No.: _____

IN THE SUPREME COURT OF THE UNITED STATES

Record No. 17 - 1822 : Civil Action Case No. : 3:17-cv-00190-REP

In The Matter Of

CARSTON CARRELL WOODSON,
Appellant/Petitioner, *Pro se* Litigant
v.
THE UNITED STATES OF AMERICA,
Defendant, Litigation Counsel, The U.S. Department of Justice

---

THE APPELLANT / PETITIONER, *PRO SE LITIGANT* IN WANT OF A PETITION FOR A WRIT OF CERTIORARI PARTICULAR IN HOLDING INDEPENDENT LEGAL REFERENCE TO THE ABOVE CAPTIONED RECORD NUMBER AND CIVIL ACTION CASE NUMBER TO REVIEW THE AFFIRMED UNPUBLISHED *PER CURIAM* OPINION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT NON BINDING PRECEDENT THEREFOR RAISING THE DIMENSIONAL ANALYSIS RIGIDITY OF CONSTITUTIONAL LEGALISM TO THE UNITED STATES DISTRICT COURT PALPABLE INDIFFERENCE TO CLEAR AND ESTABLISHED PRINCIPLES OF SETTLED LAW AS SUCH *SUA SPONTE* RENDERED DECISION OF UNCONSTITUTIONAL JUDICIAL UNJUST CENSORSHIP INTENDMENT OF PLAINTIFF'S FIRST AMENDMENT PLEADING TO COMMENCE A CIVIL TORT ACTION AND STANDING ATTACHED PROPERTY RIGHT WITHOUT ANY RECORD APPEARANCE OF THE RESPONSIVE DEFENDANT STATUTORIAL PARTICIPATION FURTHER ENGAGED A PREJUDICIAL IN CHAMBER EXTENDED UNCITED SANCTIONABLE AUTHORITY INFRINGEMENT OF THE ASCRIBED STATUS GRANTED STATUTE APPLICATION TO PROCEED *IN FORMA PAUPERIS REVOKED DESPITE OPPOSITIONAL MOTIONS FOR CAUSE* WITH THE PERTINENT APPENDICES INCORPORATED THEREIN

Litigation Counsel of The U. S. Department of Justice Titled Positions
The Honorable Jeff Sessions, Attorney General of the United States
The Honorable Rod J. Rosenstein, U. S. Deputy Attorney General
The Honorable William J. Baer, U. S. Associate Attorney General
The Honorable Jeffrey B. Wall, Acting U. S. Solicitor General
The Honorable Dana J. Boente, U. S. Attorney, Eastern District Virginia

QUESTIONS PRESENTED

Whether or not any in depth nature of the inferior court inherent authority for purposed jurisdiction to enable appellate seizure as a matter of law for any conferred spectrum analysis appealability review, is an advantaged vehicle for promoting a Circuit wholesale adoption of divergent views, affirmation of a lower Tribunal yielded to a measurable installation of prejudicial censorship restriction of the expressed intendment of an *indigent pro se litigant's* first pleading, purposed affidavit therefor, to commenced a civil action, with an attached property right particular as so indicated by the familiarity of the Record thence, and in doing so, violates the legal principles of the constitutional rights that requires treating similar situated plaintiffs the same, and or with the same principled of jurisprudence as such non - indigent plaintiffs seeking remedial of a controversial subject matter, but if not uniformity of standards consistency, seriously suggests impropriety and or constitutes an exacting threshold discriminatory violation of the indelible citizens liberty holdings, the Equal Protection Clause of the Fourteenth Amendment Right under the United States Constitution.

//

//

//

PARTIES TO THE COMMENCED CIVIL ACTION

The Appellant / Petitioner, as a natural person, Carston Carrell Woodson, a *pro se litigant* in all matters theretofore, as to date, pursuance to the Article III Constitutional standing and Prudential requirements of a concrete adverseness between the named Defendant herein, arising under the Federal Tort Claims Act § 1346 (b) ("FTCA") filing in the federal court jurisdictional venue.

May the record reflect, pursuance to the FTCA section 1346 (b) six enumerated threshold elements are satisfied for venue jurisdiction and granted waiver of sovereign immunity is thereby as a matter of law, shall constitute for this permissible tort civil action commenced within the set congressional statute of limitation as prescribed in § 2401 (b).

The proper Defendant, the United States of America, advent in legal sum under section 1346 (b) (1) of 28 United States Code, pursuant to 28 U. S. C. § 2680 (h) a waiver of sovereign immunity exists plausible for the government is liable for tortious acts committed by any employee of the Government negligence while acting within the scope of his office or employment.

The Litigation Counsel for the Defendant, The United States of America, shall be at all times, pursuant to 28 U. S. C., § 516 - 519, and conjoining § 547 be statutorily deemed in Full Legal Representation by the United States Department Justice.

TABLE OF CONTENTS

Question Presented i

Parties To Commenced Civil Action ii

Table Of Contents iii

Table Of Appendices Content..... iv

Table Of Authorities ..... v - viii

Petition For Writ Of Certiorari ..... 1 - 2

Opinions Below 2- 5

Jurisdiction 5

Constitutional and Statutory Provisions Involved 6

Statement of Facts and Procedural Background ..... 6 - 15

Reasons For Granting Writ ..... 15 - 17

I. This Court Should Exercise Its supervisory power and grant a writ of certiorari for a case review for the Constitutional Injury Presented .....17 - 20

II. The Petition identifies Statutory Rights and Procedural Rights Deprivation that are appropriate for Review ..... 20 - 30

III. The Petition identifies the lower courts unreasonable conflict with settled Doctrine of Precedence Assertions that is appropriate for review. ..... 30 - 35

Conclusion 35

//

//

//

TABLE OF APPENDICES CONTENTS

Opinions Below

Petition Appendix A Notice of Judgment from Appellate Court: Pet. App. A [38a] - [46a].

Petition Appendix B Consolidation Order of Cases By Direction of Appellate Court: Pet. App. B [47b] - [52b].

Petition Appendix C District Court Granted Plaintiff's Application on Motions to Proceed *In Forma Pauperis*: Pet. App. C [53c] - [56c].

Petition Appendix D The District Court rendered Orders sequentially filed on June 13, 2017: Pet. App. D [57d] - [73d].

Petition Appendix E The District Court rendered Orders by Memorandum filed July 11, 2017, Pet. App. E [74e] - [77e].

Petition Appendix F The District Court Granted Plaintiff Motions to Proceed *In Forma Pauperis* filed on January 19, 2017, by the sole signatory Plaintiff Carston Markel Woodson, Pet. App. F [78f] - [119f].

Petition Appendix G Civil Activity Instruments from U. S. District Court: Pet. App. G [120g] - [165g].

Petition Appendix H Civil Activity Instruments from Appellate Court: Pet. App. H [166h] - [173h].

//

//

//

//

//

//

//

TABLE OF AUTHORITIES

Authorities

American Ass'n of Naturopathic Physicians v. Hayhurst, 227 F.3d 1104, 1106 (9th Cir. 2000). ..... Page 32

Ackra Direct Mktg. Corp., citing Mack v. Dillon, 594 F.3d 620, 622 - 23 (8th Cir. 2010). ..... Page 23

Adarand Construction, Inc v. Pena 515 U. S. 200, 224 (1995) ... Page 18

Adkins v. E. I DuPont de Nemours & Co., 335 U. S. 331, 342 (1948) ..... Page 24

Bell Atl. Corp. v. Twombly 550 U. S. 544, 555 (2007). ..... Page 29

Bowers v. Hardwrick, 478 U. S. 186, 201 (1986) ..... Page 32

Burnham v. Superior Court of California, County of Marin 495 U. S. 604 (110 S. Ct. 2105, 109 L. Ed. 2d 631 No. 89 - 44 (1990)..... Page 23

Catz and Guyer, supra note 15, at 672 n. 109 ..... Page 33, 34

Celske v. Edwards, 165 F.3d 296, 398 (7th Cir. 1998) ..... Page 25

Chavis v. Curlee, 2008 WL 508694, at *2 (N. D. N. Y. Feb. 21, 2008). ..... Page 25

Dear v. Rathje, 485 F.2d 558, 560 (7th Cir. 1973) ..... Page 33

Deloach v. Crowley's Inc., 128 F.2d 378, 380 (5th Cir. 1942)..... Page 29

Erickson v. Pardus, 551 U. S. 89, 93 (2007) ..... Page 29

Gant v. Wallingford Board of Education, 69 F.3d 699, 673 (2nd Cir. 1995) ..... Page 32

In re Oliver, 682 F.2d 443, 446 (3rd Cir. 1982) ..... Page 20

Larkin v. Savage, 318 F.3d 138, 139 (2nd Cir. 2003)..... Page 31

Maty v. Grasselli Co. 303 U. S. 197 (1938)..... Page 29

TABLE OF AUTHORITIES CONTINUED

McTeague v. Sosnowski, 617 F.2d 1016, 1019 (3rd Cir. 1980) .....Page 33

Nance, 912 F.2d at 607..... Page 30

Nichols v. Schubert, 499 F.2d 946, 947 (7th Cir. 1974).....Page 33

Rhodes v. True, No. 99 - 3026 (10th Cir. 1999)..... Page 25

Scheuer v. Rhodes, 416 U. S. 232, 236 (1974).....Page 32

The Mary, 13 U. S. (9 Cranch) 126, 146 (1815) ..... page 16

Tingler v. Marshall, 716 F.2d 1109, 1112 (6th Cir. 1983)..... Page 33

Tool v. Carroll Touch, Inc., 977 F.2d 1129, 1134 (7th Cir. 1992) .....Page 31

Valley v. Northern Fire & Marine Ins. Co., 254 U. S. 348, 354 (1920). ..... Page 17

Weisman v. LeLandais, 532 F.2d 308, 311 (2nd Cir. 1976) ..... Page 32

Wolf v. McDonnell, 418 U. S. 539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974) ..... Page 17

Amendments and Clauses

U. S. Const. Amend. XIV Sect. 1. ..... Page 18

First Amendment ..... Page 17

Fifth Amendment ..... Page 18

Fourteenth Amendment ..... Page 18

Due Process Clause ..... Page 18

Equal Protection Clause ..... Page 17

Doctrines of Precedence..... Page 16

TABLE OF AUTHORITIES CONTINUED

Federal Statutes

18 U. S. C. §§ 241 - 242 ..... Page 28

§ 1875 ..... Page 28

§ 1501 - 17 ..... Page 28

§ 1503..... Page 28

28 U. S. C. § 453 Oath of Justices and Judges .....Page 20, 24

28 U. S. C. § 1292 (2012) ..... Page 20

28 U. S. C. § 1346 (b) ..... Page 20

28 U. S. C. § 1915 et. als. ..... Page 20, 24

Statute § 1915 et. seq. ..... Page 23

28 U. S. C. § 1915 ..... Page 24

28 U. S. C. § 1915 (a) .....Page 26

28 U. S. C. § 1915 (a) (1) ..... Page 25

§ 1915 (e) (2) ..... Page 25

28 U. S. C. § 1915 (g). ..... Page 25

42 U. S. C. § 1985 (2) (3) ..... Page 28

Federal Rules

Fed. R. Civ. P. 7 (a) (2)..... Page 32

Rule 8 et. als. ..... Page 20, 27

Fed. R. Civ. P 8 ..... Page 29

Fed. R. Civ. P. Rule 8 (f) ..... Page 29

TABLE OF AUTHORITIES CONTINUED

Sanctions Rule 11 et. als. ..... Page 30

Fed. R. Civ. P. 12 (b)..... Page 33

Rule 12 (b) (6) ..... Page 20, 30, 32

Rule 12 (f) ..... Page 33

Rule 54 (b) ..... Page 20

Rule 55 ..... Page 20

Fed. R. App. P. 24 (a) (3) ..... Page 25

Rule 26 ..... Page 26

Rule 65 (d) (2) (A) or (B) ..... Page 27

Miscellaneous

Notes Of Advisory Committee On Rules - 1967 ..... Page 25

Act of July 20, ch. 209, 27 Stat. 252. ..... Page 24

Section 1, 27 Stat. 252..... Page 24

//

//

//

//

//

//

//

PETITION FOR WRIT OF CERTIORARI

In this case now here, in the home circuit of the Chief Justice for The U. S. Supreme Court, which no other legal avenues constitutionally means exists, within a inherent forum of redressability and immediacy, as a matter of law, for this unresolved remedial § 1346 (b) standing civil action brought forth thereagainst the proper substituted Defendant, the United States of America. (§ 2680 (h)).

Wherefore, I am Carston Carrell Woodson, a natural person in truth and in law, the original plaintiff *pro se litigant,* of clear tangible or intangible rights afforded, as such citizenry immutable liberties, privileges and immunities, having appealed the unfavorable ruling as well as the Appellant *pro se litigant,* save effortfully in a manner as such prescribed therefor, do effect, in jurisprudential spirit and in jurisdictional fact heretofore, respectfully petition this Supreme Court, as the purposed Appellant / Petitioner, *pro se litigant,* for a writ of certiorari that is both unique and important, pursuance to supervisory review of the United States Court of Appeals for the Fourth Circuit.

Whereas, the affirmed unpublished *per curiam* opinion, rendered decision of the inferior Court was decided January 8, 2018, by The Honorable Diana Gribbon Motz, The Honorable Stephanie D. Thacker, and The Honorable Pamela A. Harris, Federal Circuit Judges.

Whereas, this plausible case arose for litigation resolution

accessibility to lower tribunal constitutional floor, by the exacting benefit prepayment afforded, as such granted ascribed *in forma pauperis status* in the Court's venue for remedial adjudication.

Whereas the Court's Record gives evidence thence, for a Dismissal With Prejudice on the proposition first pleading offended Federal Rule of Civil Procedure Rule 8 (a), emphasizing an embedded sanction, from the *de novo* decision of the presiding U. S. District Court Senior Judge Robert E. Payne, and the overbearing unreasonable implication therein the Court's Record relied upon, demonstrating a nexus to U. S. District Court Judge Henry E. Hudson prior, influential ruling of an Unprecedented Dismissed With Prejudice rendered in the independent civil actions arising under the Federal Tort Claims Act, brought forth by consanguinity Complainant Carston Markel Woodson, the only facial signatory upon the four corners of the First Pleading.

OPINIONS BELOW

The Notice of Judgment rendered by the Fourth Circuit was entered on January 8, 2018. The unpublished per curiam opinion of the Fourth Circuit appears in Pet. App. A [38a] - [46a].

The Order for the Court - By Direction, states the court consolidates case No. 17-1816 and cases 17-1817, 17-1818, 17-1819, 17-1821, 17-1822, 17-1825, 17-1826 on the filed date of November 2, 2017, appears in Pet. App. B [47b] - [52b].

The District Court Granted Plaintiff's Application on Motions to Proceed *In Forma Pauperis* filed on March 14, 2017, notably for captioned civil actions independently filed pursuance to section 1346 (b) that as such judicially referenced, *3: 17CV-00185-REP; *3: 17CV00186-REP; *3: 17CV-00187-REP; *3: 17CV-00188-REP; *3: 17CV-00189-REP; *3: 17CV-00190-REP; *3: 17CV-00191-REP; and *3: 17CV-00192-REP. Each captioned case number appears in Pet. App. C [53c] - [56c].

First, The District Court rendered Orders sequentially filed on June 13, 2017. The Respective Memorandum Orders on Motion Docketing Statement In This Court's Jurisdiction For A Verified Complaint for the statutorial response and judicially acknowledged and independently referenced, *3: 17CV-00185-REP; *3: 17CV00186-REP; *3: 17CV-00187-REP; *3: 17CV-00188-REP; *3: 17CV-00189-REP; *3: 17CV-00190-REP; *3: 17CV-00191-REP; and *3: 17CV-00192-REP.

Second, The District Court rendered Orders sequentially filed on June 13, 2017. The Respective Memorandum Orders on Motion To This Court's Jurisdiction To Invoke The Law Of Disqualification Force And Effect Thereagainst The Presiding Senior Judge United States District Judge For The Eastern District for the statutorial response and judicially acknowledged and independently referenced, *3: 17CV-00185-REP; *3: 17CV00186-REP; *3: 17CV-00187-REP; *3: 17CV-00188-REP; *3: 17CV-00189-REP; *3: 17CV-00190-REP; *3: 17CV-00191-REP; and

*3: 17CV-00192-REP.

Third, The District Court rendered Orders sequentially filed on June 13, 2017. The Respective Memorandum Orders on Motion To This Court's Jurisdiction To Set Aside Unconstitutional Order Rendered By The Presiding Senior Judge United States District Judge For The Eastern District for the statutorial response and judicially acknowledged and independently referenced, *3: 17CV-00185-REP; *3: 17CV00186-REP; *3: 17CV-00187-REP; *3: 17CV-00188-REP; *3: 17CV-00189-REP; *3: 17CV-00190-REP; *3: 17CV-00191-REP; and *3: 17CV-00192-REP. The responsive compilation of Orders for Each captioned case number appears in Pet. App. D [57d] - [73d].

The District Court rendered Orders by Memorandum, [Dismissed With Prejudice] filed July 11, 2017, judicially acknowledged and independently referenced, *3: 17CV-00185-REP; *3: 17CV00186-REP; *3: 17CV-00187-REP; *3: 17CV-00188-REP; *3: 17CV-00189-REP; *3: 17CV-00190-REP; *3: 17CV-00191-REP; and *3: 17CV-00192-REP. The responsive compilation of Orders for Each captioned case number appears in Pet. App. E [74e] - [77e].

The District Court Granted Plaintiff Motions to Proceed *In Forma Pauperis* filed on January 19, 2017, by the sole signatory Plaintiff Carston Markel Woodson, executed an self - executing Dismissal Order for the Complaints and simultaneously operational final judgment

Terminated the Civil Action, rendered on the date of February 21, 2017. Whereas evidenced in the Record for all seven judicially acknowledged and independently referenced, *3: 17CV-00046-HEH; *3: 17CV00047-HEH; *3: 17CV-00048-HEH; *3: 17CV-00049-HEH; *3: 17CV-00050-HEH; *3: 17CV-00051-HEH; and *3: 17CV-00052-HEH. Contrary to procedural fairness stating in relevant part, " for reasons stated above the claims suffered for injuries suffered by Carston Carrell Woodson are hereby Dismissed With Prejudice. The claims which the Plaintiff brings on his own behalf are Dismissed Without Prejudice. The District Court Record evidences this influential unjust prejudicial decision as a intentional prejudgment against a non - signatory facially upon the first pleaded affidavit respectfully submitted by Carston Markel Woodson therein the Federal District Court venue. The responsive compilation of all the forgoing Judicial Orders appears in appears in Pet. App. F [78f] - [119f].

JURISDICTION

The U. S. District Court had original jurisdiction pursuant to 28 U. S. C. § 1346 (b).

The Fourth Circuit had appellate jurisdiction pursuant to 28 U. S. C. § 1291.

Accordingly, this Court of original and appellate jurisdiction is invoked under 28 U. S. C. § 1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U. S. Constitution compulsory provisions First Amendment; Fifth Amendment; and Fourteenth Amendment.

Title 28 U. S. C. § 453; Title 28 U. S. C., § § 516 - 519, 547; Title 28 U. S. C. § 1254 (1); Title 28 U. S. C. § 1291; Title 28 U. S. C. § 1915 et als.; Title 28 U. S. C., § 1346 (b); Fed. R. Civ. P. Rule 8; Fed. R. Civ. P. 54 (b); and Fed. R. Civ. P. Rule 55.

STATEMENTS OF FACTS AND PROCEDURAL BACKGROUND

Wherefore, I Carston Carrell Woodson the Appellant / Petitioner, in this present civil matter, the injured legal party federal employee of the United States Postal Service (USPS) Custodial Maintenance Craft of the American Postal Workers Union (APWU), AFL - CIO, thence.

May the Record reflect I entered this federal civilian employment on February 1, 2013 at the same time with consanguinity relatives Frizzell Carrell Woodson and Carston Markel Woodson with duty station for the discharge of assigned duties in the division of Custodial Maintenance Craft.

Insofar as the factual materiality submitted in the civil action in litigation of my protected property interests purposed to have caused all eight statutory independent exhausted administrative claims, and docketed eight separate civil actions, with granted governmental benefit, demonstrably plausible on the facial of the Order's dated March 13,

2017 rendered under the hand of Presiding Judge Robert E. Payne, caused to be filed on the date of March 14, 2017, as to my *pro se* understanding pursuance to 28 U. S. C. § 1915 (a) (1), statutorily ascribed by entitlement waiver to Proceed *In Forma Pauperis,* in the original jurisdictional district court, having been for the violations raised under the Federal Tort Claims Acts Congressional waiver of sovereign immunity thereagainst the Defendant, the United States of America.

Indeed, a legitimate claim for a right of action therefor, extended property interests considered in relation to my negated federal employment, and evidenced by this premium face value of factual materiality for the development of the settled established record procedural protections on its merit thence, effortful set out in all legal matters and my legal remedial intentions theretofore, as to date, as a natural person, the genuine original Plaintiff, my being in true, a *pro se litigant* of statutory characteristics requesting leave of the jurisdictional trial court to respectfully showeth my clear public assistance necessitate, in whole real sense as such financial conditions of the day, through submitting the initial *pro se litigant* pleading and factual exhibits to demonstrated the injury in fact, with the purposed attached provisional affidavit sufficient to waived imposition of the court's filing fees, in a afforded governmental benefit entitlement status

in forma pauperis, (IFP) eligibility granted, thereof.

Primarily to give legal effect for cognizable Negligence threshold element of (1) a duty recognized by law requiring an action to conform to a certain standard of conduct; (2) a failure to conform to the required standard of conduct; (3) a reasonably close casual connection between the conduct and the resulting injury; and (4) actual loss or damage suffered by another, whereas in each independent claim particular, pursuant to 28 C. F. R. § 14.3 (b) and supporting doctrinal precedent, emphasizing each separately filed S F 95 Form with pertinent facial signature, thereupon the particularized chained of legal command divisional managerial authority of human capital, repetitively informed, actions and inactions distinct and palpable employment injury by the United States Postal Service ("Agency"), based on corrective authority oversight transparency free standing derivative complaint permissible conducive ball and chain, co - relative highly - personal - wrong, negligent supervision and omissions Tort cause of action in true and correct regards to my distinct - legal - rights exception entitlement lawsuit for deprivation of a legitimate expectation to have been made known of exact occurrence thereabout the time of the incidents contrary to promulgated standards arising under the USPS adopted Guidelines 812 Management Responsibilities of individual directives for the 812.1 Headquarters; 812.2 Area Offices; 812.3 Performance Cluster and

District Managers; 812.4 Middle - Level Managers and 812.5 Supervisors' Responsibilities and therefore having sufficient resources accessible through Postal Network Data, thus formulated thereagainst each independent Agency's culpability thereof.

That in legal circumspective explained permissible FTCA tort defined culpability thereof, the complained about manifested negligent supervision, highly personal wrongs and omission showing negatively how so adversely implemented narrowly, by the individual Federal Agency's employees and or otherwise individuals professional conduct of official capacity of proportional negligence liability for sufficient grounds beyond the purview of discrimination, thusly formulated thereagainst seven independent Agency's governing Chain of Command for deprivation of my protected property interest of which each divisional level was certified to have been made known of exact occurrence thereabout the time of the incidents, occurrence, transactions and or events contrary to promulgated standards and therefore having sufficient resources accessible through Postal Network Data, without just cause, failed to serve an honest good faith effort, pursuant to Subpart H - Notice to Employee Part 351.902 - Correction By Agency: When an agency decides that an action under this part was unjustified or unwarranted and restores an individual to the former grade or rate of pay held or to an intermediate grade of pay, it shall make the

restoration retroactively effective to the date of the improper action, met not consistent policy standards professionalism to reinstate my security property for active duty status of my 2nd year employment.

(1) Now Then for the chief purpose of my submitting a prerequisite filing of a Federal Tort Claims ("FTCA") substantive administrative S F 95 notification of a valid primary claim having an assigned purposed identification and reference number 2301 - 3460 - 0001 - 0754 - 8671; Civil Action Case No. : 3:17-cv-00185-REP; Carston Woodson v. U. S. for effortful purpose is that the United States Postal Service is liable for the USPS Corporate Office Managerial identifiable concurrence negligent employee(s) of daily operational decisions.

(2) Now Then for the chief purpose of my submitting a prerequisite filing of a Federal Tort Claims ("FTCA") substantive administrative S F 95 notification of a derivative claim having an assigned purposed identification and reference number 2315 - 0610 - 0000 - 4474 - 0058; Civil Action Case No. :3:17-cv-00186-REP; Carston Woodson v. U. S. for effortful purpose is that the United States Postal Service is liable for the USPS Board Presidential Appointees, of governing USPS operational supervision decisions and execution instructions ultimate.

(3) Now Then for the chief purpose of my submitting a prerequisite filing of a Federal Tort Claims ("FTCA") substantive administrative S F 95 notification of a derivative claim having an assigned purposed

identification and reference number 2315 - 0610 - 0000 - 4474 - 0072; Civil Action Case No. :3:17-cv-00187-REP; Carston Woodson v. U. S. for effortful purpose is that the United States Postal Service is liable for the Agency's Executive Leadership Team appointed officials, of executive supervision for operational institution, implementation, and confirmation for USPS promulgated regulations, policies, mandates, directives, and federal laws compliance.

(4) Now Then for the chief purpose of my submitting a prerequisite filing of a Federal Tort Claims ("FTCA") substantive administrative S F 95 notification of a derivative claim having an assigned purposed identification and reference number 2301 - 3460 - 0001- 0754 - 8795 ; Civil Action Case No. :3:17-cv-00188-REP; Carston Woodson v. U. S. for effortful purpose is that the United States Postal Service is liable for the Agency's EEO Compliance and Appeals Division of directive appointed officials, oversight to ensure compliance of all pertinent federal laws and USPS promulgated regulations, policies, mandates and directives during the course of a USPS informal and or formal procedural EEO process thence.

(5) Now Then for the chief purpose of my submitting a prerequisite filing of a Federal Tort Claims ("FTCA") substantive administrative S F 95 notification of a derivative claim having an assigned purposed identification and reference number 2301 - 3460 - 0001 - 0754 - 8701; Civil

Action Case No. :3:17-cv-00189-REP; Carston Woodson v. U. S. for effortful purpose is that the United States Postal Service is liable for the Agency's NEEOISO Investigative Division of directive appointed officials, to investigate any forwarded informal and or informal complaint, to develop a fair and impartial record permissible for furtherance of the perceivable non- compliance in the subject matter analyzation.

(6) Now Then for the chief purpose of my submitting a prerequisite filing of a Federal Tort Claims ("FTCA") substantive administrative S F 95 notification of a derivative claim having an assigned purposed identification and reference number 2301 - 3460 - 0000 - 4474 - 0065; Civil Action Case No. :3:17-cv-00190-REP; Carston Woodson v. U. S. for effortful purpose is that the United States Postal Service is liable for the Agency's United States Postal Inspection Service (USPIS) Division of directive appointed officials, empowered with the ultimate federal authority to investigate promptly any perceivable, potentially and in real time considered unlawful acts determined or commissioned and handled in accordance with federal law appropriate applications for containment of the situation.

(7) Now Then for the chief purpose of my submitting a prerequisite filing of a Federal Tort Claims ("FTCA") substantive administrative S F 95 notification of a derivative claim having an assigned purposed

identification and reference number 2301 - 3460 - 0001 - 0754 - 8626; Civil Action Case No. :3:17-cv-00191-REP; Carston Woodson v. U. S. for effortful purpose is that the United States Postal Service is liable for the Agency's Capital Metro Law Division of directive appointed Attorneys are to ensure the formal complaint of record, demonstrably controversy at this level shall be prosecuted and adjudicated with procedural due process, regardless of the outcome.

(8) Now Then for the chief purpose of my submitting a prerequisite filing of a Federal Tort Claims ("FTCA") substantive administrative S F 95 notification of a derivative claim having an assigned purposed identification and reference number 2301 - 3460 - 0001 - 0754 - 8688; Civil Action Case No. :3:17-cv-00192-REP; Carston Woodson v. U. S. for effortful purpose is that the United States Postal Service is liable for the Tort Center Law Division of directive appointed Management are to ensure the administrative of record, without processing error, demonstrably controversy at this level shall be investigated, prosecuted and adjudicated with procedural due process, regardless of the outcome. This tort was engaged by Kimberly A. Herbst, Supervisor, Tort Claims Examiner / Adjudicator Ms. Wendy Wiedemann, Hudson Interim Chief Counsel negligence in the conflictive processing of intake for distinguishable administrative claims respectfully submitted by my consanguinity relative Carston Markel Woodson and myself Carston

Carrell Woodson.

Pursuant to The Civil Service Reform Act 5 U. S. C. § 2301 (b) (9) (Supp. V 1981), which states: "Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences * * * (A) a violation of any law, rule, or regulation, of (B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety." This provision also applies to an "applicant for employment." *Id.* 5 U. S. C. § 2302 (b) (8) (Supp. V 1981).

Wherefore, in addition Section 552 a (g) (1) (C), which provides: Whenever any agency . . . fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual . . . the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

The Civil Activity Dockets reflect the true statutory entry of all the evidenced documentations to support the procedural fairness of the commenced civil action instant. The referenced instruments to

understand this Case Activity are conveyed for the U. S. District Court Appears in Pet. App. G [120g] - [165g] for the U. S. Court of Appeals Appeals in Pet. App. H [166h] - [173h].

REASONS FOR GRANTING WRIT

This writ of certiorari petition accorded, shall informed this Court of the particularized implication traceable progression to the lower District Tribunal unreasonably divergence practice and the inferior Fourth Circuit vexatiously passive pattern, occasioned as such clear and convincingly Fraught Grounds tangible ascertainment of moral hazard to citizenry orthodox zone of democracy and freedom, squarely flouting native justice, a measurable equity component relative to the ascribed indigence benefit elements afforded, which extends beyond the percepts of foundational equality, inequality, or otherwise, to facilitate the constitutionality of the legal system's integrity and uniformity.

Further, to invoke this Court's authority and controlling jurisdiction threshold redressability and immediacy for want of a valid federal plea of equitable colloquy, given three federal controversial issues imperatively raised, in legal argument for (1) an entertained claim of a constitutional due process deprivation, (2) a derivative claim of a statutory right deprivation as such departure from operational federal law, (3) the jettisoning of relevant settled principled governing

Doctrines of Precedence.

Fundamentality the Constitution confers upon all citizens the right to a lawful government, as due course in prescriptive manner, for the supervisory analysis consideration of the embodied rudimentary merits asserted position that shall raise any inference above conjecture and beyond a speculative level and instruction complete therefore, the interpretive threshold subject - matters of cognizable aspects of the distinguishable irreparable injury in fact occurrence, heightened for a good cause Article III standing, compelling an elevated intervention conferred in whole and or in fraction, of the expounded irrepressible trifecta zone of substantiated factors vested with a substantive right and procedural right ascertainment jurisprudence standing for Plaintiff's § 1346 (b) civil action. Whereas, a Statutory Right substantial.

The Supreme Court has long recognized that adjudicators must provide parties with the opportunity to be heard on the merits of each claim of right. *The Mary*, 13 U. S. (9 Cranch) 126, 146 (1815) (holding no decision may stand "in which the person affected by the sentence" does not have "a full opportunity to assert his rights").

Petitioner asserts constitutional jurisprudence holds the right of access to the courts is founded in the Due Process Clause and assures that no person will be denied the opportunity to present to the judiciary allegations concerning violations of fundamental constitutional

rights. *Wolf v. McDonnell,* 418 U. S. 539, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974).

Wherefore, the innocent individual who is harmed by an abuse of governmental authority is assured that he will be compensated for his injury.

Conclusively, Courts are constituted by authority, and they cannot go beyond their powers delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal. *Valley v. Northern Fire & Marine Ins. Co.,* 254 U. S. 348, 354 (1920).

I. <u>This Court Should Exercise Its supervisory power and grant a writ of certiorari for a case review for the Constitutional Injury Presented</u>

Whereas, Petitioner in this instant case holding sufficient, that in exercising my citizenship fundamental right afforded, hence the constitutional provisions attaches under First Amendment entitlement freedom of speech . . . to petition the Government for a redress of grievances, gives vests to the ability to bring a cause of action that is created by statutory laws and terms defining when an action commences, and as such given public access to the courts is a property right protected under the Equal Protection Clause which prohibits the government from denying to any person within its

jurisdiction the equal protection of laws. U. S. Const. Amend. XIV Sect. 1. *Adarand Construction, Inc v. Pena* 515 U. S. 200, 224 (1995) noting that equal protection analysis is the same under the Fifth Amendment Due Process Clause as it is under the Fourteenth Amendment.

In short, the Civil Activity Public Docket bespeaks instant development of the factual record for the Court's inappropriate administration in this civil matter, fairly implicates the deprivation of my constitutional denominated distinguishing legal right falls within the scope of the First Amendment Freedoms under the protections of the Free Exercise and Free Speech Clause and is also bound by the equal protection component of Due Process Clause of the Fifth Amendment and the Fourteenth Amendment, respectively.

Indeed the true administration of inherent functionality based upon the clear showing of the Record presented and the qualitative facts surrounding the case arising under the Constitution or Laws of the United States for purposes to enable § 1331 jurisdictional adjudicative maintenance of a private right of action litigation resolution of the substitution defendant's misconduct alleged, brought forth in the *pro se litigant conducible* first pleading transpirable misconduct complained of, with attached supporting exhibits, as such pertinent factual materiality sufficient, to commence the above captioned tort civil cause of action establishing a substantive interest with attached ascertainment of a

secondary property right to access the public forum, whereupon, the certified statutory benefit of the ascribed indigence status afforded, prepayment fee granted *In Forma Pauperis.*

Secondly, the probative instrument's procedural history fully demonstrates in this case particular, the conscious or unconscious mindset of the concerning jurisprudential character of the Defendant's litigation representation unforgiving non - appearance statutorial defense of the instant controversy, absence any such compelling On Motion to the Court, with the responsive answer in any prescriptive manner.

Thirdly, the fair implication of the Record give insight to the all chronological entries of the presiding Judge Orders, clearly emphasizing the foreclosure of the civil action in the pleading stage, the improper withdrawal of the ascribed status to proceed *in forma pauperis*, and the simultaneous imposed sanction of unduly discretion in due course of procedural fairness, and also in addition, the entries of entitled On Motions from the Plaintiff position asserted protections under conferred operational principles of settled law, seeking to obtained substantial justice, *as outlined above in the Opinions Below,* and thusly attached as the pertinent legal Appendices hereto.

Petitioner in legal argument raises genuine federal issues the deliberate constitutional injury as threshold matter, a manifestly impingement of fundamental constitutional rights the embedded

foundation in native justice.

II. The Petition identifies Statutory Rights and Procedural Rights Deprivation that are appropriate for Review

This unresolved case presented insight to the citizenry orthodox zone of democracy and freedom, a measurable equity interests which extends beyond inequality, equality or otherwise, even at this federal interpretational viewpoint instant. Whereas, access to the courts is a fundamental tenet of judicial system; legitimate claims should receive a full and fair hearing no matter how litigious the plaintiff may be. *In re Oliver*, 682 F.2d 443, 446 (3rd Cir. 1982).

In furtherance of a given front matter, the unreasoned Statutory Right Deprivation, as such indispensable measurability, pursuant to 28 U. S. C. § 453 Oath of Justices and Judges, 28 U. S. C. § 1292 (2012), 28 U. S. C. § 1346 (b), the Federal of Civil Procedure Rules, Rule 8 et. als, Rule 12 (b) (6), Rule 54 (b), Rule 55, and 28 U. S. C. § 1915 et. als., The pillars of substantive law.

An appellate court has an obligation to make an independent examination of the whole record in order to make sure that the judgment does not constitute forbidden intrusion on Procedural Due Process and or a erroneous decision purposed to deny any plaintiff of their constitutional entitlements, civil rights, federal rights, substantive rights, and procedural rights under statutory law and constitutional

settled boundaries.

In legal argument standing alone, this issue of the Order for the Court - By Direction, to emphatically consolidate the eight independent civil actions under one referenced Record No.: 17 - 1816, filed date of November 2, 2017 *outline above in Opinions Below* immediately upon seizure in the appellate jurisdiction, plainly entered in the Court Record without any of the parties of interest knowledge of intent by statutory apprised notification, to submit an on motion opportunity to the Court, as such controlling precedence opposition, nevertheless, the appellate Court failed to constitutionally uphold the fundamental tenets and rendered the *sua sponte* Order without reasoned citation and or precedent authority asserted over the judicial inference, violates my constitutional protection from governmental encroachment.

Petitioner contends a public function tangible in nature of evidenced inspirable judicial confederacy, the inferior Fourth Circuit having independent or concerted conferred authority, for any procedural operational correction in whole or in fraction regarding the lower District Tribunal contrary actions and or inactions, clearly in their consciousness of culpability in continuum demonstrated a deliberate indifference, yielded to infringement of my immutable First, Fifth and Fourteenth Amendments Protections and deprivations of my Statutory Rights afforded.

Whereas, a travesty of injustice, based on conduct occurrence and or endeavor within the appellate purview, for improper motive held distant from good conscious and perfect competence, evidenced by the underlining passive decision unpublished *per curiam* opinion, *outline above in Opinions Below*, manifesting passage for an undue and unconscientiously sovereign advantage in favor of the Defendant, to instantly *dispense with* any *entitled* Oral Arguments for a cognizable purpose to established my entitled immutable meritorious position, of justifiable oppositions expressed and or justiciable Article III standing, appealability, as the party of interest.

Even more so, the perversely foreclosure of the neutral public access to compulsory process of federal forum, demonstrably by circumvention of the appellate standard of review, failed to acknowledged its settled trifecta contours of constitutional legalism, learned jurisprudence and precedent case law of earlier courts decisions reflecting longstanding premise, warrants review following the facts the court did not hold consistent with the spirit of constitutional grounds sufficient, falling within the zone of interest protected by the relevant law invoked, for adequate remedy on the basis of truth in law constitutionally cannot be corrected through any other adjudicative forum.

Secondly, the petitioner emphasizes as a principal matter the fact that the procedural posture of the Fourth Circuit did not take seriously

in all aspects of constitutional legalism as to the administration of justice, thusly engaged in the infringement of my substantive constitutional rights and procedural fairness, without oral argument.

Denial of oral argument is constitutional denial of access to the Courts and Substantial Justice. *Burnham v. Superior Court of California, County of Marin* 495 U. S. 604 (110 S. Ct. 2105, 109 L. Ed. 2d 631 No. 89 - 44 (1990). Misapplying the law stands contrary to the Supreme Court in *Ackra Direct Mktg. Corp.,* citing *Mack v. Dillon,* 594 F.3d 620, 622 - 23 (8th Cir. 2010).

Furthermore there is a grave reasoned back matter in legal argument standing alone, indisputably the lower District Tribunal case percolation circumvention effected procedural steps omission created an irreparable harm of Statute § 1915 et. seq. provisions for consistency prescreening threshold elements for clear established public access to the constitutional floor, an opportunity to be heard at a meaningful time and in a meaningful manner. The corners of procedural law.

Clearly, the lower District Tribunal below in their judicial capacity violated my indisputable constitutional due process and equal protection entitlements, when its departure from well developed standing rule of law, failing to acknowledge and uphold the jurisprudence of clearly established principles of settled law.

Petitioner contends the lower District Tribunal demonstrated

sufficiently the culpable deprivation of my Statutory Right afforded by 28 U. S. C. § 453 Oath of Justices and Judges, evidenced by proscribed acts beyond that constituted authority, and certainly in contravention of the Oath or Affirmation in relevant part stating, " . . . I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me . . .".

Further the culpable deprivation of my Statutory Right afforded by 28 U. S. C. § 1915 et. als., markedly in fact, I was permitted to proceed *in forma pauperis* in the lower District Tribunal.

The federal *in forma pauperis statute,* enacted in 1892, Act of July 20, ch. 209, 27 Stat. 252. Congress recognized that no citizen should be denied an opportunity to commence, prosecute, or defend an action, civil or criminal, in any court of the United States, solely because of his / her poverty makes it impossible for him / her to pay or secure the costs. *Adkins v. E. I DuPont de Nemours & Co.*, 335 U. S. 331, 342 (1948) (internal quotation marks omitted).

Moreover the current statute, presently codified at 28 U. S. C. § 1915, is designed to ensure that indigent litigants have meaningful access to the federal courts, to commence and prosecute to conclusion any such action without being required to prepay fees or costs, or give security therefor, before or after bring suit. Section 1, 27 Stat. 252.

Whereas under the provisions of 28 U. S. C. § 1915 (a) (1) a litigant generally qualifies for IFP status if he / she is unable to pay filing fees or give security therefor. Moreover, individuals may seek leave of the court to pursue their claims without payment of court fees and costs and can proceed with their litigation as a party affected by poverty. Also under this statute a court may *sua sponte* dismiss a case if it determines at any time that such action is (1) Frivolous or malicious, (2) fails to state a claim on which relief may be granted, (3) seeks monetary relief against a defendant who is immune from such relief Id. at § 1915 (e) (2). Thus, when a court dismisses a complaint and cites to that statute, its dismissal must be attributed to one of those deficiencies, which are mirrored in 28 U. S. C. § 1915 (g). *Chavis v. Curlee*, 2008 WL 508694, at *2 (N. D. N. Y. Feb. 21, 2008).

Petitioner contends in legal argument because there has been no legitimate change to that statutorial affidavit designation, therefore, Petitioner retains *in forma pauperis* on appeal pursuant to Fed. R. App. P. 24 (a) (3). *Celske v. Edwards*, 165 F.3d 296, 398 (7th Cir. 1998) (holding that the petitioner retained his leave to proceed *in forma pauperis* in the court of appeals because the district court had no certification of bad faith. *Rhodes v. True,* No. 99 - 3026 (10th Cir. 1999).

Furthermore, in legal reference to Notes Of Advisory Committee On

Rules - 1967: the second paragraph permits one whose indigency has been previously determined by the district court to proceed on appeal *in forma pauperis* without the necessity of a redetermination of indigency, while reserving to the district court its statutory authority to certify that the appeal is not taken in good faith, 28 U. S. C. § 1915 (a), and permitting an inquiry into whether the circumstances of the party who was originally entitled to proceed have changed during the course of the litigation. *Cf.* Sixth Circuit. Rule 26.

Whereas it is self - evident the culpable deprivation of my Statutory Right afforded by Federal of Civil Procedure Rules, Rule 8 et. als, evidenced in the Record illustrates the Presiding Judge *sua sponte* Orders To Dismiss the Civil Action With Prejudice and the simultaneous Sanction Order to withdraw the ascribed benefit of *in forma pauperis* to access the public forum, a constitutional right afforded, predicated upon the *de novo opinion* was sufficient grounds for the hindrance of the procedural operation of the court jurisdiction, without any supporting memorandum of laws, emphasizing the *pro se litigant's structural* first pleading affidavit rejection to commence the instant civil action, despite the fact the defendant's litigation counsel non - appearance entered not any statutory responsive answer.

Petitioner contends the *prima facie* of impropriety surfaces at the denial of my constitutional rights by the rendered pre-litigation Orders

language of perceivable Thought Control and Threatening Injury and Subsequential Enactment negative impact stating in relevant part hereunder:

1. "Plaintiff is permitted to proceed *in forma pauperis* . . . The Court has reviewed . . . which numbers . . . pages, which is virtually unintelligible because of its use of flowery, nonsensical language and its attempt to brief the case (which is not the role of a Complaint) and because the proffered Complaint offends Fed. R. Civ. 8 which requires "a short and plain statement of the claims showing that the pleader is entitled to relief," it is hereby Ordered that the Clerk shall not file the proffered Complaint . . . ". *Outlined above in Opinions Below.*

2. ". . . Purportedly under the Federal Tort Claims Act which appear to relate to the termination of his employment with the United States Postal Service. However, the proffered Complaints in each of those cases was quite lengthy and was virtually unintelligible because of the use of flowery, nonsensical language in which the plaintiff attempt to brief the case rather than comply with Fed. R. Civ. P. 8. Further, it appeared from each Complaint that the Court likely did not have subject matter jurisdiction because the plaintiff had not followed the prerequisites of the Federal Tort Claims Act under which he purported to proceed."

3. "The Docketing Statement contains language that the document

was intended to be a Verified Complaint "against the [presiding judge] in his individual capacity and the immediate and extended Officers of the Court, in active concert and participation as described in Rule 65 (d) (2) (A) or (B), with the inclusive intrinsic and extrinsic persons of promulgated interests."

4. "To the extent that the rather lengthy and convoluted Docketing Statement can be understood, there appears to be claims that the Orders issued on March 14, 2017 infringed the Plaintiff's constitutional rights under the First, Fifth and Fourteenth Amendments, and committed violations of 18 U. S. C. §§ 241 - 242, §§ 1875, §§ 1501 - 17 and § 1503. In another section, the Plaintiff refers to undefined violations of 42 U. S. C. § 1985 (2) (3) and concludes with a broad allegation of a vagrant disregard of ethics canons. . . . the order is vacated and that the motion is denied. Accordingly, if the Plaintiff wishes to proceed, he must pay the filing fee. Moreover, if the Plaintiff pays the filing fee, he must tender an Amended complaint that outlines in simple and straightforward terms why the plaintiff thinks that he is entitled to relief and why the Court has jurisdiction over his case as required by Fed. R. Civ. P. 8." *Outlined above in Opinions Below.*

"Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raised barriers which prevent the achievement of that end. Proper

pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of just judgment. *Maty v. Grasselli Co.* 303 U. S. 197 (1938).

The law is clear the reading of the language for Fed. R. Civ. P 8, et. is silent on any statutory prescriptive number of words specific limitation allowed and or promulgated threshold Rule explicitly expressed for a determined pleadings limited pages with pertinent exhibits thereto, any pertinent integral evidence outside the pleadings and or otherwise.

Settled in giving effect to these notice pleading requirements and the Fed. R. Civ. P. Rule 8 (f), which requires construction of pleading to do substantial justice." Rule 8 (f) discourages requiring technical procision or refined inferences and requires a fair effort to understand what the plaintiff attempts to set forth. *Deloach v. Crowley's Inc.,* 128 F.2d 378, 380 (5th Cir. 1942).

In determining whether a complaint survives a Rule 8 notice inquiry requirement, the plaintiff need only "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests. *Erickson v. Pardus,* 551 U. S. 89, 93 (2007) (quoting *Bell Atl. Corp. v. Twombly* 550 U. S. 544, 555 (2007). Indeed from a legitimate standpoint, so long as the *in forma pauperis* plaintiff raises a cognizable claim, dismissal on the basis of factual deficiencies in the complaint must

wait until the defendant attacks the lack of such details on Rule 12 (b) (6) motion. *Nance*, 912 F.2d at 607.

Secondly, the reading of the language for Federal Rule of Civil 8, et. *Does Not* constitute any reasoned judicial discretional authority for the imposition of Sanctions Orders on bare assertions of technicalities of a *pro se litigant's* First Pleading structural signed Affidavit, to justify any statutory withdrawal of any ascribed benefit *in forma pauperis* to commence a cause of action to circumvent the components arising under 28 U. S. C. § 1915 et als. and or undermine the statutory procedures for effecting Sanctions Rule 11 et. als.

III. The Petition identifies the lower courts unreasonable conflict with settled Doctrine of Precedence Assertions that is appropriate for review.

Lastly, the assert opinions and divergent views adopted that is clearly at odds with our system of Government and Constitution evidences the jettisoning of relevant settled principled governing Doctrines of Precedence.

Wherefore, for the Record Petitioner contends that the impugned ruling that contradicts the significant public interest and has been resolved differently by a number of inferior courts leading to a confusion of Supreme Law, expressed an arbitrarily opinion the conceded inability to apply their minds to the true facts, considerable substantial evidence, the complete circumstances and relevant law of

this case, to have been influenced and or otherwise caused by compromising intrinsic and or extrinsic benefit motive deemed not necessarily related financial or in tangible nature, held distant from legal powers in exercising a public function, determined surreptitiously otherwise in present, delayed, or futuristic maintenance causing the proper interpretation of the applicable Federal Rules of Civil Procedures paramount rules of governance with relevant well - established decisions of a surpassing important federal question of law that has not been, but should be, settled by this Courts exercise of supervisory powers to render a legal judgment as a matter of law.

In evaluating the complaint, a court must accept as true all of the plaintiff's factual allegations and must draw all inferences in the plaintiff's favor. *Larkin v. Savage*, 318 F.3d 138, 139 (2nd Cir. 2003).

Even more so it is not even necessary that a plaintiff request appropriate relief, properly categorize legal theories, or point to any legal theory at all. *Tool v. Carroll Touch, Inc.,* 977 F.2d 1129, 1134 (7th Cir. 1992) (complaint sufficiently states a claim even if it points to no legal theory or even if it points to wrong legal theory, as long as "relief is possible under any set of facts that could be established consistent with the allegations") (emphasis supplied). The complaint should not be dismissed merely because a plaintiff's allegations do not support the particular legal theory he advances, for the court is under

a duty to examine the complaint to determine if the allegations provide for relief on any possible theory. *Bowers v. Hardwrick,* 478 U. S. 186, 201 (1986) (emphasis supplied).

For succinct reasons that follow holding as the Ninth Circuit has noted, "a fundamental tenet of the Federal Rules of Civil Procedure is that certain defenses under Fed. R. Civ. P. 12 must be raised at the first available opportunity or, if they are not, they are forever waived." *American Ass'n of Naturopathic Physicians v. Hayhurst,* 227 F.3d 1104, 1106 (9th Cir. 2000). An answer to a complaint is a responsive pleading. Fed. R. Civ. P. 7 (a) (2).

In other words, the burden upon the movant is substantial as the issue before the Court on Rule 12 (b) (6) motion "is not whether a plaintiff is likely to prevail ultimately, 'but whether the claimant is entitled to offer evidence to support his claims. *Scheuer v. Rhodes,* 416 U. S. 232, 236 (1974). Indeed, it may appear on the face of the pleading that a recovery is very remote and unlikely but this in not the test. "*Gant v. Wallingford Board of Education,* 69 F.3d 699, 673 (2nd Cir. 1995) (quoting *Weisman v. LeLandais,* 532 F.2d 308, 311 (2nd Cir. 1976) (per curiam.)

Courts adopting post - filing immediate dismissal (notes) that the liberal pleading policies of the Federal Rules of Civil Procedure do not supply sufficient controls to handle *In Forma Pauperis IFP* applications.

Strictly speaking, once an *IFP* status is statutorily ascribed it is immutable in a pragmatic sense that the judge can readily alter it.

The Rules, however, do not give the district courts general *sua sponte* powers of dismissal except for want of prosecution. *See* Fed. R. Civ. P. 12 (b). At best Rule 12 (f) authorizes the court to strike redundant or immaterial matter. *See Catz and Guyer*, supra note 15, at 672 n. 109 ("No Rule give district courts general *sua sponte* powers directly to dismiss a pleading . . . ")

Maintaining that *IFP* plaintiffs should receive the same procedural protections afforded non - indigent plaintiffs. *See McTeague v. Sosnowski*, 617 F.2d 1016, 1019 (3rd Cir. 1980) (despite concerns of court congestion and financial burden to public, *IFP* complaints cannot be dismissed summarily); *Dear v. Rathje*, 485 F.2d 558, 560 (7th Cir. 1973) (although court was "not unsympathetic" to problem of increasing number of "professional litigants, 'it held that *IFP* plaintiffs were entitled to responsive pleading.

The procedure under delayed post - filing dismissal requires the issuance of a summons and complaint once the complaint has been filed. *See Tingler v. Marshall*, 716 F.2d 1109, 1112 (6th Cir. 1983); *Nichols v. Schubert*, 499 F.2d 946, 947 (7th Cir. 1974). If the defendant moves to dismiss, the *IFP* plaintiff is notified and given an opportunity to oppose the motion.

Neither the "Rule" nor the "*IFP* Statute" vests a judge with discretion to intervene at this stage of the pleading to determine whether the clerk may issue a summons. *Catz & Guyer, supra* note 15, at 672 n. 109; *Playing by the Rules, supra* note 49, at 147 - 49.

Wherefore *in forma pauperis* plaintiffs, however, are not responsible for service of process. Rule 4 (c) (2) (B) (i) and § 1915 (c) provide instead officers of the court, such as United States Marshalls, shall serve the process. Thus Rule 4 (a) cannot be complied with literally if the plaintiff proceeds *in forma pauperis*. Consequently, one can reasonably argue that the Rule 4 (a) requirement of immediate issuance and service of process does not necessarily apply to *in forma pauperis* cases___ that is, Rule 4 (c) (2) (B) (i) and § 1915 (c) effectively create an exception to Rule 4 (a).

Constitutionally emphasizing, the federal statutes do not vest any federal court with the power to alter unilaterally the Federal Rules of Civil Procedure and or Enacted Statute and otherwise For Willful Purpose. 28 U. S. C. Section 2072 expressly states that "The Supreme Court shall have the power to prescribe by general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceeding before magistrates thereof) and courts of appeals 28 U. S. C. A. § 2072 (a) (West Supp. 1989). Moreover, after recommendations from a committee *Id.* § 2073 (West Supp. 1989),

even the changes the Supreme Court approves do not take effect until after Congress approves do not take effect until after Congress has had at least seven (7) months to revise them. Clearly the inferior federal courts are without authority to revise the Federal Rules of Civil Procedure and or Enacted Statute and otherwise For Willful Purpose unilaterally.

CONCLUSION

For the foregoing reasons the petitioner, Carston Carrell Woodson, the undersigned, respectfully asks this ultimate Court to grant a purposed certiorari in this matter for an irresistible plenary review on the true merits of the case forwarded. The predictable, fair, and just adjudication of the FTCA is of monumental importance in this country.

//

//

//

//

//

//

Respectfully requested and submitted by,

Carston Carrell Woodson Date: 3/22/2018

Carston Carrell Woodson Appellant/Petitioner, *pro se*
2432 Cumberland Road, Farmville, Virginia 23901 - 4305