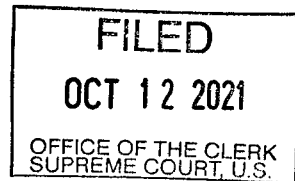


21-6660 ORIGINAL
No. 1



IN THE
SUPREME COURT OF THE UNITED STATES

Joshua Vance Jones — PETITIONER
(Your Name)

vs.

Emily Ridder & Anthony Zieverink — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United State Court of Appeals for the 6th Circuit
PETITION FOR WRIT OF CERTIORARI

Joshua Vance Jones
(Your Name)

1077 Kensington Lane
(Address)

Cincinnati, OH 45245
(City, State, Zip Code)

(513) 273-1793
(Phone Number)

QUESTION(S) PRESENTED

1. Did the Appellate Court err when acting in direct violation of the facts of the case, the Rules of the Court, and the codified laws of the United States of America, when the Appellate Court issued a decision on 12 July 2021 denying Petitioner's appeal citing the purpose of denial as a failure to file Notice of Appeal, when the electronic filing confirmation email notice on 12 May 2021 confirms Notice of Appeal filed & accepted by the lower Courts?
2. Did the lower Courts err in discharging this Petitioner's underlying lawsuit for damages against Respondent via Summary Judgment, when disputed facts of a material were indisputably present in the case at the time of decision?
3. Did the lower Courts err in discharging Petitioner's underlying lawsuit for damages against Respondent via Summary Judgment, when the Respondent's Motion for Summary Judgment was untimely filed, submitted 44-days after the suspense date to file a timely Motion for Summary Judgment?
4. Did the lower Courts err in accepting a Motion for Summary Judgment that was untimely filed 44-days after the 15 July 2020 suspense date of Discovery established by the Court and in accordance with FRCP Rule 56(b)?
5. Did the lower Courts err by routinely acting in an arbitrary and capricious manner in direct violation of Petitioner's "Rights" protected and guaranteed by the U.S. Constitution, the 5th and 14th Amendment "Rights" to Due Process of Law (procedural and substantive)?
6. Did the lower Courts err by routinely acting in an arbitrary and capricious manner in direct violation of Petitioner's "Rights" protected and guaranteed by the U.S. Constitution, the 7th Amendment "Right" to Equal Protections Under the Law?
7. Did the Respondent violate the Court ordered terms of Discovery via acts of non-compliance, and not the Petitioner as the Respondent routinely asserted and stated as basis for Respondent's Motion for Summary Judgment?
8. Did the lower Courts limit, deny, or prohibit any lawful remedy granted to Petitioner for the gross violation of Petitioner's "inalienable Rights", if so, is Petitioner then afforded remedy (a concept well established by the U.S. Supreme Court in *Marbury v. Madison*, 5 U.S. 137 (1803)?

LIST OF PARTIES

[X] 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.

RELATED CASES

6th Circuit Court of Appeals unlawful denial of Pro Se Litigant-Respondent-Joshua Jones' Appeals in a Chapter 13 Bankruptcy case, **see Appendix I**. The Appeal was lawfully filed and immediately unlawfully denied by the 6th Circuit Court of Appeals' Clerk of Courts. It is an indisputable fact that Pro Se Litigant-Respondent-Joshua Jones has the "Right" as authorized and in accordance with U.S. Code 28(d)(2)(A)(iii) to file this Bankruptcy Appeal directly to the 6th Circuit Court of Appeals. Further, the Clerk of Courts has no authority to render legal decisions in court cases, yet that is precisely what the Clerk of Courts did here in a grossly unlawful manner, **see Appendix G**. Even if Petitioner's Appeal was too early, Federal Appellate Rules requires the Clerk of Courts to maintain that appeal, and file it as timely once the Judge has issued his decision in lower court; the Judge issued a decision 12 days after Petitioner filed the January 2021 appeal. Therefore, the Clerk of Courts acted in two separate incidents in direct violation of the law; a gross violation when the Clerk rendered a legal decision in the case, a authority only granted to Judges, not Clerk of Court. See **Appendix G**

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APPENDIX C - U.S. District Court Judge Order Denying Petitioner Motion to Withdraw Consent to Jurisdiction from the U.S. Magistrate, reinstating U.S. Magistrate decision on Summary Judgment

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APPENDIX E - U.S. Magistrate Order in regard to Petitioner's 1st Appeal in this case

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APPENDIX H - 6th Circuit Court apparent lack of issuing a decision of Petitioner's 1st Appeal, despite ruling in favor of Petitioner and remanding the case to lower Court.

Appendix I - 6th Circuit Court's gross violation of Pro Se Petitioner's "inalienable Rights" as guaranteed by the U.S. Constitution, by refusing to accept an Appeal submitted via the singular available method of filing for Pro Se litigants, in accordance with all applicable Federal Rules of the Court, These facts establish the continued non-compliance and violations of Petitioner's "Rights" by the 6th Circuit Court.

Appendix J - Final appealable ruling in the Appeals Court for the basis of Appeal to US Supreme Court in this filing.

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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

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] 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,
[X] is unpublished.

JURISDICTION

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was July 12, 2021.

[X] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of

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

STATEMENT OF THE CASE

The 6th Circuit Court of Appeals totally failed to recognize those "Rights" of the Petitioner, and totally failed to recognize the codified laws that govern this great nation of America, when on July 12, 2021 the 6th Circuit Court of Appeals either negligently or intentionally asserted in the denial of Petitioner's appeal, that Petitioner failed to file a Notice of Appeal. When in fact Notice of Appeal was filed with the District Court on May 12, 2021 (APPENDIX B), the Appeals Court accepted the two separate appeals in this case, only AFTER, the District Court was somehow already remanded the case and the District Court entered in a new dispositive order in the case each time - this act alone by the District Court appears to defy the physical laws of space & time. Petitioner was never properly served the Circuit Court's decision from 1st Appeal in this case, nor can Petitioner locate the decision rendered by Circuit Court for the 1st Appeal in the Court Docket today.

Petitioner clearly evidenced and exhibited full compliance with all Rules of Discovery established by the Court, however, the lower Courts' STILL rendered decisions in favor of the Respondent for Sanctions and Summary Judgment based upon the obvious falsehood asserted by Respondent, falsely claiming that Petitioner was the party not adhering to the Rules of Discovery as set forth in order of Discovery by the District Court

The magistrate judge denied plaintiff's motion, stating that, pursuant to 28 U.S.C. § 636(c) (4), a request to withdraw consent will be granted only upon a showing of good cause or extraordinary circumstances, and that disagreement with a ruling did not amount to good cause. **28 U.S. Code 636(C)(2) clearly states, "Rules of court for the reference of civil matters to magistrate judges shall include procedures to protect the voluntariness of the parties' consent."** However, Petitioner found the U.S. Magistrate acting in a manner in total non-compliance with the Rules of the Court & the codified laws of the United States of America directly resulting in a series of violations of Petitioner's "inalienable Rights". Following this and numerous other adverse and seemingly unlawful rulings by the U.S. Magistrate, Petitioner filed a motion to withdraw his consent to magistrate judge jurisdiction, and under the circumstances Petitioner motion to withdraw consent should have been granted, resulting in no authority or jurisdiction for the magistrate to render decision against Petitioner on Respondent's Motion for Summary Judgment.

The lower Courts erred in their routine non-compliance of the codified laws of the United States of America, as well as the routine non-compliance with the Court's own Rules; exemplified numerous times throughout this case, but most notably this non-compliance with codified law and the non-compliance with the Court's own Rules, include but not limited to: accepting Respondent's untimely Motion for Summary Judgment (44-days untimely) & the U.S. Magistrate later unlawfully ruling on that Motion rendering a decision against Petitioner - an act obviously in direct violation of Rule 73(b)(3) and FCRP Rule 56.

Further, the lower Courts failed to comply with *28 U.S. Code 636(C)(2), which mandates the following, "advise the parties that they are free to withhold consent without adverse substantive consequences"*. Pro Se Petitioner with a massive Traumatic Brain Injury, the injury is the purpose of this case, and no party not Judge, not Magistrate, nor Clerk advised Petitioner that withholding consent to Jurisdiction of the U.S. Magistrate in this case would not result in "adverse substantive consequences". This is routine and on-going trend throughout this case, the lower Courts' ardent lack of compliance with the Rules of the Court, in direct violation of Petitioner's "inalienable Rights". However, as a result of consenting to U.S. Magistrate Jurisdiction, Pro Se Petitioner has found ONLY adverse consequences, thus many of these adverse consequences are the underlying issues of this Appeal.

It is an indisputable fact that Petitioner has a guaranteed and protected "Right" to a Article III Judge overseeing a Jury Trial that follows the Due Process of Law, equally. The lower Courts have acted in a reckless & wanton manner in violation of that "inalienable Right". It is indeed reckless for the lower Courts to have, "so far departed from the accepted and usual course of judicial proceedings", and it is indeed Petitioner's "call for an exercise of this Court's supervisory power" in response to the lower Courts' actions in violation throughout this case, violating Petitioner's "inalienable Rights", violations of the codified laws of the United State of America & the Rules of the Court by the lower Courts extraordinary and extra-judicial actions. Simply put the lower Courts do not have arbitrary discretion on which Rules and laws must be followed at what specific times, nor do the lower Courts have the discretion of the Un-Equal Protections under the Law by not holding themselves nor the Respondent to the same standard as the Petitioner. This is by definition of a major issue of general public interest, and a major issue in the exercise of "inalienable Rights" guaranteed and protected under the U.S. Constitution.

The lower Courts failed to complete their duties in regard to this matter, and rather the lower Courts opted to negligently or intentionally ignore other Rules of the Court and codified laws of our nation, just as the lower Courts ignored the “good cause” and/or “extraordinary circumstances” of Petitioners’ Motion to Withdraw Consent from U.S. Magistrate. Lastly, just as the lower Courts ignore a timely filed Notice to Appeal, instead claiming no such Notice of Appeal was filed the lower Courts’ actions of disposing of Petitioner’s underlying lawsuit.

If our nation’s Federal Court Judges act in such an extraordinary manner against the facts of the case, and perhaps more notably the lower Courts’ acting in direct opposition to the laws and Rules, but still demanding that Petitioner be held to the lawful standards established by the Court Rules and the codified laws of our nation. This is by definition arbitrary and capricious in nature, and such activity is a mockery of the American Jurisprudence system, the lower Courts should be outright ashamed. As the lower Courts have no lawful purpose for their actions, therefore, it is not only unlawful-arbitrary-capricious, the actions of the lower Courts in this case is down right terrifying. If the lower Courts are successful in the total failure and malfeasance of their lawfully mandated duties, then it seems that we live in an American society not governed by its laws, rather we live in an American society where the lawlessness is the rule of law. A place where lower Courts can blatantly ignore facts, a simple example is the July 12, 2021 order denying Petitioner’s appeal to the 6th Circuit Court of Appeals, as in this example it is obvious that the 6th Circuit Court of Appeals either negligently or intentionally ignored the Notice of Appeal filing, only to cite the alleged lack of Notice to Appeal, despite the 12 May 2021 Court Docket & Filing confirmation email (Appendix B), and it is obvious Respondent's Motion for Summary Judgment filed by Respondent was untimely filed with the District Court in accordance with FCRP Rule 56.

It appears that the Official Court Record still lists the 12 May 2021 filing of Notice of Appeal, however, that entry appears to have been unlawfully tampered with by deleting the notice, but the entry still remains for 12 May 2021. The Unlawful tampering of Official Court Records in an effort that directly facilitated the 6th Circuit Court's false and unlawful denial of Petitioner's Appeal in their order issued on July 12, 2021.

In summary, 'in civil contexts, however, a balancing test is used that evaluates the government's chosen procedure with respect to the private interest affected, the risk of erroneous deprivation of that interest under the chosen procedure, and the government interest at stake.' (See *Nelson v Colorado* (2017) decision by this Court).

No balancing test appears to have occurred here in this case. Further, on that same topic of balancing tests and the infringement upon any party's liberty, "The liberty preserved from deprivation without due process included the right 'generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.' . . . Among the historic liberties so protected was a right to be free from, and to obtain judicial relief for, unjustified intrusions on personal security." (See *Ingraham v. Wright*, 430 U.S. 651 (1977).)

For the reasons asserted in this brief of this appeal, it is obvious that Petitioner has not been provided equal protections under the law; whether it is the clear violations of "Due Process of Law" or the Court simply acting against the obvious facts of the case regards to filings of Notice of Appeal, or lastly when these violations of "Rights" and actions taken in direct opposition of the codified laws/Rules of the Court & the facts of the case, it without question that Petitioner has been alienated from his "inalienable Right" to Equal Protections of the Law under the 7th Amendment of the U.S. Constitution. In summary of the topic of Due Process of Law, Petitioner's Procedural "Rights" to Due Process as well as Petitioner's Substantive "Rights" to Due Process under both the 5th and 14th Amendments of the U.S. Constitution have been grossly violated by the actions of the lower Court's in this case, with Petitioner subjected to great injury as a result; most notably the purposes and pretenses of this appeal before the U.S. Supreme Court today.

REASONS FOR GRANTING THE PETITION

1. This case contains matters of general public interest, and those matters pertain to the lawful compliance of codified laws and Rules of the Court by the Court itself. It is of great public interest when the public's Judicial system routinely acts
2. The lower Courts have routinely acted in a reckless manner in direct violation of Petitioner's "inalienable Rights" protected and guaranteed under the U.S. Constitution.
3. A split decision on an important matter of law in this case among the U.S. Circuit Courts of Appeals. That particular matter is the authority for a U.S. Magistrate to render a decision on a Motion to Withdraw Consent to Jurisdiction from the very same U.S. Magistrate, as follows, "a circuit split with the US Courts of Appeals for the Second, Fifth, and Seventh Circuits, which have previously held that a magistrate judge has the power to adjudicate such a motion." as cited by the 9th Circuit Court of Appeals; leaving the 6th Circuit & 9th Circuit on one side of the split decision asserting that U.S. Magistrates are not granted the authority, and the 2nd, 5th, and 7th Circuits asserting that U.S. Magistrates do have the authority. This Court must intercede on this obvious split ruling and opinions amongst the various Circuit Courts of Appeal, as objectivity and conflict of interests have been completely eradicated, if the U.S. Magistrate has such authority. Given the actions of the U.S. Magistrate in this case, it does NOT appear to be a position where more weight of authority need be granted (willful ignorance of facts, willful ignorance of Pro Se Petitioner's "inalienable Rights", willful ignorance of Rules of the Court -one example rendering decision on dispositive motions untimely filed, etc).

CONCLUSION

The petition for a writ of certiorari should be granted. because in accordance with one of the U.S. Supreme Court's oldest rulings in Marbury v. Madison cited in it's Ruling by this same Court, albeit nearly 200 years ago, as follows: "'it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded.'". It is an indisputable fact that Petitioner's "inalienable Rights" as protected and guaranteed under the U.S. Constitution have been grossly violated by the process errors of the lower courts, as a result the Petitioner must be made whole, as this Court concurs remedy must be available to Petitioner in these circumstances of this appeal. Additionally, the lower courts' blatant disregard for recognizing facts argued by the Petitioner, and accepting Respondents' statements and filings as "fact", totally unabated by the evidence and exhibits produced by Petitioner opposing the false claims asserted by Respondent claims that were both routine and large in volume of falsehoods asserted; thus, this action of the lower courts' abject refusal to acknowledge the "Rights" of Petitioner, accept all statements and arguments from Respondent unabated or without any objective review of the weight of the evidence or claims presented by Respondent, resulting in numerous decisions rendered by the Court in favor of Respondent and in direct opposition of the facts evidenced and exhibited by Petitioner. Lastly, the 6th Circuit Court's pattern of non-compliance with Federal laws and Rules of the Court, coupled with the 6th Circuit Court's willing and wanton actions in flagrant disregard of Petitioner's "inalienable Rights" exhibits a pattern of behavior that is of great detriment to the public at large & is of the utmost public interest to not permit our Courts to act so grossly in opposition to the law, also in violation of U.S. Constitutional "Rights". The unlawful & egregious actions of the District Court and the Circuit Court are "so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power", that this Court must make an example of offenders of such egregious acts as this appeal, for it is within the general public interests to maintain a high level of trust in the American Jurisprudence system; the parties in this case are seriously eroding that trust of the general public via the egregious acts outlined in this appeal, in violation of Petitioner's "Rights".

Respectfully submitted,



Joshua Vance Jones

Date: 13 December 2021
