

No. _____

24-5264

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

MAY 12 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

DELGEN FOYE

— PETITIONER

(Your Name)

vs.

SCOTT S. HARRIS
CLAYTON R HIGGINS JR.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES APPEALS COURT FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DELGEN FOYE

(Your Name)

Bertie Correctional Inst.

(Address)

P.O. 129

(City, State, Zip Code)

Windsor, N.C. 27983

(Phone Number)

QUESTION(S) PRESENTED

1.

How can a District Court of the United States without the proper jurisdiction to file and allow a case to proceed and collect filing fees for case NO: 23-6400 for the appeals court as well as for case NO: 22-ct-03205-m. for the District Court \$350.00 \$505.00. for the appeals court.

2. How could Chief United States District Judge Richard E. Myers II ruled on this invalid complaint as it lack the proper venue to be filed at the very least. let alone be ruled upon in the form of a judgement from the chief judge. on April 4th 2023.

3. How could the Appeals Court for the United States for the fourth circuit also rule on the same complaint on appeal from the United States District Court for the eastern district of north carolina western Division. the District Courts Invalid judgement was affirmed by the fourth circuit court of appeals in it judgement which is also Invalid as well. The fourth circuit court of appeals went so far as to issue a mandate for the out of jurisdiction case that is now being petitioned in the United States Supreme court. the defendants in this case are Scott S. Harris, the clerk of court. Clayton & Higgins.

4. How can this not be a conflict of interest at the Supreme court level the clerk of court for the Supreme court of United States is a defendant in this action, that has Invalid through out to the extent that this action should not have been in the fourth circuit's venue which issued a mandate in it's dismissed

judgement according to the District Court's judgement. 5. How in the instant case is the Plaintiff's constitutional rights not violated. (Federal rule of civil procedure § 1406. Cure, or waiver of defects - the District court of a district in which is filed a case laying venue in the wrong division or district shall dismiss or if it be in the interest of justice, transfer such a case to any district or Division in which it could have been brought.) § 1412. Change of venue.

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:

RELATED CASES

NO. 19-8209
5:22-CF-03205-M
Delgen foyz v. north carolina
NO: 19-6343 (LI) NO: 14-6660
NO: 5:18-HL-2091-BG
NO: 23-6400

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INDEX TO APPENDICES

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| APPENDIX A | U.S. Court of Appeals for the Fourth Circuit. Dismissed, Feb 5, 2024. |
| APPENDIX B | U.S. District Court Eastern district of N.C. Denied April 5, 2023. |
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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Lewis v. Casey rule
Bounds v. Smith

STATUTES AND RULES

Federal rules of Civil Procedure § 1406,
Federal rules of Civil Procedure § 1412
Federal rules of Civil Procedure § 1413
The Fourteenth Amendment's Due Process clause.

OTHER Article 1.
Article 3, (b.1)(9.1)
Free Speech

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 Dejean v. Scott S. Harris

Clayton E. Higgins JR
[] reported at _____; or,

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

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is Dejean v. Scott S. Harris

Clayton E. Higgins JR
[] 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 February 5, 2024.

☐ 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: March 18, 2024, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

ARTICLE I I U.S. CONSTITUTION

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the Freedom of Speech or of the Press; or right of the People to assemble and to Petition the government for a redress of grievances.

ARTICLE IV I of the U.S. Constitution

No Person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand Jury except in cases arising in the land or Naval forces, or in the Militia when in actual service in time of war or Public danger; nor shall any Person be subject for the same offence to be twice put in Jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or Property without due Process of law; nor shall Private Property be taken for Public use without Compensation.

ACCESS to the Courts

STATEMENT OF THE CASE

Plaintiff was appealing his conviction from the U.S. Fourth Circuit Court of Appeals to the U.S. Supreme Court. Plaintiff filed in the Supreme Court on Dec. 27, 2019. Plaintiff was sent to letter from Clerk's office to correct his Petition before it could be docketed. Plaintiff ~~completed~~ and corrected the Petition. The Clerk's office then placed the Petition on the court's docket, the Clerk's office sent Plaintiff a letter informing him as well as providing him with a waiver to the respondents in case no: 14-8209. The waiver gave the respondents 30 days to respond to the waiver. Respondents to this day has not responded. The court denied Plaintiff's Petition for Certiorari two months latter therefore violating Plaintiff's Constitutional rights to Due Process. Plaintiff attempted to file a Supreme Court Rule 44. Rehearing. Plaintiff would file four Petitions for rehearing or so he thought that to be the case until he received no contact or response from the Clerk's office of the Supreme Court of the United States. Plaintiff was left with unexplained portions of the case namely the Plaintiff being out of time in the case analyst opinion as to why no contact or information was being given. However the truth of the matter was mail sent to the court or rather Clerk's office was claimed to have never arrived at the Clerk's office for filing. Plaintiff has steadfast from the original complaint that he proves otherwise in this matter. To the extent that the Plaintiff was denied an explanation to the whereabouts of proof that the Plaintiff offered to the Clerk's office. Plaintiff now files a 42 U.S.C. 1983 Civil Complaint in what he understood to be the right court to file ^{the} complaint in was in fact the right court. The court that filed the Civil action lack the Jurisdiction to file, allow to proceed, and make a judgement upon. To the extent the Plaintiff was charged a \$350.00 filing fee for a case that should not have continued to the extent the appeals court enforced a mandate as well as a \$505.00 filing fee that was being collected by the district court. Plaintiff now attempts to file a Petition for a writ and continues in this the supreme court at the United States.

REASONS FOR GRANTING THE PETITION

1. I Dejen foye Plaintiff in this action did not recieve My equal Protection of the United States Constitutional Rights to its Citizens when it Pertains to access to the Courts in case NO: 19-8289. Plaintiff has demonstrated such which clearly is a violation of the Plaintiff's Constitutional Right to access to the courts. Plaintiff's Due Process Rights Plaintiff was clearly without Question Impeded from his opportunity to be heard at a meaningful manner. Preventing him the right to notice.
2. The United States District Court-for the eastern District of North Carolina violated Plaintiff's Constitutional Right to redress in case no: 5:22-cv-03205-m. which became case NO: 23-6400 should not have been filed in the eastern district Court. Should not have been ruled upon without the proper Jurisdiction the fourth circuit Court of appeals for the United States should not have accepted the out of Jurisdiction complaint from the District court without due diligence. This Petition must be granted to the Plaintiff in this case.
3. The Plaintiff asks that the U.S. Supreme Court grant to the Plaintiff relief through Petition of certiorari. Plaintiff has exhausted all available remedies in his appeals Process only to Ineeded here in the United States Supreme Court. Plaintiff's Constitutional rights were violated in this very Court by the Clerk of Court Scott S. Harris. case analyst Clayton R. Higgins JR.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Delgin Faye

Date: May 12, 2024.