

22-7594

No.

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
MAY 16 2023  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Gary V. Jenkins, Pro se  
5474 Oakley Ind. Blvd., #335, Fairburn, GA 30213  
401 225 6626 — PETITIONER  
(Your Name)

vs.  
UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The District Of Columbia

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Gary V. Jenkins, Pro se

(Your Name)

5474 Oakley Industrial Blvd., #335

(Address)

Fairburn, GA 30213

(City, State, Zip Code)

401 225 6626

(Phone Number)

**QUESTION(S) PRESENTED**

Under United States Supreme Court RULE 11, 28  
U.S.C. 2101(e), and governed by Federal Rules of  
Appellate Procedure RULE 10(e )(3), RULE 27(a)(3)(A),  
& RULE 27(a)(4); "Will this UNITED STATES  
SUPREME COURT effectuate the United States District  
Court for the District of Columbia, ORDER NO. 22-3757.  
Filed on 02/16/2023, or move to Plaintiff's Motion to  
Strike, due to UNFILLED DOCKET?"

## **LIST OF PARTIES**

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

[X] 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 this petition is as follows:

City of East Providence, East Providence Firefighters IAFF  
Local 850, Rhode Island State, Blue Cross & Blue Shield of  
Rhode Island, CVS, IAFF (United States) Edward Kelly,  
President, UNITED STATES.

## **RELATED CASES**

- On next Page -

## LIST OF PARTIES & RELATED CASES

*Gary Jenkins v City of East Providence, et al., C.A.*

No. SU-2022-0130-A, Rhode Island State Supreme

Court, Providence, RI. SHOW CAUSE, decided on

papers entered on, 02/23/2023.

*Gary Jenkins v City of East Providence Firefighters,*

et al., C.A. No. P C -2022-00890, Rhode Island State

Superior Court, Providence, RI. DISMISSAL entered on

03/18/2022.

*Gary Jenkins v BCBS of Rhode Island & CVS, C.A. No.*

2 2 - 3 6 6 0 , USDC, District of Columbia, DISMISSAL

entered on -----

*Gary Jenkins v I.A.F.F. UNITED STATES Edward A.*

*Kelly, President, et al., C.A. No. 1:22-cv-03757, United*

*States District Court, District of Columbia, DISMISSAL*

entered on, 01/09/2023.

*JENKINS v UNITED STATES, et al.,*

C.A. No. 1:23-cv-00031-WES-LDA, United States

District Court, District of Rhode Island, CLOSED

entered on, 01/24/2023.

*JENKINS v UNITED STATES, et al.,*

C.A. No. 23-5018, United States Court of Appeals for

the District of Columbia, Docketed on, 01/25/2023.

## TABLE OF AUTHORITIES SITED

### CASES

Taylor v. State of R.I. Dept. of Corrections, 1995, 908

F.Supp. 92, reversed 101 F.3d 780, certiorari denied 117

S.Ct. 2480, 521 U.S. 1104, 138 L.Ed.2d 989.

Constitutional Law Key Number Symbol 3869

Jones v. State of R.I., 1989, 724 F.Supp. 25. Public

Employment Key Number Symbol 914; States Key

Number Symbol 79

State v. Germane, 971 A.2d 555 (2009). Constitutional

Law Key Number Symbol 3893

State v. Germane, 971 A.2d 555 (2009). Constitutional

Law Key Number Symbol 3894

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE.....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A Federal Court Orders + Decisions

APPENDIX B State Court Orders

APPENDIX C TAFF

APPENDIX D Correspondence to USCA

APPENDIX E MOTION LEAVE TO FILE ORDER

APPENDIX F Subpoenas (2)

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 A 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 B 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 \_\_\_\_\_ 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.

## JURISDICTION

### For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 02/14/2023

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 02/16/2023. A copy of that decision appears at Appendix A.

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).

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

## **STATEMENT OF THE CASE**

I Gary V. Jenkins, worked for the city of East Providence for 24.5 years, as a Firefighter/EMT-C. I have been an IAFF MEMBER IN GOOD STANDING for 29 years.

MY ON-DUTY-INJURY 11/11/2016 is not recognized under Local 850

Collective Bargaining Agreement and

as an IAFF member in good standing, I CANNOT:

RECEIVE FAIR WAGES;

RECEIVE FAIR TAXES;

RECEIVE FAMILY HSA SERVICES CONSISTENTLY;

Union representation.

THERE ARE THREE (3) UNITED STATES COURT CASES WITHOUT ENTRANCES FILED WITH THE COURTS BY DEFENDANTS.

JENKINS v UNITED STATES, et al., C.A. No. 1:23-cv-00031-WES-LDA, United States District Court, District of Rhode Island, CLOSED entered on, 01/24/2023.

Gary Jenkins v I.A.F.F. UNITED STATES Edward A. Kelly, President, et al., C.A. No. 1:22-cv-03757, United States District Court, District of Columbia, CLOSED entered on, 01/10/2023.

Gary Jenkins v UNITED STATES, et al.,

C.A. No. 23-5018, United States Court of Appeals for the District of Columbia,

Docketed: 01/25/2023.

Under United States Supreme Court RULE 11, 28 U.S.C. 2101(e), and governed by Federal Rules of Appellate Procedure RULE 27(a)(3)(A), and (a)(4); the United States Court of Appeals for the District of Columbia REQUIRES this United States Supreme Court's assistance, to effectuate the United States District Court ORDER NO. 22-3757, issued on 02/16/2023.

## REASONS FOR GRANTING THE PETITION

THERE ARE THREE (3) UNITED STATES COURT CASES WITHOUT ENTRANCES FILED WITH THE COURTS BY DEFENDANTS.

JENKINS v UNITED STATES, et al.,

C.A. No. 1:23-cv-00031-WES-LDA, United States District Court, District of Rhode Island, CLOSED entered on, 01/24/2023.

Gary Jenkins v I.A.F.F. UNITED STATES Edward A. Kelly, President, et al.,

C.A. No. 1:22-cv-03757, United States District Court, District of Columbia, CLOSED entered on, 01/10/2023.

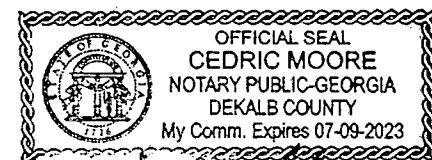
Gary Jenkins v UNITED STATES, et al.,

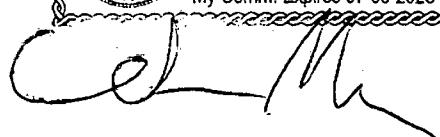
C.A. No. 23-5018, United States Court of Appeals for the District of Columbia, Docketed: 01/25/2023.

Under United States Supreme Court RULE 11, 28 U.S.C. 2101(e), and governed by Federal Rules of Appellate Procedure RULE 27(a)(3)(A), and (a)(4); the United States Court of Appeals for the District of Columbia REQUIRES this United States Supreme Courts' assistance, to effectuate the United States Court of Appeals ORDER NO. 23-5018, filed on 01/25/2023.

  
GARY V. JENKINS

5/2/2023



  
Cedric Moore

## REASONS FOR GRANTING THE PETITION

In United States constitutional law, substantive due process is a principle allowing courts to protect certain fundamental rights from government interference, even if procedural protections are present or the rights are not specifically mentioned elsewhere in the US Constitution. Courts have identified the basis for such protection from the due process clauses of the Fifth and Fourteenth Amendments to the Constitution, which prohibit the federal and state governments, respectively, from depriving any person of "life, liberty, or property, without due process of law". Substantive due process demarcates the line between the acts that courts hold to be subject to government regulation or legislation and the acts that courts place beyond the reach of governmental interference. Whether the Fifth or Fourteenth Amendments were intended to serve that function continues to be a matter of scholarly as well as judicial discussion and dissent.

<sup>^</sup> Williams, Ryan (2010). "The One and Only Substantive Due Process Clause". *Yale Law Journal*. 120: 408–512. SSRN 1577342

A governmental action which deprives individual of liberty or property interest requires due process of law. *Taylor v. State of R.I. Dept. of Corrections*, 1995, 908 F.Supp. 92, reversed 101 F.3d 780, certiorari denied 117 S.Ct. 2480, 521 U.S. 1104, 138 L.Ed.2d 989. Constitutional Law Key Number Symbol 3869 There is implied right to sue state official individually for damages resulting from alleged violation of due process clause of Rhode Island's Constitution. *Jones v. State of R.I.*, 1989, 724 F.Supp. 25. Public Employment Key Number Symbol 914; States Key Number Symbol 79

In addition to protecting certain fundamental rights, the substantive due process doctrine also guards against arbitrary and capricious government action. *State v. Germane*, 971 A.2d 555 (2009). Constitutional Law Key Number Symbol 3893  
The liberty rights protected under substantive due process are more fundamental and profound than the several liberty interests deemed sufficient to trigger the requirements of procedural due process. *State v. Germane*, 971 A.2d 555 (2009).  
Constitutional Law Key Number Symbol 3894

REQUESTED RELIEF:

JUDGEMENT FOR APPELLANT

APPROVED SUBPOENAS (2)

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Gary V. Jenkins, Pro Se, 5474 Oakley Industrial  
Blvd., #335 Fairburn, Georgia 30213

401 225 6626, Jenxi@uri.edu

May 15, 2023

Date: \_\_\_\_\_