

23-5516  
No. \_\_\_\_\_

ORIGINAL

FILED

JUN 25 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ANGELA JOHNSON &  
AUDREY JOHNSON-DUNCAN

— PETITIONER

(Your Name)

USA GO SOLICITOR  
GENERAL OF THE VS.  
UNITED STATES, BEGINNING W/ UNITED STATES  
COURT OF APPEALS FOR THE — RESPONDENT(S)  
SIXTH CIRCUIT (SILER, COLE, DAVIS), ET AL.

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT (SILER, COLE, DAVIS)

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANGELA JANE JOHNSON AND  
AUDREY JOHNSON-DUNCAN

(Your Name)

24 REVERE 13

(Address)

JACKSON TN 38305

(City, State, Zip Code)

731-513-0975; 731-244-0372

(Phone Number)

QUESTION(S) PRESENTED

1. Did Plaintiffs / Appellants / Petitioners Fail To Submit Evidence of Negligence As Alleged By Both United States Court of Appeals For The Sixth Circuit (Esther, Coles, Davis) AND United States District Court Western District of TN - ~~EASTERN~~ DIVISION (York) ? ? ? ?
2. Do Pro Se litigants or Paupers Applicants w/ Perfect Material Subsistence Cases Get Steamrolled ? ? ? ?
3. Do Either States MO or TN Fail To Satisfy Reasons For Breach of Contract And Are Those not Clearly Buided Already In Original Filing And Further, Strengthened in Subsequent Filings ? ? ? ?
4. Are Punitive Damages, Or IF - THEN POTENTIAL CONSEQUENCE A Thing ? ? ? ?

## 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:

United States' District Court Western  
District of TN - Eastern Division (Federal),  
Madison County - 26<sup>th</sup> District Court  
in Jackson - Madison County, TN (Cont.)

## RELATED CASES

See Cases Argued In Content, But  
Aren't In Supreme Court Exactly  
Like This One, Similar Only, Case  
Laws Interpretive To Many.  
Statutes & Rules Are Also  
Already Argued In Content.  
Constitutional & Statutory  
Provisions Are Also All  
Already Argued In Content.

TABLE OF CONTENTS

WRIT REQUEST

FORMA PAUPERIS

OPINIONS

WRIT HEADER VS. USA v. 10. SOLICITOR-GENERAL

QUESTIONS

LIST OF PARTIES / LOWER COURTS

APPENDIX A - C

JURISDICTION

STATEMENT OF THE CASE WITH REASONS

CONCLUSION

APPENDIX

- A. I. Order (United States Court of Appeals 8th Circuit)  
II. Judgement  
III. Brief In Reply  
IV. Appellee Brief  
V. Oct 25 Order  
VI. Appeal & Contents of Appellant Brief  
VII. Appeal of Summary Judgement

- B. I. Order (United States District Court WDst. TN - East)  
II. Judgement  
III. Reply To Plaintiff  
IV. Plaintiff's Response  
V. Copy Motion For Summary Judgement  
VI. Disclosures & Interrogatories  
VII. Notice of Setting Trial  
VIII. Plaintiff's Response To Counterclaim  
IX. Answer  
X. Removal To Federal Court

- C. I. Court Action Reg. Negligence of Insurance  
II. Proof of Summons Receipts  
Reg. By Local Judge Atkins, Inc.  
Via Insurance Commissioner
- Claim Payout -  
Summary Action

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
— NO CASES ARE BEING ARGUED WITH REGARDS TO CASE LAW PREVIOUS WITH REGARD TO SUPREME COURT CASE ONLY. ONLY CONSTITUTIONAL PROVISIONS.	
— CASE LAW WAS ARGUED IN FEDERAL COURT, TRANSFERRED FROM CHANCERY COURT; CASE LAW WAS ARGUED IN APPELLATE COURT - 6TH CIRCUIT ALSO.	
STATUTES AND RULES	
— NO TREATISES APPLIES TO THIS CASE.	
— BOTH PARTIES DEMANDED JURY TRIAL AT FIRST, DEFENDANTS WITHDRAW & REQUESTED DISMISSAL OF CASE IN FEDERAL COURT, BEFORE TRIAL, WITHOUT NOTIFYING PLAINTIFFS, WITHOUT LEGITIMATE CAUSE AND IN BLATANT VIOLATION OF EMAIL PROFESSIONAL CORRESPONDENCE	
OTHER	BETWEEN PARTIES PRETRIAL IN GOOD FAITH & UNDER LAWS OF PROFESSIONAL CONDUCT. TRIAL WAS DENIED AGAINST WISHES OF PLAINTIFFS / PETITIONERS / APPELLANTS

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 Judgement Filed 3/27/23; or,

has been designated for publication but is not yet reported; or,

is unpublished.

Filed March 27, 2023

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 3/07/23.

- 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 PROVISIONS**

Regarding Arguments of Law:

Additional to what has already been argued, concerning both common sense and case law, the following:

- (1) United States Court Law Rule 52 says that CLEARLY ERRONEOUS civil procedure Rule 52a run over by failure to be protected by not only the Federal court, but the Appellate court.
- (2) United States Court Law Rule 52 says that PLAIN ERROR under Federal Rules of Civil Procedure Rule 52 ...a plain error that affects substantial rights may be considered even though not brought to the court's attention...AND it should be stated for the record, we fulfilled all 3 burdens of proof: (a) deviation from legal rule of rights to trial, (b) clear theft, (c) substantial rights violated and burden of proofs clearly already presented.

Regarding Arguments of Law:

Additional to what has already been argued, concerning both common sense, case law, complaints about the Appellate Court appealing from, we add the following Constitutional Law:

Passed by Congress Sept 25, 1789, and Ratified Dec 15, 1791:

---

### **Amendment VI** **Right to a fair trial**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

---

### **Amendment VII** **Rights in civil cases**

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

**STATEMENT OF THE CASE**

*(see next pages)*

This case is being escalated and brought to the attention of the superior court of the United States Supreme Court, as the lower court, the United States Court of Appeals For The Sixth Circuit, (Siler, Cole, Davis), by Appellate Court Order of (Siler, Cole, Davis), on March 27, 2023.

The United States Court of Appeals For the Sixth Circuit stated in summary an order that was long awaited, but it denied and contradicted Plaintiff's/Appellant's arguments of negligence and ignored proofs submitted in original filing to Circuit Court or subsequent filing's actual material substance, to affirm US District Court for Western District of Tennessee, Eastern Division, summary judgement, which was in fact, erroneous, and without trial, and made just before trial, in a unilateral and uncopied or unnotified motion sent to judge by opposing counsel without Plaintiff's/Appellant's knowledge.

The United States District Court for the Western District of Tennessee, Eastern Division stated in summary a judgement that denied relief to Plaintiffs stating several things of importance (1) they, the federal court, had jurisdiction over the Circuit Court Madison County Circuit (Civil) Court Claims, filed 7/24/20, because Nationwide (Victoria's Insurance) was originally bought in Missouri (MO), and transferred to Tennessee (TN), and TN was place of Plaintiff's residence and damages claims filed in TN, and that is uncontested. The trial before the magistrate judge was requested by Defendant's attorney's and also uncontested. (2) The federal court, by magistrate judge John York, after much delay due to COVID, took a unilateral motion from the attorney R. Reviere for Defendant, demanding a summary judgement just before trial, stating Plaintiffs could not prove the engine blew up, something found in emails between lawyers- Plaintiff Pro Se and Defense Attorney J. Stewart (see evidences) and also, Plaintiff and Nationwide agent. The correspondence assured that the engine blow was assumed and not being argued or contested as that was obvious. This was also brought to the attention of the appellate court, the United States Court of Appeals For The Sixth Circuit, and ignored on their summary judgement (Siler, Cole, Davis). Please see email of correspondence between Angela Johnson and co-counsel for the Defendant/Appellee, Jonathon Stewart. The magistrate judge, John York, for the United States District Court of Tennessee, Eastern Division, (3) stated no proof was established negligence occurred. He refused to set trial. But in actuality, ALL primary evidence needed to award in favor of the Plaintiffs was attached to original filing in Circuit Court Madison County Circuit (Civil) Court Claims on 7/24/20. There was, at that time, a summons sent to Commissioner of Insurance via 26<sup>th</sup> District TN Circuit. It is not OK. There have been several unethical mishandlings and legal maneuvers by Rainey, Kizer, Reviere & Bell already; specifically, R. Reviere & co-counsel J. Stewart, such as excluding Plaintiff Pro Se from copies of filings before the courts, leaving the Plaintiffs/Appellants "in the dark".

The Plaintiffs/Appellants have been without relief and have been denied Justice for almost 7 years now. The Volkswagen Jetta should have been repaired at latest during Summer 2016. After much haggling, the car's engine blew, the damage to the front of the car being unrepaired awaiting promised restitution, and then haggled again, and the car engine blowing occurred in 2019, in Arkansas (AR) on Interstate 40, luckily aside a shoulder lane and while driving onto shoulder without anyone being on right side of to further complicate accident. The company that refused to pay damages DID pay something at that time, and that being the amount they demanded that they weren't going to pay more than on and they determined fair in 2015/early 2016. Which was grossly unfair. The engine itself was worth more than that. The car was owned in full by the Plaintiffs. The Plaintiffs were fully insured, with comprehensive coverage, and met ALL the qualifications required to have the car timely repaired, and that has not once been contested. That is a completely undisputed fact(s) of the case. It is also undisputed by the Defendant that something should have been paid, because something was, albeit at

our great loss, and that was NOT an ultimate resolve, as life endangerment due to negligence occurred as well as clearly attempted collection of funds to repair insured's care and the litigation from there until now, found in the disheartening and ignorance of our right to Justice and expiation summary judgement by the United States Court of Appeals For the Sixth Circuit (Siler, Cole, Davis) Appellate Court Order on March 27, 2023.

This case is much greater than a tort or civil financial dispute. We are requesting the loss of Nationwide Insurance and it's subsidiaries to practice insurance sales ANYWHERE in the USA, MO, TN, AR, or any state of the United States of America. The United States Department of Commerce and Insurance should disallow all companies from insurance sales that practice reckless, drawn out, and so fraudulent practices and sales of policies they fail to make good on. Further, we request the replacement of the loss of our car, with a new Volkswagen Jetta, and punitive damages in the amount of \$1,000,000 each, to each of us, the Plaintiffs, Angela Jane Johnson and Audrey Johnson-Duncan, when our lives were endangered due to engine failure, both of us being in the automobile at the time of engine failure on Interstate 40 at speeds of over 60 mph. That negligence to repair our car endangered us and other innocent drivers on the road, and we FULLY FOLLOWED the law, with liability (about \$50 a month) and previously, at time of accident in 2015, comprehensive (about \$300 a month) insurance coverage with Victoria's Insurance/Nationwide Insurance. It isn't just about money, it's about insurance fraud and not fulfilling their duties of contract to insured in a timely manner, which is gross negligence and refusal to fix the damaged front end of the car, claiming the car was totaled when it most certainly was not totaled. If we had died, or others had, then that would suffice the United States Court of Appeals For The Sixth Circuit (Siler, Cole, Davis) Appellate Court Order of March 27, 2023, there being greater injury, or the injury that lower court demands. But there would be no case for to be heard either, making their job easier, which requires a spine, and the company would continue to conduct fraudulent business practices, and others would or have already, but are silenced, suffered and died due to negligence to repair insured automobiles in full, *and fortimely*.

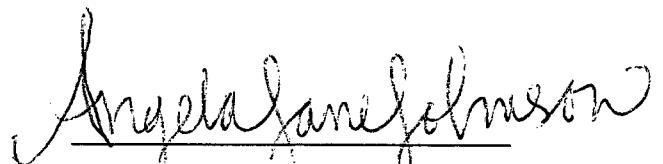
Please review the EXHIBITS and APPENDICES and accept this application for consideration via WRIT OF CERTORARI, and consideration specifically for the overturn of the lower court's rulings that fail to protect United States of America Citizens and Drivers, including International, on a Federal level, regardless of State insured in or by, and for the expiation long awaited herewith and additionally:

- (1) Plaintiff's/Appellant's automobile replaced by Nationwide Insurance company's cost, a new one, for frustrations and hindrances experienced, of the same make and model. The Plaintiff's/Appellant's have had to rent from Enterprise, have rides from family members and friends, spend excessively for Ubers, Lyfts, Taxis and even had to commute by bus and walking, refusing to let the ends justify the means, and to irresponsibly indebt ourselves when we owned a fully insured automobile. This car replacement has been long awaited.
- (2) Plaintiffs/Appellants awarded \$1,000,000.00 each in punitive damages, with Audrey Johnson-Duncan to receive that \$1,000,000.00 at age 25, being held in a Regions acct. for her only, which is also her banking institution, for responsible management. This figure was found punitive for the Nationwide Insurance et al based upon ability to pay.
- (3) Nationwide Insurance and it's subsidiaries insurance companies under different names, or Nationwide et al, to lose their rights to practice insurance sales via Department of Commerce and insurance and by order of the court. Items (1)-(3) have already been requested in lower court(s) already, or their ruling favorable to the Plaintiffs/Appellants to

be reported to the Department of Commerce and Insurance for ultimate avengement in judgement against Nationwide insurance et al.

- (4) Additionally, since this case has escalated to the Supreme Court of the United States of America, the Plaintiffs/Appellants are also requesting any damages that the United States of America Supreme Court deems just due to Plaintiff's/Appellant's lack of fair and equitable consideration by the lower courts, at the sole discretion of the Supreme Court of the United States of America, in determining what that expiation should be, from funds at their discretion, and for the overruling of the lower court's judgements found in error of consideration for the Plaintiffs/Appellants and the drivers in the United States of America.

Thank you for the consideration of this appeal to the Supreme Court of the United States of America, and for the honor to bring our case and expiation requests before the honorable Justices therein. We respectfully request the acceptance of our application for Writ of Certiorari.



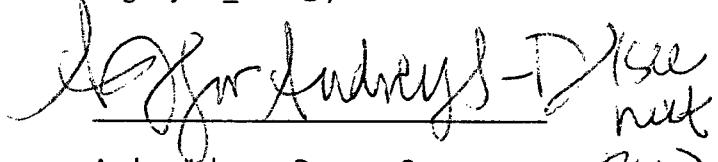
Angela Jane Johnson, Plaintiff/Appellant

24 Revere 13

Jackson, TN 38305

731-513-0975

angelajane\_2002@yahoo.com



Audrey Johnson-Duncan, Co-  
Plaintiff/Appellant

next  
page

24 Revere 13

Jackson, TN 38305

731-444-0372

audreyangeljd@yahoo.com

## **REASONINGS FOR CASE ARGUMENT**

This case is being escalated and brought to the attention of the superior court of the United States Supreme court, as the lower court, the United States Court of Appeals For The Sixth Circuit, (Siler, Cole, Davis), by Appellate Court order of (Siler, Cole, Davis), on March 27, 2023. The case is escalated for the following reasons:

- (1) Trial was never allowed.
- (2) Legal maneuvers were made to exempt the Plaintiffs from knowledge about Motions to Dismiss. The Magistrate Judge DID NOT reprimend illegal actions by lawyers. He ruled without trial finding of fact, and ruled in both clearly erroneous and plain error, against the Plaintiffs, having knowledge of the Chancery Court filing with all attached evidences.
- (3) On Appeal to the United States Court of Appeals For The Sixth Circuit, (Siler, Cole, Davis), the Appellate Court upheld the Magistrate Judge refusal to allow trial, rights clearly outlined in the Constitution, as well as being privy to what Rule 52 terms as clearly erroneous, and also but differently, plain error. We believe this was because the Appellate court wanted so much to uphold the authority of the court, to adjudicate and dismiss at their discretion, that they steamrolled the clear rights of the People, the Plaintiffs.
- (4) Justice has not been served yet in this issue.
- (5) Clear theft and degradation of the value of the automobile occurred, for the material substance benefit of Nationwide Insurance company, who denied relief for over two years, in order to wear out the insured.
- (6) The Plaintiffs/Petitioners/Appellees have undergone significant stress, litigation expense, although pro se, and have been without transportation, awaiting expiation without incurring debt, a religious issue for Messianic Jews. The lengthy duration of the case and negligence by the Federal Court and Appellate court to uphold Justice should also be considered in a (a) punitive award form from the United States at their discretion and based upon ability to pay, ADDITIONAL to the reversal of the decision to not adjudicate against Nationwide Insurance Company to (b) pay both Petitioners \$1,000,000 in damages, punitive to the fraudulent insurance company, who stole years of premiums, as well as to (c) replace the Volkswagen Jetta, with a clear title, previously owned and paid for to the Petitioners, with a new one, with a clear title, as a measure of expiation in these issues.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Angela Jane Johnson & A. J. for A. J. Duncan*  
(See next page)

Date: 6/24/23