No. 23-7200

ORIGINAL

FILED
APR 03 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Rev. Willie Johnson — PETITIONER
(Your Name)

vs.

Warden Kenneth Nelson — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals of the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Rev. Willie Johnson
(Your Name)

4460 Broad River Road
(Address)

Columbia, South Carolina 29210
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

"The trial Judge failed to actually sign the court Order to the South Carolina Department of Corrections to [validate] the conviction and sentence."

LIST OF PARTIES

[X] 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

The following case laws are involved in this case:

Jenkins v. Slaakes, 226 F.R.D. 206 (2006)

Becker v. Montgomery, 532 U.S. 757 (2001)

Life & Fire Ins. Co. of New York v. Wilson's Heirs, 33 U.S. 291 (1834)

State Ex Rel Fine Montgomery, 422 S.C. 2d 661 (1967)

In Re Smith, 556 S.E. 2d 584 (2002)

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Cases

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

[X] reported at 2024 WL 446140 (4th Cir. 2024) ; 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[ ] is unpublished.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 2023 WL 6612643 (D.S.C. Sept. 5, 2023); 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[ ] is unpublished.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 N/A to the petition and is
[ ] reported at N/A ; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the N/A court appears at Appendix ______ to the petition and is
[ ] reported at N/A ; 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 February 6, 2024.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 12, 2024, and a copy of the order denying rehearing appears at Appendix D.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (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 N/A. A copy of that decision appears at Appendix N/A.

[ ] A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (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 following Constitutional Provisions and statute are involved in this case:

United states Constitution Fourteenth Amendment

Section 1. All Persons born or Naturalized in the United States, and subject to the jurisdiction thereof are Citizens of the United States and of the state Wherein they reside no state Shall Make or enforce any law which shall abridge the Privileges or immunities of citizens of the United States's; nor shall any state deprive any Person of life liberty or Property, without due Process of law; nor deny to any Person within its Jurisdiction the equal protection of the laws.

Signing Pleadings, Motions, and other Papers; Representations to the court; sanctions, Fed. R. Civ. P. Rule 11(a)

(a) Signature. Every Pleading written Motion and other Paper must be signed by at least one attorney of record in the attorney's Name or by a Party signer's address, e-mail address, and telephone number, unless a rule or statute specifically state otherwise a Pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned Paper unless the omission is Promptly corrected after being called to the attorney's or Party's attention.

Sentencing and Judgment. Rule 32(k)(1) reads as follows:
The Judge must sign the Judgment and the clerk must enter it.

STATEMENT OF THE CASE

The case underlying the Petition for a Writ of Certiorari, to the extent the Petitioner is being illegally detained in the South Carolina Department of Corrections under [an] unsigned court order for 39 years since April 18, 1985 "the trial Judge failed to actually sign the court order to the South Carolina Department of Corrections to validate the conviction and sentence..."

The District Court Judge Gergel in Johnson v. Nelson, 9-23-cv-02864 RMG (D.S.C. Sept. 5, 2024), failed to actually to sign court orders including Recusal order dated Sept. 5, 2024. See Appendix 1-3

Prior to June 18, 2020, Judge Gergel failed to sign various court order issued in Petitioner cases. For example: Johnson v. Stirling, 2021 WL 1232658 (D.S.C. Apr. 2, 2021). Further, Judge Gergel failed to actually sign prior court order to validate the Judgment. See Appendix 5. Petitioner further argues that the Court of Appeals of the Fourth Circuit failed strike unsigned court order according to Rule 11 (a) the prior case should be consolidate with present case, due to interest of justice.

Furthermore, Judge Gergel's and Court of Appeals of the Fourth Circuit failure to comply with the Fourteenth Amendment of the United States Constitution and failing to adhere to Rule 11 (a), overriding this Court precedent. Judge Gergel's has ethical obligation to signed his court order. Judge Gergel and Court of Appeals of the Fourth Circuit, willful misconduct relating to their official duty, willful and persistent failure to perform [their] duty, persistent and public conduct prejudicial to the administration of justice.

Certainly, there are similarities between Johnson v. Nelson, 9-23-cv-02864 RMG and Johnson v. Stirling, 2019 OL 4146983 (D.S.C. May 18, 2019), vacated on Reconsideration by Johnson v. Stirling, 2019 WL 1325860. Judge Gergel should have recuse himself from the case, the district court declined to enforce the prior court order. Further, the issues in Johnson v. Nelson, has similarity to Johnson v. Stirling, supra, it is same unsigned court order issue

REASONS FOR GRANTING THE PETITION

I

"The trial Judge failed to actually sign the court order to the South Carolina Department of Corrections to [Validate] conviction and sentence"

This court specifically and unequivocally with clarity and particularity stated in Life & Fire Ins. Co. of New York v. Wilson's Heirs, 33 U.S. 291 (1834), the precedent set forth in Heirs that every court order must be signed by the Judge before execution can be taken out upon them; in other words, the court order are not complete without a Judge signature. Further, Judges has ethical obligation to personally sign various court orders issued in Judge name. However to the extent Judges failing to sign their court order constitute a violation of the code of Judicial conduct, as well as 28 U.S.C.A. § Rule 11 (c), see In Re Johnson, 903 So. 2d 408, Moreover, official misconduct by Judges is prejudicial to the administration of Justice, that brings the Judicial office into disrepute, which would constitute a violation of Petitioner Due Process and the Equal Protection of the laws including a deprivation of Petitioner civil rights.

More specifically, District Court Judge Geisel and Circuit Judges of the Court of Appeals has violated Federal Judge code of Judicial Canon 3: A Judge should perform the duties of his office impartially and diligently. Judge Geisel has committed an ethical violation in failing to sign his court order, including failed to perform his Judicial duties according to rule of law and constitution.

Because the court of Appeals for the Fourth circuit has exclusive jurisdiction over appeals from District court to hear unsigned court order issues, 28 U.S.C.A. § 1295 (a)(1), its decision —

contrary to this Court Precedent set forth in Life & Fire Ins. Co. of New York v. Wilson's Heirs, supra. As this case demonstrates, the Court of Appeals of the Fourth Circuit, thus "the obligation of the Circuit to assure fairness and equality for all" these indisputable facts make a obstruct due administration of Justice. Further, Court of Appeals has duty to follow Precedent, especially Supreme Court Precedent. See Bhandari v. First Nat. Bank of Commerce, 826 F.2d 1343 (5th Cir. 1987). It is clear cut, the Court of Appeals of the Fourth Circuit decision in violation of Rule 11 (a)? Therefore, the Court of Appeals must follow Life & Fire Ins. Co. of New York v. Wilson's Heirs, supra "unless and until the U.S. Supreme Court itself determines to overrule it. However to the extent the Court of Appeals of the Fourth Circuit "Turn a blind eyes" to Rule of law and the Fourteenth Amendment of the United States Constitution.

Now more than ever this Court should take the opportunity to address the "unsigned court order". Historically, "the overwhelming tendency" was to remain Rev. Johnson in South Carolina Department of Corrections on unsigned Court order. Petitioner further argues, that Court of Appeals of the Fourth Circuit decision, impedes administration of Justice by failing to perform their judicial duty in this case. Further, "Administration of Justice" Means performance of acts or duties required by law in discharge of duty. See Rosner v. U.S., 10 F.2d 675 (2nd Cir. 1926); see also, U.S. v. Cohen, 202 F. Supp. 587, to the extent District Court and Court of Appeals of the Fourth Circuit has violated 18 U.S.C.A. § 241, the District Court and Court of Appeals of the Fourth Circuit conspire to infringe upon–

Petitioner constitutional Rights and laws.

Unless corrected by this Court, the Court of Appeals of the Fourth Circuit rules will impose a significant burden on the resources of the federal Judiciary by allowing unsigned court order to go uncheck by rule of law, this burden will extend well beyond unsigned court order cases. Departing from all precedent, the Court of Appeals of the Fourth Circuit relied upon pursuant to 28 U.S.C. § 2253 (c)(1)(A) to dismiss constitutional and laws claims in this case. The mere dismissal of unsigned court order issues of cases is a clear deprivation of constitutional rights and civil rights.

Because of the Court of Appeals of the Fourth Circuit's exclusive nationwide subject matter jurisdiction and its refusal to rehear this case in banc this Court will not benefit from further discussion of the question presented by the lower courts. Further debate outside of this Court has been foreclosed by the Court of Appeals of the Fourth Circuit, therefore there is no reason for this Court to refrain from definitively resolving the question presented now.

II

Respondent has no jurisdiction over the Petitioner being illegally detained by SCDC on unsigned court order. As a result, the court order, dated April 22, 1985 bearing only a typewritten name of the trial Judge.

A. Due Process and Equal Protection Violations:

The Fourteenth Amendment preserves the right that "[no] State shall ... deny to any person within its jurisdiction the equal protection of the law." U.S. Const. A IV § 1. The Petitioner argues that Respondent failed to comply with their own Policies and Procedures which created a liberty interest such that he was denied due process.

More specifically the unsigned court order in record will prove beyond a reasonable doubt; see Appendix 7 it will substantiate that the Petitioner was deprived of his due Process and equal Protection of the laws.

Simply Put; the Petitioner has demonstrated that he was deprived of "life, liberty, and Property by Respondent action by remaining Rev. Johnson incarcerated in SCDC on unsigned court order for (38) years

Petitioner further argues that Respondent, has violated his Civil Rights by failing to abide by SCDC Policy/Procedures in allowing Rev. Johnson to remain in custody under unsigned court order.

In addition, Petitioner has cited official Policy or custom which allows the type of action that allegedly violated Rev. Johnson constitutional Rights.

In fact; SCDC Policies will Prove beyond a reasonable doubt that Petitioner being illegally detained in South Carolina Department of Corrections ("SCDC").

SCDC Policy/ Procedure

OP-21.04 " Inmate classification Plan" Read as follows:

> Section 4.1 Inmate who do not have valid commitment Paper of a valid South Carolina sentence will not be accepted by the SCDC.

SCDC Policy / Procedure

OP-21.09 " Inmate Record Plan"

6.3 Commitment Paper/ NCIC/ FBI Report: the Records Processing section will:

> sec. 6.3.1 Review each commitment order for offense dates, sentences, Signatures, indictment and warrant numbers, and any special condition indicated by the court.

The Petitioner further asserts that it is well established that SCDC Policies create a liberty interest. The "Mandatory language" was the word "will".

Inasmuch, an inmate is entitled to expect SCDC official to follow its own Policies. See Wolff v. McDonnell, 418 U.S. 539; accord U.S. v. Myers, 106 F.3d 936 (10th Cir. 1997), it is basic canon of statutory construction that use of word "will" indicates mandatory intent.

Moreover, an administrative agency must follow its rule and regulations. See Clark v. U.S., 512 F.2d 1212 (4th Cir. 1975). Thus, failure to do so does rise to the level of a constitutional violation; administrative principles do apply. Board of Regents v. Horowitz, 435 U.S. 78.

Pursuant to 29 C.F.R. § 790.18 "Administrative Practice or enforcement Policy," read as follows:

> (a) The terms "administrative practice or enforcement policy" refer to courses of conduct or policies which an agency has determined to follow in the administration and enforcement of a statute, either generally, or with respect to specific classes of situation.

B. Legal Framework

Petitioner cites Jenkins v. Stokes, 226 F.R.D. 206, it will established "legal framework" as "Provid[ing] the proper legal framework" for a typewritten name on a court order. See Appendix [G] it will prove beyond a reasonable doubt that the trial judge name on court order are typewritten in Jenkins v Stokes supra. the District Court decision reads as follows:

The District Court, Kaplan, J. held:

- That document bearing Plaintiff's rubber stamped facsimile signature was not "sign by the Party" as required by Rule 11
- Fed. R. Civ. P. Rule 11 (a) Provides in relevant part:
- "Every Pleadings, written Motions and other Paper shall be signed by at least one attorney of record . . . or, if the Party is not represented by an attorney, shall be signed by the Party. An unsigned Paper shall be stricken unless omission of the signature is corrected Promptly after being called to the attention of the attorney or Party."

The Petitioner further agrees that U.S. District Court; S.D. New York has set forth "legal framework" on type-written name. Thus, the Court of Appeals of the Fourth Circuit outright rejected the District Court, S.D. New York decisions in Jenkins v. Stokes, Supra. As a result, the Jenkins v. Stokes decision is applicable to this set facts in Rev. Johnson case

More specifically, this is not the first Court to confront this Problem. This Court dealt with same issue in Becker v. Montgomery, 532 U.S. 757 (2001), this court dealt with the question whether "typewriting one's name satisfies the signature" requirement," after noting that the signature requirement doubtless would be adjusted technology, it went on to hold that a typewritten signature does not satisfy the Rule.

This Court Wrote:

"Without any rule change so ordering ... we are not disposed to extend the meaning of the word "signed", as that word appears in Civil Rule 11(a), to permit typed names. As Rule 11(a) now fashioned we read the requirement of a signature to indicate, as a signature requirement commonly does, and as it did in John Hancock's day, a name handwritten.

Simply put when you type or write out a proposed judgment or order that is exactly what it is until it is signed: Proposed. A judgment or order does not take on any official meaning until someone with the proper authority put their "John Hancock" on it. The Petitioner further agrees that the Court of Appeals of the Fourth Circuit however, rejected precedent and history it dismissed this Court's decisions in Becker v. Montgomery

As established above this Court has set forth standard for "legal framework" governing a typewritten name on a court order or other paper. Here, "legal framework" supported by substantial evidence. For example in this Court precedent set forth in Life & Fire Ins. Co. of New York v. Wilson's Heirs, 33 U.S. 291 (1834), the U.S. Supreme Court specifically and unequivocally with clarity and particularity stated in Heirs, that a court order must be signed by a Judge, to the extent the precedent set forth a "binding precedent" such created approximately 100 years-old doctrine .... established "binding authority" that Judges must signed their court order. No exception.

In addition the Court of Appeals of the Fourth Circuit decision conflicts with many decisions of this court and other circuits. Further the Court of Appeals of the Fourth Circuit Has Rejected outright This Court's Division extend to Rule 11(a) see Appendix [I].

Accordingly it would be hard to imagine a situation where the district and circuit court has violated more of Petitioner constitutional rights, then in the case found here. Indeed, it would take a novel rule of law, which would allow the state to maintain a conviction and sentence under the circumstances described above. To adopt such a rule of law here would be tantamount to an unrighteous and Perverted Judgment.

C. Legal Framework

In Becker v. Montgomery supra and Hess, the U.S. Supreme Court held that a Judge must signed their Court order. Petitioner further argues that Judge Gesel abuse its discretion in failing to signed the court order dated Sept. 5, 2024. see Appendix [B]

Petitioner further agrees that in this case, however, that the Court of Appeals of the Fourth Circuit errs in reading the language in Becker v. Montgomery, supra and Hess supra this Court Precedent were adopted in 1834 and it is clear that a Judge must signed their Court order bearing judge name. This Court has repeatedly instructed the District and Circuit Court on signed "Court orders" In short, this Court's decisions have consistently made clear that actions to set aside unsigned court order

Moreover "as broadly as possible" indeed to the outer limits of the possible. Further, this Court has set a legal standard in Becker v. Montgomery supra that a typewritten name on court order or other paper are not signatures pursuant to Rule 11(a). See Appendix [G]. Petitioner has proven beyond a reasonable doubt that the trial judge name appear on court order typewritten.

As established above, district and circuit court's violated this Court precedent and rulings set forth in Becker v. Montgomery supra, including Heirs by changes of law or fact in exercising their discretion, the district and circuit court are bound by this Court precedents.

It is well settle that the doctrines of this Court has left no doubt that as a constitutionally inferior court, the district and circuit court are compelled to follow faithfully a directly controlling U.S. Supreme Court precedent unless and until the U.S. Supreme Court itself determines to overrule it, it may not be rejected, dismiss, disregard or deny U.S. Supreme Court precedent, even if, in a particular case pellucidly clear to litigants, lawyers, and lower court judges alike that the opportunity the U.S. Supreme Court would overruled its precedent. Thus, the Court of Appeals of the Fourth Circuit blatantly rejected precedent and history. It dismissed this Court's decisions in Becker v. Montgomery and Heirs, see Appendix [I].

Here is another example: under the broad language of Heirs supra, this Court precedent were in effect every since 1834 it is clear by language in Heirs that a judge must signed their court order issue in judge name, see Guerrero-Lasprilla v. Barr, 589 U.S. 221 (2020).

Petitioner further argues that the district and circuit court disfigures Due Process and Equal Protection of Fourteenth Amendment of the United States Constitution by denying Petitioner relief under unsigned court order to the extent Petitioner were deprived of his constitutional rights by Court of Appeals of the Fourth Circuit's refusal to review unsigned court order issue that set forth in "Informal Brief"; there appeared a unique and extraordinary circumstance, due to unsigned court order justifying federal examination under the Barr case. Dare v. Burford, 339 U.S. 200 (1950); Ex V. Nolr, 372 U.S. 391 (1963). Further, the Court of Appeals of the Fourth Circuit decline to review Petitioner Constitutional claim.

Inasmuch Judge Gergel had a ethical obligation to signed his court order because his name Sept 5, 2014, to the extent the legal framework set forth in 20 C.F.R. 401.18 (c)(1)(2) read as follows:

> .. (2) A Judge or a Magistrate Judge of that court sign it.

There is no exception

Petitioner further argues that the District Court and Court of Appeals of the Fourth Circuit appear to conspired with Respondent to remain Petitioner in SCDC on Unsigned Court Order, to the extent Petitioner being held as "enemy combatant" under color of unconstitutional federal law, to continue illegal incarceration on unsigned court order in violation of the Fourteenth Amendment and to deter Petitioner from the exercise—

of Rev. Johnson Due Process, Equal Protection and access to the court.

Petitioner further argues that the District Court and court of Appeals of the Fourth Circuit has violated 18 U.S.C. § 241 Conspiracy against rights and 242 Deprivation of Rights under Color of law

More specifically, the Petitioner brought this particular issue in "Informal Brief" the Court of Appeals of the Fourth Circuit decline to review this particular issue referring to Judge Gergel failed to actual sign court order in Johnson v. Nelson, supra. Sept. 5, 2024, including "Recusal order" that were issue on the same date, see Appendix [B] [C]. Petitioner further argues that there is history of Judge Gergel failure to signed his court orders. For example, Johnson v. Stirling, 2021 WL 1232658 (D.S.C. Apr. 2, 2021), Judge Gergel failed to signed the prior court order, to the extent the subject matter were brought to Court of Appeals of the Fourth Circuit attention

As mention above, the Court of Appeals of the Fourth Circuit, adopted Judge Gergel prior ~~unpe~~ unwritten court order. The Petitioner argues that the district court and court of Appeals of the Fourth Circuit, willful misconduct relating to their official duty, willful and persistent failure to perform their duty, persistent and public conduct prejudicial to the administration of Justice. But to reiterate a critical point, the District Court Judges and Circuit court judges has taken an oath office as elaborate Judicial violated their oath office, pursuant to 28 U.S.C.A. § 453.

28 U.S.C.A § 453. reads as follows:

> Each Justice or Judge of the united states shall take the following oath or affirmation before Performing the duties of his office: "I John Doe, do solemnly swear (or affirm) that I will administer justice without respect to Persons, and do equal right to the Poor and to the rich, and that I will faithfully and impartially discharge and Perform all the duties incumbent upon me as Judge under the Constitution and laws of the united States. so help me God."

It is a established and settle Principle that all judges take this oath of office and Judges Put their hand on Bible, each Judge swear to God that they would carry out their duty with integrity and honesty. Here, the court of Appeals of the Fourth Circuit fall below the Standard of their oath.

Pursuant to 32 Am Jur. 2d Federal Court § 25 (Oath Required of federal Judges) Read as follows:

> • It is clear that all federal Judges are bound by a Solemn Moral obligation to regulate their decisions agreeably to the constitution and laws of the united states. Every litigant entitled to have his or her case heard by a judge mindful of this oath.
>
> No exceptions.

Petitioner further argues that the Court of Appeals of the fourth circuit abused the delegated discretionary authority by having acted arbitrarily, capriciously, or not in accordance with law. 5 U.S.C. § 706 (2)(A). See Appendix [I].

As established above, the Court of Appeals of the Fourth circuit has shown little are no respect for this Court or its Precedent and Rules. See Appendix [I].

The Petitioner humbly argues that is stated in State Ex Rel Bhal Montgomery, 422 S.C. 2d 661 (1980); In Re Smith, 559 S.E.2d 584 (2002), that a unsigned court order is a that never really existed and is unsigned forever. It doesn't become unsigned with the passage of time or action of the litigants. A unsigned court order has no power to bind or protect anyone.

Rule 32 (k)(1) 18 U.S.C.A. Read as follows:

- The judgment shall be signed by the judge and entered by the clerk of court.

Petitioner argues that the Court of Appeals of the Fourth Circuit impede administration of Justice by failing to perform their judicial duty that sworn to uphold the Constitution and laws. The Petitioner argues that the district and circuit court conjure up a scheme to violates Petitioner equal protection clause by a false description of constitution and laws in this case. Here the Petitioner presented evidence to this Court in the Appendix that would support factual allegations shown to the extent Petitioner has met his "Burden Proof." Further, the district and circuit court advocated the case for Respondent per Judge Gergel that the Petition in this action be dismissed without prejudice and without requiring Respondent to file a return." Further Respondent admitted in Request of Admission that the Petitioner was accepted in SCDC on unsigned court order. see Appendix (F)

III

The Fourth Circuit is affirming the internal sires of record evidence of irreparable harm

D. The Petitioner is threatened with irreparable harm

In the present case, Petitioner has shown a right to a Petition for Writ of Certiorari due to typewritten name on court order, the nature of Petitioner's showing irreparable harm, that is likely to suffer irreparable harm in the absence of relief, it would be judicious to remain Petitioner incarcerated on unsigned court orders when Constitution and laws, including this Court precedent and decision warranted relief. See Munaf v. Green, 553 U.S. 674 (2008); Woodford v. Ngo, 548 U.S. 81 (2006); Hiker v. Holder, (2008); Winter v. Natural Resources Defense, 556 U.S. 418 (2009); Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7 (2008). Petitioner further argues that Rev. Johnson Constitutional rights are in great and immediate danger of being irreparable impaired, due to unsigned court order, that bearing a typewritten name on court order.

As a general rule this Court has set forth legal standard that a typewritten name are not signature according to Rule 11 (a). The Court of Appeals of the Fourth Circuit's Decision is in Direct Conflict with this Court's Precedents Holding that Action to set Aside an unsigned court order. See Appendix (B). Again, this Court should review the court of Appeal for the Fourth Circuit's refusal to follow this Court's binding Precedents. Cochrane v. Deener, 94 U.S. 780 (1877) and Root v. Railway Co., 105 U.S. 189 (1882).

IV.

Statute is Unconstitutional

E. Equal Protection Violation

In view this history, in 1996 Congress passed two statute that limit the ability of petitioner and other to challenge the legality of their conviction and the conditions of their confinement through civil litigation. The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) amended the habeas corpus statute in a number of ways that affect the disposition of federal and state criminal convictions. Thus, the statute infringe upon the Fourteenth Amendment. The Prison Litigation Reform Act (the PLRA) governs federal lawsuits dealing with entire institution or systems. However to the extent both statute is unconstitutional.

Clearly, the PLRA and AEDPA are antiprisoner, and they are objectionable to some on that basis alone. For supporters of prisoners' rights, the provisions of the two statutes that express congressional preference for federal appellate judges over federal district judges are cause for concern because district judges are more likely than appellate judges to be receptive to prisoner claims. But the provisions might concern even those who share Congress's substantive commitment to curtailing prisoner's rights, because the procedural means they employ, set a precedent for encroachment on the remedial authority of district judges.

Moreover, the Antiterrorism and Effective Death Penalty Act (a) Legislative History - Like the PLRA, AEDPA can be trace to the Republican Contract with America which included a proposed

Takes Back our Streets Act that litigation. Arguing that habeas corpus review allowed "Prisoners on death row to almost indefinitely delay their punishment" the contract's authors former House speaker Newt Gingrich's sought to impose deadlines for filing habeas corpus claims and to forcets federal courts to consider federal habeas petitions within a certain time frame.

Moreover, the former House speaker decision constitute a infringement on Fourteenth Amendments to the extent the framer of the constitution did not put a timeline when an individual could file federal habeas corpus petition, But to selectde a critical points AEDPA permits federal district Judges to decide the cases but prohibits their full use of the constitution - as they interpret it in the decisionmakers process. The effectiveness of this tactic may depend on whether like to as a resures that the "newness" of a claim be treated as a threshold question that must be resolved before a habeas court may reach the merits of the constitution claims, these the Petitioner Due Process and Equal Protection were violated under AEDPA Act of course Rev. Johnson to be incarcerated in some illegally detained on typewritten name on a court orders that were not signed by a Judge.

To quote Professor Margo Schlanger argued that the Prison Litigation Reform Act of 1995 (PLRA) has failed this far to accomplish its underlying objective of reducing the overall volume of inmates litigation in federal courts while increasing the viability of meritorious inmate claims. However the framer of the constitution place no restriction on Due Process of the Fourteenth Amendment Equal Protection of the law of the Fourteenth Amendment.

More specifically, when the AEDPA and PLRA was passed in 1996 by a Republican-Controlled Congress and signed by President Clinton, there was a general sense (at least among House Republicans) that the volume of litigation in federal and state courts had reached an unacceptable level; a passage in House Speaker Newt Gingrich's Contract with America boldly asserted that "[a]lmost everyone agrees that America has become a litigation society [where] we sue each other too often and too easily."

Notwithstanding these legislative difficulties Professor Schlanger was correct to point out that inmates were "quite litigious" at the time according to Professor Schlanger's empirical data, inmates were thirty-five times more likely than non-inmates to file federal civil lawsuits in 1995, Of course, Congress did not have access to that data at the time of the AEDPA and PLRA's passage.

Based on the above reasons Congress Legislation was targeted toward inmates and not non-inmates. Therefore section 5 of the Fourteenth Amendment grants Congress the authority to "enforce" the provisions of the Fourteenth Amendment. Congress may not legislate against one particular group or private individuals; it may only enact legislation in response to state law. Under City of Boerne, section five does not empower Congress to restrict constitutional rights; section five is strictly limited to the enforcement of the Fourteenth Amendment. Congress's power to enforce Fourteenth Amendment is "remedial," "substantive", Congress cannot enforce a constitutional interpretation that differs from "interpretation that the court itself would adopt.

/

Petitioner further argues that section 1 of the Fourteenth Amendment Provides that "[n]o state shall... deny to any Person within its Jurisdiction the equal Protection of the law" and §5 Provides that "[t]he Congress shall have Power to enforce, by appropriate legislation, the Provisions of this [Amendment]", as this Court read those Provisions in City of Boerne v. Flores, 521 U.S. 507 (1997). Further, the critical limits said the City of Boerne, is that "congress power under § 5 ... extends only to enforc[ing] the Provisions of the Fourteenth Amendment" and "congress does not enforce constitutional right by changing what the right is. However to the extent Congress suppose to enact a statute in line with the Constitution.

The Fourteenth Amendment Provides, in relevant part:

- "Section 1 .... no state shall make or enforce any law which shall abridge the Privileges or Immunities of Citizens of the United States; nor shall any state deprive any Person of life, liberty, or Property, without due Process of law; nor deny to any Person within its Jurisdiction the equal protection of the laws.

The Framer of the Constitution recognizes equal Protection as an unalienable right, secured its Protection in the section of Fourteenth Amendment to the Constitution. Here AEDPA is unconstitutional and contrary to Fourteenth Amendment of section 1. Further, unconstitutional statute has cause irreparable harm to the Petitioner.

This Honorable Court in Baxstrom v. Herold, 383 U.S. 107, 86 S.Ct. 760 (1966), specifically held that the Petitioner in that case was denied equal Protection of the law by a Procedure under which an individual act was unconstitutional. Here, unconstitutional statute has cause the Petitioner to be illegally detained on typewritten name on Court order on the basis of the trial judge failed to actual signed the court orders, its denied Petitioner of his equal Protection of the law

So a conflict is Posed: Does the constitution Permit the Practices this Court encountered? It does in reality, here is the Constitution and here are these Practices being done. Do this Court give up on the Constitution, in a crisis of faith, ceasing to believe in God because there is evil in the world? or do this court decide to hold the Constitution to its Promises for the first time if necessary? If this Court take this "bottom up" approach it is not because this Court believe in the Constitution although this Court might, but because this Court believe in the equality of the Peoples and this Court are not going to let the Constitution make them less. Further, just as Word of God do not change, as well the Constitution do not change.

Moreover, using the "bottom" approach to illuminate the "top down" one clarifies some otherwise murky issues in the fidelity discussion, consider first the confusion between what would be good to encompass in constitutional equality and what equality means assuming that a Practice is unconstitutionally unequal is not the same as saying that it is a bad things in the moral sense, many things are no doubt bad, but only being Part of systematic subordination on a group basis makes somethings unequal. But things may or may not be unconstitutional, but unequal things are. Expanding the standard for cognizable inequality by setting new groups and practices recognized under the constitution is interpretation. Further, it expanders the meaning of a constitutional term like "equal Protection of the laws" to prohibit the reality large interpretive step by some it may be because those doing the interpretation want to keep their practices and privileges or have limited imaginations or narrow lives. But we are still talking interpretation what is and is not inequality, we are not talking what it would be good to be against the task of moral theory and legislation. That the statute improperly infringed on Petitioner cognizable equal Protection of the law.

In addition, both statute were bear toward Petitioner and other inmates. Further, the equal Protection clause essentially requires that all persons similarly situated be treated alike.

Petitioner further argues that the unconstitutional statute were allege in Petitioner "Informal Brief", to the extent the court of Appeals of the Fourth Circuit declined to address this issue, deprives Petitioner of Due Process and equal Protection of the law. Further, Petitioner were denied "Equal rights under the law", Pursuant to 42 U.S.C.A 1981.

Inasmuch the issues here so far beyond that of dealing with typewritten name on court order without a signature, the matter here in crucial part do not have to necessary be preserved for Appellate Court Review by a timely objection but only need to be considered as a matter brought, conducted and presented in the court. The Petitioner theory of his court are similar to movie "Double Jeopardy", where a woman was charge for murdering her husband, to the extent woman find out her husband was still alive. Here the Petitioner theory that his wife is still alive and she were place in "Federal Witness Protection Program. Thus, all because of the "Big Lie" by Petitioner wife family fabricated to Federal official that Petitioner were apart of organized crime. The facts in this case, those official influence the court to a deaf ear to factual allegation. Appendix [5] the character of Petitioner.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

[signature]

Date: April 5, 2024