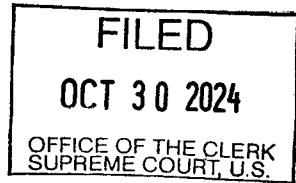


No. 24-5911



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

Rev. Dr. Samuel T. Whatley and SAMUEL T. WHATLEY, II,  
PETITIONERS,

V.

Medical University of South Carolina,  
RESPONDENT.

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

**PETITION FOR WRIT OF CERTIORARI**

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 (2024)*  
*(Doctoral Candidate at Liberty University)*  
PO Box 14254  
Charleston, SC 29422

John 11:44 “And he that was dead came forth, bound hand and foot with graveclothes: and his face was bound about with a napkin. Jesus saith unto them, Loose him, and let him go.”

*(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 v. Medical University of South Carolina, Charleston, SC, No. 24-1373 (4th Cir. 2024)*

*Whatley v. Medical University of South Carolina, Charleston, SC, Civil Action 2:23-cv-02500-JDA (D.S.C. Apr. 8, 2024)*

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## **OPINIONS BELOW**

The decision by the U.S. Court of Appeals denying Whatley & Whatley's direct appeal is reported as *Whatley v. Medical University of South Carolina, Charleston, SC*, No. 24-1373 (4th Cir. 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 & Whatley's complaint reported in *Whatley v. Medical University of South Carolina, Charleston SC*, Civil Action 2:23-cv-02500-JDA (D.S.C. Apr. 8, 2024; see Appendix B), was denied and dismissed.

## **JURISDICTION**

Whatley's appeal was denied on August 1, 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**

28 U.S.C. § 1257 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 1257.  
Emergency Medical Treatment and Active Labor Act  
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 outlined where the lower courts discriminated against the Petitioners by refusing the original complaint to move forward. Further supporting the reasoning for this Petition is that the respondents (MUSC) neglected the hospital care of a family member. In contrast, the Physicians were not providing adequate care to the patient notwithstanding having the equipment and money. A mere cotton swab brain tickler and requiring vaccination as a condition of treatment is unlawful. As stated in the Plaintiffs' July 7th, 2023, objection to the Magistrate's June 23rd, 2023, amendment order, the Defendant knowingly and wittingly disregarded providing the patient with adequate care to save her life. The deliberate withheld treatment of the Defendant—despite having the equipment and staff—is no excuse. It is a racketing operation to inflate health insurance and medical bills to the families of the patients going to these facilities only to end up severely injured or dead. Just recently, the same Defendant has several suits involving wrongful death and medical malpractice of patients dying in the Defendant's care or getting injured. In sum, the Plaintiffs object to the Magistrate's report and recommendation justification to dismiss the case. 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**

It should be noted that any sworn judicial judge and or officer of the court, intergovernmental, and state or federal function, should be bound to their sworn oath to the Constitution and other founding documentation that the individual swore such an oath to uphold. Any individual that violates the oath should be held liable for a treasonous action against the People such individual swore the oath to follow. The following is the oath federal judges swore to follow, in addition to scholarly research that assists the core formulation and logical reasoning of this petition. It should be worthy to take note of the biblical teachings from the Book of 1 Kings 8:32 “*Then hear thou in heaven, and do, and judge thy servants, condemning the wicked, to bring his way upon his head; and justifying the righteous, to give him according to his righteousness.*”

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 [King Jesus Christ] (June 25, 1948, ch. 646, 62 Stat. 907; Pub. L. 101–650, title IV, § 404, Dec. 1, 1990, 104 Stat. 5124.).

## **PEER REVIEW ARTICLE OF RUZMETOV VIOLATION OF HUMAN RIGHTS**

The peer review article, “Violation of human rights as the basis for the threats to international security”, by author Ruzmetov (2021), highlights an interesting perspective about what is defined as violations of human rights (Dobrzeniecki & Przywora, 2021; Meier, Rice, & Bandara, 2020). Ruzmetov (2021), improvises a spectrum-style approach to reviewing the world’s aspects of what the author claims, is “an unprecedented convergence of transnational threats, armed conflicts, and instability spanning across the globe”, due to the misunderstanding and uneducated elements of what and how the populations of the world view and or determine to be violations of human rights (Nuotio, 2020; Whatley, 2019). The author, Ruzmetov (2021), implies and argues rather directly and aggressively, that the goal of the research on the topic of violations of human rights should be a major focal point for all of the global societies, and steps to understanding and educating the populations of the global should play a major role in the challenge to reduce such violations of human rights (Dan, 2014; Dobrzeniecki & Przywora, 2021). This review prompts a biblical reference from the Book of Proverbs 27:3 “A stone is heavy, and the sand weighty; but a fool's wrath is heavier than them both.” In conclusion

to this peer review section concerning the article by Ruzmetov (2021), it could be assumed by the moment that an American becomes aware of the importance of the rights given to him or her by first the Great Creator, King Jesus Christ, to those who sacrificed themselves defending those liberty rights for everyone that lives within America (Tocqueville, 2012; Whatley, 2019). In ancient French and American literature what is usually valued by legal scholars is the historical classic author, Frédéric Bastiat's foundational essay grounded on the principles of public policy and the warning of legal plundering titled, "The Law" in 1850 (Batiat, 2007; Snow, 2012). The famed essay involves the dangers of legal plundering that were first inspired either by, or for the American perception of free individual thought, and existence, by the United States of America's founding framing titled, Declaration of Independence (Batiat, 2007; Weimer & Vining, 2017). According to Bastiat (2007), all individuals inherit the internal God-given [King Jesus Christ] personal birthrights at the very moment of creation of that individual (Orr, 2007; Storslee, 2020). Sadly, Bastiat's warnings of legal plundering are echoed by the promotion of evildoers and wickedness that some individuals exploit the protected liberties by harnessing legal arguments to extort and corrupt themselves against another, as mentioned in the Book of 1 Kings 21:15 "And it came to pass, when Jezebel heard that Naboth was stoned, and was dead, that Jezebel said to Ahab, Arise, take possession of the vineyard of Naboth the Jezreelite, which he refused to give thee for money: for Naboth is not alive, but dead." Whereas further warning the results of the wicked evildoers primary results end in doom as mentioned in the Book of 2 Kings 9:37 "And the carcase of Jezebel shall be as dung upon the face of the field in the portion of Jezreel; so that they shall not say, This is Jezebel." As Bastiat suggests, legal plundering, if discovered, should be removed and the wrongdoers punished to restore the righteousness of the true Republic (Lynch, 2012). This could be an overwhelming thought, however, historical productions of historical merits appear to overshadow this reality, whenever the People allow and or believe that tyrants are best to be their leaders, the imprisonment of no liberty is often felt and experienced (Tocqueville, 2012). Notwithstanding, sometimes the People rise in a revolutionary style to remove the tyrants, however, sadly, giving into another tyrant's lies who often rule far more cruelly than the tyrant before them (Buckley v. Valeo. (1976).; Tocqueville, 2012).

## **ORIGINAL FEDERAL COURT OF APPEALS BRIEF**

As bizarre as this case may appear, the lower court's order claims that the petitioner's family members of deceased family members caused by the hospital's medical malpractice require only the ones filing the case. How can someone who is deceased file a suit against the responsible party if it involves medical malpractice under the Emergency Medical Treatment and Active Labor Act (EMTALA)? There are numerous cases where, for example, the family of surviving members who were killed by an offender to hold said offender liable for their crimes. The previous Magistrate assigned to this case was justifying dismissal by claiming that the case was frivolous. A death certificate and other details outlining the cause of death in this cover-up of medical malpractice regarding the deliberate withholding of treatment in addition to exceeding documentation is NOT "frivolous". The relief was already stated to be compensation for the injury caused to surviving family members of Eunice Greene Thompson who was

taken off life support to die despite plaintiffs previously demanding treatment under the NM4R program.

### **OBJECTION NOTICE TO LOWER FEDERAL COURT ORDER**

This is an objection to the Magistrate's Report and Recommendation dated August 15th, 2023. The magistrate is claiming there is a failure to state a claim and in an amendment order dated June 23rd, 2023, states that the Emergency Medical Treatment and Active Labor Act is merely a suggestion rather than an obligation of care. The immediate family member of the Plaintiff(s) in question, Eunice Elizabeth Greene-Thompson, expired in the care of the Defendant on September 19, 2022, at 171 Ashley Avenue, Charleston, SC, 29425. The death certificate states the cause of death was an anoxic brain injury and acute basilar ischemic stroke but no autopsy occurred. Defendant was requested several times by immediate family members to provide the best care possible, that is, it has the equipment and staff yet refused to do so resulting in the wrongful death. The Defendant left the patient on life support but did not do the requested treatment. Instead, it fought against providing treatment and pulled the plug on the patient where she was left seven hours without support. Notification of this was not provided to the emergency contacts about it resulting in the patient expiring in its care. Despite Defendant making tens of millions of dollars from patients and insurance companies, the Physicians were not providing adequate care to the patient notwithstanding having the equipment and money. A mere cotton swab brain tickler and requiring vaccination as a condition of treatment is unlawful. As stated in the Plaintiffs' July 7th, 2023, objection to the Magistrate's June 23rd, 2023, amendment order, the Defendant knowingly and wittingly disregarded providing the patient with adequate care to save her life. The deliberate withheld treatment of the Defendant—despite having the equipment and staff—is no excuse. It is a racketing operation to inflate health insurance and medical bills to the families of the patients going to these facilities only to end up severely injured or dead. Just recently, the same Defendant has several suits involving wrongful death and medical malpractice of patients dying in the Defendant's care or getting injured. In sum, the Plaintiffs object to the Magistrate's report and recommendation justification to dismiss the case.

### **ORIGINAL FEDERAL COURT COMPLAINT**

The original complaint involved, the Emergency Medical Treatment and Active Labor Act, (EMTALA), whereas Petitioners (Plaintiffs) had requested the defendant (Responders MUSC) to provide treatment to a family member of plaintiffs in need of special care for a stroke, whom the family later died of negligence as the Plaintiff's believe, Eunice Greene Thompson in Fall of 2022. The defendant refused to do the suggested treatment that its institution has the personnel and equipment for neuromodulation rehabilitation therapy via NM4R. The defendant left the family member of the plaintiffs, Eunice Greene Thompson, seven hours off life support resulting in the patient expiring in its care. It has been discovered that the defendant will gladly accept millions from patients, insurance companies, and or NIH grants, but the defendants appear to not care and or be willing to provide the special stroke treatment that the

defendants have the special treatment abilities with the equipment and personnel to do that stroke treatment. The defendant discriminated against the plaintiffs and family members by refusing the special stroke treatment of the plaintiff(s) family member in 2022 by unlawfully requiring proof of vaccination as a condition of treatment, in which the plaintiffs and family member had previously refused to provide covid vaccination proof. Relief requested, Compensation for the pain and suffering caused by the lack of care that resulted in the death of a family member. Whereas ignoring the request to do the rehabilitation therapy despite having the equipment and personnel to do so.

## **HISTORICAL COURT CASES OF MERIT**

**MULBURY V MADISON** (a case with the founding fathers) clearly states that any laws, mandates, or anything that does not follow the Supreme Law of the Constitution are illegal and void. That case eliminates all these arguments about most government agencies that Congress never voted on to establish, removing judges not nominated or voted in. All laws and mandates are not approved by Congress, et al. quoting these old cases, but the way our nation is founded, everything must link back to that point and remove everything that violates the original founding.

**FERGUSON V. CITY OF CHARLESTON**, 532 U.S. 67 (2001), is a United States Supreme Court decision that found Medical University of South Carolina's policy regarding involuntary drug testing of pregnant women to violate the Fourth Amendment. The Court held that the search in question was unreasonable.

**TURNER V. MEDICAL UNIVERSITY OF SOUTH CAROLINA**, Opinion No. 5723, 2020 WL 2182256 (S.C. Ct. App. May 6, 2020), that in South Carolina, to establish a cause of action for medical malpractice, a plaintiff must prove the following acts by the preponderance of the evidence: (1) presence of a doctor-patient relationship; (2) recognized and generally accepted standards, practices, and procedures which are exercised by competent physicians in the same branch of medicine under similar circumstances; (3) negligence on the part of the medical or health professional, which deviated from generally accepted standards, practices, and procedures; (4) such negligence was a proximate cause of the plaintiff's injury; and (5) injury to the plaintiff. Additionally, in a medical malpractice case, unless the subject matter of the claim falls within an ordinary person's common knowledge or experience, expert testimony is required to establish the duty owed to the patient and the medical professional's breach of that duty.

## **HISTORICAL FIGURES OF IMPORTANCE**

A very influential historical figure named Frédéric Bastia, whereas in 1850 published a document titled, **[The Law]**. The following is a scholarly outline conducted by one of the Petitioners that is worthy of consideration in approving this Petition.

## **The Law of Public Policy and Warning of Legal Plundering**

It has become apparent, at least in the opinion of the Petitioners, and a growing number of individuals within our communities, that the judicial system has decayed far beyond the original intentions by the Founding Fathers of this once great and wonderous nation of nations, the United States of America, thereby, the faith of the People for the legal court system has faded and non-trusting. In a time of related existence between the conception of fellow mankind, at the beginning of time, it could be assumed, that from the time of birth to the acknowledgment of individual freedoms of choice, the elements of the surrounding world in an individual exists, has the environments of both good and bad (Cornell, 2015; Lynch, 2021). It could be suggested that on the day of creation, according to the Book of Isaiah 45:7 “*I form the light, and create darkness: I make peace, and create evil: I the LORD [King Jesus Christ] do all these things,*” that all things function within these individual environments, good and evil, for the benefit of the individual to decide which path they desire to achieve (Balkin, 2016; McClellan, 2000). In ancient French and American literature what is usually valued by legal scholars is the historical classic author, Frédéric Bastiat’s foundational essay grounded on the principles of public policy and the warning of legal plundering titled, “*The Law*” in 1850 (Batiat, 2007; Snow, 2012). The famed essay involves the dangers of legal plundering that were first inspired either by, or for the American perception of free individual thought, and existence, by the United States of America’s founding framing titled, Declaration of Independence (Batiat, 2007; Weimer & Vining, 2017). The literature of Bastiat (2007) proclaims that all public policies must and should first involve the individual principal directives of the protection of individual lives, liberties, and property of those individuals (Cornell, 2015).

### **Alexander Hamilton**

A poor orphan born out of wedlock, Alexander Hamilton emigrated as a teenager from the British West Indies to New York. Rising to prominence as an aide-de-camp to Washington during the Revolutionary War, he became an impassioned supporter of a strong central government. After attending the Constitutional Convention in 1787, he wrote the majority of the highly persuasive Federalist Papers, which argued for the Constitution’s ratification. Washington then tapped him to serve as the first U.S. treasury secretary, a position he used to push for the creation of a national bank. Later immortalized on the \$10 bill, Hamilton was killed in an 1804 duel with his bitter rival Aaron Burr, the sitting vice president.

### **Samuel Adams**

The second cousin of John Adams, Samuel Adams was a political firebrand who drummed up immense opposition to British policies in Boston, a hotbed of the resistance. Believing that the colonists were subject to “taxation without representation,” he joined the Sons of Liberty. Unlike many of the Founders, Adams was staunchly anti-slavery. He signed the Declaration of Independence and went on to serve as governor of Massachusetts.

## 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 [violations family unity and rights]; *Whatley v North Charleston, et al.*, 2024 [violations to communities and privacy]; *Whatley v Waffle House, Inc.*, 2024 [violations to employment laws]; *Whatley v Elmore County, et. al.*, 2024 [violations to property rights]; *Whatley v Oakbrook Rehab, et al.*, 2024 [violations of health care and negligence]). 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 protecting Americans.

*Petition should be granted and overturn the decisions of the South Carolina Circuit Court and the U.S. Court of Appeals.* 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 Recommendations 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 TO GRANT THIS PETITION**

The petition for a writ of certiorari should be granted, and that relief is in the form of Compensation to the Plaintiff(s) and family members, 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. Whereas Ruth 2:9 “*Let thine eyes be on the field that they do reap, and go thou after them: have I not charged the young men that they shall not touch thee? and when thou art athirst, go unto the vessels, and drink of that which the young men have drawn.*” Likewise, Psalms 105:15 “*Saying, Touch not mine anointed, and do my prophets no harm.*”

Respectfully submitted,



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.)

Date: 30 Oct 2024