

21-7903  
No.

ORIGINAL

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SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

Richard Coleman,

Petitioner

v.

State of North Carolina, Franklin County, North Carolina,  
Amanda Stevenson, Judge & Stevenson, individually, Arkofa  
Auto Sales & Keith Shackelford, attorney,

Respondents

On Petition for a Writ of Certiorari from  
The United States Court of Appeals for the Fourth Circuit,  
Judgment rendered on January 24, 2022

PETITION FOR WRIT OF CERTIORARI

Richard G. Coleman, Ph.D., Petitioner,  
2061 E. Ocean View Ave. #3.  
Norfolk, Virginia  
757-971-2532

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## 1. Question Presented

Whether judges judging judges in cases in which one party is not represented results in *pro se* litigants being victims of judicial criminal acts – those acts so beyond that which the public expects of its judges – judicial overreach, trespass, obstruction of justice, abuses of power, and anti-*pro se* bias, in turn violating the *pro se* party's First Amendment right to a fair and impartial adjudication of his grievance, his Seventh Amendment right to a trial by jury, and his 14<sup>th</sup> Amendment right to receive to equal protection of the laws?

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#### IV. Petition for Writ of Certiorari

The Order of the United States Court of Appeals for the Fourth District affirming the lower court's dismissal of the Petitioner's Complaint was entered on January 24, 2022. The Petitioner seeks a review of the judgment by the highest Federal court in which a decision could be had and invokes this Court's jurisdiction under 28 U.S.C. 1254 (1)

#### V .Opinions Below

Dr. Coleman's Complaint against Arkofa Auto Sale, case# 20-cvd-336, of March 1, 2020, was dismissed January, 2021. On March 17, 2021, Dr. Coleman submitted a Complaint to the United States District Court for the Eastern District of Virginia, case # 2:21-CV-00399-RAL-LRL against some of the same actors in case#20-cvd-336, That case was dismissed on September 27, 2021. Dr. Coleman Appealed to the United States Court of Appeals for the Fourth District, in November 2021 January 24, 2022, in case # 21-2199, the Court of Appeals for the Fourth District Affirmed the lower court's dismissal.

#### VI Jurisdiction

The Order of the United States Court of Appeals for the Fourth District affirming the lower court's dismissal of the Petitioner's Complaint was entered on January 24, 2022. The Petitioner seeks a review of the judgment by the highest Federal court in which a decision could be had, and invokes this Court's jurisdiction under 28 U.S.C. 1257(a)

## VII. Constitutional Provisions Involved

The First Amendment to the United States Constitution provides the right of every citizen to "petition the Government for a redress of grievances."

The Seventh Amendment to the United States Constitution: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of a trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules at common law."

The 14<sup>th</sup> Amendment of the Constitution of the United States, Section 1; "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws."

## VIII. Statement of the Case

### A. Summary

Petitioner Coleman purchased Honda Odyssey from Arkofa Auto Sales in Louisburg, NC, on October 18, 2019. When Petitioner presented papers provided him by Arkofa Auto Sales to the North Carolina Department of Motor Vehicles to

register and title the car, Petitioner Coleman was denied a title because Arkofa Auto Sales had produced no existing title, making the sale of the Honda illegal.

Petitioner filed a Complaint against Arkofa Auto Sales on March 1.2020, Case # 20-cvd-336, in State of North Carolina General Court of Justice, Franklin County District, alleging Fraud, and Deceptive Business Practices, .

"December 15, 2020, the Court mailed Coleman a Civil Calendar for cases to be heard on January 11, 2021, stating, "PLEASE NOTE THE TIME SLOT OF YOUR CASE WILL BE CALLED TO DETERMINE THE STATUS OF YOUR CASE AND TO SET A DATE/TIME TO RETURN FOR A TRIAL," and from the presiding judge, "There would be only a status review on January 11, 2021."

Instead, the State judge held the trial, violating Petitioner Coleman's demand for a jury trial, allowing witness testimony absent noticing Plaintiff Coleman *pro se* that witnesses would be called, allowed testimony from a table, denying all Coleman's motions without a Hearing, while granting Arkofa's Motion to Dismiss, January, 2021.

On March 17, 2021, Dr. Coleman submitted a Complaint in the United States District Court for the Eastern District of Virginia, Norfolk District, where Colman was residing --case # 2:21-CV-00399-RAL-LRL against some of the same actors in State case#20-cvd-336.

The Federal case was dismissed on September 27, 2021. Dr. ColemanAppealed to the United States Court of Appeals for the Fourth District, case # 21-2199, November 2021, which Affirmed on January 24, 2022,

#### B Procedural History

October 19, 2019, Petitioner Coleman paid \$800 cash to Arkofa Auto Sales, doing business in Louisburg, North Carolina, for a 1997 Honda Odyssey. The odometer reading "121,900" was represented as being the "original miles" by "David," acting as an agent of the Defendant ARKOFA AUTO SALES.

At all times during the sale, agent "David represented that the Dealers Reassignment of Title given to Petitioner COLEMAN was the *de facto* Title.

Petitioner, Coleman, age 83, was accompanied by neighbor Robert Phillips, who at all times was acting on Mr. Coleman's behalf.

Upon driving 60 miles back to his home in Chapel Hill, NC, Petitioner Coleman observed that the odometer was still 121,900, the engine smoked as if oil had leaked on top on the block, the engine gauge read maximum overheating, the gas gauge recorded "empty," and neither the speedometer or odometer functioned,

Arkofa Auto Sales had given Coleman a copy of a month-old NC Inspection Report showing the Honda "Passed" all criteria.

Coleman took the Honda to a local NC Inspection Station, which determined it would cost \$4,585.00 to make the necessary repairs.

Coleman called Arkofa Auto Sales to complain of the above-noted defects and cost of repairs, demanded to return the Honda and be given a full refund. Defendant's agent David refused to do either arguing immunity due to the sale being "As Is."

Coleman learned, (1) Arkofa Auto Sales had not registered with the NC Secretary of State as required. (2) Violated Vehicle Mileage Act #20-343; "Unlawful to disconnect, reset, or alter the odometer – Class J felony. (3) #20-341 – "Unlawful to transfer title without stating in writing and signed with printed name of the person transferring the vehicle, that the mileage was original". (4) #20-344 –"Unlawful to operate a vehicle with odometer disconnected or non-functional—treble damages. (5) #20-71 (a) "Unlawful to alter, change, or falsify a title – a felony."

Coleman submitted a Complaint on March 1, 2020, alleging multiple acts of Fraud, and pursuant to NC GEN STAT #75-16, multiple acts of deceptive business practices, allowing treble damages.

April 27, 2020, but not mailed until May 11, 2020, -- 41 days untimely, Arkofa filed a Rule 12(b)(6) defense claiming failure to state a claim, insufficiency of process, and insufficiency of service, June 5, 2020. Coleman filed a Motion alleging, the Defendant knew, or should have known Coleman was the "real party" to the sales contract, had introduced himself to the Defendant's agent "David" as the *de facto* buyer, made the decisions and controlled the outcome of the sale, paid \$800 cash for the car, introduced Mr. Phillips as assisting, but taking directions from,

and acting on behalf of, Coleman, thereby making Coleman the "real party" to the sales contract pursuant to NC GEN STAT #1A-1 Rule 17 - 215.

December 15, 2020, the Franklin County Court mailed Coleman a Civil Calendar for cases to be heard on January 11, 2021, stating, "PLEASE NOTE THE TIME SLOT OF YOUR CASE WILL BE CALLED TO DETERMINE THE STATUS OF YOUR CASE AND TO SET A DATE/TIME TO RETURN FOR A TRIAL.

"Contrary to the Defendant Judge Stevenson's aforementioned Notice, there would be only "a status review, on January 11, 2021, the Defendant Judge Stevenson :(1) Conspired with the other Defendants to hold a trial, (2) Conspired to hold the trial on only one of the pending motions, to wit, the Defendant's Motion to Dismiss, (3) Conspired to ignore Petitioner Coleman's Complaint, his Motion to Dismiss the Defendant's Motion to Dismiss, his Motion to Continue so he could be retain counsel, and his Motion for Summary Judgment, (4) Conspired with the Defendant's Attorney to hold the trial using COVID-19 as a pretext to bypass Coleman's demand for a jury trial, (5) Conspired to hold the trial without the Jury as Coleman had demanded in his Complaint, (6) Accepted testimony from the Defendant's witness without prior notice of witnesses' appearance, and without properly swearing in said witness on the witness stand, thereby denying Coleman his NCRCR right to question the witness, (7) Conspired to dismiss Coleman's Complaint without a hearing on its facts, "which must be construed as true and the inferences drawn there from viewed in a light favorable to the plaintiff," (8)

Conspired to grant the Defendant's Motion to Dismiss based on the Defendant's undocumented statement, "I followed standard procedure," when the Defendant Judge knew, or should have known, (a) The testifying owner/Defendant was not present at the time of the sale of the Honda, and therefore could not have known what representations his employee David made to Coleman, (b) "David" in fact, represented that the "Dealer's Reassignment of Title to Motor Vehicle (NC DMV form MVR-2), was in fact the Title. (c) The testifying owner/Defendant knew, or should have known, there is no legal transfer of title to Arkofa Auto Sales, thereby rendering the sale of the Honda to Coleman a felonious fraud, (c) Conspired to withhold the Order dismissing Coleman's Complaint until 30 days had lapsed, thereby denying Coleman his 30 day window to Appeal intimidating Coleman that he would lose his . Coleman mailed his Notice of Appeal to the trial court on January 13, 2021, with a copy to the Defendants.

Defendant Judge Stevenson's Order Granting the Defendant's Motion Dismiss, stamped dated February 4, 2021, mailed on February 8, 2021, was received by Dr. Coleman at 3:30 PM, February 11, 2021, exactly 30 days from the date of the Hearing on January 11, 2021, so as to maliciously and criminally prevent Dr. Coleman from filing his Notice of Appeal/

March 17, 2021, Coleman submitted his Complaint in the United States District Court for the Eastern District of Virginia, Norfolk Division, where Coleman now resided, against the State of North Carolina, Franklin County, NC, Judge

Amanda Stevenson, Stevenson, and individually, Arkofa Auto Sales, and Attorney Shackelford, alleging defendants “maliciously and criminally conspired to commit Fraud, conspired to commit deceptive business practices, conspired to obstruct justice, to violate Coleman’s 14<sup>th</sup> Amendment rights to due process, his right to a fair and impartial hearing of his grievances and rights under the “Equal Protection Clause, the Defendants thereby incurring liability under Title 42 and under R.I.C.O.

By Order dated September 27, 2021, US District Court Judge Raymond Jackson dismissed Coleman’s Complaint, arguing, “... it is not in the best interests of justice to transfer this case to another district,” thereby “throwing the baby out with the dirty bath water,” to wit, dismissing the entirety of the Petitioner’s Complaint on the basis of a set of disputed facts, peripheral to the case. “Courts must neither take a myopic view of facts, nor a technical view of the law.”

Coleman timely filed his Notice of Appeal.

Coleman timely filed his Informal Brief in the US Court of Appeals for the Fourth District in November, 2021, alleging defendants “maliciously and criminally conspired to commit Fraud, conspired to commit deceptive business practices, conspired to obstruct justice, to violate the Petitioner’s 14<sup>th</sup> Amendment rights to due process, his right to a fair and impartial hearing of his grievances and his rights under the “Equal protection clause, with the Defendants thereby incurring liability under Title 42 and under R.I.C.O.

By Order dated January 24, 2022, Fourth Circuit Court of Appeals judges Wilkinson, Diaz, and Thacker, opined "We have reviewed the record and find no reversible error.' Affirmed."

### **C. Facts Presented at Trial**

The Petitioner reminds the Court that the Defendants committed, and conspired to commit multiple acts of criminal fraud by: (1) Sending the Petitioner Notice on December 15, 2020, that the Civil Calendar for cases to be heard on January 11, 2021, would be only to set a date for the actual trial, to wit, "PLEASE NOTE THE TIME SLOT OF YOUR CASE WILL BE CALLED TO DETERMINE THE STATUS OF YOUR CASE AND TO SET A DATE/TIME TO RETURN FOR A TRIAL," and instead holding the trial. (2) Holding the trial on only one of the pending motions, to wit, the Defendant's Motion to Dismiss, (3) Ignoring Petitioner Coleman's Complaint, Coleman's Motion to Dismiss the Defendant's Motion to Dismiss, Coleman's Motion to Continue so he could be retain counsel, and Coleman's Motion for Summary Judgment, (4) Holding the trial using COVID-19 as a pretext to by-pass Dr. Coleman's demand for a jury trial, (5) Holding the trial without the Jury as Dr. Coleman's Complaint demanded, (6) Allowing testimony from the Defendant's witness without prior notice of witness's appearance, and without properly swearing in said witness on the witness stand, thereby denying Petitioner Coleman's NCRCP right to question the witness, (7) Dismissing Coleman's Complaint without a Hearing on the facts, "which must be construed as

true and the inferences drawn therefrom viewed in a light favorable to the Plaintiff, (8) Granting the Defendant's Motion to Dismiss based on the Defendant witness's undocumented statement, "I followed standard procedure," when the Defendant Judge knew, or should have known, said testifying owner/Defendant was not present at the time of the sale of the Honda, and therefore could not have known what representations his employee David made to Coleman, (9) Testifying owner/Defendant knew, or should have known, there was no legal transfer of title to Arkofa Auto Sales, thereby rendering the sale of the Honda to Coleman a felonious fraud, and (10) ) Withholding the Order dismissing Dr. Coleman's Complaint until 30 days had lapsed, therefore denying Petitioner Coleman his 30 day window to Appeal. (In open court, Coleman informed Defendant Judge Stevenson he is appealing, to which Judge Stevenson dismissively responded, "Go for it," intimidating Coleman that he would lose his appeal.

In an undated Order, Defendant Judge Stevenson granted Arkofa Auto Sales' fraudulent Motion to Dismiss falsely claiming Petitioner Coleman was "not a real party of interest," and had "failed to state a claim upon which relief can be granted."

Coleman mailed his Notice of Appeal to the trial court on January 13, 2021, Defendant Judge Stevenson, in an undated Order granting the Defendant's Motion to Dismiss, stamped-dated February 4, 2021, mailed on February 8, 2021, received by the Petitioner at 3:30 PM, February 11, 2021, exactly 30 days from the

date of the Hearing on January 11, 2021, so as to maliciously and criminally  
prevent Dr. Coleman from filing his Notice of Appeal

**D. Direct Appeal**

Based on the reasonable and prudent assessment of North Carolina/Franklin County Judge Stevenson's judicial overreach, judicial trespass, judicial abuse of power, partiality, impropriety and judicial criminal acts – defined as acts so egregiously beyond that which the public expects of its judges, and violations of Dr. Coleman's First, Seventh, and 14<sup>th</sup> Amendment rights to a fair and impartial adjudication of his grievance , and his right to equal protection of the laws, predicting Judge Stevenson's reckless judicial malfeasance would be defended and duplicated in other eastern North Carolina Jim Crow courts, Coleman. submitted a Compliant in the United States District Court for the Eastern District of Virginia, Norfolk Division, on March 17, 2012.

Coleman's Complains against the State of North Carolina, Franklin County, Judge Amanda Stevenson, Arkofa Auto Sales, & Attorney R. Keith Shackelford, alleges the Defendants criminally committed, and criminally conspired to commit, fraud, deceptive business practices, obstruct justice, and to violate Coleman's First, Seventh, and Fourteenth Amendment rights to due process, to a fair and impartial hearing of his grievances, and his right to equal protection under the laws, the Defendants thereby incurring liability under Title 42 Section 1983, and R.I.C.O. .

Under Jurisdiction, Coleman makes his case for a change of venue from Jim Crow eastern North Carolina courts being necessary, and precondition for justice to occur.

By Order dated September 27, 2021, US District Court Judge Jackson dismissed "without prejudice." arguing, "...state court judges from North Carolina and a clerk from a North Carolina state court determined that venue was improper and that a transfer was not in the interest of justice." thereby abusing his judicial power and authority to eviscerate Coleman's Complaint, in turn, enabling Defendant State judge Stevenson to secure a "Get Out Jail Free" pass.

Coleman appealed to the Court of Appeals for the Fourth Circuit, alleging that in the lower court's rush to save the State of North Carolina Judge Stevenson from impeachment, Federal judge Jackson violated Canon 3(B)(6) , to wit, he failed "to take appropriate action upon receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code" -- Defendant Judge STEVENSON :(1) Conspired with the Defendant to forsake the promise of a status Hearing ONLY by holding a trial, (2) Conspired to hold the trial on only one of the pending motions, to wit, the Defendant's Motion to Dismiss, (3) Conspired to ignore Coleman's Complaint, Coleman's Motion to Dismiss the Defendant's Motion to Dismiss, Coleman's Motion to Continue so he could retain counsel, and Coleman's Motion for Summary Judgment, (4) Conspired with the Defendant's Attorney Shackelford to hold the trial using COVID-19 as a pretext to bypass

Coleman's demand for a jury trial, (5) Conspired to hold the trial without the jury as Coleman's demanded in his Complaint, (6) Accepted testimony from Defendant witness owner of Arkofa Auto Sales, without prior notice of witnesses and without properly swearing in said witness on the witness stand, thereby denying the Petitioner his NCRCR right to question the witness, (7) Conspired to dismiss Coleman's Complaint without a hearing on its facts, "which must be construed as true and the inferences drawn there from viewed in a light favorable to the Plaintiff, *Hargrove v. Gardner*, 264,N.C. 117, 141, S.E. 2d, 36 (1965). *Newton v. Insurance Co.*, 291, NC 105,229, S.E. 2d 297 (1976), (8) Conspired to grant the Defendant's Motion to Dismiss based on the Defendant's undocumented statement, "I followed standard procedure," when the Judge knew, or should have known, (a) The testifying owner/Defendant was not present at the time of the sale of the Honda, and therefore could not have known what representations his employee "David" made to Coleman, (b) "David" in fact, represented that the "Dealer's Reassignment of Title to Motor Vehicle (NC DMV form MVR-2), was in fact the Title. (c) The testifying owner/defendant knew, or should have known, there exists no legal transfer to Defendant Arkofa Auto Sales , (8) thereby rendering the sale of the Honda criminal fraud, (9) Conspired to withhold Order dismissing Dr. Coleman's Complaint until 30 days had lapsed, (10) therefore denying Dr. Coleman his 30 day window to Appeal. Defendant Judge STEVENSON in an undated Order, granted the Defendant's Motion to Dismiss Coleman's Complaint on the

fraudulent grounds that, (1) "The plaintiff is not a real party in interest," when the judge knew from Coleman's Complaint, page 3, #3, "Dr. Coleman, age 83, was accompanied by neighbor Robert Phillips who, at all times acted on Mr. Coleman's behalf."

"Accepting the truth of the well-pleaded factual allegations of the Complaint, which must be construed as true and all inferences drawn therein in a light most favorable to the plaintiff." *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957) also *Neitzke v. Williams*, 109 S. Ct.1827, 1832 (1989), defeats the Defendant's claim that "The Plaintiff failed to state a claim upon which relief can be granted pursuant to Rule 12(b)(6), of the North Carolina Rules of Civil Procedure," which Defendant Judge Stevenson knew to be a "garbage" pleading often misused and, in this case, knowingly made in bad faith.

"A Complaint should not be dismissed for insufficiency" - Rule 12(b) (6) – if it appears to a certainty that plaintiff is entitled to relief under any state of facts which could be proved in support of the claim".

Coleman's Complaint alleges the Defendants committed multiple instances of fraud, conspiracy to commit fraud, deceptive business practices, conspiracy to commit deceptive business practices, obstruction of justice, conspiracy to obstruct justice, violations of Coleman's 14th Amendment rights to due process, his right to a fair and impartial hearing of his grievances, and his 14<sup>th</sup> Amendment protections under the "Equal protection clause," the Defendants thereby incurring liability

under Title 42 Section 1983, under RICO, and for change of venue as being in the best interests of justice, all of which exceeds the test, to wit," it appears to a certainty that plaintiff is entitled to relief under any state of facts which could be proved in support of the claim".

Defendant Judge Stevenson's malicious and treacherous Order, **granting the Defendant's Motion to Dismiss**, was file-stamped-dated February 4, 2021, mailed on February 8, 2021, but received by Dr. Coleman at 3: 30 PM, February 11, 2021, exactly 30 days from the date of the Hearing on January 11, 2021, so as to maliciously and criminally prevent Dr. Coleman from filing his Notice of Appeal.

In their rush to AFFIRM, Federal District Court's Judge Jackson's myopic view of the law, to wit, " to transfer, or not to transfer venue," renders Coleman's Complaint alleging multiple judicial criminal acts -- those acts so beyond that which the public expects of its judges -- judicial overreach, judicial trespass, judicial obstruction of justice, abuse of power, and blatant partiality, in turn, violating Coleman's First Amendment right to "petition the Government for a redress of his grievances, his Seventh Amendment right to a trial by jury, and his 14<sup>th</sup> Amendment right to receive a fair and impartial adjudication of his grievances ,and his right to equal protection of the laws, all of which "but for" Coleman being a *pro se* plaintiff would not have happened.

#### IX. REASONS FOR GRANTING CERTIORARI

A. The United States District Court judge judging the State District Court judge, willfully and maliciously misapprehended 28 U.S.C. #1391 (b) in order to vitiate the State court judge's felonious trial/dismissal of the Petitioners State Complaint.

Coleman's Federal case alleges that as the direct result of the State judge's multiple acts of criminal judicial overreach, judicial trespass, judicial Obstruction of justice, judicial abuse of power, and judicial partiality, in turn, violating Coleman's First Amendment right to "petition the Government for a redress of grievances, his Seventh Amendment right to a trial by jury, his 14<sup>th</sup> Amendment right to receive a fair and impartial adjudication of his grievance ,and his right to equal protection of the laws, Coleman had not, would not, and could not, receive a fair trial in eastern North Carolina. THEREFORE, "in the interest of justice," Coleman's residence State of Virginia was the proper venue.

The factual allegations stated in Coleman's Complaint, which must be construed as true and all inferences drawn therein in a light most favorable to the plaintiff (Coleman)." *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957) also *Neitzke v. Williams*, 109 S. Ct.1827, 1832 (1989), lead a reasonable and prudent person to the inexorable conclusions: (1) The State Judge committed multiple criminal acts -- those acts so beyond that which the public expects of its judges -- judicial overreach, judicial trespass, judicial obstruction of justice, abuse of power, and judicial partiality, in turn, violating Coleman's First Amendment right to "petition the Government for a redress of grievances, his Seventh Amendment right to a trial by jury, his 14<sup>th</sup> Amendment right to receive a fair and impartial adjudication of his

grievance ,and his right to equal protection of the laws all of which “but for” Coleman being a *pro se* plaintiff would not have happened. (2) The State Court’s multiple criminal acts alleged above were the direct and proximate cause of Coleman, “in the interest of justice” moving for a change of venue under 28 #1404. (3) The Federal judge dismissing Coleman’s Complaint in order to protect the State judge compels one to witness the Constitutional abuses upon unrepresented litigants when judges judge judges.

Judges are not immune to prosecution for their criminal acts, *Scheuer v.Rhodes*, 416 U.S.232 (1974).

B. US District Court Judge judging the State Judge, to save her from certain censure/ impeachment, dismissed Petitioner Complaint against the State judge over a disputed venue issue, thereby allowing the State Judge’s, multiple criminal acts to trump the Petitioner’ First Amendment right to “petition the Government for a redress of hi grievances, his Seventh Amendment right to a trial by jury, and his 14<sup>th</sup> Amendment right to receive a fair and impartial adjudication of his grievance

Federal Judges Code of Conduct Canon 3(B) (6) 2A. “A judge takes appropriate action upon receipt of reliable information indicating the likelihood that a judge’s conduct contravened this Code.”

The factual allegations stated in Coleman’s Complaint, which must be construed as true and all inferences drawn therein in a light most favorable to the plaintiff (Coleman),” *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957), also *Neitzke v. Williams*, 109 S. Ct.1827, 1832 (1989), (1) Make an incontrovertible case that the State judge committed multiple acts of criminal -- those acts so beyond that which

the public expects of its judges, to wit, judicial overreach, judicial trespass, judicial abuse of power, judicial obstruction of justice and judicial partiality, in turn, violating Coleman's First Amendment right to "petition the Government for a redress of grievances," his Seventh Amendment right to a trial by jury, and his 14<sup>th</sup> Amendment right to receive a fair and impartial adjudication of his grievances, and his right to equal protection of the laws. (2) The Federal trial judge was duty bound by Code of Conduct Canon 3 (b)(6) to take appropriate action against the State judge, (3) Instead, the judge misapprehended 28 U.S.C. # 1391(b), so he could dismiss "Coleman" s Complaint claiming "improper venue." *de facto* dismissing Coleman Complaint in its entirety, knowing Coleman would never receive a fair and impartial adjudication of his grievance in the Jim Crow courts of eastern North Carolina. (4) The result of the Federal trial judge judging the State judge was that not only did the Federal Judge conspire to allow the State Judge to "get by with murder," eviscerate Coleman's legitimate case against the State judge, sack the Constitution, but also emboldened judges to judge judges with immunity.

C, Coleman's case at bar against judges judging judges in instances in which one of the litigants is *pro se*, finds company in the following two cases.

Judges Judging judges Case #1  
*Coleman v, Zaccari*, Fraud, Conspiracy to Commit Fraud, Obstruction of Justice, & Conspiracy to Obstruct Justice, Zaccari, Lansky, Hillsboro County Florida Judges Gomez, Carey & Silver

September, 2001, Petitioner Coleman and his 12 year-old son Sean moved from New Hampshire to Tampa Florida, so his son would have more opportunities to play soccer and baseball in the warmer climate. November, Coleman was hired as the Director of a group home for emotionally disturbed adolescent boys by the Executive Director, of Florida Residential Group Homes ,FRGH, Dr. James Zaccari, and his sidekick. Manny Mira.

Coleman soon realized Zaccari and Mira were in the business of scamming the State of Florida Division of Family and Children's Services, to wit they had set up the home and hired staff for a girl's group home before ascertaining the agency needed group homes for boys, meaning Coleman had to replace the 24/7 female staff with males, causing a delay of five months before the first two of the six boys were placed.

Three months later, Zaccari told Coleman that FRGH was unable to make payroll , and would Coleman use his personal funds to support the boys until the State funded Zaccari. (Coleman later learned Zaccari had bought a second group home for \$300,000).

July- September, Zaccari owed Coleman just under \$10,000. Meanwhile, Zaccari did receive payment in August, but denied that fact to Coleman, and when Coleman again demanded payment in September, Zaccari, fired Coleman and gave him two hours to clean out his desk,  
Coleman sued Executive Director Zaccari, Zaccari individually, and FRGH.

Zaccari's attorney, Glen Lansky stipulated to the court that he was Only representing Zaccari as an individual, and NOT as Dr. James A. Zaccari, Corporate Director of Florida Residential Group Homes, Inc. a Florida Corporation, defunct since 2003, nor the Board, nor any of its Board Members..

Judge Gomez signed an Order granting Default & Final Judgment against Florida Residential Group Homes, Inc, and Dr, James A. Zaccari, Corporate Director stating, "Defendants Florida Residential Group Homes, Inc., and Dr. James A. Zaccari, Corporate Director, "failed to Answer Coleman's Complaint and failed to Answer the Complaint within the 20 days, as ordered by this Court, Therefore, Plaintiff" (Coleman) "is awarded a Final Judgment in the amount of \$22,848.78" (treble damages) "on the Civil Theft Count of the Complaint" as allowed by law, and \$221,500. for lost wages, benefits, lost "growth and expansions" wages and benefits, lost value in goods and services and loss of professional standing in the community."

June 19, 2007, Lansky wrote an *ex parte* letter to Judge Gomez, objecting to Gomez's Order for Default and Final Judgment against unrepresented Florida Residential Group Homes, Inc. and Dr. James A. Zaccari, Corporate Director, in the amounts of \$22,848.78 and \$221,500, when Lansky and Gomez both knew Lansky had no legal standing to write the *ex parte* letter. June 27, 2007, Lansky in the first place.

Hillsborough County Court Clerk's office notifies Coleman that as of July 9 – 3 – 30 days after reversing himself, Judge Gomez would no longer be hearing Division E cases.

Yet, by order dated August 10, Judge Gomez, issues an Order denying each and every one of Coleman's Motions without a hearing

Pursuant to Florida Rules of Civil Procedure Rule 1.120(b), on April 2, 2008, Coleman files a Motion Pleading Special Matters arguing that Lansky's fraudulent acts were the direct and proximate result of the Court reversing its previously awarded Default and Final Judgment to Coleman.

June 12, 2008, newly assigned Circuit Court Judge Claudia Isom (judges judging judges) signed an Order scheduling a Case Management Conference for August 11, 2008. (Coleman returned to New Hampshire, August, 2004.)

response from Attorney Arnold, on the early morning of August 11, 2008, Coleman began calling Judge Isom's office to explain that if Attorney Arnold does not appear on Coleman's behalf, Coleman be granted a Continuance, or allowed to participate in the 11:30 AM conference via conference call, Having received no response from the Court as to the August 11, 2008 Case Management Conference, by letter dated December 8, 2008, Coleman requested a copy of any and all Orders issued from said Case Management Conference.

December 31, 2008, Coleman received the Order, signed not by Judge Isom, but by Judge Kevin Carey, (judges judging judges), who had wrongly, and fraudulently, dismissed

as follows: "The parties or attorneys failed to appear and did not communicate any reason for such non-appearance," when Judge Carey knew, or should have known from the file that Coleman had sent Judge Isom a fax, prior to the 11:30 AM Case Management Conference, offering to Continue or to participate by phone conference call,

February 16, 2009, yet still another Judge (judge judging judges), Judge Bernard Silver, ordered and adjudged that Coleman "comply with administrative FRCP Rule 2008-145(17), before the Court makes a determination on the merits of Coleman's motions. FRCP Rule 145-17 .. "Unrepresented parties may obtain available times on a judge's calendar by telephoning the judicial assistant accessing the judge's link on the Thirteenth Judicial Circuit's webpage at [wwwffljud13.org](http://wwwffljud13.org), but may only set hearings by telephoning the judge's judicial assistant." Silver in one year), "that it was not the Court's responsibility to inform the parties of any judicial reassessments ..." (Why then had the Court established the precedent of notifying Coleman of Judge Gomez's transfer, Judge Crenshaw's, and Judge Isom's reassignment to Judge Carey?). Furthermore, Judge Silver erred in instructing Coleman that judicial assignments "can be located on the Court's website, when Judge Silver knew, or should have known, *pro se* litigants are locked out of the website. Judge Silver justifies Judge Carey's dismissal (judges judging judges) of Coleman's case on the specious grounds, that "all parties are responsible

for timely informing the Court of any possible cancellations before the hearing is set to occur."

March 29, 2009, Coleman filed his Notice of Hearing on his Answers to Administrative Order S-2008-145(17), his Corrected Motion for Relief from Order of August 11, 2008, and his Motion Pleading Special Matters, to be heard on May 15, 2009, before Judge Silver.

May 15, 2009, Hearing, Attorney Lansky, who now fraudulently claims to be representing both Dr. James A. Zaccari, Executive Director of Florida Residential Group Homes, without proper Notice of said Appearance to Coleman, and James Zaccari, as an individual, when Judge Silver knew, that Judge Gomez awarded Coleman a Final Judgment in the amount of \$244,348.78, on June 14, 2007,

At trial, Judge Silver refuses to allow Coleman to prosecute Lansky's fraudulent representation of both Zaccari, the individual, versus Dr. Zaccari, Executive Director, Judge Silver walks out of the court room while Coleman presenting his case, and another time stating, "I don't care who Lansky is represents his case, claims, "Zaccari individually or otherwise. I cannot, or would not, overturn another judge's ruling." (judges judging judges). Had Judge Silver read the file, he would have noted the clear and compelling evidence that by fraudulent design, Judges Gomez, Chrenshaw, Isom, Carey and now Silver himself -- (judges judging judges), had taken turns administering Coleman's case, each in a well-orchestrated conspiracy to cover up fellow Judge Gomez's reversal of his own Order.

for Final Judgment award of \$244, 348.78!)

Judge Silver next announces, "You may go after only Florida Residential Group Homes as per the Corrected Order," an Order Judge Silver knew the C was a fraud -- Lansky had no legal standing to file the Corrected Order". Judge Silver also knew that he had just issued a sham ruling against Florida Residential Group Homes which became defunct in June, 2003!

Judge Silver dismissed, admitting, "I don't know Pleading Special Matters law and I didn't know the Motion Pleading Special Matters was docketed," (judges judging judges)

All that remained was for Judge Silver, to repeat the fraud and judicial mischief of Judge Carey, (judged judging judges), to wit, withhold the mailing of his Orders of the May 15<sup>th</sup>, 2009, Hearing, enabling/conspiring with Attorney Lansky to "forget" to draft the Order, thereby denying Coleman his due process right to timely appeal, in turn, inviting criminal charges of Obstruction of Justice and Conspiring to Obstruct Justice as to Judges Carey, Silver and attorney Lansky, who by their multiple criminal and corrupt acts, robbed Coleman of the \$ 244,348.78, duly awarded him by Hillsborough County Florida Judge Gomez.

Judicial acts are deemed "criminal" when such acts are so egregiously at odds with prior rulings, so contrary to existing case law, or are so extraordinarily beyond the role that the public expect of its judges. Judges are not immune from prosecution for their criminal acts, *Mc Farland v. State*, N.W. 2d (1961), *Braateli*

*v. United States*, 147, F2d, 888,(1945). *Scheuer v. Rhodes*, 416,U.S. 231, 246,- 47,(1974), *Randall v. Brigham*, 74 US.(Wall), 522,19 LED, 285,(1969), and *Bradley v. Fisher*, 86, U.S.(13 Wall), 335, 20 L.Ed 646 (1871),

Judges judging judges case #2

*Coleman v. Silver*, Slander, Defamation, and Alienation of Affection NC Judges, Bushfan, Green, Stephens, McGuire, Wake County DA Freeman, and Clerk of NC Court of Appeals, Connell.

Twenty-six years after Petitioner Coleman Ex-wife Kay Coleman/Silver conspired to terminate his parental rights, on August 8, 2011, at 9:54 AM, an e-mail pops up saying. "Hi there ....If this is an active email account, won't you please respond .."Signed "Scarlette Shannon," – Coleman's little girl now a woman, who he last saw 30 years ago, when she was four..

An hour later, Shannon e-mails: "I love you dearly, Dad. I adore you and you're always close to my heart and mind... I would like to try to get to know you ...Your son told me that you still had a photo of me, so I hope that you're interested in a light correspondence ... Again, I love you ...I wish you health and happiness, your daughter, Shannon...There's no doubt you've my blood with phrases like 'washed away by reality's tyranny ... My mother told me the most impossibly awful things about you, and now I feel so stupid for being afraid of you for so long ... Thank you for showing me so much love, and for fighting so hard for me...I want to tell you what my mother told me about you ... I must have been an idiot to believe some of the obvious lies anyway... Honestly, I feel poisoned. Mom had me pumped

full of Thomasine by the 7<sup>th</sup> grade and locked me up in psychiatric hospitals in middle and high school for months at a time, until the insurance ran out ...I was raised under the guidance of dozens of other psychiatrists – doctors who sat through hours of my mom's theatrics without protest...Despite my urges to stand up to her and yell at her for being just evil and selfish, and then evil again ...She told me you had sexually molested me when I was three -- that I almost had to have my foot amputated because you took me to Tweetsie Railroad, instead of taking me to the Emergency Room in Raleigh... that you tried to kill Pat (wife #1) and your two daughters....Regardless, I read your words and I don't feel afraid. I feel the opposite. I always have despite mom's efforts to keep us apart...."

Coleman sues Kay Silver for slander, defamation, and alienation of affection, Silver, seeming still to have a "friend – consort -- in high places in the Jim Crow Wake County courts, counters Coleman's Complaint with 21 redundant, "bad faith," and trivial Motions between June 2 and July 28, 2014, including a Motion for Protection Order alleging that Coleman's Complaint and subsequent Motions, caused Defendant Silver "to be placed in fear of continued harassment that rises to such a level as to inflict substantial emotional distress," and a Motion for Summary Judgment.

Female Jim Crow Wake County Judge Bushfan instead of dismissing Silver's Summary Judgment as being defective and improper, as a matter of law, not only grants Silver's fraudulent Summary Judgment, but conspires with Clerk of NC

Court of Appeals Connell, to "disappear" Coleman's Notice of Appeal, thereby immunizing Judge Bushfan against Reversal on Appeal. (judges judging judges.)

Emboldened, Silver now maliciously misapprehends Rule 26(e) -- Protective Orders, so as to be granted a Complaint and Motion for Domestic Violence Protective Order, forbidding Coleman to contact Defendant Silver, and to cease and desist mailing any legal documents to Silver's residence unless they have first been filed and dated in court." ( There has been no contact - domesticity between Coleman and Silver since 1984!)

A second Jim Crow female judge – Judge Green (judges judging judges), checks the box: "inflicted serious injuries upon the plaintiff," (Silver), and in Judge Green's handwriting, writes, "strangled," for which Judge Green incurs criminal charges of judicial overreach,, obstruction of justice, abuse of power, and judicial partiality and slander> There is no record of Coleman ever strangling Silver

Within hours of Silver being granted her fraudulent and corrupt Domestic Violence Protective Order ordering that Coleman "shall have no further contact with Silver, including any and all further answers, responses, defenses, or filings in any present or future case against Silver," she mails Coleman three pounds of motions, and exhibits!

Two weeks later, a Hearing is held by yet a third female Jim Crow judge – Judge Eagles, on Silver' fraudulent, corrupt, Domestic Violence Order of Protection Consent Order. (judges judging judges). Silver is now represented by a female

attorney Raleigh's Public Defender's Office,. (Silver's household income is reportedly \$117,000, her house valued at \$276, 524, with equity at \$105,000, begging the question, how did Silver qualify for a Public Defender?

The Consent Order drafted by third female Judge Eagles charges: (1) "For the past two years defendant (Coleman) placed in fear of continued harassment that rises to such a level as to inflict substantial emotional distress." (Notwithstanding Silver's documented 21 motions filed against Coleman from June 2, to July 28 – 56 days, or a motion every other business day, are examples of Silver's "fear of Coleman's harassment," to which Judge Eagles adds, Coleman "inflicted serious injuries upon" Silver -- "strangled her around 1980-1981," absent an explanation as to: (a) How could Silver forget the date, month or year she was allegedly "strangled," (b) "Strangled" means "to put to death," so how could a dead Kay Silver be now standing before Judges Eagles or Green?

In her Consent Order, Judge Eagles rubber-stamps the fraud and treachery of Judge Green's Order 10 days earlier – (judges judging judges) to wit, (a) Coleman "shall not commit any further acts of domestic violence," when there was no evidence Coleman had committed any act of domestic violence, (b) Coleman "shall have no defendant-initiated contact with the Plaintiff (Silver), "except through an attorney." thereby violating Coleman's due process right to object, and/or Appeal, his Constitutional right to represent himself, his First Amendment right to Petition the government for a redress of his grievances, his Fourth

Amendment protections of probable cause as antecedent to any warrant being issued, Coleman's Fifth Amendment right not to be deprived of liberty or property without due process, his Seventh Amendment right to a trial by a jury of his peers, his 14<sup>th</sup> Amendment right to equal protection under the law , and a fair and impartial adjudication of his grievances.(c) "There is danger of serious and immediate injury to the Plaintiff," (Silver), thereby violating his Fourth Amendment protections against warrants without probable cause. (d) "The defendant (Coleman) shall not threaten a member of the Plaintiff's family or household," violating Coleman's Fourth Amendment protections against warrants without probable cause. (e) "The Defendant (Coleman) shall stay away from the plaintiff's residence," and shall be arrested if Defendant violates this provision," violating Coleman's Fourth Amendment protections against warrants without probable cause, to wit, neither Silver nor any of her Jane Crow female judges, produced any evidence that Coleman had contacted Silver other than via mailings of court documents, or that Coleman had been in the vicinity of Silver's residence in 30 years. (f) "The Defendant shall stay away from the place where the Plaintiff works, anywhere within 100 yards of Plaintiff or any place listed herein," violating Coleman's Fourth Amendment protections against warrants without probable cause. (g) "The defendant is prohibited from possessing or receiving or purchasing a firearm," violating Coleman's Second Amendment right to bear arms, and his right to defend myself against Silver, who has a court history of assaulting Coleman, and

then “crying rape,” and violating Coleman’s Fourth Amendment protections against warrants without probable cause.

North Carolina General Statute #14-209, reads, ““If any person shall willfully and corruptly commit perjury...in any courts of the State ...every person so offending shall be punished as a Class F felon,”)

Coleman files a second Complaint of Defamation, Slander and Libel against Silver. (Recall that on the afternoon of October 23,2014, following the morning Hearing on Silver’s Protection Consent Order in which Judge Eagles ordered that Coleman “shall have no defendant-initiated contact with Silver except through an attorney,” Silver files a Motion to Dismiss, a Motion for Summary Judgment and a Motion for Relief from Frivolous Filings, in a three pound package of over 300 pages of irrelevant, frivolous, fraudulent, and pejorative pleadings, motions and exhibits, leading a reasonable and prudent person to conclude Silver had been told in advance by a Court “insider” that the judge would be granting Silver’s Protection Order stipulating that Coleman would be barred from all contact with Silver, including, but not limited to being prohibited from responding to her motions, thereby denying Coleman his Fourteenth/Fifth Amendment due process right to defend myself against Silver’s infamy and villainy.

By Order dated November 19, 2014, trial Judge McGuire writes “...Plaintiff (Coleman) did not file a written response to Defendant’s motions.” ( Judge McGuire knew Coleman had been prohibited, by a Protective Order dated October 23, from

having any contact, written or otherwise, with Silver, including those involving legal matters not drafted and signed by a licensed NC Attorney.”

Judge McGuire, now compounds his “extraordinary” judicial criminal mischief, by conducting a Hearing without Coleman being present, at which, Silver testifies “...the statements by the Defendant” (Silver) of which the Plaintiff (Coleman) complains in this action are true, and were made in the course of the proceedings and filings before this Court and thus are privileged.”

North Carolina law offers no “privileged” court testimony, meaning Silver has just admitted to having made the slanderous defamatory statements, just as Coleman alleged in his Complaint, that Judge Bushfan had dismissed! .

Judge McGuire, as an officer of the Court, must *sue sponte*, charge Silver with multiple acts of felonious fraud, perjury, suborning perjury, witness influencing, witness tampering, and obstruction of justice, order Silver’s arrest, and, of course, dismiss Silver’s fraudulent Motion for Summary Judgment, grant Coleman’s original and second Complaint, and award him damages as he had requested.

Instead, Judge McGuire rules, “The Defendant’s (Silver’s) Motion for Summary Judgment is GRANTED and this matter (Coleman’s Complaint) is dismissed with prejudice,” and this court further Orders: (1) “Plaintiff” (Coleman) “shall obtain prior written approval of the Senior Resident Superior Court Judge of the county in which the action would be filed prior to filing any *pro se* action of any

type in the General Court of Justice that concerns, or relates to, the Defendant (Silver), and any allegation raised by Plaintiff (Coleman) in the complaint filed in this action. (2). In seeking permission to file, Plaintiff (Coleman) "shall submit to the Senior Resident Superior Court Judge of the County where the action would be filed, a copy of this Order, a complete copy of any proposed filing, and a verification that the statements in the proposed filing are true, except those matters stated as being made upon information and belief. (3) The Clerk of Superior Court is hereby directed not to accept papers submitted by Plaintiff (Coleman) in violation of the Court's Gatekeeping Order.(4) A violation of this Order by Plaintiff, (Coleman) or by any person acting on behalf of, or in consort with, Coleman shall be considered contempt and may be sanctioned accordingly, except that this Order shall not apply to any filing submitted on behalf of Plaintiff by an attorney licensed to practice law in the State of North Carolina.(5) A copy of this Order shall be delivered to the Wake County Clerk of Court."

Coleman files a Notice of Appeal of Judge McGuire's fraudulent Summary Judgment and "Gateway Orders of November 19, 2014.

January 4, 2015, Coleman files a Rule 2 Motion with the North Carolina Court of Appeals inquiring as to why he had not yet received a response from the two timely filed Notices of Appeal.

By Order dated January 6, 2015, the Clerk of the North Carolina Court of Appeals informs Coleman, "The motion filed in this case on the 7<sup>th</sup> of January 2015 and designated "Rule 2 Motion," is denied."

D US Court of Appeals for the Fourth District Judges Affirmed the lower Court's Dismissal of the Petitioner's Complaint on disputed "venue" grounds -- (judges judging judges).

The Federal judge judging the State judge knew, or should have known, that 28 U.S.C. # 1391(b) is irrelevant to Coleman's Complaint arguing "venue" marches "in the best interests of justice."

Citing 28 U.S.C.#1406(a) the Federal judge judging the State judge invites the charge of judicial mischief of the former to avoid impeachment of the latter, stating, "When venue is improper 28 U.S.C. #1406(a) directs the Court to "dismiss" or, if it be in the interest of justice, transfer such cases to any district or division in which it could have been brought, thereby unwittingly supporting Coleman's case for venue change being in the best interest of justice..

In his rush to judgment, the Federal Judge judging the State judge committed judicial malfeasance by omission – omitting 28 U.S.C. #1404(a)-- Change of Venue, which reads , "...in the interest of justice, a district court **may** transfer any civil action to any other district or division where it **might** have been brought" (Emphasis added), " thereby violating *pro se* Coleman's First Amendment right to petition the Government for a redress of his grievances, his Seventh Amendment

right to a trial by jury, and his 14<sup>th</sup> Amendment right to receive a fair and impartial adjudication of his grievance.

**E. The record is compelling:** Police cannot police police, Catholic clerics cannot judge predatory priests, military brass cannot judge military sex abusers of women military, it therefore follows, as night follows day, judges cannot judge judges, particularly in cases in which one of the parties is *pro se*.

Birds of a feather flock together. People segregate by like-kind. People develop loyalty to people of the same ethnicity, same religion, and same backgrounds and, in the case of judges, of the same profession wearing the same priestly robe – more so when judges grant themselves absolute immunity and are awarded lifetime appointments. incurring more in-house bias and intra-judicial loyalties. The predictable outcome: Increased likelihood of judicial over-reach, meddling, obstruction of justice, abuse of power, partiality, and impropriety, in turn, violating *pro se* party's First Amendment right to petition the Government for a redress of his grievances, his Seventh Amendment right to a trial by jury, and his 14<sup>th</sup> Amendment right to receive a fair and impartial adjudication of his grievance.

**F. If Healthcare is the right of every citizen, so must legal representation be the right of every citizen: Governments committed to a Bill of Rights must otherwise fail.**

## **X. CONCLUSION**

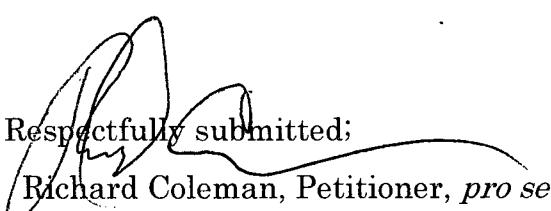
Based on the compelling evidence extrapolated from two civil North Carolina cases. one Virginia, and one Florida case, in which judges judging judges

committed multiple impeachable acts, against the *pro se* plaintiff, they would not have committed but for the plaintiff being *pro se*, in turn violating the *pro se* plaintiff's First Amendment right to a fair and impartial adjudication of his grievance, his Seventh Amendment right to a trial by jury, and his 14<sup>th</sup> Amendment right to receive to equal protection of the laws.

A reasonable and prudent person would conclude that this is the plight of many, if not most of the thousands of *pro se* plaintiffs denied justice in America's courts every day.

Therefore, the Petitioner respectfully requests that this Court issue a writ of Certiorari to review the judgment of the United States Court of Appeals for the Fourth District, and order that *pro se* status is unconstitutional – that every American citizen has the right to legal representation in America's courts.

Dated this the 16<sup>th</sup> day of April, 2022.

  
Respectfully submitted;  
Richard Coleman, Petitioner, *pro se*  
2061 East Ocean View Ave. #3  
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757 971-2532  
[rgrancole@gmail.com](mailto:rgrancole@gmail.com).

#### CERTIFICATION

I, Petitioner, Richard Coleman herein certifies that a true and exact copy of this writ of Certiorari has been sent to Responders Amanda Stevenson, Judge, at her place of business, the Franklin County Courthouse, 102 S. Main St, Louisburg, NC 27549, Arkofa Auto Sales, 972 Flat Rock Church Rd. Louisburg, NC 27549, R. Keith Shackelford, Attorney, 343 South White St. Wake Forest, NC 27588, via US Certified Mail on the 20 day of April, 2022.