

No. _____

In The

Supreme Court Of The United States

Timothy Mark Shilling

Petitioner

vs

James R Walsh Substituted party for Paula S Shilling

Respondent

**On The Petition For Writ Of Certiorari to the United States Court of Appeals
from the Supreme Court of Pennsylvania.**

Petition For Writ Of Certiorari

Timothy M Shilling, Pro Se (no choice due to financial necessity)
1203, Philadelphia Ave.
Northern Cambria PA 15714,
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vs

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The petition for review in original jurisdiction of the Supreme Court of Pennsylvania 324 WAL 2017 & 325 WAL 2017, Superior Court No.829 WDA 2017 & 867 WDA 2017. Trial court docket(Indiana County , PA);12066 CD 2013.

**Petition For Writ Of Certiorari and motion to proceed in forma pauperis files
In The United States Supreme Court.**

Timothy M Shilling, Pro se (no choice out of financial Necessity)

1203 Philadelphia St. Northern Cambria PA 15714, 814-691-5548

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Questions Presented.

- Whether the Supreme Court of Pennsylvania erred in holding in conflict with the Pennsylvania Constitution and United States Constitution and The lack of due process to be heard for a indigent that has showed to have no constitutional right to be heard in court before a judgments was placed upon the petitioner.
- The Pennsylvania Supreme Court just merely denied The petitioners request; rather than looking at the merits and all the issues on hand. Even though judgments was placed upon the petitioner that has been denied the right to be heard by the state court,it appears to be the laudable judicial desire of the state court to facilitate The petitioner Pro se litigant from being heard on the merits of the case.
- One of the leading decisions in a case of right to be heard was approached in this aspect in **Balistreri v Pacifica Police Department**, in which the ninth circuit rejected an argument that pro se plaintiff's failure to satisfy the briefing requirements of the federal rule of appellate procedure 28 should not lead to the dismissal of her appeal. The circuit court stated. **This court recognized that it has a duty to ensure that pro se litigants do not lose the right to a hearing on the merits of their claim due to ignorance of tactical procedural requirements.**

- The state court failed to recognize this and the continuation Of an approach established by the Judiciary act of 1789 was embraced in such early cases as **Osborn v Bank of the United States** where in 1824, the court stated **natural persons may appear in court, by themselves, or by their attorney.** The opportunity to proceed pro se also seems to undergird By The pleading rule announced in the case of **Haines v Kerner**. The American Bar Association also add it's voice to those supporting self representation. In the rule of the ABA code of judicial conduct **Rule 2.6 States A judge shall accord all the right to be heard.** Therefore, the Petitioner was entitled to relief By asserting that fact, but instead has been denied all access to the State Courts to be heard. This has become a dangerous situation when the State court system essentially breaks down to deprive the rights of pro se litigants the opportunity of fairness and to be heard that may affect The outcome of contempt charges, possibly incarceration and property interest of not allowing the evidence and facts in the case.
- **No state shall deny any person within its jurisdiction the equal protection of the laws. U.S. Constitution. Amend. XIV, 1.** The constitution provision states above is essentially direction that all persons similarly situated should be treated alike. **City of Cleburne, Texas v Cleburne Live Center, 473 U.S. 432, 439 (1985).**

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The questions presented is important and reoccurring one, this case is ripe for review and appropriate case for resolving the right to be heard case for pro se litigants.

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On The petition for review in original jurisdiction of the Supreme Court of Pennsylvania

Petition For A Writ Of Certiorari

Petitioner Timothy M Shilling respectfully petitions for a Writ Of Certiorari to review the judgments of the Supreme Court Of Pennsylvania.

I. Parties involved in the case

- The petitioner Timothy M Shilling, The plaintiff and appellant in the courts below. James R Walsh The United States bankruptcy trustee, The defendant and respondent in the courts below, is a respondent.

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- The petition draws into question the constitutionality of the Pennsylvania's Practice of denying the right to be heard to a indigent pro se litigant before entering any judgments that may result in the petitioners contempt citation,incarceration and property loss.In the pre-judgment of enforcement proceeding in the Pennsylvania family court, The United States bankruptcy trustee was identified as the defendant in some orders and filings. Petitioner served a copy of his notice of appeal on the Attorney General of Pennsylvania, but the state declined to respond. As of May 17,2017 , The orders of judgments without any hearings was an issue below that required a payment through the clerk of the family court for the United States trustees master fee.For these reasons, the petitioner has identified Mr. James R Walsh The United States bankruptcy trustee as a respondent and served a copy of this petition on the Attorney General of Pennsylvania and the United States Attorney General under **28 U.S.C.2403(b);S.Ct.R.29.4(c).**

- **II. Statement to proceed in forma pauperis**
- May 23, 2017 The petitioner was granted IFP in the court of common pleas of Indiana County Pennsylvania. **Order granting IFP will be Appendix A.**

III. Order and Opinion Below

- The orders below is the ruling from the highest state court, the Pennsylvania Supreme Court. The order denied relief by the Pennsylvania Supreme Court, and remanded back to state court that would wrongfully hold the petitioner in civil contempt and possibly incarcerated. On December 11, 2017 the petitioner filed two reconsideration petitions. There was no opinion of the Supreme Court as to why there was orders issued to deprive property, liberty and the right to be heard.

IV. Statement of jurisdiction

- In all civil cases, petition for writs of certiorari in cases to be taken to the Supreme Court from courts of appeals or from state courts must be filed within 90 days after the entry of judgment. **28 U.S.C.1254,1257, and 2101(c).**
- **28U.S.C.2101(c).** Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within 90 days after the entry of such judgment or decree. A justice of the supreme court, for good cause shown, may extend time for applying for a writ of certiorari for a period exceeding 60 days.
 - The Supreme Court of Pennsylvania entered a judgment on November 28, 2017. This court has jurisdiction pursuant to **28 U.S.C.1257(a).** Consistent with this court rule 29.4(c), A copy of this petition has been served on the Attorney General of Pennsylvania and United States Attorney General.

V. Constitutional Provision Involved

- 8th amendment, excessive bail cannot be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
- 13th amendment, neither slavery nor involuntary servitude, except as a punishment for crime whereof The party shall have been duly convicted, shall exist within United States, or any place subjected to their jurisdiction.
- 14th amend, provides in relevant part section 1 ;No state shall deny to any person within its jurisdiction the equal protection of the laws.
-
- On December 11, 2017 the petitioner filed a reconsideration petition in the Pennsylvania Supreme Court of the Western District. November 28, 2017 the Supreme Court denied a request to be heard by the petitioner. July 11, 2017 at superior court quashed appeals case number 829 WAD 2017 and 867 WAD 2017 as interlocutory and unappealable and dismissed as moot The application for emergency relief file at Docket No. 829 WAD 2017 on June 20th 2017 ordered denying application for supersedes. The Superior Court should've allowed a hearing for the petitioner to be heard through the appeal process that is a constitutionally guaranteed right to appeal pursuant to the Pennsylvania constitution, article V section 9 (**right of appeal**). Petitioners open court access right to address harm done to him without denial or delay under **Pa Const,art.1, section 11, to preserve the fundamental rights under Pa Const.art,1 section 1 denied by Superior Court in quashing petitioners appeal 829 WDA 2017 and 867 WDA 2017.**

VI. Reference to the orders delivered in the courts.

- The Honorable State Trial court issued 2 orders relevant to this action. There was also one letter from the Indiana County Court Of The Prothonotary's Office to issue judgment. The order dated June 29, 2016 granting interim counsel fees and cost without proper notification or hearing, there was a order dated November 18, 2016 from the federal bankruptcy court vacating the order June 29, 2016, The First was on May 11, 2017 granting The request to appoint a master without having the required income, financial and inventory statements before requesting a master, also used as evidence the vacated order June 29, 2017. There was a letter dated from the Indiana County Court Of The Prothonotary's office May 12, 2017 to enforce the vacated order of June 29, 2016 that was not issued by The Trial court May 11th 2017. The Second issued May 17, 2017 for the petitioner to pay court cost of \$750 to the Indiana County Court Prothonotary's Office on or before June 16, 2017 or the petitioner may face civil contempt, without the due process of a hearing to be heard.
- The Superior Court likewise issued three orders. June 20, 2017 denying an application for supersedeas. July 11, 2017 dismissing the application for emergency relief as moot and quashing both appeals.
- The Pennsylvania's Supreme Court also denying request on November 28, 2017. **Orders from the court will be Appendix, B.**

VII.Scope and standard for review request.

- This review is before this court posing questions of law and facts that a judicial review is requested to review of the orders by law of the lower courts. The lower court has consistently erred with the intentions of Congress, The constitution of the United States and the constitution of the commonwealth of Pennsylvania. The numerous orders placed upon the petitioner are also inconsistent with the Pennsylvania Rules of Civil Procedure. The petitioner has objected to The numerous orders that was placed upon a pro se litigant that has never had any hearing and has continuously been denied the right for a hearing in the state court over the numerous orders.

VIII.Statement of review and result of the state case

- December 18, 2013 the Petitioner filed for complaint in custody, divorce and equitable distribution do to irreparable differences between the parties.
- March 23, 2015 The Petitioner signed a full settlement agreement for the parties to resolve the equitable distribution.

- April 23, 2015, ex-wife filed bankruptcy using the petitioners divorce and custody and equitable distribution counsel. Because of the actions of Mr. J Allan Roth the Pennsylvania Supreme Court reminded Mr. Roth for his misconduct by maliciously compelling the petitioner in the unneeded bankruptcy filing at the time, docket number **139 DB 2016, File Nos. C-15-361 & C-4-15-386**. This malicious act therefore allow the trustee Mr. James R Walsh to enter into the bankruptcy proceedings under case **No 15-70296-JAD**. The Petitioner has suffered irreparable insurmountable financial hardship and tortures conditions of ongoing litigation to defend against as a pro se litigant because of this malicious act by the party's of not wanting to sign a full settlement agreement.
- March 22, 2016 ex-wife's bankruptcy case was discharged and on February 16, 2017 Ex-wife's claimed the equitable distribution as exempt in the federal bankruptcy case under **No 15-70296-JAD** that included the pension and annuity of the retirement accounts that is exempt from the federal bankruptcy trustee under 11 U.S.C. 522(d)(12) and some marital property that hasn't been divided as it was listed as exempt from the federal bankruptcy trustees. **Ex-wife will be receiving a exempt of the pension and annuity \$15,692. Mr. Walsh is Trying to claim the amount of \$84,308.**
- June 28, 2016 at approximately 1:29 PM the petitioner was finally allowed to register at the Indiana County court of common pleas as a pro se litigant. Also had to file a continuance over a tax related issue hearing was scheduled for June 29, 2016.

- June 28, 2016 at approximately 2:15 PM formal opposing counsel for the Ex-wife filed a motion for interim counsel fees and cost Mr. Welch falsified information of the petitioners working status and did not mention that Mr. Welch's client was still involved in the federal bankruptcy case that used the petitioners counsel to file bankruptcy.
- June 29, 2016 the parties met in the judge's chambers the tax related issue was continued and former counsel of the petitioner was granted relief to be removed off the case. No transcripts are available.
- June 30th 2016 The Petitioner now could file for IFP because former counsel was granted to withdraw off the petitioner due to financial hardship case.
- June 30, 2016 the petitioner was notified through US mail that opposing former counsel Christopher S Welch filed a motion for interim counsel fees and cost.
- The petitioner received a copy of the court order dated June 29, 2016 for the Petitioner to pay for a master of \$750 for the respondent. The Petitioner was not notified that opposing counsel Mr. Christopher S Welch filed a motion.
- July 1, 2016, The Petitioner was notified that the IFP was denied due to it did not apply to Master fees even though the petitioner never knew opposing counsel Mr. Welch filed a motion for the petitioner to pay Master fees of \$750. Now because of this malicious act blocked the Petitioner from resolving all issues due to financial hardship.

- July 8, 2016 the petitioner filed a reconsideration motion over the order on June 29, 2016.
- September 1, 2016 the responded Mr. James R Walsh The trustee filed a lawsuit against the petitioner in the federal bankruptcy case under **No 16-07026-JAD** claimed the removal of The equitable distribution out of the state court **without any consent of the petitioner.** The removal was **not filed on the correct docket in the divorce action under case number No.12066 CD 2013 by the Indiana County prothonotary's Office** The Petitioner filed a notification to this major discrepancy and the bankruptcy removal was finally filed by **Mr. Walsh the trustee on the correct docket number 12066-CD-2013 March 29, 2017** on record which caused increased confusion and cost which continued for well over seven months because of this action.
- November 18, 2016 the Honorable Chief Federal Bankruptcy Judge Jeffrey A Deller denied the motion for interim counsel fees and costs for the petitioner to pay the \$750 for a master fee that was filed by Ex-wife's attorney Christopher S Welch as set forth by the record the petitioner's Motion for reconsideration was granted in the final vacated order of June 29, 2016 for the court cost of a master of \$750. This order also shows on page 2 where the Honorable Chief Federal Bankruptcy Judge Jeffrey A Deller clearly states: **it appears from the record that the master fee was ordered without adequate notice to Mr. Shilling. Without adequate notice to defend against a judgment was a clear violation of due process and procedure rights of the petitioner. This was a clear violation of the United States Constitution of the 14th amendment . Order from the federal bankruptcy court will be Appendix,C.**

- November 23, 2016 The Indiana county court of common pleas prothonotary's office was properly notified that The order from June 29, 2016 to pay master fees of \$750 was vacated by the federal bankruptcy court.
- May 5, 2017 A hearing was held in the federal bankruptcy court, Mr. Walsh the trustee in the case tried to make a false claim that the petitioner consented to the removal in open court. The Honorable Chief Federal Bankruptcy Judge Jeffrey A Deller knew this never took place. So the Honorable Chief Federal Bankruptcy Judge Jeffrey A Deller granted the relief of the petitioner to have the case remanded back to the proper jurisdiction of the state court. It was concluded that United States federal bankruptcy trustee Mr. James R Walsh remove the equitable distribution from the state court without getting any consent from the Petitioner The Petitioner has been and continues to be prejudiced by the respondent Mr. James Walsh, and repeatedly, with unwarranted suits which delayed relief for well over seven months and maliciously caused court filings that precluded the right for a fair and equal marital settlement agreement by the parties.

- May 10, 2017 ex-wife filed a motion for a appointment of a master and did not follow proper civil procedures before an appointment of a master under Pennsylvania **Rule 1920.31(a)(1)** by requesting legal fees and equitable distribution before requesting a master, **Rule 1920.33 Joining of related claims**, and the required form of inventory under Pennsylvania **Rule 1920.75, expense statements and Rule 1910.27(c)(2)(B), income statements under Rule 1910.27(c)(1)**, that all hearings before an auditor or master shall be conducted in accordance with the Pennsylvania rules of evidence under title 25 local rules of Indiana County court under **Rule 8 auditors and master, 8.1.2(a)**, also used the vacated order dated June 29, 2016, this was used as evidence to force the continuation of civil proceedings. The federal bankruptcy court vacated this order on November 18, 2016 for the Petitioner to pay the \$750 master fee of the adjudicated claim by ex-wife. **See Rule Pa.C.S.A.42 8351, wrongful use of civil proceedings.**
- May 11, 2017 Trial court judge signed a order for the appointment of a master. On the order there is no mention for the Petitioner to pay any Master fees. The Trial Court can appoint a master under Pennsylvania title 25, local court rules of Indiana county, rule 8 auditors and masters rule 8.01. **As long as all hearings before an auditor or master shall be conducted in with the court to the Pennsylvania rules of evidence under rule 8.1.2(a) conduct of hearings. Order May 11th appointing a master without fees will be Appendix,D**

- May 11, 2017 the responding Mr. James Walsh filed a motion to substitute the party ex-wife. Mr. James Walsh also hired counsel to represent him in the divorce action. Mr. Walsh is claiming the pension and annuity benefits of around \$84,308 for himself. Also interfered with the Pennsylvanian legislation intent for equal terms in equitable distribution and a full settlement agreement of the parties.
- May 12, 2017 the Petitioner received a letter from the Indiana County prothonotary clerk of court. In this letter states that the petitioner is required to pay the \$750 Master fee that was already vacated from the federal bankruptcy court. This letter clearly states that on May 11, 2017 court appointed a master in the case number 12066-CD-2013 (Shilling v Shilling).
- In this letter also included on June 29, 2016 recall that the court order that you shall pay the court order amount of \$750 on behalf of Paula Shilling representing her fee for a master prehearing conference.
- Then this letter goes on in review of this case, your motion for IFP (June 30th 2016) was denied by the court (by order of the court on July 1, 2016) as IFP does not apply to master fee.

- On June 28, 2016 The Petitioner could not file for IFP ,But was allowed to enter the case as a pro se litigant and filed a continuance on a tax relief issue and waited for the approval by the court to remove former counsel for the petitioner off the case. The petitioner had to wait until counsel was withdrawn before Petitioner could file a request for IFP status which was on May 30th 2016. The petitioner was denied IFP because the court States it was for master fees. The petitioner did not know that opposing party filed a motion until after the IFP was filed which therefore blocked the petitioner from receiving IFP. Which precluded a low income pro se litigant to resolve all issues.
- Then the letter from the Indiana County Court Prothonotary's office goes on that we appreciate the receipt of your court order payment of \$750 that can be paid by check, cash, or money order. If paying by cash it must be paid in person to our office.
- On May 11, 2017 The trial court **did not order master fees to be implemented on the petitioner**, But because of the filing of ex-wife's motion that listed as evidence to June 29, 2016 order that was vacated from the federal bankruptcy court. The Indiana County Court Prothonotary's office decided to use the June 29, 2016 order to intentionally trigger The petitioner that is a pro se litigant to file a motion to dismiss the \$750 fee that has been already vacated from the federal bankruptcy court.

- The Indiana county court of common pleas prothonotary's office decided on their own determination to use the vacated order June 29, 2016 and it appears that they are now in direct violation of the federal bankruptcy court order that vacated the master fee June 29, 2016 the date indicated in the letter. Also November 23, 2016 The Indiana County court Prothonotary's Office was notified by the federal bankruptcy court that the June 29, 2016 order was vacated. Therefore by the Indiana County Court Prothonotary's Office made a **illegal judgment sent by first class mail that was not signed by a judge for the petitioner to pay masters fees, this purposely started a chain reaction for the petitioner to protect one's rights. Letter from the Indiana County Court Of Clerks of common pleas dated May 12, 2017 will be Appendix E.**
- May 17, 2017 the Petitioner filed a Motion to dismiss the order that was not signed by a judge and was issued by the Indiana County Court Prothonotary's Office for the petitioner to pay a master fee of \$750 of the vacated order June 29, 2016.
- May 17, 2017 the Trial court erred by denying the Motion by the petitioner to dismiss the Prothonotary's judgment of \$750. The Trial court also erred by directed the petitioner to pay the master fee of \$750 to the Indiana County court Prothonotary's Office on or before June 16, 2017. Failure to pay fee may result in **contempt citation.**

- **The Trial court abused its direction and has now inflicting cruel and unusual punishment that violated the law in making a default judgment on a pleading that has inflicted involuntary servitude for the petitioner to pay for opposing parties master fee without even having a hearing that is also in violation of due process and procedure rights. The trial court judge also erred because no judgment may be entered by default or on a pleading under Pennsylvania rule 1920.41. Order of the court date May 17, 2017 to pay master fee will be Appendix,F.**

IX.Summary of argument.

- The petitioner asserts that the respondent and the lower courts have alleged and made unsubstantiated claims and has failed to perform a duty that are governed by laws. The Petitioner has the lost all faith in the lower courts to recognize even the basic concept of the supreme court decisions and the constitutions of the land. The Petitioner has presented to the State court of the multiple forms of The abuse of direction as evidence by the court record. This abuse has caused and continue to cause intentional emotional distress and financial harm to the petitioners life. Public laws have been applied in this case where public interest exist and are endangering pro se litigants of prejudice and bias of creating orders. The trial court has erred by failure to provide adequate notice on material facts of evidence to the courts and a complete denial to have the right to be heard.

X. Reason for granting the petition

A. Jurisdictional challenge

- The State Court has erred in the misdirection of law that discriminated against a pro se litigant to be heard. The United States Supreme Court has consistently held that some form of hearing is required before an individual is finally deprived of a property interest Wolff v McDonnell, 418 U.S. 539, 557-558, 94 S.Ct. 2963, 2975-2976, 41 L.E.2d 935(1974). See, e.g. Phillips v commissioner of internal revenue, 283 U.S. 589, 596-597, 51 S.Ct. 608, 611-612, 75 L.Ed. 1289(1931). See also Dent v West Virginia, 129 U.S. 114, 124-125, 9 S.Ct. 231, 234, 32 L.Ed. 623(1889). The right to be heard before being condemned to suffer grievous losses of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society. Joint Ant-Fascist Comm. v McGrath, 341 U.S. 123, 168, 71 S.Ct. 624, 646, 95 L.Ed. 817(1951)(Frankfurter, J. concurring). The fundamental requirement of due process is an opportunity to be heard at a meaningful time and in a meaningful manner. Armstrong v Manzo, 308 U.S. 545, 552, 85 S.Ct. 1187, 1191, 14 L.Ed. 2d 62(1965). See Grannis v Ordean, 234 U.S. 385, 394, 34 S.Ct. 779, 783, 58 L.Ed. 1363(1914). Mathews v Eldridge, 424 U.S. 319, 333, 96 S.Ct., 893, 47 L.Ed. 2d 18(1976).

B. Abuse of direction.

- The petitioners asserts that abuse of direction is defined as such, judges are given direction to decide certain matters based upon the law and facts presented. The Supreme Court in TA's Marbury v Madison, 5 U.S. 137(1803) has stated that the Constitution is the supreme law of the land, and any law that is repugnant is null and void from its inception.

C. Due process

- The many denials by the trial court to invoke fear of potentially being in civil contempt for an order that the petitioner was never allowed to defend has kept the petitioner from having any fair and unbiased hearings and doesn't understand why the trial court has disregarded the requirements of fairness in due process. **28 U.S.C. Rule 455 and 455(A). Act in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process. Geil v Commission on Judicial qualifications, (1973)10 Cal.3d 270,286.**
- Due process is the principle of fairness in legal proceedings so that a person has the right to know what action is being taken and has an opportunity to be heard. The United States Supreme Court decision **Armstrong v Mango, U.S. 545(1965) which is a fundamental requirement of due process is an opportunity to be heard, Grennis v Ordean, 234 U.S. 384, 394.**
- The guarantee of **due process of law**, in Pennsylvania emanates from a number of provisions of the declaration of rights, particularly **Article 1 section 1, 9 and 11 of the Pennsylvania constitution**. These provisions have enjoyed a long history in the Commonwealth, tracing their way back to early documents, including the English Magna Charta. **CT. White, Constitution of Pennsylvania. 114(1907).** As we have stated in the past, and attempting to shed light on the procedural face of **due process**. While not capable of exact definition, the basic elements of procedural **due process** are **adequate notice, and opportunity to be heard, and a chance to defend oneself before a fair and impartial tribunal having jurisdiction of the case. Commonwealth v Thompson, 44 Pa. 312, 316, 281 A.2d 856, 858(1971).**

- When there is a complete breakdown of due process clause is in both the constitution of the United States and the constitution of the commonwealth of Pennsylvania. 18 Pa.C.S.301 TA\1\s\c2 Culpability, clearly defines some of the conduct reflected in the record to present with criminal Culpability. The court's sign off on these orders should insist on complete and accurate information, without formal prompting from another party, before approval of any order intended in these units. It is the duty of the courts to be watchful for the constitutional rights of the citizen and against any stealthy encroachments thereon **Boyd v United States, 116 U.S. 616, 635 (1886) TA\1\s\c1.**
-
- It will be an evil day for American liberty if the theory of our government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principle of the constitution. **Downes v Bidwell, 182 U.S. 244 (1901) TA\1\s\c1.**

D. Pennsylvania Constitutional rights

Article 1 section 1;

- **Inheritance rights of mankind.** All men are born equally free and independent, and have certain inherited and inalienable rights, among which are those of enjoying in defending life and liberty, acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Article 1 section 11;

- **Courts to be open, suits against the commonwealth.** All Court Shall be open, and every man for an injury done him in his hands, goods, Property or reputation shall have remedy by due course of law, and right and justice administered without, denial, or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the legislator maybe Law direct.

Article 5 section 9;

- **Right of appeal.** There shall be a right of appeal in all cases to a court of record from a court of record, and there shall also be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court, the section of such court to be as provided by law, and there shall be such a right of appeal as may be provided by law.

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Article 5 Section 10(c)

- **Judicial administration.** The supreme court shall have the power to prescribe general rules governing practice, procedure and the conduct of all courts, justices of the peace and all officers serving process or enforcing orders, judgments or decrease of any court or justice of the peace, including the power to provide for assignments and reassignments of classes of actions or classes of appeals among the several courts as the needs of justice shall require, and for admission to bar and to practice law, and the administration of all courts and supervision of all officers of the judicial branch, if such rules are consistent with this **Constitution and neither abridge**, enlarge or modify the **substantive Rights of any litigant**, nor affect the right of the General assembly to determine the jurisdiction of any court or justice of the peace, Nor suspend, nor alter any statute of limitation or repose. All laws shall be suspended to the extent that they are inconsistent with the rules prescribed under The law.

- In Niederman, infra, that the question of redness in our court is fundamental to our common law system. It is fundamental to our common law system that one may seek redness for every substantial wrong. The best statement of the rule is what a wrongdoer is responsible for their nature and Proximate consequences of his misconduct. Battalla v State, 10 N.Y.2d, 237, 240, 219 N.Y.S.2d 34, 36, 176 N.E.2d 729, 730(1961). Niederman v Brodsky, 436 Pa. 401, 403-Pa: supreme court 1970. A necessity of an appeal in this manner is therefore fundamental to our common law system and a fundamental right of appellant. Ruling on this matter will have a Broad and beneficial impact to every Commonwealth citizen. The rights of the common man are central to the news as lives matter, movements sprout, it is important to feel imperative for this Honorable Court to set the tone in reaffirming Equity and justice for all. Please consider the fundamental rights of all worthy of your review and affirmation.

F.Pro Se litigant rights

- The petitioner has a educational background of a GED. The trial court Erred in their abuse of Direction for Pleadings filed by a United States citizen, which would give the United States citizen the opportunity in obtaining substance of justice when pro se litigants are technical Challenged Maty v Grasselli Chemical Co., 303 U.S. 197(1938); Picking v Pennsylvania Railroad Co., 151 F.2d 240(3rd Cir. 1945); Jenkins v McKeithen, 395 U.S. 411, 421(1959); Haines v Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 596, 30 L.Ed. 652(1972); Cruz v Beto, 405 U.S. 319, 322, 92 S.Ct. 1079, 1081, 31 L.Ed. 2d 263(1972); Pukett v Cox, 456 F.2d 233(6th Cir. 1972); and, etc, practically ad infinitum.

- Trial court judges will even go to particular pains to **protect pro se litigants that are United States citizens against consequences of technical errors if injustice would otherwise result.** U.S. v Sanchez, 88 F.3d 1243(D.C.Cir.1996). The judge is under a **duty to examine the complaint to determine if the allegations provide for relief on any possible Theory.** (emphasis added) See, Bonner v Circuit Court of St. Louis, 526 F.2d 1331, 1334(8th Cir.1975)(quoting Bramlet v Wilson, 495 F.2d 714, 715, 716(8th Cir.1974).

G. Pennsylvania General assembly a refusal to act.

- The judicial code also shows that the general assembly reviews the word determination as encompassing **A refusal to act.** In the judicial code, the General assembly has instructed that in action by our government unit is a determination. **42.Pa.C.S.102**(defining determination is an act or in action by our government unit which action or in action is subjected to judicial review by a court under **Section 9 of Article V of the Pennsylvania Constitution.**

H; Our US Constitution strictly prohibits involuntary servitude

- The petitioner is essentially claiming that the trial court judge erred in enforce an award for court cost absent due process of law and proper procedures before awarding fees. Further the trial court also erred to hold the petitioner accountable to pay when the petitioner never was granted a hearing which is neither a reasonable nor legal under a non-applicable award for court cost. The trial court should not be able to legally coerce the petitioner with the threat of contempt and or incarceration to comply with the trial court judges orders that violated due process and procedure rights of the petitioner. The petitioner applies this constitutes involuntary servitude.

Amendment XIII of the United States Constitution

Section 1

- Neither slavery nor **involuntary servitude**, except as a punishment for crime whereof The party shall have been duly convicted, shall exist within the United States, or any place subject it to their jurisdiction.

Our US Supreme Court has defined involuntary servitude in United States v Kozminski. 487 U.S. 931, 952-supreme court 1988. infra:

- The term involuntary servitude necessarily means a condition of servitude in which the victim is forced to work for the defendant by the use or threat **of physical restraint** or physical injury, **or by the use or threat of coercion through law or the legal process**. This definition encompasses those cases in which the defendant holds the victim in servitude by placing the victim in **fear of such physical restraint or injury or legal portion**.

I.Standing.

- Generally accepted requirements of standing is used in the courts. There must be 1. an injury or damages,2. The causation must be fairly traceable to the defendant,3. The courts must be able to redress or provide a remedy for the injury. The standing doctrine does not allow for a speculative injury or presumptions of injury. Any statute which action on a presumption must be questioned. The Pennsylvania Supreme Court quoting, **Sprague v Casey, 520 Pa.38, 48, 550 A.2d 184, 189(1988).** Stated that the party is indispensable when his or her rights are so connected with the claims of the litigants that no decree can be made without impairing those rights. **City of Philadelphia v Com, 838 A.2d 566, 575 Pa. 52- Pa: supreme court, 2003.** For a party to be aggrieved, it must have a substantial, direct, immediate, and not remote interest in the subject matter of the litigation. **Wm. Penn Park, Inc v City of Pitt, 346 A.2d 269, 464 Pa.168(1975).**

J.Statements and citations

- Statements and citations Inc. with the regards to jurisdictional challenge shall apply to color of law issues. The United States Supreme Court has offered its opinion on the intent of Congress. This court may find that this court may apply the Rulings provided. The traditional definition of act under color of state law requires that the individual in on 1983 action have exercised power possessed by virtue of state law and made possible only become the wrongdoer is clothed with the authority of state law. **Faulkner v New Mexico children, youth and families department, No.CV 15-852 CG/LAM(D.N.M.Mar.7,2016\s\cl.**

- Judicial proceedings of any court of any state shall have the same full faith and credit in every court within the United States and its territories and possessions as they have by law or usage in the court of such state **28 U.S.C.1738** TA\1\c1\c2.(cited from Allen Et Al v McCurry,449 US 90(1980).
- The statute or rule which allows for the administration of his property or dictation of how he must perform and his private life is clearly in violation of the fundamental liberty rights protected by the US Constitution, and further protected by the Constitution of the commonwealth of Pennsylvania. The following court rulings provide support to this claim. **Article VI para.2** of the United States also known as the supremacy clause clearly establishes that this Constitution is the supreme law of the land. The Chief Justice Marshall stated in his opinion that any secondary law that conflicts with the supreme law was null and void and cannot impose any duties or required obligations. The US Supreme Court has upheld this statement in multiple cases beginning with Marburg v Madison,5 U.S.137,2 L.Rd.60,2 L.Ed2d 60(1803).
- Thus, the particular Phraseology of the constitution of the United States confirm and strengthens the principle, supposed to be essential to all written constitutions, That a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument.**(emphasis added)**. This court can move this case with full faith and credit that is required and applied the same standard of review to this case in pursuant to **28 U.S.C.1738.**

XI. Conclusion

- The petitioner has provided the court with case law along with truthful documentation of the trial court errors of being denied the most simplest form of a hearing to present The truth in the Pennsylvania state court system.
- The trial court has also recognize that the petitioner is a low income father that only makes \$8.50 an hour as a part-time casual caregiver. The order May 17, 2017 to pay \$750 master fee for Mr. Walsh then another \$750 fee for the petitioner which total \$1500 makes it impossible for the petitioner to pay master fees that was for the benefit of the opposing party. The petitioner is clearly at a disadvantage due to lack of legal knowledge and is only trying to defend myself because the petitioner does not have the financial ability to hire counsel. The opposing party's has used there superior authority over the petitioner To continuously deny the right to be heard on the merits of the case. The petitioner has brought up questions of the constitution over the due process of fairness to preserve the right of liberty and property interest that is deem necessary according to the United States Constitution and Pennsylvania constitution.

The questions presented is important and reoccurring one, this case is ripe for review and a appropriate case for resolving The right to be heard case for Pro Se Litigants.

- The right to be heard question issue in this case has squarely presented to and passed upon by the Supreme Court of Pennsylvania. Because the questions are raised on direct review of a appeal this case presents it's self to be one of significant importance, the issues that might prevent the court from deciding the issues if the case from either injunction relief or under 42 U.S.C.1983. The discussion above and below is that of particularly appropriate for clarifying the scope of the right to be heard in civil proceedings in the state court.

- The questions presented in this case is not only of significant legal importance, but of great procedural urgency as well. In Pennsylvania pro se litigants that are technically challenged and have no choice but to represent themselves are particularly vulnerable of the practices in the state court system. In reviewing cases of the counterpart that has and can afford representation leaves pro se litigants that have low income vulnerable to unjust decisions by the court.
- There are numerous studies throughout the country that show an alarming number of pro se litigants being forced to defend themselves in the court system A article written by Stephen Landsman of Lewis and Clark law review Vol.13.2 describes the challenges of pro se litigant.
- A testimonial to this fact is the case presented to this court although the petitioner is confronted with insurmountable odds of this court reviewing this case because this court only takes one percent of the cases to review. The petitioner has no choice but to request this court for the right to be heard. The petitioner has provided ample proof to the state court that the judgment imposed was done with malice intentions of creating more litigation for the financial benefit of the opposing party and when confronted by a pro se litigant the court system failed to provide the essential basic element of the right to be heard. The petitioner remains indigent and is faced with substantial risk of again re-arguing a matter that has already been ruled on in the federal bankruptcy court, and because of the right to be heard being denied the petitioner may be held in civil contempt and incarcerated due to the fact that the petitioner is of low income and should not be coerced and under Threat to pay the United States federal bankruptcy trustees master fee.

Jeff Sessions US department of Justice Office of Inspector General civil rights and civil liberties.

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I declare under penalty of perjury that foregoing is true and correct. Executed
on March 5 2018.

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ORIGINAL

