

22-6660

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JAN 25 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

WINNIE ODETTE DIGGS — PETITIONER
(Your Name)

VS

Phillip Martin, Martin Schmidt and alias; Susan Marie,
Susan Schmidt and et al. and Toni Salazar — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT CO.

(Name of Court that last filed on merits of case)

PETITION FOR WRIT OF CERTIORARI

WINNIE ODETTE DIGGS
(Your Name)

1630 Moore Ave #5
(Address)

Pueblo Colorado 811005
(City, State, Zip Code)

710 553-8530
(Phone Number)

QUESTIONS ON REVIEW

RES JUDICATA MAKES IT IMPOSSIBLE FOR SELF REPRESENTED LITIGANTS to be treated fairly. Res judicata promotes repose and the finality of judgments, as a reward to lawyers, clerks, mail carriers...for criminal attacks on Justice and to the people seeking Justice. Resulting in pandemonium, mayhem, by those who feel justice can be stolen with trickery and lies, there should be sanctions. WITH CONSIDERATION, to PLAINTIFF'S LOSES to discourage repetitive litigation. Even when the complaint never made it to trial. Courts preserve judicial resources at the loss of the victims. Res Judicata excuses, ignore, and rally perjury, deception, destruction and withholding significant evidence; filed in courts, left with the clerk's office, deposited with the US postal service.... Res Judicata robs the litigants of being treated fairly. The cause of action, pain and suffering still remains. Then it is the duty of the court to waive a formal judgment on a disputed matter from the lower court. What was happening during the adjudication process had to be brought to the court's attention by me; pending filing with the District Court; the Circuit Court and now the Supreme court. The defendant's case covered up a degree of infringements " and violations damaging the plaintiff's case". Most are illegal and INTENTIONALLY causing prolonged suffering to the plaintiff. The defense remarks to defendants was "AT LEAST" she can not bring up what happened in the county court proceedings"

IS BEING TREATED FAIRLY, INCLUDED IN THE COURT'S PROCESS?

ARE ESTHETICS PRACTICED IN JUSTICE BEING SERVED, IF THE RULES OF THE COURTS ARE NOT ADHERED TO BY ALL PARTIES?

LIST OF PARTIES

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

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

Plaintiff/Petitioner; { Winnie Diggs }

Appellant or Appellee

Defendant/Respondent: Phillip Martin Schmidt and alias, Susan Marie, Susan Schmidt and Alias, Toni Salazar property manager, employee, extortionist...

Appellant or Appellee

RELATED CASES

**Winnie Odette Diggs v Phillip Martin, Martin Schmidt and alias, Susan Schmidt and alias, Tony Salazar property manager, employee extortionist
No.2021cv29 (406), Pueblo County Court, 501 N Elizabeth, Room 116,
Pueblo CO 81003, United States**

**Winnie Odette Diggs v Phillip Martin, Martin Schmidt and alias, Susan Schmidt and alias, Tony Salazar property manager, employee extortionist
No.2021CV57 (404), District Court, County of Pueblo, 501 N Elizabeth St
Pueblo CO 81003, United States**

**Winnie Odette Diggs v Phillip Martin, Martin Schmidt and alias, Susan Schmidt and alias, Tony Salazar property manager, employee extortionist
2021CA940 Colorado Court of Appeals, 2 East 14th Avenue
Denver, CO 80203**

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

[] For cases from federal courts:

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

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

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

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

[] For cases from state courts:

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

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

The opinion of the County Court; Pueblo County Court court appears at Appendix B to the petition and is

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

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 11, 2022.

[] No petition for rehearing was timely filed in my case.

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

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

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

[] For cases from **state courts**:

The date on which the highest state court decided my case was August 11, 2022. A copy of that decision appears at Appendix _____.

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

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

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

STATEMENT OF THE CASE

White people create laws to give way to negative outcomes for African Americans.

I have been told, **Res Judicata is Affirmative action in reverse**; therefore it is in place to further exclude African Americans from justice. Res Judicata is used in courts where good laws are deposed, i.e. Affirmative Action. The United States of America; from the beginning chose to disguise African American leaders with white faces in our history books. leaders. Judicial, Congressional, and Leaders of the Armed Forces in creating laws to favor Whites skin. **The legislature must have passed Res judicata to further the ongoing process of economic exclusion for African Americans' government. If African want to be treated fairly in court it best you do not attempt to represent yourself. And must have narrowly tailored the law to achieve that interest.** Most say the law is negatively affecting African Americans; we can not afford An attorney and if we could it more than likely there will be some miss representation involved. Let's start with exclusion and aggregate costs associated with public programs and discriminatory laws. The figures are staggering. The list of programs from which African Americans were excluded because of either explicitly or in practical terms alone. Including the land grants provided under the Homestead Act of 1862 (a \$1.6 trillion loss), the Social Security Act (a \$143 billion loss), and the GI Bill of Rights (up to a \$45 billion loss). By the time we add in an estimated value of uncompensated labor and slave labor laws through 402 years. The economic deprivation from 80 years of Jim Crow, we arrive at a grand total of more than \$100 trillion dollars. Some say even with Res Judicata white will profit from our loss. Because of Res Judicata Social, Economic, and Environmental, sabotage. are laws created to keep terrorist, kkk, extremist with legal authotity to take our rights; and in

this case, my rights to a fair trial. In order to achieve that I would have to overcome the numerous crimes committed by the defendants and their attorneys. I was targeted by defendants, on my arrival to Pueblo Colorado. The District Court nor the Appeals Court in Colorado addressed these crimes because of Res Judicata. Somehow the city attorney and the defendants knew they would not suffer any consequences; because of Res Judicata. There are no African Americans working in small town courts because of Res Judicata. The District court in San Diego, CA, and the county Court in Pueblo both stole and **withheld and destroyed all of my documents because of Res Judicata no consequences;** Instead of making sure the judge viewed all of the documents. Res Judicata was used to cover what they did; "you can't talk about what happened in the county court" **that was in writing** in the Summary Judgment written by the city attorney. Instead of allowing me a fair and formal judgment on a disputed matter; the defendants were dismissed before I got to say a word. While I was away from my apartment, the defendants and city attorney conspired to use key access, went into my apartment and into my file cabinet, removed all of the original documents for this case from the file folder and tampered with and mixed documents in other file folders. They didn't mind the burden I had of not knowing what they did and of the Judge not knowing because the clerks were not filing my documents or the Judge thinking I was not following his orders to file significant documents with the court. The judge never saw the documents I filed in court because of Res Judicata. Res Judicata has made it easy to sabotage cases; because there are no consequences, especially when dealing with African Americans.

I felt alone in court because there were too few affirmative actions to allow a fair hearing. There are no rules that are practiced by courts that would

allow truth and integrity to balance lies, and of authority to protect victims that were seeking JUSTICE when we filed within courts.

What has caused the “Supreme Court to weaken Affirmative Action laws?” “The Court decided that Affirmative Action policies must survive “strict scrutiny”; Saying “some affirmative action policies violated the Fourteenth Amendment ‘’, privileged White people have always enjoyed Affirmative Action”. **However equal opportunity laws can continue to be unequal. For African American: after being held back from life, liberty, higher education, the freedom of speech, owning property, viable income, no jobs, leads to mass incarceration; Res Judicata makes money for White enterprise especially in courts. In weakening Affirmative Action laws, Res Judicata joined the ranks of exclusion from having a fair trial. When African American are marginalized: is the “Prerequisite for control by laws”, My grandmother's home was taken by Wachovia bank, and Fannie mae. Comcast, while upgrading my phone, changed my number, and took nine months to port the number to a business line. Effectively stopping my business income. I took Comcast to court “Winnie Diggs v Comcast. Four attorneys robbed me of a fair judgment by forging my name on one of their contracts. “Judge Sarokin ” Allowed the case to be dismissed. With full knowledge of what Comcast did. I lost my family home and was put out on Thanksgiving eve 2011; at night. The White man locked my front door and put a lock guard on it and said; “you are causing me to be late for my family's thanksgiving celebration this evening.”**

Res Judicata: legislature must have passed the law to further a "compelling governmental interest," and must have narrowly tailored the law to achieve that interest.

Mail Tampering was Allowed. Crippled the adjudication process

According to Arapaho's Colorado Police Department. The post office tracked the package from Pueblo to Arapaho; the Alias summons went back and forth from Colorado Springs to Denver for twenty six days before delivery. The day before court the summons was delivered to Arapahoe sheriff Department; a 69.75 + money order was attached for Arapahoe police delivery of the alias summons. That I filed with the Court. The Judge did not know I had filed the document with the court.

- 1. Policies of Preclusion; promoting efficiency in expedition of a case being dismissed, encouraging lies and perjury, and the criminal act of withholding evidence**
- 2. Allowing the City attorney to read from a sheet of paper, a false description of the properties deed. The falsified documents were not filed in court.**
- 3. Plaintiff did not receive a copy of the document the attorney read. False because I looked up the owners of the property my first month at Woodhaven so I could get repairs to the apartment.**

And accordingly, to Rule 41(b) of the Federal Rules of Civil Procedure, the following are not claim preclusive and are not considered an adjudication "on the merits":

- 1. a lack of jurisdiction-**

2. The city attorney read from a sheet of paper evidence that the defendant was not responsible for my injuries. The evidence of when the property deed changed hands. The document he read form was not filed in court. Plaintiff was not given a copy of this evidence. The clerks did not file my evidence in court, showed the attorney was lying.

Res judicata: Encouraging the kkk, extremist, white acts of terrorism.

Statements by leading officials make plain that the objective is maintaining control over demographics, political power, and land. In pursuit of this goal. authorities have dispossessed, confined, forcibly separated, and subjugated African Americans from even getting a fair trial. In the justice system they amount to major crimes against the plaintiff; of apartheid persecution segregation and discrimination on grounds of race.

Which are all criminal acts Allowed in courts

Yet I stand before you contrite humble even; and worried sick about the future of America. So much so I took three years to create something good. SAVE is my government entity. I am targeted by evil, SAVE is stolen from me by the same kind people I am fighting in courts. I am punished financially, and made to suffer by satin spons on a daily basis. Pueblo CO, is where my son was, when he said; "mom" Pueblo could use an infusion of prosperity; especially people of color. Anxious to leave Carlsbad CA I left for Pueblo. I met Alan Lambert with the city planner's office, who introduced me to SBCD; Mayor Gradisar, Sheila Dunham who was over Economic Development... I canvised Pueblo interviewing residents in Pueblo. I worked with EPA (Environmental Protection Agency) processing workers. While sharing my program, which was taken to

Denver Distract SBA by Director Chamie of the SBDC (SMALL BUSINESS DEVELOPMENT CENTER). A purchase of a building I found at the corner of Masa and Evins, was perfect for SAVE's Historically Underutilized Business zone/ Mentor Trainee OJT facility; "franchisable" and worth billions. I worked with Neighbor Works, a fine group of people. However racist White people are very prevalent in Pueblo, CO. So the program was stolen; CopyRight infringements... Today, I am incorporating federal government facilities: SBA, NIH, GSA, DOJ, IC3 FBI Civil Rights Division and recently incorporated NAACP. Major personal injury claims include **accidents that resulted in permanent injury, and personal injury loss of income. I have also been targeted.** I reported the need for repair to the property manager. Supposedly in good repair the toilet stool top fell to the floor while I was sitting on it and clamped me between the tub and the toilet while soaking my feet in the tub. I filled the tub with water because the water from the shower components (which I also mentioned in a separate complaint letter) would go from hot to cold while in use, making it unsafe to take a shower. The manager said "it's because the parts are worn". Plaintiff looked up instructions on how to repair the shower head, on one of the complaint letters; and shared it with the manager she still did nothing. Liability for Physical Harm § 3 (P.F.D. No. 1, 2005). Four elements have been established for a **prima facie case of negligence:**

1. the existence of a legal duty that the defendant owe to the plaintiff
2. defendant's breach of that duty
3. plaintiff's sufferance of an injury: Loss of income, need knee surgery...
4. The defendant's breach caused the injury defined through proximate cause; the seat cover, while I was using it as a stool, slid down between the stool and the tub

pinning my left knee to the side of the stool and the right leg hanging over the side of the tub.

It is devastating for me to have to go back to the Supreme court when this case could have been resolved in the County court. Prolonging my suffering using Res Judicata as a catalyst

REASON FOR GRANTING THE PETITION

Res Judicata Buries the truth in Lies and Deception

Our Judicial Branches have carved Res Judicata to supersede a fair hearing to no hearing at all. A thing that deceives. Deception refers to the act—big or small, cruel or kind—of encouraging people to believe information that is not true. The city attorney recites in court, no longer needing to produce evidence or file documents. Lying is a common form of deception—stating something known to be untrue with the intent to deceive. Is the cornerstone of Res Judicata. Allowing grave gaps in the way people are treated in courts. Res Judicata v Affirmative Action; Affirmative Action was replaced by Sequestration means is an economic seige, Equal Opportunity is unequal plus Res Judicata no rules in court. that unleashed a triad of economic siege on African American communities. Unlike The Black Wall Streets of America; America took our jobs, 1982; 20 years before the 2000 recession. America imported whites on work visas. Sequestration policies started in 1982. Sequestration means the action of taking legal possession of assets A congressional law was passed; Res judicata is Racism in the Judicial System disguised as a legal format. The most fundamental principle of justice—one that has been widely accepted since it was first defined by Aristotle more than two thousand years ago—is the principle that "equals should be treated equally and unequals unequally." The principles of justice are obscure in definition. So much so to disguise laws of our judicial system. Latin can be used. The majority of laws are created by and for Whites to be in control. Res Judicata is

a formidable way of unleashing attacks on African American lives. **A prosecuting attorney fast track to a dismissal: and a defense attorney's chance to make money for doing nothing.** Res Judicata is the Judicial Systems fast track to poverty.

Designed with African Americans in mind. Id. (noting that these effects "must be equalized for there to be a semblance of equal opportunity that can begin to justify unequal results and pervasive social inequality"). 3. San Antonio Ind. Sch. Dist. v. Rodriguez, 411 U.S. 1 (1973). 4. Id. at 93

5. Imoukhuede, supra note 1, at 64. The U.N. charter "to which the United States is a party describes[s] the state's duty to promote higher standards of living and other fundamental freedoms necessary for the security of human rights and fundamental freedoms." Id. 6. Id. 7. See International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 14531.

Which makes the concept of "justice" a lie in our country. Lies that create the illusion of being equal and fair.

Define justice justice is the Prerequisite For Control By Laws. in the Bible; in ethics; political science; in law; and **the criminal justice system that makes the African American a constant victim**

Truth in Justice-mission, in the United States is to enforce the **laws** that defend the interests of the Whites in the United States. The remainder are laws in theory not laws in practice. I know, because I have spent the last eight years fighting to be treated fairly. The inestimable toll of that deprivation on the social, economic, intellectual, and psychological well-being of the individuals, and the obstacle it poses to individual achievement. Make it most difficult to reconcile the cost or the principles of a status-based denial of basic freedoms. The framework of equality embodied in the Equal

Protection Clause.” Id. at 232. 14. Rebell, *supra* note 12, at 98. 15. Id. at 98-99. 16. Hilton, *supra* note 9, at 637. 17. Id. at 647. 18. Id. at 627-28. I report terrorist attacks as a lobbyist for Secretary of State in Colorado no response. The Police in Pueblo ignore my pleas for help “we can detain you for talking about terrorist attack on you “delusional” Am I being targeted and torched by police too. For reporting what is happening to me in this country. Multiply that by the prison population; African Americans in mental health institution **Black and African American Communities and Mental Health**

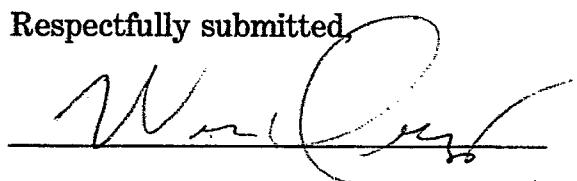
<https://www.mhanational.org> › issues › black-and-africa...

Sixteen percent (4.8 million) of Black and African American people were reported to have a mental illness, and 22.4 percent of those (1.1 million people) reported. **Black and African American Communities and Mental Health** <https://www.mhanational.org> › issues black-and-africa...**Sixteen percent (4.8 million)** of Black and African American people reported having a mental illness, and 22.4 percent of those (1.1 million people) reported,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Clegg". The signature is fluid and cursive, with "Mark" on top and "Clegg" below it, though the lines are connected.

Date: Oct 10th 2022

I certify CERTIFICATE OF COMPLIANCE complies with all requirements of C.A.R. 32 and 53, including all formatting requirements set forth in these rules. The a concise statement or summary complies with C.A.R. 53(a) in that it contains 3228 words and (1) an advisory listing of the issues presented for review; (2) a reference to the official or unofficial reports of the opinion of the court; (3) a concise statement of the grounds on which jurisdiction of the Supreme Court is invoked; (4) a concise **statement** of the case containing the matters material to consideration of the issues presented; (5) a direct and concise argument amplifying the **reasons** for the allowance of the writ; and (6) an appendix including a copy of the opinion delivered upon the rendering of the decision of the court the 10th Circuit Court of Appeals; the District Court and of the Pueblo County court. Who discuss the embodiment of exclusion; from being treated with preclusion from justice; the barring of evidence, testimony, etc. from a trial.