

SEP 30 2022

OFFICE OF THE CLERK

NO. 22-623

IN THE
SUPREME COURT OF THE
UNITED STATES

JAMES W. HALL : PETITIONER

v

GMS MANAGEMENT
COMPANY, INC., ETAL : RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

JAMES W. HALL

PROSE OF RECORD

P.O. BOX 1123 STATE ROUTE 8
CUYAHOGA FALLS, OHIO 44223
330-329-9323

ORIGINAL

RECEIVED

JAN - 6 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Question presented for review

Does a person have rights to a day in court to represent himself as a pro-se even when the appeal court lower United States District and the United States Court of appeals for the sixth circuit.

My constitutional rights was deprived freedom of speech first amendment was not allowed in these United States Court because I never stated a claim of relief? I did state a claim of relief in my briefs.

In the United States constitution Bill of Rights 28 US-Code (1654) I can represent myself in any court in the United States.

Title-18 USC Section 242 my rights was (deprived) under color of law also under 42 USC §1983 when the courts never allowed petitioner a day??? court or do discovery documents exchange from opposing other side defendants deposition of witness.

1. U.S. Constitution First Amendment

Congress shall make no law respecting an establishment of religion or prohibiting the freedom of speech so I state my claim of relief my constitution rights was deprived by the courts.

List of Parties

All parties appear in the caption of the case on the cover page. GMS Management Co. Inc. et, al at all times relevant to this lawsuit.

Defendants

James R. Ogden #0018562

David E. Fish

Andrew F. Peck

Todd McKinney

Jennifer Hensal

Thomas A. Teodosio

Julie A. Schafer

Lynne S. Callahan

Donna J. Carr

Mary Margaret Rowland

State of Ohio Court of Claims

Table of Contents

Question Presented for Review	i
List of Parties	ii
Table of Authorities.....	iii
Petition for a Writ of Certiorari.....	1
Opinions Below	1
Constitutional Issue.....	1
Jurisdiction.....	1
Statement of the Case.....	2
Reason Why Certiorari Should Be Granted	8
I. This matter on August 11-2022 of the decision	
on case no. 21-4210 James William Hall Plaintiff	
appellate V. GMS Management Company, Inc.	
filed. Before McKeague, White and Readier circuit	
judges' judgment on appeal from the United	
States District Court for the Northern District of	
Ohio at Cleveland, Ohio.	
II. This cause was heard on the record from the	
district court and was submitted on the briefs	
without oral argument.	

In this cause was heard by the judge's order
McKeague, White and Readier circuit judge ever
mention in their judgment order what the reason
for not allowing plaintiff-appellant James William
Hall request for oral argument rejected, refused,
denied, to be explained by in his own words
plaintiff-appellant James William Hall in a phone
conference like before in April 9, 2021 in the ninth
district court of appeals certificate of assignment
by chief justice Maureen O'Connor the Supreme
Court of Ohio Hail v. GMS Management Co. Inc.
Honorable W. Scott Gwin fifth district court of
appeals. Honorable Earle E. Wise, Jr. fifth district
honorable Craig R. Baldwin fifth district court
of appeals. Filed 12/09/2020 time 8:28:00 am.
Oral argument (FRAP (Rule 34)) failure to state
their reason for not allowing plaintiff James
William Hall freedom to speak deprived of first
amendment and due-process.

Conclusion	12
A3.....	14
A6.....	16
A.....	17
Appendix A-1.....	18
Appendix A-2.....	19

Petition for a Writ of Certiorari

Petitioner James W. Hall respectfully petitions for a writ of certiorari to review the judgment of the United States Court of appeals for the sixth circuit deprived due process and 14th amendment denied opinion below.

Petitioner James W. Hall has been denied a court day from the beginning of this case. The courts state I never stated a claim of relief this a (err) by the court judgment filed August-11-2022.

Constitutional Issue

The petitioner should be is entitled to a trial by jury in this matter said right was deprived never been in the court for discovery documents or ever seen the opposing attorneys or depositor the judges would not allow petitioner James W. Hall use his constitutional rights 28 US Code §(1654) and his 14th amendment due-process to liberty and life.

Jurisdiction

The judgment of the United State court of appeals for sixth circuit August 11-2022. This the United States

and the jurisdiction of this court is set up with the rules of our constitution bill of rights I have been discriminated not allowed to testify in court to tell my story 14th amendment and due process deprived.

Statement of the Case

The present appeal arises from a wrongful eviction filed by petitioner against respondent and there attorney (perjury) attorney James R. Ogden. In May-31-2019 petitioner James W. Hall paid his rent \$918.00 for that month only for June 2019.

Petitioner moved into respondent's apartment on November-1-2003 paid rent on or after the first of each month with the checks receipts that petitioner gave copies to the Barberton Municipal Court as well to the ninth district court of appeals and the collection department for GMS Management but manager Mrs. Grace why on May-3-2019. It was okay to make my rent payment on May-31-2019.

James R. Ogden 0081562 on June-3-2019 respondent's attorney James R. Ogden filed an eviction on petitioner in the Barberton Municipal court.

Respondent attorney James R. Ogden 0018562 instructed Mrs. Grace why not to except the rent payment for May-31-2019 sent it back to petitioner on June-6-2019 and the payment got lose in the US regular mail delivery.

Petitioner it states in the lease agreement on page 3 landlord shall not have refunded (or attempted to refund) such payments to tenant. To be construed to place tenant in default. Breached lease.

Now comes petitioner never got a due process a day in common pleas court or appeal court ninth district never was even depose never had a chance for discovery-document from any of the other attorney never even seen them.

Petitioner filed subpoena in common pleas court judge Margaret Rowland on January-7-2021 time 8:48 Summit County for documents from Barberton Municipal Court for copies of a hearing Judge David E. Fish stated that on July-29-2019 petitioner James W. Hall was present that is perjury petitioner James W. was not there and no notice was ever sent to petitioner and judge David E. Fish stated that petitioner James W. Hall moved out of the

apartment of the same day to say this case is (moot) to be denied an appeal in the ninth district court of appeals petitioner never had a day in this court I was discriminated and deprived my rights code 1654 to represent myself in any United States Court my freedom of speech was taken away from me first amendment also my 14th amendment deprived on January 12, 2021 Tuesday petitioner James W. Hall did receive documents from Barberton Municipal court from the subpoena filed on January 4, 2021 no complaint filed by the respondents in this case stating that on showing of any hearing held on July-29-2019 to mark this case a (moot) case the judge perjured himself on petitioner James W. Hall and should be held accountable under color of any law title 18 USC Section (242) deprivation of any rights.

And 42 USC §1983 complaint pursuant to federal rule of civil procedure 12(6) (6) failure to state a claim. They appear regularly with a judge wants to (dismiss) case West v. Atkins 487 US 42 48, 108 S CT 2250, 101 Led 2-d 40 (1988) Jones V. Dungan 840F 2d 359, 361-62 (6 cir 1988).

In case nnder 3 1983 under color of law his consistently been treated as the same thing as state

action required under the fourteenth amendment, is the alleged infringement of federal rights fairly attributable to the state Rendell-Baker v Kohn 457 US 830 838, 102 sct 2764, 73 Led 2d 418 (1982, Lugar v Edmondson Oil Co 457 US 922 937 102.56 2744, 2754 73 Led 2d 482 (1982) what is fairly attributable is a matter of normative judgement and the criterial lack rigid simplicity no one fact can function as a necessary condition across the board for function as a necessary condition across the board for finding state action Brentwood Acad v. Tenn secondary Sch 531, US 288, 295, 121 sct 924, 148 Led 807 (2001).

Petitioner pro-se due-process liberty life requirement that courts respect all legal rights owed to people or a person which this court did not allow in court to respect myself and freedom of speech first amendment and the 14th amendment.

Now comes petitioner James W. Hall requested (oral argument) rule 34 documents was mailed certified (7019-0160-0000 3253 4632) to United States District Court for the Northern District of Ohio to judge Patricia A. Gaughan chief judge October-26-2021 (motion-to-subpoena) documents from Barberton Municipal court on January-7-2021 time 8:48 the

court disobedience to subpoena the judge ignored the constitutional rights of plaintiff James W. Hall due-process liberty life and his 14th amendment freedom of speech now comes petitioner James W. Hall the circuit judges has documents in their court provided by petitioner mailed to the United States Court of appeal for the sixth circuit (evidence) to support show that petitioner James W. Hall due-process and (motion) to this supreme court of the United States.

This matter no. 21-4210 was filed on August-11-2022 states that petitioner James W. Hall failure to state a claim of relief was denied in common pleas court in ninth district appellate court and in United States sixth circuit to (oral argument) petitioner James W. Hall have had phone conversation with federal judges fifth district court of appeal.

Hon. W. Scott Gwin, Canton, Ohio April-9-2021 to preside in the ninth district court of appeals to hear case Hall v. GMS Management Co Inc Judge Hon. Craig R. Baldwin Hon. Earle E. Wise, Canton, Ohio order by Maureen O. Connor chief justice could had a phone conference so the United States Court of appeal for the sixth circuit did not want petitioner James W. Hall testimony (recorded) and a trans grip

made for (evidence) in petitioner favor. Motion to this court to demand copies of the (documents) the court have judge McKeague, White and Readier under title 18 USC Section (242) violated due process liberty life first amendment freedom of speech 14th amendment of petitioner James W. Hall as well discriminated toward under color of any law statute ordinance deprived me of my constitutional rights title 18 USC 1940 §52 March-4-1909 Ch 321 §20-35 stat-1092 this is a crime no immunity.

Fed. R. Civ. P. 12(6) (6) to properly state a claim a complaint must contain a short and plain statement of the claim showing that the pleader is entitled to relief Fed. R. CIU. P. 8(A) (2) right to represent myself (constitutional code 1654) 14th amendment deprived right to days in United States court Ashcroft v. Iqbal, 556 US 662 (2009) quoting Twombly 550 US at 570 accord.

The sixth circuit has clearly upheld the ruling in Howlett supporting that immunity under state law does not apply to claims made under federal law Dean V. Byerley 354 F. 3d 540, 555 (6th cir 2006) 989 (6th cir 1997) defendants in the court in this complaint deprived my rights to a day in court

they used the old defense (demurrer) as raised civil litigation failure to claim a relief.

GMS Management Co Inc perjured and there attorney James Rogden said that I petitioner James W. Hall moved out of their apartment properties at 2775 Loch Raven, Apt. C, Copley, Ohio 44321 on July-29-2019.

Petitioner James W. Hall moved out on August-3-2019 received a (letter) from their billing department on October-2-2019 date stating on moved into that properties on November-1-2003 moved on August-3-2019 not on July-29-2019 same day of a trial which there was never a trial in Barberton Municipal Court that petitioner James W. Hall was at GMS Management Co Inc attorney James R. Ogden (lied) so could use this to say (moot) case to stop petitioner James W. Hall getting a (appeal).

Reasons why certiorari should be granted

(Rule 31) serving and filing briefs, federal rules of appellate procedure.

(A) Time to serve and file a brief C.

(1) The appellant must serve and file a brief within 40 days after the record is filed. The appellee must serve and file a brief within 30 days after the appellants brief is served.

The appellant may serve and file a reply brief within 21 days after service of the appellees brief but a reply brief must be filed at least 7 days before argument.

Now comes petitioner James W. Hall answer to the (order) before McKeague, White, and Readler circuit judges derogatory of a law opinion disparaging of petitioner James W. Hall in your order filed August-11-2022 under Fed. R app p. 34(A) the appeal is (frivolous) empty, headed, unconcern lack of seriousness, levity I respect all (??? None).

Now to the supreme court of the United States (motion that these judges for the circuit don't have but only 4-briefs and document of petitioner James W. Hall because from the (subpoena) filed in Barberton Municipal Court also in common pleas court of judge Mary Margaret Rowland whom refused to answer disobedience listed here in also judge in United States District court for the Northern District of Ohio judge Patricia A. Gaughan refused

to honor the subpoena in her court this is violation discrimination deprivation of rule 42-USC §1983 due-process and the above rules in this statement.

All defendants and judges acted under title 18 USC section (242) under color of any law also rule 12(6) (1) and 12 (6) (6) failure to state a claim is mention in petitioner (brief).

Petitioner James W. Hall first amendment due process denied deprived of freedom of speech US constitution.

**Explanation of why this case is a case of public
and or grant general interest in values**

I. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech.

CAL. R. 8220 (failure to ale a brief),

- (1) If the brief is an appellants opening brief the court may dismiss the appeal.
- (2) If the brief is a respondents brief the court may decide the appeal on record the opening brief and any oral argument by the appellant.

II. Petitioner James W. Hall (motions) to the supreme court of the United States to view the (briefs) in this matter case according to rule - CAL. R. 8220 filed subpoena in federal court judge Patricia refused.

**Rule 26 Duty to disclose general provisions
governing discovery**

By rule 26(A) (1) (B) as otherwise stipulated or (order) by the court, a party (must) without awaiting a discovery request (provide) to the other parties.

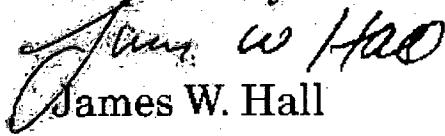
Now comes petitioner James W. Hall as a citizen of this great United States land of the free and brave country, was denied, and deprived constitution rights to 28 US code §1654 appearance personally or by counsel in all court as a pro-se was never given a day in common pleas court or in ninth district court of appeals or in the United States District Court Northern District this why I am filing with Supreme Court of the United States so that my voice can be heard. If I have to I will file for a rehearing in this court I want this court to see the evidence.

Conclusion

This matter should be accepted for review this court to resolve the conflict of law of constitution rights and the violation rules and civil rights of each other I motions to this court on grounds no briefs was along with petitioner James W. Hall to dismiss all claims against Petitioner James W. Hall and hold of them defendants accountable for their action and reverse the district court decision and honor petitioner James W. Hall complaint all with stay the same as commanded.

(Motions) this court to see the documents I have given these court as evidence to help my case.

Respectfully submitted


James W. Hall

Pro-se of Record

P.O. Box 1123, State Route 8

Cuyahoga Falls, Ohio 44223

Ph. 830-329-9323

November 11, 2022