

No.: _____

IN THE SUPREME COURT OF THE UNITED STATES

Supreme Court Record No.: 17 - 8268

Record No. 17 - 1825 : Civil Action Case No. : 3:17-cv-00191-REP

In The Matter Of

CARSTON CARRELL WOODSON,
Appellant / Petitioner, *Pro se* Litigant

v.

THE UNITED STATES OF AMERICA,
The Substitution Respondent

ON JURISDICTIONAL WRIT OF CERTIORARI TO UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT WITH APPENDICES

ON PETITION FOR A *SUA SPONTE* REHEARING

REQUESTED IN LAW AND EQUITY ARISING UNDER THE RIGID
CONSTITUTION THEREFOR IN AND FOR THE ADVANCEMENT AND
INTEREST OF JUSTICE THE APPELLANT / PETITIONER, *PRO SE*
LITIGANT IN AFFORDED STANDING OF COMPULSORY INTERVENING
ISSUES RAISED EMPHASIZING CONSTITUTIONAL JURISPRUDENTIAL
GROUNDS AND SUBSTANTIVE FEDERAL PROCEDURAL DUE PROCESS
OF LAW OMISSIONS EVIDENCED BY THE SUBMITTED WRIT OF
CERTIORARI OPINIONS BELOW / PERTINENT STATEMENTS OF
FACTS AND SUBSTANTIAL PROCEDURAL BACKGROUND SUPPORTED
BY THE COMPELLING INFERIOR COURT'S CIVIL ACTIVITY DOCKET

Litigation Counsel of The U. S. Department of Justice
The Honorable Noel J. Francisco, Acting U. S. Solicitor General
The Honorable Jeff Sessions, Attorney General of the United States
The Honorable Rod J. Rosenstein, U. S. Deputy Attorney General

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44 Rehearing, and or otherwise, the original Plaintiff/ Appellant, a natural person in truth and *pro se litigant* in law, Petitioner Carston Carrell Woodson, Spiritually Blessed in Christian Citizenship faithfulness, trusting ProvidenceGod's guidance by Faith, count it all Joy, to respectfully petition this Article III Court's constitutional conferred inherent authority, as such jurisdictional province fair and objective reading of the clear principles of well settled rule of law and public servant's of the law judicial duty, to maintain supremacy of the rigid Constitution.

Whereas, it be mandated as such existence and contours of original jurisdiction to hear "Cases and Controversies U. S. Const. art. III, § 2, cl. 1" and Article III extended exclusive appellate equitable jurisdiction in all "Cases in Law and Equity arising under this Constitution, the Laws of the United States, ___ to Controversies to which the United States shall be a Party" thereof.

Whereas, the guidepost of an unanimous U. S. Supreme Court clearly defined "arising under" a "only those cases in which a well - pleaded complaint establishes either that a federal law creates the cause of action or that the plaintiff's right to relief necessarily depends on resolution of a substantial question of federal law." *Franchise Tax Bd. v. Construction Laborers Vacation Trust*, 463 U. S. 1, 27 - 28 (1983).

Whereas, may it be resolved, the Petition for Writ of Certiorari in as such granted ascribed *in forma pauperis status*, in this Court's jurisdiction for Supreme Court Record No.: 8268, after the Order denying the effortful writ of certiorari in this case particular, is not an empty formality and any such denial of the said writ should not be prejudicially treated as a definitive determination thence, subject to all the juxtapositional circumstances of such an orthodox supervisory interpretation.

Please take notice that the enabled Order was rendered on May 21, 2018, having the true signatory of the U.S. Supreme Court Clerk Scott S. Harris.

GROUND FOR REHEARING PETITION

Fundamentality the Constitution is the supreme law of the land ordained and established by the people and thusly, confers upon all citizens the right to a lawful government, as due course in prescriptive manner, conforming to the constitutional mandate of the judicial branch of the government.

Whereas, may it be resolved, for a meritorious Petition for Rehearing in good faith and not for purposed delay and that the intervening circumstances therein and upon all other instruments relevancy entered into the record on this original matter and traditional scope in this instant matter, warrantable issues significance of the

attachments of historic and ancient rights for compelling review exists under such procedural rules for the orderly conducting of business are of substantial and controlling effect to reconsider a resubmission and correct a constitutional travesty of injustice.

Moreover, a Doctrinal Precedence Jurisdiction *Marbury v. Madison* 1803, necessitate for the advancement of justice, this supervisory Court jurisprudential constituted duty, to faithfully and impartially discharge and perform all the duties incumbent, thereupon, their individual positions of Equity Standing, and Judicial capacity under binding Judicial Oath, having affirmed to ensure administer justice without respect to persons, and do equal right to the poor and to the rich.

Pursuant to achieve the historic mandate, "Equal Justice Under Law" as envisioned by the framework of "judicial policy" goals to see that the compulsory constitutionally - guaranteed rights of substantial justice Procedural process in completion, bearing allegiance to support and defend, agreeably the Constitution and Laws of the United States, before jurisdictional finality, of it's own will, can vacate a previously expressed opinion, as such application reasoned, clearly did not hold consistent with the spirit of constitutional grounds principled zone of interest sufficient, protected by the relevant settled law invoked.

Thusly, the Supreme Court may render a *sua sponte* rehearing of its own accord, whereupon, in furtherance desires a comprehensive

review of the original matter, the Justices doubts the constitutionality of their opinion perfect competence for the vested inherent authority of Article III, to secure uniformity of decision or to settle a compelling important question of law, warrants a comparative case law conducive review to uphold the rule of law and integrity and independence of the judiciary, for an adequate remedy on the basis of truth in law constitutionally cannot be corrected through any other adjudicative forum. *United States v. Ohio Power*, 353 U.S. 98 (1957).

Pursuant to Supreme Court Rule 51.2 which governs requests for rehearing of a denial of petition for certiorari. The sufficient grounds for rehearing are limited, and require the litigant to show either intervening circumstances or “other substantial grounds” subject to invoked a *sua sponte* rehearing and or otherwise of a writ for certiorari.

FACTUAL 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.

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 pursuant 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.

Whereas, Pursuance to the commenced civil action and submitted Pleadings stands as factual issues of developmental tenets evidenced by the record, holding thence, given the Defendant's Litigation Counsel the Office of U. S. Attorney for the Eastern District of Virginia and or the Office of Attorney General upon statutorily service, failure to statutorily appear or defend their interest in this civil matter.

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 seven independent civil actions arising under the Federal Tort Claims Act, brought forth by consanguinity Complainant Carston Markel Woodson, the injured party and the only facial signatory upon the four corners of the First Pleading filed on January 19, 2017.

PROCEDURAL BACKGROUND

A. Proceeding Below Referencing To The Petition Of Certiorari

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].

May the Record reflect that In Legal reference notably for civil actions independently filed pursuant to section 1346 (b) hereunder for all Orders 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 District Court Granted Plaintiff's Application on Motions to Proceed *In Forma Pauperis* filed on March 14, 2017, appears in Pet. App. C [53c] - [56c].

The District Court rendered Orders by Memorandum, [Dismissed With Prejudice] filed July 11, 2017, appears in Pet. App. E [74e] - [77e].

Civil Activity Docket Procedural Background

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].

B. Proceeding Before This Court

Petitioner timely filed a petition for a writ of certiorari and motion for leave to proceed *in forma pauperis*. The Defendant's Litigation Counsel the Solicitor General waived his right to respond to this Petition by statutory notice dated April 4, 2018.

ISSUES FOR INSTANT REVIEW

Whereas a direct appeal from three panel appellate review by Federal Circuit Judges The Honorable Diana Gribbon Motz, The Honorable Stephanie D. Thacker, and The Honorable Pamela A. Harris. rendered decision of the inferior Court was decided January 8, 2018.

Whereas the affirmed unpublished *per curiam* opinion 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 mandated standard appellate review engaging judicial impairment in exercising a public function manifesting selective justice between the trial court and Fourth Circuit.

Whereas by the intervening Order's rendered under the Hand of U. S. District Judge Henry E. Hudson, pursuant to 28 U. S. C. § 1915 (a) (1), statutorily ascribed by entitlement waiver to Proceed *In Forma Pauperis*, *prima facie illustrates a travesty of injustice*, transgressive pattern and oppressive practice therein the home circuit of the Chief Justice for the U. S. Supreme Court, invites the furtherance of divergent non - binding conspiratorial indifference to create a conflict of authority either within the circuit to have been influenced and or otherwise caused by compromising intrinsic and or extrinsic benefit deemed not necessarily related financial or in tangible nature.

Whereas the past 1346 (b) were dismissed in the Plaintiff's First Pleading stage absence any Defendant's statutory response to be Dismissed *sua sponte* and in appeal met with the arbitrarily expressed appellate opinion of deliberate indifference as such conceded inability to apply their minds to the true facts, considerable substantial evidence,

the complete circumstances and relevant law of application for adjudication.

Whereas Petitioner in legal pause, compelling the interest of constitutionally, makes legal reference to evidenced concerted conspiracy to deprivation of due process and the violation of the Federal Statutes, Perjurious Acts regarding affidavit executed under Title 5 U S C § 3333 evidences that the acceptance and holding of office or employment by the affiant does not or will not violate section 7311 of this title.

Whereas the alleged Criminal Offenses under the prescribed authority of the United States, in whole and or in fraction, to the extent of and purview for, the Attorney's Oath, the Constitutional Oath to Federal Office, the Judicial Oath to Judgeship.

Moreover, the alleged Criminal Offenses: Advocating to overthrow the principles of the Constitution by committing insurrection or rebellion against the United States Constitution; the plurality of minds to advocate the alteration of the form of government in reckless disregard of Federal Conspiracy Statutes.

Whereas incorporated hereto to Rehearing request therefore, evidenced clear and convincingly therein the Office of the Clerk for U. S. Supreme Court and electronic databases retrievable for comparative review in the independent Civil Actions hereunder:

*Frizzell C. Woodson v. United States ~ U. S. Supreme Court No.:

16 - 9423 ~ *reh. denied*. Appellate Record No.: 16 - 1698 ~ Civil Action
No.: 3:16-cv-00233-HEH.

*Frizzell C. Woodson v. United States ~ U. S. Supreme Court No.:
16 - 9423 ~ *reh. denied*. Appellate Record No.: 16 - 1704 ~ Civil Action
No.: 3:16-cv-00234-HEH.

*Frizzell C. Woodson v. United States ~ U. S. Supreme Court No.:
16 - 9423 ~ *reh. denied*. Appellate Record No.: 16 - 1706 ~ Civil Action
No.: 3:16-cv-00235-HEH.

*Frizzell C. Woodson v. United States ~ U. S. Supreme Court No.:
16 - 9423 ~ *reh. denied*. Appellate Record No.: 16 - 170 ~ Civil Action
No.: 3:16-cv-00236-HEH.

*Carston M. Woodson v. United States ~ U. S. Supreme Court No.:
17 - 5842 ~ *reh. denied*. Appellate Record No.: 17 - 1255 ~ Civil Action
No.: 3:17-cv-00046-HEH.

*Carston M. Woodson v. United States ~ U. S. Supreme Court No.:
17 - 5843 ~ *reh. denied*. Appellate Record No.: 17 - 1257 ~ Civil Action
No.: 3:17-cv-00047-HEH.

*Carston M. Woodson v. United States ~ U. S. Supreme Court No.:
17 - 5844 ~ *reh. denied*. Appellate Record No.: 17 - 1259 ~ Civil Action
No.: 3:17-cv-00048-HEH.

*Carston M. Woodson v. United States ~ U. S. Supreme Court No.:
17 - 5845 ~ *reh. denied*. Appellate Record No.: 17 - 1260 ~ Civil Action

No.: 3:17-cv-00049-HEH.

*Carston M. Woodson v. United States ~ U. S. Supreme Court No.:
17 - 5846 ~ *reh. denied*. Appellate Record No.: 17 - 1261 ~ Civil Action
No.: 3:17-cv-00050-HEH.

*Carston M. Woodson v. United States ~ U. S. Supreme Court No.:
17 - 5858 ~ *reh. denied*. Appellate Record No.: 17 - 1262 ~ Civil Action
No.: 3:17-cv-00051-HEH.

*Carston M. Woodson v. United States ~ U. S. Supreme Court No.:
17 - 5859 ~ *reh. denied*. Appellate Record No.: 17 - 1263 ~ Civil Action
No.: 3:17-cv-00052-HEH.

Whereas the Unpublished Disposition and Order emphasizes to the extent to which it does not take seriously enough the importance of the controversy at issue pursuant to the Federal Rules of Civil Procedure, in accordance with clear principles of settled rule of law, and the palpable trial court non judicial function in contravention of the provisions of the Constitution.

Moreover Appellate Rule 23 (a) requires the appellate courts to make non-precedential rulings unless a decision “modifies, explains, or criticizes an existing rule of law,” leaving the ultimate determination on a ruling’s precedential value to the deciding court.

Whereas the trial court encroachment, and arbitrary disregard of the jurisprudence of the First, Fifth and Fourteenth Amendments.

The presiding Judge acting in judicial capacity demonstrated serious concernment, to the extent of the *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U. S. 388 (1971) (recognizing a cause of action for damages against official who violate constitutional or statutory rights under federal law).

To the extent of Perjury by a Judicial Officer in the performance of judicial duties engaged in The violation of the Attorney's Oath; The violation of The prerequisite Constitutional Oath of all executive and judicial officers. Pursuant to Article VI of the Constitution Supremacy of the National Government Section 2: Section 3; The violation of the Judicial Oath Pursuant to 28 U. S. Code § 453 Oaths of Justices and Judges.

To the extent of criminal conspiracy with intent and the commission of violation of Title 18 U S C § 1621 concerning the neglect to protect by persons under Oath and Title U S C § 1986 wherein a person having knowledge of the law, the power to stop a wrong and the duty to prevent a wrong from being done is liable for failure to act.

Whereas, a factual pattern of statutory conspiracy a *prima facie* violation of 18 U S C § 241 Conspiracy Against Rights in conjunction with 18 U S C § 242, Deprivation of Rights Under Color of Judicial Office.

REASON FOR GRANTING REHEARING PETITION

The United States confirms and uphold the fundamental tenets for a redress of grievances and that a law repugnant to the written constitution is void, and that courts, as well as other departments, are bound by that instrument to promote and effect protection of the laws.

Petitioner contends the presiding judge in *de novo* judicial capacity departure from well developed standing rule of law, failed to acknowledged that, and uphold the First Amendment entitlement of a plaintiff's ability to bring a cause of action that is created by laws defining when an action commences in the court of proper venue, this is self-evident, statutorily speaking, triggers a holding of an established property right protected by the Fourteenth Amendment Due Process Clause.

Wherefore, this exceptional circumstance warrants the exercise of the Court's discretionary powers, conferred in 1803 with the landmark case of *Marbury v. Madison* (5 U.S. (1 Cranch) 137, 2 L Ed. 60). to resolve the unsettled issues of law.

Petitioner contends the record of the inferior courts below, in sum and substance is clear evidentiary of judicial indifference, contrary to the bright line of predictable constitutional rule, demonstrably by palpable constitutional infringements of irreparable injury and a myriad violation of federal statutes with intent, to control the juridical direction

my free standing cause of action and property right, by the imposed judicial censorship Order of my First Amendment Right by an improper sanction, unconstitutionally revoking my ascribed *In forma Pauperis* status.

Petitioner contends that any deprivations of my constitutional fundamental rights, privileges, immunities, and liberties whether consciously and or unconsciously imposed, constitutes an irreparable constitutional injury even for a minimal period of time.

CONCLUSION

Therefore, now, this petitioner makes more than appropriate showing that grave and substantial matters are presented on this petition for rehearing the petition for certiorari and petitions that this Court not withdraw from this matter but instead grant the said petition for the foregoing sound legitimate reasons.

This Court should exercise its supervisory power and grant the petition for a meritorious Rehearing consideration, vacate the order, denying the writ of certiorari review, and restore this case to the Court's docket.

Respectfully submitted,

Carston Carrell Woodson Date: 6/4/2018
Carston Carrell Woodson Appellant/Petitioner, *pro se*
2432 Cumberland Road Farmville, Virginia 23901 - 4305

CERTIFICATION OF PARTY UNREPRESENTED BY COUNSEL

I hereby certify that pursuant to Rule 44.2, this petition for rehearing is presented in good faith and not for delay and the grounds therefor, are limited to the intervening circumstances of substantial and or controlling effect and or substantial grounds not previously presented.

Carson Carroll Woodson 6/4/2018
Pro se litigant

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CERTIFICATE OF SERVICE

I hereby certify that on and or before the elective date of 7/5/2018
the undersigned signatory, Carston Carrell Woodson, the Appellant /
Petitioner acting *pro se* litigant in all pertinent issues and practical
matters to this Federal Tort Claims Act civil action at law thereagainst
the proper Defendant The United States of America in full
representation by the United States Department of Justice, and or not,
that I statutorily caused a true and perfect copy of to be placed in a
USPS Priority Box with purposeful ON PETITION FOR A *SUA SPONTE*
REHEARING REQUESTED IN LAW AND EQUITY ARISING UNDER THE
RIGID CONSTITUTION THEREFOR IN AND FOR THE ADVANCEMENT AND
INTEREST OF JUSTICE THE APPELLANT / PETITIONER, *PRO SE LITIGANT*
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OPINIONS BELOW / PERTINENT STATEMENTS OF FACTS AND
SUBSTANTIAL PROCEDURAL BACKGROUND SUPPORTED BY THE
COMPELLING INFERIOR COURT'S CIVIL ACTIVITY DOCKET Signature
Confirmation to be addressed to all parties entitled and expressed
herein, the Solicitor General, at the address stated below, and
deposited said USPS Priority Boxes(s) with purposeful Signature

Confirmation in the United States mail that shall require a designated custodial signature of legal receivable familiarity upon receipt of items specified and or otherwise expressed for perfect statutorial acceptability therefor.

The Solicitor General of the United States
Department of Justice Building, Room 5616
950 Pennsylvania Avenue, N. W.
Washington, DC 20530-0001

Signature Confirmation# 2315 3630 0000 5124 3554

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Respectfully requested and submitted by,

Carston Carrell Woodson

Date: 6/4/2018

Carston Carrell Woodson Petitioner, *pro se*

2432 Cumberland Road Farmville, Virginia 23901 - 4305