

No 23-5107 ORIGINAL

IN THE

FILED  
JUN 05 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

Malcolm Jordan — PETITIONER  
(Your Name)

vs.

Kathryn Pomeroy, Jordan EW — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the fourth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Malcolm Jordan  
(Your Name)

3301 Hammond rd.  
(Address)

Raleigh N.C. 27601  
(City, State, Zip Code)

NIA  
(Phone Number)

QUESTION(S) PRESENTED

- 1.) IS 18 U.S.C. § 241 & § 242 Valid Statutes of the United States?
- 2.) What is the legislative intent of both 18 U.S.C.A § 241 & § 242?
- 3.) What is the legal procedure for a citizen of the United States to report a crime committed against him/her fitting the description of the criminal acts contained in 18 U.S.C.A § 241 & § 242; if not by declaration or affidavit to a federal Magistrate of the district court?
- 4.) Did the United States Court of Appeals for the fourth district by treating 18 U.S.C. § 241 & § 242 as a civil matter by affirming the lower courts decision while other appellant courts have treated these statutes as a criminal matter enter a decision in conflict with the decisions of other United States court of appeals on the same important matter?
- 5.) Is the decision made in this matter an issue of importance to the public thereby needing the discretionary review of this court for clarity?

## 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

Jordan v. Pomeroy No. 5123-Ct-3012-Bo  
United States District Court for the eastern district of  
North Carolina western division Judgement entered 2/23/23

Jordan v. Pomeroy No. 23-6234 United States Court of  
Appeals for the fourth circuit Decided: 5/26/23

Jordan v. Fly No. 5122-Ct-3013-Bo  
United States District Court for the eastern district of  
North Carolina western division Judgement, 2/13/23

Jordan v. Fly No. 23-6233 United States Court of  
Appeals for the fourth circuit Decided: 5/26/23

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Aldabe v. Aldabe, C.A.9 (C.A.) 1980, 616 F.2d 1089	(5.)
U.S. v. City of Philadelphia (A.3 (P.A.) 1980, 644 F.2d 187	(5.)
U.S. v. Berger Case (C. E.D.N.Y. (1943) 50 F. Supp. 311	(5.)
Appeal dismissed 64 S.Ct. 368, 320 U.S. 807, 88 L.E. 2d 489 (S.)	(5.)

### STATUTES AND RULES

Title 18 U.S.C. § 241	(5.)
Title 18 U.S.C. § 242	(5.)
§ 6.1 CRIMINAL COMPLAINT	(5.)
§ 6.2 Affidavit in support of CRIMINAL COMPLAINT	(5.)
Rule 4 F.R.C.P.	(5.)

### OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix B 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 \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 26, 2023.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_A\_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

Petitioner states herein the basis of jurisdiction that he is seeking joint review under Rule 14.5.  
(No. 23-6234 { No. 23-6233)

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_A\_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

(2.)

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Title 18 U.S.C. § 241 Appendix D

Title 18 U.S.C. § 242 Appendix D (a)

1st Amendment: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

§ 6.1 Criminal complaint Appendix E

§ 6.2 Affidavit in support of criminal complaint ~~Appendix~~

Appendix (E.2)

(3.)

## STATEMENT OF THE CASE

- 1.) ON JAN 13, 2023 Petitioner Prose Malcolm Jordan filed a Criminal Complaint pursuant to title 18 U.S.C. § 241 & § 242 with the United States district court for the eastern district of North Carolina western division; against Wake County Magistrate Jordan Fly as well as Wake County assistant district attorney Katherine Pomeroy. (See appendix B Jordan v. Fly)
- 2.) ON Jan 18, 2023 instead of determining was there probable cause in support of the complaint, and report of crime against a citizen of the United States that he/she was informed of by affidavit in support of complaint pursuant to CMCRF § 611 and § 612; Magistrate Judge Jones of the United States district court (E.d.) issued an order of deficiency directing petitioner to file his complaint on the forms prescribed for use by the United States district court and provided the petitioner with Civil action form 4d U.S.C § 1983 to proceed. Petitioner was also informed that failure to comply would result in a dismissal for failure to prosecute. (See appendix B(Bd) Jordan v. Pomeroy)
- 3.) Matters under title 18 § 241 & 242 provide no basis for civil liability.
- 4.) Petitioner's complaint was dismissed Feb 24, 2023; petitioner appealed 3/9/2023
- 5.) United States Court of Appeals for the fourth ~~CIRCUIT~~ affirmed the district's Court Judgement 5/26/23

(ALSO See order of deficiency  
Appendix(C) 3(C)(2d))

(4)

## REASONS FOR GRANTING THE PETITION

The Validity of title 18§241 ; §242 which are statutes of the United States has been drawn into question; based on the judgements of both the district court and the United States court of appeals for the fourth district. Petitioner lawfully in accordance and pursuant to federal statutes Rule 4 of FRCRP ; CMCRF §61 ; §62 Filed a criminal complaint pursuant to title 18 § 241 ; §242 in which upon review by federal magistrate Judge who was asked with in affidavit Section of complaint §62 that a warrant for arrest be issued thereby clarifying petitioner's intent; the petitioner received an order commanding him to convert his criminal complaint to a civil complaint. An act clearly not legally provided by title 18§241 ; §242. "This section and section 242 of this title proscribing conspiracy against rights of citizens and deprivations of rights under color of law provided no basis for civil suit under Federal Civil Rights act; Section 1983 of title 42." Aldabe V. Aldabe C.A.9 (Cal.) 1980, 616 F.2d 1089. The history of Reconstruction era legislation revealed implicit legislative intent; and Modern history demonstrated explicit intent to deny to United States right to seek injunctive relief for violations of this section providing penalty for conspiracy against rights of citizens and section 242 of this title providing penalty for deprivation of rights under color of law." U.S. V. City of Philadelphia C.A.3 (P.Q.) 1980, 644 F.2d 187 "Former § 51 of this title (Now this section) was designed to punish offenses against rights secured by U.S.C.A Const. Amend 9 and 15." U.S. V. Berke C.O; E.D. N.Y. (1943), 50 F. Supp. 316 appeal dismissed by S.Ct. 368, 320 U.S. 807, 88 L.Ed. 489.

(5.)

Wherefore, Petitioner prays that this honorable court for the significant federally protected issues raised herein will exercise its jurisdiction by discretion in reviewing this writ in a manner favorable to the citizens of the United States by which the Constitution was meant to protect; by order of reverse & remandment of the judgments of the appellant and District Court with an opinion that clarifies and modernizes and validates title 18 241 & 242 and the duty of federal district courts to acknowledge the Criminal Complaint as a Criminal Complaint when appropriately presented. Petitioner also prays that such an opinion be published.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

McCann A. Gray

Date: 7/5/2023

(6.)