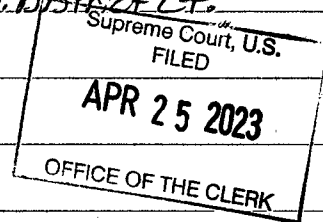


ORIGINAL

In The Supreme Court of The United States
NO 22-7372

Alphonza L Thomas Bel-insured
v
Federal Court officials Judges Gregory, Rushing, Floyd-4th Cir³,
Federal District Magistrate Judge Peatt³ Staff-M. Dist³ Ct.
defendants



On Application For writ of Mandamus To
The 4th Cir. Court of Appeals

Petition For writ of Certiorari

Location:

Alphonza L P Thomas - Bel
1255 Prison Camp Road Whiteville N.C
28472

PH: 919-215-4566

Federal Questions

1. Is it a violation of due Process under the 5th and 14th amendment to hide away evidence critical to a case prior to the Judges review when Article I Section 21 of the North Carolina Constitution states every Person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful and that remedy shall not be denied or delayed, where Habeas Corpus shall not be suspended when a Person is making such inquiry? removal in North Carolina?
2. If critical evidence is hidden from a Special Federal Jury does the offering party of such evidence need to have further hearing before the said Jury with the new evidence present?

List of Parties

- Defendants - Carol Butler - Samantha Hicks -
Samie Sheets - Anita Engle - Leah Garland -
Abbi Taylor: All District Court clerks
at 324 West Market Street Greensboro NC
27401 Room 401. Under John S. Brubaker - Defendant.

Related Cases

- M.D. Court - No. 1:22 CV-271 ;
1:23-cv-45 ; 1:23 CV-35 ; 1:23 CV-183
- 4th Cir. Court - No. 23-1022
- Alamance Co. N.C. Superior Court - No. 10 CR3050755

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- Appendix A - Judgements to Appeals³
District Courts
- Appendix B - District Docket Entries

Table of Authorities Cited

- Akhtar V. Mesa, 698 F.3d 1202 (9th Cir 2012) P. 6,7

U.S. Federal Constitution

- Art. III Sec. 2 - P. 3,7
- Amendment VII - P. 3,7

U.S. State Constitution

- Art. I Sec. 21 - P. 3

United States Codes

- 38 USC § 540 - P. 2
- 42 USC § 1983 - P. 3, 6, 7
- 28 USC § 2254 - P. 3, 5, 6, 9
- 28 USC § 2401(c)(1) - P. 3, 6
- 28 USC 1746(1) - P. 3, 10

Federal Rules of Civil Procedure

- 8(d)(2)(3) - P. 4, 6
- 15(c) - P. 4, 6
- 18(c) - P. 4, 6
- 72(c) - P. 4, 6, 8
- 15(a) - P. 8

M.R.C.

- 1-308, 1-105, 1-103 - P. 4, 10

Opinions Below

The opinion of the United States Court of Appeals appears at Appendix A to the Petition and is Unpublished.

The opinion of the United States District Court appears at Appendix A to the Petition and is Unpublished.

Jurisdiction

The date on which the United States Court of Appeals decided my case was 2-22-2023. No application for rehearing was timely filed in my case. The jurisdiction of the court is invoked under 28 USC §1254 (1).

Constitutional and Statutory Provisions Involved
U.S. Const. Art. I Sec. 2. "[When I am]
restrained of [my] liberty [I am] entitled
to a remedy to inquire into the lawfulness thereof,
and to remove the restraint if unlawful and that
remedy shall not be denied or delayed [where
my habeas corpus shall not be suspended]"

U.S. Const. Art. III Sec. 2. The judicial Power of the
United States shall extend to all cases, in Law and
Equity, arising under this Constitution, the Laws of
United States ... to Controversies to which the
United States shall be a Party."

Amendment VII "[My] Suits... where the value...
exceeds twenty dollars [in the district court]... the
right of trial by jury shall be preserved..."

U.S. Codes - 42 USC § 1983 - "Civil action for deprivation of rights"

28 USC § 2254 - "State custody: remedies in Federal Courts"

28 USC § 2401(b) - "Time for commencing action against United States."

28 USC 1746 (d) - "Unsworn declarations under Penalty of Perjury"

Federal Rules of Civil Procedure

Rules 8(d)(2) - "Joinder of alternative theories"

8(d)(3) - "State as many separate claims" [As needed]

15(b) - Amend at or after trial conforming to evidence

15(a) - Amend to add overlooked or unknown claims

18(a) - least requirements of Fed. Subject Matter Jurisdiction,
there is no restriction on joining claims!

72(b) - Objections will be viewed by district Judge.

U.C.C.

1-308 - Rights must be respected "without Prejudice"

1-103 - Unless displaced by U.C.C. all law applies.

1-105 - I agree the laws of the North Carolina
Constitution and United States Constitution
Also U.S. codes and rules cited herein
Govern this case.

Statement of The Case

In propria Persona sui Juris With Constitution Dejure I invoke the United States Constitution Article 3 Sec 2 and Amendment 7.

I resorted to mandamus and now the result of the District Courts actions amounted to depriving me of the right Per Curium Jury trial. The Court of Appeals in case W/NO. 23-1022 Could not see the undue delay because only the record W/NO. 1:22-CV-00271 was before them but they were wrong and here is why, at first will sound strange.

I am innocent. I detail this claim in the district Proceedings. In the interest of Justice I had to outline all Civil Rights, Torts, and Habeas Claims, and had my objection been able to be seen by the district Court as one claim my Motion for Release while 2254 action under review would have been granted. socket entry M.D. Ct. # 8 case 1:22-CV-00271. See entry 10 Same case. Well by the time of entry 10 I had a properly filed Habeas See entries of case NO. 1:23 CV-35.

The Main Point I want to set out is: On The Record of The District Court they have court certified proof in their record that jurisdiction over my arrest is lost for State case 10CR5050755, so I should be released at once. There is undue delay in my trial Per Curium. I never filed mandamus against Mr. State officials I filed it against the M.D. Fed. Ct. Officials.

Reasons For Granting the Writ

And So I invoke Fed.R.Civ.P. R. 8(c)(2)(3), 15(b), 19(a), and 72(b).

On the record for file numbers 1:22cv-271, 1:23cv-35, 1:23cv-45 and 1:23cv-183 I had to amend the Cause due to a clerks mistake to cause 42 USC § 1983 / 28 USC § 2254 / 28 USC § 2416 for all four cases in order to conform to the evidence that all relate to the same Federal Question.

The district court abused its discretion in failing to consider my arguments raised on objection to the magistrate Judge. I have the right to be heard like all other people who exhaust their administrative remedies. After going before the Administrative Court of Alamance, I was released from liability in case 10C805755 by Voluntary dismissal to my Motion to Dismiss in Alamance Co. Superior Court, hence MY Objection / Supplement / Amendments. For this case I filed Mandamus Against Md. Fed. Judges? Clerks. In the case, AKhtar V Mesas, 698 F3d 1202 (9th Cir 2012):

"The district court abused its discretion in failing to consider arguments said or raised for the first time in a Pro Se Prisoner's Objection to a magistrate Judge's report in a § 1983 action. The objections directed the court to crucial facts showing Plaintiff might have exhausted his administrative remedies. A court has an obligation where the Plaintiff is Pro Se, particularly in civil rights cases to construe the pleadings

liberally and to afford the Plaintiff the benefit of any doubt; Before dismissing a Prose Complaint the district Court must Provide the litigant with notice of the deficiencies in his complaint in order to ensure that the litigant uses the opportunity to amend effectively; A district Court Should not dismiss a Prose Complaint without leave to amend unless it is absolutely clear that the deficiencies of the complaint could not be cured by amendments."

~ The Un-Present Record ~

My objection like Akhtar v. Mesa Supra was argument raised for the first time in a §1983 action and directed the court to crucial facts showing exhausted administrative remedies. My Pleadings were not construed liberally; No benefit of any doubt was afforded to me. No notice of deficiencies was given to me in regard to my objection before its dismissal because the dismissing Judge never reviewed my objection Filed-away-from him in files 1:23cv-35 and 1:23cv-45, taking away my opportunity to amend effectively. Where the district Judge is not CLEAR about deficiencies that could or could not be cured by amendment. This was a failure to exercise sound reasonable, and legal decision-making; It was Unsound, Unreasonable, illegal and not supported by the evidence Before them.

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Rule 15(a) is a Liberal amendment. Looking thru time 1912 thru current date 1 Many Parties made technical misnomers confusing amendments and Supplements, and errors of this type was immaterial to the Federal Courts and was treated as if properly filed. And I should be treated no different than these cases in the 10,000s.

Rule 72(b) Does not specify how the written objections must be made. In contrast the Magistrate Judge Specified Forms and overcoming the Heck Bar.

This meant Submitting an Objection with 2 types of Forms.

The district clerk had to read the report of the Magistrate Judge to me due to a mismailing. With that Magistrate Judges information, I was instantly placed outside of local rule format for objections/Motions. So I objected using 1. a civil rights Form and 2. a Habeas Corpus Form, and tied them with reference to both with a cover page and the district court filed my cover in file 1:22 cv-271 and the rest of my objection went in files 1:23 cv-35 and 1:23 cv-45. Hence MY cover was Judged.

This is tyranny of Formalism, and a violation of due process. (I want my case sent back to the Appeals court so they can issue instructions to hear my objection as I sent it and hear my motions to be released while my \$2254 is under review.) See the Appeals court could not

See these other files my objection was split into, the district Judge did not see the other files my objection was split into so the whole ruling of the COA in case 1023-1022 was wrong because I was bringing mandamus to have a trial by the Judges of the Appeals Court, and I did not get it. Mandamus was the proper action, I filed it against the Federal District Officials, my request for release and even my objection should have been liberally construed somewhere the magistrate Judge says in entry 10 of case docket 1:22 CV-271, "the Motion for Release while §2254 Action is Under Review [Doc #7] is STRICKEN without prejudice to re-filing in the appropriate Case if Plaintiff files a proper §2254 Action" I had already done so and a §2254 action was in Screening with that Judge and she should have considered my Motion along with Case 1:23-cv-35 See Docket entries attached.

And so Judge Schroeder would have released me on 2-13-2023 verses the order he made and Judgement at Appendix A. i.e. Cause of Mandamus COA # 23-1022.

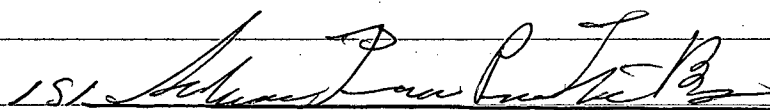
Also the Appeals Court would have found delay due to abuse of discretion by the district Court and could have released me or made Judge Schroeder investigate the record for my proper Objection. This I, nor Judge Schroeder, nor MY Per Curiam JURY could see.

I only Served my trial Judge because the 4th Cir Clerk said I must,
At the Same time I never Pushed a claim for Mandamus against any State Agent.

Pursuant to title 28 U.S.C. 1746(1) and execute
"with respect to the United States", I affirm Under Penalty
of Perjury Under the laws of the United States of America
that the Foregoing is true and Correct, to the best of
my belief and informed Knowledge Complete. And further
deponent Saith haught. I affix my Signature to the
above affirmation with explicit reservation of all
my Unalienable rights, to Property Without Prejudice
to any of these rights, Pursuant to U.S.C. 1-308, 1-103,
and 1-105

CONCLUSION

The Petition for a writ of Certiorari Should be Granted.
Respectfully Submitted,

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Principle BY Special Appearance
Petitioner / Agent