

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

William N. Lucy — PETITIONER
(Your Name)

vs.

JOHN GROW II — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS - ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

William N. Lucy
(Your Name)

FOUNTAIN CORRECTIONAL FACILITY
3800 FOUNTAIN
(Address)

ATMORE, AL. 36503
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1). DO THE U.S. DISTRICT COURT HAVE SUBJECT-MATTER JURISDICTION OF CIVIL ACTION INVOLVING LEGAL MALPRACTICE, WITH JURISDICTION GIVEN VIA 18 U.S.C. 1331 (FEDERAL QUESTION JURISDICTION) SINCE LEGAL MALPRACTICE IS IN ESSENCE "INEFFECTIVE ASSISTANCE OF COUNSEL" WHICH IS DENIAL OF DUE PROCESS OF LAW THAT'S GUARANTEED BY THE 5TH AMENDMENT TO THE U.S. CONSTITUTION?
- 2). IS BAR-ADMITTED ATTORNEYS IN THE STATE OF ALABAMA OPERATING UNDER THE COLOR OF LAW WHEN REPRESENTING A CLIENT IN A CRIMINAL CASE?
- 3). IS FILING A LIEN AGAINST A PUBLIC SERVANT IN PROBATE COURT A CRIMINAL OFFENSE OR A CIVIL ACTION?
- 4). SHOULD A CONVICTION BE OVERTURNED WHEN THE TRIAL JUDGE IS THE DEFENDANT IN A CIVIL ACTION AND THE DEFENDANT IN THE CASE BEFORE THIS JUDGE IS THE PLAINTIFF.

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:

A). WILLIAM N. LUCY - PETITIONER

B) JOHN GROW II - ATTORNEY - RESPONDANT

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TABLE OF AUTHORITIES CITED

CASES

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WILLIAM N. LUCY V STEVE COX ET AL - CV11-0852 - COUNTER-CLAIM
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A.) RULE 55 (B)(2) A.R. CIV. P.

B. ALA. JUDICIAL CANON OF ETHICS - CANON 3(C)(1)

OTHER

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 B 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☒ is unpublished.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 ~~NOV. 17, 2017~~ SEP. 28, 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: NOV. 7, 2017, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

- 1). 5TH AMENDMENT TO U.S. CONSTITUTION - DUE PROCESS
- 2). 6TH AMENDMENT TO U.S. CONSTITUTION - MANDATORY ARRAIGNMENT
- 3). 14TH AMENDMENT TO U.S. CONSTITUTION - EQUAL PROTECTION OF LAW
- 4). ARTICLE 1 SECTION 6 - CONSTITUTION OF ALA. 1901 - IMPARTIAL JURY
- 5). ARTICLE 1 SECTION 13 - CONSTITUTION OF ALA. 1901 - ^{IMPARTIAL JUSTICE} ~~COMPETENT COUNSEL~~
- 6). 6TH AMENDMENT TO U.S. CONSTITUTION - RIGHT TO COMPETENT COUNSEL
- 7). 6TH AMENDMENT TO U.S. CONSTITUTION - RIGHT TO CALL WITNESSES
- 8). CANON 3(C)(1) - ALA. JUDICIAL CANON OF ETHICS
- 9). 18 U.S.C. 1331 - FEDERAL QUESTION JURISDICTION
- 10). 42 U.S.C. 1983 - CIVIL RIGHTS COMPLAINT
- 11). RULE 55 (B)(2) - ALA. R. CIV. P.

STATEMENT OF THE CASE

THIS CASE ORIGINATED AS A CIVIL ACTION BROUGHT IN THE MOBILE COUNTY CIRCUIT COURT AS CASE NO: CV11-0852 (COUNTER-CLAIM). IN THIS COUNTY CLAIM, DEFENDANT / PLAINTIFF WILLIAM N. LUCY WAS "COUNTER PLAINTIFF" AND STEVE COX, ROBIN COX, GORDON HOUSE AND HOUSE AND MORGAN ATTORNEYS AT LAW WAS COUNTER DEFENDANTS IN A(N) ACTION BROUGHT BECAUSE THESE COUNTER DEFENDANTS HELD A FORECLOSURE SALE WHILE COUNTER PLAINTIFF LUCY WAS UNDER THE PROTECTION OF THE BANKRUPTCY COURT AND TOOK POSSESSION OF A PROPERTY BELONGING TO LUCY COMMONLY KNOWN AS CHIN ST., MOBILE, AL. LUCY FILED A CIVIL SUIT AND WON BY DEFAULT. THE CIRCUIT CLERK ENTERED THE DEFAULT (12/7/2011) BUT REFUSED TO ENTER THE JUDGMENT EVEN THOUGH LUCY WAS ENTITLED TO ONE, PURSUANT TO RULE 55(B)(2) OF A.R.CIV.P., BECAUSE THE AMOUNT SOUGHT WAS FOR A(N) AMOUNT CERTAINED (42 MILLION DOLLARS). LUCY FILED A LIEN AGAINST THE MOBILE COUNTY CIRCUIT CLERK AND REGISTERED IT IN THE MOBILE COUNTY PROBATE COURT. THEN THE MOBILE COUNTY DISTRICT ATTORNEY BROUGHT CHARGES AGAINST LUCY; CHARGING ME; ALLEGING I FILED A "FORGED INSTRUMENT TO HARASS A PUBLIC SERVANT (THE CIRCUIT CLERK)". I FILED SUBPDENAS ON MARCH 25, 2014 FOR WITNESS ON MY BEHALF, 14 WITNESSES INCLUDING SOME LOCAL MEMBERS OF THE MEDIA. THE TRIAL JUDGE QUASHED ALL 14 SUBPDENAS. ON MARCH 26, 2014 I WAS ARRESTED AND HELD IN JAIL FOR 30 DAYS WITHOUT BOND OR CHARGE. WHILE IN JAIL I FILED A 42 U.S.C 1983 COMPLAINT AGAINST JUDGE JOSEPH JOHNSTON CITING FALSE IMPRISONMENT. WHILE THIS CIVIL ACTION WAS PENDING IN THE U.S. DISTRICT COURT, FOR THE SOUTHERN DISTRICT OF ALABAMA, I WAS BROUGHT TO TRIAL ON THE CHARGE OF FILING A FORGED DOCUMENT TO HARASS A PUBLIC SERVANT. THE TRIAL JUDGE IN THIS CASE WAS NON-OTHER THAN JUDGE JOSEPH JOHNSTON, THE

DEFENDANT IN MY 42 U.S.C. 1983 COMPLAINT OF FALSE IMPRISONMENT.
ON THE DAY OF MY TRIAL 1/26/2015 WITH JUDGE JOHNSTON AS
AS THE JUDGE, THE U.S. DISTRICT COURT WAS REVIEWING MY
1983 CIVIL ACTION. ON THE SAME DAY JUDGE JOHNSTON (MY TRIAL
JUDGE) SENTENCED ME TO THE PRISON TERM I'M SERVING
1/26/2015 ... THE U.S. DISTRICT COURT WAS AGAIN REVIEWING
THE CIVIL ACTION I FILED AGAINST JUDGE JOHNSTON.....
A CLEAR CONFLICT OF INTEREST... ALTHOUGHT I WAS BROUGHT
TO TRIAL BEFORE A BIAS TRIAL JUDGE, DENIED WITNESSES TO
TESTIFY ON MY BEHALF, HAVE NOT BEEN ARRAIGNED, DENIED
EVIDENCE SUBPOENAED FROM THE MOBILE COUNTY DISTRICT
ATTORNEY, A JUROR EXCLUDED FROM JURY BECAUSE HER HUSBAN
IS FIRST COUSIN TO ONE OF THE MOBILE COUNTY ATTORNEYS,
AND JUDGE JOHNSTON PUT HER BACK ON THE CASE; WHILE
THE JURY WAS DELIBERATING, TRIAL JUDGE JOHNSTON WENT
INTO THE JURY ROOM AND MARKED THE JURY BALLOT "GUILTY".
I FILED A MOTION FOR THE RECUSAL OF JUDGE JOHNSTON
IT WAS DENIED; I FILED A PETITION AND HAD THIS CASE
TRANSFERRED TO THE U.S. DISTRICT COURT, FOR THE SOUTHERN
DISTRICT OF ALABAMA, CITING I COULDN'T GET A FAIR TRIAL
BECAUSE OF THE LIEN I FILED AGAINST THE MOBILE COUNTY
CIRCUIT COURT CLERK AND THE 42 U.S.C. 1983 COMPLAINT I
FILED AGAINST TRIAL JUDGE JOHNSTON. THE U.S. DISTRICT COURT
REMANED THIS CASE BACK TO MOBILE COUNTY CIRCUIT COURT
STATING "THIS HAPPENED IN MOBILE COUNTY, SO LET MOBILE
COUNTY HANDLE IT. NONE OF THE ISSUES STATED ABOVE WAS
RAISED ON DIRECT APPEAL BY JOHN GROW II, MY THEN ATTORNEY
ALTHOUGHT THESE AND OTHER ISSUES WAS RAISED AND PRESERVED
FOR APPEAL AT TRIAL, THIS INSTANT CASE WAS FILED AGAINST
ATTORNEY JOHN GROW II VIA 42 U.S.C. 1983 WITH 18 U.S.C. 1331
(FEDERAL QUESTION JURISDICTION) AS JURISDICTION VEHICLE.
THE U.S. DISTRICT COURT, FOR THE NORTHERN
DISTRICT OF ALABAMA, DISMISSED MY CASE FOR LACK OF
SUBJECT MATTER JURISDICTION. I APPEALED THIS TO THE U.S.
COURT OF APPEALS, ELEVENTH CIRCUIT; THEY AFFIRMED THE
DISTRICT COURT'S RULING STATING THIS CASE (MY 1983 COMPLAINT)

AGAINST ATTORNEY JOHN GROW II IS PERSONAL AND MR. GROW WAS "NOT ACTING UNDER COLOR OF LAW". THAT IS WHY I FILED THIS PETITION FOR WRIT OF CERTIORARI.

"I'M IN PRISON FOR FILING A CIVIL SUIT AND LIEN WHICH IS NOT A CRIMINAL ACTION".

INEFFECTIVE ASSISTANCE OF COUNSEL IS A DENIAL OF DUE PROCESS, COVERED BY THE 5TH AMENDMENT OF THE U.S. CONSTITUTION, (DENIAL OF FUNDAMENTAL FAIRNESS).

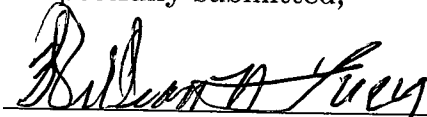
REASONS FOR GRANTING THE PETITION

THIS PETITION SHOULD BE GRANTED BECAUSE THE U.S. COURT OF APPEALS... ELEVENTH CIRCUIT... ERRORED BY DISMISSING THIS INSTANT CASE, CITING ATTORNEY JOHN GROW II WAS NOT ACTING UNDER COLOR OF LAW; ALTHOUGHT HE WAS/IS PRACTICING LAW IN THE STATE OF ALABAMA. THE U.S. DISTRICT COURT ERRORED WHEN IT DISMISSED THIS INSTANT CASE CITING "LACK OF SUBJECT MATTER JURISDICTION". THE SUBJECT MATTER OF THIS CASE IS "LEGAL MALPRACTICE". BECAUSE ATTORNEY JOHN GROW II FAILED TO OR REFUSED TO OFFER THE VERY MINIMUM SERVICE EXPECTED AND DUE ME, BY FAILING TO RAISE THE OBVIOUS INFRACTION AND ISSUE OF "JUDICIAL CONFLICT OF INTEREST" OR THE FACT THAT THIS PETITIONER HAS NOT BEEN ARRAIGNED. (SEE ATTACHED EXHIBITS). PETITIONER WAS DENIED RIGHTS GUARANTEED BY THE 5TH AMENDMENT TO THE U.S. CONSTITUTION, WHICH GUARANTEES "DUE PROCESS" (FUNDAMENTAL FAIRNESS), 6TH AMENDMENT TO THE U.S. CONSTITUTION WHICH COVERS RIGHT TO COMPETENT REPRESENTATION... INEFFECTIVE ASSISTANCE OF COUNSEL IS "DENIAL OF DUE PROCESS". THE UNITED STATES SUPREME COURT HAS A SUPERVISORY RESPONSIBILITY AND OVERSIGHT OVER THE U.S. COURT OF APPEALS... ELEVENTH CIRCUIT AND U.S. DISTRICT COURT, FOR THE NORTHERN DISTRICT OF ALABAMA. PETITIONER IS ENTITLED TO EQUAL PROTECTION OF THE LAW, REDRESS AND A NEW TRIAL.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William N. Lucy", written over a horizontal line.

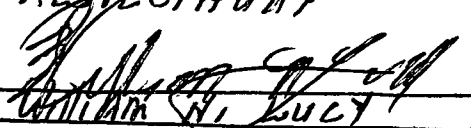
WILLIAM N. LUCY

Date: 1/26/2018

²
JUDICIAL NOTICE "

I AM INCARCERATED AND UNABLE TO MAKE COPIES
PLEASE SERVE RESPONDANT WITH COPY OF PETITION
DONE THIS 26TH DAY OF JANUARY 2018.

RESPECTFULLY


WILLIAM N. LUCY

A15 # 204880-F66A

3800 FOUNTAIN

ATMORE, AL 36503