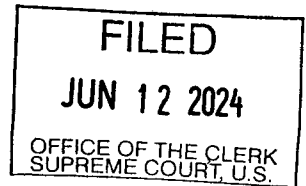


No. **23 - 7757**



IN THE  
**Supreme Court of the United States**

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REVEREND DR. SAMUEL T. WHATLEY,  
SAMUEL T. WHATLEY, II,  
PACITA D. WHATLEY,

PETITIONERS,

V.

OAKBROOK HEALTH AND REHABILITATION CENTER,  
RESPONDENT.

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

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PETITION FOR WRIT OF CERTIORARI

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Reverend Dr. Samuel T. Whatley  
*Ph.D. Constitutional Law and Policy*  
*(Post Doctorate Student Liberty University)*

Samuel T. Whatley, II  
*ABD Ph.D. CJ-L (2025)*  
*(Doctoral Candidate at Liberty University)*

Pacita D. Whatley  
*Retired Federal Investigator*  
PO Box 14254  
Charleston, SC 29422

Matthew 7:12 "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets." (King James Version)

*Friend of the Court and Biblically Founding  
Preacher, Scholar and Historically Related to Family of the American Revolution*

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## QUESTIONS PRESENTED

1. Does the Founding Father's documentation of individual rights, such as the Bill of Rights, Declaration of Independence, and Constitution, provide protective measures against the lack of protective health care services for the elderly and disabled as required by law?
2. Can the jurisdiction of the lower courts dismiss the responsibilities of the oath taken by the lower courts? *Follow-Up Question:* Can the lower courts, which may have conflicts of interest and or personal relations by the judges involved, cause unconstitutional dismissal and or deny, the right to a jury trial for the individual employee?
3. Does the Constitution provide protected elder citizen rights for an individual to be properly and implement effective and timely health care regardless of age, race, financial status, political views, and or disability formalities?
4. Does the Constitution allow other state and or federal laws to be implemented in additional protections and relief if an elder care provider violates those additional laws beyond the Constitutional protections? *Follow-Up Question:* If federal law prohibits any elder care provider from violating proper and effective health care, does the Constitution promote relief to be awarded to the individuals who had their rights violated by that organization?
5. If evidence shows that both federal and state elder protective measures against elder abuse and neglect by an agency, insurance organization, and or government entity, issue citation against an employer and the individual and the family of that individual should be able to recover damages and relief according to the protections of the Constitution.
6. If an organization and or corporation accepts federal funding from a federal agency such as Medicare and or Medicaid, does oversight of the use of funding fall under federal jurisdiction and allow the Federal Court to determine and provide judicial protective measures within the law that federally funding insurance must provide and manage the protective measures to properly and effectively implement care to the elderly and disabled?
7. Does preventing, and or denying, the right to jury trial violate individual rights of due process guaranteed under the Federal Constitution, Bill of Rights, and Declaration of Independence, regardless of age, disability, race, and or political status for disability accommodations and judicial functionality for those protective rights?

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

## RELATED CASES

*Whatley, et. al. v. Oakbrook Health and Rehabilitation Center, Charleston, SC*, No. 24-1006 (4th Cir. 15 Mar. 2024)

*Whatley, et. al. v. Oakbrook Health and Rehabilitation Center, Charleston, SC*, Civil Action 2:22-cv-02274 (D.S.C. 13 Dec. 2023)

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## OPINIONS BELOW

The decision by the U.S. Court of Appeals denying Whatley's direct appeal is reported as *Whatley, et. al. v. Oakbrook Health and Rehabilitation Center, Charleston, SC*, No. 24-1006 (4th Cir. 15 Mar. 2024; see Appendix A), which the order of denial and dismissal is attached at the Appendix Section. The U.S. Federal Court of South Carolina Charleston Division denied and dismissed Whatley's complaint reported in *Whatley, et. al. v. Oakbrook Health and Rehabilitation Center, Charleston, SC*, Civil Action 2:22-cv-02274 (D.S.C. 13 Dec. 2023; see Appendix B), was denied and dismissed.

## **JURISDICTION**

Whatley's appeal was denied on 15 March 2024, by the U.S. Court of Appeals for the Fourth Circuit. Whatley invokes this Court's jurisdiction under 28 U.S.C. § 1257 and 1254(1), having timely filed this petition for a writ of certiorari within ninety days of the U.S. Court of Appeal Court's judgment.

## **CONSTITUTIONAL PROVISIONS INVOLVED**

United States Constitution, Amendment XIV 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.

South Carolina Constitution, Article I Section 3:

The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.).

## **STATUTORY PROVISIONS INVOLVED**

U.S. Civil Statute 31 § 3729(a)  
320 ILCS 20/2(f-1) & (e) (2022) Chapter 320. Aging Act 20. Adult Protective Services Act  
22 M.R.S. § 3472 (2022) Adult Protective Services Act  
28 U.S.C. § 1257 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 1257.  
29 U.S.C. § 215 – U.S. Code – Prohibited acts; prima facie evidence § 215.  
29 U.S.C. § 218 – U.S. Code Relation to other laws § 218.  
S.C. Code Ann. §§ 43-35-5 through § 43-35-350 (2017) Adult Protection  
S.C. Code Ann. § 43-35-10 (2017) Civil Elder Abuse

## **STATEMENT OF THE CASE**

The basic briefing of this Petition of Writ is grounded on the narrative of how Plaintiff No. 1 is a former federal employee. Plaintiff No. 3 is a dependent of Plaintiff No. 2. Plaintiff No.

1 stayed in Defendant's care (oakbrookhealthcenter.com) and is owned and managed by Fundamental Long-Term Care (fundltc.com) from 13th December 2022 to 11th February 2023, after being sent there from a hospital. During the care period, Plaintiff No. 2 and Plaintiff No. 3 personally observed (as Plaintiff No. 2 and 3 went to the location almost daily to deliver food and water to Plaintiff No. 1) bedsores, severe trauma/agitation, and dirty clothing on Plaintiff No. 1. It was later found out that the directed treatment from the hospital for cardiology on Plaintiff No. 1 was not adequately conducted by the Defendant which resulted in Plaintiff No. 1 having to be readmitted to the hospital and sent to another rehabilitation facility for extended periods. Defendant attempted to charge multiple times for services during periods Plaintiff No. 1 did not stay to Plaintiff No. 2. Plaintiff No. 2 was charged thousands of dollars in addition to the federal health insurance, Blue Cross Blue Shield, multiple times by Defendant. Furthermore, prescriptions—HYDROcod/APAP TABs of Plaintiff No. 1—were being diverted and going missing upon delivery to Plaintiff No. 2. Reportedly other patients located at the facility had died from the same period of stay and there was high turnover and low retention of employees.

#### **Ratification And Reasoning for Objection to The Lower Courts**

This is an objection notice to the 6/2/23 filed report and recommendation under entry number 13. Magistrate claims that the case was not filed *in camera*, but a motion to seal was filed in the original complaint and it was not acted upon resulting in the supporting documents being leaked publicly. Additionally, the magistrate claims that the case was not brought to the Attorney General's office of this State. That is false, as the case was brought to the Attorney General's office before the filing of the case occurred (see *Exhibits*). The Attorney General's office responded claiming to have no jurisdiction and redirected the matter to SCDHEC. Furthermore, the upcoding notice was flagged by the federal health insurance institution itself.

The magistrate's claim that there are no factual allegations is false, as is indicated by the supporting documents. In addition, the case was incorrectly docketed publicly under the nature of suit 360 personal injury when it was filed under the nature of suit 376 qui tam but was later corrected. The lack of standards of care that occurred to the plaintiff(s) from the rehabilitation facility demonstrates that the upcoding charges are fraudulent and the non-feasance from the authorities did not act upon can be held liable for allowing pain and suffering. Selectively discriminating against plaintiff(s) based on its socio-economic status and ignoring the supporting documentation to justify blocking ongoing litigation in other cases goes against 28 U.S. Code § 453:

I, \_\_\_\_ [Justice Name] \_\_\_\_, 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 \_\_\_\_ under the Constitution and laws of the United States. So help me God (June 25, 1948, ch. 646, 62 Stat. 907; Pub. L. 101-650, title IV, § 404, Dec. 1, 1990, 104 Stat. 5124.).

### CORE LOGIC FOR THE PETITION

1. The lower courts are in error and violated the rights of the Petitioners as outlined in arguments by the Petitioners, *"Pro se litigants are supposed to have a right to appeal a decision and provided instructions. There was none in the closure order, nor any details about deadlines for the appeal process which violates the federal rules for pro se Plaintiffs."*
2. The lower courts violated the rights of the Petitioners by issuing an unconstitutional, *"closure order claiming that the case was closed because it was not in federal jurisdiction."*

## REASONS FOR GRANTING THE WRIT

The Constitution and U.S. Supreme Court are to provide additional clarity to hold intergovernmental entities accountable (*Whatley v Richland County, et al.*, 2024; *Whatley v North Charleston, et al.*, 2024; *Whatley v Waffle House, Inc.*, 2024). Whereas the lower court decisions are not supposed to be the ultimatum body to decide the constitutional protections of U.S. citizens. This nation of nations we call the United States of America is to allow greater insight into the rights granted by King Jesus Christ and the protections and to provide every American the ability to be safe within their homes and health care facilities regardless of race, financial status, political position and or health condition (*idem et seq.*).

The state and federal Constitutions and Supreme Courts are to affirm and uphold law, liberty, and justice by granting a basis to protect the Constitutional Republic from tyranny at all levels. To deter and prevent the misuse, abuse, and fraud of federal government, organizations, and conflicts of interest of federal judges protecting the special interest, and to ensure adequate oversight of the way the government, organizations, courts, and federal judges maintain the freedoms, liberties, and protective measures of employment labor laws. *Petition should be granted and overturn the decisions of the South Carolina Circuit Court and the U.S. Court of Appeals 2024.* The core principles, and foundational concepts of this Petition, are expressed from various depths, and explanations, of the underlying issues that are directly explained within the pages of the original Complaint, and other supporting documentation which includes a wave of preponderance or *prima facie* of the evidence in *argumentum a fortiori*, that was the submission of *Exhibits* within the Complaint court docket. The Order and Recommendation Report both are fallacious in nature and error, because neither address the core factual attributes of the Complaint nor did it address the Constitutional Questions and merits of the Complaint and Petition by the



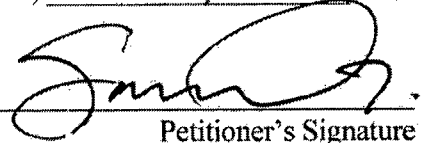
Petitioner(s). This Petition objects to the reasoning of the initial order by the lower courts because it fails to recognize the merits of the Complaint and as investigational claims supported by the *Exhibits* that members of the lower courts have what appears to be conflicts of interest and personal relationships with parties involved and or mentioned within the Complaint. Petitioner holds within their inner teachings from the Book of 2 Corinthians 11:13-15 – “*For such are false apostles, deceitful workers, transforming themselves into the apostles of Christ.*”

It should be noted that the federal court has made several errors, such as, but not limited to, wrongfully titling documents to the case file under incorrect codes, delayed filed documentation, assigned judges being reassigned without Due Process notifications, and making undisclosed decisions with either other opposing and or third parties after a case has been closed and or determining to close the case without Due Process. Furthermore, it seems there is a Miscarriage of Justice by the lower courts with maybe having investments and special interests with representatives of opposing counsels, and or third parties that might have interest within this Complaint, and or ignoring direct laws, and or rules that clearly state that the right to due process, which must be upheld and allowed for any Petitioner as a U.S. citizen, as the Biblical teachings highlight from the Book of Romans 8:21 – “*Because the creature itself also shall be delivered from the bondage of corruption into the glorious liberty of the children of God [King Jesus Christ].*”

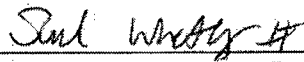
### **CONCLUSION AND RELIEF**

The petition for a writ of certiorari should be granted, and that relief is in the form of Compensation to the Plaintiff(s) for the health and inflated medical cost, punitive and severe damages to plaintiff(s), prescriptions, special care cost, and pain and suffering over the base amount as determined by this court within reason.

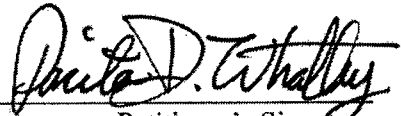
Respectfully submitted, JUNE, 2024 Date



Petitioner's Signature  
Reverend Dr. Samuel T. Whatley  
*HDDiv, PhDCS, PhDMgt, PhDLaw*



Petitioner's Signature  
Samuel T. Whatley, II  
*Student PhD Criminal Justice (A.B.D.)*



Petitioner's Signature  
Pacita D. Whatley  
*Retired Federal Investigator*