

23-202

NO. 22-3663

Supreme Court, U.S.  
FILED

MAY 31 2023

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE  
UNITED STATES

JAMES W. HALL : PETITIONER

V

TAMMY O'BRIEN  
TAMARA J. TODD  
JAMES R. SILVER  
DONALD M. GALLICK  
OHIO COURT OF CLAIMS :  
RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

JAMES W. HALL  
PROSE OF RECORD  
P.O. BOX 1123 STATE ROUTE 8  
GUYAHOGA FALLS, OHIO 44223

**ORIGINAL**

RECEIVED

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SUPREME COURT, U.S.

## QUESTION PRESENTED FOR REVIEW

Do a plaintiff or a defendant have a right to an oral-argument in his other case if requested and to respond to the judges remarks calling the case (frivolous) and the plaintiff or defendant characterized as not (serious) before dismiss the case.

Can any judge knowing that a plaintiff or defendant has violated (summons in a civil action) in 4/14/2022 certified mail 7018-3090-0001 8662 0148 to defendant Donald Gallick refused to sign for the district court also mailed out certified 7021-0950-0002 1207 8215. Plus on page 9 (judgment by default) Fed. R. Civ. P 12 (a) (2) or (3) in plaintiff brief cannot miss this 06/08/2022 on the Civil Docket U.S. District Court Northern District of Ohio (Akron) case 5:22-cv-00580-sl.

Can a judge in the lower trial court Tammy O'Brien and attorneys for the defendants on June 27, 2022 subpoena certified mail no. # 70212720-0002-2770 1936 Subpoena July 1, 2022 delivery date July 5, 2022 to Mazanec Raskin Ryder for documents (disobedience) (rule HS to a subpoena)

Title-18 U.S.C. Section 242 my rights was deprived under color of law 42 U.S. Code § 1983 deprivation.

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page at all times relevant to this lawsuit.

### **DEFENDANTS,**

Donald M. Gallick

Tammy O'Brien

Tamara J. Todd

James J. Silver

Ohio Court of Claim and Judges

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## ORDER

- I. THIS MATTER ON MARCH 21, 2023 ORDER  
FILED BEFORE BOGGS, GRIFFIN, AND  
MATHIS CIRCUIT JUDGES DECISION  
ON CASE NO. 22-3663 JAMES W. HALL  
PLAINTIFF AND APPELLEES DONALD  
M. GALLIC, TAMMY O'BRIEN, TAMARA  
J. TODD JAMES R. SILVER, OHIO COURT  
OF CLAIMS AND JUDGES JUDGMENT  
ON APPEAL FROM THE UNITED STATES  
DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF AKRON, OHIO.
  
- II. THIS CAUSE WAS HEARD ON THE RECORD  
FROM THE DISTRICT COURT AND WAS  
SUBMITTED ON THE BRIEFS WITHOUT  
ORAL ARGUMENT.

III. Plaintiff appellant James W. Hall request for oral argument was rejected refused denied to be explained in his own words.

IV. The reason plaintiff appellant James W. Hall was not allowed oral argument was the judges Boggs, Griffin and Mathis circuit judges. Did not (mention, anything about plaintiff appellant Hames W. Hall brief on (page 9) stating defendant Donald M. Gallick never answered to the summon in a civil action within 21 days under rule 12 of the federal rules of civil procedures fed. R. Civ. P 12 (a) (2) or (3) mailed certified by the U.S. District Court Northern District of Ohio (Akron) civil docket for case # 5:22-CV-00580-SL on 4/11/2022 also 7021-0950-0002 1207-8215 also on June 8/2022 certified no. # 7018-3090-0001-8662-0148 copies of the summons in civil action attached exhibit (a).

V. Serving and filing time (rule-12) (b) (4)

In Robinson V. Bantam Books, Inc.  
D.C.N.Y. 1970, 49 Frd. 139, 141-142

The court held that when the defendants were served with a summons and complaint that subsequent were (shuffled) among their (various) offices they were in (default) for (failure) to answer within (twenty-days) of the original service

VI. The court holds that there is little or (no-merit) to defendants attempt to make the (rule) reads defendants shall have (20-days) from the time the summons and complaint (filter) back to the (lawyer) in charge of the litigation for the district in which the case is (filed) (Motley J.)

VII. Filing

The defendants is not in (default) for not filing his answer until (three days later) Blank v. Bitker C.A. 7<sup>Th</sup>, 1943, 135 f. 2D 962 Bachman V. M. Lowenstein Sonsing D.C.S.C. 1978, 85 Frd.10

To vacate a default judgment was overruled Bowles v. Branick D.C. Mo 1946 66 f. Supp 557 vol. 4B § 1152-1153

The sixth United States Court of Appeals deprived plaintiff appellant James W. Hall his constitution rights title 18 U.S.C. Section 242 under color of law as well due-process requirement that courts respect all legal rights owner to people or person are respected.

In the United States Constitution Bill of Rights 28 U.S.-Code (1654) I can represent myself in any court in the United States.

Now comes plaintiff appellant James W. Hall on April 9, 2021 in the ninth district court of appeals certificate of assignment by Chief Justice Maureen O'Connor the Supreme Court of Ohio I was on a phone conference with judges W. Scott Gwin, Craig R. Baldwin J., Earle Wise J.

Conclusion ..... 5

## **PETITION FOR A WRIT OF CERTIORARI**

Petitioner James W. Hall respectfully petitions for a writ of certiorari to review the judgment of the United States of Appeals for the sixth circuit deprived due process and 14<sup>th</sup> amendment denied opinion below.

### **CONSTITUTIONAL ISSUE**

The petitioner should be is entitled to a trial by jury in this matter right was deprived never been in or exchanged any discovery documents from each other attorney's of the defendants in the case never got to depose or have a (deposition) the judges would not allow petitioner James W. Hall to use his constitutional rights 28 U.S. Code § (1654) and my 14<sup>th</sup> amendment due-process to liberty and life.

### **JURISDICTION**

The judgment of the United States Court of Appeals for sixth circuit March 21, 2023 this the United States the jurisdiction of this court is set up with the (rules) of our constitution bill of rights, I have discrimination not allowed to testify in court to tell answer to questions and tell my story 14<sup>th</sup> amendment and due process (deprived)



## STATEMENT OF THE CASE

Now comes petitioner James W. Hall the Judge Sara Lioi erred in her memorandum opinion and (order) filed 07/13/2022 defendant appellee James R. Silver never worked on the dog bite case attorney Michael White whom was in partnership with attorney Edward Gilbert at the time January 2008 the summit county court of common pleas granted plaintiff appellant James W. Hall a \$27,186.14 judgment against Matthew Gulick.

## EXHIBITS

Plaintiff appellant James W. Hall hired defendant appellee James R. Silver paid him \$6,364.00 to collect from Matthew R. Gulick this money check no. # 023602698 \$6,300.00 cashed on November 30, 2009 filed (lien) check no. # 200087983 \$64.00. Now comes plaintiff appellant James W. Hall on October 5, 2009 signed a fee agreement with defendant appellee James R. Silver for \$175.00 in court or \$175.00 out of court on the case of attorney edward Gilbert said iI, plaintiff appellant James W. Hall owed him for the black mold case no I did not owe Edward Gilbert never worked on this black mold case the attorneys that worked on this black mold case for plaintiff appellant James W. Hall was Slater, Zurz (Jim Slater) handled my case. Attorney defendant appellee James R. Silver (lied) he only (argued) the (fees) in judge Margaret Rowland court just a few hour in court \$175.00 Out court \$175.00 signed contract 2009 flat rate there was no hourly contract ever signed with defendant appellee James R. Silver never showed the court he (lied) been lying to the courts. **Magistrates decision with finding of fact and conclusion of law.**

June 28, 2017 1.53 Akron municipal court Jim Laria Clerk Magistrate Tamara J. Todd decision case no. 17-Cv101750 June 3, 2017 mediation hearing plaintiff appellant James W. Hall was present in court defendant appellee James R. Silver was not present in court.

The magistrate heard the testimony of plaintiff appellant James W. Hall and received into evidence plaintiff appellant James W. Hall exhibit (1) (check) exhibit (2) (March 3, 2016 letter) exhibit (3) (judgment order cv 2006-08-5389 and exhibit (4) (February 25, 2016 letter).

This was for legal service for and paid \$6,300.00 plus \$64.00 for (lied) to be place on Matthew R. Gulick which defendant appellee James R. Silver never failed to provide.

## REASON WHY CERTIORARI SHOULD BE GRANTED

Violation of (federal rules 38.) Right to a jury trial demand on January 3, 2023 forced plaintiff appellant James W. Hall to bench trial violated constitution rights I request a jury trial. The defendant appellee James R. Silver used the word vexatious litigator but I filed the truth, he (perjury) on September 28, 2022 violated (rule 37) failure to make disclosures or to cooperate in discovery. Defendant appellee James R. Silver refused to sign for certified mail exhibit ( ) attached returned document defendant appellee Donald Gallick failure to answered rule 12 summon in civil act disobedience of a (subpoena) (rule 45) failure to comply cooperate for document judge Tammy O'Brien and defendants attorney's February 16, 2022 time 9:26) March 14, 2022 time 9:10 am 7021-2720-0002 2773 2657 6/27/22 John T. McLandrich certified 07021-2770 1936 / 7/7/22 Marvan attorney defendants appellee James R. Silver perjury on a sworn affidavit September 7, 2021 plaintiff appellant James W. Hall first request admission no. # (11) Were defendant appellee ever in partnership together defendant James R. Silver stated never. But yet defendant appellee James R. Silver paid attorney Eric R. Fink \$10,000.00 out of (check no. # 149117) dated 12/13/2014 paid to James Hall and James R. Silver \$77,000.00 Settlement plaintiff appellant received \$40,856.00 check no. # 220 James R. Silver attorney at law escrow account P.O. Box 1015, Kent, Ohio 44240.

Tamara J. Todd held a hearing in September 18, 2018 case no. 17-cv-1750 violated rule (37) when the judge Tamara J. Todd known that defendant appellee James R. Silver had a lot of documents (missing) she judge stated it in the transcript (no. # 13) But yet the judge Tamara J. Todd (erred) and this is obstruction of justice and interfering and (bias) this same judge Tamara J. Todd ruled in June 28, 2017 time stamped 1:53 pm Akron Municipal Court plaintiff appellant James W. Hall attached exhibit (13) transcript exhibit (k) attached.

**EXPLANATION OF WHY THIS CASE IS A  
CASE OF PUBLIC AND OR GRANT GENERAL  
INTEREST IN VALUES**

As a citizen of this great country my constitution rights has been violated deprivation of rights under color of law section 242 of title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the (constitution) or laws of the United States.

Rule 26 duty to disclose general provisions  
governing discovery

Rule 26 (a) (1) (b) as otherwise stipulated or (order) by the court, a party (must) without awaiting a discovery request (provide) to the other parties.

Now comes plaintiff appellant James W. Hall has filed (motion) with the trial court Tammy O'Brien subpoenaed and District Court Judge Sara Lioi motions and (subpoena) defendant attorneys for discovery documents to exchange or (depose) to get my case going under constitution of this united states 28 U.S. Code § 1654) appearance personally or by counsel in all courts of the United States.

Default judgment in this case judge sara lioi refused to make a decision on it Donald Gallick defendant in the case.

## CONCLUSION

This matter should be accepted for review this court to resolve the conflict of law of constitution rights and violation rules and civil rights of each other I (motions) to this court that petitioner James W. Hall due process rights has been striped along with petitioner James W. Hall 14<sup>th</sup> amendment and (due-process).

Petitioner James W. Hall all claims against petitioner James W. Hall be dismissed and hold of them defendants accountable for there actions in the complaint filed by petitioner James W. Hall and reverse the United States court of appeals for the sixth circuit.

Respectfully Submitted

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