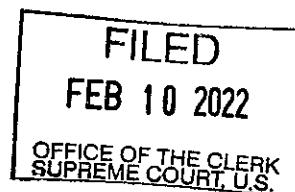


21 - 7138
No. _____

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Roy Franklin Echols, Jr. — PETITIONER
(Your Name)

vs.

CSX Transportation, Inc. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Roy Franklin Echols, Jr.
(Your Name)

24414 Musselwhite Drive
(Address)

Waverly, VA. 23891-1111
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Did the United States District Court Error by denying the January 13, 2020, Initial No. 1 CSX Transportation Corporate Headquarters Address to expedite process?
2. Did the United States District Court Fail to disclose the U.S. Marshal's returned unexecuted summons information that prohibited Petitioner From complying with the statutory requirements under Fed.R.Civ.Proc. 4(m)?
3. Did the United States District Court deprive Echols Right to Notice of Summons And duty to disclose this Factual information pursuant to Fed. Rule Civil Proc. 26?
4. Did the United States District Court deprive Echols of his right under the Americans with Disabilities Act (ADA) Title II. with the physical impairment of Stage III. Cancer to proceed without counsel under 28 U.S.C. Sec. 1915 (e)(1)?
5. Did the United States District Court deprive Echols of remedial and humanitarian provisions under FELA LAW that imposes Liability to protect the safety of railroad employees set forth in FELA 45 U.S.C. § 51?
6. Did the United States District Court Fail to hold CSX Transportation Accountable For Echols FELA claim by violating OSHA and FSAA regulations designed to protect people From unsafe work environments, within the meaning of FELA 45 U.S.C. §§ 51-60(2012)?
7. Did the United States Court of Appeals For the Fourth Circuit Abuse its discretion by denying Ct.-Appointed Counsel under 28 U.S.C. Sec. 1915 (e)(1) relating to Covid-19 Limitations (i.e. No Sx1 Law Library Attendance to Access Local rules, prepare informal brief or certification to CSX Transp. Inc.)?

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:

RELATED CASES

*No Allowable Access and/or Attendance to
Sussex One State Prison Law Library, A Constitutional
Right Under the Fourteenth Amendment that has been
Denied due to Coronavirus pandemic Lockdown /
Restrictions currently in effect per Beth E. Cabell
Lead Sussex 1. Warden and Harold Clarke, Director
of the Virginia Department of Corrections (VA.D.O.C.).*

Erie Railroad Co. v. Tompkins, Supra,

Goodman v. Johnson, 524 F. App'x 887, 891 (4th Cir. 2013)

Montgomery v. Pinchak, 294 F.3d 492, 499 (3rd Cir. 2002)

Green v. DaLey, 414 F.3d 645 (7th Cir. 2005)

Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993)

U.S. v. Richard M. Nixon, 418 U.S. 683 (1974)

King v. Pac. Transp. Co. 855 F.2d 1485, 1488 n.1 (10th Cir. 1988).

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<i>Federal Rule Civil Procedure 4 (m)</i> - - - - -	Passn
<i>Federal Rule Civil Procedure 50 (b) & 54 (e)</i> - - - -	Passn
<i>United States Const. Amend. V. & XIV</i> - - - - -	Passn
<i>28 U.S.C. Sec. 1915 (e) (1)</i> - - - - -	Passn
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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

☒ 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 Fourth U.S. Circuit No. 21-7541; 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 E.D. VA. No. 3:19 CV 00947-ELH; 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 January 5, 2022.

☒ 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: _____, 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. § 1254(1).

This FELA case has been reviewed by the U.S. Court of Appeals For the Fourth Circuit At Appendix A. The Petition For Writ of Cert. contains A concise statement on grounds herein, on which jurisdiction is invoked under Federal requirements of Rule 14.1(e).

☐ 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

Federal Employers Liability Act (FELA), Section 1
45 U.S.C. §§ 51-60 (2012), As Amended

Americans with Disabilities Act (ADA)
Title II-2.2000 General-physical impairment cancer

Federal Rules of Civil Procedure Rule 4(m)

Federal Rules of Civil Procedure Rule 59(e)

Erie Railroad Co. v. Tompkins, Supra, 304 U.S. 64.
Erie doctrine - Erie Rule

Federal Rule 28 U.S.C. Sec. 1915 (e)(1)

Federal Rules of Civil Procedure Rule 26, - Rule 56(c)
Rule 26 A (i), (ii) - Rule 26 B (iv)

Federal Rules of Appellate Procedure Rule 45

U.S. Constitution Amendment [V]

U.S. Constitution Amendment [VI]

U.S. Constitution Amendment [XIV]

Occupational Safety & Health Administration (OSHA)
Under Federal Regulation - Hazard Exposure

Federal Safety Appliance Act (FSAA) & Federal
Railroad Safety Regulation (FRA)

Federal Rules of Civil Procedure Rule 17

STATEMENT OF THE CASE

Roy Franklin Echols, Jr., ("Petitioner" and/or "Echols") proceeding pro-se, A Sixty-two year old Virginia State inmate and suffers with physical impairments From Hodgkin's Lymphoma Stage III cancer disease.

Due to the Coronavirus pandemic, Petitioner has been on A Lockdown At Sussex I. State Prison under Covid-19 restrictions Since March 01, 2020, and unable to Attend the Sussex I. Law Library to retain Legal Assistance From A Certified Law Clerk.

A previous railroad employee of the CSX Engineering Department between April 1981 to September 1997. Petitioner worked AS A CSX trackman in various rail yards, subdivisions and was exposed to environmental hazards on A daily basis. On or About August 24, 2017, the Virginia Commonwealth University (VCU HEALTH) diagnosed Lymphoma cancer. (See: Fed. Exhibit No. 17).

Under this medical condition On January 13, 2020, Petitioner Filed Civil Action Against CSX Transportation, pursuant to the Federal Employers' Liability Act (FELA) And the Americans with Disabilities Act (ADA) to protect his Constitutional Right under this physical impairment of Stage III malignant cancer. (See: Fed. Exhibit No. 1).

Per Covid-19 restrictions including (i.e. No Sussex I. Law Library Attendance, Access to re-search or Directory). Petitioner submitted (3) CSX Addresses that he thought were reliable to serve process on CSX. Therefore, on May 4, 2020, Roderick C. Young, U.S. Magistrate Judge, deemed the Action is Filed. (See: Fed. Exhibit No. 2).

Following A one year Covid-19 Federal District Court delay / Lockdown. On March 4, 2021, Elizabeth W. Hanes, U.S. Magistrate Judge Files A Memorandum claiming: "It is not the obligation of the Court, nor the Marshal's Service, to discern which of the three Addresses is the proper Location to effect service." (See: Fed. Exhibit No. 3).

On May 4, 2021, Petitioner provided the Local CSX 500 East Main St. Richmond, Va. 23219 (Main Office). (See: Fed. Exhibit No. 4). To assure process, on May 27, 2021, Echols submitted the Aforementioned CSX Address, to comply with Fed. R. Civ. Proc. 4(m). (See: Fed. Exhibit No. 5).

Federal Court records show that on June 17, 2021, Judge Elizabeth W. Hanes Filed A Memorandum that Echols has not shown good cause under Fed. Rule Civ. Proc. 4(m). Under due process of Law, Judge Elizabeth W. Hanes had A obligation under the United States Constitution to Notify, State or inform Echols in her Memorandum order that "On May 24, 2021, the U.S. Marshal Service returned the summons for CSX unexecuted because the Address Echols had provided was the Address for A Church." (See: Fed. Exhibit No. 6)

Therefore, with No Notice of this Fact. (Id.). Under Covid-19 restrictions on June 27, 2021, Petitioner informed the Court that CSX could be served At "CSX 500 E. Main St. Richmond, VA. 23219" (See: Fed. Exhibits No 7, 8, 9) On July 27, 2021, Judge Robert E. Payne, Filed A Memorandum order "Echols has not responded within the (11) days of the date of entry. (see: Fed. Exhibit No. 10). Accordingly, the Action will be dismissed without prejudice. Nevertheless, Judge Robert E. Payne,

Failed to give notice in his Memorandum opinion of the Marshal's return of service denying Petitioner's Constitutional right to Amend the FELA Action, Appropriately. (See: Fed. Exhibit No. 11).

On the 9th day of August 2021, Petitioner Filed A Petition For Reconsideration Under Fed. R. Civ. Proc. 59(e). Echols provided the Aforementioned (~~CSX~~) Address and A Waiver of Service to CSX For the Marshal's to Serve CSX. (See: Fed. Exhibit Nos. 12 & 13). The District Court Failed to File A timely response to show that Echols complied with the requirements of Federal Rule Civil Procedure 4(m).

Interestingly, On November 01, 2021, Judge Robert E. Payne Finally disclosed that on May 24, 2021, the U.S. Marshal Service had returned the Summons For CSX unexecuted because the Address Echols had provided was the Address for A Church." (Memorandum order page 2) (ECF No. 21)). Echols Motion For Reconsideration R. 59(e) will be denied. (Appendix B).

Under the Covid-19 pandemic Delta / OMICRON Lockdown restrictions At SXI State Prison (i.e. no Law Library Attendance, Access to Data Files, Clerk Assistance, google, Directory or computer research). Petitioner, on December 04, 2021, proceeding under the physical impairment of Stage III Cancer respectfully requested the 4th U.S. Circuit Court of Appeals to Appointed counsel, in order to Appropriately prepare the informal brief and execute Proof of Service, as required by Supreme Court Rule 29, Accordingly.

On January 05, 2022, the Court of Appeals Filed An Order dismissing this proceeding For Failure to prosecute pursuant to Local Rule 45. (Appendix A).

Argument Presented

In this Above-caption matter, Federal Court records show Elizabeth W. Hanes, U.S. Magistrate Judge by Memorandum Order entered on June 17, 2021, concealed favorable information that demonstrated "On May 24, 2021, the United States Marshal Service returned the summons for CSX unexecuted because the address Echols had provided was the address for a church." (See: Federal Exhibit No. 6).

Judge Elizabeth W. Hanes made a prejudicial error by failing to disclose to the District Court and to Petitioner in her Memorandum that the initial No. 2 CSX 500 East Main Street, Richmond, Virginia 23219 was an incorrect street address, in order to serve process on CSX Transportation. Echols could have correctly re-submitted the No. 1 CSXT HEADQUARTERS 500 Water Street Jacksonville, Florida 32202 that he initially and diligently provided in his FELA Action on January 13, 2020, documented and screened by Roderick C. Young, U.S. Magistrate Judge. (I.d.).

Judge Hanes clear error caused a deprivation of procedural due process to comply with the (11) day show cause order required by Fed. Rule Civ. Proc. 4(m) that is found in the framework of the Fifth and Fourteenth Amendments to the U.S. Constitution. Judge Hanes with-holding the U.S. Marshal information deprived Echols of life, liberty and limb without due process of law. U.S.C.A. Const. Amends. V. & XIV. to timely serve CSX and pursue this civil action under FELA Statutory Law. 45 U.S.C. §§ 51-60 (2012).

On July 27, 2021, Robert E. Payne, Sr. U.S. District Judge, by Memorandum, neglected to disclose on June 17, 2021, Judge Elizabeth W. Hanes, withheld that "May 24, 2021, the U.S. Marshal had returned the Summons for CSX unexecuted." (see: Fed. Exhibit No. 11). The Federal record clearly demonstrates that between May 24, 2021, thru July 27, 2021, Judge Robert E. Payne and Judge Elizabeth W. Hanes representing the District Court failed and/or neglected to disclose "the U.S. Marshal's unexecuted summons on CSX." The prejudicial error deprived Echols the Constitutional right to serve CSX without due process and procedural fairness that requires notice and the right to a fair hearing be accorded prior to a deprivation **237 U.S. 309**.

On November 1, 2021, Judge Robert E. Payne, by Memorandum Order, disclosed "the Marshal attempted to serve CSX at the address Echols provided to the court. (ECF No 25. at 4.). Once Echols learned that the address he had provided was incorrect, it was incumbent upon him to attempt to find the correct address." (see: Appendix B).

Petitioner will submit to a Poly-Graph test and/or testify under oath that he had NO KNOWLEDGE or NOTICE what-so-ever that the Marshal attempted to serve CSX until Nov. 1, 2021.

In addition, the Federal record corroborates this fact, that there is no memorandum order(s) until November 1, 2021, (Appendix B) disclosing this fact. (Id). To further support the Petition for Writ of Certiorari. (see: Echols AFFIDAVIT Attached).

Without "Notice of this Fact" the Court Abused its discretion that prohibited Echols on his part to Find A correct Address For CSX, to comply with the June 17, 2021, show cause order or Appropriately Amend his Motion For Reconsideration **Rule 59(e)**, Challenging the July 27, 2021, order to dismiss without prejudice. (See: Fed. Exhibit No. 11).

On January 13, 2020, Echols provided No.1 CSX Transp., Corporate Headquarters plus two (2) Additional CSX Addresses, that was A "reasonable, diligent effort to effect service on the defendant." Venable, 2007 WL 5145334, at *1 (citation omitted). In Accordance with the March 4, 2021, Memorandum order, the Court Failed to cite A relevant controlling case law with Authority For Echols, to discern between the CSX street Addresses provided to the Court. (I.d.). (See: Fed. Exhibit No. 3).

The United States Supreme Court's decision in Erie Railroad Co. v. Tompkins, Supra, is instructive. Under the Erie doctrine A Federal Court exercising diversity jurisdiction over A case For which no Federal Law is relevant must Apply the Law of the State in which it is sitting. According to the Erie Rule, Echols has demonstrated good cause For his Failure to timely serve CSX under Fed. R. Civ. Proc. 4(m) by satisfying the "Abuse of discretion standard," the decision of the District Court must be reversed. The Erie Railroad Co. v. Tompkins, is relevant to Echols FELA case, to prosecute under Fed. Rule Civ. Proc. 4(m) guaranteed under Due process Amend. V. and Equal protection Clause Amend. XIV. of the U.S. Constitution.

The United States Court of Appeals Abused
its Discretion in Denying Petitioner's
Request For Appointment of Counsel

Petitioner moved the Court of Appeals on December 4th, 2021, For Appointed Counsel 28 U.S.C. § 1915(e)(1). Petitioner demonstrated he was proceeding pro-se under A physical impairment of Lymphoma Stage III. cancer to represent himself in this FELA Action under guaranteed protections of the American's with Disabilities (ADA) And FELA Statutory Law 45 U.S.C. Sec. 51.

Echols explained, that he was Litigating under Covid-19 Sussex I. Administrative restrictions include: (i.e. No SXI Law Library Attendance / Access to research material, Computer, directory or Appellant Rules) in the preparation of informal briefing or to properly serve Proof of Service on Counsel of record For CSX Transportation required by Supreme Court Rule 29. (see: Federal Exhibit No. 14). The Court of Appeals deferred consideration of the Motion Rule 28 U.S.C. Sec. 1915(e)(1) pending review of the Appeal. (see: Federal Exhibit No. 15).

The Court of Appeals dismissed the proceeding For Failure to prosecute pursuant to Local Rule 45 on January 5th, 2022, concluding the Court dismisses this Appeal pursuant to Local Rule 45 MANDATE. (see: Appendix A). That Ruling 45 Mandate is reviewed For Abuse of discretion. Goodman V. Johnson, 524 F. App'x 887, 891 (4th Cir. 2013). Because there is no right to counsel in A civil case, Baker V. United States, 645 F. App'x 266, 271 (4th Cir. Apr. 16, 2016), counsel should be Appointed under 28 U.S.C. Sec. 1915(e)(1),

Only in "exceptional circumstances" such as when a case involves "unduly complex facts or legal issues." Goodman, 524 F. App'x at 891.

Since January 13, 2020, Echols submitted (4) motions renewing his request for counsel before the District Court and 4th U.S. Circuit dismissed this FELA case. Proceeding pro-se, under a physical impediment of cancer, narcotic medication and Topamax from chemo. The Covid-19 pandemic restrictions have created a denial of procedural due process Amend. V. to attend the SXL Law Library involving complex facts and issues requiring the assistance of counsel 28 U.S.C. Sec. 1915(e)(1).

Pursuant to the Court's decision in Goodman v. Johnson, 524 F. App'x 887, 891 (4th Cir. 2013). In both this case and Goodman, the plaintiff alleged the case will require significant research, investigation, expert testimony and assistance to serve process. Accordingly, Echols satisfies the applied test and counsel should have been appointed under 28 U.S.C. Sec. 1915(e)(1). The Seventh Circuit Court of Appeals decided that the judge abused his discretion because the plaintiff's case would likely require expert testimony and plaintiff would have to serve process on (7) seven defendant's. Greeno v. Daley, 414 F.3d 645 (7th Cir. 2005).

On the basis for relief mandated 28 U.S.C. Sec. 1915(e)(1). Echols has satisfied the requirements under controlling law in Goodman v. Johnson, 524 F. App'x 887, 891 (4th Cir. 2013), Montgomery v. Pinchak, 294 F.3d 492, 499 (3rd Cir. 2002), Greeno v. Daley, 414 F.3d 645 (7th Cir. 2005), and whether an attorney would make a difference in the outcome Farmer v. Haas, 990 F.2d 319, 322 (7th Cir. 1993).

Summary of Allegations

This FELA 45 U.S.C. Subsections 51-60 (2012) cause under Petition For A Writ of Certiorari Rule 10, involves one or more legal questions of exceptional importance in violation of procedural due process and a sufficient showing of a violation of The Americans with Disabilities Act proceeding under an physical impairment of cancer against a major corporation.

The exceptional circumstances are wholly beyond petitioner's control as to give rise to due process protection by the Fourteenth Amendment. The judgment of the Court of Appeals was an abuse of discretion to deny counsel pursuant to 28 U.S.C. § 1915 (e) (1) involving complex facts that would entitle Echols to the assistance of counsel set forth in Goodman, 524 F. App'x at 891.

In Echols v. CSX Transp. No. 3:16 CV 294 E.D. VA. (June 13, 2017). Echols presented competency reports (i.e. IQ of 70 and found twice incompetent to stand trial in 1997). Dusky v. U.S., 362 U.S. 402 (1960). Accordingly, Echols is not acting in a representative capacity to protect liberty interest. In accordance with the Federal record, the 4th U.S. Circuit failed to comply with the requirements of Fed. Rule Civil Proc. Rule 17 to appoint counsel, in order, to protect an incompetent person who is unrepresented in an action Rule 17 (c). The Sussex Circuit Court further supports this fact that Echols absolutely needs the assistance of an attorney. (See: Fed. Exhibit No. 18).

REASONS FOR GRANTING THE PETITION

Reasons for granting the petition are the District Court Failed to prosecute the initial January 13, 2020, CSX Corporate Headquarters 500 Water St. Jacksonville, Florida 32202 under Federal Rules Civil Procedure 4(m) that violated Constitutional protections set forth in Erie Railroad Co. v. Tompkins, Supra.

Judge E.W. Hanes, Abuse of discretion, to conceal the Marshal's returned unexecuted summons clearly demonstrates her intentions to prohibit Echols from resubmitting the CSX Corporate Address, in order, to protect CSX Transportation, Inc., from Accountability and responsibility under the Federal Employers' Liability Act (FELA) 45 U.S.C. Sec. 51.

Under FELA Law imposing Liability on Railroads for injuries sustained during employment. The Due Process Clause affords Echols a protected Liberty interest upon Federal Judicial review available that would entitle him to the procedural protections applied in FELA statutory provisions. Echols situation presents a type of atypical, significant deprivation, in which the District Court created a violation of protected Liberty interest to serve summons on CSX that affected Echols physical state of well being, a deprivation of procedural due process under the Federal Rules of Civil Procedure 4(m) that caused this FELA Action to be dismissed unlawfully, unreasonable and unconstitutional.

The District Court dismissed the FELA Action without notifying Echols of the incorrect Address, in order to satisfy the show cause under Rule 4(m). A reasonable person in Echols position, with Notice of this Fact would have made A reasonable, diligent effort to effect service After paying the Court's Filing Fee of Four Hundred Dollars (\$400.00). (See: Fed. Exhibit No. 16).

The Supreme Court of the United States should reverse the Lower Court's Factual Findings because of the Abuse of discretion that Echols had been given Notice of the incorrect street Address by Officer's of the Eastern District of Virginia, As such delay could have extended the (90) day time period to effect service under Rule 4(m), indefinitely.

Petitioner shows the importance of this decision because of the conflict not only by the Supreme Court, but by Future Filings For other petitioner's in similar situations that could be detrimental For purposes of the proper Legal proceedings necessary to uphold Statutory controlling Law to Litigant's that Are in compliance with statutory requirements.

The decision to over-rule the time-bar under 4(m), imposed on Echols An Affirmative duty to exercise reasonable, diligence. Not only does this perpetuate the Court's in-Accuraices to judge, but Also hinders his over ALL Health (See: Fed. Exhibit No. 17) in violation OF FELA LAW "remedial and humanitarian" statute that imposes Liability to protect safety of railroad employees. King V. Pac. Transp. Co., 855 F.2d 1485, 1488 n.1 (10th Cir. 1988).

It is A manifest duty of the Federal Courts to vindicate guarantees of Confrontation, compulsory process and due process clauses, and to Accomplish that it is essential that All relevant, and Admissible evidence be produced to defend one's Constitutional rights. U.S.C.A. Const. Amend. 5, 6.

In this FELA case, Judge E. W. Hanes, violated procedural due process of the Fifth Amendment, and Echols Constitutional right to Full disclosure, Fair hearing under the Sixth Amendment.

U.S. v. Richard M. Nixon, 418 U.S. 683 (U.S. Dist. Col. 1974). The Abuse of discretion, violated Echols Fundamental right by concealing the discovery summons information essential to Justice of A pending Civil Action, in order to serve summons on CSX under Fed. Rule Civ. Proc. 4(m).

Under Federal Rules of Civil Proc. Rule 26 A(i), (ii). Here, Judge E. W. Hanes, had A Duty to Disclose the U.S. Marshal's discoverable information Along with the subjects of that information that the disclosing party may use to support its claim or defenses, unless the use would be solely For impeachment. In Light of Nixon, the U.S. Supreme Court held the Constitution requires the production of documents that Are relevant, Admissible and specific to Litigation. See: United States v. Nixon, 418 U.S. 683 (1974).

The Courts, Abused their discretion, to deny Court-Appointed Counsel under Covid-19 conditions and Law Library restrictions pending Appellate Court review. There was A violation under Fed. R. Civ. Proc., Rule 26 the Following proceeding is exempt From initial disclosure 26 B(iv) An Action brought without An Attorney by A person in the custody of the United States or State.

The Constitution of the United States clearly establishes certain protections for citizens from actions of the government shall not be deprived of life, liberty, or limb without due process of law. According to the deprivation of Federal Rules of Civil Procedure presented herein. There is an abuse of discretion by the lower courts to protect Echols rights under the V., VI. and XIV. Const. Amendments within the meaning of FEHA Statutory Laws.

Therefore, proceeding under these exceptional circumstances the court abused its discretion to deny discovery, counsel and dismiss the appeal pursuant to Local Rule 45, and the moving party is entitled to judgment Rule 56(c). **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roy F. Echols, Jr.

Date: February 10, 2022