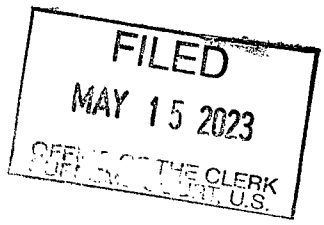
22-1128

ORIGINAL

No. _____



In The
Supreme Court of the United States

AMOS JONES,

Petitioner,

v.

CAMPBELL UNIVERSITY, INC., JOHN BRADLEY CREED, ROBERT CLYDE COGSWELL, JR., TIMOTHY ZINNECKER, and CATHOLIC UNIVERSITY OF AMERICA,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

AMOS N. JONES
Pro Se
1150 K Street NW
Washington, DC 20005-6809
(202) 289-0150
amosjones@post.harvard.edu

Petitioner, Pro Se

Dated: May 15, 2023

QUESTIONS PRESENTED

Did the United States Court of Appeals for the Fourth Circuit err in upholding the United States District Court for the Eastern District of North Carolina's awarding more than $7,000 in fees-and-costs sanctions against Petitioner for his alleged failure to attend a Nov. 9, 2020, deposition when (1) he had timely moved to dismiss his own case very early in the case due to his deteriorating health, (2) did so three weeks prior to opposing counsel's issuance of notice of the deposition (the first in the case), (3) had notified opposing counsel in writing of his disagreement with staging in-person depositions out of state six months into the global pandemic, (4) had agreed in writing with opposing counsel to suspend discovery pending judicial orders on nearly twenty (20) outstanding motions the judge had failed to decide, and (5) had already been ordered by a federal administrative judge, weeks before moving for voluntary dismissal under Rule 41(a) of the Federal Rules of Civil Procedure, to appear on the same date at the same time at a mediation settlement conference in his representation of a client of the petitioner's in that client's case against the U.S. Department of Defense or risk sanction per the terms of that administrative judge's order (which conference Petitioner attended via Microsoft Teams from his home in D.C. and at which he settled his client's case over the period in which the later-removed-from-the-case Petitioners' counsel's deposition of petitioner was staged)?

Did the United States Court of Appeals for the Fourth Circuit err in upholding the United States District

Court for the Eastern District of North Carolina's sanctioning Respondents only $500, not fees-and-costs sanctions, when half of the named defendants and their insurance carrier did not appear for the court-ordered mediation Settlement Conference of June 20, 2020 (which was held in the Petitioners' own counsel's local office in North Carolina), in violation of the court order that those three persons specifically appear?

Did the United States Court of Appeals for the Fourth Circuit err in upholding the United States District Court for the Eastern District of North Carolina's denial of Petitioner's motion for Federal Rule of Civil Procedure 26 sanctions as moot in an order granting voluntary dismissal without prejudice, fully aware for ten months that Petitioners' defense counsel had impermissibly obstructed the $250,000 settlement between Petitioner and Respondents reached in September 2020, more than one month prior to the conjured-up, post-dismissal-motion deposition?

Did the United States Court of Appeals for the Fourth Circuit err in refusing to address the issue plainly presented on appeal on remand (i.e, whether Petitioner's case should be reassigned to a judge according to the local rule previously violated by the District Court), considering the appearance of impropriety resulting from a disproportionate number of cases in which a particular party is involved being transferred to the same judge in violation of the Local Rules for assigning cases?

Did the United States Court of Appeals for the Fourth Circuit err in denying Petitioner's Motion for

Disqualification of the unethical counsel who are professed putative parties in this proceeding and who have failed to answer the question whether they or their predecessors were in the Ku Klux Klan?

Did the United States Court of Appeals for the Fourth Circuit err in reinstating, through its refusals to rule on multiple Issues Presented and in its permitting an unreconstructed, discredited defense counsel's Notice of Deposition to trump a pre-existing, supervening order of a federal administrative judge, the 1964-overturned rule from the disgraceful Supreme Court decision in *Dred Scott v. Sanford*, 60 U.S. 393 (1856)?

LIST OF PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page.

STATEMENT OF RELATED CASES

A related case is *Amos N. Jones v. The Catholic University of America*, D.C. Court of Appeals Case No. 19-CV-480. Originally part of the case in which this Petition is filed, that case is comprised of one count (tortious interference with contractual relations) that was severed from the case at bar (and its ten remaining counts) back in 2018. That September, the United States District Court for the District of Columbia ordered transfer of most of the case (ten counts) to the Eastern District of North Carolina federal court in the same order in which the one count against The Catholic University of America was severed and remanded to the D.C. Superior Court. The D.C. Superior Court dismissed the case for failure to state a claim, and Petitioner timely appealed to the D.C. Court of Appeals. The D.C. Court of Appeals in April 2023 denied Appellant's March 9, 2023, Petition for Division Rehearing and Petition for Rehearing En Banc challenging the 2018 dismissal of that case and the D.C. Court of Appeals affirmance of the dismissal in early 2023. In July 2023, Petitioner will timely petition the Supreme Court of the United States for a writ of certiorari in that erroneous D.C. Court of Appeals affirmance.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

PAGE(S)

CASES

CONSTITUTIONAL PROVISIONS

STATUTES

OTHER AUTHORITIES

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Fourth Circuit (Jan. 4, 2023) is printed in the Appendix at Pett. App. 1a. The Denial of Rehearing of the United States Court of Appeals for the Fourth Circuit (Feb. 14, 2023) is printed in the Appendix at Pett. App. 50a. The order of the United States District Court of the Eastern District of North Carolina (Aug. 19, 2021) is printed in the Appendix at Pett. App. 5a. The order of the United States District Court of the Eastern District of North Carolina (Aug. 16, 2021) is printed in the Appendix at Pett. App. 11a. The order of the United States District Court of the Eastern District of North Carolina, Western Division (July 20, 2021) is printed in the Appendix at Pett. App. 25a. The order of the United States District Court of the Eastern District of North Carolina, Western Division (May 14, 2021) is printed in the Appendix at Pett. App. 37a.

STATEMENT OF JURISDICTION

Jurisdiction on this Court is conferred under 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

28 U.S.C. § 2072(a)

"The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of

evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals."

28 U.S.C. § 1927

"Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct."

Rule 26(g), Federal Rules of Civil Procedure, "Signing Disclosures and Discovery Requests, Responses, and Objections"

"(3) *Sanction for Improper Certification.* If a certification violates this rule without substantial justification, the court, on motion or on its own, must impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney's fees, caused by the violation."

28 U.S.C. § 455(a)

"Any justice, judge, or magistrate [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

STATEMENT OF THE CASE

Introduction

Petitioner's civil action before the U.S. District Court for the Eastern District of North Carolina was dismissed without prejudice in July 2021, following Petitioner's own motions for voluntary dismissal without prejudice that he first filed in September 2020 [District Court Dkt. No. 118 (Sept. 30, 2020)] and later renewed [District Court Dkt. No. 156 (April 15, 2021)] after the court's unusually long delays deciding the parties' motions within the Eastern District North Carolina. Thus, the Questions Presented – left over from an empty Fourth Circuit opinion that failed to rule on most of the Issues Presented by Petitioner's appellate litigator Tillman Breckenridge – require clear judicial answering (1) for the guidance of the District Court on remand as well as (2) for all Parties as this action is re-filed by Petitioner in the U.S. District Court for the Eastern District of North Carolina. Upon refiling, Petitioner is entitled to orders consistent with the Fifth Amendment, U.S CONST. amend. V, the Fourteenth Amendment, U.S CONST. amend. XIV, and the Full Faith and Credit clause, U.S CONST. Art. IV, of the federal constitution.

The Supreme Court of the United States is therefore petitioned to review the errors, including serious omissions, of the United States Court of Appeals for the Fourth Circuit that violated Petitioner's rights of due process and equal protection under the Fifth and Fourteenth amendments of the Constitution and the Fourth Circuit's allowing the District Court's violations of the full faith and credit

provisions of the Constitution. In this case, both lower courts privileged a discredited defense counsel's post-dismissal-motion Notice of Deposition over the pre-existing, supervening orders of a federal administrative judge pre-dating that Notice of Deposition and requiring the appearance of Petitioner in a proceeding presided over by a federal administrative judge *on the same date and at the same time* as the late-conjured deposition *and in a different state* 260 miles away from the late-conjured deposition, the order for which expressly threatened judicial sanctions for non-appearance. (Petitioner complied with that judge's order, he attended via Microsoft Teams in Washington, D.C., and he settled, on that day at that time, his client's employment-discrimination case against the U.S. Department of Defense. Hours later, Respondents filed a motion for sanctions in the Eastern District of North Carolina [D.E. 134, Nov. 133, 2020] to punish Petitioner for following the federal administrative judge's pre-existing, supervening order in Washington, D.C., and the federal District Court granted that motion in August 2021.) The District Court further violated the full faith and credit of its own orders for a Mediation Settlement Conference on June 19, 2020, in this action [i.e., its orders at D.E. 66 (April 17, 2020) and D.E. 76 (May 8, 2020)], after two parties (Respondents Creed and Zinnecker) whom the court had ordered to attend in person instead skipped the mediation in violation of the order and the case could not be resolved; rather than award fees and costs according to the Motion for Sanctions filed by Petitioner [D.E. 187 (June 23, 2020)], the District Court stated in its September 24, 2020, order for just $500 in sanctions against Respondents [D.E. 113] that the parties'

order-violative skipping was not serious because the case could be settled anytime; however, the District Court, when days thereafter was presented with the $250,000 settlement agreement in the case by the Parties in nine (9) exhibits with briefing at D.E. 127 (Oct. 22, 2020), failed to rule on or otherwise remedy the illegal actions of discredited and now-exited Defense Counsel Thomas Farr in destroying the settlement agreement on grounds that Farr and Respondent law firm had been (properly) excluded as named parties from the settlement reached between the parties over the three months since the failed mediation. (But Farr was there, and he did all the talking.)

Had the District Court given full faith and credit to its own sanction order of Sept. 24, 2020, it would have properly, and promptly, granted Plaintiff's voluntary motion for dismissal filed on Sept. 30, 2020 [D.E. 118, originally filed as a 41(a) motion but converted ono Dec. 3, 2020, to a Motion to Stay after the District Court failed to rule on it while Petitioner's medical circumstances declined over the Court's long delay into a surgeon's documented referral to surgery to remove polyps near Petitioner's brain], if not ordered a proper mediation to close the $250,000 settlement agreement presented by the Respondents and accepted by Petitioner in September 2020, except the illegal provision adding Farr and his law firm Ogletree Deakins Nash Smoak & Stewart, P.C., as parties. All precedents of the Fourth Circuit and Supreme Court require disqualification of Respondents' law firm, but the lower courts have gone along with that firm's continual participation and obstruction as putative parties. *See generally* District Court Dkt. No. 184 (July 15, 2021, Motion to

Disqualify Opposing Counsel citing exhibits revealing their ethical transgressions).

Procedural and Factual Background

Hereafter in this summary, "JA" refers to the Joint Appendix of all parties, which was filed in the United States Court of Appeals for the Fourth Circuit and, as such, is part of the record with this Petition.

Facts

Petitioner law professor Amos N. Jones received his B.A. *cum laude* in political science from Emory University, where he was a National Merit Scholar, a Harry S. Truman Scholar, a Robert W. Woodruff Scholar, and a 2000 recipient of Emory's Burt and Betty Shear Family Prize "for the student most likely to make a uniquely positive impact on her or his universe." JA39. He then earned a Master of Science in Journalism from Columbia University in 2003 and a Juris Doctor from Harvard Law School in 2006. JA39. After law school, Jones, who had published three law review articles across the country while a Harvard Law student, spent a year as a Fulbright Postgraduate Scholar in Australia in the Centre for Comparative Constitutional Studies at the University of Melbourne. JA39.

Jones then spent three years excelling as an associate in international trade and commercial litigation at a large multi- national law firm's Washington, D.C., office before joining the legal academy. JA40. He served as a Visiting Assistant Professor of Constitutional Law at North Carolina Central University School of Law for one year, during

which he contacted Campbell University Law School's Recruitment Committee to express his interest in a tenure track position at the school. JA40. Campbell hired him as an Assistant Professor of Law by a unanimous faculty vote. JA40-41.

Jones spent six years teaching at Campbell, where his courses routinely faced overloaded enrollment. JA41. His History of the Black American Lawyer course became the most popular elective at a school with only a 3% African American student body—70 of his 78 students were White. JA40. In addition to his teaching, Jones amassed an impressive record of publications and lectures. JA40. After his first four years, Campbell promoted Jones to Associate Professor of Law based on another unanimous vote, this time of the tenured faculty, and confirmation by the university's Board of Trustees in Fall 2015. JA41.

Early in his employment, Professor Jones exceeded the tenure policy's publication requirement and successfully completed third-year pre-tenure review. JA49. Jones continued to properly update his materials and was promoted to Associate Professor in his fourth year (2014-15), by unanimous vote of the tenured faculty in Spring 2015 and by a unanimous confirmatory vote of the university trustees in October 2015, making the promotion retroactive (by custom) to August 2015, during his fifth year. JA50.

Meanwhile, in early 2015, Jones had obtained a prestigious invitation from the dean of the faculty of law at the University of Oxford, in England, to conduct an unpaid but prestigious academic research

experience at Oxford. JA50. He contacted the Dean of the law school to express his interest in that opportunity but also to clearly express his interest in applying early for tenure in the 2015-16 academic year, as all three deans in his annual reviews had encouraged him to do, given his outstanding performance by all metrics over all years at Campbell University. JA51. Jones advised his Dean that he would forego the Oxford position if his absence would negatively affect his early tenure application in any way. JA51. The Dean responded in writing, suggesting that he go to Oxford in the fall semester (foregoing all income and benefits from Appellee Campbell University) because, the Dean claimed, researching at Oxford would not "delay your tenure application, and in fact, I think it would strengthen your resume." JA51. Relying on that assurance and instruction from his dean, Jones took the unpaid position at Oxford. JA51.

Jones continued to pursue his application for tenure. After two applications over two years and documented disparate treatment relative to white comparators who had been on probation for non-performance over several years – all of whom were eventually tenured – Campbell improperly denied tenure to Jones, discriminating against him based on race while manifestly deficient, inferior white applicants were rehabilitated, retained, given years of extensions, and then granted tenure in 100 percent of cases; meanwhile and by contrast, under Professor Jones's employment terms, he had six academic years to apply for and attain tenure. JA41. If Campbell denied tenure in his sixth academic year, Jones would be entitled to a seventh "terminal year" of

employment. JA41. Instead, Respondents refused to act on the tenure application, took away the terminal year in violation of contract, converted personal property of Professor Jones, and retaliated after he filed thee complaints of all of the above at the Raleigh office of the U.S. Equal Employment Opportunity Commission. JA52-JA65.

Procedure

The EEOC issued Professor Jones's right-to-sue notices in September 2017, and he timely filed his complaint in the Superior Court for the District of Columbia. JA37. Campbell removed the case to the United States District Court for the District of Columbia and moved to dismiss the case for lack of personal jurisdiction. JA8. The district court ultimately transferred the portions involving North Carolina defendants (ten counts) to the United States District Court for the Eastern District of North Carolina. JA13. It severed and remanded the remainder (one count) to the Superior Court for the District of Columbia. JA13.

According to the docket, the case was assigned to Judge Dever after transfer, even though that judge was then employed by Campbell University. The case was reassigned to Judge Boyle in violation of the court's own assignment rules. JA14. This violation in the Eastern District of North Carolina apparently is common, as five of the last six cases with Campbell University as a defendant in the Eastern District of North Carolina at that time were presided over by Judge Boyle. The one that Judge Boyle did not preside over was assigned to Judge Fox, who, prior to Judge

Boyle handling Campbell cases, had history with Campbell University.

The errors and omissions for which Jones timely appealed to the U.S. Court of Appeals for the Fourth Circuit then ensued over a protracted period of non-rulings and other inaction that disadvantaged Petitioner and advantaged Respondents, culminating in the Judgment and Order of July 20, 2021, Docket Entries 186 and 187, which were left unchanged by the district court's denial of Petitioner's July 22, 2021, Motion to Alter the Judgment on August 19, 2021, Docket Entry 197. The Questions Presented at Page i of this Petition restate the erroneous decisions of the District Court, which the Fourth Circuit Court of Appeals affirmed in its one-page unpublished per curiam opinion of January 1, 2023, Appellate Docket Entry 23. The Fourth Circuit on February 14, 2023, Appellate Docket Entry 30, denied Petitioner's Petition for Rehearing and Rehearing en banc of January 18, 2023, Appellate Docket Entry 27. In that denial, the Fourth Circuit also denied Petitioner's *unopposed* January 22, 2023, Motion to Compel Immediate Withdrawal of Appellees' Counsel Ogletree Deakins Nash Smoak & Stewart, P.C., Appellate Docket Entry 29.

ARGUMENT

I. The Fourth Circuit erred as to all six questions presented, violating Supreme Court precedent in effect in all circuits, as set forth plainly in Petitioner's last four briefs and motion ignored in the Fourth Circuit, where African-American Appellant's counsel Tillman

Breckenridge was denied any oral argument and whose briefs were clearly ignored.

The Fourth Circuit erred as to all six questions presented, as demonstrated plainly in (1) the briefing/argument of the renowned Fourth Circuit appellate ace and College of William & Mary Law School Fourth Circuit Clinical Director Tillman Breckenridge in Appellant's Opening Brief, (2) the briefing/argument of the renowned Fourth Circuit appellate ace and College of William & Mary Law School Fourth Circuit Clinical Director Tillman Breckenridge in Appellant's Reply Brief, Appellate Docket Entry 21 (Dec. 22, 2021), (3) the argument in Appellant's Petition for Rehearing and Rehearing En Banc Consideration, Appellate Docket Entry 27 (Jan. 18, 2023), and (4) the argument in Appellant's Motion to Compel the withdrawal of unethical defense counsel, *see supra*, Appellate Docket Entry 29 (Jan. 22, 2023).

After a period spanning three calendar years on appeal (from 2021 into 2023), the Fourth Circuit issued its Per Curiam Opinion containing approximately one page of discussion, nearly all of it based on premises refuted in the record and in Appellant's briefing and none of it corrected by the Petition for Rehearing and Rehearing En Banc. *See* Appendix A (Opinion, Jan. 4, 2023). *Accord* Appendix F (Denial of Rehearing, Feb. 14, 2023).

For a dispositive contradiction of the factually incorrect premises set out in the Per Curiam Opinion, *see* Exhibits A through E cited in and explained over Pages 4-15 of Plaintiff-Appellant's MEMORANDUM

IN SUPPORT OF PLAINTIFF'S RULE 59(e) MOTION TO AMEND JUDGMENT AS TO [186] ORDER (July 22, 2021) [D.E. 189]. Supreme Court reversal is merited due to the manifest mistakes of fact that drove the Fourth Circuit's Per Curiam Opinion into error violating all Supreme Court precedents now in effect in followed in all jurisdictions.

"The issues presented [and unaddressed in the Per Curiam Opinion] [we]re: 1) Whether the district court erred by awarding fees-and-costs sanctions against Jones for failure to attend a deposition when he had moved to dismiss the case due to his deteriorating health. [...] 3) Whether the district court erred by denying a motion for Rule 26 sanctions as moot in an order granting voluntary dismissal without prejudice. 4) Whether the case should be reassigned on remand considering the appearance of impropriety resulting from a disproportionate number of cases in which a particular party is involved being transferred to the same judge." Brief of Appellant (Nov. 1, 2021) at 8 [Doc 18].

Contrary to the incorrect statement in the Per Curiam Opinion upholding the District Court's more than $7,000 in sanctions against *Professor Jones* that Appellant "took no steps to notify either the Defendants or the District Court of his decision not to attend his deposition," diligence and notice abounded. In addition to the means above cited (and briefed on appeal, and argued below) Appellant, at the time Appellees' Notice of Deposition was issued, did have pending (1) a motion to stay discovery [D.E. 103, 8/19/20], (2) a voluntary written commitment from Appellees to stop providing written discovery

responses that *Appellees* first imposed, [D.E. 164-1 (May 28, 2021)], (3) a pending and briefed motion for a protective order covering discovery including depositions (as did Appellees) [D.E. 114, D.E. 111], and, finally, (4) a motion, brief, and reply brief [D.E. 118, D.E. 127] for timely voluntary dismissal of his case without prejudice in light of both (a) the orthopedic calamity he faced as documented in clinical visits for which Campbell had obtained confirmatory records [D.E. 118] and (b) the shocking revelation by Appellees' counsel that they were destructively acting as putative parties and that the settlement reached among the parties in September 2020 would not enter into force without named defense attorneys' inclusion in their clients' settlement agreement as specific beneficiaries of the parties' settlement agreement [D.E. 127-5, pps 1-10] (a term whose presentation and imposition constitute two ethical violations under the applicable Rules of Professional Responsibility, as noted in a filing the day the deposition notice was filed and in Appellant's Summer 2021 motions for disqualification [D.E. 173-173, June 12, 2021] and Rule 26 sanctions. [D.E. 183, 184, July 15, 2021]). Contrary to the implied claim in the Per Curiam Opinion (which seems to have been preoccupied with Appellant's desire for Rule 37 sanctions not at issue on appeal), Appellant's Motion for Rule 26(g)(3) sanctions did not merely seek substantive relief, but sought specific monetary sanction and any other remedy just and proper under the Rule.[1]

---

[1] The power and authority cited in Petitioner's brief supporting his motion for Rule 26(g)(3) sanctions [District Court Docket Entry 184 (July 15, 2021) –

The court eventually granted Jones voluntary dismissal, in fact, [D.E. 187, July 20, 2021] but only after its prior and sustained refusal to timely rule, supplying Appellees openings to multiply litigation and harass Appellants as they portended in writing they would do. [D.E. 127-6, counsel-to-counsel letter of 9/15/20 filed in court on 10/22/20].

Rule 26(g)(3) was never applied, but is required to be, as per 28 U.S.C. § 1927 ("Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.") and Rule 26(g), Federal Rules of Civil Procedure, where "Signing Disclosures and Discovery Requests, Responses, and Objections" states: "(3) *Sanction for Improper Certification.* If a certification violates this rule without substantial justification, the court, on motion or on its own, must impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney's fees, caused by the violation."

II. Consistent with the Fourteenth Amendment, all Supreme Court

---

especially its opening paragraph, its argument, and its analysis, *see id.* at 1 and 8-12 – remain **ignored** by both the District Court (which improperly mooted the motion) and the Fourth Circuit (which refused to address it despite two prayers for it to do so).

precedents and all circuits reject the Fourth Circuit's throwback approach.

By permitting and sustaining the actions of the District Court and ignoring questions presented including through a well-argued Petition for Rehearing and Rehearing En Banc, the Court of Appeals erred. Its Per Curiam opinion effectively reinstates the rule of *Dred Scott v. Sanford*, 60 U.S. 393 (1856), which was superseded, most recently, by constitutional amendment and also statute. *See Bell v. Maryland*, 378 U.S. 226, 300-01 (1964):

> The first sentence of § 1 of the Fourteenth Amendment, the spirit of which pervades all the Civil War Amendments, was obviously designed to overrule *Dred Scott* v. *Sandford*, 19 How. 393, and to ensure that the constitutional concept of citizenship with all attendant rights and privileges would henceforth embrace Negroes. It follows that Negroes as citizens necessarily became entitled to share the right, customarily possessed by other citizens, of access to public accommodations. The history of the affirmative obligations existing at common law serves partly to explain the negative — "deny to any person" — language of the Fourteenth Amendment. For it was assumed that under state law, when the Negro's disability as a citizen was removed, he would be assured the same public civil rights that the law had guaranteed white persons.

Petition for Rehearing and Rehearing En Banc

[Appellate Docket Number 27 at Page 9, Jan. 18, 2023].

The *Dred Scott* problem was suggested before the Fourth Circuit by Appellate expert Tillman Breckenridge in original briefing before the Fourth Circuit. *See, e.g.*, FN 1, page 7, Appellate Docket Number 21 (Dec. 22, 2021) ("Campbell claims it did nothing wrong while earlier in its brief, it asserts the deterrent against Jones was necessary because he made a later procedurally erroneous filing. Appellees' Br. 27. Again and again in its brief, Campbell asserts a double-standard where its obviously violative behavior that it clearly is willing to engage in again needs no deterrent, but a non-litigator having a procedurally erroneous (but clear in its intent and not frivolous or even substantively wrong) filing warrants great monetary deterrence."). *See also id.* at 10-11 (This contains clear hallmarks of lawyers playing games with an opponent of limited means to make litigation as painful as possible for him. And the court let the defendants do it. It played right into their hands. They got the benefit of harassing Jones and only had to pay a measly $500 for it. This conduct most definitely needs to be deterred. And a $500 sanction does *nothing* to deter it. This is an abuse of discretion on its own, but the contrast with the court's handling of Jones missing a deposition after making it plain to the defendants that he was not able to further pursue litigation at the time makes the point even clearer. The district court gave repeat players the benefit of the doubt, implicitly encouraging harassing behavior, and when the defendants continued that harassing behavior, it doubled down by giving the defendants the fees-and-costs sanctions it should have awarded to Jones.").

As Fourth Circuit appellate expert Breckenridge further informed the Fourth Circuit:

> A court deviating from its own rules to direct that most cases involving a particular party go to a particular judge, of course, creates the appearance of bias. Indeed, the failure to follow the court's own rules implicates the parties' due process rights. *Cf. Service v. Dulles*, 354 U.S. 363 (1957) (seminally holding that agencies must follow the rules and regulations they adopt). The Supreme Court has held that "[l]itigants certainly have a constitutional right to have 'a neutral and detached judge' preside over their matters." *Ward v. Village of Monroeville*, 409 U.S. 57 (1972). A fair trial in a fair tribunal is a basic requirement of due process, and "[f]airness of course requires an absence of actual bias in the trial of cases." *Rubashkin v. United States*, 2016 U.S. Dist. LEXIS 6425 at *44 (N.D. Iowa, Jan. 26, 2016). "But our system of law has always endeavored to prevent even the probability of unfairness." *Id.* at *44-45. *See also Tumey v. Ohio*, 273 U.S. 510, 532, (1927) ("Every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear, and true between the State and the accused denies the latter due process of law.")
>
> "In the end, 'the system can do no more than ensure that, whatever biases judges bring to the decision-making process, they play no role in the assignment process. Judges and cases

> are to be paired randomly, not deliberately.'" *Jenkins v. BellSouth Corp.*, No. CV-02-C-1057-S, 2002 U.S. Dist. LEXIS 27582, at *22 (N.D. Ala. Sep. 13, 2002) (citation omitted). Indeed, under the disqualification provisions of 28 U.S.C. § 455(a), "[a]ny justice, judge, or magistrate [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."[] And here, there is evidence of bias, or at least the appearance of bias, in the Court holding Campbell University employees and Campbell itself to a lower standard than Professor Jones with respect to appearing at required events. Campbell University and its employees violated a court order by failing to have required parties at mediation, and the court refused to order Campbell to pay Jones's fees or even his and his counsel's *costs* of travel to Raleigh for a doomed mediation. Yet, Jones's failure to comply with a unilaterally noticed deposition during a time when he had known medical issues and had requested voluntary dismissal of the action [and abided by a pre-existing, supervening judge's order to appear before a settlement judge *on the same day at the same time* as the late-noticed deposition] warranted fees and costs, according to the Court.

Appellant's Opening Brief [Appellate Docket Number 18 (Nov. 1, 2021), at 48-49].

Moreover, Article IV, Section 1 of the U.S. Constitution requires the *opposite* action by the

District Court and the Court of Appeals, crediting Jones for following the pre-existing, supervening judge's order to appear in another state on the same day at the same time as Farr's *faux* depo. That constitutional clause on which Professor Jones reasonably relied in prioritizing his earlier-noticed obligations in D.C. provides: "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof." U.S CONST. art. IV.

III. The Supreme Court is established to reverse such interpositions and nullifications, especially from the unreconstructed jurisdictions.

Our Judicial Branch's own official guidance noted in published guidance available globally online at least until May 15, 2022: "The Supreme Court plays a very important role in our constitutional system of government. First, as the highest court in the land, it is the court of last resort for those looking for justice. Second, due to its power of judicial review, it plays an essential role in ensuring that each branch of government recognizes the limits of its own power. Third, it protects civil rights and liberties by striking down laws that violate the Constitution. Finally, it sets appropriate limits on democratic government by ensuring that popular majorities cannot pass laws that harm and/or take undue advantage of unpopular minorities. In essence, it serves to ensure that the changing views of a majority do not undermine the fundamental values common to all Americans, i.e.,

freedom of speech, freedom of religion, and due process of law." U.S. Courts, "About the Supreme Court: Judicial Review," at https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/about (last visited May 15, 2022). *See also* Cynthia Gray, *The Line Between Legal Error and Judicial Misconduct: Balancing Judicial Independence and Accountability*, Hofstra Law Review, Vol. 32: Iss. 4, Article 11 (2004), available at http://scholarlycommons.law.hofstra.edu/hlr/vol32/iss4/11.

The Fifth Amendment, U.S CONST. amend. V, the Fourteenth Amendment, U.S CONST. amend. XIV, and the full faith and credit clause, U.S CONST. art. IV, require reversal of the lower courts in this action, including reassignment of Petitioner's case from District Court Judge Boyle, disqualification of Respondents' defense law firm, imposition of Rule 26(g)(3) sanctions against Respondents, and reversal of the improper sanctions for the purported failure to appear at Thomas Farr's untimely and improperly noticed deposition he attempted to force Jones to attend through the antebellum-style interposition ad nullification of the federal administrative judge's supervening and pre-existing order for Jones to appear on the same date at the same time in Washington, D.C., and a remand order specifying these corrections.

CONCLUSION

Our nation confronts a time of increasing scrutiny of the ethical shortcomings among and even violations committed by federal judges across the

country that go unpunished and even get privileged. *See* James V. Grimaldi, Coulter Jones, and Joe Palazzolo, "131 Federal Judges Broke the Law by Hearing Cases Where They Had a Financial Interest," Wall Street Journal, Sept. 28, 2021, available at https://www.wsj.com/articles/131-federal-judges-broke-the-law-by-hearing-cases-where-they-had-a-financial-interest-11632834421 (last visited May 15, 2022). In this climate, Respondents have arrogated a case and a $250,000 settlement almost out of existence, and certainly out of recognition, thanks to the cooperation of their judges who permit them to violate orders and flout Mediation Settlement Conferences by just not showing up, despite court orders, while imposing on Petitioner the force of a court order for a mere, and untimely-noticed, deposition.

In light of that mandate and the conduct of the courts in this case against this African-American Petitioner facing a clearly segregationist set of Respondents, Petitioner respectfully petitions this Court to grant certiorari in order to reverse the Fourth Circuit's erroneous decisions affirming the actions of the incorrect and constitutionally out-of-order U.S. District Court for the Eastern District of North Carolina.

Respectfully submitted,

/s/ Amos N. Jones
Amos Jones, Petitioner
Pro se
1150 K ST NW, 9th Floor
Washington, D.C. 20005
(202) 351-6187

TABLE OF APPENDICES