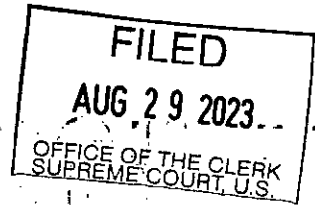


23-5510

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Anthony Braxton — PETITIONER
(Your Name)

vs.

Larry E Harrah ET AL., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the 4th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony Braxton
(Your Name)

1652 Prudence Rd.
(Address)

Oak Hill WV 25901
(City, State, Zip Code)

304-640-8384
(Phone Number)

QUESTIONS PRESENT

1. DO I HAVE A FUNDAMENTAL RIGHT FROM THE 5TH, 9TH, , and 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION, TO RECEIVE A NOTICE THAT MY SEIZED PROPERTY IS SUBJECT TO BE FORFEITED ADMINISTRATIVELY, OUTSIDE OF THE STATE AND FEDERAL COURTS?
2. DO I HAVE A FUNDAMENTAL RIGHT FROM THE 5TH, 9TH, AND 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION, TO RECEIVE A PROPERTY RECEIPT WHEN, FEDERAL LAW ENFORCEMENT ENTITIES, SEIZE MY PRIVATE PROPERTY DURING A SEARCH WARRANT ON MY HOME ON APRIL 18TH 2016, AND FEBRUARY 15TH 2017?
3. DO MY PRIVATE PROPERTY, HAVE EQUAL CONSTITUTIONAL PROTECTONS, AS MY LIFE, AND LIBERTY DOES, FROM THE 4TH, 5TH, 6TH, 7TH, 8TH, 9TH AND THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION?
4. DO I HAVE THE 8TH AMENDMENT PROTECTION FROM THE UNITED STATES CONSTITUTION AGAINST CRUEL AND UNUSUAL PUNISHMENT WHEN I AM PUNISHED FOR A CRIME, BY ADMINISTRATIVE FORFEITURE OF MY SEIZED PRIVATE PROPERTY ON APRIL 18TH 2016, AND FEBRUARY 15TH 2017, WHEN I AM ONLY ACCUSED OF A CRIME, WITHOUT EVER BEING CHARGED WITH A CRIME, OR INDICTED OF A CRIME, NOR DID I PLEA GUILTY TO A CRIME I KNOW ABSOLUTELY NOTHING ABOUT?
5. DO I HAVE A FUNDAMENTAL RIGHT TO HOLD A CIVIL JURY TRIAL IN STATE COURTS, FROM THE 7TH AMENDMENT OF THE UNITED STATES CONSTITUTION (what has never been applied to the states), BEFORE A STATE JUDGE CAN FORFEIT MY SEIZED PROPERTY SUA SPONTE, without any KIND OF NOTICE LETTING ME KNOW PART OF MY SEIZED PROPERTY IS SUBJECT TO BE FORFEITED, NOR ANY TYPE OF HEARING BEFORE PART OF MY SEIZED PROPERTY IS FORFEITED BY A STATE JUDGE BY SUA SPONTE?
6. DO I HAVE THE FUNDAMENTAL RIGHT TO CHALLENGE WEST VIRGINIA CONTRABAND FORFEITURE ACT, WHEN FEDERAL LAW ENFORCEMENT ENTITIES ONLY USE THIS ACT TO SEIZED PROPERTY FOR ADMINISTRATIVE FORFEITURE, WITHOUT GIVING ANY TYPE OF NOTICE IN THE NEWSPAPER, NOR DID I MYSELF RECEIVE A NOTICE, STATING THAT MY SEIZED PROPERTY FROM APRIL 18TH 2016, AND FEBRUARY 15TH 2017, IS SUBJECT TO BE FORFEITED?
7. DO MY PERSONAL PROPERTY HAVE THE 13TH AMENDMENT PROTECTION TO BE FREE FROM BEING TAKEN INTO SLAVERY?
8. DO THE 4TH AMENDMENT PROTECTION, REQUIRE THAT FEDERAL AGENTS CHECK INFORMANTS (PERSON) AND ALL OTHER PEOPLE'S (PERSON) BEFORE DRUG TRANSACTIONS CAN BE CALLED A CONTROL DRUG BUY, TO HAVE PROBABLE CAUSE FOR A SEARCH WARRANT ON MY HOME ON APRIL 18TH 2016, AND FEBRUARY 15TH 2017?

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:

ATTACHED PAGE

RELATED CASES

ATTACHED PAGE

LIST OF PARTIES

1. SOLICITOR GENERAL OF THE UNITED STATES ROOM 5614, DEPARTMENT OF JUSTICE, 950 PENNSYLVANIA AVENUE N.W. WASHINGTON D.C 20530-0001
2. WEST VIRGINIA ATTORNEY GENERAL, P.O. BOX 1789, CHARLESTON, WV, 25326-1789
3. BAILEY AND WYANT, P.O. BOX 3710 CHARLESTON WV 25337
4. WEST VIRGINIA GOVERNOR STATE CAPITAL 1900 KANAWHA BLVD E CHARLESTON WV 25305
5. CENTRAL WEST VIRGINIA DRUG TASK FORCE, P.O. BOX 974 SUMMERSVILLE WV 26651
6. EDWARD WILLIAMS 901 QUARRIER STREET CHARLESTON WV 25301
7. WEST VIRGINIA STATE POLICE HEADQUARTERS, 725 JEFFERSON ROAD, SOUTH CHARLESTON WV 25301
8. FAYETTE COUNTY SHERIFF, MIKE FRIDLEY, P.O. BOX 509 FAYETTEVILLE WV 25309
9. FAYETTEVILLE POLICE DEPT, P.O. BOX 298 FAYETTEVILLE WV 25840
10. MOUNT HOPE POLICE DEPT, 609 MAIN STREET, MOUNT HOPE WV 25880
11. CITY OF MOUNT HOPE, P.O. BOX 151 MOUNT HOPE WV 25880
12. ANSTED POLICE DEPT, 104 CEMETERY STREET, ANSTED WV 25812
13. CITY OF ANSTED, P.O. BOX 798, ANSTED WV 25812
14. GAULEY BRIDGE POLICE DEPT, P.O. BOX 490 GAULEY BRIDGE WV 25085
15. NICHOLAS COUNTY COMMISSION, 700 MAIN STREET, SUITE 1, SUMMERSVILLE WV 26651
16. CITY OF SUMMERSVILLE, P.O. BOX 525 SUMMERSVILLE WV 26651
17. SUMMERSVILLE, CITY POLICE DEPT. P.O. BOX 525 SUMMERSVILLE WV 26651
18. RICHWOOD CITY POLICE DEPT, 6 WHITE AVENUE, RICHWOOD WV 26261
19. THE CITY OF RICHWOOD, 6 WHITE AVENUE, RICHWOOD WV 26261
20. CLAY COUNTY COMMISSION, P.O. BOX 190 CLAY WV 25043
21. CLAY COUNTY SHERIFF'S DEPT, P.O. BOX 429 CLAY WV 25043
22. WEBSTER COUNTY COMMISSION, 2 COURT SQUARE ROOM G-1, WEBSTER SPRINGS WV 26288
23. WEBSTER COUNTY SHERIFF'S DEPT, 2 COURT SQUARE ROOM G-3, WEBSTER SPRINGS WV 26288
24. WEBSTER COUNTY CITY POLICE DEPT, 146 McGRAW AVE, WEBSTER SPRINGS WV 26288
25. CITY OF COWEN, P.O. BOX 446 COWEN WV 26206
26. POCAHONTAS COUNTY COMMISSION, 900 TENTH AVE, MARLINTON WV 24954
27. POCAHONTAS SHERIFF DEPT, 900 TENTH AVE, MARLINTON WV 24954
28. CITY OF MARLINTON, 709 2ND AVE, MARLINTON WV 24954
29. MARLINTON CITY POLICE DEPT, 709 SECOND AVE, MARLINTON WV 24954

RELATED CASES

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA, CIVIL CASE 117-P-45-H

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APPENDIX A 4TH CIRCUIT COURT OF APPEALS, AFFIRMED UNITED STATES DISTRICT COURT RULING

APPENDIX B UNITED STATES DISTRICT COURT FOR SOUTHERN WEST VIRGINIA , FINAL JUDGEMENT

APPENDIX C CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA, FINAL JUDGEMENT, WERE I HAD PART OF MY PERSONAL PROPERTY FORFEITURE, WITHOUT ANY TYPE OF NOTICE OR HEARING.

APPENDIX D AFFIDAVIT FROM FEBRUARY 15, 2017, SEARCH WARRANT, THE FEDERAL AGENT THAT DID NOT SEARCH THE DRUG DEALERS PERSON BEFORE THE AGENT LET THE JUNKIE IN HIS CAR, NOR DID THE AGENT SEARCH THE DRUG DEALER PERSON WHEN THE JUNKIE WAS GETTING BACK IN THE CAR.

APPENDIX E AFFIDAVIT FROM APRIL 18TH 2016, SEARCH WARRANT, NO ONE SEARCH THE DRUG DEALERS PERSON BEFORE HE GOT IN THE INFORMANTS TRUCK, NOR DID ANY LAW ENFORCEMENT ENTITY SEARCH THE DRUG DEALER BEFORE HE GOT BACK IN THE CAR.

APPENDIX F IS A FORENSIC SUBMISSION FORM, WHERE IT SHOW THAT TWO WAX PAPER PACKETS CONTAINING A (LIGHT BROWN SUBSTANCE) DATED FEBRUARY 15TH 2017.

APPENDIX G. IS A FORENSIC LABORATORY REPORT, FROM FEBRUARY 15TH 2017, \$90.00, DRUG BUY SHOWING THAT THE SUBSTANCE WAS WHITE, NOT LIGHT BROWN, ITEM #1. WAS A PIECE OF WAX PAPER CONTAINING WHITE SUBSTANCE WEIGHING. 0.284 GRAMS, ITEM # 2. WAS A PIECE OF WAX PAPER CONTAINING WHITE POWER, WEIGHING 0.251 GRAMS. ONCE ANYONE LOOK AT THIS FORENSIC REPORT KNOWS THAT THE FEDERAL AGENT ON FEBRUARY 13, 2017, GOT ROBBED. THE AGENT NOT ONLY SPENT \$90.00 FOR ABOUT A DOLLAR WORTH OF DRUGS, BUT WAITED TWO DAYS AND USED THIS ROBBERY AS PROBABLE CAUSE TO GET A SEARCH WARRANT.

TABLE OF AUTHORITIES CITED

UNITED STATES VS. JAMES DANIEL REAL PROP., 510 U.S. 43, 52 (1993).....	ON PAGE 5
CALERO-TOLEDO VS. PEARSON YACHT LEASING CO. 416 U.S. 663, 678,-80 (1974).....	ON PAGE 5
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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 _____ 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 JUNE 7, 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).

☐ 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

UNITED STATES CONSTITUTION FOURTH AMENDMENT: BARS THE GOVERNMENT FROM UNREASONABLE SEARCH AND SEIZURE OF AN INDIVIDUAL OR THEIR PRIVATE PROPERTY. ON PAGE 7,8,10

UNITED STATES CONSTITUTION FIFTH AMENDMENT: PROVIDES SEVERAL PROTECTIONS FOR PEOPLE ACCUSED OF A CRIMES, IT STATES THAT SERIOUS CRIMINAL CHARGES MUST BE STARTED BY A GRAND JURY, A PERSON CAN NOT HAVE PROPERTY TAKEN AWAY WITHOUT JUST COMPENSATION, PEOPLE CANNOT BE EMPRISONED WITHOUT DUE PROCESS OF LAW. ON PAGE 7, 8

UNITED STATES SIXTH AMENDMENT: GUARANTEES THE RIGHTS OF CRIMINAL DEFENDANTS, INCLUDING THE RIGHT TO A PUBLIC TRIAL WITHOUT UNNECESSARY DELAY, THE RIGHT TO A LAWYER, THE RIGHT TO AN IMPARTIAL JURY AND THE RIGHT TO KNOW WHO YOUR ACCUSERS ARE AND THE NATURE OF THE CHARGES AND EVIDENCE AGAINST YOU. ON PAGE 8

UNITED STATES CONSTITUTION SEVENTH AMENDMENT: REQUIRES CIVIL JURY TRIAL ONLY IN FEDERAL COURTS. ON PAGE 8

UNITED STATES CONSTITUTION EIGHTH AMENDMENT: EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR EXCESSIVE FINES IMPOSED, NOR CRUEL AND UNUSUAL PUNISHMENT INFLICTED. ON PAGE 6, 8, 9, 11

UNITED STATES CONSTITUTION NINTH AMENDMENT: ALL THE RIGHTS NOT LISTED IN THE CONSTITUTION BELONG TO THE PEOPLE, NOT THE GOVERNMENT. THE RIGHTS OF THE PEOPLE ARE NOT LIMITED TO JUST THE RIGHTS LISTED IN THE CONSTITUTION. ON PAGE 6, 8

UNITED STATES CONSTITUTION THIRTEENTH AMENDMENT: ABOLISHED SLAVERY. On page 6, 9,

UNITED STATES CONSTITUTION FOURTEENTH AMENDMENT: NO STATE SHALL DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR DENY TO ANY PERSON WITHIN IT'S JURISDICTION THE EQUAL PROTECTION OF THE LAWS. ON PAGE 6, 7, 8

UNITED STATES CONSTITUTION FIFTH AMENDMENT TAKING CLAUSE OF THE FIFTH AMENDMENT, THIS CLAUSE INTEND TO UPHOLD THE PRINCIPLE THAT THE GOVERNMENT SHOULD NOT SINGLE OUT, ISOLATED INDIVIDUALS TO BEAR EXCSSIVE BURDENS IN SUPPORT OF AN IMPORTANT PUBLIC GOOD. ON PAGE 10

WEST VIRGINIA CODE 60A-7-705 PROCEDURES FOR FORFEITURE. ON PAGE 5

WEST VIRGINIA CODE 60A-7-705a ADDITIONAL PROCEDURES FOR FORFEITURE, ADMINISTORATIVE FORFEITURE. 5, 6, 9, 11

STATEMENT OF THE CASE

On April 18th 2016, the federal drug unit know as CENTRAL WEST VIRGINIA DRUG TASK FORCE (CWVDTF), executed a search warrant upon my home, they seized property from my home, when I was given a property receipt that night, only half of my seized property was on this property receipt.

ON OR AROUND THE 25, OF JULY 2016, asked for my seized property returned from FAYETTE COUNTY, WEST VIRGINIA, SHERIFF, WHO IS a member of this federal drug organization, I was told that my seized property was forfeited administratively, and that my forfeited funds had already been spent on different things.

ON OR AROUND JANUARY 16, 2017, I AGAIN ASKED THE FAYETTE COUNTY WEST VIRGINIA, SHERIFF FOR THE RETURN OF MY SEIZED PRIVATE PROPERTY FROM APRIL 18TH 2016, SEARCH WARRANT, UPON MY HOME, I give the FAYETTE SHERIFF 30 days to return my seized property or I was going to file suit.

On February 15th 2017, this federal drug unit, BROKE MY WINDOW 16 INCHES FROM THE DOOR, AND PERFORMED a no knock search warrant upon my home, and seized property from my home, but never give me a property receipt with THESES items on this PROPERTY receipt. This federal organization, came into my house to murder me, for asking for my seized property returned from April 18th 2016.

ON OR AROUND JUNE, 19, 2017, I ASKED THE FEDERAL DRUG UNIT (CWVDTF) for the return of my seized property, but was only given run around, and was told that the United States PROSECUTING ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA AT CHARLESTON HAD MY SEIZED PROPERTY FROM April 18th, 2016.

ON JULY 24TH 2017, I FILED CIVIL ACTION IN FAYETTE COUNTY WEST VIRGINIA, CIRCUIT COURT, FOR THE RETURN OF ALL MY SEIZED PROPERTY FROM APRIL 18TH, 2016, AND FROM FEBRUARY 15TH, 2017.

ON SEPTEMBER 7TH, 2017, I WAS GIVEN a settlement agreement from the Fayette County PROSECUTING attorney's office, In this agreement these defendants wanted me PLEA GUILTY TO crimes I know nothing about, what the defendants wanted me to agree upon and sign, was a blank indictment, I refused to sign this settlement agreement.

ON SEPTEMBER 8TH, 2017, I FILED A MOTION FOR THE RETURN OF ALL MY SEIZED PROPERTY FROM APRIL 18TH, 2016, AND FEBRUARY 15TH, 2017, WHAT HAD BEEN ADMINISTRATIVELY FORFEITED BE RETURNED.

THIS STATE JUDGE FORFEITED part of my seized property from April 18th, 2016, search warrant, without notice of any kind or a hearing on this issue, THIS STATE JUDGE RULED SUA SPONTE.

ON SEPTEMBER 18, 2017, I received part of my seized forfeited property FROM APRIL 18TH, 2016, returned after 17 months, A CHECK FROM A FEDERAL DRUG FORFEITURE checking bank account, once I received this check for most of what was on my property receipt from April 18th 2016, I KNEW THAT THE FEDERAL DRUG UNIT HAD NO PLANS ON RETURNING ANY OF MY SEIZED

PROPERTY. IF MY SEIZED PROPERTY WAS EVIDENCE, NONE OF MY SEIZED PROPERTY WOULD HAVE BEEN IN A FEDERAL DRUG FORFEITURE BANKING ACCOUNT.

ON April 18TH 2018, I filed civil action in UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA AT CHARLESTON.

THE UNITED STATES DISTRICT MAGISTRATE JUDGE RULED THAT PRE-SEIZURE NOTICE, THAT MY SEIZED PROPERTY WAS SUBJECT TO BE FORFEITURE, FAILS BECAUSE CIVIL FORFEITURE OF PERSONAL PROPERTY " WITHOUT AFFORDING PRIOR NOTICE OR HEARING " IS CONSTITUTIONAL, THE DISTRICT COURT CITED, UNITED STATES VS. JAMES DANIEL GOOD REAL PROP., 510 U.S. 43, 52 (1993) (CITING CALERO- TOLEDO VS. PEARSON YACHT LEASING CO., 416 U.S. 663, 678-80 (1974)).

IN BOTH THESE CASES CITED, SOMEONE RECEIVE A NOTICE THAT THE PROPERTY WAS SUBJECT TO BE FORFEITED, I WAS NEVER NOTIFIED THAT MY SEIZED PROPERTY WAS SUBJECT TO BE FORFEITED, AND IN BOTH CASES CITED THE FORFEITURE HAPPENED IN A FEDERAL COURTS, WERE IN MY CASE MY SEIZED PROPERTY FROM APRIL 18TH, 2016, AND FEBRUARY 15TH, 2017, WAS ADMINISTRATIVELY FORFEITED BY STATE MEMBERS OF THIS FEDERAL DRUG UNIT.

THIS FEDERAL DRUG UNIT, USED STATE COURT TO OBTAINED SEARCH WARRANT ON APRIL 18TH, 2016, AND ON FEBRUARY 15TH, 2017, AND HAD THE STATE MEMBERS REPRESENTATIVE THIS FEDERAL ORGANIZATION IN STATE COURT, FIGHTING NOT TO RETURN MY SEIZED PROPERTY THAT HAD BEEN ALREADY FORFEITED ADMINISTRATIVELY. THIS FEDERAL ORGANIZATION USED THE WEST VIRGINIA CONTRABAND FORFEITURE ACT, TO SEIZED MY PRIVATE PROPERTY ON APRIL 18TH, 2016, AND ON FEBRUARY 15TH, 2017, AND THEN ABANDONED THE REST OF THE REQUIREMENTS OUTLINED IN THIS ACT TO SEIZED PROPERTY FOR ADMINISTRATIVE FORFEITURE.

AND THE DISTRICT COURT RULED THAT THE WARRANT AUTHORIZING THE FEBRUARY 15TH 2017, SEARCH WARRANT OF MY RESIDENCE WAS VALID.

DURING DISCOVERY VIA DISTRICT COURT, THE FEDERAL AGENT STATED THAT THE FEBRUARY 15TH, 2017, SEARCH WARRANT, WAS FROM A CONTROL DRUG BUY ON FEBRUARY 13TH 2016, ON THIS DAY THE FEDERAL AGENT SAID THAT HE WAS DRIVING the vehicle, and he had a informant on the passenger side of his vehicle. On February 13, 2017, the federal agents informant call a junkie to see who was selling heron, the junkie told the federal agents informant that he could get him some heron, the junkie told the informant that he needed a ride to the place where this heron was. The federal agent drove to the place where the junkie said he was at on side of the road .

The federal agent let the junkie in the back seat of his vehicle, and the federal agent brought this junkie to my home, I live on the main road, the federal agent give the junkie \$90.00 to buy some heron from who ever the junkie supposedly was meeting at my address, the junkie got out the federal agent car, walked around my house, out of sight, and about 9 minutes later the junkie walked back to the federal agent car, the federal agent let the junkie back in the car, and the junkie told the federal agent and his informant that they did not have to give him any drugs from their packages, for getting the heron for them, so the federal agent let the junkie out his vehicle at the junkies house and the federal agent went back to office to test the packages the federal agent just received.

After receiving the information on the packages the federal agent received on February 13th, 2017, it was clear from the weight of these packages that the federal agent and his informant had gotten robbed, the federal agent did not have a dollar worth of drugs that was tested, the junkie had given the federal agent two empty wax paper wrapping, what the junkie brought his drugs in and saved.

This federal agent waited two days to get a search warrant upon my home on February 15th, 2017.

The state Court, the United States district court and the 4th circuit court affirmed the ruling on the search warrant was legal.

THE DISTRICT COURT RULED THAT THE FEDERAL CONSTITUTIONS 8TH AMENDMENT APPLY ONLY TO CONVICTED PRISONERS. INGRAHAM VS. WRIGHT, 430 U.S. 651, 671 n.40 (1977)

THIS FEDERAL DRUG ORGANIZATION EXECUTED, A CRIMINAL SEARCH WARRANT ON MY HOME ON APRIL 18TH, 2018, SEIZED PROPERTY, AND ADMINISTRATIVELY FORFEITED MY PRIVATE PROPERTY AS PUNISHMENT FOR A CRIME I WAS ONLY ACCUSED OF. ON FEBRUARY 15TH, 2017, THIS FEDERAL ORGANIZATION EXECUTED A CRIMINAL NO-KNOCK-SEARCH WARRANT, UPON MY HOME, SEIZED PRIVATE PROPERTY, WITHOUT GIVING ME A PROPERTY RECEIPT, THIS FEDERAL ORGANIZATION MEMBERS, PUNISHED ME BY FORFEITING MY SEIZED PROPERTY ADMINISTRATIVELY FOR A CRIME I WAS ACCUSED OF.

THE DISTRICT COURT AND THAT THE 13TH AMENDMENT HAS NOTHING TO DO WITH OWNERSHIP OF PRIVATE PROPERTY.

THE 13 AMENDMENT FREED US PEOPLE OF COLOR, FROM BEING THE WHITE EUROPEAN CHRISTIANS PRIVATE PROPERTY. MY PRIVATE PROPERTY IS PART OF ME, AS THE SLAVE WAS A PART OF THE WHITE EUROPEAN CHRISTIANS. IF I DO NOT HAVE EQUAL FEDERAL CONSTITUTIONAL PROTECTIONS ON MY LIFE, LIBERTY OR PROPERTY, I AM NOT TRULY TOTALLY FREE FROM SLAVERY. IF I CAN HAVE MY PRIVATE PROPERTY SEIZED, AND FORFEITED, I NOT FREE FROM SLAVERY, BECAUSE MY PRIVATE PROPERTY IS SUBJECT TO BE FORFEITED ADMINISTRATIVELY INTO SLAVERY.

ARGUMENT

1. THE FEDERAL CONSTITUTIONAL QUESTION, Do I HAVE A FUNDAMENTAL RIGHT TO RECEIVE A NOTICE THAT MY SEIZED PROPERTY IS SUBJECT TO BE FORFEITED ADMINISTRATIVELY, QUESTION ARISE FIRST IN MY COMPLAINT AND IN UNITED STATES DISTRICT COURT SUMMARY JUDGEMENT RULING . THE 5TH, 9TH AND THE 14TH AMENDMENT GUARANTEE THAT I HAVE DUE PROCESS, TO BE NOTIFIED BEFORE MY SEIZED PRIVATE PROPERTY IS SUBJECT TO BE FORFEITED, AND TO HAVE A OPPORTUNITY TO CHALLENGE MY SEIZED PROPERTY FORFEITURE. IT IS NO WHERE ON RECORD THAT I ASKED OR SPOKE OF A PRE-SEIZURE NOTICE BEFORE MY SEIZED PROPERTY WAS TO BE SEIZED, THE FEDERAL AGENTS DID NOT KNOW WHAT PRIVATE PROPERTY I HAD BEFORE THE FEDERAL AGENTS EXECUTED THEIR SEARCH WARRANT ON MY HOME ON APRIL 18TH 2016, AND ON FEBRUARY 15TH 2017, this is why I did not ask for something like this. What I asked for was a notice that my seized property was to be subject to forfeiture. THE RECORD IS CLEAR IN MY COMPLAINT THAT I WANTED TO BE NOTIFIED BEFORE MY SEIZED PRIVATE PROPERTY WAS FORFEITED ADMINISTRATIVELY.

THE FIFTH AMENDMENT SAYS TO THE FEDERAL GOVERNMENT THAT NO ONE SHALL BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW. THE 14TH AMENDMENT RATIFIED IN 1868, USES THE SAME ELEVEN WORDS, CALLED THE DUE PROCESS CLAUSE, TO DESCRIBE A LEGAL OBLIGATION OF ALL STATES. THE BILL OF RIGHTS WAS INTERPRETED TO APPLY AGAINST THE FEDERAL GOVERNMENT, DUE PROCESS OF THE 5TH AMENDMENT PROMISES THAT BEFORE DEPRIVING A CITIZEN OF LIFE, LIBERTY OR PROPERTY, THE FEDERAL GOVERNMENT MUST FOLLOW FAIR PROCEDURES.

3 REQUIREMENTS

- A. A PERSON MUST BE GIVEN A NOTICE.
- B. THE OPPORTUNITY TO BE HEARD
- C. A DECISION BY A NEUTRAL DECISION MAKER.

THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT ALSO DOES NOT PERMIT CONVICTING A ACCUSED OF AN OFFENSE WITH WHICH HE HAS NOT BEEN CHARGED. THE DUE PROCESS APPLIES TO BOTH CIVIL AND CRIMINAL MATTERS.

IT'S A VIOLATION OF DUE PROCESS FOR A FEDERAL GOVERNMENT TO ENFORCE A JUDGEMENT AGAINST A PARTY TO A PROCESSING WITHOUT HAVING GIVEN ME AN OPPORTUNITY TO BE HEARD SOMETIME BEFORE FINAL JUDGEMENT TO ENTERED.

IN UNITED STATES V. JAMES DANIEL GOOD REAL PROPERTY ET AL. 510 U.S. 43 HELD ABSENT EVIGENT CIRCUMSTANCE THE DUE PROCESS CLAUSE REQUIRES THE GOVERNMENT TO AFFORD NOTICE AND A MEANINGFUL OPPORTUNITY TO BE HEARD BEFORE SEIZING REAL PROPERTY SUBJECT TO CIVIL FORFEITURE.

THE SEIZURE OF GOODS PROPERTY IMPLICATES TWO EXPLICIT TEXTUAL SOURCES OF CONSTITUTIONAL PROTECTONS 4TH AND 5TH AMENDMENT.

CALERO-TOLEDO V. PEARSON YACHT LEASING CO 416 U.S. 663

THE UNITED STATES DISTRICT COURT CITED BOTH JAMES DANIEL AND PEARSON YACHT, IN WITH BOTH CASES, SOMEONE DID SEND SOMEONE A NOTICE BEFORE THEIR PROPERTY WAS FORFEITED, IN MY CASE NO ONE SENT ME A NOTICE WHEN MY PRIVATE PROPERTY FROM APRIL 18TH 2016, AND FEBRUARY 15TH 2017, WAS FORFEITED ADMINISTORATIVEIY.

SOLDAL V. COOK COUNTY 506 U.S. 56, 70. (1992)

WHILE THE 4TH AMENDMENT PLACES LIMITS ON THE GOVERNMENT POWER TO SEIZED PROPERTY FOR THE PURPOSES OF FORFEITURE, IT DOES NOT PROVE THE SOLE MEASURE OF CONSTITUTIONAL PROTECTONS THAT MUST BE AFFORED PROPERTY OWNERS IN FORFEITURE PRECEEDING.

MATHEWS V. ELDRIDGE 424 U.S. 319

THE SEIZURE OF REAL PROPERTY FOR PURPOSES OF CIVIL FORFEITURE DOES NOT JUSTIFY SUCH AN EXCEPTION, USING THE 3 PART INQUIRY SET FOR IN MATTEWS.

THE GOVERNMENT ARGUES THAT BECAUSE CIVIL FORFEITURE SERVES A LAW ENFORCEMENT PURPOSE, THE GOVERNMENT NEED COMPLY ONLY WITH THE 4TH AMENDMENT WHEN SEIZING FORFEITABLE PROPERTY.

THE COURT DISAGREE THE 4TH AMENDMENT DOES PLACE RESTRICTIONS SEIZURES CONDUCTED FOR THE PURPOSE OF CIVIL FORFEITURE.

ONE 1958 PLYMOUTH SEDAN V. PENNSYLVANIA 380 U.S. 693, 696 (1965)
HOLDING THAT THE EXCLUSIONARY RULE APPLIES TO CIVIL FORFEITURE, BUT IT DOES NOT
FOLLOW THAT THE 4TH AMENDMENT IS THE SOLE CONSTITUTIONAL PROVISION IN QUESTION
WHEN THE GOVERNMENT SEIZES PROPERTY SUBJECT TO FORFEITURE.
THE COURT REJECTED THE VIEW THAT THE APPLICABILITY OF ONE CONSTITUTIONAL
AMENDMENT PRE-EMPTS THE GUARANTEES OF ANOTHER AS EXPLAINED IN,

2. DO I HAVE A FUNDAMENTAL RIGHT FROM THE 5TH, 9TH, AND 14TH AMENDMENT TO RECEIVE A
PROPERTY RECEIPT WHEN THE FEDERAL GOVERNMENT SEIZED PROPERTY DURING A SEARCH
WARRANT UPON MY HOME ON APRIL 18TH, 2016, AND ON FEBRUARY 15TH, 2017,

THE UNITED STATES MAGISTRATE JUDGE, RULED THAT HE WAS UNABLE TO FIND ANY CASE.
LAW FROM THE UNITED STATES SUPREME COURT, THE 4TH CIRCUIT COURT OF APPEALS OR THE
WEST VIRGINIA SUPREME COURT OF APPEALS, STATING THAT AN OFFICER'S FAILURE TO
PROVIDE A PROPERTY RECEIPT DURING A SEIZURE IS A CONSTITUTIONAL VIOLATION. TO BE
GIVEN A PROPERTY RECEIPT OF SEIZED PROPERTY FROM A SEIZURE IS NOT JUST A FUNDAMENTAL RIGHT,
BUT A GOD GIVEN RIGHT. THE 5TH AMENDMENT GUARANTEES DUE PROCESS, A PROPERTY
RECEIPT IS A PART OF THE 5TH, 9TH AND THE 14TH AMENDMENT GUARANTEE TO DUE PROCESS. IF
IT IS NOT A FUNDAMENTAL RIGHT TO RECEIVE A PROPERTY RECEIPT, I DO NOT HAVE A
FUNDAMENTAL RIGHT TO OWN PERSONAL PROPERTY, THIS MEANS THAT MY PERSONAL PROPERTY
CAN BE SEIZED AT ANY TIME, WITHOUT ANY RIGHTS TO HAVE MY PRIVATE PROPERTY
DOCUMENTED ON THE PROPERTY RECEIPT.

3. THE FEDERAL CONSTITUTION QUESTION, DO MY PRIVATE PERSONAL PROPERTY HAVE EQUAL
FEDERAL CONSTITUTIONAL PROTECTIONS AS MY LIFE AND LIBERTY DOES FROM THE 4TH, 5TH, 6TH,
7TH, 8TH, 9TH, AND THE 14TH AMENDMENTS?

THE BILL OF RIGHTS, 5TH AMENDMENT SAYS, THAT I CAN NOT BE DEPRIVED OF LIFE, LIBERTY OR
PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR SHALL PRIVATE PROPERTY BE TAKEN FOR
PUBLIC USE, WITHOUT JUST COMPENSATION.

THE FEDERAL BILL OF RIGHTS GIVE LIFE, LIBERTY AND PROPERTY EQUAL CONSTITUTIONAL
PROTECTIONS, JUST AS THE 14TH AMENDMENT DOES.

ALL THE FEDERAL CONSTITUTIONAL AMENDMENTS THAT PROTECT MY LIFE, AND LIBERTY ALSO
PROTECTS MY PERSONAL PROPERTY EQUALLY THE SAME.

4. THE FEDERAL CONSTITUTION QUESTION, DO THE 8TH AMENDMENT PROTECTION FROM CRUEL
AND UNUSUAL PUNISHMENT APPLY IN THIS ACTION? QUESTION ARISE FIRST IN MY
COMPLAINT.

IN THE 1993 CASE OF AUSTIN V. U.S. 509 U.S. 602 (1993)

THE COURT HELD THAT CIVIL FORFEITURES DO CONSTITUTE A FORM OF PUNISHMENT FOR A
CRIME AND THEREFORE THE 8TH AMENDMENT PROHIBITION AGAINST EXCESSIVE FINES
APPLIES TO FORFEITURE CASE. CIVIL FORFEITURE IS PUNISHMENT FOR A CRIME.

THE UNITED STATES DISTRICT COURT RULED THAT THE PROTECTION OF THE 8TH AMENDMENT CONSTITUTION ONLY APPLIES TO CONVICTED PRISONERS.

INGRAHAM V. WRIGHT, 430 U.S. 651, 671 N.40 (1977)

8TH AMENDMENT SCRUTINY IS APPROPRIATE ONLY AFTER THE STATE HAS COMPLIED WITH THE CONSTITUTIONAL GUARANTEES TRADITIONALLY ASSOCIATED WITH CRIMINAL PROSECUTION'S.

IN MY CASE I WAS ACCUSED OF A CRIME ON APRIL 18, 2016, AND ON FEBRUARY 15TH 2017, THIS FEDERAL DRUG ORGANIZATION GOT A CRIMINAL SEARCH WARRANT ON MY HOME AND EXECUTED THESE SEARCH WARRANTS, SEIZED PROPERTY ON BOTH SEARCH WARRANTS. AND I WAS PUNISHED FOR THESE ACCUSED CRIMES, BY ADMINISTRATIVE FORFEITURE OF MY SEIZED PROPERTY.

5. DO MY PRIVATE PROPERTY HAVE A FUNDAMENTAL RIGHT TO HAVE A STATE JURY TRIAL BEFORE MY SEIZED PROPERTY CAN BE FORFEITED, QUESTION ARISE FIRST IN MY COMPLAINT.

I filed a complaint in State court to have my seized property returned and punitive damages, THE STATE COURT FORFEITED PART OF MY PERSONAL PROPERTY THAT WAS SEIZED ON APRIL 18TH 2016, PROPERTY RECEIPT. I WAS NOT ALLOWED TO HAVE A TRIAL FOR MY PUNITIVE DAMAGES. THE 7TH AMENDMENT OF THE FEDERAL CONSTITUTION ALLOW ME TO HAVE A JURY TRIAL FOR PUNITIVE DAMAGES IN STATE COURT.

6. THE FEDERAL CONSTITUTIONAL QUESTION, DO I HAVE A FUNDAMENTAL RIGHT TO CHALLENGE THE CONSTITUTIONALITY OF WEST VIRGINIA CONTRABAND FORFEITURE ACT, QUESTION RISE FIRST IN MY COMPLAINT.

IN GLUP V. U.S. 523, F2D 557, 559 (8TH CIR 1975)

INADEQUATE NOTICE IS VALID BASIS OF CONSTITUTIONAL CHALLENGE OF FORFEITURE, THE FORFEITURE OF PROPERTY CAN BE REGARDED AS A PUNISHMENT FOR ILLEGAL BEHAVIOR.

I was punished with civil forfeiture of my personal property from April 18th, 2016, and on February 15th, 2017. I WAS NEVER GIVEN A NOTICE THAT MY SEIZED PROPERTY WAS SUBJECT TO BE FORFEITED.

7. THE FEDERAL CONSTITUTIONAL QUESTION, DO MY PRIVATE PROPERTY HAVE A FUNDAMENTAL RIGHT FROM 13TH AMENDMENT TO BE FREE FROM BEING TAKEN INTO SLAVERY, QUESTION ARISE FIRST IN MY COMPLAINT.

THE UNITED STATES DISTRICT COURT RULED THAT THE 13TH AMENDMENT HAS NOTHING TO DO WITH OWNERSHIP OF PRIVATE PROPERTY (U.S. CONSTITUTIONAL AMENDMENT 13TH)

ON APRIL 18TH, 2016, THE FEDERAL DRUG UNIT AGENT APPLIED THE 13TH AMENDMENT EXCEPTION CLAUSE UPON MY SEIZED PROPERTY. I WAS TOLD THAT I WOULD HAVE TO WORK FOR FREE, FOR THIS FEDERAL DRUG UNIT, BY FINDING THEM SOME BIG TIME HERON DEALERS , BEFORE I COULD HAVE MY SEIZED PROPERTY RETURN, WHAT WAS ON THE PROPERTY RECEIPT , FROM APRIL 18TH, 2016 SEARCH WARRANT UPON MY HOME.

IF I DO NOT HAVE EQUAL FEDERAL CONSTITUTIONAL PROTECTONS ON MY PERSONAL PROPERTY AS I HAVE ON MY LIFE AND LIBERTY, I AM NOT FREE FROM SLAVERY, WHEN YOU CAN TAKE MY PROPERTY ANYTIME LAW ENFORCEMENT FEEL LIKE SEIZING MY PERSONAL PROPERTY.

ARMSTRONG V. U.S. (1960)

FIFTH AMENDMENT (TAKING CLAUSE) WAS DESIGNED TO BAR GOVERNMENT FROM FORCING SOME PEOPLE ALONE TO BEAR PUBLIC BURDENS WHICH IN ALL FAIRNESS AND JUSTICE SHOULD BE BORNE BY THE PUBLIC AS A WHOLE.

FOR THE TAKING CLAUSE TO SERVE THIS PRINCIPLE EFFECTIVELY, WE BOTH AGREE THAT THE GUARANTEE OF JUST COMPENSATION MUST APPLY AT EVERY LEAST TO CASES IN WHICH THE GOVERNMENT IN THE OUTRIGHT CONFISCATION OF PROPERTY, THIS MEANS MORE THAN MERELY THE GOVERNMENT TAKING A PRIVATELY OWNED ASSET FOR ITSELF. IT ALSO INCLUDES SITUATIONS IN WHICH THE GOVERNMENT PERMANENTLY DEPRIVES A PRIVATE OWNER OF POSSESSION OF ASSET OR GIVES THE ASSET TO SOMEONE ELSE.

WE AGREE THAT THE COMPENSATION REQUIREMENTS MUST APPLY NOT ONLY TO LAND BUT TO ALL FORMS OF PRIVATE PROPERTY AT A MINIMUM THIS MEANS THE CLAUSE APPLIES TO GOVERNMENT CONFISCATION OF PERSONAL PROPERTY INCLUDING INTEREST AS DIVERSE AS ANIMALS AND CORPORATE STOCK.

THE CLAUSE PROHIBITS THE GOVERNMENT FROM CONFISCATING PROPERTY, IF IT IS NOT DOING SO FOR A PUBLIC USE. ALTHOUGH THE BOUNDARIES OF THIS PROHIBITION ARE CONTROVERSIAL, WE AGREE THAT IT ENCOMPASSES AT A MINIMUM SITUATIONS IN WHICH THE GOVERNMENT TAKES PROPERTY FROM A. FOR THE PURPOSE OF GIVING IT TO B. SOLELY FOR B'S PRIVATE BENEFIT.

8. THE FEDERAL CONSTITUTIONAL QUESTION, DO THE 4TH AMENDMENT PROTECTION, REQUIRE FEDERAL AGENTS TO CHECK INFORMANTS, (PERSON) AND ALL OTHER PEOPLE'S (PERSON) THAT ARE INVOLVED IN A SO CALLED, CONTROL DRUG BUY, TO HAVE PROBABLE CAUSE TO GET A SEARCH WARRANT UPON MY HOME, ON APRIL 18TH 2016, AND FEBRUARY 15TH 2017.

IN U.S. V. BORROMEO, 995 F.2d 23, 25 (4TH CIR 1993)

THE FOURTH CIRCUIT COURT OF APPEALS ESTABLISHED THAT IN ORDER TO MEET THIS PROBABLE CAUSE STANDARD THERE MUST BE A SUBSTANTIAL CONNECTION BETWEEN THE SEIZED PROPERTY AND THE ILLEGAL ACTIVITY WHICH STATUTORILY AUTHORIZED ITS SEIZURE IN BORROMEO

If the junkies (person) is not SEARCHED before he enters the federal agents car, this is not a controlled drug buy, and when the junkie came back with these two empty wax paper wrappings, no law enforcement personnel check the junkies (person) before he got back in the federal agents car to see if the junkie had the \$90.00 the federal agent gave the junkie to buy drugs. The federal agent knew after opening the wax paper wrapping that the agent was robbed by this junkie, this is why the federal agent did not get the search warrant on February 13, 2017, but instead waited for two days to get this search warrant on February 15th, 2017, this is considered a legal search warrant. I disagree, I have the 4th protection from these type of label control drug buys to obtain a search warrant upon my home. These type tactics was common practice to obtain a search warrant.

REASONS FOR GRANTING THE PETITION

I ASK THIS HONORABLE COURT TO GRANT MYSELF THIS PETITION, SO THAT THIS COURT CAN RULE IF I HAVE THE FUNDAMENTAL RIGHT TO RECEIVE A NOTICE BEFORE MY SEIZED PRIVATE PROPERTY CAN BE FORFEITED ADMINISTRATIVELY, without any type of notice, that my property was subject to be forfeited.

THIS COURT CAN RULE IF I HAVE A FUNDAMENTAL RIGHT TO RECEIVE A PROPERTY RECEIPT WHEN FEDERAL AGENTS SEIZED PROPERTY FROM MY HOME ON APRIL 18TH, 2016, AND ON FEBRUARY 15TH, 2017.

THIS COURT CAN RULE IF MY PRIVATE PROPERTY HAVE EQUAL FEDERAL CONSTITUTIONAL PROTECTONS AS MY LIFE AND LIBERTY.

THIS COURT CAN RULE IF I HAVE THE 8TH AMENDMENT PROTECTION FROM CRUEL AND UNUSUAL PUNISHMENT, WHEN THE DEFENDANTS PUNISHMENT ME VIA ADMINISTRATIVE FORFEITURE OF PROPERTY FROM SEARCH WARRANTS ON APRIL 18TH, 2016, AND FEBRUARY 15TH, 22017.

THESE ISSUES AFFECT NOT JUST MYSELF BUT OTHER PEOPLE IN UNITED STATES, IT IS VITAL THAT THESE CONSTITUTIONAL QUESTIONS ARE ADDRESS BY THIS HONORABLE COURT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ANTHONY BRAXTON

Date: 8-29-2023