

No. 22-944

—
IN THE SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
JAN 29 2022
OFFICE OF THE CLERK

LOIS YANKAH ,

Petitioner,

v.

Sgt. MOORE ET AL,

Respondent

On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fourth Circuit

—
PETITION FOR WRIT OF CERTIORARI
—

Lois Yankah


5557 Baltimore Ave, Suite 500

#104, Hyattsville MD 20781

loisyankah@gmail.com

Pro Se

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QUESTIONS PRESENTED:

1. Whether an appellate court may dismiss an appeal which has been postmarked by United States Post Office before the filing deadline , filed by court clerk a day after time to file notice of appeal under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure but before 3 day extension for notices sent by mail under Rule Fed. R. App. P. 26(c)
2. Should the fugitive disentitlement doctrine as applied to be overruled or modified?
3. Assuming that the fugitive disentitlement doctrine is retained, can it properly be applied where, among other things,
 - the court's interpretation diverges from the understanding of the doctrine when it was promulgated?
 - (a) The court has been barred from prosecuting the underlying charges by the Speedy Trial Act of the United States Constitution made applicable to States by the Fourteenth Amendment prior to issuance of the warrant, (b) Serving the warrant or arrest would violate Petitioner's right to liberty without due process under the Fourteenth Amendment, (c) Warrant does not carry the force of law.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Lois Yankah respectfully requests the issuance of a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit for consolidated cases 20-6614 and 21-6451

DECISION BELOW

The Fourth Circuit's unpublished opinion is attached as Appendix 1. Its Order denying en banc review is attached as Appendix 2. The district court's orders dismissing Petitioner's complaint under 1983 and motion for sanctions attached as Appendices 3 and 4.

JURISDICTION

The Fourth Circuit affirmed/denied Petitioner's appeals on September 29, 2021 and denied en banc review on November 2, 2021. See Appendices 1 and 2. This petition is timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

FEDERAL RULE INVOLVED

Federal Rule of App. Procedure 26(c). Additional Time After Certain Kinds of

Service

....

When a party may or must act within a specified time after being served, and the paper is not served electronically on the party or delivered to the party on the date

stated in the proof of service, 3 days are added after the period would otherwise expire under Rule 26(a)

STATEMENT OF CASE

I. Defendant's circumstantial case that Ms. Yankah is a Fugitive

Ms. Yankah's ongoing malicious prosecution began after she filed a complaint against Chesterfield County police officers for making her feel profiled over a false police report. In retaliation to the complaint, warrants were issued for her arrest for accusations which according to the police reports the alleged victim admitted to lying to the police. In addition to this the address in the police report where the alleged offense for credit card fraud and forgery occurred was not in Chesterfield County. When petitioner followed up on her complaint with the ethics department who seemed to have ignored her concerns, she was asked to go through the criminal justice system to prove her innocence instead of a proper investigation to close the matter. Petitioner advised that she sue for any harm and expenses involved to prove her innocence through the courts instead of resolution at the Police Department. Not only were warrants issued for her arrest,

Not only were warrants issued for her arrest, Chesterfield Police officers in collaboration with crime solvers had her published as A MOST WANTED CRIMINAL, making the 10 most wanted in Central Virginia on major news outlets, social media, newspaper publications to name but a few for filing a profiling complaint and her intent to petition to the court for redress of grievances if she is unlawfully deprived of her right to liberty for false accusations that should not have made that list. They went as far as having her broadcasted during live evening news

along with others accused of murder with monetary reward for information leading to her arrest. This attack on her reputation has not stopped. Anytime she files a document pertaining to this case in any court including previous filings at the Supreme Court of the United States and serves counsel for defendants in this case their copes, they retaliate by launching new attacks on her reputation through crime solvers of chesterfield with publications on their website, live news on wric Richmond; affiliated with BC network, progress index , social media platforms and other media outlets in an attempt to silence her by defaming her character and prevent her from living a normal life while her appeal is decided on.

These videos, publications and listings including live news broadcasts are still live from 2015. Chesterfield county Police and crime solvers refused to remove them even after her arrest. Chesterfield county circuit court denied her motions to order those negative publications with photographs preventing her from living a normal life whiles her case was pending removed and with every appeal document she files they update the publication instead of removing them ,defaming her character and destroying her reputation for years as she battles law enforcement in court. Instead of doing what is honorable and ethical by addressing the false police report in their record that has led to the harm Petitioner has suffered they have decided to abuse the power entrusted them to harass , intimidate and frustrate her for exposing their lawlessness; another example why Congress needs to urgently address Police reform.

Petitioner was extradited from DuPage County Illinois to Virginia on October 18, 2017, arraigned in Chesterfield County General District Court October 23, 2017 and a preliminary hearing March 1, 2018 without being served copies of the warrant(s), indictment(s), charging document(s) or being informed of the nature and cause of accusations against her. The court did not schedule the preliminary hearing in compliance with (18 U.S.C. § 3161). Under the Federal Speedy Trial Act, a preliminary hearing must normally be held within 30 days of the time the defendant is arrested. Petitioner's preliminary hearing was held about 5 months after arraignment while being consecutively held at the Riverside Regional Jail Authority because of an ICE (Immigration and Custom Enforcement) detainer. Even though Petitioner had a bond and the money to post bail, she was denied the needed accommodations to post bail to be released from custody because of an ICE detainer. When Petitioner answered no to the question "were to born in the united states" Jail officials contacted ICE (Immigration and Customs Enforcement) for a

detainer. Petitioner was informed she would be turned over to ICE when she posts bail. This was the case for many immigrants she met. They had to remain in custody for the pendency of their case even though they had the resources to post bail whiles the jail benefited from tax dollars spent paying for their upkeep in addition to funding from ICE for turning them over, Policing for profit. The court knew the challenges she was facing posting bail at the jail because of an ICE detainer but did not do anything about the situation. At the preliminary hearing, the alleged victim admitted to committing the acts in the police report that led to the obtaining money under false pretense charge for an event that was not held in Chesterfield County. In spite of this prosecution neither dropped the charges against petitioner after the preliminary hearing nor charge the alleged victim for filing a false police report leading to appellant's arrest. The case was certified and forwarded to the Circuit Court. Prosecution also refused to move forward with appellant's complaint against the alleged victim for filing a false police report to get her arrested for expressing she would sue them for any harm caused her going through the criminal justice system to prove her innocence.

On or about April 18th, 2018, Petitioner informed Chesterfield County Circuit court in writing of being denied her Sixth Amendment rights as an accused by not being informed of the nature and cause of accusations against her. She informed the court she had not been served any warrant(s), indictment(s) or charging documents and challenged Chesterfield County Circuit Court as an improper venue for her trial which the Court ignored. She also filed a motion to dismiss for violating her right to a speedy trial which was dismissed by the court sua sponte

without a hearing. The Supreme Court held in the 1967 case of *Klopfer v. North Carolina* that the right to a speedy trial is one of those “fundamental” liberties that the Due Process Clause of the Fourteenth Amendment makes applicable to the states.

After Petitioner wrote the court asking for a dismissal for being held for over six consecutive months without being properly informed of the nature and cause of accusations against her, warrant(s) were duplicated, signed as served by fax on an attorney who had not been retained to represent petitioner on the Chesterfield charges whiles Petitioner was in their custody in a holding cell waiting to be processed. The forged warrants served by fax on an attorney petitioner had never met, were certified, and presented to the grand jury instead of the original ones for indictments. On May 21, 2018, a grand jury in Chesterfield County Circuit Court returned three true bills of indictment against petitioner on forged warrants, charges from a false police report on accusations for crimes that did not happen in Chesterfield County, an obtaining money under false pretense charge for a check alleged victim made out to herself and testified at the preliminary hearing that the handwriting on the check was hers and not the petitioner. The crimes she was charged required her to be a Chesterfield County resident at the time of the crime or be committed in the county making Chesterfield an improper venue for trial. Petitioner was held from October 17, 2018 to August 27th 2019 without a jury trial. At the time of release on August 27, 2018, Petitioner had been forever discharged and court forever barred from prosecution by the speedy trial Act of the

Sixth Amendment made applicable to states by the Fourteenth Amendment of the Constitution of the United States.

Whiles petitioner was in custody she had multiple medical complications and health challenges from use of excessive force and being deprived of her right to medical aid. Challenges she still faces today because of her incarceration. She missed court twice. Both times she was in communication with the Clerk's office for a continuance. Both occasions a warrant was issued for her arrest instead of continuance and additional charges of failure to appear filed for underling charges from a false police report, indictments on forged warrants after previously being held for about 10 consecutive months without a trial because of an ICE detainer. She filed motions to quash both warrants. For the first warrant she was ordered to be detained without bail when she appeared in court without hearing arguments on her motion. When she arrived at the Chesterfield County jail, ICE was contacted again facing the same challenges as she did prior. She was denied attempts to post bail as an accused without a conviction because she is an immigrant. The court after been barred from prosecution by the speedy trial Act continued the motion contesting jurisdiction, denied appellant's motion to reinstate her bond, denied appellant's motion to be released on her own recognizance and inflicted an excessive bail after she had been previously held for about 10 consecutive months without a jury trial. She was held until June 13th 2019 before her transfer to Riverside Regional Jail Authority; a jail with poor conditions in retaliation to filing a second civil rights complaint at the District Court against officials at this facility for denying her the needed accommodations

to post bail because of an ICE detainer among other constitutional rights violations. When Petitioner arrived at Riverside Regional Jail Authority for the second time, her request to post bail was denied. After reminding jail officials of her pending Civil Rights Complaint and the 19 Jail officials from the same facility who had been summoned, she was advised Chesterfield County Jail transferred an ICE detainer over to them. They will allow her to post bail but will not be released because ICE had been contacted to assume custody. After posting bail, she was held for more than 5 hours and only released after gaining consciousness for being found unresponsive in a holding cell whiles waiting on ICE agents. For over a year after filing her second motion to quash warrant, the court has refused to set a hearing or on its own recall the warrant as of today. Prior to filing her motion, she presented herself to Chesterfield County Circuit Court. She was denied entry into the building because COVID protocols; only those with appointments were allowed to enter the courthouse. Her request for a same day appointment with the clerk's office was denied. She was asked to file a motion to quash and wait for a date approved by a circuit Judge. Her motion was checked as seen by the Judge and returned to the clerk's office. Petitioner was informed the court will not hear her motion to quash the warrant.

Petitioner argued she should not be spending any more time in jail until it is proven that Chesterfield County Circuit Court has jurisdiction over the matter, the court did not violate her right to a speedy trial and the court is not barred from prosecuting her by the Speedy trial clause of the Sixth Amendment made

applicable to States by the Fourteenth Amendment of the United States Constitution.

These are the circumstances that led to Petitioner's sanctions for misconduct; dismissing all her civil rights complaints because of acts of fraud by counsel(s) of defendants. Sanctions against counsel(s) for defendants and their law firm was also dismissed by the district court. The Fourth Circuit affirmed the district court's decisions and dismissed sanctions against counsel(s) and their law firm for lack of jurisdiction.

Petitioner's case rests on due process clause of the Fourteenth Amendment of the United States Constitution. All petition to appeal filed with Virginia appellate courts to review the orders denying the motions to dismiss and speedy trial challenge were denied. The circuit court cannot prosecute petitioner because the speedy trial clause in the Sixth Amendment of the United States Constitution has barred them from doing so. Courts are bound by United States Constitution and by statutes. Chesterfield County Circuit Court has blatantly disregarded The Constitution of The United States, Statues and petitioner's rights by continuing to harass, intimidate and maliciously prosecute her for exposing their acts of constitutional rights violations and ICE policies. Petitioner's valid civil rights claim was dismissed by the district court and affirmed by the Fourth Circuit because of this malicious prosecution and blatant disregard for the Constitution of the United States by Chesterfield County Circuit Court.

II. The District Court's Ruling Dismissing Petitioner's complaint for lack of prosecution under the Fugitive Disentitlement Doctrine

Petitioner filed a complaint petitioning to the district court for redress of grievances against Jail officials at the Riverside Regional Jail Authority for violating her constitutional rights under section 1983 on April 3, 2018. On March 12, 2019, the district court issued summons to 19 jail officials at the Riverside Regional Jail Authority. On April 24, 2019, after her first motion to quash warrant had been filed at the Chesterfield County Circuit Court, Defendants through counsel(s) moved to dismiss her claims for lack of prosecution by acts of fraud. Their intentionally deceptive action ; filing a motion to dismiss based on false statements of material facts designed to deny Petitioner her right to relief by the court for redress of her grievances by defendant's actions that violated her constitutional rights. Counsel's intentionally deceptive action of filing sworn statements that defendants had attempted to contact Plaintiff but to no avail, Aurora Police with no jurisdiction over Plaintiff's address' failed attempts to arrest her and present her to Chesterfield County Circuit Court to be tried on charges they had been barred from prosecuting by the Fifth Amendment of the United States Constitution made applicable to States by the Fourteenth Amendment was to provide defendants ; perpetrators who refused to provide Plaintiff the needed accommodations to be released on bail whiles awaiting trial, deprived and denied her right to medical aid, treated her less than human by shackling her to a chair in handcuffs and chains, throwing her on the floor, stripping her naked as a woman and leaving her on the floor naked and bleeding without medical care an

unlawful gain of not being held accountable for their actions. They purposely did not serve Petitioner copies of this motion to blindside the court and to prevent her from properly presenting her side of the story with documentation to rebut their motion. On January 21, 2020, the district court denied Petitioner's motion to stay and sanctioned her for improper conduct by dismissing her Civil Rights Complaint. The district court misapplied the fugitive disentitlement doctrine and concluded that "A court's inherent power to sanction misconduct in litigation includes the power to dismiss an action "if the party seeking relief is a fugitive while the matter is pending, Citing Degen v. United States, 517 U.S. 820, 824 (1996).

In Degen v. United States,' the United States Supreme Court addressed whether to expand the fugitive disentitlement doctrine beyond its traditional criminal appeals setting to the context of civil forfeiture. In refusing to extend the doctrine to the civil forfeiture setting, the Court stated that the federal district courts' inherent powers to retain control and respect for the judicial branch do not justify imposition of the severe sanction of disentitlement.

On April 3, 2018 when Petitioner filed the Complaint against defendants she was forever discharged from the charges and Chesterfield was forever barred from prosecution by the Speedy trial Act of the Sixth Amendment made applicable to states by the Fourteenth Amendment. The Chesterfield Charges and Petitioner's Claim against defendants are not closely related to warrant harsh sanctions such as dismissal under the Fugitive Disentitlement Doctrine, United States v. Pole No.3172, 852 F.2d 636 (1st Cir. 1988)

Lastly Petitioner was denied her due process rights in this action by not being served copies of motions, memorandums and documents to properly respond. Due process also entitles Petitioner to be properly served any documents, motions, memorandums filed in the District Court and the opportunity to respond. The dismissal deprived and violated Ms. Yankah's due process right to fair, impartial hearing and to equal access to the fact-finder when the court considered the sworn statements filed without the opportunity for her to be aware and to respond. Due process require reversal of the dismissal where the counsel for defendants knowingly and purposely did not serve plaintiff copies of documents filed or communication (s) with the Court.

In order to employ the doctrine, the record must show (i) that the party against whom the doctrine is advanced is a fugitive; (ii) that there is a nexus between the current case and the party's status as a fugitive; and (iii) that dismissal is necessary to effectuate the policy concerns underlying the doctrine. There should not be a pending matter in Chesterfield as the court has been barred from prosecution by the Speedy Trial Act of the Sixth Amendment of the United States made applicable to States by the Fourteenth Amendment. Chesterfield County Circuit Court has blatantly disregarded the law and Petitioner's right to a speedy trial.

Defendants in this case are not parties to the malicious prosecution of Petitioner. There is no nexus or close relation between this Case and Chesterfield's decision to continue to prosecute Petitioner in violation of the speedy trial Act. Petitioner has not been convicted of any crimes in Chesterfield County , she has not been

sentenced and by law innocent until proven guilty. The dismissal was not necessary to effectuate the underlying doctrine.

Use of the doctrine must be a reasonable response to the problems and the needs of the case. Because it is a severe sanction, the court must exercise discretion in determining whether to apply the doctrine. The district court automatically sanctioned Petitioner by dismissing her complaint with prejudice without considering her response that she appeared in court May 2019, did not have any outstanding warrants. The motion to dismiss was also filed days after Chesterfield county circuit court had docketed a hearing on her motion to quash warrants.

On February 7, 2020, The district court subsequently dismissed Petitioner's second civil rights complaint referencing the fugitive disentitlement doctrine and failure to state a claim. On June 5, 2020, petitioner filed for sanctions against counsel(s) for defendants and their law firm for acts of fraud that led to dismissal of her civil rights complaints. Counsel(s) for defendants filed a motion to dismiss for lack of prosecution with false statements of material facts alleging Petitioner could not be located, law enforcement from Aurora Police department could not make an arrest without serving her copies to respond and expose their lie. When Petitioner contacted the Aurora Police department to inquire about this after she found this information from the dismissal order, they denied their involvement. There is no record of them going to arrest or attempting to arrest petitioner and asserted the address counsel(s) listed was not in their jurisdiction. They filed other documents and refused to serve petitioner even after the district court instructed them to do so. They also denied all the constitutional violations of all defendants

who signed grievances admitting to the violations without remorse. They also lied in their motion to dismiss about attempts made by respondents to reach petitioner but to no avail to get her cases dismissed.

On November 20, 2020, the district court denied Petitioner's amendment to her Civil Rights Complaint. On February 19, 2021, The district court dismissed her motion for sanctions without considering any of her arguments that she was deprived of her due process rights by not been properly served copies of the motion to dismiss and other documents filed by counsel(s) for defendants for her to properly respond. The dismissal of Petitioner's claim was based on sworn false statements of material facts made by counsel of opposing party to deprive her of her right to justice from the harm she suffered by defendants' actions. Those false statements of material facts were deceptive. Their intentional act of filing these false statements and not properly serving Petitioner copies as required by Federal Rules of Civil Procedure to allow her to rebut their false claims, for the court to have all the facts in front of them before making a decision gave defendants an unlawful gain. Petitioner received copies of the court order that was mailed to the address. If Counsel had done the same she would have received it too. They purposefully, willfully and intentionally kept these filings away from Plaintiff to prevent the court from seeing the evidence she had to present. Counsel's deceptive way of manipulating the court with their false sworn statements to get Defendants off the hook, not allowing her to properly respond to their motion with evidence deprived Petitioner of her due process rights.

III. The Fourth Circuit's Affirmance of the District Court's Ruling and dismissal for lack of jurisdiction

Petitioner appealed all cases to the Fourth Circuit Court of Appeals. On September 9, 2021 the Fourth Circuit issued an order consolidating Petitioner's appeal to reverse the district court's dismissal of her first complaint under the fugitive disentitlement doctrine and sanctions against counsel(s) and their law firm for acts of fraud that led to dismissal of Petitioner's complaints. In that order the court included three of the defendants from her Second civil rights complaint ; 2:18 cv 222 which is related to 2:18cv 177

On September 29, 2021, in an unpublished opinion, a three panel Judge issued an order affirming the district court's dismissal of her complaint and dismissing the sanctions against counsel(s) for defendants and their law firm for lack of jurisdiction because Petitioner's notice of appeal was filed a day after the 30 day deadline for filing notice of appeal Fed. R. App. P. 4(a)(1)(A). Petitioner filed a motion for rehearing arguing that, Pursuant Fed. R. App. P. 26(c) , "when a party may or must act within a specified time after service, 3 days are added after the period would otherwise expire under Rule 26(a), unless the paper is delivered on the date of service stated in the proof of service" making the deadline to file her notice of appeal March 25, 2021.Petitioner was served the District Court's order by mail. Her notice of appeal postmarked by U.S.P.S before the filing deadline, was received and filed by the District Court and filed before the three additional days added by Rules of Appellate procedure established for appeals. To the contrary, the Fourth Circuit now tells us that even if a notice of appeal is mailed and

postmarked by U.S.P.S before the filing deadline, regardless of whether the appellant was served by mail, it is untimely filed if not docketed on the 30th day and as a result must be dismissed for lack of jurisdiction. The Fourth circuit did not also consider any arguments Petitioner made referencing court closures, clerks working from home and United States Postal service delays due to the pandemic which affected Petitioner's mail to the court.

REASONS FOR GRANTING THE WRIT

A. Petitioner's case is an exceptionally compelling vehicle for considering and deciding this important and unresolved question of federal law.

This case cleanly presents an issue of multiple jail facilities in the Commonwealth of Virginia, using ICE detainers to deny immigrants accommodations to post bail, release after posting bail and discouraging bondsmen from bonding immigrants out. There are other counties such as DuPage in Illinois, where immigrants are denied bail in court because of ICE detainers obtained by their Sheriffs. This honorable court is yet to consider a case such as this which is a potential violation of equal protection and due process clause of the Fourteenth Amendment of the Constitution of the United States. There is also a split decision among some local law enforcement, sheriffs, cities, counties, and local jurisdictions across the United States who believe it is unconstitutional to hold an immigrant on an ICE detainer without an official warrant signed by an immigration Judge and others who believe as grant recipients from ICE, they are obligated by law to hold immigrants in their local facilities to turn over to the agency as those funds are used to fund their department. SCAAP grant recipients such as Chesterfield County have

weaponized ICE detainers as a source of revenue for their local law enforcement to arrest and detain immigrants on frivolous charges , criminalizing them just to get them in their facilities to be turned over to ICE to money raising a potential violation of the privileges and immunities clause of the Fourteenth Amendment of the United States Constitution which makes this case a certworthy issue; an “important federal question”. The underlying issue implicates serious additional constitutional questions such as

- With or without deference to immigrants, can the prohibition on “national origin” discrimination in Title VI and its implementing regulations properly be extended to discrimination on the basis of a person’s subjective “immigration status”?
- With or without deference to immigrants, can the word “persons” as stated in the constitution properly extend to immigrants regardless of “immigration status”?
- going to the authority of local law enforcement to arrest and detain immigrants on detainers issued by ICE agents critical issues of due process rights, and the Federal Circuit’s decision to affirm and dismiss the case conflicts with this Court’s long-standing precedent.

The urgent questions raised by these numerous constitutional rights violations because of ICE detainers deserves this Court’s attention

B. The centrality of the Fugitive Disentitlement Doctrine to the integrity of the American criminal justice system supports construing Civil Rights Complaints to permit fugitive status where the said status was as a result of government misconduct

Given the important, foundational concerns here, Petitioner's petition is certwothy. Failure to apply a change of law is compounded here by the fact that due process rights of immigrants and its application are in flux and the right to liberty in the due process Clause. The court may review ICE detainers being used at bond hearings to deny immigrants bail, deny needed accommodations for immigrants accused of crimes to post bail pending trial. As the Supreme Court acknowledged in *Stack v. Boyle*, the "traditional right to freedom before conviction permits the unhampered preparation of a defense and prevents inflicting punishment prior to conviction..... Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." —If that is the case, then with or without deference to immigrants, can the phrase "equal justice for all" engraved on the on the West Pediment, above the front entrance of the United States Supreme Court building based on the equal protection clause of the Fourteenth Amendment of the United States Constitution properly extend to immigrants regardless of immigration status?

Enforcing the speedy trial Clause issues here, too, is especially important to a majority of this Court. The Supreme Court held in the 1967 case of *Klopfer v. North Carolina* that the right to a speedy trial is one of those fundamental liberties that the Due Process Clause of the Fourteenth Amendment makes applicable to the states.

Petitioner was held for about 10 consecutive months on a false police report and subsequent indictment on forged warrants by prosecution without a jury trial and

conviction because of an ICE detainer. Subject to review in this case is if warrants issued by courts after been barred by the speedy trial Act is a valid warrant carrying the force of law to be used a dismissal of a civil rights complaint under the fugitive disentitlement doctrine whiles a motion to quash/recall is pending . There is no other legal remedy to quashing a warrant to enforce petitioner's right to liberty without a hearing on the arguments of petitioner's motion to quash which is a duty which ought to be and can be performed by the court. A hearing on her motion for petitioner to appear in court and present her arguments is not in contravention of the fugitive disentitlement doctrine. A fugitive is defined as a person who has escaped from a place or is in hiding, especially to prosecution. Petitioner is not a fugitive. There is no prosecution to avoid by a court who has been barred by the constitution of the United States prior to issuing the writ of habeas corpus for a matter that has also been on appellate review prior to issuance of the warrant. That should not have had an impact on her right to a hearing on her second challenge to violation of the speedy trial Act or motion to quash. It did not limit the court's option for a resolution. A hearing on her motion in the jurisdiction that issued the warrant is not in contravention of the doctrine. The doctrine does not apply to lower court cases in violation of due process rights. The doctrine does not apply to Petitioner's case because the writ of habeas corpus was issued after the court was barred from prosecuting. The action denying Petitioner's motion to dismiss for violating the speedy trial statute sua sponte, applying the fugitive disentitlement doctrine to deny Petitioner a hearing on her second challenge to the speedy trial Act violation and denying Petitioner a hearing on her motion to quash warrant all

violate Petitioner's procedural due process right as an accused. The Circuit Court lacks jurisdiction to adjudicate Petitioner's underlying criminal matters because the matter was, is still on appeal and prosecution is barred by the speedy trial clause of the Sixth Amendment.

The founders did not anticipate bench warrants to be issued in retaliation or used as weapons to harass, intimidate, and frustrate accused persons for petitioning to the courts for redress of grievances of their protected rights. The Supreme Court of the United States also determined that the fugitive disentitlement doctrine employs dismissal as a sanction when a defendant's flight operates as an affront to the dignity of the court's proceedings."(*Ortega-Rodriguez v. United States* (1993) 507 U.S. 234, 246 [122 L.Ed.2d 581, 595].) The fugitive disentitlement doctrine was not promulgated to be used in support of such warrants. —If that is the case, this dangerous precedent set in this case needs to be reviewed by this court. The circumstances surrounding the fugitive status of a plaintiff, whether the active warrant and underlying charges are not violating any constitutional rights must be considered to ensure those constitutional violations do not operate as an affront to the dignity of court proceedings before dismissing civil lawsuits under the fugitive disentitlement doctrine.

C. The Court Should Grant Certiorari to Clarify the Proper Scope of Fed. R. App.

P. 4(a)(1)(A)

Jurisdiction of the Federal Circuit over appeals pursuant Fed. R. App. P. 26(c) is another main issue here. There is a split decision in other Federal Circuits such as the Eleventh Circuit where timely mailed is timely filed and does not warrant

harsh decisions such as dismissals of appeals postmarked before the filing deadline for lack of jurisdiction contrary to the decision of the Fourth Circuit in this case. The Fourth circuit ruled a notice of appeal postmarked by U.S.P.S. before the filing deadline pursuant Fed. R. App. P. 4(a)(1)(A) and docketed before the filing deadline pursuant Fed. R. App. P. 26(c) is untimely filed. This Court may well review the Fourth Circuit's decision itself, just as it reviewed another Appellate jurisdiction challenge a couple of terms ago. *Hamer v. Neighborhood Housing Services of Chicago et al.*, 583 U.S. (2017). If that is the case, the Fourth Circuit's decision is contradictory to the Supreme Court of The United State's Decision therefore the need to be reviewed by this Court.

IV. CONCLUSION AND PRAYER FOR RELIEF

This Court should grant certiorari to consider whether, under the Fugitive disentitlement doctrine it is fair to sanction a plaintiff for lack of prosecution— as a result of misconduct by government and opposing counsel and to dismiss a timely filed notice of appeal for lack of jurisdiction. Such an approach, has set a dangerous precedent. For the foregoing reasons, Petitioner respectfully requests that the Court grant certiorari to review the Fourth Circuit's judgment in her case, or grant such other relief as justice requires.

Dated: , March 24, 2023

Respectfully submitted,



Lois Aba Yankah

Pro se