

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Arthur O. Armstrong — PETITIONER
(Your Name)

City of conyers vs.
TONY Lucas — RESPONDENT(S)

ON PETITION FOR A WRIT OF MANDAMUS TO

United States Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF MANDAMUS

Arthur O. Armstrong
(Your Name)

8113 Pleasant Hill Road
(Address)

Elm City, NC 27822
(City, State, Zip Code)

252-218-2007
(Phone Number)

QUESTION(S) PRESENTED

Whether Petitioner is entitled to relief, pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure.

Whether Petitioner was deprived of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

ARTHUR O. ARMSTRONG, Petitioner

vs.

CITY OF CONYERS, et al, Respondents``

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

ARTHUR O. ARMSTRONG, who is
(Name of party)

Appellant
(Appellant/moving party or defendant)

makes the following disclosure:

1. Is party a public held corporation or other publicly held entity?
() Yes (X) No
2. Does party have any parent corporation?
() (X) No

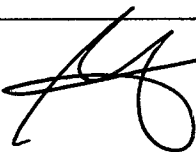
If yes, identify all parent corporations, including grandparent and great-grandparent corporation: _____

3. Is 10% or more of the stock of a party owned by a publicly held corporation or other publicly held entity?
() Yes (X) No

If yes, identify all such owners: _____

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?
() Yes (X) No

If yes, identify and nature of interest: _____



C-1 of 1

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	6
REASONS FOR GRANTING THE WRIT	9
CONCLUSION.....	17

INDEX TO APPENDICES

APPENDIX A UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

APPENDIX B UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, RICHMOND DIVISION

APPENDIX C CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

APPENDIX D

APPENDIX E

APPENDIX F

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 13, 2018.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS

Fourth Amendment

Fourteenth Amendment

STATUTORY PROVISIONS

28 U.S.C. 1254(1)

28 U.S.C. 1291

28 U.S.C. 1746

42 U.S.C. 1983

42 U.S.C. 1985

42 U.S.C. 1986

42 U.S.C. 1985(3)

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE:) PETITIONER'S PETITION THIS COURT FOR LEAVE TO FILE PETITION
) FOR A WRIT OF MANDAMUS, PURSUANT TO RULE 20 OF THE
ARTHUR O. ARMSTRONG,) RULES OF THE SUPREME COURT OF THE UNITED STATES
) PROCEDURE, WITH SUPPORTING AFFIDAVIT AND DOCUMENTA-
PETITIONER.) TION (BRIEF II).

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

IN SUPPORT HEREOF, Petitioner shows unto the court that:

On March 14, 2016, trial court dismissed Petitioner's complaint and denied his motion. Plaintiff's instant action cures all defects.

NOW THEREFORE, Petitioner files his Brief:

II. On July 5, 2002, in Rockdale County, Georgia, appellees failed to conform to the requirements of the federal constitution and the laws of the United States (Affidavit, p. 3, ¶18). I pray for judgment in the sum of \$125,000,000.00 (id., ¶19).

SUMMARY:

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

Respectfully submitted this the 26th day of April, 2018.

Respectfully submitted



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

OF COUNSEL:

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

AFFIDAVIT OF ARTHUR O. ARMSTRONG

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

April 26, 2018



Arthur O. Armstrong, Appellant

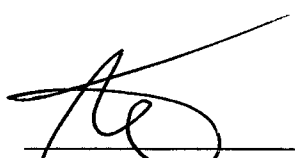
CERTIFICATE OF SERVICE

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

REGULAR U.S. MAIL:

Phillip R. Friduss Esq,
HALL FOOTH SLOVER & SMITH
191 Peachtree Street
Suite 2900
Atlanta, GA 30303

April 26, 2018



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

STATEMENT OF THE CASE

1. Appellee acted with racial profiling (Fourth and Fourteenth Amendments violations). Stopped appellant (Fourth and Fourteenth Amendments violations). Made an entry (Fourth and Fourteenth Amendments violations). Detained appellant (Fourth and Fourteenth Amendments violations). Assaulted him (Fourth and Fourteenth Amendments violations). Harassed the appellant (Fourth and Fourteenth amendments violastions). Made some falsities (Fourth and Fourteenth Amendments violations). Searched and seized his property (Fourth and Fourteenth Amendments violations). Invaded his privacy (Fourth and Fourteenth Amendments violations).

2. The appellee City of Conyers is duly organized, existing and operating under the federal constitution and laws of the United States and is liable for a damages judgment entered against appellee Jony Lucas in "his official capacity" as a result of an action brought against him under 42 U.S.C.S. 1983 Civil Rights Act by appellant who had been violated by his Police officer(s) for transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States. for the violation of the Fourth and Fourteenth

3. Appellee Tony Lucas is director of Conyers Police Department. In an action brought under 42 U.S.C.S. 1983 Civil Rights Act, a judgment entered against appellee Tony Luscas "in his official capacity" imposes liability on the City of Conyers, provided the City received notice and an opportunity to respond.

4. Appellee Lt. Jackie Dunn and Jay Archer are City of Conyers' police officers who transgressed the Fourth and Fourteenth Amendments to the Constitution of the United States.

5. That the conduct complained of was engaged in under color of state law and that such conduct subjected the appellant of the deprivation of rights, privileges and immunities

secured by the federal constitution and laws of the United States while engaged in the conduct complained of.

6. On July 5, 2002, in Rockdale County, Georgia, appellee, Tony Lucas, "in his official capacity" failed to conform to the requirements of the federal constitution and laws of the United States when appellee without probable cause, acted with racial profiling, stopped the appellant, made an entry, without a warrant onto private areas of personal premise of appellant. detained, assaulted and kidnapped the appellant, searched and seized his property and invaded his privacy in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States. Then acted with including but not limited to: arbitrariness, capriciousness, falsity, fraud, trickery, defamation. gross negligence, conspiracy, malice, deception, misrepresentation, highway robbery, racketeering, RICO, pattern of racketeering activity, financial fraud, bank fraud, extortion, intimidation and assault. Then acted with active connivance in the making of the left-turn, DWLR, no license **FALSE REPORTS** and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive the appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

7. The the appellees detained the appellant for nearly four hours. threatened the appellant with active jail time if he attempted to move his car. Plaintiff told the officers that his drivr's license was valid and he had come to Conyers looking for an ice cream freezer for an after labor day celebration with his two daughters residing nearby.

8. So appellee called appellant's daughters and told them the the father was driving without driver's license and DWLR and come and drive his car away so he wont be jailed.

9. Appellee acted with active connivance in the making of the "not able to produce his

driver's license" when appellee had seized it and taking it to the police station where appellant and daughters went to retrieve it.

10. On **March 14, 2016**, trial court, the Honorable Robert E. Payne, senior resident judge for the United States District Court for the Eastern District of Virginia, Richmond Division, 3:10-cv-00802-REP- dismissed appellant's complaint and denied his motion for relief pursuant to Rule 60 (b)(6) of the Federal Rules of Civil Procedure on frivolous grounds and ordered appellant not to file any more motions or papers until March 14, 2021.

On motion and just terms a party may move for relief from a final order, judgment or proceeding, in the United States District Court for relief, pursuant to Rule 60 (b)(6) of the Federal Rules of Civil Procedure because that is the only provision available and may be invoked only in extraordinary circumstances when the reasons for relief from a final order, judgment or proceeding does not fall between the list of enumerated reasons giving in Rule 60(b)(1)-(5).

11. On **April 13, 2018**, the United States Court of Appeals For the Fourth Circuit filed petitioner's petition for a writ of mandamus.

REASON FOR GRANTING THE PETITION

Issuance by the Court of an extraordinary writ authorized by 28 U.S.C. S. 1651(a) is not a matter of right, but of discretion sparingly exercised. To justify the granting of any such writ, the petition must show that the writ will be an aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary power, and that adequate relief cannot be obtained in any other form or in any other court.

a. A United States court of appeals has entered decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;

b. a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;

c. a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decision of this Court.

A writ of mandamus is an order from a competent jurisdiction commanding the performance of a specified official duty imposed by law, Sutton v. Flaggett 220 NC 98, 93, 285 S. E. 2d 97 (1971). The petition is a remedy for the inaction of an official and is a personal action based on the allegations and proof that the respondent has neglected or refused to perform a personal duty which the petitioner has a clear legal right to have her perform (id) " A person seeking a writ of mandamus must have a clear legal right to demand it and the party

to be coerced must be under a positive legal obligation to perform the act sought to be requested - St George v. Hanson 239 NC 259, 263, 78 S. E. 2d 885, 888 (1954)"

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

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

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

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

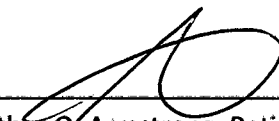
Petitioner aggrieves from the respondent's denial of his legal rights by the court which had the legal duty and obligation to grant petitioner's motion for relief but instead acted with abstinence.

WHEREFORE, petitioner prays that the Court:

1. Issue a writ of mandamus to the United States District Court for the Eastern District of Virginia, Richmond Division - 3:10-cv-00802-Robert E. Payne.
2. That the trial court judge be compelled to certify that the appeal is not frivolous.
3. Such other and further relief as the court deems just and proper.

Respectfully submitted this the 26th day of April, 2018.

April 26, 2018

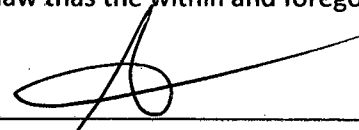


Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

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

April 26, 2018



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

(3:10-CV-00802-REP-DWD)

ARTHUR O. ARMSTRONG,	)	APPELLANT'S MOTION FOR RELIEF, PURSUANT
	)	TO RULE 60 (b)(6) OF THE FEDERAL RULES OF CIVIL
vs.	)	PROCEDURE, WITH SUPPORTING AFFIDAVIT AND
	)	DOCUMENTATION (BRIEF II).
CITY OF CONYERS, et al	)	

NOW COMES, Arthur O. Armstrong, the appellant named in this action and moves this honorable court, with supporting affidavit and documentation, for relief, pursuant to Rule 60 (b)(6) of the Federal Rules of Civil Procedure, on grounds that there is no genuine dispute as to any material fact and that appellant is entitled to judgment in his favor as a matter of law.

IN SUPPORT HEREOF, appellant shows unto the Court that:

I. On March 14, 2016, trial court dismissed appellant's complaint and denied his motion.

Appellant's instant action cures all defects.

NOW THEREFORE, appellant files his Brief:

II. On July 5, 2002, in Rockdale County, GA, Appellee failed to conform to the requirements of the federal constitution and laws of the United States (Affidavit, p. 3, paragraph 8). I pray for judgment in the sum of \$125,000,000.00 (id., ¶9).

SUMMARY:

Because of the above conduct of the appellee, appellant respectfully requests that motion for relief, pursuant to Rule 60 (b)(6) of the Federal Rules of Civil Procedure, be granted.

Respectfully submitted this the 26th day of April, 2018.

Respectfully submitted


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

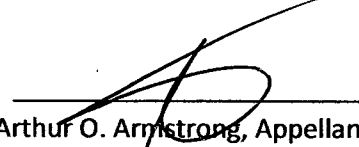
OF COUNSEL:

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

AFFIDAVIT OF ARTHUR O. ARMSTRONG

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

April 26, 2018


Arthur O. Armstrong, Appellant

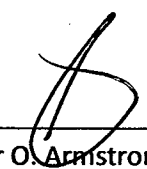
CERTIFICATE OF SERVICE

I certify that I cause a true and correct copy of a Rule 60 (b)(6) motion for relief to be served on all counsel of record by depositing copy of same in the United States mail in an envelope with adequate postage affixed thereon to ensure delivery at:

REGULAR U.S. MAIL:

Phillip E. Friduss, Esq.
HALL BOOTH SLOVER & SMITH
191 Peachtree Street
Suite 2900
Atlanta, GA 30303

April 26, 2018


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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

(3:10-CV-00802-REP-DWD)

ARTHUR O. ARMSTRONG,

PLAINTIFF,

vs.

CITY OF CONYERS,

TONY LUCAS,

DEFENDANT.

CIVIL RIGHTS VIOLATIONS

42 U.S.C. 1983

COMPLAINT

Plaintiff alleges and says:

1. Plaintiff resides at 8113 Pleasant Hill Road in the County of Wilson, North Carolina 27822. Defendant acted with racial profiling (Fourth and Fourteenth Amendments violations). Defendants acted in a conspiracy (Fourth and Fourteenth Amendments violations). Stopped plaintiff (Fourth and Fourteenth Amendments violations). Took his driver's license (Fourth and Fourteenth Amendments violations). Detained plaintiff (Fourth and Fourteenth Amendments violations). Assaulted him (Fourth and Fourteenth Amendments violations). Made an entry (Fourth and Fourteenth Amendments violations). Made falsities (Fourth and Fourteenth Amendments violations). You made a left turn (Fourth and Fourteenth Amendments violations). Searched and seized my property (Fourth and Fourteenth Amendments violations). Invaded my *privacy* (Fourth and Fourteenth Amendments violation). *made* driver's license falsities (Fourth and Fourteenth Amendments violations). seized my driver's license (Fourth and Fourteenth amendments violations). Took them to the police station (Fourth and Fourteenth Amendments violations). Threatened plaintiff (Fourth and Fourteenth Amendments violations).

2. Defendant City of Conyers is duly organized, existing and operating under the federal constitution and laws of the United States, and is liable for a damages judgment entered against defendant Tony Lucas "in his official capacity" as a result of an action brought against him under 42 U.S.C. 1983 by Plaintiff who had been violated by his deputies for transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States.

3. Defendant Tony Lucas is director of Conyers Police Department. In an action brought under 42 U.S.C. 1983, a judgment entered against defendant Tony Lucas "in his official capacity" imposes liability on the City of Conyers, provided the City received notice and an opportunity to respond. Brandon vs. Holt (1985 US) 83 L Ed 2d 878, 105 S Ct 873, 40 FR Serv 2d 861.

4. Defendants Jay Archer and Lt. Jackie Dunn are police deputies who acted with the transgression of the Fourth and Fourteenth Amendments to the Constitution of the United States.

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

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

7. The conduct complained of was engaged in under color of state law and that such conduct subjected the Plaintiff of the deprivation of rights, privileges and amenities

conduct complained of.

8. On July 5, 2002, in Rockdale County, Georgia, defendant Tony Lucas "in his official capacity" failed to conform to the requirements of the federal constitution and laws of the United States when he acted with reckless indifference and wanton disregard for the true or falsity and the rights of Plaintiff and others when defendant without probable cause acted with, including but not limited to: arbitrariness, extortion, capriciousness, malice, gross negligence, trickery, misrepresentation, deceit, fraud, conspiracy, RICO, racial profiling, and, stopped, assaulted and detained plaintiff, made an entry without a warrant, onto private areas of personal premise of Plaintiff, searched and seized his property and invaded his privacy in violation of the Fourth Amendment to the Constitution of the United States; then acted with active connivance in the making of the left turn and DWLR violation false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive plaintiff of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

9. As a direct and proximate result of appellee's action, Appellant suffered continuing injuries, including but not limited to: mental anguish, psychic injury, mental distress and injury to his reputation. I pray for judgment in the sum of \$125,000,000.

WHEREFORE, Appellant prays for judgment in the sum of \$125,000,000 as follows:

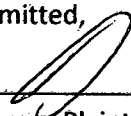
1. Compensatory and punitive damages in the sum of \$125,000,000 under 42 U.S.C. 1983 Civil Rights Act.
2. Intangible harm
3. Attorney's fees under 42 U.S.C. 1988, Attorney Awards Act, or as a component of punitive damages.

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

Respectfully submitted this the 16th day April, 2014.

April 16, 2014

Respectfully submitted,



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

DEMAND FOR JURY TRIAL

I hereby demand trial by jury on all issues raised by the pleading in this action.

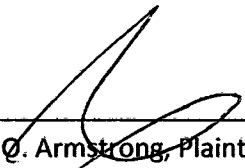


Arthur O. Armstrong, Plaintiff

VERIFICATION

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

March 5, 2015

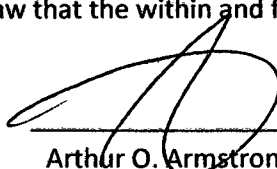


Arthur O. Armstrong, Plaintiff
8113 Pleasant Hill Road
Elm City, NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

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

March 5, 2015



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

CONCLUSION

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

Respectfully submitted,

Arthur O. Armstrong

Date: April 26, 2018