

22-7583

1 of 18

§ 100:17,50 Petition For Writ Of Certiorari

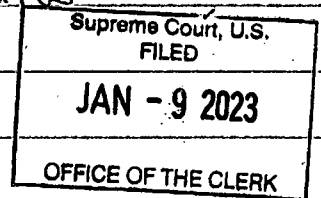
Alternate Form

Reference

ORIGINAL

No 22-6630 Buckner v Carsto
(0:20-cv-03253-TLW)

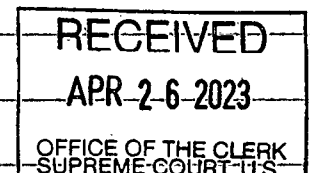
In The Supreme Court Of The United States



Bruce Allen Buckner,
Petitioner,
v.

United States Of America,
Respondent,

On Petition For Writ Of Certiorari
To The
United States Court Of Appeals
For The Fourth Circuit



Questions Presented

1. How did Joshua Golson the Defendants Attorney, file a response in Federal Court at 6:28 PM on October 22nd, 2020 and mail the Petitioner a copy of that response by 5 PM on October 22nd, 2020 to meet the time deadline of the Summons ?

2. Do the attached documents filed with the Petitioner's Motion For Default Judgment prove Joshua Golson failed to place the response in the carrier's hands by ^{the} 5 PM deadline of October 22nd, 2020 as required clearly on the Summons ?

3. Did Magistrate Judge Shiva Hodges error by denying the Petitioner's Motion For Default Judgment ?

4. Did Magistrate Judge Shiva Hodges error by denying the Petitioner's Motion Requesting Counsel ?

5. Did Magistrate Judge Shiva Hodges error by requiring the Petitioner to refile his 1983 Civil Complaint ?

6. Do the actions of Magistrate Judge Shiva Hodges show bias and prejudice in favor of the Defendants?

7. Did Magistrate Judge Shiva Hodges grant the Defendants a Stay in civil proceeding to protect Joshua Golson from liability for failing to respond to the Plaintiff within 21 days as required on the Summons?

8. Did Magistrate Judge Shiva Hodges willfully violate the Stay, she granted the Defendants by filing reports and recommendations to dismiss 3 civil cases in favor of the Defendants?

9. Did Magistrate Judge Shiva Hodges and Senior District Court Judge Terry Wooten error by failing to respond to the pro se Petitioner's motions and letters under local Rule 83-9.3 and 83-9.4. "Duty Of The Court"?

10. Was it a conflict of interest for the United States District Court Division Of Rock Hill to preside over cases in which they

work with the Defendants on a daily basis?

11. If Magistrate Judge Shiva Hodges' main argument in the report and recommendation was the Petitioner has not exhausted his State remedies, wouldn't that also mean the Stay in civil proceeding was still in place when the 3 civil cases were dismissed by Judge Wooten?

12. Does the willful violation of the Stay make Magistrate Judge Shiva Hodges and Senior District Court Judge Terry Wooten liable for the cost of filing unnecessary appeal fees and filing fees?

13. Are all the ruling in civil proceeding made by the Fourth Circuit Judges null and void because of the Stay violation?

Petition For Writ Of Certiorari

Bruce Allen Buckner Pro Se

MacDougall Correctional Institution

1516 Old Gilliard Rd

Ridgeville, SC, 29472

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26 USCA § 7502 Timely Mail Treated as
Timely Filed and Paid

Supreme Court Rule 29.2.

11 USCA § 362(K)

In re Looney, 823 F.2d 788

28 USCA Rule 8 Stay or Injunction Pending
Appeal (a)(1)(c) and (a)(2)(c)

Federal Rules Of Civil Procedure, Rule 4

Federal Rules Of Civil Procedure, Rule 12

Federal Rules Of Civil Procedure, Rule 55

Harbour Town Yacht Club Slip Owners Ass'n
V. Safe Berth Management, Inc.

411 F.Supp. 2d. 641

18 USCA § 241, Conspiracy Against Rights

18 USCA § 3C1.1, Obstruction or Impeding
the Administration of Justice.

United States Constitution Amendment IV

South Carolina Constitution Art. I sec. 10

United States Constitution Amendment XIV

28 USCA § 455, Disqualification of Justice,
Judge or Magistrate Judge.

18 USCA § 1505, Obstruction of proceeding
The Summon

Local Rule 83-9.3 and 83-9.4 Duty Of
The Court

SC ST § 16-17-410 Conspiring

SC ST § 16-11-310 Definitions

Opinions

The Fourth Circuit Court affirmed the District Court's order of dismissal on October 18th, 2022 in a per curiam opinion, which granted certiorari review. I am filing this within 60 days of Scott Harris' February 24th 2023 letter to make the deadline in the letter.

Jurisdiction

The per curiam opinion gives the Supreme Court jurisdiction to review this case.

Pertinent Statutory Provisions

18 USCA § 1505, Obstruction Of Proceeding.
"Whoever willfully withholds, misrepresents, conceals, cover up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories or oral testimony, obstruct or impede the due and proper administration of law under which any pending proceeding is being had before any department or agency of the United States."

26 USCA § 7502, Timely Mailing Treated as Timely Filed and Paid. "The date of the United States postmark stamped on the cover shall be deemed to be the date of delivery."

Supreme Court Rule 29.2., Filing and Service.
"A document is timely filed if it bears a postmark, other than a commercial postage meter label, showing that the document was mailed on or before the last day of filing."

The United States Summons, "The Summons clearly states: the defendants must serve the Plaintiff with a response within 21 days or face default judgment, in which the Plaintiff is entitled to the relief in the complaint." Federal Rules Of Civil Procedure, Rule 12(a)(1)(c).

11 USCA § 362 (k) "an individual injured by any willful violation of a Stay provided by this section shall recover actual damages, including costs and attorney's fees, and, in appropriate circumstances may recover punitive damage."

Statement Of Facts

I stand-by the Fourth Amendment violation in the 1983 Civil Complaint which was filed seven months before my trial. The Rock Hill Police blatantly admit to the Fourth Amendment violation and conspiring to obtain a search warrant to cover-up the warrantless entry search in their police report. The Police also admit not having probable cause in their police reports, which have been filed. It is a common practice for law enforcement to violate a citizen's constitutional rights in York County because the United States District Court Division Of Rock Hill allows it.

Magistrate Judge Shiva Hodges denied my Motion For Default Judgment after Joshua Golson, the Defendants Attorney failed to respond to me within 21 days as required by the Summons. This shows Magistrate Judge Shiva Hodges' bias and prejudice in favor of the Rock Hill Police Officers and the City Of Rock Hill who became liable for the Attorney's failure to comply with the rules printed clearly on the Summons. The bias and prejudice continued

as Magistrate Judge Shiva Hodges denied my Motion Requesting Counsel, Force me to refile a new 1983 Civil Complaint and granted the Defendants a Stay in civil proceeding to bury my Motion For Default Judgment in the records.

These facts set the tone of my criminal case in York County South Carolina. The York County Clerk Of Court Office denied my Sixth Amendment right to subpoena and cross-examine 4 State's witnesses in a letter 5 days before my preliminary hearing, which denied my Fourteenth Amendment due process right to a fundamentally fair criminal proceeding. The York County Clerk Of Court's Office and the York County Solicitor's Office violated Brady, by producing false unsigned arrest warrants in the discovery pack to hide the fact the arrest warrants were signed by a Rock Hill City Bond Bailiff who had no firsthand knowledge of the content of the affidavit, and committed perjury.

Judge McKennon knew these facts and refused to allow me to raise anything about the Fourth Amendment violation at

my trial, or the fact that everything from the illegal entry search, including the unlawfully obtained probable cause used to obtain a search warrant was fruit of the poison tree. I filed 6 written objections at my trial for the Appellate Court's review which were also filed in a 49 page Brief For Petitioner with my Habeas Corpus.

After reviewing the Habeas Corpus and the 49 page Brief For Petitioner, Magistrate Judge Shiva Hodges willfully violated the Stay, she granted the Defendants by issuing reports and recommendations to dismiss the 3 civil cases. She also failed to respond to my motions under local Rule 83-9.3, and 83-9.4, to protect her colleagues from being held liable for their constitutional violations.

Senior District Court Judge Terry Wooten accepted the reports and recommendations in violation of the Stay and dismissed the three civil cases, two months before dismissing the criminal case.

The Fourth Circuit Judges affirmed the orders of dismissal in the civil cases, in a per curiam opinions to protect themselves

and their colleagues from liability for the cost of appeal fee and filing fees and the embarrassment of being beat by a pro se.

The one thing they have failed to realize, God has given me every law and rule I have cited, not because of my righteousness, but because of their wickedness.

Reason For Granting Petition

It's a matter of protecting the constitution. The Defendants in this case blatantly admit the Fourth Amendment violation in their police reports. The Defendants also blatantly admit conspiring to obtain a search warrant to conceal the illegal entry search, which is a crime its self under SC ST § 16-17-410

Conspiring. The body cam videos shows the Police used deception, artifice, tricks and misrepresentation to illegally gain entry, which is a violation of SC ST § 16-11-310 (3)(b)

Definitions of Burglary.

This is why the 1983 Civil Complaint was established so a Plaintiff or Petitioner can sue for the damage caused by the Defendants. Therefore I humbly request my day in court so a jury can decide if the Defendants owe damage or how much damage they owe.

Conclusion

This case would not be in the Supreme Court if the District Court and the Fourth Circuit Court had not willfully violated the Stay in civil proceeding to protect their colleagues. The Police blatantly admit to the warrantless entry, not have probable cause and conspiring to obtain a search warrant in their police reports. This shows the bias and prejudice in this case requiring the Supreme Court take action to protect my right as a citizen. Everything is the fruit of the poison tree, making the arrest warrants invalid.