

**ORIGINAL**

No. 22-597

FILED

JUL 02 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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**SUPREME COURT OF THE UNITED STATES**

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HERBERT W.G. CLANTON,  
Petitioner,

vs.

SAM'S CLUB et al,  
Respondents.

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On Petition for a Writ of Certiorari to  
the United States Court Of Appeals  
for the Sixth Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

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HERBERT W.G. CLANTON  
IN PROPRIA PERSONA  
P.O. Box 1431  
East Lansing, MI 48826

Human Resources Manager  
Respondent's Agent  
Wal-Mart Stores East, LP  
2301 McGee Street, Suite 800  
Kansas City, MO 64108

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### **ISSUES FOR CONSIDERATION**

**ARE**, the Federal Rules Of Civil Procedure required to comply with a minimum of the benefits, privileges, immunities, degrees of protection guaranteed the person of Herbert W.G. Clanton, and this Petitioner by a minimum of Amendment I; § V; § XIII; § XIV of the United States Constitution, the Equal Protection Clause of the United States Constitution, and the Due Process Clause of the United States Constitution?

**HAVE**, the Respondents demonstrated actions devoid of substance and practices of Discrimination In Employment, in violations of a minimum of Federal Title VI; § VII; § ADEA et seq/al, and violations of the Federal Civil Rights Act of 1964(FCRA; § FCRA1964)?

**HAVE**, the Respondents established a continuous and ongoing pattern of conducts' whereby it is shown that the person of Herbert W.G. Clanton, are deprived of a minimum of the benefits, privileges, immunities, degrees of protections, and State and Federal, Civil and Constitutional Rights as guaranteed by a minimum of the Equal Protection Clause of the United States Constitution et seq/al?

**HAS**, it been proven the need to remand pursuant to enforcement of a minimum of the benefits, privileges, immunities, degrees of protections, and State and Federal, Civil and Constitutional Rights as guaranteed by a minimum of the Due Process Clause of the United States Constitution et seq/al?

**LIST OF PARTIES**

WHEREIN, pursuit of petition for writ of Certiorari, the parties involved are;

**Petitioner Aggrieved Party:**

Herbert W.G. Clanton (Petitioner)

**Address:** P.O. Box 1431, East Lansing, MI 48826

**Respondents' Party:**

Sam's Club et al.

**Address:**

Human Resources Manager, Wal-Mart Stores East,  
LP 2301 McGee Street, Suite 800  
Kansas City, MO 64108

**Michigan Administrative Investigating Agency**

Michigan Department Of Civil Rights  
State Of Michigan (Article V, Section 29)  
Michigan Civil Rights Commission et seq/al.  
State Of Michigan (Article V, Section 29)

**Others Pending**

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. App. P. 26.1 and 6th Cir. R. 26.1, Defendants-Appellees make the following disclosures:

1. Is said party a subsidiary or affiliate of publicly-owned corporation?

**Yes** – Sam's East, Inc. (incorrectly named as Sam's Club), an Arkansas corporation, in an indirectly wholly-owned subsidiary of Walmart Inc. Sam's West, Inc., an Arkansas corporation, is the sole shareholders of Sam's East, Inc. the principal place of business of Sam's East, Inc. is Bentonville, Arkansas.

2. Is there a publicly owned corporation, not a party to the appeal, that has a financial interest in the outcome?

**No.**

**Date:** November 16, 2021  
/s/ Theodore W. Seitz

**Table Of Contents**

Issues For Consideration.....	a
List Of Parties.....	b
Corporate Disclosure Statement.....	b
Table Of Contents.....	i
Index Of Authorities.....	ii
Index Of Authorities; Cases.....	ii
Federal Rules Of Civil Procedure (“Fed.R.Civ.P.”).....	v
Index Of Authorities; Statutes.....	iv
United States Code (“USC”).....	iv
Article Of the United States Constitution.....	v
Amendments’ Of the United States Constitution.....	v
Michigan Compiled Law (“MCL”).....	v
Michigan Constitution.....	v
Appendix’s.....	vi
Chronicle Of Citations.....	vii
Jurisdiction.....	1
Statutory Provisions Involved.....	1
Constitutional Provisions Involved.....	1
Petition For Writ Of Certiorari.....	1
Opinions Below.....	1
Reasons For Granting Writ For Certiorari.....	1
Reasons For Certiorari; Federal Procedure Enforced As Law.....	2
Reasons For Certiorari; District Court Deny Rights Of Service.....	2
Reasons For Certiorari; District Court Absent De Novo Review.....	3
Reasons For Certiorari; MDCR Forces Federal Questions.....	4
Reasons For Redress Of Grievances Commence In Federal District Court.....	5
Petitioner To Be Made Whole.....	6
Concise History Of Events.....	7
Grievance Pursuant to Federal Title VI; § VII; § ADEA.....	8
Repugnant Acts’ By State Civil Rights Agency.....	8
Michigan Department Of Civil Rights, Conducts Disingenuous.....	9
Concise Argument Opposing Insubordination.....	10
Petitioner Will Be Made Whole.....	11
Reasons For Remand.....	12
Petitioner’s Concise Arguments In Oppositions’ To United States Sixth Circuit Court Of Appeals Decisions, and Orders.....	14
Petitioner Must Be Made Whole.....	25
Concise Arguments Supporting Certiorari.....	25
Motion For Leave Of Court To Practice.....	26
Motion To Proceeded.....	26
Petitioner’s Request For Legal Counsel.....	26
Remedies And Reliefs.....	26
Conclusion.....	27
Appendix A; Final Orders Of the U.S. 6TH Appeals Court.....	I
Appendix B; Judgment of Federal District Court.....	IV
Appendix C; Order Approving and Adopting District Court.....	V
Appendix D; Report and Recommendations.....	VII

**INDEX OF AUTHORITIES**  
**Table Of Contents.....cont'**

Appendix E; Order of Federal District Court.....	XIV
Appendix F; Order of Federal District Court.....	XVIII
Appendix G; Order of Federal District Court.....	XIX
Appendix H; Order To Show Cause District Court.....	XX
Appendix I; Order Of Reference District Court.....	XXI
Appendix J; EEOC Notice Of Suit Rights .....	XXII
Appendix K; Finding Mi., Dept., Civil Rights .....	XXIII

**CASES**

<b>Alexander v. Gardner-Denver Co.</b> , 415 U.S. 36, 94 S. Ct. 1011, 39 L. Ed. 2d 147, 7 Empl. Prac. Dec. (CCH) ¶ 9148, 7 Fair Empl. Prac. Cas. (BNA) 81, 1974 U.S. LEXIS 95 (1974).....	25
<b>Alan v. Wayne County</b> , 388 Mich 210.....	13
<b>Benneci v. Department of Labor</b> , New York State Div. of Employment, 388 F. Supp. 1080, 9 Empl. Prac. Dec. (CCH) ¶ 9903, 10 Fair Empl. Prac. Cas. (BNA) 927, 1975 U.S. Dist. LEXIS 14442 (S.D.N.Y. 1975).....	13
<b>Boysell Co. v. Colonial Coverlet Co.</b> , 29 F. Supp. 122, 42 U.S.P.Q. (BNA) 601, 1939 U.S. Dist. LEXIS 2265 (D. Tenn. 1939).....	2
<b>Burrell v. Board of Trustees of Ga. Military College, Inc.</b> , 151 Mich. App. 424, 390 N.W.2d 732, 1986 Mich. App. LEXIS 2602 (Mich. Ct. App. 1986).....	21
<b>DiIenno v. Goodwill Indus.</b> , 162 F.3d 235, 74 Empl. Prac. Dec. (CCH) ¶ 45634, 78 Fair Empl. Prac. Cas. (BNA) 609, 1998 U.S. App. LEXIS 30439 (3d Cir. 1998).....	11
<b>Dristy v. Waterford School Dist.</b> ; 146 Mich.App. 217, 379 N.W.2d 428, Mich.App.,1985.....	13
<b>EEOC v. Locals 14 &amp; 15 Intl Union of Operating Eng'rs</b> , 438 F. Supp. 876, 15 Empl. Prac. Dec. (CCH) ¶ 7915, 16 Fair Empl. Prac. Cas. (BNA) 325, 1977 U.S. Dist. LEXIS 13462 (S.D.N.Y. 1977).....	11
<b>Fisher v. Taylor</b> , 1 F.R.D. 448, 1940 U.S. Dist. LEXIS 1998 (D. Tenn. 940).....	6
<b>Frederick v. UNUM Life Ins. Co. of Am.</b> , 180 F.R.D. 384, 41 Fed. R. Serv. 3d (Callaghan) 896, 1998 U.S. Dist. LEXIS 11272 (D. Mont. 1998).....	23
<b>Gallace v. U.S. Dep't of Agric.</b> , 273 F. Supp. 2d 53, 2003 U.S. Dist. LEXIS 18287 (D.D.C. 2003), aff'd, 2003 U.S. App. LEXIS 20074 (D.C. Cir. Sept. 30, 2003),.....	19
<b>Georgia Power Project v. Georgia Power Co.</b> , 409 F. Supp. 332, 1975 U.S. Dist. LEXIS 15922 (N.D. Ga. 1975).....	16

**INDEX OF AUTHORITIES.....cont'****CASES.....cont'**

<b>Harding v. Goodyear Tire &amp; Rubber Co.</b> , 170 F.R.D. 477, 1997 U.S. Dist. LEXIS 1111 (D. Kan. 1997),.....	11
<b>Herbert W.G. Clanton -v- Michigan Department Of Transportation</b> ; S.Ct. 06-286.....	13
<b>Herbert W.G. Clanton -v- St. Lawrence Hospital</b> ; S.Ct.. 07-23.....	13
<b>Heuer v. Weil-McLain</b> , 203 F.3d 1021, 77 Empl. Prac. Dec. (CCH) ¶ 46284, 82 Fair Empl. Prac. Cas. (BNA) 58, 2000 U.S. App. LEXIS 2350 (7th Cir. 2000).....	19
<b>Hoeber For and on Behalf of N.L.R.B. v. Local 30, United Slate, Tile &amp; Composition Roofers, Damp and Waterproof Workers Ass'n, AFL-CIO</b> , C.A.3 (Pa.) 1991, 939 F.2d 118. Constitutional Law 1435 Constitutional Law 2310.....	2
<b>In re Coral Gables</b> , 1 F.R.D. 600, 1941 U.S. Dist. LEXIS 1999 (D. Fla. 1941).....	5
<b>In re Paris Air Crash</b> , 69 F.R.D. 310, 1975 U.S. Dist. LEXIS 15174 (C.D. Cal. 1975).....	2
<b>Jernigan v. General Motors Corp.</b> , 180 Mich. App. 575, 447 N.W.2d 822, 1989 Mich. App. LEXIS 538 (Mich. Ct. App. 1989), app. denied, 436 Mich. 875, 1990 Mich. LEXIS 2803 (Mich. 1990).....	22
<b>Johnson v. Dayton Elec. Mfg. Co.</b> , 140 F.3d 781, 40 Fed. R. Serv. 3d (Callaghan) 695, 1998 U.S. App. LEXIS 6746 (8th Cir. 1998), reh'g, en banc, denied, 1998 U.S. App. LEXIS 9332 (8th Cir. May 7, 1998)).....	6
<b>Komorowski v. Townline Mini-Mart &amp; Restaurant</b> , 162 F.3d 962, 74 Empl. Prac. Dec. (CCH) ¶ 45669, 78 Fair Empl. Prac. Cas. (BNA) 1377, 1998 U.S. App. LEXIS 31186 (7th Cir. 1998).....	15
<b>Lenoir v. Federal Deposit Ins. Corp.</b> , 709 F. Supp. 830, 1989 U.S. Dist. LEXIS 17315 (N.D. Ill. 1989).....	18
<b>McCann v. Falgout Boat Co.</b> , 44 F.R.D. 34, 1968 A.M.C. 650, 11 Fed. R. Serv. 2d (Callaghan) 223, 1968 U.S. Dist. LEXIS 12629 (S.D. Tex. 1968), disapproved, Joiner v. Diamond M Drilling Co., 677 F.2d 1035, 34 Fed. R. Serv. 2d (Callaghan) 561, 1982 U.S. App. LEXIS 18632 (5th Cir. 1982).....	16
<b>McCormick v. Wood</b> , 156 F. Supp. 483, 1957 U.S. Dist. LEXIS 2809 (D.N.Y. 1957).....	24
<b>Mendez v. Elliot</b> , 45 F.3d 75, 31 Fed. R. Serv. 3d (Callaghan) 1449, 1995 U.S. App. LEXIS 1432 (4th Cir. 1995).....	6

**INDEX OF AUTHORITIES.....cont'****CASES.....cont'**

<b>Morales v. Turman</b> , E.D.Tex.1971, 326 F.Supp. 677.....	4
<b>Nikwei v. Ross School of Aviation, Inc.</b> , 822 F.2d 939, 1987 U.S. App. LEXIS 8079 (10th Cir. 1987).....	8
<b>Ogden v. San Juan County</b> , 32 F.3d 452, 1994 U.S. App. LEXIS 20314 (10th Cir. 1994), cert. denied, 513 U.S. 1090, 115 S. Ct. 750, 130 L. Ed. 2d 650, 1995 U.S. LEXIS 278 (1995).....	17
<b>Pan American World Airways, Inc. v. United States Dist. Court for Cent. Dist.</b> , 523 F.2d 1073, 20 Fed. R. Serv. 2d (Callaghan) 1, 1975 U.S. App. LEXIS 14567 (9th Cir. 1975).....	17
<b>Pena v. Ingham County Rd. Comm'n</b> , 255 Mich. App. 299, 660 N.W.2d 351, 2003 Mich. App. LEXIS 289 (Mich. Ct. App. 2003) (criticized in Neason v GMC (2005, ED Mich) 409 F Supp 2d 873).....	19
<b>Perry v. Allen</b> , 239 F.2d 107, 50 A.F.T.R. (P-H) 1110, 1957-1 U.S. Tax Cas. (CCH) ¶ 9204, 57-1 U.S. Tax Cas. (CCH) ¶ 9204, 1956 U.S. App. LEXIS 4970 (5th Cir. 1956).....	2
<b>Pitcairn v. Rumsey</b> , 32 F. Supp. 146, 1940 U.S. Dist. LEXIS 3310 (D. Mich. 1940).....	17
<b>Residential Ratepayer Consortium v. Michigan Public Service Com'n</b> (1999) 607 N.W.2d 391, 239 Mich.App. 1. Public Utilities ¶194.....	4
<b>Robinson Eng'g Co. Pension Plan &amp; Trust v. George</b> , 223 F.3d 445, 47 Fed. R. Serv. 3d (Callaghan) 561, RICO Bus. Disp. Guide ¶ 9945, 2000 U.S. App. LEXIS 18550 (7th Cir. 2000); .....	5
<b>Slotkin v. Human Development Corp.</b> , 454 F. Supp. 250, 22 Empl. Prac. Dec. (CCH) ¶ 30845, 21 Fair Empl. Prac. Cas. (BNA) 993, 1978 U.S. Dist. LEXIS 16848 (E.D. Mo. 1978).....	11
<b>Snyder v. Nolen</b> , C.A.7 (Ill.) 2004, 380 F.3d 279, rehearing en banc denied. Constitutional Law ¶1435; Constitutional Law ¶3957.....	22
<b>Stark v. American Dredging Co.</b> , 3 F.R.D. 300, 1943 U.S. Dist. LEXIS 1593 (D. Pa. 1943).....	19
<b>Struble v Detroit Auto. Inter-Insurance Exchange</b> (1978) 86 Mich App 245, 272 NW2d 617.....	4

**INDEX OF AUTHORITIES.....cont'****CASES.....cont'**

<b>Thompson v. North American Stainless, LP</b> , 567 F.3d 804, 2009 FED App. 0202P, 92 Empl. Prac. Dec. (CCH) ¶ 43574, 106 Fair Empl. Prac. Cas. (BNA) 639, 2009 U.S. App. LEXIS 12100 (6th Cir. 2009), cert. granted, 561 U.S. 1041, 130 S. Ct. 3542, 177 L. Ed. 2d 1121, 2010 U.S. LEXIS 5525 (2010), rev'd, remanded, 562 U.S. 170, 131 S. Ct. 863, 178 L. Ed. 2d 694, 22 Fla. L. Weekly Fed. S 772, 94 Empl. Prac. Dec. (CCH) ¶ 44081, 111 Fair Empl. Prac. Cas. (BNA) 385, 2011 U.S. LEXIS 913 (2011).....	21
<b>Transou v Electronic Data Sys.</b> (1991, ED Mich) 767 F Supp 1392, 125 CCH LC ¶ 57352, aff'd without op (1993, CA6 Mich) 986 F2d 1422, reported in full Transou v. Electronic Data Systems Corp., 1993 U.S. App. LEXIS 4666 (6th Cir. Mar. 4, 1993).....	24
<b>U. S. v. Barker</b> , C.A.D.C.1976, 546 F.2d 940, 178 U.S.App.D.C. 174. Criminal Law ¶32.....	9
<b>Weathersby v. Secretary of Interior</b> , D.D.C.2003, 242 F.Supp.2d 20. Civil Rights ¶1244.....	3
<b>Witbeck v. Embry Riddle Aeronautical Univ., Inc.</b> , 219 F.R.D. 540, 17 Fla. L. Weekly Fed. D 435, 2004 U.S. Dist. LEXIS 447 (M.D. Fla. 2004).....	12
<b>Wixson v. Dowagiac Nursing Home</b> , W.D.Mich.1994, 866 F.Supp. 1047, affirmed 87 F.3d 164.....	8
<b>Wuliger v. Cohen</b> , 215 F.R.D. 535, 2003 U.S. Dist. LEXIS 7976 (N.D. Ohio 2003).....	16

**STATUTES****Federal Rules Of Civil Procedure ("Fed.R.Civ.P.");**

Fed.R.Civ.P. 1.....	1,23
Fed.R.Civ.P. 2.....	1,23-24
Fed.R.Civ.P. 3.....	1,23-25,27,
Fed.R.Civ.P. 4.....	1-2,5,19,23-25,27
Fed.R.Civ.P. 4(a)(1)(E).....	6
Fed.R.Civ.P. 4(h)(1)(B).....	6,16,17
Fed.R.Civ.P. 4(m).....	3,5,6,16-17
Fed.R.Civ.P. 5.....	19,23,25,27
Fed.R.Civ.P. 55.....	1,23,25,27
Fed.R.Civ.P. 55(a).....	6,16-17,19
Fed.R.Civ.P. 55(b).....	6
Fed.R.Civ.P. 55(b)(1).....	6,16-17,19
Fed.R.Civ.P. 55(b)(2).....	6,16-17,19
Fed.R.Civ.P. 56.....	1,12,19-20,23-25,27



**INDEX OF AUTHORITIES.....cont'**  
**United States Code ("USC"):**

18 USC 241.....	9,13
18 USC 242.....	9,13
18 USC 245.....	13
18 USC 246.....	13
18 USC 1001.....	9-10
28 USC 2101.....	1
28 USC 2101(C).....	1
42 USC 1981.....	1,5-6,8-9,13-14
42 USC 1983.....	1,5,9,11,13
42 USC 1985.....	1,9,11,13
42 USC 1986.....	1,9,13
42 USC 1988.....	1
42 USC 2000d.....	1
42 USC 2000e-2 .....	1,9,27
42 USC 2000e-3.....	1,9,23,27
42 USC 2000e-5(f)(1).....	1-2,4-5,8,15,23,25,27
Article III, Section 1 of the United States Constitution.....	19
Article III, Section 2 of the United States Constitution.....	19
Federal Title VI (42 USC 2000d).....	1,7,21-22,25
Federal Title VII.....	1-2,4,7,21-22,25
Federal Title IX.....	13
Federal Title ADEA.....	7-9,21-22,24-25
Federal Civil Rights Act Of 1964("FCRA1964").....	9,13,21-22,25
Due Process Clause of the United States Constitution.....	1,18,21-22
Equal Protection Clause of the United States Constitution.....	1,18,21-22

**Article Of the United States Constitution**

Article VI, Section 2 United States Constitution.....	27
Article IV, Section 1 United States Constitution.....	22

**Amendments' Of the United States Constitution**

First Amendment U.S. Constitution.....	1,3,28
Fourth Amendment U.S. Constitution.....	7
Fifth Amendment U.S. Constitution.....	1,3,28
Eighth Amendment U.S. Constitution.....	7
Ninth Amendment U.S. Constitution.....	7
Tenth Amendment U.S. Constitution.....	7
Fourteenth Amendment U.S. Constitution.....	1,3,28
Due Process Clause of the United States Constitution.....	18
Equal Protection Clause of the United States Constitution.....	18

**INDEX OF AUTHORITIES....cont'**  
**Michigan Compiled Law ("MCL")**

MCL 37.2101.....	4,7,13
MCL 37.2202.....	7
MCL 37.2203.....	7
MCL 37.2205.....	7
MCL 37.2606.....	4,7-8,13,19-21,23-24
MCL 37.2701.....	4,7,13,23
MCL 37.2801.....	4,13
MCL 421.1.....	3,6,7,20,21
MCL 750.90.....	13
MCL 750.151.....	13
MCL 750.152.....	13
MCL 750.153.....	13
MCL 750.410a.....	13

**Michigan Constitution**

Article I, Section 2 Mich., Const.,.....	4,13
Article I, Section 3 Mich., Const.,.....	4,13
Article I, Section 5 Mich., Const.,.....	4,13
Article I, Section 10 Mich., Const.,.....	4,13
Article I, Section 11 Mich., Const.,.....	13
Article I, Section 12 Mich., Const.,.....	13
Article I, Section 13 Mich., Const.,.....	4,13
Article I, Section 16 Mich., Const.,.....	4,13
Article I, Section 17 Mich., Const.,.....	17
Article V, Section 2 Mich., Const.,.....	13
Article V, Section 3 Mich., Const.,.....	13
Article V, Section 5 Mich., Const.,.....	13
Article V, Section 10 Mich., Const.,.....	13
Article V, Section 29 Mich., Const.,.....	6
Article VI, Section 28 Mich., Const.,.....	6
Article XI, Section 5 Mich., Const.....	13
Due Process Clause of the Michigan Constitution.....	13
Equal Protection Clause of the Michigan Constitution.....	13

	<b>Page</b>
<b><u>APPENDIX'S</u></b>	
Appendix A; Final Orders Of the U.S. 6TH Appeals Court.....	I
Appendix B; Judgment of Federal District Court.....	IV
Appendix C; Order Approving and Adopting District Court.....	V
Appendix D; Report and Recommendations.....	VII
Appendix E; Order of Federal District Court.....	XIV
Appendix F; Order of Federal District Court.....	XVIII
Appendix G; Order of Federal District Court.....	XIX
Appendix H; Order To Show Cause District Court.....	XX
Appendix I; Order Of Reference District Court.....	XXI
Appendix J; EEOC Notice Of Suit Rights .....	XXII
Appendix K; Finding Mi., Dept., Civil Rights .....	XXIII

### **CHRONICLE OF CITATIONS**

- I). 05/16/2022: MANDATE OF 6TH Cir. Appeals Court**
- II). 04/22/2022: ORDER AND JUDGMENT OF USCA DENYING MOTION FOR SUMMARY JUDGMENT**
- III). 07/16/2021: JUDGMENT FOR DEFENDANTS**
- IV). 07/16/2021: ORDER APPROVING AND ADOPTING REPORT AND RECOMMENDATION**
- V). 07/15/2021: OBJECTIONS BY PLAINTIFF TO REPORT AND RECOMMENDATION**
- VI). 07/06/2021: REPORT AND RECOMMENDATION**
- VII). 06/03/2021: ORDER THE CLERK SHALL STRIKE AND REMOVE PLAINTIFF'S SURREPLY**
- VIII). 04/12/2021: ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**
- IX). 03/25/2021: NOTICE OF INTENT**
- X). 03/23/2021: ORDER DENYING PLAINTIFF'S MOTION TO APPOINT COUNSEL; singed by Magistrate Judge Sally J. Berens (jal) (Entered 03/23/2021)**

- XI).** 03/10/2021: **PROOF OF SERVICE** by Plaintiff as to defendant Wal-Mart re Summons issued, served on 2/23/2021, as well as a copy being mailed to the Michigan Department Of Civil Rights (pjw Modified text on 3/12/2021 (pjw). (Entered 03/12/2021)
- XII).** 02/19/2021: **RESPONSE** by Plaintiff Herbert W.G. Clanton to order to Show Cause (Deadline) 6 filed 8, 2021 (pjw) (Entered: 3/03/2021)
- XIII).** 02/08/2021: **ORDER TO SHOW CAUSE**; Plaintiff to show cause by 2/22/2021 re failure to prosecute; signed by Magistrate Judge Sally J. Berens (jal) (Entered: 02/19/2021)
- XIV).** 01/21/2021: **ORDER REFERRING CASE** to Magistrate Judge
- XV).** 01/19/2021: **REDRESS OF GRIEVANCE; COMPLAINT**

**JURISDICTION**

WHEREIN, accordance with 28 USC 2101; § 2101(c) et seq, Petitioner does seek Writ For Certiorari in this U.S. Supreme Court.

**STATUTORY PROVISION INVOLVED**

Federal Rules Of Civil Procedure ("Fed.R.Civ.P.") 1; § 2; § 3; § 4; § 5; § 55; § 56.

Federal Title VI (42 USC 2000d) et seq.

Federal Title VII {42 USC 2000e-2; § 2000e-3; § 2000e-5(f)(1)}.

Federal Civil Rights Act of 1964("FCRA1964")§§ 42 USC 1981, 1983, 1985, 1986, 1988.

**CONSTITUTIONAL PROVISIONS INVOLVED**

Amendment I; § V; § XIV of the United States Constitution et seq.

The Due Process Clause of the United States Constitution et seq.

The Equal Protection Clause of the United States Constitution et seq.

**PETITION FOR WRIT OF CERTIORARI**

Herbert W.G. Clanton respectfully petitions' the Court for a Writ Of Certiorari to review the Judgment and orders of the United States Court Of Appeal For The Sixth Circuit.

**OPINIONS BELOW**

The Sixth Circuit rendered findings affirming orders of the United States District Court are attached Appendix A.

The District Court's order's for denial of Petitioner's Redress Of Grievance are attached Appendix B and Appendix C.

**REASONS FOR GRANTING WRIT FOR CERTIORARI**

WHEREUPON, does the person of Herbert W.G. Clanton set forth reasons for Granting Writ Of Certiorari whereas follows:

**Reasons For Certiorari; Federal Procedure Enforced As Law:**

**WHERE**, Federal Rules Of Civil Procedure ("Fed.R.Civ.P."), are subject matter of Authority<sup>1</sup>, see *Boysell Co. v. Colonial Coverlet Co.*, 29 F. Supp. 122, 42 U.S.P.Q. (BNA) 601, 1939 U.S. Dist. LEXIS 2265 (D. Tenn. 1939).

**THERUPON**, directives set forth by Fed.R.Civ.P. 4; § 5 et seq, are mandatory as required by Article VI, Section 2 of the United States Constitution et seq, see *In re Paris Air Crash*, 69 F.R.D. 310, 1975 U.S. Dist. LEXIS 15174 (C.D. Cal. 1975).

**WHEREUPON**, having been served with "Notice Of Suit Rights", does result in the commencing of timely and proper Summons and Redress Of Grievances et al as afforded by 42 USC 2000e-5(f)(1) et seq<sup>1</sup>, resulting in effective and proper service of Summons and Redress Of Grievances et al, on the Litigants' Sam's Club and Litigants' Wal-Mart regarding the matter of Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; Docket No.; 1:21-cv-00053. see *Hoeber For and on Behalf of N.L.R.B. v. Local 30, United Slate, Tile & Composition Roofers, Damp and Waterproof Workers Ass'n, AFL-CIO*, C.A.3 (Pa.) 1991, 939 F.2d 118. Constitutional Law=1435 Constitutional Law=2310.

**THEREFORE**, the granting of Writ Of Certiorari are proper pursuant to enforcements of all benefits', privileges', immunities, degrees of protections' State and Federal Civil and Constitutional Rights et seq/al, guaranteed by the United States Constitution et seq<sup>1</sup>, see *Perry v. Allen*, 239 F.2d 107, 50 A.F.T.R. (P-H) 1110, 1957-1 U.S. Tax Cas. (CCH) ¶ 9204, 57-1 U.S. Tax Cas. (CCH) ¶ 9204, 1956 U.S. App. LEXIS 4970 (5th Cir. 1956).

**Reasons For Certiorari; District Court Deny Rights Of Service:**

**WHERE**, during the course of efforts of this Petitioner to pursue all remedies and reliefs as can be obtain pursuant to Federal Title VII et seq, in the matter of Herbert W.G. Clanton -v- Sam's Club; Wal-Mar; Docket No.; 1:21-cv-00053.

**WHEREIN**, acknowledgment of egregious judicial mandates on the part of the United States Federal District Court resulting in denial of benefits, immunities, and degrees of protections as mandated by Fed.R.Civ.P. 4(m) et seq<sup>1</sup>.

**THEREUPON**, are establish violations of the State and Federal Civil and Constitutional Rights et seq/al, guaranteed Herbert W.G. Clanton, and this Petitioner by the Amendment I; § V; § XIV of the United States Constitution et seq.

**THEREFORE**, the granting of Writ Of Certiorari are proper pursuant to enforcements of all benefits', privileges', immunities, degrees of protections' State and Federal Civil and Constitutional Rights et seq/al, guaranteed Herbert W.G. Clanton, and this Petitioner by the United States Constitution et seq<sup>1</sup>.

**Reasons For Certiorari; District Court Absent De Novo Review:**

**WHERE**, the mandatory judicial means and compulsory judicial method of judicial review of final decision and directives of the EEOC are compelled by De Novo Review.

**THEREUPON**, regardless of the erroneous policies that the EEOC shall adopt, pursuant to egregious methods of the MDCR<sup>2</sup> and the MCRC<sup>2</sup>, resulting in failures of the Party's Of Interest(MDCR; § MCRC) et seq/al<sup>2</sup>, to adopt the findings of the Michigan Unemployment Insurance Agency(MiUIA); § MCL 421.1 et seq<sup>5</sup>, in the matter of Herbert W.G. Clanton -v- Sam's Club; UIA File/Case No.: C4664691-0 et seq/al, *Weathersby v. Secretary of Interior*, D.D.C.2003, 242 F.Supp.2d 20. Civil Rights 1244, and the egregious failures of the Parties Of Interest(MDCR; § MCRC) et seq/al<sup>2</sup>, to incorporate the Litigant's Sam's Club Personnel Records of their Human Resources Department, into the matter of Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; EEOC File No.: 23A-2018-10208C et seq/al.

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<sup>1</sup> Amendment I; § V; § XIV of the United States Constitution et seq, the Due Process Clause of the United States Constitution et seq, and the Equal Protection Cause of the United States Constitution et seq.

**THEREFORE**, the granting of Writ Of Certiorari are proper pursuant to enforcements of all benefits', privileges', immunities, degrees of protections' State and Federal Civil and Constitutional Rights et seq/al, of Federal Title VII et seq, guaranteed by the Due Process Clause of the United States Constitution<sup>1</sup>, and the Equal Protection Clause of the United States Constitution<sup>1</sup>.

**Reasons For Certiorari; MDCR Forces Federal Questions:**

**WHEREIN**, acknowledgment of the egregious declarations' and malicious testimonials on the part of the MDCR et seq/al<sup>3:2</sup>, and the MCRC<sup>4:2</sup>, purporting that pursuit of all remedies and reliefs as afforded by 42 USC 2000e-5(f)(1) et seq; *Morales v. Turman*, E.D.Tex.1971, 326 F.Supp. 677., are cause to dismiss and deny all manner of remedies and reliefs pursuant to MCL 37.2101; § 37.2606; § 37.2701; § 37.2801 et seq<sup>1</sup>. *see Struble v Detroit Auto. Inter-Insurance Exchange* (1978) 86 Mich App 245, 272 NW2d 617.

**THEREUPON**, does result in the egregiously eradication of all benefits, privileges, immunities and degrees of protections' as afforded Herbert W.G. Clanton, and this Petitioner by the Michigan Elliott-Larsen Civil Rights Act ("ELCRA"); § MCL 37.2101; § 37.2606; § 37.2701 et seq<sup>3</sup>, and the State and Federal, Civil and Constitutional Rights et seq/al, guaranteed Herbert W.G. Clanton, and this Petitioner, by Article I, Section 2; § 3; § 5; § 10; § 13; § 16; § 17 of the Michigan Constitution et seq<sup>1</sup>, the Due Process Clause of the Constitution et seq/al<sup>1</sup>, and the Equal Treatment Clause of the Constitution et seq/al.<sup>1</sup>

**THEREFORE**, are shown reasons' and causes' to grant Petitioner's Writ Of Certiorari.

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<sup>2</sup> **Residential Ratepayer Consortium v. Michigan Public Service Com'n** (1999) 607 N.W.2d 391, 239 Mich.App. 1. Public Utilities §194; An order of Public Service Commission (PSC) is unlawful if it is based on an erroneous interpretation or application of the law, and is unreasonable if it is not supported by the evidence.



**REASONS FOR REDRESS OF GRIEVANCES**  
**COMMENCE IN FEDERAL DISTRICT COURT**

**WHERE**, the United States Department Of Labor Equal Employment Opportunity Commission (“EEOC”), does serve on the Petitioner and the Respondents a “Notice Of Suit Rights”, pursuant to 42 USC 2000e-5(f)(1) et seq.

**THEREUPON**, any objections that the Respondents held that the Human Resources Manager et seq/al, are without authority to be served with “Notice Of Suit Rights”, and notice of commencement of legal proceeding in the matter of Herbert W.G. Clanton –v- Sam’s Club, Wal-Mart; EEOC File No.: 23A-2018-10208C et seq/al, was supposed to have been initiated before the issuing of “Notice Of Suit Rights” and resolved before the Ninety Day time limited as set by 42 USC 2000e-5(f)(1) et seq. *see 42 USC 1981; § 1983 et seq.*

**THEREUPON**, the Petitioner commencing Redress Of Grievance pursuant to compliance with 42 USC 2000e-5(f)(1), being timely and proper, are protected and defended by the United States Constitution et seq/al<sup>1</sup>, *see Gearhart v. Thorne*, C.A.9 (Or.) 1985, 768 F.2d 1072.

**THEREFORE**, the policies and procedures of the United States Federal District Court et seq, resulting in denial of all benefits, privileges, immunities and degrees of protection as afforded by Fed.R.Civ.P. 4; § 4(m), *see Robinson Eng'g Co. Pension Plan & Trust v. George*, 223 F.3d 445, 47 Fed. R. Serv. 3d (Callaghan) 561, RICO Bus. Disp. Guide ¶ 9945, 2000 U.S. App. LEXIS 18550 (7th Cir. 2000); does constitute violations of the State and Federal, Civil and Constitutional Rights et seq/al, guaranteed the Petitioner et seq/al, by the United States Constitution et seq/al<sup>1</sup>, *see In re Coral Gables*, 1 F.R.D. 600, 1941 U.S. Dist. LEXIS 1999 (D. Fla. 1941).

**PETITIONER TO BE MADE WHOLE**

**WHEREIN**, acknowledgment of Federal Rules Of Appellant Procedure("Fed.R.Civ.P."); § 4(h)(1)(B) et seq.

**WHEREUPON**, recognition of the fact that the United States Federal District Court refuse to allow the Petitioner the allotted time as mandated by Fed.R.Civ.P. 4(m) et seq/al, *see Mendez v. Elliot*, 45 F.3d 75, 31 Fed. R. Serv. 3d (Callaghan) 1449, 1995 U.S. App. LEXIS 1432 (4th Cir. 1995). *see 42 USC 1981 et seq<sup>L</sup>*

**THEREUPON**, are established that Respondents are in violations of Fed.R.Civ.P. 55 et seq, for failures to appear and answer pursuant to compliance with Fed.R.Civ.P. 4(a)(1)(E); § 4(h)(1)(B) et seq, regardless of the fact that the Petitioner's denied all benefits, privileges, immunities, and degrees of protections afforded pursuant to Fed.R.Civ.P. 4(m) et seq/al<sup>L</sup>.

**THEREFORE**, it is appropriate to find and order that Respondents are in default pursuant to Fed.R.Civ.P. 55(a) et seq<sup>L</sup>, with order of Default Judgment entered against the Respondents' pursuant to Fed.R.Civ.P. 55(b); § 55(b)(1); § 55(b)(2) et seq<sup>L</sup>, *see Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 40 Fed. R. Serv. 3d (Callaghan) 695, 1998 U.S. App. LEXIS 6746 (8th Cir. 1998), reh'g, en banc, denied, 1998 U.S. App. LEXIS 9332 (8th Cir. May 7, 1998)), **WITH PREJUDICE FORTHWITH**.

**THEREFORE**, it is appropriate to order that the Petitioner are awarded remedies and reliefs pursuant to all benefits, privileges, immunities, and degrees of protections afforded the person of Herbert W.G. Clanton et seq/al, and the Petitioner et seq/al by means of Summary Judgment pursuant to Fed.R.Civ.P. 55(b) et seq, **WITH PREJUDICE FORTHWITH**, *see Fisher v. Taylor*, 1 F.R.D. 448, 1940 U.S. Dist. LEXIS 1998 (D. Tenn. 1940).

<sup>3</sup> Michigan Department Of Civil Rights {"MDCR"; § State Of Michigan ( Article V, Section 29 )} et seq/al.

<sup>4</sup> Michigan Civil Rights Commission{"MCRC"; § State Of Michigan ( Article VI, Section 28 )} et seq/al.

<sup>5</sup> Michigan Unemployment Insurance Agency("MiUIA");§ MCL 421.1 et seq.

**CONCISE HISTORY OF EVENTS**

[O]n, or about the date of August 10, 2017 the person of Herbert W.G. Clanton, did make timely and proper appearance for online computer training, after the orientation pursuant to fulfillment of conditions of employment as a Maintenance Associate with Litigant Employer Sam's Club.

[O]n [O]r [A]bout, the date of September 20, 2017 the person of Herbert W.G. Clanton, being without error regarding compliance with conditions of employment and devoid of faults' in timely and proper discharge of all work-related duties was erroneously charged with insubordination, and due to employer's unwarranted violations of Federal Title VI; § VII; § ADEA et seq, and the Michigan Elliott-ELCRA; § MCL 37.2101; § 37.2202-37.2205; § 37.2606; § 37.2701 et seq<sup>7</sup>, was egregiously discharge from employment with Sam's Club et seq/al, without causes', lacking of reasons', without substances', and lacking merits'.

[O]n or about the date of September 25, 2017 the person of Herbert W.G. Clanton, and the Client did make timey and proper appearance to the Michigan Unemployment Insurance Agency ("MiUIA") et seq<sup>5;6</sup>, pursue to all manner remedies and reliefs as could be afforded by the Michigan Unemployment Insurance Act ("UIA"); § 421.1 et seq<sup>7</sup>.

**THEREUPON**, never dismissing the false misleading claims, and malicious accusations on the part of Litigant Sam's Club et seq/al, that revolting direct and repulsively mandates;

**"associate has on multiple occasion's *sold* supervisor no" sic.**

**ARE UNWARRANTED FAILURES**, on the part of Litigant Sam's Club et seq/al, to acknowledge authority of the MiUIA et seq/al<sup>5</sup>, resulted in rulings in favor of the person of Herbert W.G. Clanton, and the then Client et seq/al, and this Petitioner et seq/al.

**Grievance Pursuant to Federal Title VI; § VII; § ADEA**

**WHERE,** the person of Herbert W.G. Clanton does commence timely and proper complaint with the EEOC et seq/al.

**WHEREUPON,** regardless of unwarranted failures of the MDCR<sup>3</sup>, and the MCRC<sup>4</sup> to exercise Due Care in securing all relevant material fact, and related material evidence germane to the Personnel Records of the Litigant's Human Resources Manager et seq/al, and failures of the MDCR<sup>3</sup> and the MCRC<sup>4</sup> to perform Due Diligence during interaction with the EEOC, the person of Herbert W.G. Clanton, and the Petitioner, does comply with restrictions and limitation resulting from "Notice Of Suit Rights", pursuant to compliance with 42 USC 2000e-5(f)(1) et seq<sup>2</sup>, *see Nikwei v. Ross School of Aviation, Inc., 822 F.2d 939, 1987 U.S. App. LEXIS 8079 (10th Cir. 1987)*, and the State and Federal, Civil and Constitutional Rights et seq/al, guaranteed Herbert W.G. Clanton, and the Petitioner, by the United States Constitution et seq.

**REPUGNANT ACTS' BY STATE CIVIL RIGHTS AGENCY**

**WHEREIN,** acknowledgement of the fact that the MDCR are given the position as the lead investigative authority regarding Herbert W.G. Clanton –v- Sam's Club, Wal-Mart; EEOC File No.:23A-2018-10208C et seq/al. *see 42 USC 1981 et seq.*

**WHEREUPON,** the MDCR egregious failures to secure germane material fact and related material evidence in the matter of Herbert W.G. Clanton –v- Sam's Club, Wal-Mart; UIA File/Case No.: C4664691-0 et seq. *see 42 USC 1981 et seq.*

**THEREFORE,** said erroneous conducts of the Party Of Interest MDCR et seq/al<sup>3</sup>, being derived from violations of MCL 37.2606 et seq<sup>6</sup>, does compound the ongoing and continuous

<sup>6</sup> **Wixson v. Dowagiac Nursing Home**, W.D.Mich.1994, 866 F.Supp. 1047, affirmed 87 F.3d 164; Elements of prima facie case of retaliation under Title VII are that plaintiff engaged in activity protected by Title VII, that his exercise of civil rights was known by defendant, that, thereafter, defendant took employment action adverse to plaintiff, and that there was causal connection between protected activity and adverse employment action. Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

violations of the benefits, privileges, immunities, degrees of protection, State and Federal, Civil and Constitutional Rights et seq afforded the person of Herbert W.G. Clanton, and this Petitioner by the United States Constitution et seq.

[T]he person of Herbert W.G. Clanton, and the Claimant have cause, standings', substances', reasons', and merits' to pursue all benefits, privileges, immunities, degrees of protections, remedies and reliefs being afforded the person of Herbert W.G. Clanton, and the Petitioner by Federal Title VII; § 42 USC 2000e-2; § 2000e-3 et seq.

**WHEREIN**, acknowledgement of the fact that the MDCR et seq/al<sup>3</sup>, choose to proclaim the role of lead investigative authority regarding the events between the person of Herbert W.G. Clanton, and the Litigant Sam's Club et seq/al, with means' and standings' to influence the ability of the EEOC and/or the U.S. Department Of Justice(DOJ) et seq/al, to enforce all benefits, privileges, immunities, and degrees of protections as can be afforded Herbert W.G. Clanton, and the Petitioner by Federal Title VI; § VII; § ADEA et seq, the Federal Civil Rights Act of 1964(FCRA1964); § 42 USC 1981; § 1983; § 1985; § 1986 et seq, 18 USC 241; § 242; § 1001 et seq, **U. S. v. Barker**, C.A.D.C.1976, 546 F.2d 940, 178 U.S.App.D.C. 174. Criminal Law §32; and the State and Federal, Civil and Constitutional Rights, guaranteed by the Equal Protection Clause of the United States Constitution et seq<sup>7</sup>.

**Michigan Department Of Civil Rights, Conducts Disingenuous:**

**WHERE**, the Litigant's Sam's Club Personnel Records of their Human Resource Manager, LP et seq/al, at one time might have constituted an impartial component of the events regarding disputes in the matter of Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; EEOC File No.: 23A-2018-10208C et seq/al.

<sup>7</sup> Amendment I; § IV; § V; § VIII; § IX; § X; § XIV of the United States Constitution et seq, the Equal Protection Clause of the United States Constitution et seq/al, and the Due Process Clause of the United States Constitution et seq/al.

**THEREUPON**, failures' of the MDCR<sup>3</sup> and the MCRC<sup>4</sup>, to acquire indisputable material facts and unimpeachable certified material evidence as might have been contained in the Litigant's Sam's Club Personnel Records of the Human Resource Manager, LP et seq/al, and the resulting "Notice Of Suit Rights" predicated on failures of the MDCR<sup>3</sup>, and the MCRC<sup>4</sup> to set forth germane material evidence and unambiguous material facts to the EEOC, in violations of 18 USC 1001 et seq<sup>8</sup>, the Equal Protection Clause of the United States Constitution et seq/al<sup>6</sup>, and the Due Process Clause of the United States Constitution et seq/al<sup>6</sup>.

**CONCISE ARGUMENT OPPOSING INSUBORDINATION**

**WHEREIN**, acknowledgment of the fact that the Respondent( Sam's Club) et seq/al, *fully recanted* and *totally rescinded* all allegations that Herbert W.G. Clanton, and this Petitioner to be accountable for any and all failures to comply with conditions of employment, and ongoing failures of the Respondent(Sam's Club) et seq/al, the MDCR<sup>3</sup>, the MCRC<sup>4</sup>, and the EEOC to secure all relevant material facts, and related material evidence as must be contained in the Respondents Personnel Record of the Human Resource's Department et seq/al<sup>5</sup>, it is appropriate to purport that the appropriate definition of Insubordination can be regarded whereas follows:

*"INSUBORDINATION. State of being insubordinate; disobedience to constituted authority. United States v. Krafft, C.C.A.N.J., 249 F. 919, 925, L.R.A.1918F, 402. Refusal to obey some order which a superior officer is entitled to give and have obeyed. Garvin v. Chambers, 195 Cal. 212, 232 P. 696, 701; Sheehan v. Board of Police Com'rs of City and County of San Francisco, 197 Cal. 70, 239 P. 844, 847. Not synonymous with incompetency. Cafferty v. Southern Tier Pub. Co., 173 N.Y.S. 774, 186 App.Div. 136."*

*see page 192, Black's Law Dictionary, Revised Fourth Edition, © 1968.*

**WHEREUPON**, failures of the Litigant Sam's Club et seq/al, to demonstrate any manner of inappropriate actions or improper conducts on the part of the Petitioner, being establish as duties

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<sup>8</sup> **United States v. Clearfield**, 358 F. Supp. 564, 1973 U.S. Dist. LEXIS 13900 (E.D. Pa. 1973).; Elements of an offense under 18 USCS § 1001 are: (1) that defendant made a statement; (2) that statement was false and defendant knew it was false; (3) that statement violations of the conditions of employment, and/or failures' to discharge relevant work related was made knowingly and willfully; (4) that statement was within jurisdiction of a federal agency; and (5) that statement was material.

are without causes' to direct erroneous claims of insubordination against Herbert W.G. Clanton and this Petitioner, and the conducts of the Litigant Sam's Club et seq/al, resulting in the firing of the person of Herbert W.G. Clanton, and this Petitioner, *see EEOC v. Locals 14 & 15 Intl Union of Operating Eng'rs*, 438 F. Supp. 876, 15 Empl. Prac. Dec. (CCH) ¶ 7915, 16 Fair Empl. Prac. Cas. (BNA) 325, 1977 U.S. Dist. LEXIS 13462 (S.D.N.Y. 1977).

**PETITIONER WILL BE MADE WHOLE**

**WHEREIN**, acknowledgment of the parameters as set forth pursuant to Fed.R.Civ.P. 26 et seq, *see Harding v. Goodyear Tire & Rubber Co.*, 170 F.R.D. 477, 1997 U.S. Dist. LEXIS 1111 (D. Kan. 1997), given that the Personnel Records of Litigant Sam's Club Human Resource Manager et seq/al, are germane to egregious allegations' of Insubordination the products' of Litigant Sam's Club et seq/al, maliciously directed against the Herbert W.G. Clanton et seq/al, Employee Herbert W.G. Clanton et seq/al, and this Petitioner et seq/al, *see DiIenno v. Goodwill Indus.*, 162 F.3d 235, 74 Empl. Prac. Dec. (CCH) ¶ 45634, 78 Fair Empl. Prac. Cas. (BNA) 609, 1998 U.S. App. LEXIS 30439 (3d Cir. 1998).

**THEREUPON**, are established Litigants Sam's Club Disingenuous' Actions et seq/al, and Litigants Respondents' Conducts In Bad Faith et seq/al, where policies and practices on the part of the Respondents results in concealments of material facts, suppressions of material evidence, and apparently misrepresentation of authority in regards to the matter of Herbert W.G. Clanton - v- Sam's Club, Wal-Mart; EEOC File No.: 23A-2018-10208C et seq/al<sup>A</sup>, *see Slotkin v. Human Development Corp.*, 454 F. Supp. 250, 22 Empl. Prac. Dec. (CCH) ¶ 30845, 21 Fair Empl. Prac. Cas. (BNA) 993, 1978 U.S. Dist. LEXIS 16848 (E.D. Mo. 1978).

**THEREFORE**, it is appropriate to order that the Petitioner are awarded all remedies and reliefs pursuant to all benefits, privileges, immunities, and degrees of protections afforded the person of Herbert W.G. Clanton et seq/al, and the Petitioner et seq/al by means of Summary

Judgment pursuant to Fed.R.Civ.P. 56 et seq, with **REMAND**, and with Respondents having accountability for all fee's, costs', and expenses, *see Witbeck v. Embry Riddle Aeronautical Univ., Inc.*, 219 F.R.D. 540, 17 Fla. L. Weekly Fed. D 435, 2004 U.S. Dist. LEXIS 447 (M.D. Fla. 2004), WITH PREJUDICE FORTHWITH.

### **REASONS FOR REMAND**

WHEREIN, acknowledgments of Respondents unwarranted conducts purporting the egregious declarations and malicious assertions being in the form whereas follows:

**“<sup>1</sup> Publicly available court records indicate that Plaintiff Clanton has a great deal of experience litigating on his own behalf. He has sued the Michigan Department Of Civil Rights (Clanton v. Mich. Dep’t Of Civil Rights, No. 04-73454, 2005 U.S. Dist. LEXIS 44863 (E.D. Mich. Mar. 28 3005) (“ Even if the court could assert jurisdiction over this case, it would conclude that Clanton has failed to state a claim.”)); the Internal Revenue Service( Clanton v. Comm’r, 491 F. App’x 610 (6<sup>th</sup> Cir. 2012) (“Clanton has waived review of nearly every argument that he raises on appeal because his pleadings are entirely conclusory, lack factual specificity, and do not clearly explain the basis of his claims.”)); the Michigan Department Of Transportation (Clanton v. Mich. Dep’t of Transp., No. 07-cv-10479, 2007 U.S. Dist. LEXIS 17585 (E.D. Mich. Mar 14, 2007) (denying reconsideration when the court found that Clanton’s ”complaint lacks factual allegations, and seeks monetary damages from pages 96 through 228 against all defendants in the range of hundreds of millions of dollars. Clanton has had similar actions dismissed in the past”), Clanton v. Dept Of Transp., No. 05-1974, 2006 U.S. App. LEXIS (6<sup>TH</sup> Cir. Jan. 2006) (affirming district court’s dismissal of Clanton’s complaint when “Clanton failed to allege specific supporting facts”)); Michigan State University (Clanton v. Mich. State Univ., No. 89-1388, 1989 U.S. App. LEXIS 12103 (6<sup>th</sup> Cir. Aug. 14, 1989 (affirming district court’s dismissal of Clanton’s suit alleging that the University had violated the Michigan Freedom Of Information Act by not releasing the student disciplinary records of Clanton’s roommate for lack of jurisdiction; the court noted the “Clanton presented confusing brief on appeal in which he appears to argue that the district court incorrectly dismissed his suit and somehow violated his right to equal protection”)); the City Of Lansing (Clanton v. Lansing, No. 95-1607, 1996 U.S. App LEXIS 6528 (6<sup>th</sup> Cir. 1996) (Affirming district court’s finding that “plaintiff supplied no facts to support his legal claims,” “offered no information as to how his rights were violated,” and “that defendants were prejudiced by being forced to defend a suit without sufficient facts to enable defendants to respond to plaintiff’s allegations”)), to name a few.”**



**DOES**, warrant **REMAND**, pursuant to a minimum of erroneous actions' and disingenuous conducts' on the part of the Michigan Department Of Civil Service{MDCS; § State Of Michigan(Article XI, Section 5)} et seq, the Michigan Department Of Transportation{ MDOT; § State Of Michigan(Article V, Section 2; § 8; § 9; § 10)} et seq/al, the MDCR; § MCRC et seq/al, and the Office Of the Michigan Attorney General et seq/al, in the matter of Herbert W.G. Clanton -v- Michigan Department Of Transportation; S.Ct. 06-286 et seq/al, and the matter of Herbert W.G. Clanton -v- St. Lawrence Hospital; S.Ct. 07-23 et seq/al. see *Dristy v. Waterford School Dist.*; 146 Mich.App. 217, 379 N.W.2d 428, Mich.App.,1985.

**LIKEWISE**, the matter of Discrimination In Education in the matter of Herbert W.G. Clanton -v- Michigan State University et seq/al, for violations of Federal Title IX et seq, the Federal Civil Rights Act of 1964("FCRA1964") §§ 42 USC 1981, 1983, 1985, 1986 et seq, 18 USC §§ 241, 242, 245, 246 et seq, MCL 750.90; § 750.151-750.153; § 750.410a et seq, the Michigan Elliott-Larsen Civil Rights Act("ELCRA"); § MCL 37.2101; § 37.2606; § 37.2701; § 37.2801 et seq, Article I, Section 2; § 3; § 5; § 10; § 11; § 12; § 13; § 16; § 17 of the Michigan Constitution et seq, the Due Process Clause of the Michigan Constitution et seq/al, the Equal Protection Clause of the Michigan Constitution et seq/al, see *Alan v. Wayne County*, 388 Mich 210, and the State and Federal, Civil and Constitutional Rights et seq/al, guaranteed the person of Herbert W.G. Clanton, by the United States Constitution et seq. see *Benneci v. Department of Labor, New York State Div. of Employment*, 388 F. Supp. 1080, 9 Empl. Prac. Dec. (CCH) ¶ 9903, 10 Fair Empl. Prac. Cas. (BNA) 927, 1975 U.S. Dist. LEXIS 14442 (S.D.N.Y. 1975).

**PETITIONER'S CONCISE ARGUMENTS**  
**IN OPPOSITIONS' TO UNITED STATES SIXTH CIRCUIT**  
**COURT OF APPEALS DECISIONS, AND ORDERS**

**WHERE**, the United States Sixth Circuit Appeals Court does purport a minimum as follows;

**Before: GILMAN, KETHLEDGE, and MURPHY, Circuit Judges.**

**Herbert W.G. Clanton, proceeding pro se, appeals a district judgment dismissing his employment- discrimination complaint alleging violations of various federal statutes, constitutional amendments, and Michigan law. This case has been referred to a panel of the court that, upon examination, unanimously agree that oral argument is not needed. see Fed.R.App.P. 34(a).**

*see page 1, paragraph 1<sup>ψ</sup>*

**DOES**, speak for itself, while lacking accurate declarations' of failures of the United States Federal District Court et seq/al, to correct unwarranted failures on the part of the EEOC, the MDCR<sup>Δ</sup>, and the MCRC<sup>Δ</sup>, to render accurate disclosure of all relevant material facts, and related material evidence <sup>Σ</sup>.

*see 42 USC 1981 et seq.*

**THEREFORE**, are in part establish causes for **REMAND**, with Tolling Of Statute Of Limitations et seq/al.

**WHERE**, the United States Sixth Circuit Appeals Court does purport a minimum as follows;

**"Clanton filed a complaint against Sam's Club and Wal-Mart.<sup>1</sup> Clanton asserted that his discharge for insubordination was unreasonable, unfounded, and disingenuous because he timely reported to work and adequately performed the requirement of his job. He asserted that he is "a member of a protected minority" and that he was not told why his employment was terminated, and not told how he was insubordinate, not allowed to respond to the insubordination allegations, and not treated the same as other employees.**

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<sup>1</sup> Clanton also named the Michigan Department of Civil Rights("MDCR") as a "Party Of Interest" and seemed to assert that the MDCR did not correctly process his discrimination charge. To the extent that Clanton intended of assert a claim against the MDCR related to the processing of his discrimination charge, he lacked a cause of action. See Haddad v. Equal Emp. Opportunity Comm'n, 111 F. App'x 413, 415 (6th Cir. 2004); Mihous v. Equal Emp. Opportunity Comm'n, No. 97-5242, 1998 WL 152784, at \*1 (6th Cir. 1998)."

*see page 1-2, paragraph 2<sup>ψ</sup>*

**ARE**, misleading and disingenuous where regardless of all efforts on the part of the person of Herbert W.G. Clanton et seq/al, and this Petitioner too timely and properly pursue all means and resources of the EEOC in the securing of all material facts, and all related material evidence the EEOC issued the "Notice Of Suit Rights"; § 42 USC 2000e-5(f)(1) et seq<sup>7</sup>, predicated in part on erroneous unresolved egregious recommendations' of the MDCR<sup>3:Σ</sup>, *see Komorowski v. Townline Mini-Mart & Restaurant*, 162 F.3d 962, 74 Empl. Prac. Dec. (CCH) ¶ 45669, 78 Fair Empl. Prac. Cas. (BNA) 1377, 1998 U.S. App. LEXIS 31186 (7th Cir. 1998).

**THEREUPON**, are found unwarranted failures of the United States Federal District Court, to render findings and put forth decisions pursuant to enforcement of the State and Federal, Civil and Constitutional Rights et seq/al, guaranteed the person of Herbert W.G. Clanton et seq/al, and this Petitioner et seq/al, by Due Process of the United States Constitution.

**THEREFORE**, are in part establish reasons' for **REMAND**.

**WHERE**, the United States Sixth Circuit Appeals Court does purport a minimum as follows;

**"Clanton asserts claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2, -3,-5; Title VI of that Act, 42 U.S.C. § 2000d; the Age discrimination in Employment Act (ADEA), 29 U.S.C. § 623; 42 U.S.C. §§ 1981, 1983§ 1985§ 1986, AND 1988; and First, fifth, and Fourteenth Amendment to the United States Constitution. He also asserted state-law claims for libel, slander, wrongful discharge, and employment discrimination. He sought monetary relief." *see page 2, paragraph 1*⚭**

**DOES**, constitute statements being true, and less than all-inclusive for lack of unwarranted failures of the United States Federal District Court to exercise due care and employ due diligence pursuant to disclosure of all material facts, and securing all material evidence pursuant to the enforcement of all State and Federal, Civil and Constitutional Rights, guaranteed the person of Herbert W.G. Clanton, and this Petitioner by the United States Constitution et seq<sup>3</sup>.

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⚭ Orders of the United States Court Of Appeals For the Sixth Circuit; Herbert W.G. Clanton -v- Sam's Club; COA 21-2824 et al/ID.

**THEREFORE**, are in part establish reasons' and substance for **REMAND**, *see McCann v. Falgout Boat Co.*, 44 F.R.D. 34, 1968 A.M.C. 650, 11 Fed. R. Serv. 2d (Callaghan) 223, 1968 U.S. Dist. LEXIS 12629 (S.D. Tex. 1968), disapproved, *Joiner v. Diamond M Drilling Co.*, 677 F.2d 1035, 34 Fed. R. Serv. 2d (Callaghan) 561, 1982 U.S. App. LEXIS 18632 (5th Cir. 1982).

**WHERE**, the United States Sixth Circuit Appeals Court does purport a minimum as follows;

**"Clanton field a motion for a default judgment. The defendants opposed Clanton's motion for a default judgment on the grounds that they were not properly served with process and, even if they were, they had a meritorious defense because the complaint failed to state a plausible claim for relief."**

*see page 2, paragraph 2*

**ARE**, subject matter lacking in substance where Respondents Counsels' freely admit that agency of Respondents {"Human Resource Manager"}, did receive Summons and Redress of Grievances put forth in a timely and proper manner as mandated by a minimum of Fed.R.Civ.P. 4(h)(1)(B) et seq, *see Wuliger v. Cohen*, 215 F.R.D. 535, 2003 U.S. Dist. LEXIS 7976 (N.D. Ohio 2003).

**THEREUPON**, are establish cause for the entry of default as mandated by a minimum of Fed.R.Civ.P. 55(a); § 55(b)(1); § 55(b)(2) et seq, *see Georgia Power Project v. Georgia Power Co.*, 409 F. Supp. 332, 1975 U.S. Dist. LEXIS 15922 (N.D. Ga. 1975).

**WHERE**, the United States Sixth Circuit Appeals Court does purport a minimum as follows;

**"A magistrate judge construed Clanton's motion as a non-dispositive motion for entry for default under Federal Rules Of Civil Procedure 55(a) and denied it because the defendants had not been properly served with process."**

*see page 2, paragraph 2, sentence 2*

**ARE**, at a minimum without substance and lacking in merit for the unwarranted failures of the magistrate, to disclose unwarranted failures to afforded the person of Herbert W.G. Clanton, and this Petitioner all benefits, privileges, immunities, and degrees of protections being set forth pursuant to Fed.R.Civ.P. 4(m) et seq, *see Ogden v. San Juan County*, 32 F.3d 452, 1994 U.S.

App. LEXIS 20314 (10th Cir. 1994), cert. denied, 513 U.S. 1090, 115 S. Ct. 750, 130 L. Ed. 2d 650, 1995 U.S. LEXIS 278 (1995).

**THEREUPON**, where the magistrate judge, does not allow the person of Herbert W.G. Clanton and this Petitioner to partake of all opportunities incorporate by Fed.R.Civ.P. 4(m) et seq<sup>7</sup>, *see Pan American World Airways, Inc. v. United States Dist. Court for Cent. Dist.*, 523 F.2d 1073, 20 Fed. R. Serv. 2d (Callaghan) 1, 1975 U.S. App. LEXIS 14567 (9th Cir. 1975).<sup>3</sup>

**THEREFORE**, are set forth cause to overturn finding and reverse orders of the United States Sixth Circuit Appeals Court.

**WHERE**, the United States Sixth Circuit Appeals Court does purport a minimum as follows;

**“The defendants then filed a motion to dismiss under Federal Rules of Civil Procedure 8, 12(b)(5), and 12(b)(6).”** *see page 2, paragraph 2, sentence 3* **ARE**, misleading and disingenuous where all Litigants and the United States Federal District Court et seq, are in agreement that the Respondents did receive timely and proper Summons and Redress Of Grievance in accordance with Fed.R.Civ.P. 4(h)(1)(B); § 4(m) et seq<sup>7</sup>, *see Lenoir v. Federal Deposit Ins. Corp.*, 709 F. Supp. 830, 1989 U.S. Dist. LEXIS 17315 (N.D. Ill. 1989).

**THEREFORE**, are established reasons to ORDER entry of Default against the Respondents pursuant to enforcement of Fed.R.Civ.P. 55(a); § 55(b)(1); § 55(b)(2) et seq; *see Pitcairn v. Rumsey*, 32 F. Supp. 146, 1940 U.S. Dist. LEXIS 3310 (D. Mich. 1940).

**THEREFORE**, are established cause to ORDER in favor of the person of Herbert W.G. Clanton, and this Petitioner entry of Summary Judgments’, against the Respondents et seq/al, WITH PREJUDICE FORTHWITH.

**WHERE**, the United States Sixth Circuit Appeals Court does purport a minimum as follows;

**The district court granted the motion and dismissed Clanton’s complaint for failure to state a plausible claim or relief.** *see page 2, paragraph 2, sentence 4*

**DOES**, constitute abuses' of authority for unwarranted failures of the United States Federal District Court to render De Novo Review with regard to a minimum of the matters' of Herbert W.G. Clanton -v- Sam's Club; UIA File/Case No.: C4664691-0 et seq<sup>5</sup>, Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; EEOC File No.: 23A-2018-10208C et seq/al., and Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; MDCR File No.: 486103 et seq/al.

**THEREUPON**, are causes' set forth to overturn finding and reverse orders of the United States Sixth Circuit Appeals Court.

**THEREFORE**, are established reasons to at a minim ORDER in favor of the person of Herbert W.G. Clanton, and this Petitioner entry of Summary Judgments', against the Respondents et seq/al<sup>A</sup>, WITH PREJUDICE FORTHWITH.

**WHERE**, the United States Sixth Circuit Appeals Court proclaims' as follows;

**"Clanton now appeals and moves for summary judgment.**

*see page 2, paragraph 2, sentence 5 ½*

**DOES**, constitute truthful declarations and correct testimonials on the part of the person of Herbert W.G. Clanton and this Petitioner pursuant to all benefits, privileges, immunities, and degrees of protections afforded by Appeal Of Right et seq/al, and the State and Federal, Civil and Constitutional Rights et seq/al, being guaranteed the person of Herbert W.G. Clanton, and this Petitioner by the Due Process Clause of the United States Constitution et seq/al, and the Equal Protection Clause of the United States Constitution et seq/al.

**WHEREUPON**, regardless of unwarranted failures of the United States Federal District Court, to afford the person of Herbert W.G. Clanton, and the Petitioner a chance to be heard on issues regarding the matter of Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; U.S. District Court Docket No.:1:21-cv-00053 et seq/al, the person of Herbert W.G. Clanton and this Petitioner must have **HIS DAY IN COURT.** *see Amend., I; § V; § XIV U.S. Const et seq.*

**THEREFORE**, it is appropriate and proper to enforce Fed.R.Civ.P. 55(a); § 55(b)(1); § 55(b)(2); § 56 et seq, *see Gallace v. U.S. Dep't of Agric.*, 273 F. Supp. 2d 53, 2003 U.S. Dist. LEXIS 18287 (D.D.C. 2003), *aff'd*, 2003 U.S. App. LEXIS 20074 (D.C. Cir. Sept. 30, 2003), for unwarranted failures of the Respondents to make timely and proper appearance and set forth timely and proper answer as mandated by a minimum of Fed.R.Civ.P. 4; § 5 et seq, *see Stark v. American Dredging Co.*, 3 F.R.D. 300, 1943 U.S. Dist. LEXIS 1593 (D. Pa. 1943).

**WHERE**, the United States Sixth Circuit Appeals Court proclaims' as follows;  
**"We review de novo a district court's dismissal of a complaint under Rule 12(b)(6) for failure to state a claim for relief. *Lumbard v. city of Ann Arbor*, 913 F.3d 585, 588-89 (6<sup>th</sup> Cir 2019)."** see page 3, paragraph 1 ♢  
**DOES**, establish that Remand are warranted where neither EEOC et seq/al, MDCR<sup>3</sup>, the MCRC<sup>4</sup>, nor the United States Federal District Court {Article III, Section 1; § 2} et seq/al, does afford an opportunity for securing material facts, and rescind chances for securing material evidence, *see Heuer v. Weil-McLain*, 203 F.3d 1021, 77 Empl. Prac. Dec. (CCH) ¶ 46284, 82 Fair Empl. Prac. Cas. (BNA) 58, 2000 U.S. App. LEXIS 2350 (7th Cir. 2000).

**THEREFORE**, are established reasons to grant in favor of the person of Herbert W.G. Clanton and this Petitioner all manner of reliefs sought pursuant to Summary Judgment, WITH PREJUDICE FORTHWITH.

**WHERE**, the United States Sixth Circuit Appeals Court does proclaims' as follows;  
**"A complaint must contain "a short and plain statement of the claim showing that the pleader is entitle to relief." Fed.R.Civ.P. 8(a)(2). It must contain "enough facts to state a claim to relief that is plausible on its face." *Bel Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)."**  
see page 2, paragraph 3, sentence 2 ♢  
**ARE**, without standings, and lacking merit where it is fully understood by the person of Herbert W.G. Clanton, the Petitioner, the MDCR<sup>3</sup>, and the Respondents that material facts, Employer's Sworn Testimonials', and material evidence being in violations of MCL 37.2606 et seq, are hidden and concealed from Petitioner et al<sup>‡</sup>, *see Pena v. Ingham County Rd. Comm'n*, 255 Mich. App. 299, 660 N.W.2d 351, 2003 Mich. App. LEXIS 289 (Mich. Ct. App. 2003) (criticized in

Neason v GMC (2005, ED Mich) 409 F Supp 2d 873).

**THEREFORE**, the Respondents conduct and actions of ***“Bad Faith”***, does warranted granting the person of Herbert W.G. Clanton, and the Petitioner, all manner of remedies and reliefs sought as can be rendered by Summary Judgments’<sup>†</sup>, see Fed.R.Civ.P. 56 et seq<sup>‡</sup>.

**WHERE**, the United States Sixth Circuit Appeals Court does declares’ as follows;

**“A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.”** *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

*see page 2, paragraph 3, sentence 3 ¶*

**DOES**, constitute misleading assertions, and inaccurate declarations’ where any ability of the person of Herbert W.G. Clanton and this Petitioner to make exact statements and meticulous disclosures’ of all material facts and all material evidence from undistorted records are destroyed where erroneous conducts on the part of the MDCR<sup>3</sup> et seq, and the MCRC<sup>4</sup> does fail to comply with MCL 37.2606 et seq<sup>ΔΣ</sup>.

**THEREFORE**, are causes and reasons for the setting aside of finding, decision, and orders of the United States Sixth Circuit Court et seq/al.

**THEREFORE**, are a minimum of substances’ and merits for the reversal, dismissal, and setting aside, of orders of the United States Federal District Court et seq/al.

**WHERE**, the United States Sixth Circuit Appeals Court does declares’ as follows;

**‘Although “detailed factual allegations” are not required, a complaint must contain “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.”** *Id.* (quoting *Twombly*, 550 U.S. AT 555). The complaint must adequately inform the defendant of the plaintiff’s claim “and the grounds upon which it rests.” *Erickson v. Pardus*, 551 U.S. 89,93 (2007) (per curiam) (quoting *Twombly*, 550 U.S. at 555). **“Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.”** *Iqbal*, 556 U.S. at 678.’

*see page 2-3, paragraph 3, sentence 4 ¶*

**ARE**, without substance and lacking in merit where never dismissing the fact that the erroneous actions of the MDCR<sup>3</sup> and the MCRC<sup>4</sup> resulting in egregious failures make available the case folder in the matter of Herbert W.G. Clanton -v- Sam’s Club, Wal-Mart; MDCR File No.:486103 et seq/al, as mandated by MCL 37.2606; § 421.1 et seq<sup>†</sup>, does result in prohibiting any ability of



the Petitioner to put forth related material facts and relevant material evidence regarding the unwarranted discharge of the person of Herbert W.G. Clanton from employment, and the proof of egregious retaliations being directed against the person of Herbert W.G. Clanton and this Petitioner in violations of Federal Title VI; § VII; § ADEA; § FCRA1964 et seq, the due Process Clause of the Constitution et seq/al, and the Equal Protection Clause of the United States Constitution et seq/al.

**WHEREUPON**, give the unwarranted violation of MCL 37.2606 et seq, *see Burrell v. Board of Trustees of Ga. Military College, Inc.*, 151 Mich. App. 424, 390 N.W.2d 732, 1986 Mich. App. LEXIS 2602 (Mich. Ct. App. 1986), it is proper and fitting that any and all documents and statements that either the Litigants Sam's Club et seq/al, Litigants' Wal-Mart et seq/al, the Respondents et seq/al, the Michigan Department Of Civil Rights et seq/al, and or the Michigan Civil Service Commission et seq/al, may attempt to present in defense of the Respondents et seq/al, are without standings', devoid of merits', and are UNRELIABLE IN IT'S ENTIRETY et seq/al, *see Thompson v. North American Stainless, LP*, 567 F.3d 804, 2009 FED. App. 0202P, 92 Empl. Prac. Dec. (CCH) ¶ 43574, 106 Fair Empl. Prac. Cas. (BNA) 639, 2009 U.S. App. LEXIS 12100 (6th Cir. 2009), cert. granted, 561 U.S. 1041, 130 S. Ct. 3542, 177 L. Ed. 2d 1121, 2010 U.S. LEXIS 5525 (2010), rev'd, remanded, 562 U.S. 170, 131 S. Ct. 863, 178 L. Ed. 2d 694, 22 Fla. L. Weekly Fed. S 772, 94 Empl. Prac. Dec. (CCH) ¶ 44081, 111 Fair Empl. Prac. Cas. (BNA) 385, 2011 U.S. LEXIS 913 (2011).

**WHERE**, the United States Sixth Circuit Appeals Court declares' as follows;

**'Generally, courts liberally construe pro se pleadings and hold them "to less stringent standards that formal pleadings drafted by lawyers." Erickson, 551 U.S. at 94. But this liberal construction is not without limits, and does not "abrogate basic pleadings essentials." Wells v. Brown, 891 F.2d 591, 594 (6th Cir. 1989).'**

*see page 3, paragraph 1* ♪

**DOES**, constitute misleading and inappropriate statements at the expense of the benefits, privileges, immunities, and degrees of protections afforded the person of Herbert W.G. Clanton,

and this Petitioner by Federal Title VI; § VII; § ADEA; § FCRA1964 et seq, Article IV, Section 1 of the United States Constitution et seq, and the State and Federal, Civil and Constitutional Rights et seq/al, guaranteed by the United States Constitution et seq, *see Snyder v. Nolen, C.A.7 (Ill.) 2004, 380 F.3d 279, rehearing en banc denied. Constitutional Law ¶1435; Constitutional Law ¶3957.*<sup>3</sup>

**WHEREUPON**, unwarranted failures of the United States Sixth Circuit Court Of Appeals et seq, and United States Federal District Court et seq, to review relevant material facts, and related material evidence of a unimpeachable case folder in the matter of Herbert W.G. Clanton - v- Sam's Club, Wal-Mart; MDCR File No.: 486103 et seq/al<sup>6</sup>, and the case folder in the matter of Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; EEOC File No.: 23A-2018-10208C et seq/al, pursuant to Judicial De Novo Review et seq/al, does affirm violations of the Due Process Clause of the United States Constitution et seq/al, and the Equal Protection Clause of the United States Constitution et seq/al.

**WHERE**, the United States Sixth Circuit Appeals Court does mandates as follows;  
**'Clanton's complaint contains insufficient factual assertions to state plausible claim. The complaint simply asserted that the defendants unlawfully harmed Clanton, without alleging facts to support that bare assertion. See Iqbal, 556 U.S. at 678; Twombly, 550 U.S. at 570. Moreover Clanton's complaint did not prove the defendants with sufficient notice of the grounds on which his claims may rest. See Fed.R.Civ.P. 8(a)(2); Erickson, 551 U.S. at 93.'**

*see page 3, paragraph 2 ♢*

**ARE**, misleading and erroneous where never to dismiss the fact that the egregious conducts' on the part of the Respondents does result in hiding material evidence and concealing material facts, does unjustly force the person of Herbert W.G. Clanton, and this Petitioner to construct pleadings and draft briefs as befitting a situation where the aggrieved Petitioner is denied his **DAY IN COURT**, *see Jernigan v. General Motors Corp.*, 180 Mich. App. 575, 447 N.W.2d 822, 1989 Mich. App. LEXIS 538 (Mich. Ct. App. 1989), app. denied, 436 Mich. 875, 1990 Mich. LEXIS 2803 (Mich. 1990)..

**WHERE**, the United States Sixth Circuit Appeals Court does proclaim as follows;  
**Although Clanton attached to his complaint a “Dismissal and Notice of Right” issued by the Equal Employment Opportunity Commission, that document provided no details regarding his claim against the defendants. And Clanton’s complaint failed to allege facts to establish the elements of any claim asserted. Clanton’s complaint thus was properly dismissed for failure to state a claim on which relief may be granted.**

*see page 3, paragraph 2, sentence 3 ½*

**ARE**, disingenuous for failures to disseminate the fact that the “Notice Of Suit Rights”; § 42 USC 2000e-5(f)(1) et seq<sup>1</sup>, being predicated on egregious conducts on the part of the MDCR<sup>2</sup>; § MCRC<sup>4</sup> et seq/al, resulting in the absent of a certified case folder that encompass the Litigant’s Personnel Record Of the Human Resource Manager et seq/al, and the then unresolved issues in the matter of Herbert W.G. Clanton -v- Sam’s Club, Wal-Mart; MDCR File No.: 486103 et seq/al. see 42 USC 2000e-3; MCL §§ 37.2606, 37.2701 et seq/al.

**WHEREUPON**, it is appropriate to find that the Respondents’ are acting in **BAD FAITH**, given that it is proven that the Respondents’ are proponents of policies of concealments of material evidences and those who promote the impeding of Fed.R.Civ.P. 1; § 2; § 3; § 4; § 5; § 55; § 56 et seq<sup>1</sup>, and the United States Constitution et seq/al<sup>3</sup>, see *Frederick v. UNUM Life Ins. Co. of Am.*, 180 F.R.D. 384, 41 Fed. R. Serv. 3d (Callaghan) 896, 1998 U.S. Dist. LEXIS 11272 (D. Mont. 1998).

**THEREFORE**, are established cause to find that the Respondents are acting in bad faith, and overturn, reverse, and set aside all decision, findings, and orders of the Federal District Court.

**WHERE**, the United States Sixth Circuit Appeals Court declares’ as follows;  
**“In his appellate briefs, Clanton mentions the Michigan Elliott-Larsen Civil rights Act, Mich. Comp. Laws §§ 37.2101-.2804; the Michigan Employment Security Act, Mich. Comp. Laws §§ 421.1-.75; the Sixth, Eighth, Ninth, Tenth, and Thirteenth Amendments to the United States Constitution; various provisions of the Michigan Constitution; and 18 U.S.C. §§ 241, 242, and 1001.**

*see page 3, paragraph 3 ½*

**DOES**, constitute issues that are at a minimum timely and proper were awaiting resolutions regarding unresolved subjects’ matters’ being relevant to the investigations’ carried out by the

MDCR et seq/al<sup>3:2</sup>, regarding the matter of Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; MDCR File No.: 486103 et seq/al.

**WHERE**, the United States Sixth Circuit Appeals Court does declares' as follows;

**These new, insufficiently developed issues suffer from the same deficiencies as those presented in Clanton's complaint and, in any event, were not presented to the district court. We will not "entertain new claims raised for the first time on appeal." *Greco v. Livingston County*, 774 F.3d 1061, 1064 (6th Cir. 2014); *Kusens v. Pascal Co.*, 448 F.3d 349, 368 (6th Cir. 2006)."**

*see page 3, paragraph 3, sentence 2 ♡*

**ARE**, misleading and inaccurate where regardless of unwarranted failures of the MDCR<sup>3:Δ</sup> and MCRC<sup>4:Σ</sup>, to allow for the disclosure of all material facts and all material evidence as mandated by a minimum of MCL 37.2606 et seq/al<sup>2</sup>, *see Transou v Electronic Data Sys.* (1991, ED Mich) 767 F Supp 1392, 125 CCH LC ¶ 57352, *affd without op* (1993, CA6 Mich) 986 F2d 1422, reported in full *Transou v. Electronic Data Systems Corp.*, 1993 U.S. App. LEXIS 4666 (6th Cir. Mar. 4, 1993).

**THEREFORE**, the person of Herbert W.G. Clanton et seq/al, and this Petitioner et seq/al, are of standings', reasons', substances, causes' and merits to oppose policies of the MDCR<sup>3:Δ</sup> and MCRC<sup>4:Σ</sup> that are at a minimum predicated on violations of a minimum of Federal Title VI; § VII; § ADEA; § FCRA1964 et seq<sup>†</sup>, and the United States Constitution et seq/al<sup>7:‡</sup>.

**WHERE**, the United States Sixth Circuit Appeals Court declares' as follows;

**Accordingly, we DENY the motion for summary judgment and AFFIRM the district court's judgment."**

*see page 4, paragraph 1 ♡*

**DOES**, result in the person of Herbert W.G. Clanton, and this Petitioner taking oppositions' to all unwarranted judicial findings, judicial decisions', and court's orders whereas to resend and dismiss any of the benefits, privileges, immunities, and degrees of protections being afforded the person of Herbert W.G. Clanton and this Petitioner by a minimum of Fed.R.Civ.P. 2; § 3; § 4; § 5; § 55; § 56 et seq<sup>‡</sup>, *see McCormick v. Wood*, 156 F. Supp. 483, 1957 U.S. Dist. LEXIS 2809 (D.N.Y. 1957), 42 USC 2000e-5(f)(1) et seq, and the State and Federal, Civil and Constitutional Rights et seq/al, being guaranteed the person of Herbert W.G. Clanton, and this Petitioner

by the United States Constitution et seq<sup>3</sup>.

**THEREFORE**, the person of Herbert W.G. Clanton, and this Petitioner does move that the decision and orders of the United States Sixth Circuit Appeals Court be reverse in their entirety, WITH PREJUDICE FORTHWITH.

**THEREFORE**, the person of Herbert W.G. Clanton, and this Petitioner does move Summary Judgment in favor of the Petitioner WITH PREJUDICE FORTHWITH.

**PETITIONER MUST BE MADE WHOLE**

**WHEREUPON**, given the fact that the Litigants' Sam's Club et seq/al, the Litigants Wal-Mart et seq/al, and the Respondents et seq/al, shall egregiously choose to interject a minimum whereas follows;

**"Michigan Department Of Civil Rights (Clanton v. Mich. Dep't Of Civil Rights, No. 04-73454, 2005 U.S. Dist. LEXIS 44863 (E.D. Mich. Mar. 28 3005)"**

**DOES**, mandate resolutions of continuous and ongoing retaliations inflicted on the person of Herbert W.G. Clanton et seq/al, and the Petitioner et seq/al, for his pursuits of remedies and reliefs as was required by the Michigan Elliott-Larsen Civil Rights Act et seq/al, Federal Title VI; § VII; § ADEA; § FCRA1964<sup>7</sup>, the Due Process Clause of the Constitution et seq/al<sup>1</sup>, and the Equal Protection Clause of the Constitution et seq/al<sup>2</sup>.

**CONCISE ARGUMENT SUPPORTING CERTIORARI**

**WHEREIN**, acknowledgment of the fact that Article VI, Section 2 of the United States Constitution, are unambiguous.

**THEREUPON**, a minimum of the Federal Rules Of Civil Procedure(Fed.R.Civ.P); § 3; § 4; § 55; § 56 et seq<sup>7</sup>, and the United States Code; 42 USC 2000e-5(f)(1) et seq<sup>1</sup>, *see Alexander v. Gardner-Denver Co.*, 415 U.S. 36, 94 S. Ct. 1011, 39 L. Ed. 2d 147, 7 Empl. Prac. Dec. (CCH) ¶ 9148, 7 Fair Empl. Prac. Cas. (BNA) 81, 1974 U.S. LEXIS 95 (1974), are upheld, protected, and defended by the United States Constitution et seq/al.

**MOTION FOR LEAVE OF COURT TO PRACTICE**

**LET IT BE STATED**, this Petitioner request Leave Of this United States Supreme Court, to receive pleadings for Petition For Writ Of Certiorari.

**MOTION TO PROCEED**

**WHEREAFTER**, exhaustion of pleading from United States Sixth Circuit Court Of Appeals, this Petitioner make's request to proceeded in this United States Supreme Court in pursuit of Petition For Writ Of Certiorari.

**PETITIONER'S REQUEST FOR LEGAL COUNSEL**

**WHERE**, the person of Herbert W.G. Clanton, and this Petitioner is not an Attorney nor Counselor Of Law.

**THEREFORE**, does the person of Herbert W.G. Clanton and this Petitioner request that this Honorable United States Supreme Court, assign to the person of Herbert W.G. Clanton and this Petitioner competent Legal Counsel, FORTHWITH.

**REMEDIES AND RELIEFS**

**WHEREFORE**, it is at a minimum proper and appropriate to;

**ORDER**, that Respondents are in Default et seq/al.

**ORDER**, that the Clerk of the District Court will enter Default against the Respondents et al.

**REVERSE AND SET ASIDE**, orders and findings of the United States Sixth Circuit Court Of Appeals et seq/al, in their ENTIRETY WITH PREJUDICE FORTHWITH.

**OVERTURN AND DISMISS**, Federal District Court's Orders For Dismissal of the Redress Of Grievances et seq/al, in their ENTIRETY WITH PREJUDICE FORTHWITH.

**AWARD**, the Petitioner all remedies and reliefs sought by means of Summary Judgments, WITH PREJUDICE FORTHWITH.

**ORDER REMAND**, of the matter of Herbert W.G. Clanton -v- Sam's Club, Wal-Mart; Case No. 1:21-cv-00053 et seq/al, WITH PREJUDICE FORTHWITH.

**ORDER TOLLING**, of the statutes of limitations retroactively, for the Respondents continuous and ongoing frauds and collusions WITH PREJUDICE FORTHWITH.

**ORDER**, that the person of Herbert W.G. Clanton and this Petitioner are forthwith granted Leave Of Court to pursue all manner of remedies and reliefs as are afforded by the Fourteenth Amendment Of the United States Constitution et seq/al.

### **CONCLUSION**

**WHEREIN**, acknowledgement of the fact that the Fed.R.Civ.P. 3; § 4; § 5; § 55; § 56 et seq<sup>7</sup>, are of statutory status pursuant to compliance with Fed.R.Civ.P. 1 et seq, and Article VI, Section 2 of the United States Constitution et seq.

**THEREFORE**, ever vigilant of unwarranted failures of the Respondents' Sam's Club et seq/al to appear and put forth answers to the timely and proper Redress Of Grievances et seq/al, having been commence in accordance 42 USC 2000e-5(f)(1) et seq, and the Respondents ongoing retaliations and continuous disingenuous declarations being in violations of 42 USC 2000e-2; § 2000e-3 et seq, and the anti-retaliations provisions' of Amendment I; § V; § XIV of the United States Constitution et seq<sup>Σ</sup>, the Equal Protection Clause of the United States Constitution et seq/al<sup>Σ</sup>, and the Due Process Clause of the United States Constitution et seq<sup>Σ</sup>, *does* mandate that the Petitioner be awarded all manner of remedies and reliefs as afforded by Fed.R.Civ.P.; § 55; § 56 et seq<sup>7</sup>, and all other State and Federal, Civil and Constitutional Rights et seq/al, guaranteed by the United States Constitution et seq<sup>3</sup>, WITH PREJUDICE FORTHWITH.

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<sup>‡</sup> **McLaughlin v. Great Lakes Dredge & Dock Co.**, D.C.Ohio 1980, 495 F.Supp; Under the Fifth and Fourteenth Amendments, both federal and state governments are prohibited from arbitrarily denying any citizen equal rights under the law. U.S.C.A.Const. Amends. 5, 14.

<sup>¶</sup> **Collins v. Executive Airlines, Inc.**, S.D.Fla. 1996, 934 F.Supp. 1378;

<sup>Δ</sup> **Lowe v Estate Motors, Ltd.**, 428 Mich 439, 410 NW2d 706, ren den 429 Mich 1207:

<sup>Σ</sup> **Printz v United States** (1997, US) 138 L Ed 2d 914, 117 S Ct 2365, 97 CDOS 5096, 97 Daily Journal DAR 8213, 11 FLW Fed S 224.: