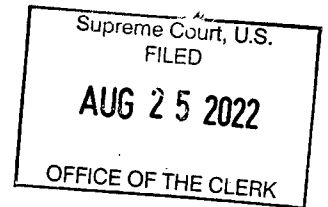


22-5907 **ORIGINAL**

IN THE
SUPREME COURT OF THE UNITED STATES



Ronald J. Brooking PETITIONER
(Your Name)

vs.

Daniel Moloney — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

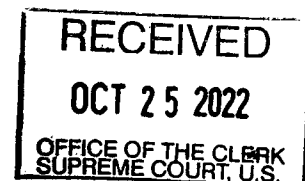
PETITION FOR WRIT OF CERTIORARI

Ronald J. Brooking
(Your Name)

5954 South Hill Mar Circle
(Address)

District Heights Maryland 20747
(City, State, Zip Code)

(240) 422-7783
(Phone Number)



QUESTIONS PRESENTED

1. Did the Circuit Court, Court of Special Appeals, and the Court of Appeals err in violations against the Petitioner's rights in the 14th. Amendment to the Constitution of the United States?
2. Did the Circuit Court err in not giving a written judicial decision with a stated rationale to Petitioner's Motions?
3. Did the Circuit Court, Court of Special Appeals, and the Court of Appeals apply the Maryland Rules in Petitioner's case in accordance with the law?

QUESTIONS

1. Did the Circuit Court, Court of Special Appeals, and the Court of Appeals err in violations against the Petitioner's rights in the 14th. Amendment to the Constitution of the United States?

Yes.

THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

In the United States Fourteenth Amendment to the Constitution, **Procedural Due Process, it states** - Procedural Due Process **guarantees fairness** to individuals. **The right to be heard, and to be given a judicial decision with a stated rationale.**

In the United States Fourteenth Amendment to the Constitution, **State Action, it states and - Declares** a state cannot make or enforce any law that abridges the privileges or immunities of a citizen.

We are a Nation Of Laws. The United States Constitution written laws and rights takes precedence over any states written laws. Every state within the United States, must govern its steps to be in total compliance with the ultimate laws, The Constitution of the United States. In Procedural Due Process, it guarantees fairness to individuals. It guarantees the right to be heard, and given a judicial decision with a stated rationale. The Petitioner was not heard, neither was any rationale on the missed motion spoken or written. This simply did not occur.. This is a violation of the Petitioners Constitutional Rights. The Rights of a United States citizen that has a right to walk in. It can, and will be argued, the rendering of the Petitioners Motions Moot due the presiding Judge, Judge Michael Pearson missing the motions resulting in no final judgment, causing there to no longer be any controversies between the parties, by no means constitute fairness to the

Petitioner. The Motions were filed, each must have a rendered judgment. The Petitioner was not heard. The Petitioner will continue to state this is an injustice, and against the rights the Petitioner has. This is a violation to the Petitioners United States Constitutional Rights.

2. Did the Circuit Court err in not giving a stated judicial decision with a stated rationale to Petitioner's Motions?

Yes.

The Court abridged the privileges and rights of the Petitioner by diminishing, shortening, and disregarding the importance of being heard.

3. Did the Circuit Court, Court of Special Appeals, and the Court of Appeals apply the Maryland Rules in Petitioner's case in accordance with the law?

No.

The applicable laws and Maryland Rules that apply, were not applied in accordance to the law in this case.

LIST OF PARTIES

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

1. **Attorney Daniel Hodges**
7240 Parkway Drive 4th. Floor
Hanover Maryland 21076
2. **Solicitor General of The United States**
Department of Justice
950 Pennsylvania Avenue N.W. Room #5614
Washington, D.C. 20530-0001

RELATED CASES

Circuit Court

1. Ronald J. Brooking
Plaintiff
Vs.
Daniel Moloney
Defendant
Case # CAL 20-18849

Court of Special Appeals

2. Ronald J. Brooking
Appellant
Vs.
Daniel Moloney
Appellee
Appeal September Term 2020
No. 0342-2021

Court of Appeals

3. Ronald J. Brooking
Petitioner
Vs.
Daniel Moloney
Respondent
Appeal Petition Docket No. 33, September Term, 2022
COA-PET-0033-2022

Circuit Court

1. Ronald J. Brooking
Plaintiff
Vs.
Prince George's County Maryland

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APPENDIX B - Court of Special Appeals - Opinion
APPENDIX C - Court of Special Appeals - Order dated 10/14/21
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APPENDIX E - Court of Special Appeals - Order dated 5/24/21
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Appendix G - Circuit Court Order - dated 5/18/21
Appendix H - Circuit Court Record
Appendix I - Second Proof of Service - Following Instructions of letter from Supreme Court dated, August 29, 2022 to re-send Respondent to Appendix J

TABLE OF AUTHORITIES CITED

CASES

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1. Meadows v. State No. 809-2020 (Md. Ct. Spec. App. Sept. 14, 2021)
The absence of ruling on a written, filed motion.
2. Saunders v. State, (8 Md. App. 143, 146, 1969) The absence
of ruling on a written, filed, motion.
3. Brice v. State, 254, Md. 655 (1969) The absence of
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STATUTES AND RULES

1. Md. R. Jud. & Judi. Appts. 18-102.6 - The Right
to be heard.
2. Md. R. 2-311 (a) Motions
3. Md. R. 2-501(f) Entry of Judgment
4. Md. R. 2-535(a)(b)(f) Revisory Powers
5. Md. R. 2-534 Motion to Alter or Amend Judgment
6. Rule 8-131(b) Scope of Review
7. Rule 8-131(b)(4) Appellant Court's Consideration of
Harm & Prejudice.

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
~~☒~~ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was May 27, 2022
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions Involved

1. 14th. Amendment to the United States Constitution **Rights of All United States Citizens**
2. Md. R. Jud. & Judi. Appts. 18-102.6 **The Right to Be Heard**
3. Md. Rule 2-311(a) **Motions**
4. Md, Rule 2-501(f) **Entry of Judgment**
5. Md. Rule 2-535(a)(b)(f) **Revisory Powers**
6. Md. Rule 2-534 **Motion to Alter or Amend Judgment**
7. Rule 8-131(b)(i) **Scope of Review**
8. Rule 8-131(b)(1) **Appellate Court's Consideration of Harm and Prejudice**

STATEMENT OF THE CASE

When One's Constitutional Rights has been violated, and when brought to the attention of the officers of the Court, it must prompt immediate attention to resolve, and cure this violation. Each one in his or her legal capacity to uphold the laws, must enforce the written laws without personal interpretation opposite of its legislative intent, but with urgency to result in justice only. The responsibility to apply the laws equally, without prejudice, is a responsibility that must be held to the highest standard in its applicability to enforce the law,
As A Matter of Law.

The Petitioner's Constitutional Rights are, The Petitioner's Constitutional Rights. Every Right, in the 14 Amendment to the Constitution of the United States, was given at birth, to the Petitioner. The Petitioner stands firm that no right can be negotiated, bargained, dismissed, stripped away, disregarded, overlooked, diminished, shortened, or violated under any circumstances ever.

Rights dominate modern understandings of what actions are permissible and which institutions are just. Rights structure the form of governments, the content of laws, and the shape of morality as many now see it. To accept a set of rights is to approve a distribution of freedom and authority, and so to endorse a certain view of what may, must, and must not be done.

When steps are taken to violate any legally given rights, one must determine, with all fibers of legality, to cease this disruption, and fight with a determination to correct this violation of rights.

The Petitioner has never given his legally given rights away. Neither has the Petitioner chosen to allow violations against his rights to occur. Sadly numerous rights violations have occurred, with zero regard to the Petitioners Constitutional Rights.

**MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF
CERTIORARI**

1. On April 14, 2021, a Zoom conference commenced, between the Petitioner, Ronald J. Brooking, and the Respondent, Daniel Moloney case no. CAL 20-18849.
2. The Honorable Judge Michael Pearson presided over the case..
3. Petitioner filed in the Circuit Court (5) Motions to decide on.
4. On April 19, 2021, The Motion for Summary Judgment, and Petitioner's Motion in Opposition were not rendered a final judgment
5. On April 19, 2021, the Respondent's Motion to Dismiss was granted.
6. On April 29, 2021 Petitioner filed a Motion for Reconsideration.
7. On April 29, 2021, Petitioner filed an appeal with the Court of Appeals.
8. On April 29, 2021, a Request For Waiver of Prepaid Cost For Assembling The Record For An Appeal was filed.
9. On May 11, 2021, Notice of Appeal was filed with the Circuit Court
10. On May 12, 2021 a letter from the Clerk of the Circuit Court was received by the Petitioner of receipt of the Notice of Appeal.
11. On May 17, 2021, Petitioner's Civil Information Report was filed with the Circuit Court.

12. On May 24, 2021, in the Court of Special Appeals, an Order pursuant to Md. R. 8-206(c), the above captioned appeal proceed without a Prehearing Conference, or Alternative Dispute Resolution.
13. On June 9th, 2021, in the Court of Special Appeals, an Order granting the Waiver for Prepaid Appellate costs.
14. On June 9, 2021, in the Court of Special Appeals, on Order granting the Prepaid filing fees paid.
15. On August 2, 2021, in the Court of Special Appeals, the Scheduling Order was issued.
16. On September 13, 2021 Petitioner filed his brief with the Court of Special Appeals, and sent a copy to the Respondent's counsel, Daniel Hodges.
17. In September 2021, the transcript to the record was received.
18. On September 13, 2021, the Petitioner filed his brief in the Court of Special Appeals.
19. On September 20, 2021, the Respondent filed, in the Court of Special Appeals a Motion to Dismiss
20. On September 28, 2021 the Petitioner filed a Motion to Supplement the record and sent it to the Respondent's counsel Daniel Hodges.
21. On October 5, 2021, the Respondent filed his brief in the Court of Special Appeals.

22. On October 8, 2021, the Court of Special Appeals issued a Summary Notice. The reference case shall be decided without oral arguments in the December 2021 Term.
23. On October 14, 2021, the Court of Special Appeals issued an Order granting Order to except Petitioner's Informal Brief
24. On October 14, 2021, the Court of Special Appeals issued an Order denying Respondent's Motion to Dismiss.
25. On October 14, 2021, the Court of Special Appeals issued an Order granting Petitioner's Motion to Supplement.
Continuance of 2
26. On October 14, 2021, the Court of Special Appeals issued an Order granting the copy of April 19, 2021 transcript, attached to Motion to Supplement is accepted for filing.
27. On October 14, 2021, the Court of Special Appeals issued an Order that the Clerk of the Circuit Court for Prince George's County shall transmit to this Court, forwith, the original April 19, 2021 motions hearings transcript in the case of Ronald J. Brooking v. Daniel Moloney, Cir. Ct. No. CAL 2018849, and upon receipt in this Court, the record shall be corrected, by the inclusion of the same.
28. On October 18, 2021, Petitioner filed with the Court of Special Petitioner's Response brief in Total Opposition to Appellee's brief.
29. On March 2, 2021, the Petitioner received the Opinion from the Court of Special Appeals, Unreported.
30. On May 27, 2022, the Petitioner received the ORDER from the Court of Appeals, ORDERED, by the Court of Appeals of Maryland, that the filing fee, in this Court be, and it is hereby Waived, and it is further, ORDERED, that the petition be, and it is hereby DENIED, as

there has no showing that review of Certiorari is desirable, and in the public interest.

Facts In the Case

On September 21, 2016, the Petitioner's only biological daughter Jadene B. Brooking was fatally killed while crossing in the crosswalk, on highway 214, Central avenue in Capitol Heights Md, at the Addison Road Metro Station by Mr. Barry Baccus-Wills.

In October 2016 the Petitioner retained the Respondent, Daniel Moloney to represent him in a Wrongful Death claim for daughter Jadene.

One year later, Progressive Insurance paid \$30,000 for the claim.

The Petitioner filed a lawsuit against the Respondent for Professional Malpractice, Breach of Contract in his wrongful death claim.

The Respondent did not file a Maryland Tort Claim Complaint with the Maryland Treasury for potential governmental agencies of potential liability to maintain safety at highway 214 concerning pedestrian safety.

The first case was dismissed without prejudice.

The second case was dismissed with prejudice.

The Petitioner filed an appeal in the Court of Special Appeals.

The Petitioner filed a brief with (5) Issues with arguments.

The Petitioner's Motion for Summary Judgment and Motion in Total Opposition were missed by the presiding judge not argued in the second hearing, and there was not a final judgment on either motion.

And the Motion to Strike, based on the Maryland Rules of Civil Procedure was given a judicial decision opposite of what the law requires.

In the Opinion from the Court of Special Appeals, the Judge declined to render an opinion on the missed motions. Deemed moot.

The Motion for Summary Judgment, and the Motion in Opposition were written, filed, present, needed to be given a judicial decision with a stated rationale by the Court, they were not.

REASONS FOR GRANTING THE PETITION

Reason #1

In the 14th. Amendment to the United States Constitution it 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 to any person within its jurisdiction the equal protection of the laws.

Violation of the Rule of Law #1

Abridge- to reduce, to cut short, to diminish.

Laws were executed in the Circuit Court, the Court of Special Appeals, and The Court of Appeals in the Petitioners case which abridged the privilege, and legally given rights of the Petitioner, and enforced laws which abridged those rights. Due process was thrown out, and disregarded. The Petitioner was not allotted protection, Equal Protection under the laws.

Reason No. #2

Md. R. Jud. & Judi. Appts. 18-102.6 The Right to Be Heard- it states,

(a) A judge shall accord to every person who has a legal interest in a proceeding, or that person's attorney, the right to be heard according to law.

The Petitioner has a legal interest in his case, and was not given the opportunity to be heard in accordance with Md. R. Jud. & Judi Appts. 18-102.6(a). The application of the written law was applied incorrectly.

The Adoption of Md. R. Jud. & Judi. Appts. 18-102.6 was on June 6, 2016, eff. 7/1/2016.

To date, there has not been a new adoption to this law, which ultimately results in this law's enforcement being in the execution of this law concerning litigation.

Violation #2

COMMENT

[1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

Md. Rule 2-311(a) Motions

Reason #3

(a) Generally. An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, and shall set forth the relief or order sought.

Violation#3

The Petitioner followed each step in presenting the motion. The Circuit Court did not follow the law concerning presented motion, by reviewing the motion, and to be given a stated rationale.

Reason #4

Md, Rule 2-501(a)(f)

MD Rules, Rule 2-501 **RULE 2-501. MOTION FOR SUMMARY JUDGMENT**
Currentness (a) Motion. Any party may file a written motion for summary judgment on all or part of an action on the ground that there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law.

(f) Entry of Judgment. The court shall enter judgment in favor of or against the moving party if the motion and response show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law.

The Maryland Rules of Civil Procedure 2-501(a)(f) states any party may file a written motion for summary judgment, and it also states, the court shall enter judgment in favor of or against the moving party if the motion and response

show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law.

Violation #4

Petitioner's Motion for Summary Judgment was never argued, and never received a judgment. Respondent and the Petitioner filed a Motion for Summary Judgment, but Respondent motion for Summary Judgment was argued, and a judgment was rendered.

One party's motion is not more important than another. Each party according to the Constitution must be guaranteed fairness. By no means was this fair. The Petitioner's Constitutional Rights were violated.

Reason #5

Md. Rule 2-535(a)(b)(f)

(a) **Generally**. On motion of any party filed within 30 days after entry of judgment, the court may exercise revisory power and control over the judgment and, if the action was tried before the court, may take any action that it could have taken under Rule 2-534.

(b) **Fraud, Mistake, Irregularity**. On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity.

Violation #5

In Petitioner Motion For Reconsideration, it was brought to the attention of the presiding judge, Judge Pearson, of the mistakes made in the hearing. Even with the Maryland Rules written for instances such as this, and to be allowed to present a motion to the Court for

errs, still the Maryland Rules were not applied. In the Motion, the Petitioner also presented Exhibits to the Court to show cause, but still the Petitioner was not given the opportunity to walk in his rights, the Motion to Reconsider was denied.

{A}n order, or form of decision, which adjudicates fewer than all the claims, as to all the parties, shall not terminate the action, as to any of the actions of the claim, and it shall be subject to revision at any time by the trial judge, and at the sound discretion of the court, In The Interest of Justice.

Reason, #6, #7, and #8

Maryland Rule 8-131(i)(1)

(b) In the Court of Appeals--Additional Limitations.

(1) *Prior Appellate Decision.* Unless otherwise provided by the order granting the writ of certiorari, in reviewing a decision rendered by the Court of Special Appeals or by a circuit court acting in an appellate capacity, the Court of Appeals ordinarily will consider only an issue that has been raised in the petition for certiorari or any cross-petition and that has been preserved for review by the Court of Appeals. Whenever an issue raised in a petition for certiorari or a cross-petition involves, either expressly or implicitly, the assertion that the trial court committed error, the Court of Appeals may consider whether the error was harmless or non-prejudicial even though the matter of harm or prejudice was not raised in the petition or in a cross-petition.

Violation #6, #7, and #8

The Petitioner raised not only in the Circuit Court, but also in the Court of Special Appeals, and also in the Court of Appeals the errs of the Court, and still the courts refused to address the issues, prejudicing the Petitioner, and the

courts not following the written rules. When do the Maryland Rules apply?
Always, but not in this case

In Saunders v. State, 8 Md. App. 143, 146 1969), In Meadows v. State No. 809-2020 (Md. Ct. Spec. App. Sept. 14, 2021), and in Brice v. State, 254 Md. 655 (1969), there is a Nexus between them and the Petitioner continued argument of the lower Court, and Intermediate Courts failure to rule upon pretrial motions.

The Maryland Rules of Civil Procedure are procedural rules adopted by the State of Maryland. These rules, which have the force of law, and are mandatory, it establishes a uniform process for trying cases, and ensures that justice is fairly administered. Decisions can not be made opposite of the laws. If a party to litigation has the right to file a motion, that same party in a complaint, or appeal, has the right to have a final judgment rendered. The rules are clear, they have the force of law and are mandatory to ensure justice is fairly administered. Justice was, by no stretch of the legal definition, fairly administered.

CONCLUSION

The road to the Supreme Court of the United States has been a difficult, stressful, long one. The loss of my only biological child, my daughter, Jadene B. Brooking will be the most painful the Petitioner has ever experienced. Being Pro Se' comes with its challenges. For Jadene, I will fight until my last breath. When deciding to proceed with a complaint in the Court, one would never believe that violations of the law, after violations of the law would continue without resolutions that aligns with the written laws that govern the State of Maryland.

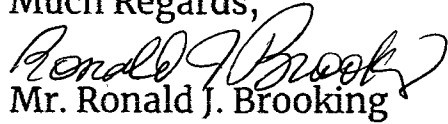
With great power comes great responsibility. The responsibility to have questions concerning all the Petitioner addressed in his Petition of Writ of Certiorari, decide to grant the Petition, and request all contents from each Court lies in the hands of each Supreme Court Justice.

With the greatest honor, and respect due to each presiding Supreme Court Justice, the Petitioner must state, the Petitioner should not be here. The Petitioner is here today, with his request to this Honorable Court due to the application of the written laws in the Maryland Rules of Civil Procedure not being applied in accordance to the law in the Petitioner's complaint.

I pray that there will come a time that when a Petitioner addresses the Court with egregious violations against him, the most important will be moving to address, stop, and cure the violation.

The gravity of the cause for litigation, does not lessen the privilege and honor the Petitioner expresses to each Supreme Court Justice that will be deciding on my presented request to grant the Writ of Certiorari.

Much Regards,



Mr. Ronald J. Brooking

Pro Se Petitioner

5954 South Hil Mar Circle

District Heights, Maryland 20747

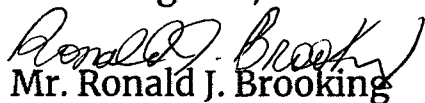
Rbrooking40@comcast.net

(240)422-7783

CERTIFICATE OF SERVICE

I, Ronald J. Brooking, Pro Se' Petitioner, do hereby say that on August 25, 2022, a copy of the Petition for Writ of Certiorari was sent to the attorney for the Respondent, Daniel Hodges at, 7240 Parkway Drive 4th. Floor Hanover Maryland 21076, as well as **Solicitor General of The United States Department of Justice** 950 Pennsylvania Avenue N.W. Room #5614 Washington, D.C. 20530-0001 by U.S.P.S Certified Mail.

Much Regards,



Mr. Ronald J. Brooking

Pro Se' Petitioner

5954 South Hil Mar Circle

District Heights, Maryland 20747

Rbrooking40@comcast.net

(240)422-7783