

No. 24-6327

ORIGINAL

FILED  
DEC 31 2024

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Onyinye Jideani — PETITIONER  
(Your Name)

Judge Rober R. Rigsby <sup>vs.</sup>  
of D.C. Superior Court Civil Action — RESPONDENT(S)  
Division

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeal for the District of Columbia Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Onyinye Jideani  
(Your Name)

P. O. Box 65069  
(Address)

Washington DC, 20035  
(City, State, Zip Code)

202-704-1486  
(Phone Number)

## **QUESTIONS) PRESENTED**

1. Did the United States Court of Appeals for the District of Columbia Circuit violate exiting laws guaranteed by the U.S. Constitution, failed to redress the lower court's unjust error, and breached its duty to protect and preserve the substantive right of pro se litigant "Petitioner Onyinye Jideani," when affirming the lower court's bias and unconstitutional decision dismissing Petitioner Onyinye Jideani's December 08, 2023 Appeal "for substantially justified legal complaint for deprivation of civil rights 42 U.S.C. 1983," against the Respondent "associate Judge Robert R. Rigsby of the District of Columbia Superior Court civil action divison," on an August 05, 2024 Order;

-The Respondent "Judge Robert R. Rigsby," deprived me of my civil rights "(42 U.S.C. 1983)" when he breached his judicial obligations and/or acted outside the scope of his judicial duties when litigating my legal complaints against the accused in various civil action law suit that he presided over in D.C. Superior court, "violating constitutional laws and federal-protected citizens rights guaranteed by the constitution;" And therefore pursuant to 42 U.S.C. 1983 judge Rigsby is liable to me "(as the injured victim)" in an action at law, suit in equity, or other proper proceeding for redress.

-And the lower court's bias, immoral, unethical, and unconstitutional argument that judicial officers and/or judges are immune from acts taken under their judicial capacity in supporting the Respondent's unlawful actions on my behalf, presents an issue of law and/or challenges 42 U.S.C. 1983: Civil action for deprivation of rights.

## 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

Appeal Case No. 23-7165 captioned Onyinye Jideani vs. Judge Robert R. Rigsby of D.C. Superior court in the United States Court of Appeals for the District of Columbia Circuit; Filed on December 08, 2023 "(listed in the court's docket as filed on December 11, 2023).

Civil Action Case No. 1:23-cv-03278 captioned Onyinye Jideani vs. Judge Robert R. Rigsby of D.C. Superior Court in the United States District Court for the District of Columbia; Filed on November 02, 2023.

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## INDEX TO APPENDICES

**APPENDIX A: MANDATE ISSUED, U.S. District Court. [Appeal case No. 23-7165]**  
[Entered: 09/13/2024 at the United States Court of Appeal for the District of Columbia].

**APPENDIX B: PER CURIAM JUDGMENT** filed (without memorandum) ORDERED AND ADJUDGED that the district court's order entered November 9, 2024, be affirmed. (SEE JUDGMENT FOR DETAILS) withholding issuance of the mandate. Before Judges: Wilkins, Childs and Pan. [23-7165] [Entered: 08/05/2024 10:19 AM]

**APPENDIX C: CLERK'S ORDER** filed that appellant's motion for reconsideration be dismissed as moot in light of the court's judgment filed August 5, 2024, denying appellant's motion for contempt and affirming the district court's order entered November 9, 2024. [23-7165] [Entered: 08/05/2024 11:06 AM]

**APPENDIX D: MOTION** for reconsideration of order 2059267-2] filed by Appellant Onyinye Jideani [Service Date: 04/09/2024 by US Mail] Length Certification: 31 pages. [23-7165]-[Edited 08/05/2024 by AY] [Entered: 06/25/2024 09:08 AMJ

**APPENDIX E: PER CURIAM ORDER** (2059267 filed that the court will dispose of the appeal without oral argument on the basis of the record and presentations in the brief pursuant to Fed. R. App. 34(a)(2); D.C.Cir.Rule 340). Before Judges: Wilkins, Childs and Pan. [23-7165] [Entered: 06/12/2024 10:59 AM]

**APPENDIX F: CLERK'S ORDER** (2030881) filed setting briefing schedule: APPELLANT Brief due 01/30/2024. APPENDIX due 01/30/2024. Failure to respond shall result in dismissal of the case for lack of prosecution. The Clerk is directed to mail this order to appellant by certified mail, return receipt requested and by 1st class mail. (23-7165) [Entered: 12/11/2023 12:44 PM]

**APPENDIX G: NOTICE OF APPEAL** (2030873) seeking review of a decision by the U.S. District Court in 1:23-cv-03278- UNA filed by Onyinye Jideani. Appeal assigned USCA Case Number: 23-7165. [23-7165] [Entered:

**APPENDIX H:** Application for extension of time to file Petitioner's Writ of Certiorari granted by the Supreme Court Clerk Office on October 24, 2024

**APPENDIX I:** <sup>Final</sup> ~~The~~ Judgement by the United States District Court for the District of Columbia dismissing Petitioner's Complaint against the Respondent, on a November 9, 2023 Order; Case No. 23-3278 (UNA)

## TABLE OF AUTHORITIES CITED

### FEDERAL STATUS

42 U.S. Code § 1983: Civil action for deprivation of rights. . . . .	pg. <del>8</del> <sup>9</sup> -24
42 U.S. Code § 1981: Equal Rights Under the Law. . . . .	pg. <del>2</del> <sup>1</sup>
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28 U.S. Code § 2106: Judiciary and Judicial Procedure: Determination. . . . .	pg. <del>2</del> <sup>1-2</sup> <del>8</del>
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### CODE OF JUDICIAL CONDUCT

Code of Judicial Conduct. . . . .	pg. <del>2</del> <sup>7</sup>
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### OTHER SOURCES

#### Black's Law Dictionary:

Want of Prosecution. . . . .	pg. 10
Abuse of Process. . . . .	pg. 14, <del>2</del> <sup>0</sup>
Abusive Tactics. . . . .	pg. 14, <del>2</del> <sup>0</sup>

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**

**[X] For cases from federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is The United State Court of Appeals  
[X] reported at for the District of Columbia Circuit; 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 H to the petition and is The United States District  
[X] reported at Court for the District of Columbia; 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**

**[X] For cases from federal courts:**

The date on which the United States Court of Appeals decided my case was June 12, 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: August 05, 2024, and a copy of the order denying rehearing appears at Appendix B.

[X] An extension of time to file the petition for a writ of certiorari was granted to and including January 02, 2025 (date) on October 24, 2024 (date) in Application No. 24 A 395.

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).

## JURISDICTIONAL STATEMENT

**Basis for Jurisdiction:** Under **42 U.S.C. § 1983**, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, *403 U.S. 388 (1971)*, you may sue federal officials for the violation of certain constitutional rights. The District of Columbia is a federal district under the jurisdiction of the U.S. Congress.

The respondent “Judge Robert R. Rigsby” is an Associate judge at the District of Columbia Superior Court civil action division, and liable to be sued pursuant to **42 U.S.C. § 1983: Civil action for deprivation of rights**, “both in an official and individual capacity;” And therefore, I, petitioner Onyinye Jideani commenced a November 02, 2023 deprivation of civil rights suit “**42 U.S.C. § 1983**” “(on *Pro Se* form 15)” against judge Rigsby “both under federal officials (a *Bivens* claim) and state or local officials (a § 1983 claim),” at the United States District Court for the District of Columbia civil action division, and of which the **December 08, 2023 Appeal is taken from the unlawful and unjust dismissal of the suit by the District Court, on a November 09, 2023 order.**

On October 24, 2024, the United States Supreme Court granted petitioner Onyinye Jideani's October 21, 2024 motion for an extension of time to file the Writ of Certiorari for good cause shown, extending the time for me to file by January 2, 2025.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### **FEDERAL STATUS**

- 42 U.S. Code § 1983: Civil action for deprivation of rights
- 42 U.S. Code § 1981: Equal Rights Under the Law
- 42 U.S. Code § 1985: Depriving Persons of Rights or Privileges
- 28 U.S. Code § 2072: Rules of Procedure and Evidence; Power to Prescribe
- 28 U.S. Code § 2106: Judiciary and Judicial Procedure: Determination
- 28 U.S. Code § 453: Oaths of Justices and Judges

### **CODE OF JUDICIAL CONDUCT**

Code of Judicial Conduct

### **OTHER SOURCES**

#### Black's Law Dictionary:

- Want of Prosecution
- Abuse of Process
- Abusive Tactics

3.

## STATEMENT OF CASE AND ISSUES

The respondent judge Robert R. Rigsby of the District of Columbia Superior court civil action division, “and who presided over two of petitioner Onyinye Jideani’s civil action lawsuits in the District of Columbia Superior court civil action division “(case No. 2021-CA-001861-B on June 08, 2021, and case No. 2022-CA-002012-B on May 09, 2022),” deprived petitioner Onyinye Jideani of her civil rights, privileges, or immunities secured by the Constitution and law “**42 U.S.C. § 1983**” during the May 09, 2022 civil action suit, and by violating procedural judicial enforcement of the law in civil litigation “through abuse of process and with abusive tactics,” and subsequently dismissed petitioner’s Unlawful Discriminatory Practice claim suit “(**DC Code § 2-1401.01 - § 2-1404.04** of the Human Right Act)” in a retaliatory, bias, unethical, and unjudicial manner on October 21, 2022; The dismissal order was issued on October 25, 2022;

After unsuccessful appeals to the District of Colombia Court of Appeals and the United States Supreme Court, I petitioner Onyinye Jideani commenced a deprivation of civil rights suit “**42 U.S.C. § 1983**” “(on *Pro Se* Form 15)” against judge Robert Rigsby at the United States Court for the District of Columbia on November 02, 2023 to recover damages in equity to the judgment that I petitioner Onyinye Jideani was seeking in my May 09, 2022 unlawful discriminatory practice civil action suit against the accused, and because judge Rigsby is deemed liable pursuant to **42 U.S.C. § 1983** for breaching his judicial obligation and or acted outside of the scop of his judicial duties thereby depriving me (Onyinye Jideani) of my civil rights. On November 09, 2023, the United States Court for the District of Columbia dismissed the suit on frivolous and unconstitutional grounds unlawfully contending that “judicial officers “(acting under the color of any statute, ordinance, regulation, custom, or usage, of any State or

Territory or the District of Columbia)" are immune from acts taken under judicial capacity and/or judges acting under judicial capacity enjoys absolute judicial immunity." *See.*, November 09, 2023 Order issued by U.S. District Court for the District of Columbia, starting at the 3<sup>rd</sup> pgh. of pg. 2, as APENDIX..

However, **42 U.S.C. § 1983** "which guarantees any citizens of the United States or other person within the jurisdiction, the right to sue any person acting under the color of any statute, ordinance, regulation, custom, or usage of any State, Territory, or the District of Columbia, "and for deprivation of any rights, privileges, or immunities secured by the Constitution and laws," *does not mention and/or establishes any form of immunity for judicial officers/judges who breach their judicial obligations and/or act outside the scope of their judicial duties* "violating constitutional laws and federal-protected citizens rights guaranteed by the constitution;" —Most significantly the provision of **42 U.S.C. § 1983** stipulates in part that "an injunctive relief shall not be granted against the accused judicial officer unless a declaratory decree was violated or declaratory relief was unavailable." The full capacity of **42 U.S.C. § 1983** states as follows:

**42 U.S.C. § 1983: Civil action for deprivation of rights:** "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

And therefore, the underling issue lies with the fact that the United States Court for the District of Columbia is immorally, unethically, and unconstitutionally arguing that judicial officers

and/or judges “have the right to violate constitutional laws and federal-protected citizens rights guaranteed by the constitution;” —And of which presents an issue of law and/or “challenges” 42 U.S.C. § 1983: Civil action for deprivation of rights.

## STATEMENTS OF FACTS FOR REVIEW

1. This case arises from the United States District Court for the District of Columbia's unconstitutional dismissal of petitioner Onyinye Jideani's November 02, 2023 deprivation of civil rights suit "**42 U.S.C. § 1983**" "(on *Pro Se* form 15)" against the respondent District of Columbia Superior court civil action judge "Robert R. Rigsby," and on a Memorandum Opinion and Order dated November 09, 2023.
2. The respondent District of Columbia Superior Court civil action division inferior/municipal judge "Robert Rigsby," breached his judicial obligations and/or acted outside the scope of his judicial duties and deprived petitioner Onyinye Jideani of her civil rights, privileges, or immunities secured by the Constitution and law "**42 U.S.C. § 1983**" during the May 09, 2022 civil action suit in D.C. Superior Court "*(See 05/09/2022 D.C. Superior Court civil case No. 2022-CA-002012-B "court docket view,"*" and by violating procedural judicial enforcement of the law in civil litigation "through abuse of process and by abusive tactics," and subsequently dismissed Appellant-plaintiff's unlawful discriminatory practice claim suit "**(DC Code § 2-1401.01 - § 2-1404.04 of the Human Right Act)**" in a retaliatory, bias, unethical, and unjudicial manner during the first and only hearing held in the suit on October 21, 2022 (dismissal order issued on October 25, 2022), as:
  - I. Judge Rigsby, failed to recuse himself pursuant to a timely and sufficient "Affidavit for Recusal Pursuant to Rule 63 and 63-I of Court Rule of Civil Procedure," filed by petitioner Onyinye Jideani on June 06, 2022 during the May 09, 2022

civil action suit; —*See June 06, 2022 Affidavit for Recusal, in 05/09/2022 D.C. Superior Court civil case No. 2022-CA-002012-B.*

- II. Judge Rigsby, acted in an incompetent manner and/or failed to administer his judicial duties “(which reflected adversely on his ability and fitness to serve as a judge)” when he issued an August 23, 2022 order rescheduling the August 26, 2022 initial conference hearing “(referred to as a status hearing)” for the sole purposes of addressing filings and/or motions filed in the court docket by both parties, however judge Rigsby never addressed and/or ruled on any of the filings made by either parties, “particularly on petitioner’s June 06, 2022 affidavit for recusal” and/or May 17, 2022 motion(s) for a court order for the civil action branch clerks to appropriately classify this case as an unlawful discriminatory practice claim suit pursuant to **DC Code §2-1403.16: Private cause of action**, “as appose to the inappropriate claim suit for “Declaratory Judgment” as it was so inaccurately misclassified by the DC Superior Court civil action branch clerks in attempt to deny its “adjudicative and jurisdictional fact” substantial merits;” —*See August 23, 2022 Order Sua Sponte in 05/09/2022 D.C. Superior Court civil case No. 2022-CA-002012-B.*
- III. Judge Rigsby, unlawfully dismissed the May 09, 2022 civil action suit for “Want of Prosecution” during the first and only hearing held on October 21, 2022, “(initial conference hearing referred to as a status hearing),” and in a retaliatory manner; The written dismissal order was issued on October 25, 2022.

—Moreover, Want of Prosecution is defined in the law dictionary as a party's failure to litigate his/her claims/case, of which I petitioner Onyinye Jideani did not fail to do given timely and sufficient filings made in the May 09, 2022 suit "to include the affidavit for recusal" and as shown in the court docket; —*See October 25, 2022 dismissal Order in 05/09/2022 D.C. Superior Court civil case No. 2022-CA-002012-B.*

#### **Factual Procedural History**

IV. I petitioner Onyinye Jideani, filed a Notice of Appeal at the District of Columbia Court of Appeals (DCCA) on November 08, 2022, appealing the lower court's unlawful and unjudicial dismissal of the May 09, 2022 civil action suit in D.C. Superior court under judge Robert Rigsby, "Appeal case No. 22-CV-866;" —*See November 08, 2022 Notice of Appeal to the D.C. Court of Appeals, "DCCA case No. 22-CV-866."*

V. On March 21, 2023, the District of Columbia Court of Appeals (DCCA), entered an unjust "Judgment" affirming the lower court's unlawful and unjudicial dismissal of petitioner Onyinye Jideani's May 09, 2022 civil action suit "(under judge Robert Rigsby)," and citing "frivolous, futile, delusive, and purported defense" contentions as its basis for affirming the unlawful and unjudicial dismissal of the May 09, 2022 civil action suit in the Superior court;—*See D.C. Court of Appeals's March 21, 2023 Judgment in DCCA case No. 22-CV-866.*

VI. On March 22, 2023, I petitioner Onyinye Jideani filed a “Petition for Rehearing DCCA Appeal case No. 22-CV-866,” with valid contentions; —*See Appellant-plaintiff Onyinye Jideani’s March 22, 2023 Petition for Rehearing, in DCCA case No. 22-CV-866.*

VII. And on April 03, 2023, the District of Columbia Court of Appeals (DCCA) denied petitioner Onyinye Jideani’s petition for rehearing; The mandate certifying the closure of the case was issued on April 11, 2023; —*See D.C. Court of Appeals’s April 03, 2023 denial Order, and Mandate.*

VIII. On June 15, 2023, I petitioner Onyinye Jideani took the civil action case captioned Onyinye Jideani vs. Hilton Worldwide Holdings (*formerly* Hilton Hotel Corporation) “(case No. 2022-CA-002012-B in the D.C. Superior court and case No. 22-CV-866 in the D.C. court of Appeals),” to the Supreme Court of the United States “as the court of final arbiter of the law and highest tribunal for all cases and controversies arising under the Constitution or the laws of the United States,” and filed a Writ of Certiorari dated June 13, 2023; The Supreme court docketed the case on June 20, 2023 as Supreme court case No. 22-7816; —On October 02, 2023, the Supreme court denied petitioner’s Writ of certiorari. —*See Supreme Court of the United States June 20, 2023 notice of Supreme court case No. 22-7816, and*

October 02, 2023 notice of order denying Writ of certiorari.

**IX.** Therefore, on November 02, 2023 I, petitioner Onyinye Jideani commenced a deprivation of civil rights suit “**42 U.S.C. § 1983**” against D.C. Superior court civil action judge Robert R. Rigsby “both in an individual and official capacity” at the United States Court for the District of Columbia, and to recover damages in equity to the judgment I, petitioner Onyinye Jideani was seeking in the May 09, 2022 unlawful discriminatory practice claim suit “(**DC Code § 2-1401.01 - § 2-1404.04** of the Human Right Act) captioned Onyinye Jideani vs. Hilton Worldwide Holdings (*formerly* Hilton Hotel Corporations), pursuant to the provisions of “**42 U.S.C. § 1983**.”

## SUMMARY OF ARGUMENT

The United States District Court for the District of Columbia “erred” when holding that the respondent “judge Robert R. Rigsby” of the District of Columbia Superior Court civil action division enjoys absolute judicial immunity because judges are exempt from liability for damages for acts committed within their judicial jurisdiction, citing “*Pierson v. Ray*, 386 U.S. 547, 553–54 (1967).” And as grounds for dismissing petitioner Onyinye Jideani’s November 02, 2023 deprivation of civil rights suit “42 U.S.C. § 1983” against the respondent D.C. Superior court civil action judge Robert Rigsby “for unlawfully depriving petitioner Onyinye Jideani of her civil right to the full and equal benefit of all laws and proceedings “thereby obstructing the administration of justice,” during the May 09, 2022 civil action suit captioned Onyinye Jideani vs. Hilton Worldwide Holdings in the District of Columbia Superior court.”

However, section **1983 of 42 U.S.C.** “which provides individual citizens with a civil cause of action to recover damages for the deprivation of such rights secured by the constitution,” does not mention and/or establishes any form of immunity for judicial officers/judges “as ones acting under the color of any statute, ordinance, regulation, custom, or usage of any State, Territory, or the District of Columbia (D.C.),” and especially not for judicial officers/judges who breach their judicial obligations and/or act outside the scope of their judicial duties “(pursuant to the Code of Judicial Conducts)” “violating constitutional laws and federal-protected citizens rights guaranteed by the constitution;”

—And of which D.C. Superior court civil action judge Robert Rigsby is accused of depriving petitioner Onyinye Jideani of her civil rights when he breached his judicial duty and violated procedural judicial enforcement of the law in civil litigation “through abuse of process

and by abusive tactics,” during the May 09, 2022 civil action suit in D.C. Superior court “captioned Onyinye Jideani vs. Hilton Worldwide Holdings,” and subsequently dismissed petitioner Onyinye Jideani’s unlawful discriminatory practice claim “(DC Code § 2-1401.01 - § 2-1404.04 of the Human Right Act)” in a retaliatory, bias, unethical, and unjudicial manner on October 21, 2022 “(and during the first and only hearing held in the suit),” at the D.C. Superior court civil action division; The dismissal order was issued on October 25, 2022;

As defined in the black law dictionary, Abuse of Process is the improper and tortious use of legitimately issued court process to obtain a result that is either unlawful or beyond the process’s scope “also termed abuse of legal process, wrong process, or wrongful process of law;” while Abusive Tactics, means tactics in litigation intended to vex, harass, or intimidate an adverse party, to drive that party’s cost, or to delay the proceedings rather than conclude a matter by (agreement) or adjudication, “both of which judge Robert Rigsby is liable of,” as the methods used in depriving petitioner Onyinye Jideani of her civil rights during the May 09, 2022 civil action suit D.C. Superior court.

Moreover, given the factual substantive evidences presented throughout this case against the respondent judge Robert Rigsby “and as shown in the courts docket,” the United States Court for the District of Columbia should have found that D.C. Superior court civil action judge Robert R. Rigsby breached his judicial duties and violated federal-protected citizens rights guaranteed by the constitution, “thereby depriving petitioner Onyinye Jideani of her civil rights” “42 U.S.C. § 1983” when he, (1.) prematurely dismissed petitioner Onyinye Jideani’s May 09, 2022 civil action suit captioned Onyinye Jideani vs. Hilton Worldwide Holdings in D.C. Superior court “and solely on the grounds that petitioner failed to appear at the rescheduled initial hearing on October 21, 2022 to plead her case, despite the fact that judge Rigsby

was well aware that petitioner Onyinye Jideani “(proceeding in *pro se*)” filed a timely and sufficient affidavit for his recusal, in addition to several motions, as shown in the court docket, (2.) rescheduled the initial hearing for the purposes of addressing filings made by both parties to the case “(to include petitioner's affidavit for recusal),” however he never addressed any of either parties filings or issue any relative order “for which he rescheduled the conference hearing to address,” instead dismissed the case for want of prosecution in a retaliatory and unjudicial manner;

Judge Robert Rigsby had a judicial obligation “to comply with the law and the general rules of practice, procedure, and evidence;” And a *pro se* litigant's Stand on the prejudicial misconduct, unlawful, and blatant violation of her substantial rights during legal proceedings “and by filing an affidavit for recusal pursuant to Rule 63 and 63-I of court rule of civil procedure against the presiding judge,” does not at all warrant the impulsive and unlawful dismissal of the litigant's factual and substantially justified legal claims against the accused wrongdoer, “and as petitioner Onyinye Jideani's substantive cognitive claims were so unlawfully dismissed by judge Rigsby during the May 09, 2022 civil action suit captioned Onyinye Jideani vs. Hilton Worldwide Holdings, thereby depriving petitioner Onyinye Jideani of her civil rights and the full and equal protection of all laws and proceedings. Moreover, the United States Courts have held that individuals representing themselves who are not attorneys are entitled to have their pleadings viewed in a less restrictive manner than pleadings submitted by attorneys.”

As it stands, petitioner Onyinye Jideani's May 09, 2022 civil action suit captioned Onyinye Jideani vs. Hilton Worldwide Holdings, was unjustly denied procedural adjudication “of the factual and substantially justified claim of unlawful discriminatory practice” brought forth against the accused “( Hilton Worldwide Holdings Inc. (*formerly Hilton Hotels Corporation*))” in

D.C. Superior court, and for the relief and monetary judgment sort, in accordance to the law for the administration of justice.

And therefore, the United States Court for the District of Columbia's immoral, unethical, and unconstitutional argument that judicial officers and/or judges have the right to violate constitutional laws and federal-protected citizens rights guaranteed by the constitution, presents an issue of law and/or challenges **42 U.S.C. § 1983: Civil action for deprivation of rights.**

## REASON FOR GRANTING THE PETITION

The United States Court for the District of Columbia, erred as a matter of law in holding that judicial officers/judges “as ones acting under the color of any statute, ordinance, regulation, custom, or usage of any State, Territory, or the District of Columbia (D.C.) pursuant to **42 U.S.C. § 1983**,” are immune from acts taken under judicial capacity and or judges acting under judicial capacity enjoys absolute judicial immunity. However, **42 U.S.C. § 1983** “which guarantees any citizens of the United States or other person within the jurisdiction the right to sue any person acting under the color of any statute... “for deprivation of any rights,” does not establish any form of immunity for judicial officers/judges, and definitely not for judicial officers/judges who breach their judicial obligations and/or act outside the scope of their judicial duties “violating constitutional laws and federal-protected citizens rights guaranteed by the constitution.”

The United States Court for the District of Columbia’s flawed and unconstitutional argument that judicial officers and/or judges have the right to violate constitutional laws and federal-protected citizens rights guaranteed by the constitution “(which essentially sums up the basis of such corrupted argument),” not only challenges **42 U.S.C. § 1983** “which is intended to protect all citizens rights, privileges, or immunities,” but it unethically sets the ground for a corrupt and biased judicial system “specifically by judges who breach their judicial obligations.”

**42 U.S.C. § 1983: Civil action for deprivation of rights** “statute,” is precise in the content of its meaning when stating that judicial officers/judges “as one acting under the color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia,” shall be liable in an action at law, suit in equity, or other proper proceeding for redress to any citizens it deprives of any rights, privileges, or immunities secured by the Constitution and

laws “except that in any action brought against the judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable;” —42 U.S.C. § 1983 encompasses no inclusion of any judicial immunity for judicial officers ‘for acts taken under judicial capacity.’

The court's obligation in this matter is to determine what actions of judge Rigsby constituted a breach of his judicial duties and federal protected rights during the May 09, 2022 civil action suit in D.C. Superior court, thereby depriving petitioner Onyinye Jideani of her civil rights and the full and equal protection of all laws and proceedings.

Here, factual substantive evidence shown in the courts docket for the May 09, 2022 civil action suit in the District of Columbia Superior court, and that has been presented throughout procedural legal proceedings that have occurred, sufficiently shows that D.C. Superior court civil action judge “Robert R. Rigsby,” deprived petitioner Onyinye Jideani of her civil right, privileges, and/or immunities secured by the constitution “42 U.S.C. § 1983,” when judge Rigsby, (a.) failed to recuse himself pursuant to a timely and sufficient “Affidavit for Recusal Pursuant to Rule 63 and 63-I of Court Rule of Civil Procedure,” filed by petitioner Onyinye Jideani on June 06, 2022 during the May 09, 2022 civil action suit in D.C. Superior court; (b.) acted in an incompetent manner and/or failed to administer his judicial duties “(which reflected adversely on his ability and fitness to serve as a judge)” when he issued an August 23, 2022 order rescheduling the August 26, 2022 initial conference hearing “(referred to as a status hearing)” for the sole purposes of addressing filings and/or motions filed in the court docket by both parties, however judge Rigsby never addressed and/or ruled on any of the filings made by either parties, “particularly on petitioner's June 06, 2022 affidavit for recusal” and/or

May 17, 2022 motion(s) for a court order for the civil action branch clerks to appropriately classify this case as an unlawful discriminatory practice claim suit pursuant to **DC Code §2-1403.16:** *Private cause of action*, “as appose to the inappropriate claim suit for “Declaratory Judgment” as it was so inaccurately misclassified by the DC Superior Court civil action branch clerks in attempt to deny its “adjudicative and jurisdictional fact” substantial merits;”

(c.) unlawfully dismissed the May 09, 2022 civil action suit for “Want of Prosecution” during the first and only hearing held on October 21, 2022, “(initial conference hearing referred to as a status hearing),” and in a bias and retaliatory manner “(written dismissal order issued on October 25, 2022),” even as petitioner pleaded and/or pursued her suit with timely and sufficient filings made in the courts docket in D.C. Superior court.

Moreover, petitioner Onyinye Jideani’s May 09, 2022 unlawful discriminatory practice claim civil action suit in the D.C. Superior court, and against the accused “(Hilton Worldwide Holdings Inc (*formerly* Hilton Hotel Corporation))” “under judge Robert Rigsby,” was one for a substantially justified cognitive claim suit, constitutionally warranted by an existing law “on the District of Columbia Human Rights Act of 1977, Title 2, Chapter 14, Unit A: Part D “**DC Code §2-1402.31: Public Accommodation**,” and pursuant to “**DC Code §2-1403.16: Private cause of action** in a court of competent jurisdiction;”

And as I, petitioner Onyinye Jideani laid forth in my November 02, 2023 deprivation of civil rights complaint “**42 U.S.C. § 1983**” “(on *pro se* Form 15),” starting on pg. 3, against D.C. Superior Court civil action judge Robert R. Rigsby, as:

1. I commenced an unlawful discriminatory practice claim civil action suit “DC Code § 2-1401.01 - § 2-1404.04 of the Human Right Act,” against Hilton Worldwide Holdings

Inc. (“*formerly* Hilton Hotel Corporation),” at the District of Columbia Superior Court on May 09, 2022; Civil action case No. 2022-CA-002012-B.

2. The District of Columbia Superior Court civil action division branch “Clerks” unlawfully classified the suit as one for a Declaratory Judgement claim suit, and assigned the case to civil action associate judge Robert R. Rigsby; And in a delusive attempt to deny its “adjudicative and jurisdictional fact” substantial merits, as an unlawful discriminatory practice claim suit pursuant to **DC Code §2-1403.16: Private cause of action.**
3. Given that judge Robert R. Rigsby had previously presided over another one of my civil action suit in D.C. Superior Court “(Interpleader case No. 2019-CA-001861-B),” and where he subjected me to bias and/or prejudicial misconduct, I filed a June 06, 2022 “Affidavit for Recusal of Judge Robert R. Rigsby from Presiding of the Case Pursuant to Rule 63 and 63-I.”
4. On August 23, 2022, judge Rigsby issued an order *sua sponte* rescheduling the Initial Hearing on August 26, 2022 at 10:00 AM “(and referred to as initial scheduling conference),” to October 21, 2022 at 10:00 AM, for the purposes of addressing motions filed in the court docket by both parties to the case; However he never ruled on any of the filings made in the courts docket.
5. On October 21, 2022, judge Rigsby dismissed the case for Want of Prosecution “in an unlawful and unjudicial manner,” even though I pleaded and pursued my case against

Hilton Worldwide Holdings Inc. “(formerly Hilton Hotel Corporation)” with procedural, sufficient, and timely filings, as shown in the court docket.

The respondent D.C. Superior court civil action judge “Robert R. Rigsby,” was fully aware of the filings made by petitioner Onyinye Jideani during the May 09, 2022 civil action suit in D.C. Superior court captioned Onyinye Jideani vs. Hilton Worldwide Holdings, but yet in an unjudicial delusive manner “and through abuse of process and abusive tactics,” dismissed the suit for Want of Prosecution allegedly for petitioner’s failure to appear during the rescheduled initial hearing “(referred to as conference hearing);” And where want of prosecution dismissal, is dismissal on the merit of a party’s failure to litigant he/her claim.

Furthermore, pursuant to the Code of Judicial Conduct 2.5: “In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay;” And therefore, “D.C. Superior court civil action judge Robert Rigsby” failed to exercise ordinary discretion in accordance to the judicial system of practices and procedure “and in the capacity of the judicial office,” when disposing of petitioner Onyinye Jideani’s May 09, 2022 civil action suit in D.C. Superior court.

Moreover, (1.) as an associate judge in the District of Columbia Superior Court civil action division, “judge Robert Rigsby” is aware of the federal statute of **42 USC § 1981: Equal Rights Under the Law** (a), which states: “All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of

persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other;”

**(2.)** As an associate judge in the District of Columbia Superior Court civil action division, “judge Robert Rigsby” is aware of the federal status of **28 USC § 2072: Rules of Procedure and Evidence; Power to Prescribe**, which states: “(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals; (b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect; and (c) Such rules may define when a ruling of a district court is final for the purposes of appeal under section 1291 of this title.”

Therefore, the United States Court for the District of Columbia’s decision dismissing petitioner Onyinye Jideani’s November 02, 2023 deprivation of civil rights suit “**42 U.S.C. § 1983**” against D.C. Superior court civil action “judge Robert R. Rigsby” should be reversed and remanded back to the lower court(s); And the lower court directed to certify all necessary remedial status in this case “primarily on judgement on the merits,” and adjudge *pro se* litigant petitioner Onyinye Jideani “just damages” for recovery of relief and monetary judgment sort in the May 09, 2022 civil action suit under liable judge Robert R. Rigsby, and for her delays; “To preserve the status quo and the irreparable damage to petitioner Onyinye Jideani’s security of persons under the full and equal benefits of all laws and proceedings.”

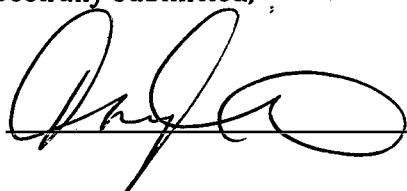
WHEREFORE, pursuant to 28 U.S. Code 2016, the Supreme Court should certify and affirm all necessary remedial status " to include remanding this case back to the lower court(s)," to redress the defect, injury, and injustice caused to the Petitioner Onyinye Jideani, whereby preserving the status quo, upholding the full capacity of the administration of justice, and protecting the substantive right of pro se litigants such as myself.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sign



Date: December 30, 2024