

No. 17-7130

IN THE
SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG - PETITIONER
(Your Name)

vs.

STATE OF PENNSYLVANIA and
SIRLIN GALLOGLY & LESSER, PC - RESPONDENT(S)

ON PETITION FOR REHEARING FOR A WRIT OF MANDAMUS TO

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

PETITION FOR REHEARING FOR A WRIT OF MANDAMUS

Arthur O. Armstrong
(Your Name)

8113 Pleasant Hill Road
(Address)

Elm City, North Carolina
(City, State, Zip Code)

252-218-2007
Phone Number

QUESTION(S) PRESENTED

Whether Petitioner is entitled to relief, pursuant to Rule 20 of the Rules of the Supreme Court of the United States

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:

THE SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG, Petitioner

vs.

PENNSYLVANIA, et al, Respondents

**DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER
ENTITIES WITH DIRECT FINANCIAL INTEREST IN
LITIGATION**

ARTHUR O. ARMSTRONG, who is

Appellant

(Name of party)

(Appellant/moving party or defendant)

makes the following disclosure:

1. Is party a public held corporation or other publicly held entity?

() Yes

(X) No

2. Does party have any parent corporation?

()

(X) No

If yes, identify all parent corporations, including grandparent and great-grandparent corporation: _____

3. Is 10% or more of the stock of a party owned by a publicly held corporation or other publicly held entity?

() Yes

(X) No

If yes, identify all such owners: _____

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?

() Yes

(X) No

If yes, identify and nature of interest: _____

C-1 of 1

TABLE OF CONENT

OPINION BELOW	1
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APPENDIX A ON JANUARY 23, 2017, THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT DENIED PETITIONER'S PETITION FOR A WRIT OF MANDAMUS..

APPENDIX B. THE CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN THE CASE, SET OUT VERBATIN WITH APPROPRIATE CITATION.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus 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 _____ 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 _____; 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 JANUARY 23, 2017

☐ 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 _____.
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

Their Pertinent text is set out in the appendix B

CONSTITUTIONAL PROVISIONS

Fourteenth Amendment

Fourth Amendment

STATUTORY PROVISIONS

28 U.S.C.S. 1254(1)

28 U.S.C.S. 1291

28 U.S.C.S. 1746

42 U.S.C.S. 1983

42 U.S.C.S. 1985

42 U.S.C.S. 1985(3)

42 U.S.C.S. 1986

THE SUPREME COURT OF THE UNITED STATES

IN RE:) PETITIONER'S PETITION FOR REHEARING FOR LEAVE
 .) TO FILE A WRIT OF MANDAMUS, PURSUANT TO RULE
 . ARTHUR O. ARMSTRONG,) 20 OF THE RULES OF THE SUPREME COURT OF THE
 .) UNITED STATES PROCEDURE, WITH SUPPORTING
 .) AFFIDAVIT AND DOCUMENTATION ON GROUND THAT
 . PETITIONER,) THERE IS NO GENUINE DISPUTE AS TO ANY MATERIAL
 .) FACT AND THAT APPELLANT IS ENTITLED TO JUDG-
 .) MENT IN HIS FAVOR AS A MATTER OF LAW (**BRIEF II**).

NOW COMES, Arthur O. Armstrong, the Petitioner named in this action and moves this Honorable Court, with supporting affidavit and documentation, for leave to file petition for rehearing for a writ of mandamus, pursuant to Rule 20 of the Rules of the Supreme Court of the United States Procedure, on grounds that there is no genuine dispute as to any material fact and that appellant is entitled to judgment in his favor as a matter of law.

IN SUPPORT HEREOF, petitioner shows unto the Court that:

I. On January 23, 2017, trial court dismissed Petitioner's Complaint and denied his motion. Appellant's instant action cures all defects.

NOW THEREFORE, Appellant files his Brief.

II. Respondent failed to conform to the requirements of the federal constitution and laws of the United States and acted with gross negligence (affidavit, p. 3, ¶18). I pray for judgment in the sum of \$50,000,000.00 (id., ¶19).

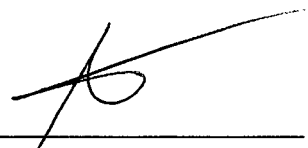
CONCLUSION:

Because of the above conduct of the Respondent, Petitioner respectfully requests that leave to file petition for rehearing for a writ of mandamus, pursuant to Rule 20 of the Rules of the Supreme Court of the United States Procedure, be granted.

Respectfully submitted this the 30th day of March, 2018,

Respectfully submitted,

March 30, 2018



Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 27822

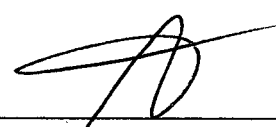
OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. 1746.)

March 30, 2018



Arthur O. Armstrong, Petitioner

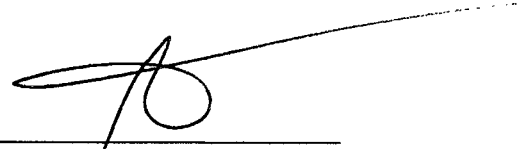
CERTIFICATE OF SERVICE

I certify that a true and correct copy of petition for rehearing was served on all counsel of record by depositing copy of same in an envelope in the US Mail with adequate postage affixed thereon to ensure delivery at:

REGULAR US MAIL:

Barbara A. Fein, Esq.
721 Dresher Road
Suite 1050
Horsham, PA 19044

March 30, 2018



Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 27822

PETITION FOR REHEARING FOR A WRIT OF MANDAMUS

i) Relief Sought:

Petitioner petitions this Court for the issuance of a writ of mandamus to the United States Court of Appeals for the Eleventh Circuit to certify that the appeal would not be frivolous.

ii) Issue presented:

Whether petitioner is entitled to relief from a final judgment-order pursuant to Rule 20 of the Rules of the Supreme Court of the United States Procedure since that is the only provision available.

iii) **Statement of the Facts:** On January 23, 2017, trial court dismissed Petitioner's complaint and denied his motion. On motion and just terms a party may move for relief from a final judgment-order, pursuant to Rule 20 of the Rules of the Supreme Court of the United States Procedure because that is the only provision available and may be invoked only in extraordinary circumstances when the reasons for relief from a judgment- order does not fall between the list of enumerated reasons giving in Rule 60(b)(1)-(5).

iv) Reasons why a writ should issue:

Issuance by the Court of an extraordinary writ authorized by 28 U.S.C.S 1651(a) is not matter of right, but of discretion sparingly exercised. Petitioner shows unto the Court the following extraordinary circumstances: a state court or a United States court of appeals has decided an important question of federal law, that has not been, but should be settled by this Court. Or has decided an important federal question in a way that conflicts with relevant decision of this Court. A United States court of appeals has entered a decision in conflict with the decision with relevent decision of this Court. A United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision of another state court of last resort, or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise

of this Court's supervisory power.

A writ of mandamus is an order from a court of competent jurisdiction commanding the performance of a specified official duty imposed by law, Sutton v Figgatt 220 NC 98, 93, 285 S.E. 2d 97 (1971). The petition is a remedy for the inaction of an official and is a personal action based on the allegations and proof that the respondent has neglected or refused to perform a personal duty which the Petitioner has a clear legal right to have her perform (id) "A person seeking a writ of must have a clear legal right to demand it and the party to be coerced must be under a positive legal obligation to perform the act sought to be requested – St George v. Hanson 239 NC 259, 263, 78 S. E. 2d 885, 888 (1954)"

1. Petitioner has no other adequate means to obtain the relief he desires.

2. Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law other than the issuance of writ of mandamus.

3. Respondent has a duty of public nature and the duty to decide in Petitioner's favor is imperative; not discretionary.

4. Failure to act would forever frustrate the Petitioner's performance to have his valid case heard and forever frustrate the ability of this Court to exercise its appellate jurisdiction.

5. Petitioner aggrieves from respondent's denial of his legal rights by the court who had the legal duty and obligation to grant Petitioner's motion for relief but instead acted with abstaining from doing them.

6. Appellees violated plaintiff's Fourth and Fourteenth Amendments to the Constitution of the United States to deprive him of his property and liberty without due process of law.

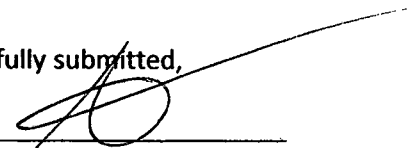
WHEREFORE, Petitioner prays that the Court:

1. Issue a writ of mandamus to the United States Court of Appeals for the Eleventh Circuit.
2. That the trial court judge be compelled to certify that the appeal would not be frivolous.
3. Such other and further relief as the court deems just and proper.

Respectfully submitted this the 30th day of March, 2018.

March 30, 2018
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Respectfully submitted,

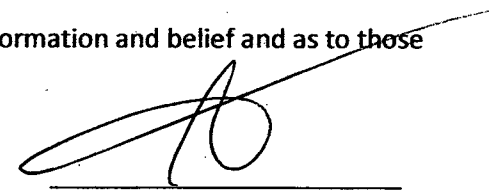


Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC27822

VERIFICATION

I, Arthur O. Armstrong being first duly sworn, deposes and says that he is the Petitioner in the foregoing matter and that the allegations set forth in the Petition are true and correct to the best of his knowledge and belief except for those allegations set forth on information and belief and as to those allegations he believe them to be true.

March 30, 2018
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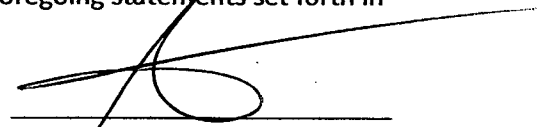


Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 278222

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under US laws that the within and foregoing statements set forth in the verification are true and correct (28 U.S.C. 1746.)

March 30, 2018
.



Arthur O. Armstrong, Petitioner

IN THE
SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG,) PETITIONER'S MOTION FOR RELIEF, PURSUANT TO
 .) RULE 20 OF THE RULES OF THE SUPREME COURT OF
 . vs.) THE UNITED STATES, WITH SUPPORTING AFFIDAVIT
 .) AND DOCUMENTATION (**BRIEF II**).
 STATE OF PENNSYLVANIA, et al)

NOW COMES, Arthur O. Armstrong, the petitioner named in this action and moves this Honorable Court, with supporting affidavit and documentation, for relief, pursuant to Rule 20 of the Rules of the Supreme Court of the United States Precedure, on grounds that there is no genuine dispute as to any material fact and that Petitioner is entitled to judgment in his favor as a matter of law.

IN SUPPORT HEREOF, Appellant shows unto the court that:

1. On January 23, 2017, trial court dismissed appellant's complaint and denied his motion..

Appellant's instant action cures all defects.

NOW THEREFORE, appellant files his Brief:

II. Appellees failed to conform to the requirements of the federal constitution and the laws of the

United States and acted with gross negligence (Affidavit, p. 3, ¶18). I pray for judgment in the

sum of \$50,000,000.00 (id., ¶19).

SUMMARY:

Because of the above conduct of the appellee, appellant respectfully requests that motion for relief, pursuant to Rule 20 of the Rules of the Supreme Court of the United States, be granted.

Respectfully submitted this the 30th day of March, 2018.

Respectfully submitted

Arthur O. Armstrong, Appellant
8113 Pleasant Hill Road
Elm City, NC 27822

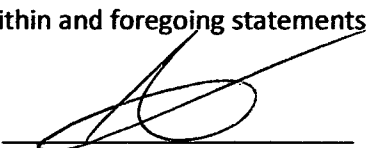
OF COUNSEL:

ARTHUR O. ARMSTRONG, PRO SE
8113 PLEASANT HILL ROAD
ELM CITY, NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under United States laws that the within and foregoing statements are true and correct (28 U.S.C. 1746.)

March 30, 2018



Arthur O. Armstrong, Appellant

CERTIFICATE OF SERVICE

I certify that I cause a true and correct copy of a Rule 20 motion to be served on all counsel of record by depositing copy of same in the United States mail in an envelope with adequate postage affixed thereon to ensure delivery at:

REGULAR U.S. MAIL:

Barbara A. Fein, Esq,
721 Dresher Road
Suite 1050
Horsham PA 19044

March 30, 2018



Arthur O. Armstrong, Appellant
8113 Pleasant Hill Road
Elm City, NC 27822

IN THE SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG,

APPELLANT,

vs.

STATE OF PENNSYLVANIA,

SIRLIN GALLOGLY & LESSER, P.C.,

APPELLEES.

GROSS NEGLIGENCE

42 U.S.C. 1983

COMPLAINT

Appellant alleges and says:

1. Appellant resides in the County of Wilson, North Carolina 27822. On August 7, 1995 Appellee Greentree Mortgage Company acted with racial profiling (Fourth and Fourteenth Amendments violations). Appellee rejected appellant's \$5,000.00 payoff amount (Fourteenth Amendment violation). Returned appellant's money (Fourth and Fourteenth Amendments violations). Refused to send appellant a payment book (Fourteenth Amendments violation). Made falsities (Fourth and Fourteenth Amendments violations). Refused to send appellant's payoff figure (Fourth and Fourteenth Amendments violations). On December 29, 1995 appellee Greentree Mortgage Company sued appellant in Philadelphia Court of Common Pleas, Philadelphia County (Fourth and Fourteenth Amendments violations). Appellee Court granted default judgment (Fourth and Fourteenth Amendments violations). Appellee invaded his privacy (Fourth and Fourteenth Amendments violations). Appellee searched and seized his property (Fourth and Fourteenth Amendments violations).

2. Appellee Pennsylvania is duly organized, existing and operating under the federal constitution and laws of the United States and is liable for a damages judgment entered against appellee Sirlin Gallogly & Lesser, P.C. "in its individual capacity" as a result of an

action brought against it under 42 U.S.C. 1983 by plaintiff who had been violated by one of its attorney for malicious prosecution and gross negligence.

3. Appellee Sirlin Gallogly & Lesser, P. C. is located at 1529 Walnut Street, Suite 600, Philadelphia PA 19102 In an action brought under 42 U.S.C. 1983, a judgment entered against appellee Sirlin Gallogly & Lesser, P. C. " In its personal capacity" imposes liability on the State of Pennsylvania, provided the State received notice and an opportunity to respond. Brandon v. Holt (1985 U.S.) 83 L, Ed 878, 105 S Ct 873 40 FR Serv 2d 861.

4. Appellee Timothy A. Gallogly is attorney who acted with the transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States and malicious prosecution and gross negligence.

5. The Fifth and Fourteenth Amendments to the Constitution of the United States contain a due process clause. Due process deals with the administration of justice and thus the due process clause acts as a safeguard from arbitrarily denial of life, liberty or property by the Government outside the sanction of law. The Supreme Court of the United States interprets these clauses more broadly however because these clauses provide four protections: procedural due process (in civil and criminal proceedings), substantive due process, a prohibition against vague laws and the vehicle for the incorporation of the Bill of Rights.

6. The Equal Protection Clause provides that no State shall deny any people within its jurisdiction the equal protection of the law.

7. The conduct complained of was engaged in under color of state law and that such conduct subjected appellant of the deprivation of rights, privileges and amenities secured by the federal constitution and laws of the United States while engaged in the conduct complained of.

8. Appellee Sirlin Gallogly & Lesser, P. C. "in its individual" capacity, failed to conform to the requirements of the federal constitution and laws of the United States when appellee acted with reckless indifference and wanton disregards for the truth or falsity and the rights of the appellant and others when appellee without probable cause acted with, including but not limited to: arbitrariness extortion, capriciousness, fraud, trickery, active connivance, malice, gross negligence, misrepresentation, deceit, racial profiling and conspiracy, when appellee failed to investigate every phase of appellant's case prior to the action or investigated every phase of the case but failed to discover or discovered that appellant's August 7, 1995 \$5,000.00 payoff amount was denied by Greentree Mortgage Company or in other words right to pay off the balance was denied when Greentree Mortgage Company returned appellant's payment; failed to send appellant a payoff figure and a payment book but acted with active connivance in the making of the default loan false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the appellant of property when his 1731 Wynsam Street property was sold on November 10, 1998 without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

9. As a direct and proximate result of appellee's action, Appellant suffered continuing injuries, including but not limited to: mental anguish, psychic injury, mental distress, humiliation and injury to his reputation. I pray for judgment in the sum of \$50,000,000.

WHEREFORE, Appellant prays that judgment in the sum of \$50,000,000 be as follows:

1. Compensatory and punitive damages in the sum of \$50,000,000 under 42 U.S.C. 1983 Civil Rights Act.
2. Intangible harm
3. Attorney's fees under 42 U.S.C. 1988, Attorney Award Act, or as a component of

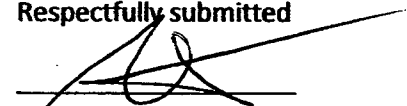
punitive damages.

4. Costs and Expenses of this action and such other and further relief as the Court deems just and proper.

Respectfully submitted this the 9th day of March, 2018.

March 9, 2018

Respectfully submitted


Arthur O. Armstrong, Appellant
8113 Pleasant Hill Road
Elm City, NC 27822

Appellant demands jury trial on all issues raised by the pleading in this action.

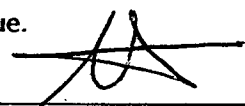
DEMAND JURY TRIAL

March 9, 2018


Arthur O. Armstrong, Appellant

VERIFICATION

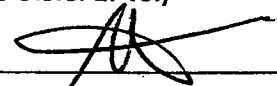
I, Arthur O. Armstrong, being first sworn deposes and says that he is the Appellant in the foregoing matter and that the allegations set forth in the Complaint are true and correct to the best of his knowledge and belief except for those allegations set forth on information and belief and as to those allegations he believes them to be true.


Arthur O. Armstrong, Appellant
8113 Pleasant Hill Road
Elm City, NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under United States laws that the within and foregoing statements set forth in the verification are true and correct (28 U.S.C. 1746.)

March 9, 2018


Arthur O. Armstrong, Appellant

CONCLUSION

The petition for rehearing for a writ of mandamus should be granted.

Respectfully submitted,

Arthur O. Armstrong

Date April 5, 2018

**Additional material
from this filing is
available in the
Clerk's Office.**