

No. 23-5354

IN THE
SUPREME COURT OF THE UNITED STATES

D'ANN S. MCCOY - PETITIONER

VS.

BOUREIMA OUEDRAOGO - RESPONDENT

Supreme Court, U.S.
FILED

JUL 24 2023

OFFICE OF THE CLERK

ON PETITION FOR A WRIT OF CERTIORARI TO
THE SUPREME COURT OF PENNSYLVANIA - EASTERN DISTRICT
PETITION FOR WRIT OF CERTIORARI

D'ANN S. MCCOY

853 NORTH MOSS STREET

PHILADELPHIA, PA 19139

267 972 0291

QUESTIONS PRESENTED FOR REVIEW

1. Is It Lawful For A Chief Clerk Of The Supreme Court Of The Eastern District Of Pennsylvania To Act And Perform Judicial Duties As A Judge Such As Signing And Notarizing An Order Such As The Order Dated 6/21/2023 Dated Herein Which Does Not Bear Any Supreme Court Justices' Signatures Or Decisions?

(Suggested Answer: No)

(i)

LIST OF PARTIES

- 1. D'ANN S. MCCOY - PETITIONER**
- 2. BOUREIMA OUEDRAOGO - RESPONDENT**

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

Petitioner respectfully prays that this Honorable Court grant the instant Petition for Writ of Certiorari to review the order and merits below.

OPINIONS BELOW

PER CURIAM

AND NOW, this 21st day of June, 2023, the Petitioner for Allowance of Appeal is DENIED.

Attest: Patricia A. Johnson

Chief Clerk

Supreme Court of Pennsylvania

JURISDICTION

The date on which the highest state court decided my case was June 21, 2023. A copy of the decision appears at Appendix A. The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following Constitutional and Statutory Provisions are involved:

- 1. U.S. Constitutional Amendment XIV - Section 1. [Citizens of the United States.]**
- 2. Pennsylvania Statutes;**

STATEMENT OF THE CASE

This case has little to do with the specific facts of the case and more to do with the procedural due process violations of the Supreme Court of Pennsylvania with regards to the signing and issuance of their orders.

In the instant matter, the order issued on June 21, 2023 with regards to the Petitioner's manner is not signed by a judge or justice of the court, but instead is signed by the chief clerk; however, the chief clerk is not the official authority or elected official that is chosen by the people to execute documents on behalf of the highest court of Pennsylvania. Therefore, the order issued on June 21, 2023 is legally defective and void as a result of this lack of proper execution.

The Fourteenth Amendment's Due Process clause provides two types of protection: (1) substantive due process (relating to outcomes) ; and (2) procedural due process (relating to procedure). *McKinney v. Pate*, 20 F.3d 1550, 1555 (11th Cir. 1994) (en banc). The substantive component of the clause protects those rights that are "fundamental," that is, rights that are "implicit in the concept of ordered liberty." *Palko v. Connecticut*, 302 U.S. 319, 325 (1937). Procedural due process is a guarantee of fair procedures whereby the state may not deprive a person of life, liberty or property without providing "appropriate procedural safeguards." *Daniels v. Williams*, 474 U.S. 327 (1986). The fundamental requirement of [procedural] due process is the opportunity to be heard and provided the proper application of process whereas the substantive requirement of due process refers to the overall substantive outcome of the matter. See:

Parratt v. Taylor, 451 U.S. 527, 540 (1981).

It is a fundamental element of liberty for documents, particularly those coming from governmental bodies, to be properly executed in order to be valid. Wills are typically deemed invalid until they are finally and properly executed; and even if the wishes of the party to whom the will pertains expressed wishes to the contrary, Courts typically will hold that only the finally signed will is binding and controls. See *In re Wilson's Estate*, 364 Pa. 488, 491, 72 A.2d 561, 562 (1950). Similarly, contracts must also be properly executed in order to constitute a binding and enforceable contract. See *WaveDivision Holdings, LLC v. Millennium Digital Media Systems, LLC*, 2010 WL 3706624 *19 (Del. Ch. 2010). This signifies the significance of proper execution of documents.

In the instant matter, there is a significant amount of importance to the proper execution of documents. First and foremost, the proper execution of documents binds the signature of the deciding party to the decision which has significant political implications. Upon the execution of a signature to a proper document, the person authorizing the same becomes bound to the implications of the decision as well as the political consequences of the decision as well. Should, for example, the decision be reviewed in a time later by the general public, such as in an election campaign, the signature demonstrates the signing party's express authorization of the decision without any dispute. This can be used to evidence the signing party's political attitude and bias in a particular category of cases which may or may impact their re-election. Allowing a

party to escape proper execution of documents also allows a party to escape responsibility for a particular course of conduct and decision making. This, in addition to the sheer invalidity procedurally that exists as the result of a lack of proper execution of documents, constitutes the lack of judicial signing of the order issued in the instant matter to be a procedural due process violation which should not be tolerated by this Court.

Documents have to be properly executed in order to be valid; in contracts and other types of documents that control the rights and interests of parties in a particular matter. Judicial matters should be the same; it is not sufficient for clerks to sign in place of judges and justices in the courts, particularly in judicial matters that have significant importance to the individuals to whom the cases pertain to and has to do with the population as a whole.. Therefore, this Court should grant Petition for Writ of Certiorari.

REASONS FOR GRANTING THE WRIT

There are various reasons why the Supreme Court may grant a writ which includes (1) when the case has to do with the population as a whole.

In this case, the Writ for Certiorari is not just about the decisions that pertain to this case and the manner in which they were processed by the court in a way that constitutes numerous violations of the due process of law, but also the manner in which the Supreme Court of Pennsylvania (and likely, other courts) process their cases for people as a whole.

Furthermore, the manner in which the Pennsylvania Court System carries out these violations of due process is continuous and systematic - the Pennsylvania Court System has been using this invalid process for the issuance of decisions and orders for all of its citizens which makes the question presented in the instant matter of significant importance.

There is no greater violation that can be complained of on appeal - that an entire State Court system in the United States - the Supreme Court of Pennsylvania system - continuously and systematically depriving the citizens of their rights to procedural due process - by unequally and incorrectly processing cases and issuing decisions that deprives the average citizen of their due process rights protected under the Constitution of the United States.

The matters complained of in this appeal show just how far from the rule of law that the Pennsylvania Court System has diverged from the standard rule of law, making

the question presented in the instant matter warranted. The substantial public Importance of citizenry being able to access the Court System without bias or undue illegitimacy is a matter of substantial public importance and there is no reason that the Pennsylvania Court System should be operating with such a major flaw in the processing of its cases.

The Pennsylvania Court System as a whole has diverged substantially from the rule of law in a manner that is unacceptable and so it is respectfully requested that this Honorable Court GRANT this petition for Writ of Certiorari.

CONCLUSION

This Court should Grant Writ of Certiorari

Respectfully Submitted

Date: 7/31/2023



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