

MAR 24 2023

OFFICE OF THE CLERK

CASE NO.

22-7152

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE

Daniel Felix
Homeless Cats Of Hatteras Island, NC
Non-Property Animals Of Hatteras Island, NC -----PETITIONER(S)
V.

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In his official and individual capacity
Deputy Donavan Ruth
In his official and individual capacity
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The County Of DARE COUNTY in North Carolina

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In their individual and official capacities
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Vice Chairman Wally Overman
Rob Ross
Steve House
Jim Tobin
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NC Governor Roy Cooper

and

NC Governor McCrory

Both in their individual and official capacities

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Raleigh, NC 27699-0301 -----RESPONDENT(S)

ON A PETITION FOR A ~~WRIT OF CERTIORARI~~ TO:

Extraordinary Writ of Mandamus

United States Court of Appeals For The Fourth Circuit- Appeal No. 21-1740,
Judgment Of July,19, 2022

On Appeal From the United States District Court For The Eastern District Of NC-
Case No. 2:21-CV-00007-FL

~~PETITION FOR WRIT OF CERTIORARI~~

PETITION FOR EXTRAORDINARY WRIT of Mandamus

REASONS FOR GRANTING WRIT

The legal claims in this WRIT have never before been presented in any court of law and no precedent exists for the lower courts. The precedents requested by a ruling of this Court will have national significance and will be governing precedent in all Circuits of Appeal. The issues here are of life and death importance to the Plaintiffs and Witnesses involved. The US District Court

(EDNC), nor any other US District Court, has any case law for guidance to rule on the issues presented in this Petition. Further filings in the lower court will result in a direct appeal to this Court for a published precedent and will be a waste of tax payer dollars and an undue burden on Plaintiffs. These claims are based on newly enacted Federal laws for the animal Plaintiffs, which gives them Constitutional and Statutory Standing and, due to their inability to act on their own demand the strictest scrutiny from this Court. No precedent has been set concerning the filings of "Next Friend" and Animal Plaintiff standards by any Court. The claims of all Plaintiffs come from Extraordinary Circumstances never before experienced by this Court. The Court must create precedent to protect all future similarly situated Plaintiffs from the constitutional and rights violations of each Defendant and similar Defendants in local and state governments throughout the Nation.

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QUESTIONS PRESENTED:

1. A never before presented legal issue that per the recent Federal Animal Cruelty Law and existing State Animal Cruelty Laws, Homeless Cats and other Non-Property Animals, as indicated as petitioners, have A) Rudimentary State and Federal Constitutional Rights, B) have Rights under the existing State and Federal Victim's Right's Acts, C) and as "Stand Alone Victims" under these Animal Cruelty Laws, they

have the right to be "Plaintiffs" in both Federal and State filed lawsuits.

2. That the "Caretakers" of any such Non-Property Animals, or any provider of life giving assistance to these animals both during life and after death, have a Constitutional Right to bring lawsuits on their behalf. That the Courts precedent that these Animals must have the ability to obtain legal counsel and can only have counsel represent them is a violation of their Due Process Of Law and Right To Access To The Courts as victims of a clearly established law.

3. That the Federal and State's Animal Cruelty Law establishes them as "Stand Alone Victims" of clearly established criminal laws which makes Non-Property Animals a never before litigated entity that is similarly situated with human victims of other similar human laws and therefore gives them the same rights as any human victim if the laws themselves are not to be considered discriminatory. When the Federal and States passed the Animal Cruelty Laws and put them into effect they created a never before protected class of being that must be afforded all considerations of their human counter parts. An example being that if corporations can be considered entities for the purpose of any lawsuit then the Federal and State Animal Cruelty Laws establishes "All" animals as an "entity" protected by law and with that must come Equal Protection Of Law.

4. That Homeless Cats and Non-Property Animals as "Stand Alone Victims" of acts of animal cruelty which the laws now prohibit for all animals must not be discriminated against by affording them less than the same protection of law as Property Animals and that the law and law enforcement must consider the infliction of cruelty on Non-Property Animals equal to that of Property Animals and must afford Non-Property Animals the same Equal Protection Of Law without discrimination.

5. That the Federal and State Courts are committing an act of discrimination by enforcing their religious point of view while denying US Citizens the freedom of religion to believe and act according to their religious beliefs that animals have souls the same as humans, that their lives are of equal value to that of humans, and that these animals lives must be protected the same as any humans. This religious belief is firmly established by Native Americans and also in the Christian Religion. The same Bible cited by the Founding Fathers giving humans certain "Inalienable God Given Rights", "Endowed By Their Creator", clearly and without question established that "All" animals were created by this same God which means these animals also possess those same rights. The Court must interpret laws in a manner that protects all religious beliefs to be constitutional but has adopted a human only theory of religion that discriminates against those religions that put animals on equal footing as humans. This case is a prime example of the Courts blanket discrimination of religions other than that which the Court has established.

6. The Court must re-establish it's "Continuing Violation Doctrine" to encompass and allow litigation to proceed in all claims of lengthy Constitutional violations where violations occur in the statute of limitations period but have had others dating back for years as a pattern, practice, custom, standard or policy that reoccurs because no established method is available to stop the violations. Qualified and Absolute Immunity protects constitutional violators who seize the opportunity to continue the abuse then the Courts deny protection from such ongoing abuse. The case at hand has the abuse still ongoing but the Court has immunized the abusers from being held accountable which has only intensified the abuse without any legal means to stop the abuse and

violations.

7. The purpose of having pre-established cases to put constitutional violators on notice is a prerequisite of overcoming Qualified and Absolute Immunity. The point the Court has established is that the constitutional violator must know they are committing a violation. However the Court contradicts itself in cases such as this where the abusers and violators were given literally hundreds of written notices of the violations but continued without pause even after they were clearly aware of their unconstitutional acts and the damages it was doing. Here the entire established hierarchy of officials indicated as defendants were given dozens and dozens of written notices but continued and hid behind their Qualified And Absolute Immunities leaving plaintiff with no legal recourse to stop them. This case can be summarized as a complete break down of the legal system and the complete abandonment of law and order. Leaving plaintiff with absolutely no protection of law still ongoing. Plaintiff/Petitioner here tried to establish a means by which a constitutional violation claim could be litigated if the victim was patient and notified the entire hierarchy of officials before commencing a lawsuit but here the Court has established a pattern, practice, custom, policy, standard of its own to keep any cases against corrupt government officials from ever being litigated leaving the American People with no Constitutional Protection against government at all. This Court must establish a precedent that once an official is aware of their own constitutional violations or if other superiors are made aware of a subordinates constitutional violations, with each level having sworn an oath to uphold the Constitution, then Qualified And Absolute Immunity is dissolved, that any notified official must take action to stop the violations, and if not those claims MUST be allowed to go

forward in the Courts to establish that the Constitution is still in effect for the protection of the American People.

8. The Court must rule on plaintiff/petitioners constitutional challenge to the NC Cyber Stalking Law and these defendants use of it to cover up corruption and to obstruct justice.

9. The Court must rule on plaintiff/petitioners constitutional challenge to the Dare County Cat Ordinance which is a violation of the NC Animal Cruelty Law making the Cat Ordinance unconstitutional and an act of animal cruelty.

10. The Court must stop the lower Federal Court's abuse of Rule 12 (b)(6) Failure To State A Claim of the Federal Rules Of Civil Procedure. The Courts are abusing this Rule to cover up corruption of government as well as manipulating what cases get published so that there are no cases whereby the pro se American People can make changes to court precedence or hold accountable the abusers of government power. Along with the contradictions of Qualified and Absolute Immunity, this rule has overthrown the US Civil Rights Act as well as the US Constitution, and is a violation of the Right to Access To The Courts and Due Process Of Law. Here the claims are stated by the existing US Supreme Court stipulations in case law but all the Court did was pretend not to see them to protect the "government can do no wrong" agenda while this abuse being suffered at the hands of government is without end. If the Court is going to claim Equal Access To The Court and Equal Protection Of Law, it cannot establish petty rules and petty manipulation of rules most of which are beyond the knowledge of the average American Citizen and many lawyers, as having more severity than the constitutional violations these rules suppress. The establishment of these rules was supposed to level

the playing field and prevent prejudice to one side or the other not suppress the unconstitutional acts by government. This case in point is that all these government violators, each with the job to uphold the constitution, had unlimited legal representation while the plaintiff/petititoner was alone pro se, so how could these defendants possibly been prejudiced by a pro se litigants misstep of the rules while they inflict untold damages to their victims who have no means to stop the abuse. What could be more important than stopping those who abuse government powers? The Courts are also giving blanket Qualified And Absolute Immunity then applying this rule to mean because of Qualified And Absolute Immunity the claims even though are properly stated can't go forward because of Qualified And Absolute Immunity. The Court must establish for the defenseless pro se victim of government abuse whether the rules are more important or stopping the abuse of government power more important? Whether there should be an investigation by a non government third party into the abuse of government power before the claims are dismissed without consideration by the Court? Whether the Court, like this US District Court, should abuse the Rules to advance their own pro-government agenda and completely cut off a pro se victim from any means of stopping the government abuse? This Court dismissed the need for Emergency Injunctive Relief to stop the abuses without any consideration to the victim at all.

11. This Court must rule on the need for Emergency Injunctive Relief because the violations and government abuses are still ongoing. Animals are still being deliberately run down in front of plaintiff/petititoners home. People under the protection of this Sheriff are still coming to plaintiff/petitioners home and making threats. Plaintiff/petitioner is still being denied any protection of law. The Sheriff and District Attorneys are still stopping

plaintiff/petitioner from telling anyone what is happening. The occupants of this home are still being held hostage by the Sheriff and his protected Gang Stalkers.

12. The Court must establish that any dismissed lawsuit does not apply to new acts that occur of the same nature after the commencement of the dismissed lawsuit. The Court's application of the law gave immunity to these government abusers future acts, allowed the acts to continue with no relief, and gave immunity to acts not stated in the previous litigation. Acts that happened during the litigation with no process of law to include them. The Court denied Emergency Injunctive Relief while the lawsuit continued, then without stopping the abuse and violations, ruled on acts not ever presented allowing immunity of the abuse and violations to extend indefinitely by these defendants. The Court must overrule this established unconstitutional precedent and allow future and not litigated acts in the statute of limitation period to proceed.

LIST OF PARTIES

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

RELATED CASES

US DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA
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APPENDIX C--- US District Court For The Eastern District Of North Carolina
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TABLE OF AUTHORITIES CITED

CASES

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The opinion of the United States Court Of Appeals For The Fourth Circuit appears at
Appendix A
and is unpublished.

The opinion of the United States District Court (EDNC) appears as Appendix B and C
and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case
was July 19,2022

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

First on behalf of the animal Plaintiff's, Homeless Cats Of Hatteras Island and Non-

property Animals Of Hatteras Island, these animals were subjected to repeated acts of horrible animal abuse and killed in horrible ways and law enforcement refused to enforce the NC State then new Federal Animal Cruelty Laws. The law enforcement and district attorney defendants did this with repeated acts of discrimination, bias, purpose to harm these animals,purpose to harm these animals as threat against the human plaintiff and to cause the human plaintiff mental cruelty, and they did it with a pattern,practice,custom, standard to deliberately violate the animals rights and cause them harm. The case is that these animals have by way of the animal cruelty laws the minimum right to have the animal cruelty laws protect them, they are entitled to per the animal cruelty laws for each of them to be "stand alone victims" for each act of cruelty against each of them and to have the NC State and Federal Victim's Rights Acts applied to them as victims of the crimes, as "stand alone victims" of these crimes against them they are entitled to the same rudimentary US and NC State Constitutional Rights as any human having a crime committed against them and to get the same Equal Protection Of Law as any human victim, also as "stand alone victims" of crimes committed against them they have a right to be "stand alone plaintiffs" in civil lawsuits for the crimes committed against them and for them and any Caretakers to receive damages from such lawsuits including any suits for violation of their basic Constitutional Rights and Civil Rights. By way of the new Federal Animal Cruelty Law Congress has created a new "class of being" that are the victim subjects of the criminal acts of cruelty and can no longer be thought of as the property of any human as a means to address their loss. Thus the distinction being made in their title as "Homeless Cats Of Hatteras Island" and "Non-property Animals Of Hatteras Island" which designates all non-property animals

that have now brought this legitimate lawsuit against the defendants for the acts of cruelty and their part in it for claims by these specific animals and as a class for those still being subjected to the abuse and murders. Congress, when they passed the Federal Animal Cruelty Law and NC, when it passed the state Animal Cruelty Law, intended for "ALL" animals, similarly situated, to be protected by these Laws, whether owned by a human or existing as no one's property, and therefor created a "class of being" of animals existing as non-property animals that would be recognized as "stand alone victims" each being an individual victim of any animal cruelty crime committed against them. Congress also when they created the wording of the statute, thus the terms "all animals", "any animals", and by that very specific language intended for the Laws to be administered without discrimination, prejudice or bias or without regard to the animals being property or non-property and by specific intent created a new "class of beings", protected by law, and having at the minimum rudimentary Constitutional Rights such as Equal Protection Of Law, Due process Of Law, and the rights to Access To The Courts to seek redress for any crimes committed against them or violations of those rudimentary rights. No Court can overrule Congress's intent of any Law or Federal Statute or impose their own guidelines to bypass Congress's intent of any Laws. The Courts have disregarded Congress's intent and created a standard for these laws in violation of Congress's intent that does not exist and in and of itself creates a violation of these animal victim's rights. The Court is of the opinion that animals must hire lawyers to be viable plaintiff which is a discrimination because no animal should have funds to be considered a victim worthy of Due Process Of Law. The Court refused to appoint the animal plaintiffs a lawyer and refused the argument a Caretaker of the animals had the

right to file on their behalf. This is as discriminatory as saying only people who can afford lawyers have access to the courts and another violation of the Constitution by the Court. This means only animals with lawyers and money could have access to the courts. This is a completely new issue of law never presented in any court or ruling. Second concerning the animal victims/plaintiffs these animals were cared for while alive and after death by the human plaintiff in this lawsuit. Plaintiff, Daniel Felix, considers these animals and all animals to be alive, feeling and intelligent beings the same as humans and having souls or spirits exactly the same as humans. Plaintiff thus religiously and personally considers these animals the same as humans and their lives having the same value as our society considers for humans. The Court overruled plaintiff's religious rights concerning these animals and thus violated his right to religion and other various rights while allowing the horrors to continue unabated which are still ongoing today. The Court ignored the multitude of evidence in the pleadings that persons and defendants were harming and killing these animals for the purpose of constant mental cruelty and abuse to plaintiff and that that mental cruelty and abuse has not been stopped by defendants and the Court has now sanctioned the abuse to continue. The Court with discrimination,prejudice and bias and with the intent of inflicting abuse of their own allowed the animal cruelty and killings to continue. The Court abuse the FRCP Rule 12 to viciously deny valid claims to inflict harm upon plaintiff and to commit an obstruction of justice on behalf of the government defendants to protect them from being held accountable. The Court sanctioned the use of government and law enforcement discretion and power to inflict mental cruelty on plaintiff and to silence him from exposing the corruption and worst of all silenced plaintiff

from trying to stop the animals from being tortured and killed by those in close relations with and connected to the corruption in the local government and law enforcement. The District Judge literally threatened plaintiff with Court sanctioned retribution for trying to expose the corruption of the government defendants and the Courts corrupt abuse of the procedural rules which renders every pro se lawsuit by economically disadvantaged and educationally disadvantaged members of the public without any means of Due Process Of Law. An abuse by the Court of the procedurals which in and of itself amounts to a Constitutional violation and a standard,custom,policy,pattern,practice by the Courts to prevent any average member of the public from bringing any pro se claims against government officials. It has now become akin to not having any rights to bring suit against government at all but goes further to now threaten and abuse the would be public from criticizing the government at all and has rendered the Courts as a useless branch of government for the protection of the people against government abuse. Here the Court was blatant in their intent to discourage plaintiff from pursuing justice against these defendants by claiming not one of the 57 well stated claims was a viable claim that could proceed. Even after plaintiff clearly and logically explained the claims in other pleadings the Court wielded it's bias and discrimination by pretending to not see a valid claim of any kind to proceed with. Claims so clear and blatantly violation of rights that most 6th graders could understand them. The Court and the Fourth Circuit make it clear "we the people" have no right to make any claims against the government at all. Plaintiff made it absolutely clear to the Court that the law enforcement defendants along with criminal drug dealers they are protecting concocted a scheme whereby the drug dealers that were turned into defendant law enforcement would pose as cyber stalking victims,

who without a single shred of evidence were supposed to be harassed by plaintiff naming them as drug dealer to Gov. Cooper, would come to plaintiffs home everyday and attempt to lure him out so that they could kill plaintiff and then law enforcement could illegally render it a justifiable homicide. This literally confined plaintiff to his home for years while law enforcement with the help of two corrupt District Attorneys allowed this to play out after bringing the false cyber stalking charges against plaintiff with no evidence of a cyber stalking ever being committed. Law Enforcement defendants literally harvested a single statement to Gov. Cooper from a federally protected Change.org petition against government which is protected freedom of speech, that was never sent to any of the alleged victims, that was removed within 48 hours for other reasons, and used this one statement to be considered repeated electronic communications to four victims. The tell in this scheme of corruption is that the very statement to Gov. Cooper was that these law enforcement officials were protecting these affluent white drug dealers that plaintiff knew and witnessed selling drugs to many affluent white persons connected to law enforcement and plaintiff wanted Gov. Cooper to investigate and stop the corruption. The very purpose of these law enforcement officials creating the false cyber stalking charges was to silence plaintiff from reporting their crimes to other outside law enforcement-a deliberate calculated act to obstruct justice and cover up their criminal acts. Then when the District Attorney defendants were exposed for going along with the plot they too obstructed justice and used the charges over a four year period to keep plaintiff silent all the while allowing the alleged victims of the cyber stalking to physically come to plaintiffs home to scare,threaten and harass him hoping the plan would play out and plaintiff would be silenced for good.

However, plaintiff having realized the plot remained in his home for over 4 years now, going nowhere, so that he would not be confronted and killed in a law enforcement sanctioned killing. This scheme is still playing out as of right now-gang stalkers come to plaintiff's home everyday to coral him in his yard and let him know he is not safe leaving his home and no law enforcement ever tries to stop them. The Court found no Constitutional violation in that or any other acts connected to these defendants in the 57 other claims raised nor found any reason to grant any emergency or other injunctive relief. The threats, animal killings,gang stalking still continues and the Court is more interested in discouraging any average citizen from making such claims against corrupt government officials.

REASON FOR GRANTING THE PETITION

The animal plaintiffs are owed Due Process of Law or to be appointed an attorney for their claims.

The Animal Plaintiffs are in dire need of Emergency Injunctive Relief and are still dying everyday by illegal act of cruelty.

These are new never before litigated issues of law that will concern the entire country and all animals or persons similarly situated.

Plaintiff is owed Emergency Injunctive Relief from the abuse,cruelty and rights violations and to have his rights and life restored to normal.

The Courts rulings are abusive and rights violations in and of themselves.

The Courts rulings by threat and intimidation is a message to the public that no dissent of government officials will be tolerated by the Courts.

The Courts have abandoned their Constitutional Obligation to protect the American

People from abuse by government officials.

The Courts have abandoned the Right To Access To The Courts.

The Courts have abandoned Equal Protection Of Law and now only act to protect the local, state, and federal government officials from lawsuits by persons they abuse with their power.

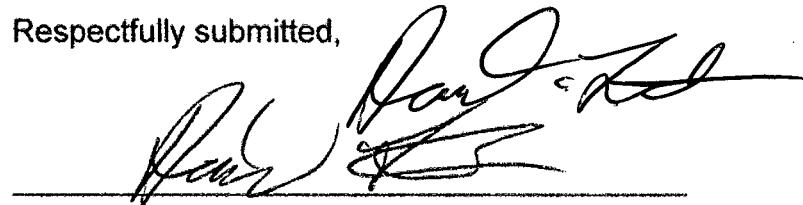
The American People have lost the Judicial Branch of government by these blatant discriminatory dismissals of valid pro se claims.

CONCLUSION

The petition for ~~writ of certiorari~~ should be granted.

Extraordinary Writ of Mandamus

Respectfully submitted,



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DATE: 2/8/23