

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JOHN BENJAMIN CLOPTON, JR. PETITIONER
(Your Name)

vs.

MARY MURPHY, — RESPONDENT(S)
Judge, District Court of Ellis County, Texas
ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF TEXAS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John Benjamin Clopton, Jr., Pro se
(Your Name)

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Post Office Box 368
(Address)

Venus, Texas 76084-0368
(City, State, Zip Code)

972-904-0917
(Phone Number)

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QUESTION(S) PRESENTED

Whether a litigant, such as the Petitioner, herein, is constitutionally entitled to and guaranteed to an evidentiary and oral/live hearing for an opportunity to be heard and an opportunity to develop a record for his sworn Motion To Recuse in which he is questioning and challenging the lack of fairness and the lack of impartiality of the tribunal to afford his exercise of his due-process rights to a fair hearing under the United States Constitution including its Fifth (5th), and its Fourteenth (14th) Amendments and as guaranteed by Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980)?

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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:

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APPENDIX B	Respondent Mary Murphy's "Order Denying Motion To Recuse Judge Cindy Ermatinger" (Filed: 06-08-2017);
APPENDIX C	Petitioner's "Petition For Writ of Mandamus in the Supreme Court of Texas (Filed: 08-03-2017);
APPENDIX D	Denial of Petitioner's "Petition For Writ of Mandamus" (Filed: 10-13-2017);
APPENDIX E	Petitioner filed a timely "Motion For Rehearing of Petition For Writ of Mandamus" (Filed: 11-02-2017);
APPENDIX F	The Supreme Court of Texas denied the "Motion For Rehearing of Petitioner's Petition For The Writ of Mandamus (Filed: 12-08-2017); and
APPENDIX G	Texas Statutes (Rules 18 a & 18b) OF Texas Rules of Civil Procedure).
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IN THE
SUPREME COURT OF THE UNITED STATES
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Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

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

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

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

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

☒ For cases from **state courts**:

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

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

TC # : 93384; District Court of Ellis County, TX
Presiding Regional Judge
The opinion of the _____ 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.

¹ The Respondent MARY MURPHY, Judge, District Court of Ellis County, Texas

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JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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 10/13/2017.
A copy of that decision appears at Appendix D.

☒ A timely petition for rehearing was thereafter denied on the following date: 12/8/2017, and a copy of the order denying rehearing appears at Appendix F.

☐ 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

UNITED STATES CONSTITUTION,
Fifth^{5th} Amendment &
Fourteenth (14th) Amendment

TEXAS CONSTITUTION,
article 1, section 19

Texas Statutes (Rules 18a & 18b) of
Texas Rules of Civil Procedure

— (APPENDIX G)

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STATEMENT OF THE CASE

This case arose as an outgrowth of Petitioner John Benjamin Clopton, Jr.'s ("Petitioner Clopton's") efforts to exercise his constitutional due-process rights to obtain a fair and impartial tribunal in which to litigate his Tort and Fraud Case (Cause No. 93384) in the 443RD Judicial District Court of Ellis County, Texas. To date, Petitioner Clopton has not been successful.

On June 2, 2017, Petitioner Clopton challenged and questioned the fairness and the impartiality of the tribunal by filing his "Motion To Recuse Judge Cindy Ermatinger". See attached

APPENDIX A.

cont'd

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STATEMENT OF THE CASE - cont'd

Five (5) days later, on June 7, 2017, Respondent, the Honorable Mary Murphy, Presiding Judge, First Administrative Judicial Region of Texas ("Respondent Murphy") signed an "Order Denying Motion To Recuse Judge Cindy Ermatinger." (Filed: June 8, 2017). See attached **APPENDIX B.**

Respondent Murphy ruled that Petitioner's said "Motion To Recuse" was facially insufficient to state a basis for recusal, and the motion should be denied without an oral hearing. See Tex. R. Civ. P. 18a (g) (3) (A). Petitioner Clapton disagrees. See attached **APPENDIX G.** These Texas Statutes are "unconstitutionally" vague as they are interpreted and enforced.

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STATEMENT OF THE CASE - cont'd

Petitioner Clopton was denied his rights to a constitutionally entitled and guaranteed evidentiary and oral/live hearing to afford the Petitioner an opportunity to be heard and an opportunity to develop a record for Petitioner Clopton's Sworn Motion To Recuse in which he is questioning and challenging the fairness and impartiality of the tribunal to afford his exercise of his due-process rights to a fair hearing under the United States Constitution and the Fifth (5th) and Fourteenth (14th) Amendments as well as the Texas Constitution, article 1, section 19. The right to a fair and impartial tribunal is guaranteed by the United States Constitution. See *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980).
cont'd

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STATEMENT OF THE CASE - cont'd

On August 3, 2017, Petitioner Clopton filed an Original Proceeding, a Petition For Writ Of Mandamus, against Respondent Mary Murphy, Judge, District Court Of Ellis County, Texas in the Supreme Court of Texas (Case Number 17-0624). See attached **APPENDIX C.**

On October 13, 2017, Petitioner Clopton's Petition~~ed~~ For Writ of Mandamus in Case Number 17-0624 was denied by the Supreme Court of Texas. See attached **APPENDIX D.**

On November 2, 2017, Petitioner Clopton filed his timely
cont'd

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STATEMENT OF THE CASE - cont'd

"Relator's Motion For Rehearing Of"
the Petition For Writ of Mandamus
in Case Number 17-0624 at the
Supreme Court of Texas. See
attached **APPENDIX E.**

For the Record, The
United States Supreme Court denied
certiorari in which Respondent was
one and the same Respondent Mary
Murphy in this case and the facts
were strikingly similar to the facts
in this case. See Karen Ann Johnson
v. Mary Murphy, Judge, District Court
Of Grayson County, Texas, U.S.
No. 17-5328, Cert. Denied,
Rehearing Denied, 12/4/2017. See
attached **APPENDIX H.**
cont'd

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STATEMENT OF THE CASE - cont'd

On December 8, 2017, the Supreme Court of Texas denied Petitioner Clopton's Motion For Rehearing of his Petition For Writ of Mandamus in Case Number 17-0624. See attached **APPENDIX F.**

On January 5, 2018, Petitioner Clopton filed his timely "NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES.

On March 5, 2018, Petitioner Clopton filed this "PETITION FOR A WRIT OF CERTIORARI" with the Supreme Court of the United States.

Via CMRRR # 7015 1660 0000 7722 9872

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REASONS FOR GRANTING THE PETITION

Petitioner John Benjamin Clopton, Jr. believes that the SUPREME COURT OF THE UNITED STATES should grant this Petition For A Writ of Certiorari because the case presents issues of a litigant's right to a fair and impartial tribunal which are of national importance beyond the particular facts and the parties involved.

The SUPREME COURT OF THE UNITED STATES should grant this Petition For A Writ of Certiorari because the Supreme Court of Texas, simply, "unconstitutionally", failed and refused to guarantee a fair and impartial tribunal.
cont'd

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REASONS FOR GRANTING THE PETITION - cont'd

Finally, the Petitioner argues and claims that the guarantee of the right to a fair and impartial tribunal is mandatory to insure and maintain integrity and public transparency, in our JUDICIAL SYSTEM, which is critical to our DEMOCRACY.

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

J.B. Clifton, Jr.

Date: March 5, 2018