

No. _____

23-7686

RECEIVED
SUPREME COURT OF THE UNITED STATES
JUN 07 2024

Supreme Court of the United States

Sammy David McLain Jr.

Petitioner

vs.

Dr. Michelle L. Thaller NASA Goddard Flight Center,
Mary W. Jackson NASA Headquarters, Matt Young,
Pepco Holdings LLC company

Respondent(s)

On Petition for a Writ of Certiorari to
The United States Court of Appeals for the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

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I. Question Presented

- I. Can a Judge(s) dismiss a Claim sua sponte (frivolous) involving a Tort (civil wrong) Code (statute) Injury (loss of a legal right) and an Act (law) without Investigation(s) of a Complaint?

Constitutional Provisions

US Constitution, Amendment 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Violation(s)

1. MD Code Natural Resources 1-302 Legislative findings, policies relating to protection, preservation, and enhancement of environment (a) (b) (c) (k)
2. Maryland False Claims Act
3. MD Constitution, Declaration of Rights, Art. 19 Article 19. Relief for injury to person or property (a)

(Tort)

- 1) Negligence
pursuant to:
Negligence (per se)
- 2) Negligence
pursuant to:
Liability for Negligent or Wrongful Act
MD Corp & Assn Code 5-121 (2013) (a) 1
- 3) Negligence
pursuant to:
Maryland Rules of Civil Procedure Rule 2-305 Claims for Relief (a) (b) (c)

- II. Is not America based on Discovery or is the United States a Stronghold for an African-American?

Constitutional Provisions

US Constitution, Amendment 13

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

US Constitution, Amendment 14

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; 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.

Statutes

18 U.S. Code 241

Conspiracy against rights

22 U.S.C. 7102 (1) (8) a,b

Involuntary Servitude

III. Did the Judge(s) from the beginning of the Case have Jurisdiction to Order that Evidence be presented without Civil Procedure being that the Elements of the Claim has a Burden of Proof for the Plaintiff to Prove in Trial?

Elements (of a case)

(citations)

MD Constitution, Declaration of Rights, Art. 45 Article 45.

Reservation of rights (a)

IV. The Plaintiff is still not relieved of his property and if any property of the Defendants then should not have or had the Defendants relief of their property by due process or rights granted them by law and to protect against unreasonable searches and seizures?

(citations)

Declaration of Human Rights

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law..

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III. Table of Authorities

Cases

McLain v. Thaller, et al.

No. 23-CV-1521

United States District Court for the District of Maryland at Greenbelt

Nov. 02, 2023iv,9,14

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Apr. 29, 2024iv,3,9,10,11

Sammy McLain Jr. v. Michelle Thaller, et al.

No. C-15-CV-23-001142

The Circuit Court for Montgomery County Maryland

Jun 1, 2023iv,8

Parties

Mary W. Jackson NASA Headquarters, defendant appellee 1(a),3(a),v,16

Matt Young, defendant appellee 1(a),3(a),v,7

Dr. Michelle L. Thaller, defendant appellee 1(a),3(a),7

Pepco Holdings LLC, defendant appellee 1(a),3(a),v

Sammy David McLain Jr., plaintiff appellant

Pro Se 1(a),2(a),3(a),v

Representing Attorney

Ariana Wright Arnold, attorney

Matt Young, Dr. Michelle L. Thaller, Pepco Holdings LLC, Mary W. Jackson NASA Headquarters v

Brian Evan Hoffman, attorney

Matt Young, Pepco Holdings LLC v

IV. Petition for Writ of Certiorari

Petition for a Writ of Certiorari to review a Judgement.

Judge(s) Conduct raises a substantial Question of Corrupt Motive and Fitness of Office.

(citations)

Rule 18-402 M (a)

&

Constitution of Maryland

Article IV

Part I: General Provisions

SEC. 4B (a) (1) The Commission on Judicial Disabilities has the power to:

V. Opinions Below

(request for rehearing)

“state with particularity the points of law or fact that the petitioner believes the court has overlooked or misapprehended and must argue in support of the petition”. Fed. R. App. P. 40; Loc. R. 40(a) & (b).

“the proceeding involves a question of exceptional importance”. Fed. R. App. P. 35(a).

“a request for a response”. Fed. R. App. P. 40(a)(3).

“accompanied by a certificate of compliance with type-volume limit if produced by computer”. Fed. R. App. P. 40(b); 35(b)(2) & (3).

“a petition for rehearing or petition is timely filed”.

“the time to petition for certiorari runs from the date of the denial of the petition for rehearing”. S. Ct. R. 13.3.

“matters ancillary to the filing of an application for writ of certiorari with the Supreme Court” (such as a motion to stay issuance of the mandate).

Loc. R. 40(d).

VI. Jurisdiction

“Under Fed. R. App. P. 41(b), the filing of a timely petition for rehearing or rehearing en banc stays the mandate until the court has ruled on the petition. In accordance with Rule 41(b)”.

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Mar. 1, 2024.

“The court denies the petition for rehearing. Entered at the direction of the panel: Judge Wilkinson, Judge Wynn, and Judge Harris”.

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Apr 26, 2024.

“Upon consideration of submissions relative to the motions to stay mandate, the court denies the motions”.

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Apr. 29, 2024.

VII. Constitutional Provisions Invoked

US Constitution, Amendment 7

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..... 3,4

US Constitution, Amendment 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.i,4,17

US Constitution, Amendment 9

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.....4,18

US Constitution, Amendment 13

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.i,4,17

US Constitution, Amendment 14

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; 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.i,ii,4,5,14

Statutes

18 U.S. Code 241

Conspiracy against rightsii,5

18 U.S. Code 1031 - Major fraud against the United States (A) 1, 2 (B) 2

.....5

22 U.S.C. 7102 (1) (8)a,b

Involuntary Servitudeii,5,17

31 U.S.C. 3729-3733

False Claims Act5

Title VI Civil Rights Act of 1964 intentional discrimination.....6,15

Title VII Civil Rights Act of 1964 any discrimination.....6,16

VIII. Statement of the Case

As Witness to a Violation and Fraud to the People of the United States and being a Victim of Discrimination not being Recognized for a Discovery and Achievement after Contact and Email to ask for a Confirmation and have not received an Answer to a Question with Governmental Abuse of Power and the Affliction of Mental Anguish and is Petitioning the United States Government Legislation through Maryland State Legislature to seek Reparation and Justice for Violations to Constitutional Rights Human Rights and Civil Rights have not been Recognized for another Discovery and have Witnessed another Violation and Contacted on several Occasions to Inform of another Discovery and previous Achievement :remotely connected to a Service Territory with no Action taken to Date about the Alert and Today is still not Recognized for the Achievements and Discoveries in America as an African-American Citizen with no Source to by NEGLIGENCE of and disregard for Rights and Representation in the State of Maryland and Signed.

see: Appendix A 3(a)

TORT - Negligence

1. Existence of a Legal Duty to the Plaintiff.

Research Scientist & Director for Science Communication Dr. Michelle L Thaller and Sr. Project Manager Matt Young.

2. Defendant(s) breached that Duty.

Neglect to Research & Communicate and provide Project Updates after original Discovery disclosure(s).

3. The Plaintiff was Injured.

- (a) Mental Anguish**
- (b) Pain and Suffering**
- (c) Loss of Income**
- (d) Loss of Filial**
- (e) Defamation of Character**
- (f) Emotional Distress**
- (g) Loss of Enjoyment of Life**
- (h) Personal Injury**
- (i) Negligent Infliction of Emotional Distress**

4. The Defendant(s) breach of Duty caused the Injury.

NEGLIGENCE

Neglect of Duty

Deprivation of a Legal Right

Did the Judge(s) from the beginning of the Case have Jurisdiction to Order that Evidence be presented without Civil Procedure being that the Elements of the Claim has a Burden of Proof for the Plaintiff to Prove in Trial?

Elements (of a case)

Sammy McLain Jr. v. Michelle Thaller, et al.

No. C-15-CV-23-001142

The Circuit Court for Montgomery County Maryland

Jun 1, 2023

KATHLEEN M. DUMAIS Circuit Court Judge

JAMES A. BONIFANT Circuit Court Judge

see: Appendix B 4(a)

Md. Rule 2-303

(a) Paragraphs Counts and Defenses

"practicable to a statement of a single set of circumstances"

(b) Contents

"unnecessary recitals of Law"

(c) Consistency

To Order the Case dismissed without taking notice of an Issue.

Sua Sponte

McLain v. Thaller, et al.

No. 23-CV-1521

United States District Court for the District of Maryland at Greenbelt

Nov 2, 2023

DEBORAH L. BOARDMAN United States District Judge

GINA SIMMS U.S. Magistrate Judge

Dispense with Oral Argument without considering the Legal Arguments or Facts.

Rule 34. Oral Argument 2 (c)

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Feb 27, 2024

WILKINSON, WYNN, and HARRIS, Circuit Judges

Deny a Petition for Rehearing without including the reasons for denials.

43 CFR 30. 240 (c)

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Apr 26, 2024

WILKINSON, WYNN, and HARRIS, Circuit Judges

Deny a Motion to Stay Mandate with a substantial Question and set forth good Cause for a Stay showing that it is not Frivolous or filed merely for Delay?

Rule 41. Mandate: Contents Issuance and Effective Date Stay

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Apr 29, 2024

WILKINSON, WYNN, and HARRIS, Circuit Judges

1. Direct Appeal

Date notice of appeal filed in originating court: Nov 3, 2023.

text "This case has been opened on appeal".

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Nov 14. 2023.

text "The court grants leave to proceed in forma pauperis".

Sammy McLain v. Michelle Thaller

No. 23-2186

United States Court of Appeals for the Fourth Circuit

Nov 21, 2023.

2. Things to Consider

a. Declaration on the Rights of Indigenous Peoples

b. *(legal basis)*

- Compliance with a legal obligation.
- Protection of vital interests.
- Carrying out a task in the public interest.
- Processing data for a legitimate interest.

c. Hate Crime Title 10 subtitle 3

section 10-304 1(i) 2 (ii)

d. Racism Title 42 ch. 21 subchapter I

e. Universal Declaration of Human Rights article: 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of any criminal charge against him.

f. Declaration of Human Rights

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

g. Proximate Cause

h. Negligence is a foundational concept of tort Law.

i. Negligence (Per Se)

“Negligence per se means negligence in itself. In a tort case a defendant who violates a statute or regulation without an excuse is automatically considered to have breached their duty of care and is therefore negligent as

a matter of law. As a result, the only thing that must be proven at trial is whether the violation was the cause in fact and proximate cause of the plaintiff's injury".

Cornell Law School [2023] Wex definitions Team

Negligence (Per Se) law.cornell.edu

IX. Reason for granting the Writ

- A. Offer a writ of Certiorari in this Case of National Significance.
- B. To Find an Elusive Truth that is not Frivolous.
- C. Systemic Racism and Violation of the United States Constitution.
- D. Racism, Inequality and Civil Rights Violation to the Plaintiff.

X. Conclusion

Anyone would have liked to have been acknowledged for their extraordinary Work (MD Constitution, Declaration of Rights, Art. 19 Article 19. Relief for injury to person or property (a). I pro se seek to set free a Truth to a Person and have only told the Story and is reason for this Complaint and Grievance (MD Constitution, Declaration of Rights, Art. 13

Redress of Grievances by Petition to Legislature) to obtain relief to Property and Person deprived of Liberty and of Property and Life to Rights in the United States.

Pursuant to:

US Constitution, Amendment 14

Section 1

I personally know the sanctionable conduct of a Judge (citations) Maryland Rule 18-402 who will make a Claim against a Government, Court or Law enforcement deluded to be a Mental Health Issue *pursuant to:* 9-306 Obstruction of Justice. In order for this Achievement, Complaint and Claim to be a Mental Health Issue the Issue has to be Investigated and proven frivolous. (*definition*) Delusion: a false belief or judgment about external reality held despite incontrovertible evidence. and Delusion: the action of deluding or the state of being deluded (*google knowledge graph*). as stated McLain v. Thaller, et al. No. 23-CV-1521 Nov. 02, 2023 in which blatant disregard may have been the intention from the beginning involving another case of Neglect of Duty, Negligence and Discrimination accessory to this Complaint asserting Evidence beyond a reasonable doubt being that there is a precise Location described in the Complaint of Probative Value *pursuant to:*

RULE 19-303.1. MERITORIOUS CLAIMS AND CONTENTIONS (3.1)

Comment 1, 2

(Pro Se)

Can a Judge(s) dismiss a Claim sua sponte (frivolous) involving a Tort (civil wrong) Code (statute) Injury (loss of a legal right) and an Act (law) without Investigation(s) of a Complaint?

The Plaintiff should not have to present again extraordinary Work already achieved that should have been acknowledged under Oath and in an Investigation or Witness of those who deny. A Judgement could have been to Order a finding of an elusive Truth, Investigation of environmental Crimes (MD Code Natural Resources 1-302 Legislative findings, policies relating to protection, preservation, and enhancement of environment (a) (b) (c) (k) an Order for the defendants to acknowledge and confirm the achievement or a response about the disclosure of Information could have prevented action from a Court and willingness and cooperation than avoidance *pursuant to*: 9-306 Obstruction of Justice would have led to Facts. The Plaintiff should not have to risk Danger again for Negligence *pursuant to*: Negligence and Discrimination *pursuant to*: Title VI Civil Rights Act of 1964 of the Defendants.

(citations)

10 U.S. Code 914 Art. 114

Endangerment offenses

A (1,2)

Section 3-204

Reckless endangerment

A (1)

The Plaintiff should not have been a Victim to even more Violations or Personal Injury to litigate a Case pro se a strenuous task in disorder of Discriminatory Attitude pursuant to: Title VII Civil Rights Act of 1964 and Intimidation of Victim *pursuant to*: 9-305 (a) while Rights violated by elected Official, Government agency & company *pursuant to*: Negligence and Representative in a Judicial System *pursuant to*: 9-306 Obstruction of Justice and Section 9-101 - Perjury (c)1.

see: Appendix E 27(a)

text "Mary W Jackson NASA Headquarters"

I pro se have presented Information on this Legal Matter *pursuant to*: MD Constitution, Declaration of Rights, Art. 45 Reservation of rights (a) which are unproven allegations to reserve Rights (*citations*) Governmental Abuse of Power, Infringement of Rights, Right to Earn a Living Act and Effort

(Law) to the extraordinary Work. (MD Constitution, Declaration of Rights, Art. 19 Article 19. Relief for injury to person or property (a) *(citations)*

Involuntary Servitude

22 U.S.C. 7102 (1) (8) a, b

(information on the legal matter)

1. Eighth Amendment:

Cruel and Unusual Punishment

2. Thirteenth Amendment:

Involuntary Servitude

3. MD Constitution, Declaration of Rights, Art. 5.3 Responsibilities of Attorney-General

4. MD Constitution, Declaration of Rights, Art. 1

5. MD Constitution, Declaration of Rights, Art. 6

6. Constitution of Maryland, Art. 3 Sec. 2

7. Commission on Civil Rights

general council

8. Peoples Law Library of Maryland

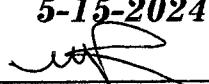
civil rights resources

Constitutional Provisions

US Constitution, Amendment 9

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

5-15-2024



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