

Appellate - 2023-000555  
52-7776  
No. Lower Courts - 2022 CP2302716

Appellate - 2022-001607

IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.  
FILED

MAY 22 2023

OFFICE OF THE CLERK

Saria Walker — PETITIONER  
(Your Name)

vs.

SCDSS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Supreme Court of South Carolina  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Saria Walker  
(Your Name)

1900 Boiling Rd ext Apt 76 F  
(Address)

Taylors SC 29687  
(City, State, Zip Code)

864-722-4541  
(Phone Number)

**Question(s) Presented**

- 1.) Why is the Constitution `` Right To Due Process `` NOT being Upheld ?**
- 2.) Why is Rule 221(b) Not being Upheld in the South Carolina Court Of Appeals ?**
- 3.) Why was the issue concerning Conflict of interest and motion to Disqualify not enforced before Judgment Oct 3, 2022 ?**
- 4.) Why is Judicial Bias and misconduct being upheld ?**
- 5.) Why was the issue concerning the Conflict of interest of Greenville county clerk not being taken into consideration ?**
- 6.) Why would South Carolina Court of Appeals Remitte a cases back to lower Courts ?**
- 7.) Why is the law being used as a weapon against me but Not a tool to protect me and my rights as it's intended to do ?**

## **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 this petition is as follows:

## **RELATED CASES**

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## TABLE OF AUTHORITIES CITED

### CASES Page Number

1.) *Belair v. Drew*, 770 So. 2d 1164 (Fla. 2000)

*Caraco Pharmaceutical Laboratories, Ltd. v. Novo Nordisk A/S*, 566 U. S. 399 (2012)

*Commissioner v. Harmon*, 323 U. S. 44 (1944)

*Crowe v. Harmon*, 204 U. S. 241 (1907)

*Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U. S. 579 (1993)

2.) *RUSS v. BROOKSVILLE* | 109 So.3d 1266 (2013)

*62 Cases of Jam v. United States*, 340 U. S. 593 (1951)

*A Quantity of Copies of Books v. Kansas*, 388 U. S. 452 (1967) (*per curiam*)

*Abbott v. Tacoma Bank of Commerce*, 175 U. S. 409 (1899)

*Abood v. Detroit Bd. of Ed.*, 431 U. S. 209 (1977)

### STATUE AND RULES

1.) The supreme court recognizes certiorari proper irreparable harm can be presumed where a order requires action which implicates an individual's constitutional rights in that cases specifically the court holding the cert is available to review or continue deprivation of rights under non constitutional statute

2.) Denying plaintiff a hearing ; and a right to call witnesses deprived their right to due process rights ;Due Process Violation Under both the Fifth and Fourteenth Amendments to the U.S. Constitution, neither the federal government nor state governments may deprive any person "of life, liberty, or property without due process of law."

### OTHER

Denial of Due Process is reviewable by Certiorari and the denial of due process is not the kind of injury that cannot be corrected later

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 \_\_\_\_\_ 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 16A to the petition and is

[] reported at 19C; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the DISTRICT court appears at Appendix 14A to the petition and is

[] reported at 15A; 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 \_\_\_\_\_

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 4-7-23.  
A copy of that decision appears at Appendix 16A.

A timely petition for rehearing was thereafter denied on the following date: S-17-23, and a copy of the order denying rehearing appears at Appendix 19C.

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**

### **The judge made an error of law**

An "error of law" generally means that the judge in your case applied the wrong rule or "legal standard" to the facts of your case. This can occur if a trial court did not follow either the statute or case law in your state that is supposed to apply in your case's circumstances.

**Judicial misconduct occurs when a judge acts in ways that are considered unethical or otherwise violate the judge's obligations of impartial conduct.**

- o Actions that can be classified as judicial misconduct include: conduct prejudicial to the effective and expeditious administration of the business of the courts (as an extreme example: "falsification of facts" at summary judgment); using the judge's office to obtain special treatment for friends or relatives; accepting bribes, gifts, or other personal favors related to the judicial office; having improper discussions with parties or counsel for one side in a case; treating litigants or attorneys...

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#### **What are 3 rights you have after the trial?**

The Sixth Amendment guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay, the right to a lawyer, the right to an impartial jury, and the right to know who your accusers are and the nature of the charges and evidence against you.

#### **Due process is designed to ensure fairness in the criminal justice system.**

**Without due process, individuals could be detained and deprived of their freedom and life without just cause.** If a criminal defendant is deprived of their civil rights, they can challenge the state on those grounds.

#### **What does violation of due process mean?**

Due process balances the power of law of the land and protects the individual person from it. **When a government harms a person without following the exact course of the law, this constitutes a due process violation, which offends the rule of law.**

**Can you sue for violation of 14th Amendment rights?**

United States law allows an individual who believes that his or her constitutional rights have been violated to bring a civil action against the government to recover the damages sustained as a result of that violation.

**What are the three rights protected under the due process clause?**

No person shall be deprived of **life, liberty, or property** without due process of law, nor shall any person be denied the equal protection of the laws.

**Can due process be denied?**

Citizens may also be entitled to have the government observe or offer fair procedures, whether or not those procedures have been provided for in the law on the basis of which it is acting. **Action denying the process that is "due" would be unconstitutional.**

## **STATEMENTS OF THE CASE**

The things i have endured have been intentional empowered but Racial and Religious discrimination since i have been called racial slurs at Carolina Behavioral Center many of these Doctors MD's Psychiatrist have used my mental health against me to discredit me and my thought process they mixed my words up and put false statements then call me delusional in the records They ALL cover for one another so they do not have to be held accountable for the wrong doings and when i went to the Judicial Branch for help and relief so JUSTICE can be served through DUE PROCESS the JUDGES also joined in with the defendants to discredit me and withhold information and change documents also and give me bias judgements and ignoring the law making ruling that is unjust due to conflict of interest against me and ALL these people joined together to discredit me and use the law as a weapon against me rather than a tool to protect me

## Petition for a Writ of Certiorari

### Page

I have been facing Lots of conflict of interest and discrimination judicial bias and Judicial misconduct due to exercising my 1st Amendment right to petition the court and get justice and my cases in which i seek justice for the violation of my rights the South Carolina court of Appeals just sent my case back to Greenville county clerk in which i told them that i faced discrimination and assault and judicial bias following my civil conspiracy filing 8/2/22 where they was listed a defendants and i was assaulted 8/8/22 by 5 officers that attacked me in front of my daughter i went there to ask to speak to a supervisor regarding the case filing and i was instead harassed and attacked by a officer "playing a a game " as he stated " The rules of the game has changed " before him and 5 officers attacking me i later learned on 9/1/22 i was also harassed that day and had to return a second time and i was informed from the actual supervisor that i filed the cases at the wrong courthouse i asked the defendants ( Greenville county clerk to Resue and disqualify themselves as a result they refused to do so and as i result i got a bias unjust ruling to dismiss a case where there was a trial held in my absence without my acknowledgement and without appointing me the right to speak to or know that i even had a lawyer representing me or letting her talk to me i never knew i even had a trial in probate court June 10, 2020 and i was called racial slurs while in this facility and mocked but none of this was disclosed to the court due to me never knowing about the hearing or talking to my attorney but dr castriotta and the carolina center of behavioral health and SCDSS i was able to speak to cases workers and forced to signed my child over and i wasnt even able to tell the courts i had already told my mother to watch my child for 3 days while i went there to sleep 3 days turned into 33 days due retaliation from a slip and fall 2019 i had just settled on for 25,000 Dr. castriotta is also a ex employee of Gmh , GMH now Prisma health hid the fact that i was actually injured during this slip and fall and said my injuries was congenital meaning i had them since birth and failed to properly treat or diagnose me they intentionally did not take a picture of my Lumbar spine in which my actual injury is on the night of my injury 1/16/19 and they took pictures of my cervical spine and all over except the area my SI joint was pushed forward had to wait 6 months until i got images of my Lumbar spine in which a chiropractor told me my SI joints was pushed forward this was intentionally done and what happened to me with Dr castriotta was no accident that's why the case was prematurely Dismissed and even the South Carolina court of Appeals is dismissing the cases back to the bias district court which is a conflict of interest because they are defendants in my federal cases which they are aware of i told appeal court my concems and for them to send it back to them shows the lack of Justice in this cases

**Additional Statements of Cases in reference to case**

- 1.) Why is the Constitution `` Right To Due Process `` being overlooked and why would a Judge Rule in favor of the plaintiff that deprived me of my Rights to due process on June 10,2020 and called Racial slurs by staff and tormented ?**
- 2.) Why is Rule 221(b) Not being Upheld in the South Carolina Court Of Appeals ?**
- 3.) Why was the issue concerning Conflict of interest and motion to Disqualify not enforced before Judgment Oct 3, 2022 when a pending lawsuit with Greenville County Clerk was known as defendants before the date ? I also wrote a motion for the judge to disqualify herself prior to the hearing Sept 23, 2022**
- 4.) Why is Judicial Bias and misconduct being upheld ?**
- 5.) Why was the issue concerning the Conflict of interest of Greenville county clerk not being taken into consideration ? with all the discrimination i have faced concerning 8/2/22 lawsuit and 9/1/22 lawsuit which is the same lawsuit filed at greenville county clerk 8/2/22 incorrectly and 9/1/22 correctly with Greenville County Clerk listed as defendants and they were aware of it**
- 6.) Why would South Carolina Court of Appeals Remitte a cases back to lower Courts after i expressed my assault and the harassment and judicial bias discrimination i faced at greenville County Clerk after filing lawsuit 9/1/22**

Saria Walker v. SCDSS  
Lower Court Case No. 2022CP2302716  
Appellate Case No. 2022-001607

This is Judicial bias and Misconduct Greenville County Clerk is is Defendants in my Civil Conspiracy case which is 6-22-2946-HMH-KFM Federal cases which the County Clerk has been aware of since 8/2/22 when i filed a Civil Conspiracy Case with them included where i was Harassed/ Assaulted and kidnapped on 8/8/22 for asking to speak to a supervisor regarding the filing of my case and i was harassed upon arrival sept 1st where i found out while talking to a supervisor on sept 1 st 2022 and told to not return until my court date which is why i did not return back downtown until Oct 21 which was when my general session was held If i'm going to be held to the same extent as lawyers to file my paperwork and give defendants their proof of service in timely manner then i need to be treated with respect and NOT harassed and abused , assaulted , discriminated against while trying to file my work the defense lawyers for the defendants did not have to endure the same things i did and despite me being a victim they treated me as a criminal and used the law as a wepon against me also judges lied to try tio stop me from filing a informa paperis they told me i was NOT indigent on 8/8/22 but sent a letter from this same courthouse on 11/23/22 i received a paper telling me to get a PUBLIC DEFENDER BECAUSE I WAS INDEGENT i will not play any of your games this is hot potato getting passed around as if ANY of you are actually upholding the law which has intentionally failed me due to conflict of intrest the ruling on OCT 3rd to DISMISS a case when i told the judge i was not aware of my hearing held on june 10 2020 at carolina behavioral center and that i was called racial slurs and not able to talk to my lawyer or was aware i even had a lawyer representing me in my absence and my child was taken out of my custody and my family was told that she would be put in foster care dur to my right to due process being waiver in this conspiracy because my family was aware that i was leaving my child in their custody but since i had NO ONE ADVOCATING ON MY BEHALF IN COURT since i NEVER MET my lawyer ELISE they removed my child and tormented me 33 days straight i had no idea or a hearing or court date and Greenville County Clerk are definitely CONFLICTS OF

INTEREST which have already made a ruling to DISMISS even though all my rights to due process was waived this was OBVIOUSLY bias misconduct on her behalf just like telling me i didn't qualify for in forma pauperis which was false and for the court to not take into consideration that i was harassed and assaulted 8/8/22 for my petition say alot about sc court of appeals this is NOT an impartial judgment and is bias i demand justice in this matter that is obvious

Anyone who is in agreeance with the judge's bias ruling on Oct 3 2022 that a person should have a court hearing without their acknowledgement or a lawyer that communicated their wishes is not competent to be a lawyer or Judge because the whole court system is built around this fact of DUE PROCESS which i didn't receive on 6/10/2020 which SCDSS and R. Castriotta nd Carolina Department of Social Services did in fact conspire against me so her judgment did NOT reflect logic or common sense to uphold the law but judicial bias due to conflict of interest due to the lawsuit filed on on 8/8/22 and this hearing was DISMISSED 10/03/22 which is 2 months after they was aware of them being a defendant in the lawsuit and refused to rescue herself due to the conflict of interest which caused my cases to be dismissed prematurely due to this bias and impartial ruling i do not want my defendants oversee my cases and give me another bias ruling

And i would like to thank the court for insuring that the defendants 5 day late papers due to them kidnapping and threatening and insulting me and telling me i would be arrested if i came back before my court date of general session on 10/ 21 / 22 their rights are being upheld but my right to DUE process that was taken from me on 2 occasions one was for 33 days straight as i was tormented and ripped aways from my daughter and called racial slurs and denied disability and cannot work and haven't worked in 2 years due to the trauma added in this mental hospital is this what you call JUSTICE cause i see racial discrimination !

x. S. W.

~~3W~~ ~~SW~~ SW

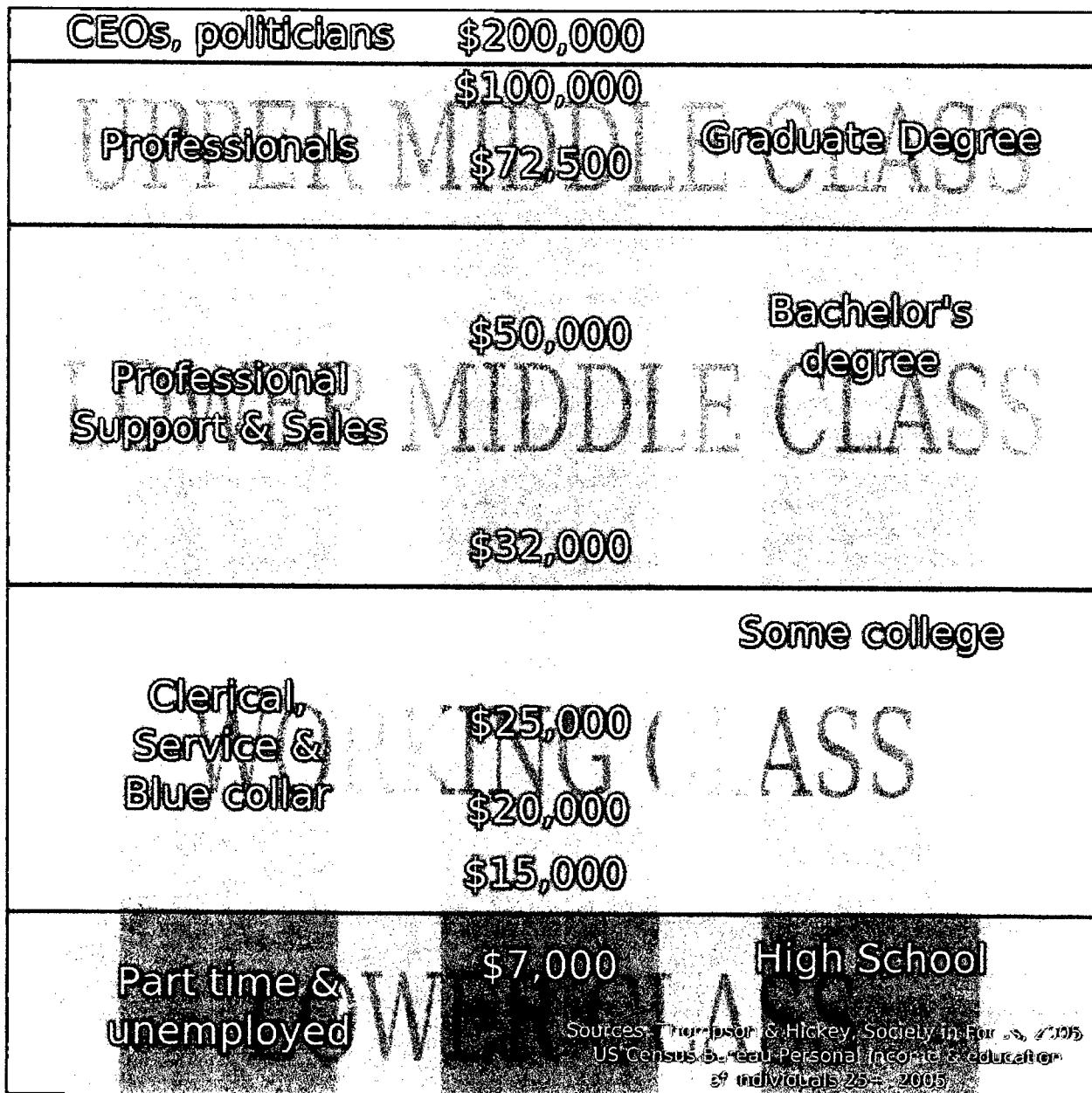
1900 Boling Rd Ext  
Taylor SC 29687  
Apt 26F

6/5/23

# SCDSS

- If i was mentally incompetent then my penmanship would've been invalid when it came to signing my child over because i couldn't legally do that due to them saying i was mentally incompetent if my penmanship was legal then i would have been able to sign myself out of the mental hospital , meet my lawyer , have notice of and attend my own trial
- I met DSS caseworkers to sign child over but wasn't able to meet lawyer so i could have a voice ( I NEVER stated to SUSAN DURHAM was trying to kill myself i wasnt in there for trying to kill myself or suicidal ideations i was only there for sleep deprivation just like in 2014 where i was hospitalized for 4 days and made a decent recovery after sleeping 4 days
  - I only seen medical examiner via screen and my mother , Rn's and the police that transported me 5/31/20 and i went to sleep when i got to my room at the hospital due to the medications given to me at the Saint Francis Eastside I NEVER seen SUSAN DURHAM she just added her statement to my records recently stating that she mad this statement 5/31/20 which is a LIE because i just pulled ALL my records and DID NOT never see a statement of anyone from DSS making these statements regarding my mental health at all
  - Waived my right to due process removed my child from my custody without me having knowledge of the hearing held in my absence and they didn't know the fact that i had a verbal agreement with my grandmother before i went in for treatment due to them NOT allowing me to talk to my lawyer and having some to properly advocate on my behalf to state my wishes and concerns

They committed Judicial misconduct and a Bias Judgement by Dismissing both of my cases in state court and with 1.) R. Castriotta /The Carolina Center for Behavioral Health and 2.)South Carolina Department of social services by Granting their motion to Dismiss my cases even though both parties waived my right to due process by holding a hearing in my absence in probate court June 10 , 2020 at 11:00 AM without my acknowledgement or me meeting my lawyer whom was acting as my Guardian ad Litem i called her off a number online i found her she notified me she switched jobs and she confirmed she did not meet me they then sent me home after 33 days of being there and talking to DSS workers to sign my child over to my sister ( but i couldn't sign myself out of the hospital so how was i competent enough to do that ?) but i was denied access to my lawyer or to even know that i had a lawyer to represent me this was a civil conspiracy that was intentional and wasn't a accident to the courts seeing as both cases was DISMISSED with these facts of " due process being waived " being a complaint in my summons to state court and i was called racial slurs while in his facility also i did not receive the "PATIENT COPY" until i went home where all the papers was in the bag and i did not discover that there even was a hearing held in my absence until may of 2022 and i filed the case a day after confirming it with elise that there was a hearing and she did represent me in my absence without my acknowledgement ; These cases should have never been Dismissed nor should an Appeal have had to be filed when its obvious that my judicial right to due process has been violated not only once but now twice due to 8/10/22-8/22/22 hospitaliztion where experienced the same situation where my right to due process was violated and i was unjustly held against my will as retaliation for my lawsuits filed this is judicial misconduct and judicial bias any judge that is in agreence to this injustice is in error of the law and not upholding oath to me as a citizen to uphold the constitution and protect my rights that has obviously been violated on so many levels which is unconstitutional! Also my petition to appeal South Carolina Supreme Court was not a writ of certiorari it was a APPEAL which was on labeled as the cover page it just contained some of the pages from a certiorari that i wanted to include in my APPEAL it clearly labeled as an APPEAL on the cover sheet so why she put my " writ of certiorari " was dismissed doesn't make any logical sense when it states Appeal on cover sheet the fact that i havent received any justice proves judicial misconduct / bias and the south carolina judges are in violation of 28 U.S. Code § 453 - Oaths of justices and judges and **Rule 502.1 Judges's Oath** these oaths are not being upheld to me as a citizen and this has been intentionally done without remorse and judicial corruption is being uphel



The social class and social groups play a major role in my situation due to my defendants having family, friends / Associates / Co- workers that are the Judges , Police ect and is in Power positions at companies also so they use that to their advantage which is why i have been discriminated at multiple companies / facilities

**Due to the High social status of Defendants i am facing  
Conflicts of Interest and I received  
Harassment,Retaliation,Judicial Bias,Judicial misconduct ,and  
Judicial Corruption  
( Defendants Listed in Civil Conspiracy )**

Case filed 8/2/22 ( Civil Conspiracy ) at Greenville County Clerk and 8/8/22 i was harassed by police an assaulted in front of my daughter and they failed to tell me i couldn't file it at Greenville County Clerk i learned on 9/1/22 instead they Conspired to stop me from petitioning and lied and said i didn't qualify for In forma pauperis (which violates my 1st Amendment Right ) the goverment by kidnapping me 8/10/22 until 8/22/22 and JUDGES REFUSED TO RESCUE and DISQUALIFY due to being a DIRECT CONFLICT OF INTEREST financially due to being the JUDICIAL BRANCH and Greenville County Clerk is Defendants in Federal Case and they are aware of it still trying to oversee my criminal cases In which they attempted to incriminate me and also did not follow Articles and did not follow procedure codes and one again held me captive against my will and violated my right to due process for a second time 8/10/22-8/22/22 and civil hearing which was dismissed bias and prematurely .

- United States Goverment**
- Prisma Health (GMH)**
- Saint Francis Downtown**
- Saint Francis Eastside**
- The Carolina Center for behavioral Health**
- South Carolina Department of Social Services**
- Greer Police Department**
- Greenville Police Department**
- Greenville County Court of Common pleas (Clerk of Court )**
- Greenlink**
- Greenville Library System (Downtown and Anderson Rd Branches )**

## **Reasons for Granting The Petition**

- **Judicial Bias Order**
- **Judicial Misconduct**
- **Caused Irreparable harm to me**
- **Judgment Departed from the essential requirements for the law**
- **Denial of "Due Process" was a true miscarriage of Justice in June 10, 2022 hearing**
- **Judge failed to Disqualify herself despite motion to do so when a conflict of interest was brought to her attention by me before the hearing due to pending lawsuit i filed in federal court 9/1/22 against Greenville County Clerk**
- **The violation of the Deprevision of my " Right to Due Process" which is my Constitutional Right this is material for irreparable harm and cant be remedy by Appeal because its ongoing**
- **The court removed Fundamental Constitutional Rights (Due Process) that constitutes irreparable harm and continue throughout proceedings**
- **Denial of Due Process cannot be corrected continuance of proceedings cannot be remedy with appeal**

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sam Wan

Date: 6/5/23