandamus that is used for abuse discretion and to properly fulfill their duties. This case was held in abeyance till after the election was over,(a trend) the case was dismissed stated that because of service, (not Liberally Construed) Walker never got a pacer account or got to litigate this case, he couldn't call expert witness, and the court count have taken Judicial Notice on a new pandemic that even doctors are still trying to understand. See Walkers formula and molecules structural below. Walker brought a timely notice of appeal to this district. The Federal Rules of civil Procedure are governing proceedings in the united states district courts their purpose is to secure the just, speedy and inexpensive determination of every action and proceedings these rules were first adopted by order of the Supreme court in 1937, last amended in 2020 to take affect December 1st of 2020. The case sat in abeyance with no action Walker was forced to file the Writ of Mandamus. Walker needs Expert Witness to call for litigation in this case. This is the Petitioner Clayton G. Walker who was the Plaintiff in # 20-4059 in the district court in the Southern Division by Judge Karen Schreier. The court has erro in the district court in this case. Walker filed a Motion for a Clarification for Equal Access to Justice under the United State Constitution 5th and 14th Amendment. Walker the Appellant also filed a motion for extension of time. Walker does not have a pacer account or be able to view case laws please see Walkers motion for a pacer account to view case laws. Under the 9th and 14th Amendment Everyone should have the same rights as others and when laws are not specially stated in the constitution those rights belong to the people. Walker also filed a motion for a Writ

of Mandamus with the Appellant court number 20-2834. Walker seeks this brief to be liberal construed and that for a fair and equal access to justice under the 5th 9th and 14th Amendment. Walkers' briefs are never liberally construed over the past 6years of litigation. (Rule 12 (a) Liberal Construction all pleadings shall be liberally construed (b) disregard of error or defect. But Walkers motions and briefs are never liberally construed as requested. Please review the lower court's decision on Walkers motion for liberally construed.

Walkers current disability prevents him from working too long on his case, some would argue Under the American with disability act that Walker should be getting assistance with his brief, I'm sue I have small errors myself, but that's why Walker's motion for a court appointed attorney so he could get the court brief assistant that he needs. Please see American with Disability Act.

Writ of Mandamus And Judicial Notice

The Writ of Mandamus is an extraordinary remedy, which is used in exceptional circumstances of a type of peculiar emergency or public importance, pandemics only come around every 100 years. See Cheney vs. United States Dist. Court for DC (03-475) 542 U.S. 367 (2004) 334 F.3d 1096. There is no more of a proper time like in this case for a Writ, as we will not see another outbreak in another 100 years similar to pandemic (flu Pandemic) in the fall of 1918. The court could not take Judicial Notice on this type of issue. The team of white house doctors the " Task force for CoVid-19" are still having trouble understand the pandemic and a cure. Getting access during the pandemic is just impossible with library closed, shops, print shops and access to the court cases, documents, even if my district had cases like this before in the past, you can't search by topic for these type of cases in the federal level court cases. Again, Walker is denied over and over again about getting a pacer account to look up cases for a fair

chance of litigation. See case 17-5007 where an error occurred about the Federal Right to a speedy public trial was denied. Constitutional Rights where the court has made an error about getting that access, if you just read the description of the case online this shows the courts confusion over the signing a waiver of Walker's rights away (he never did this) (the court refused to give Walker his Constitutional Rights after multiple requests to fix and remand) but as the reading of the description from Judge Viken is misleading about what happened. The court interpreted Walker's brief wrong and the error occurred, and the case is still pending with the Writ of Certiorari in the Supreme Court of the United States. In which an overwhelming case load with not enough Judges to review all the cases filed with the Supreme Court. This proves that the Appellant can't just rely on only the description of the case with pacer, (court approval must be granted as stated on the Pacer website for indigent litigants) because a lot of the time that isn't the whole story or it was interpreted wrong like in 17- 5007 Walker vs. Yants the Right to a Speedy Public Trial. (6th Amendment of the United States Constitution.)

The Federal Rules of Civil Procedure are governing proceedings in the United States district courts. Their purpose is to secure the just, speedy and inexpensive determination of every action and proceeding. These rules were first adopted by order of the Supreme Court in 1937, last amended in 2020 to take effect December 1st of 2020. Walker's briefs must be liberally construed and (not just say they will be) it must happen. See Rule 12 (b) Disregard of error or defect.

Clearly Walker is at a disadvantage here not being able to read court cases like attorneys get with a pacer account, with Walker being denied medical treatment for his disability that the court overlook in his 20-1209 case about his suffering. The Court has the opportunity to change and help people during this pandemic with litigation and giving equal access to justice. If we use the analogy I'm a surgery doctor the medical board says I can perform surgery on people.

You can read the outcome of prior surgeons but you cant get to know how the doctor got to that outcome. Now this is not hypothetical, Walker must have a pacer account to view the cases and how they came about. Walker must receive the courts permission first according to the website of pacer to view cases. Walker must be able to how the court got to its opinion. He cant just become a surgeon without training the books, access to other Doctors. So it is the same as walker cant litigate without having a pacer account. Walker cant go to his district court and search by topic, and the law school is a 5 hour drive away.

Microorganism

Viruses are acellular microorganism, which they are not composed of cells, the viruses contain of genetic material (DNA-RNA) and proteins. Once in the host cellular mechanisms they can multiply. In Walker brief he talks about how these microorganisms can enter the host. The Appellant count circulate his petitions because of this new virus CoVid-19 walker states that the masks only covers the mouth and nose, but tear ducts from the eyes drain to the nose (Puncta – lacrimal sac-nasolacrimal duct) . The eustachian tube is a canal that connects the middle ear to the nasopharynx which is in the upper throat and back of the nose cavity. Now in the Nose cavity people have Olfactory nerves and the Olfactory Bulb that connects to the brain a pathway.

Human Coronavirus Types

Our scientists have divided the coronaviruses into 4 subparts which are called Alpha, Beta Gamma and Delta.229E,NL63,OC43,HKU1,Mers-CoV,SARS-CoV,SARS-CoV-2 CoVid 19. When mutations of coping of the virus, the mistake is the RNA gets changed which helps the spread of the virus, RNA has some Similarities to DNA but they are not the same.

Enacting laws the same year as the election creates tremendous burden on the plaintiff. Time to prepare for an election takes a long time, at least 2 years. To have all parties pick their lieutenant governor at the same time, on the last Tuesday would be fair and constitutional.

Is it unconstitutional to enact laws the same year of an election, that is a great example of a disputed facts. Lieutenant governor must be elected together, the plaintiff isn't questing that part of the constitution but that must be before the candidate's Circulation. The plaintiff could pick up anyone up after the primary just as others do for major elections. The plaintiff is entitled to protection under the 1st 5th 9th 10th and the 14th Amendments. Specifically, in the "Equal Protection Clause" that took in effect in 1868, that provides that : "nor shall any state deny to any person within its Jurisdiction the equal protection of the laws (14th Amendment). Independents, republicans, democrats, and other minor parties should all be in the same boat & not be segregated. In regards that SOS stated that American Independent Party is not a political party anymore is unconstitutional.. The petitioner is intitled to the Federal Rules of the court including Federal Rule 8, 26, 39,50. The plaintiff did call the Public Access to Court Electronic Records (Pacer), and talked with Angelica she stated that they have no programs for indigent people. The plaintiff would have to call Angelica, in as a witness, if the Defendants challenge that statements as "hearsay." The defendants state that the plaintiff didn't sign under oath. Because Walker served and signed the brief in front of the clerk at the rapid city office, the plaintiff would have to subpoena those severance videos in which is another disputable fact that "the plaintiff's signature is not genuine." The first Amendment of the United States Constitution. (NAACP vs Alabama (1958) Tashjian vs Republican Party convention(1986), California Democratic Party vs Jones (2000).

This court has already stated in the past that it is Constitutional that Independents are not allowed to have primaries, in which a total of 12 or more candidates can be placed on the ballot at the same time in South Dakota elections. Whereas Major Parties like Democrats and Republicans are allowed to have a primary election to lower the amount of candidates voters can choose from. Walker still finds this to be Unconstitutional, unfair and not equal treatment under the 14th Amendment. This court has stated in the past that it is Constitutional that Independents have to collect 3 times as many signatures as other Major Parties have to collect. (over 3,000 for Independent candidates, around 800 for Republicans and less than 1,000 for Democrats) Please do not allow another unconstitutional law to be made Constitutional here in the state of South Dakota. Please review this case 20-2870 and 20-3199 where the Defendants have stated in 20-3199 that the Secretary of State can't bring bills to the legislature but in 20-2870 they did just that, this created a difference of opinion and perjury. The law has some new changes which are still unconstitutional, with changes through 3/31/2021, but Walker has not been made whole and was denied access to Justice at the time of the election. Please not let South Dakota to continue to discriminate against Clayton G. Walker an Independent Candidate.

Reason for Granting the Writ of Certiorari

The Petitioner' has a Motion to be Heard/Oral argument for Judicial Notice under FEDERAL RULES OF EVIDENCE and Fed. R. Civ. P. Judicial Notice of Adjudicative Facts Rule 201 (e). If the Court takes judicial notice before notifying a party, the party, on request, is still entitled to be heard. The plaintiff has made that request. The plaintiff can't view Harvey v. Piersol 03-4002. Pro se pleadings are to be liberally construed see Martin v. Overton, 391 F. 3d 710,712. The defendants have no basis or authority to influence the Judges decisions without a motion to the court. To have pleadings decided over letters directly to the judge in unconstitutional.

The Respondents has made an error, defendants want to argue that the plaintiff doesn't have the right to reply to a brief. Unquestionably the plaintiff has the right to reply to a brief. The plaintiff re-litigates his motion to be heard. Surely / certainly The defendants can't be telling the judge what to do with regards to a defense In the case of Gibbons v. Orgden (1824). When a federal and state laws are in conflict the federal law is supreme. Based on rule 56 of the Federal rules of Civil Procedures, to grantin favor the case must have no material facts are in dispute. There are a lot of questions in dispute here, the moving party does not deserves judgment as a matter of law. There are facts that a jury must weigh in. In the case of United State v. Nixon 1974 everyone can sustain unqualified immunity. There is a clearly established federal law of equal rights. So the defendants do not have immunity. The understanding of how state conventions work in each party that are held privately, the court can't take judicial notice. Discovery must be granted to show in the record of the number of disputed facts that exist. Discovery is incomplete and could raise a disputed material fact when completed. The motion for MSJ by defendants was premature discovery need to take place. The plaintiff deserves his day in court. There was a legal dispute the defendants have no authorities for the legal support for motion on MSJ. The plaintiff objects that the facts is not supported by admissible evidence. In Muller v. Orgon 1908" the law that limited woman to work only 10 hrs. a day. That ruling was against this law as due to inequality just as segregation to independents. In Reed v. Reed 1971 was an equal protection case. In the case of Marbury v. Madison 1803 the court recognized as having the power to review all acts of congress where constitutionality was an issue and Judge whether they abide by the constitution. By making segregation laws that only apply to one specific group to follow is unconstitutional. It violates Walkers rights that are protected by the 9th 10th and 14th Amendments of the United States constitution. Mr. Walker would like to have the

same opportunity's as the other candidates. Under the Equal Protection clause, as part of the 14th Amendment. The clause, which took effect in 1868, provides that no state shall deny to any person within its jurisdiction "the equal protection of the laws. Mr walker ask the Court to grant an extension while the court hearing is pending in this case. So that after the hearing, Mr. Walker can start circulating his petitions. Other candidates have already started circulating, while walker is being held in abeyance. Walker should get to have the same rights as the party that holds the Secretary of State Seat. It's the 11th Hr. and Walker wants to start going door to door to talk about today's issues and get petitions signed. Time needs to be added to give the Walker the same rights as other candidates. Grant oral Argument so walker can have the same rights that are protected by the constitution. The court has significant discretion to take account of the special circumstances that often arise in Pro Se litigation situation. See Haines vs Krener 404 U.S. 519 (1972) the claims should not be dismissed without affording him the opportunity to present evidence on his claims. Mr. Walker the plaintiff, should get the opportunity to offer proof and facts with discovery.

Conclusion

The laws must be fair and give everyone an equal opportunity to be placed on the ballot during a pandemic under the Federal Constitution. The court can't take Judicial notice on something doctor don't even understand yet Walker needs to call in expert witness that are elite in their field. It was Supreme court Justice Hugo L black that once said the type of trial a man gets shouldn't depend on the amount of money in his bank account. The court approval must be granted as stated on the Pacer website for indigent litigants. Why not have everyone be treated the same, have all candidates should have the Same Right as Major Parties. This would be fair and generate a more selection when voting. South Dakota has extraordinary limitations, and

restrictions placed on Independent candidates. To segregate one specific group of people to follow rules that apply to all is unconstitutional. (1st, 5th, 9th, 10th and 14th Amendment) The bill of rights guarantees civil and political rights to individual citizens, including: freedom of Speech, religion and association. . Time to prepare for an election takes a long time, at least 2 years.

Wherefore grant relief of the Writ of Certiorari, and have the 8th Circuit Court of Appeal send the case of 20-3199 up to the United States Supreme Court for review.

Dated this 2nd day of November 2021

Clayton G. Walker



Our Governor Kristy Noem thought it was more important to keep our economy open (already in surplus) than it was to protect its citizens against covid-19

"Money over Death needs to end!"