

No. 22-87

In The
Supreme Court of the United States

Supreme Court, U.S.
FILED

JUL 18 2022

OFFICE OF THE CLERK

Petition For Writ Of Certiorari

Arthur O. Armstrong

Petitioner,

Vs.

North Carolina,
Calvin L. Woodard,
Robert A. Evans,
Ownes E. Chads,
Roland Loftin,
Milton F. Fitch, Jr.,
Donald W. Stephen,
Colon Willoughby,
Cynthia Thornton,
Thomas E. Asbell, II,

Respondents.

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

**Arthur O. Armstrong, Pro se
8113 Pleasant Hill Road
Elm City, NC 27822
252-236-7912**

QUESTION PRESENTED

Whether respondents Milton F. Fitch, Jr., Ownes Chads, E., Calvin Woodard, Jr., Robert A. Evans, Roland Loftin, Donald W. Stephen, Colon Willoughby, Cynthia Thornton and Thomas A. Asbell, II, acted in a conspiracy to deprive the appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

PROCEEDINGS AND RELATED CASES

Armstrong v. North Carolina, et al; No. 5:12-cv-00805-BO United States District Court for the Eastern District of North Carolina, Western (Raleigh) Division. On July 5, 2022, Appellant seeks leave to appeal a district court order entered on March 29, 2013; Armstrong vs. Calvin L. Woodard, et al.

Armstrong v. North Carolina, et al; No. 21-192. United States Court of Appeals for the Fourth Circuit. Judgment entered July 8, 2022.

Rule 26.1: Disclosure statements:

There is no parent or publicly held company owing 10% or more of the corporate stock.

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APPENDIX A: On July 8, 2022, United States Court of Appeals for the Fourth Circuit denied petitioner's motions for relief.

APPENDIX B: On March 29, 2013, United States District Court for the Eastern District of North Carolina Western (Raleigh) Division dismissed appellant's complaint and denied his motion.

APPENDIX C: Constitutional and statutory provisions, set out with appropriate citations.

For the case from federal court, the opinion of the United States Court of Appeals for the Fourth Circuit appears at Appendix A to the petition and is unpublished.

The opinion of the United States District Court appears at B to the petition and is unpublished.

JURISDICTION STATEMENT

From the federal court, the date on which the United States Court of Appeals for the Fourth Circuit denied appellant's case was July 8, 2022.

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

Constitution Provision:

Fourth Amendment

Fourteenth Amendment

Statutory provision:

28 U.S.C.S. 1254(1)

28 U.S.C.S.1291

28 U.S.C.S. 1746

42 U.S.C.S. 1985

42 U.S.C.S. 1986 set out verbatim, the constitutional and statutory provisions involved.

STATEMENT OF THE CASE

Appellant resides at 8113 Pleasant Hill Road, Elm City, North Carolina 27822.

The appellees acted in a conspiracy.

In the furtherance of such a conspiracy, the appellees failed to conform to the requirements of the federal constitution and laws of the United States when appellees acted with reckless indifference and wanton disregards for the truth or falsity and the rights of appellant and others when appellees, without probable cause, acted with, including, but not limited to: RICO, arbitrariness, capriciousness, malice, falsity, gross negligence, deception, distortion, extortion, elusive, trickery, highway robbery, defamation, kidnapping, misrepresentation, obstruction of justice, racketeering, abduction, pattern of racketeering activities and carjacking, when appellees conspired to go in disguise on the highway and the premise thereof for the purpose of depriving appellant, either directly or indirectly, the equal protection of the law or of equal privileges and immunities under the law; or for the purpose of preventing or hindering the constituted authorities, within any State or Territory, from giving or securing to the appellant, within any State of Territory, the equal protection of the law to

To deprive the appellant Appellee of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States when appellee Donald W. Stephen, on March 31, 2011, acted with active connivance in the making of the DUI false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected the Equal Protection Clause to deprive appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. when appellee sentenced appellant to two years probation and a 7 days active jail time in Wilson County detention center, without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

Appellee Colon Willoughby acted with malicious prosecution and gross negligence when appellee failed to investigate every phase of appellant's case prior to the action, or investigated every phase of the case prior to the action but failed to discover or discovered the lack of probable cause but acted with active connivance in the making of the DUI and DWLR false reports and other conduct clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the appellant liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States and sent the appellant to Wilson County for a two (2) year probation in violation of the Fourth and Fourteenth Amendments to the Constitution when appellant was sentenced 2 year probation and a 7 days active jail time in Wilson County jail without due process of law.

On or about May 20, 2011, appellee Chads E. Owns in his probation office, acted with active connivance in the making of the DUI probation false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the appellant of liberty and property without due process of law and upon appellant's legal advise, appellee handcuffed the appellant and bound him to a chair and subsequently disconnected him from the chair and forced him to the restroom for the production of a urine sample.

About every hour or every day, appellee would come by or drive by appellant's house, harassing and threatening him, telling appellant to call him and must visit office or be arrested. I tried to explain to appellee that the lack of probable cause immunes him from such attack but he still insisted my presence at the office and the consequence hereof if failed to appear in court.

On December 5, 2011, appellee Milton F. Fitch, Jr. acted with active connivance in the making of the failed to appear false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause and defamed the appellant when he communicated the derogatory and false statement to appellee Loftin when he stated that appellant failed to appear in court on December 5, 2011 and on December 31, 2011, appellee Roland Loftin; plaintiff having arrived from a vacation riding his bicycle on Pleasant Hill Road near his home, pull the

appellant off his bicycle and then acted with active connivance in the making of the failed to appear **false reports** and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the appellant of liberty and property when appellee arrested appellant, handcuffed the appellant and hauled him down to the magistrate's office and the magistrate placed him under a \$3,000.00 cash bond. and appellee Calvin Woodard detained the appellant thirty days in his jail without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. assaulted, detained , arrested and tortured the appellant when appellee handcuffed appellant, searched and seized his property and invaded his privacy in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States

On July 11, 2011, appellee Chad E. Owns acted with active connivance in the making of the probation violation false reports and other conduct amounting to official discrimination and sent the sheriff to appellant's resident and arrested him without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

On October 7, 2011, appellee Calvin L. Woodard trespassed on private property of appellant, made an entry, without a warrant, onto personal premise of appellant, vent appellant's hands behind him his back and handcuffed them. Dragged the appellant across the yard onto the road, placed appellant in the cruiser and hauled him down to the magistrate's office and the magistrate jailed him and placed appellant under a \$15,000.00 bond.

On December 5, 2011, appellee Milton F. Fitch, Jr. acted with libelous and false statements when appellee sent false and derogatory statements to appellee Roland Loftin bail bondsman office and stated that appellant failed to appear in court.

Appellee Robert A. Evans acted with malicious prosecution and gross negligence when

appellee failed to investigate every phase of the case prior to the action or investigated every phase of the case prior to the action, but failed to discover or discovered the lack of probable cause but acted with active connivance in the making of the probation violation false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the appellant of liberty and property without due process of law.

On December 29, 2011, or some such times, appellee Roland Loftin trespassed on private property of appellant, made an entry, without a warrant, handcuffed the plaintiff, searched and seized his property and invaded his privacy and hauled him down to the magistrate's office and the magistrate placed him under a \$3,000.00 cash bond without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

On or about January 30, 2012, appellant appeared in the court and told the judge that he was in Wake County court on the day in question and his clerk confirmed it. And the appellee Milton F. Fitch, Jr. responded "You have a thirty (30) day jail credit and ordered the appellant back to court on or about April 1, 2012 with a payment of \$900.00.

Appellee Ownes Chads, on or about September 10, 2012, in court or some such place, acted with active connivance in the making of the probation violation false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the appellant of liberty and property without due process of law and told the sheriff that appellant failed to appear and to arrest him.

Appellee Calvin Woodard, on or about September 10, 2012, or the day thereafter trespassed on private property of petitioner, searched and seized his property and invaded his privacy in violation of the Fourth Amendment to the Constitution of the United States. Then acted with

active connivance in the making of the failed to appear false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause – handcuffed the appellant, placed him in the cruiser and hauled him down to the magistrate's office and the magistrate placed the appellant under a \$1500.00 bond for failure to appear and appellee Calvin Woodard detained appellant in a waiting cell – waiting to be bonded out.

Respondent Milton F. Fitch, Jr. on or about October 5, 2012, acted with active connivance in the making of the probation money violation false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. Appellee Calvin Woodard detained appellant for twenty (20) days in his jail. Appellee Cynthia Thornton detained appellant in her facility for 35 days and appellee Thomas E. Asbell, II detained appellant in prison for 35 days without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

On January 28, 2012, appellee Milton F. Fitch, Jr. acted with active connivance in the making of the failed to appear false reports when appellee directed the clerk to inquire with Wake County clerk on confirmation appellant's December 5, 2012 presence – consequently, "confirmed," said the clerk. Now Appellant, said the appellee, "You have generated a thirty days jail credit in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

On June 21, 2012, appellee Milton Fitch, Jr. acted with active connivance in the making of the \$3,000.00 probation fee false reports and other conduct amounting to official discrimination

clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of liberty or property without due process of law.

Robert A. Evans acted with malicious prosecution and gross negligence when appellee failed to investigate every phase of the case prior to the action or investigated every phase of the case but failed to discover or discovered the lack of probable cause but acted with active connivance in the making of the probation fee false reports and other conduct.

That appellee Calvin L. Woodard arrested the appellant when appellant handcuffed the appellant, searched and seized his property and invaded his privacy and wanked the appellant to the jail cell and detained his for 30 days in the Wilson County detention center without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

On June 22, 2012, appellee Cynthia Thornton, made an entry, without a warrant, onto private areas of personal premise of appellant. Searched and seized his property and invaded his privacy and detained the appellant for 35 days without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United states.

On October 13, 2012, in Greene County, NC, appellee Thomas Asbell II arrested assaulted insulted, detained and kidnapped appellant, made an entry, without a warrant, handcuffed the appellant, searched and seized his property and invaded his privacy and detained appellant for 35 days without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

On December 12, 2011, appellee Milton Fitch acted with active connivance in the making of the probation false reports and sentenced the appellant (12) twelve months in Wilson County jail without due process of law.

42 U.S.C. 1985 prohibits conspiracy to interfere with civil rights and 1986 proscribes knowing neglect to prevent (or aid or abet after the fact) such a conspiracy.

Each conspirator had knowledge of the wrong conspired to be done and had the power to prevent or aid in the preventing of the commission of same but neglected or refused so to do

That the appellee did some act and omitted some duty and as a result of such commission appellant was deprive of having and exercising any right or privilege as a citizen of the United States.

That appellees aided and abetted after the fact such a conspiracy.

As a direct and proximate result of appellees' conspiratorial action, appellant suffered continuing injuries including but not limited to: mental anguish, psychic injury, mental distress, humiliation, injury to his reputation and harassment. I pray for judgment in the sum of \$125,000,000.00.

WHEREFORE, appellant prays for judgment in the sum of \$125,000,000.00 under 42 U.S.C.S.1985 and 1986 Civil Rights Act, as follows:

Compensatory and punitive damages in the sum of \$125,000,000.00.

Intangible Harm

Attorney's fee under the 1988 Attorney's Awards Act; of as a component of punitive damages Costs and Expenses of this action and such other and further relief as the Court deems just and proper.

Respectfully submitted this the 20th day of March, 2021

March 20, 2021

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/s/Arthur O. Armstrong, appellant
Arthur O. Armstrong, Appellant .
8113 Pleasant Hill Road
Elm City, NC 27822

I demand a jury trial on all issue raised by the pleading in this case.

DEMAND JURY TRIAL

March 20, 2021

/s/Arthur O. Armstrong, Appellant

VERIFICATION

I, Arthur O. Armstrong, being first duly sworn, deposes and says that he is the Petitioner in the foregoing action and that the allegations set forth in the Complaint are true and correct to the best of his knowledge and belief except for those allegations set forth on information and belief and as to those allegations, he believes them to be true.

July 17, 2022

/s/ Arthur O. Armstrong, Petitioner.
8113 Pleasant Hill Road .
Elm City, NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under U. S. law that the within and foregoing statement set forth in the verification are true and correct (28 U.S.C.S. 1746).

July 17, 2022

/s/Arthur O. Armstrong, Petitioner

REASON FOR GRANTING THE PETITION

The petition should be granted because of the federal question secured by the federal constitution and the laws of the United States that has not been decided but should be settled by this Court, or has decided an important question of federal law in a way that conflicts with relevant decision of this Court.

CONCLUSION

Because of the conspiratorial conduct of the appellees, Petitioner respectfully requests that petition for certiorari be granted.

July 17, 2022

/s/ Arthur O. Armstrong, Petitioner