

No. 24-6503

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
SEP - 9 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Willie Bandy — PETITIONER
(Your Name)

VS.

Janet Yellen,
Secretary of the U.S. Dep't of
Treasury, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals-Sixth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Willie Bandy #A431-465

(Your Name) Petitioner

Grafton Correctional Institution, 2500 S. Avon Belden Rd.

(Address)

Grafton Ohio, 44044

(City, State, Zip Code)

(440)748-1161

(Phone Number)

QUESTION(S) PRESENTED

1. Due Process is Violated When The United States Marshalls For District Courts Fails To Properly Serve The Complaint To The Defendants/whereas When The Plaintiff acting(pro se) ?
2. Due Process is Violated When Defendants Violates Fed.R.Civ.P.12(A)(2) or(3) By Failing To Answer A Complaint Within Sixty Days Of Service Of The Complaint?
3. Due Process is Violated When The IRS/Defendants Failed To Send Plaintiff His Stimulus Check In The Amount Of Six-Hundred Dollars? Whereas The Payment Of Six-Hundred Dollars Could Not Be Offsetted To Pay Back Child Support.
4. Is Due Process Violated If A United States District Finds That It Lacked Subject Matter Jurisdiction To Address The Merits Of A Complaint Filed In That Court That Has Jurisdiction Originally?

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:

Charles P.Rettig,Commissioner of Internal Revenue for the IRS.

RELATED CASES

- * Bandy v.Yellen,U.S.Secretary of The Department Of Treasury,et al.,No.1:23-cv-54,U.S. District Court,for the Northern District of Ohio,Judgment entered Dec.6,2023.
- * Bandy v.Yellen,U.S.Secretary of The Department Of Treasury,et al.,No.23-4039,U.S.Court of Appeals for the Sixth Circuit. Judgment entered July 17,2024.

TABLE OF CONTENTS

| | |
|--|-----|
| OPINIONS BELOW..... | 1 |
| JURISDICTION..... | 2 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED | 3 |
| STATEMENT OF THE CASE | 4 |
| REASONS FOR GRANTING THE WRIT | 5-6 |
| CONCLUSION..... | 6 |
| CERTIFICATE OF SERVICE..... (PROOF OF SERVICE) | 7 |

INDEX TO APPENDICES

APPENDIX A United States Court of Appeals for the Sixth Circuit/Judgment
Entry(July 17,2024) Case No.:23-4039

APPENDIX B United States Northern District Court in Cleveland Ohio
Judgment Entry(December 6,2023) Case No.:1:23CV54

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

| CASES | PAGE NUMBER |
|--|-------------|
| Bolling v. Sharpe, 347 U.S. 497..... | unreported |
| Bell v. Washington, 2022 U.S. Dist. LEXIS 210567..... | unreported |
| Dioguardi v. During, 139 F.2d 774..... | unreported |
| Haines v. Kerner, 404 U.S. 519..... | unreported |
| Scholl v. Mnuchin, 494 F. Supp. 3d 661 (N.D. Cal. 2020)..... | unreported |
| Terry v. Yellen, 2021 U.S. Dist. LEXIS 117844..... | unreported |
| Urbina v. Thoms, 270 F.3d 292, 295 (6th Cir. 2001)..... | unreported |

STATUTES AND RULES

| | |
|-----------------------------------|------------|
| Fed.R.Civ.P.12(a)(2) or (3) | unreported |
| Fed.R.Civ.P.4(c)(3) | unreported |
| 28 U.S.C. § 1915(d) | unreported |
| U.S.C. § 6428(A) | unreported |

OTHER

| | |
|--|------------|
| Fifth And Fourteenth Amendments of The United States | unreported |
| Constitution Of America | |

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

- 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

- 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 N/A; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the N/A court appears at Appendix _____ to the petition and is

- reported at N/A; 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 July 17, 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: _____, 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 N/A.
A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (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

Petitioner Due Process Rights To The Fourteenth Amendment Of The United States Of America Were Violated by the Defendants.

Petitioner's Due Process Rights under The United States Constitution Of America were Violated when the United States Marshalls Office In Cleveland Ohio For The Northern District Court Failed To Properly Serve All the Defendants needed.

Petitioner's Due Process Rights were Violated when the Defendants failed to send Petitioner his payments of \$600.00

Petitioner's Due Process Rights were violated when Defendants offsetted Petitioner's \$600.00 for back child support payment.

United States Marshalls Office Violated Fed.R.Civ.P.12(a)(2)or(3)and Fed.R.Civ.P.4(c)
(3)

STATEMENT OF THE CASE

In January, 2023, Petitioner filed a complaint in the U.S. District Court for the Northern District of Ohio against, Janet Yellen Secretary of the Department of Treasury, and against Charles P. Rettig, Commissioner of Internal Revenue. Reason for the complaint against the two entities, was that at first instant, Petitioner never received his stimulus payment in the amount of six-hundred dollars(600.00). When Petitioner did receive the payment along with a payment \$1,200.00, both payments were offsetted for the payment of back child support.

Petitioner brought the complaint against the two government entities arguing and claiming that the payment of \$600.00 could not be offsetted to pay back child support, because Congress passed a law that the second and third payments of any stimulus payments in the amount of \$1,400 & \$600.00 could not be offsetted to pay any back child support payments, only a payment of \$1,200 could be offsetted.

Petitioner written the Defendants(IRS) notifying them that Petitioner did not received his payment of \$600.00, this action and correspondence fell on deaf ears. It wasn't until the Petitioner filed an Recovery Rebate Credit Tax Form given by the IRS to the prison institution, in order to receive any stimulus payments that hadn't been received. When Petitioner filed this form, the payments of \$1,200 and \$600.00 was offsetted towards back child support payments. Again, Petitioner contacted the IRS/Defendant/Respondents that only the \$1,200 payment could be offsetted to pay back child support, but not the payment of \$600.00. The Respondents feels that the payment of \$600.00 could be offsetted. The problem arose when the Respondents failed to send a payment of the \$600.00 to Petitioner in the first place, without Petitioner having to file anything subject to a tax form, the Respondents should have sent the payment of \$600.00 to Petitioner without Petitioner having to do anything, because this fell on the responsibility of the Respondents, and not the Petitioner.

REASONS FOR GRANTING THE PETITION

The reasons for granting this petition is because it involves constitutional Congressional violations, whereas The Respondents feels that the enactment by Congress, that any \$600.00 payments under stimulus could be offsetted by the government if any public or private citizen, not limiting to incarceration offenders known as prisoners, that if any citizen in the United States of America whom files a form entitled Recovery Rebate Credit Tax Form that whomever owed back child support the payments of stimulus monies of \$600.00 could be offsetted to pay back child support, when its clear that Congress enacted a bill that the second and third round of stimulus payments in the amount of \$1,400.00 and \$600.00 could not be taken or offsetted to pay back child support. This petition needs to be granted for this United States Supreme Court to issue its opinion that Congress enacted a bill relating to stimulus payments of the second and third payments in the amount of \$1,400 or \$600.00 could not be offsetted to pay back child support. If the Respondents is allowed to disregard the bill passed by Congress is an constitutional infringement against the American Citizens in this United States not excluding incarcerated prisoners, that any payments relating to the second or third stimulus payments relating to the American Rescue Plan Act, that the payments mentioned above cannot be offsetted by the government to pay back child support. This Court must grant this petition to resolve this conflict between the American Citizen and the Government that Petitioner Bandy was entitled for his direct payment of \$600.00, regardless if Petitioner owed back child support, or if the Petitioner had to claim his \$600.00 payment through the Recovery Rebate Credit Act, if the Respondents are allowed to use this conduct to go after back child support owners, would violate every American Citizen's Due Process right under the 14th Amendment of the United States Constitution, which has similarities of running an Ponzi Scheme to collect back child support from the American Citizens and Petitioner alike.

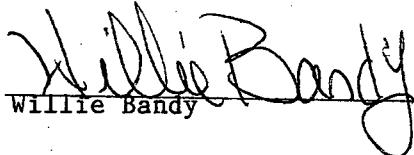
For the reasons as stated above and herein this petition must be granted to balance the laws of the United States Constitution when there lies to exsist a conflict between the Government and a American Citizen. Where there are or seems to be a violation of an American's Due Process Rights under the United States Constitution, instituted by or caused by the Government of the United States.

And for this Court to remand this case back to the Sixth Circuit with an order for the District Court to determine was Petitioner Bandy eligible to receive his payment of \$600 without being confiscated to pay back child support, and also for the Sixth Circuit to determine did the District Court had jurisdiction to hear Petitioner's complaint. On the authority of Terry v. Yeilen, 2021 U.S. Dist. LEXIS 117844.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Willie Bandy

Date: 9/16/2024

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Willie Bandy — PETITIONER
(Your Name)

Janet Yellen VS.
Secretary for the U.S. Dep't of
Treasury, et al. — RESPONDENT(S)

PROOF OF SERVICE

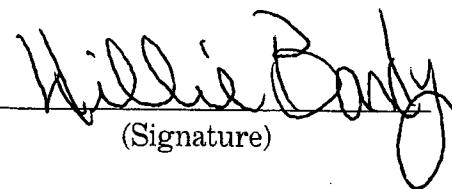
I, Willie Bandy, do swear or declare that on this date,
August 10th, 20²⁴, as required by Supreme Court Rule 29 I have
served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Bruce R. Ellisen & Marie E. Wicks at the Tax Division Department of Justice
Post Office Box 502, Washington D.C. 20044 attorneys for Respondent

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 6th, 20²⁴


(Signature)

APPENDIX

A