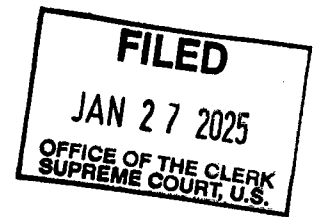


NO.

24-7298

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



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THURMOND GUESS SR, PETITIONER

VS.

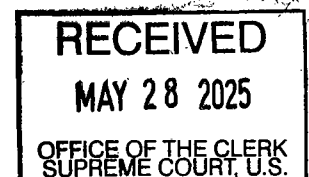
LEONARDO BROWN, ET AL, RESPONDENTS  
-----

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

THURMOND GUESS SR.  
8 MOODYVIEW CT.  
COLUMBIA, S.C. 29223  
(803) 354-8230



### QUESTION(S) PRESENTED

1. Did the United State District Court of Columbia South Carolina and the Fourth Circuit Court of Appeals err Under Rule 59 E, on Motion to Alter or Amend a Judgment" 1.to accommodate intervening change in controlling law. 2. To account for new evidence not available at trial. 3. To correct a clear error of law or prevent manifest injustice".
2. Did the District Court of South Carolina and the Fourth Circuit Court of Appeals Violated the Acts of Congress 42 U.S.C. 1983?
3. Did the District Court of South Carolina and the Fourth Circuit Court of Appeals Violated the 7<sup>th</sup> Amendments Rights of The United States of America?
4. Did the District Court of Columbia South and the Fourth Circuit Court of Appeals violated the 14<sup>th</sup> Amendments Rights of the Petitioner, law facts, Equal Protection?
5. Did the District Court of South Carolina and The Fourth Circuit of Appeals violated Wilken V. United States of America.?

## 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:

THURMOND GUESS, Sr.  
Petitioner

Leonardo Brown as Richland County  
Administrator; Richland County Council,  
Darrell Jackson, Sr., Rose Ann English,  
Marshall Green, Alfred T. Guess, and  
Marjorie Guess.  
Respondents

### RELATED CASES

Guess V. Brown et al 3-23-CV-2957-CMC-P.J.G.  
Guess V. Brown et al 3-23-CV-06408-CMC  
Referred: Shwa V. Hodges.

All cases were dismissed without prejudice?  
How could the case be duplicate?

all of the cases the Petitioner request Jury Trial.

## Table of Authorities

case

42-U.S.C. 1983

Baker v. McCallan 443 U.S.C. 137 (1979) 42-U.S.C. 1983

4234 at 434 U.S.C. 559 n.6. 439 U.S. 1114 (1979), Certiorari Negligence is sufficient to state a cause of action under 1983.

7<sup>th</sup> Amendments Rights of the U.S. Constitution of the United States of America.

Thomas v. Kenosha (2001), 274 f 3d 464 (7TH Cir. 2001).

MONELL CLAIMS UNDER 42-U.S.C. 1983

OCOZO V. DART 641 F (4<sup>TH</sup> CIR 806, 824 (2003).

THOMAS V. KENOSHA (2001)

Wilken v. United States of America :2023

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**:  
*November 21, 2024 NO: 24-1744 (3:24-CV-01797 CMC)*

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at *Willen / United States of America - 2023*; 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 \_\_\_\_\_ to the petition and is

☐ reported at *US District Court ECF 26*; or, *circulation no 3-24-1797 CMC*  
☐ 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 *Richland County Court of Common Pleas, 2022 CP-40-1906*; 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 STATEMENT

The District Court of Columbia South Carolina proposed to exercise subject matter of Jurisdiction under 28 U.S. C.1331 and 1343, because the District court enter a Judgment to the Respondents in this case, the judgment entered on July 10, 2024, ECF 26, in Columbia South, Carolina, and the Petitioner Appeals that judgment and his Notice of Appeal to Fourth Circuit Appeal on August 9, 2024, the Fourth Circuit Court Appeals Ruled on the matter for the Respondents on November 21, 2024, the Petitioner filed timely Rehearing it was Denied, and now the Petitioner filed his Writ of Certiorari of that court to the United States Supreme Court of the United States of America.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 7<sup>th</sup> amendments Rights to Constitution of the United States of America.
2. 42-USA 1983 acts of Congress.
3. 14<sup>th</sup> amendments Rights of the Constitution of United States of America.
4. Monell Claims.
5. 5<sup>th</sup> amendments Rights, Taking of Property without payments.
6. Baker V. McCallan 443 U.S.C. 137 (1979)
7. Wilken V. United States of America, 2023 Case.

#### STATEMENT OF CASE

The Petitioner case alleges that on March 10, 1990, Jackson, Green, English. "issue an illegal SCAM and false Affidavit Easement Right of Way Deed" to Richland County. "Exhibit A.id. petitioner alleges that his father Arthur Guess was deceased on November 20, 1976, Exhibit B id, when the Easement Right of Way Deed was signed and files, and that his mother name was signed by the Respondents Jackson, Green, or English. The Petitioner also alleges that Brown of Richland County Administrator was warned that the property that was given to Richland County was a SCAM and Brown refuse to give the property back to the Petitioner and Heirs, id Exhibit 3 id.



#### REASON FOR GRANTING THE PETITION

1. The District Court of South Carolina and the Fourth Circuit Court of Appeals refused to accept the acts of congress

#### Summary of Arguments

2. The District court of South Carolina and the Fourth Circuit Court of Appeals Violated the Petitioner 7<sup>th</sup> Amendments rights by trial by jury. The District Court and the Fourth Circuit Court of Appeals violated the Petitioner 14<sup>th</sup> Amendments Rights on Equal protection of the law. A Rights to trail by in civil case in federal courts of facts of the case is to be decided by jury in civil cases, claim exceeds certain dollar value. The petitioner complaint is before the court pursuant to 42 U.S.C. 1983, is the procedure mechanism through which congress provide a private civil cause of action base on allegation of federal constitutional violation by person acting under the color of state law. The purpose of 1983 is to deter state actors from using badge of their authority to deprive individual of their federally guaranteed rights and provide to victims if such deterrence fails. To state a Plausible claim for relief under 42 U.S.C. 1983 an aggrieved party must sufficiently allege that he was injured by deprivation of any of his or her rights, or immunities secured by the United States Constitution and laws". Bell at antic crop v. Twombly, 550 U.S. 544, 570 (2007) Rule 8 (a) 2
3. The 14<sup>th</sup> Amendments Rights of the Constitution provide Equal Protection of law to all person, in this Matter Lower Circuit Court, United States District of South Carolina and the Fourth Circuit Court of Appeals Violated the Acts of Congress and 42 U.S.C. 1983, Baker v. McCallan 443 U.S.C. 137 (1979)., Wilken v. United States of America.

#### FACTS

- A. The Petitioner Demanded jury trial.
- B. The District Court refuse to order the Respondents to file answer to Summons and Complaint of the Petitioner action.
- C. Judge Deandrea Gist Benjamin of the court of appeals should not have heard this case on appeal because she ruled on this matter in the Lower Circuit of Richland County three weeks before taken the seat on the Fourth Circuit Appeals, No: 2022-CP-400-1906.

#### CONCLUSION AND RELIEF

The Petitioner request that the United States Supreme Court to grant the Petitioner his property back, and Fifth Thousand Dollars each on all other Respondents in this action. This is clearly violation of the laws and Constitution of the United States of America

*Respectfully Submitted*  
*T. Bruce McQuest AS*