

23-5460 ORIGINAL

FILED
JUL 14 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

Clinton Douglas Johnson Jr — PETITIONER
(Your Name)

VS.

Sgt. Johnson et al. — 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

Clinton Douglas Johnson Jr
(Your Name)

415 South Pine Street
(Address)

Walhalla, South Carolina 29691
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- Was excessive ~~Police~~ force used during arrest and afterwards at detention center?
- Was the judgement in error and How?
- Was the Honorable Sherri A Lyden's judgement in error through; excusable neglect; inexcusable neglect; or misconduct?
- Was the Plaintiff's First Amendment, Fourth Amendment, Sixth Amendment, and Fourteenth Amendment rights violated?
- Was the Plaintiff's rights violated and guaranteed by the ALUJPPA and the detention center going against the Act of 2000?
- Did the Omission of Marcus Rhodes (Director of J Reuben Long Detention center) testimony and his effectual admission that Mr Clinton Douglas Johnson Jr exhausted his grievances affect the Judgement?
- Is, or recently was, Walthalla, S.C.; Anderson, S.C.; Oconee County, S.C.; these counties listed in the index as counties within Horry County? And if so, was the testimony of Attorney for defense, for argument that Plaintiff no longer lived in Horry County and therefore not in danger a plain error and erroneously faulted for the outcome of proceedings of Temporary Restraining Order?
- Should the Fourth Circuit Court have reviewed and accepted the Appeal?
- Was South Carolina's Religious Freedom Act protections violated?
- Was the First Amendment's Equal Protection and Establishment Clause protections violated?
- Was the American Indian Religious Freedom Act of 1978 protections violated?
- Was the Plaintiff's Civil Rights violated?
- Having the whole incident start to finish come about from American Indian Religious Freedom Act of 1978 being exercised, is the Plaintiff entitled to Monetary, punitive, nominal and or compensatory damage relief's.

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:

Sgt. Johnson; Allan G. Huggins, II;
Lt. Anderson; Officer Costello; Officer Strickland;
Officer POUTZ

RELATED CASES

5:22 cr no 01547 - SAL; Johnson v. Oconee County Detention Center U.S. District Court, District of South Carolina, Florence Division. Judgment entered Feb. 13, 2023

Johnson v Sgt. Johnson No. 22-7016 U.S. Court of Appeals for the Fourth Circuit Judgment entered January 20, 2023.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Tagore v. United States</u> , (5 th Cir. 2013)	pg. 480, 482
<u>Kolender v. Lawson</u> , 461 U.S. 852, 103 S.Ct. 1855, 75 L.Ed. 2d 903 (1983)	pg. 354
<u>Morello v. James</u> , 810 F.2d 344 (2 nd Cir. 1987)	pg. 324, 325
<u>Burge v. St. Tammany Parish</u> , 336 F.3d (supra)	pg. 336
<u>United States v. Davis</u> , (3 rd Cir. 2022)	pg. 611
<u>United States v. Macintosh</u> , (1931)	pg. 283
<u>Pell v. Procunier</u> , (1974)	pg. 495

STATUTES AND RULES

South Carolina Code Section(s)

- 16-5-10 Conspiracy against Civil Rights
- 16-17-560 Assault or intimidation on account of political opinion or exercise of civil rights
- 22-9-170 Oppression in office or other misconduct
- 16-17-735 Show Legal Process (B) (3) (B)(C)
- 44-23-240 Unwarranted confinement of an individual
- 38-55-540 (A)(2) Knowingly making false statement or misrepresentation resulting in economic advantage of between one and ten thousand dollars per offense
- 16-17-520 Disturbance of religious worship

OTHER

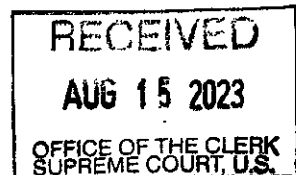


TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

Decision of The U.S. District Court, District of South Carolina
Florence Division

APPENDIX B

Unpublished Decision of the United States Court of Appeals
for the Fourth Circuit

APPENDIX C

Petition for rehearing en banc; Decision of The United States
Court of Appeals for the Fourth Circuit

APPENDIX D

APPENDIX E

APPENDIX F

RECEIVED

JUL 27 2023

OFFICE OF THE CLERK
SUPREME COURT U.S.

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 B 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 A 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 January 20th, 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: May 2nd, 2023, and a copy of the order denying rehearing appears at Appendix C.

☐ 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).

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment provides several rights protections: To express ideas through speech and the press, to assemble or gather with a group to protest or for other reasons, and to ask the government to fix problems. It also protects the right to religious beliefs and practices. It prevents the government from creating or favoring a religion.

The Fourth Amendment bars the government from unreasonable search and seizure of an individual or their private property.

The Fifth Amendment provides that property cannot be taken away without just compensation. And one cannot be imprisoned without due process of law.

The Sixth Amendment provides additional protections to people accused of crimes, such as: impartial jury, informed of criminal charges, witnesses must face the accused, and the accused is allowed his or her own witnesses and to be represented by a lawyer.

The Eighth Amendment bars excessive bail and fines and cruel and unusual punishment.

STATEMENT OF THE CASE

A defense is irrelevant, immaterial or redundant when it is false in fact or is (pleaded) not pleaded in good faith. When a defense is pleaded in bad faith plain error has occurred and a question as to the substantial relation to the controversy between the parties to the action as to when the issue formed by the denial can have no connection with or without effect upon the cause of action.

The entire Action has come about from a call to the District Court system about Legal Work that was confiscated upon arrest that just so happened to encompass religious issues and religious texts. That were being denied to Plaintiff. The entire Twenty one plus days of denial The department, Chaplain etc., promised to bring paperwork were reporting they haven't ever heard of said religion even after a sit down with Plaintiff.

Plain error from Honorable Judge Kaymani D. West and Sherri A. Lyden in stating Religious Freedom was just being brought up as the case was being dismissed; The very beginning of the case and throughout the various stages of civil suit Religious Freedom issues were being brought up throughout case.

* Plaintiff was exposed (naked) on video recording during incident at J. Reuben Long Detention Center which is in violation of Law. PREA Prison Rape Elimination Act.

Plaintiff had various Internal Affairs PREA grievances on Officer Costello and The assaults are not mere allegations however construed; They are retaliatory exhibits of angered employees getting even at inmates for whistle blowing on their voyeurism.

All statements made by all officers and attorney's are made in bad faith and meant to deceive the courts in these factual statements and in light of these evident material supported by Marcus Rhodes Internal Affairs Officer and Director of J. Reuben Long Detention Center.

REASONS FOR GRANTING THE PETITION

The essence of religion is belief in a relation to (God) or Supreme Deity, involving Duties superior to those arising from any human relation; Seeger *Supra*, Sincerity of Belief Test, quoting Chief Justice Hughes United States v. Macintosh, 183 U.S. 605, at 633-34, 5 S.Ct. 579 at 578, 75 L. Ed. 1302 (1931).

In dealing with religion's Institutions should and by God will have due respect for the Lord's work for these are the threads that keep the fabric of discord and disharmony and disdain, to disrespect from having the Institute in disrepair and disheveled corruption. Everyone honors the Living Word even though few read or attend church or services.

Many seek justice when it comes to injustice or Justice and only Chief Justices' can sort through the entanglements of Constitutional and statutory rules that the District Courts and State Courts overlook and disregard as harmless erroneous oversight. Johnson v Johnson, (D.S.C. 2021) 4:20cv-01664-SAL-KDW was first taken on as a Supreme Court Case in the late months of September-October of 2020 and was handed down to the District Court Florence Division District of South Carolina however original adoption was by the (District) Supreme Court before being handed down to the District of South Carolina. As evidenced by the 4:20cv code.

The United States, The Globe needs to know that the Supreme Court the Chief Justice's will uphold will preserve the Constitution the Law the Code and integrity of the People when it comes to the Amendments the right, the privilege to exercise religion to worship incarcerated, even when founding a religion, what a privilege it is to be protected by the Law and the Government, the Judicial system, Congress, The House, GOP to the Legislative Governing bodies in taking a Lesson and making Leronade.

To taking measure and showing incarcerated inmates and Free convicts that the Sun will rise and shine despite clouds. When we have a check and balance system in place to correct errors, From disturbance of religious worship, to excessive force, To false affidavits by all officers involved to misleading and motions made in Bad faith by attorneys Plaintiff believes that the petition should be reviewed.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Clinton D Johnson Jr 

Date: 7-14-2023