

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543

ANTOINE DEGRATE — PETITIONER
(Your Name)

SCOTT HARRIS vs.
BROADCAST MUSIC INC. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE D.C. CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANTOINE DEGRATE
(Your Name)

STILES UNIT - 3060 F.M. 3514
(Address)

BEAUMONT, TEXAS 77705
(City, State, Zip Code)

(409) 722-5255
(Phone Number)

QUESTION(S) PRESENTED

1. Whether, Federal Employees are Immune to Legal Action or Money Damages in Lower Courts pursuant to: 42 US Code § 1983; § 1985; § 1986?
2. Whether, the D.C. Circuit misapplied Sindram v. Suda, in determining that the Respondent as a Federal Employee, has Immunity for Actions taken as part of some ministerial or judicial function?
3. Whether, Petitioner/Appellant is entitled to a Ruling from the U.S. District and Appeal Court(s) on each Defendant/Respondent, namely, BROADCAST MUSIC INC. in accordance with the Due Process provisions of the 14th Amendment, as well as under the Common-Law provisions of the 7th Amendment provided to suits more than twenty dollars?
4. Whether, the District and Appeals Courts abused its discretion, [BY] making a "Ruling with the Absence of a Vote?"
5. Whether, the Findings of Fact [BY] the District and Appeals Courts "Clearly Erroneous?"
~~Erroneous?~~
6. Whether, the District and Appeals Courts erred in Formulating or Applying a Legal Precept, in which case Review is Plenary?
7. Whether, on Appeal or Petition for Review of an Agency Action, there is substantial Evidence in the Record as a Whole to Support the Order or Final Decision?
8. Whether, the Agency's Action, and the Findings of Fact & Conclusions in Law should be held unlawful and set-aside for the reasons set-forth in:
Owen V. Independence, 100 VOL. Supreme Court Reports. 1398: (1982); and
Main V. Thiboutot, 100 VOL. Supreme Court Reports. 2502: (1982)?
9. Whether, the Judicial Dynamics of the Prejudicial Thought Process, violate the Universal Declaration of Human Rights - Article 7, regarding Integrity and Ethics of Final Decision?
10. Whether, the Supreme Court of the United States "Responsible" for their own Officers of the Court, making them Immune to Legal Action or any Money Damages from Lower Courts?

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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CASES

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<u>Martin</u> , 956 F.2d 339, 340 (D.C. Cir. 1992).	[5]
<u>Redman v. County of San Diego</u> , 942 F.2d 1435, 1446 (9th Cir. 1091) . .	[6]
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STATUTES AND RULES

<u>Fed.R.Civ.P. 8(b)(6)</u>	[7]
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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 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 Case# 1:16-CV-02266 (Doc.#1689025); 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 December, 15th 2017.

☐ 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: March 14, 2018, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

14th AMENDMENT:

. . . . "No State shall make or enforce any Law which shall abridge the the Privileges or Immunities of Citizens of the United States; nor shall any State deprive any person of Life, Liberty, or Property, without Due Process of Law; nor deny to any person within its Jurisdiction the Equal Protection of the Law."

7th AMENDMENT:

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the Right of trial by Jury, shall be preserved, and no Fact tried by a Jury, shall be otherwise reexamined in any Court of the United States, than according to the Rules of the Common Law."

Color of Federal Law § Color of Office:

These violations occurred under Federal Law, [The Color of Federal Law] in which he violates Federal Statutes. This Statute "Defines or Creates" a Duty which was Breached by the Official of the Supreme Court of the United States. See, "Code of Federal Regulations" and Yosuf v. United States, 642 F.Supp. 415 (M.D. Pa. 1986). See also "Color of Office."

The Provisions Provided Through § 1983 and the Struggle for Prisoner Rights.

"Every Person who, under Color of Any Statute, Ordinance, Regulation, Custom, or Usage, of any State or Territory or the District of Columbia, subjected any Citizen of the United States or other person within the Jurisdiction thereof to the deprivation of any Rights, Privileges, or Immunities Secured by the Constitution and Laws, shall be liable to the party injured in an action at Law, Suit in Equity, or other proper proceeding for Redress. . . ."

STATEMENT OF THE CASE

I, Antoine D. Degrate TDCJ-CID# (1913105), Plaintiff-Petitioner, as located in Beaumont, Texas at the MARK W. STILES UNIT of the TEXAS DEPARTMENT OF CRIMINAL JUSTICE, brings this Civil Action of Administrative and Constitutional Claims of 42 U.S.C. § 1983. On September 21, 2016, SCOTT S. HARRIS, CLERK, of the SUPREME COURT OF THE UNITED STATES committed acts of Negligence [BY] Failing "Intentionally and Knowingly", in his Duties with this "Abuse of Process." To wit: He did not timely notify me of the Disposition of the Court, until [7] months after the fact, making it impossible for me to respond to the Disposition of the Writ of Certiorari on November 6, 2015, from a panel of Judges. I have attached Proof as Evidence through Exhibits [A-B] to enter to the Court in support of my Complaint/Claim. I was unable to respond Accurately, Promptly and Precisely, my Motion for a Reconsideration with suggested Rehearing En Banc. SCOTT S. HARRIS, CLERK, understood the urgency of these Official Matters as Duty, therefore, was Negligent for failing to notify me in a timely manner. I have witnesses at the MARK W. STILES Mailroom Department of TDCJ-CID, who are willing to thus testify to these allegations before a Jury of 12 in a trial. There is also "VIDEO-SURVEILLANCE" which will also be made available, along with log-in Records also available. The Rules of the Supreme Court of the United States require that no more than 25 days should should a Petition for Re-hearing be submitted. See, Rules of the Supreme Court of the United States Rule 44. On November 15, 2016 I submitted, Civil Action, 42 U.S.C. § 1983 Case No. [1:16-CV-2266) with Exhibits and Attachments entered as "PROOF." This Civil Action was filed in the United States District Court for the D.C. Circuit. Judge Randolph D. Moss, Presiding on these matters. I was contacted by the United States District and Bankruptcy Courts Judge Tonya S. Chutkan in the

STATEMENT OF THE CASE

Civil Action No. [1:16-cv-2266], and ORDERED that the 2 Applications to Proceed in Forma Pauperis, GRANTED. The Petition on July 19, 2017 was thus DISMISSED with PREJUDICE, for "Failure to state a Claim." Judge CHUTKAN, stated in the MEMORANDUM-OPINION, that the "Supreme Court has inherent [and EXCLUSIVE] Supervisory Authority over its CLERK" in Re: Martin 956 F.2d 339, 340 (D.C. Cir. 1992)[Per Curiam]. Therefore, a Lower Court may [NOT] compel the Clerk of the Supreme Court to take any action. id, see Panko v. Rodak, 606 F.2d 168, 171 n6 (7th Cir. 1979), cert den, 444 U.S. 1081 (1980)("It seems axiomatic that a Lower Court may not order the Judges or Officers of a Higher Court to take an action.") Therefore, the Supreme Court of the United States must take action of their own Officers wrongful conduct. I never received any Ruling against Defendant BROADCAST MUSIC INC., WHO IS IN NO WAY Immune to Legal Actions or Money Damages. I enter the Original Petition to PROVE to the Court of this Miscarriage of Justice on July 19, 2017 Case No. 1:16-cv-2266. See, Document# 1-2 (filed November 15, 2016). I then submitted a NOTICE OF APPEAL on August 3, 2017 and Judge CHUTKAN GRANTED as an Appealable ORDER. I proceeded on Appeal in the U.S. Court of Appeals, D.C. Cir. Case No. 17-5187. I filed my Brief/Appendix on September 18, 2017 Document# 1693707. The Petition was DENIED. U.S. Court of Appeals HELD that the Clerk is, "Immune" to Legal Actions and Money Damages. I still did not receive any Ruling on BROADCAST MUSIC INC. I've entered PROOF, Attachments that contain Exhibits. This decision was made December 15, 2017. On December 22, 2017 I submitted a MOTION FOR RELIEF FROM JUDGMENT as Documents-#1711516; 1711513 filed January 3, 2018. On March 14, 2018, the MOTION FOR RECONSIDERATION WITH SUGGESTION FOR REHEARING EN BANC was DENIED, by a 12 Judge panel. The Mandate was issued March 22, 2018. No man is above the Law pursuant 42 U.S.C. § 1983; § 1985; § 1986..

REASONS FOR GRANTING THE PETITION

§INTRODUCTION§

"The Supreme Court of the United States interprets the Constitution, and the Constitution is the Supreme Law. No Law can contradict or be superior to the Constitution. The Supreme Court does not make Laws: It simply interprets the Constitution. . . ."

§INDIVIDUAL & OFFICIAL CAPACITY§

There are two theories under which a State and Government official may be held liable for Actions or Omissions in his or her "Individual-Capacity": (1) personal involvement in the Act or Omission which thus caused the injury; or (2) sufficient causal connection between the official's Act or Omission and the injury. There is no Respondent Superior Liability under § 1983. Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989). If the State or Government official did not have any personal involvement in the alleged Constitutional Deprivation, then the Plaintiff must show that the official "Implement[ed] a Policy so deficient that the Policy itself is a repudiation of Constitutional Rights" and is "the Moving Force of the Constitutional Violation." Redman v. County of Sandiego, 942 F.2d 1435, 1446 (9th Cir. 1991); also Yosuf v. United States, 642 F.Supp. 415 (M.D. Pa 1986). A supervisor may also be held liable for the Constitutional Violations of subordinates if the supervisor "Directed the violations, or knew of the violations and failed to act to prevent them." Taylor v. List, 880 F.2d at 1045. SCOTT S. HARRIS, CLERK for the OFFICE OF THE CLERK, SUPREME COURT of the UNITED STATES is Liable for his Actions as CLERK. The UNITED STATES DISTRICT COURT JUDGE, TONYA CHUTKAN, stated in the MEMORANDUM OPINION, Filed July 19, 2017:

REASONS FOR GRANTING THE PETITION

The Supreme Court "has inherent [an EXCLUSIVE] Supervisory Authority over its Clerk." Therefore, "a Lower Court may [NOT] thus compel the Clerk of the Supreme Court to take any action." She further stated, "It seems axiomatic that a Lower Court may not order the Judges or Officers of a Higher Court to take an action." Therefore, the Supreme Court of the United States are liable to take actions against their own officers. The United States Court of Appeals also HELD that this decision must be Granted. Scott S. Harris, Clerk, for the Office of the Clerk, should be punished for Actions by its Superiors, of this "Abuse of Process." He is [NOT] Immune to the Actions of the Supreme Court of the United States. Not one FACT of LAW was Rebutted in the Brief/Appendix that was Presented and Submitted to the United States Court of Appeals for the D.C. Circuit, Filed September 18, 2017. USCA Case # 17-5187 (Document # 1693707; # 1693706): pursuant to Fed.R.Civ.P. 8(b)(6) An unrebutted affidavit becomes judgment in Law. An unrebutted affidavit stands as Truth in Law. See, Attachment (Brief/Appendix) of the U.S. Court of Appeals for the D.C. Circuit. [Appendix [A]]

§BROADCAST MUSIC INCORPORATED§

Pursuant to 42 U.S.C. § 1983; § 1985; § 1986, the APPELLEE/DEFENDANT, BROADCAST MUSIC INC., is not Immune to any Money Damages. The U.S. District Court, and the U.S. Court of Appeals erred in their Findings. I am Entitled to a Ruling on the APPELLEE/DEFENDANT BROADCAST MUSIC INCORPORATED. The U.S. District Court for the D.C. Circuit, Judge Tonya Chutkan did not give me a Ruling on the APPELLEE/DEFENDANT BMI July 19, 2017. Therefore, I did not exhaust ALL Remedies in the U.S. District Court. Also, the U.S. Court of Appeals erred in there Findings, [BY]

REASONS FOR GRANTING THE PETITION

NOT giving me a proper Ruling, with the Absence of a Vote on the APPELLEE/DEFENDANT BMI. I have entered supporting documents to prove why this Writ of Certiorari should be GRANTED, to not do so, is a total Miscarriage of Justice. The Federal Tort Claims Act (FTCA) requires that the Government employee whose acts you are complaining of was acting within the "Course and Scope of Employment." The Court asks "Whether the act was done while the [Employee] was doing his [Employer's] work, no matter how Irregularly or with what disregard of Instructions." Jones v. Weighland, 134 App.Div. 644, 645 (2d Dept 1909).

The violations asserted in this case fall under the 7th & 14th Amendment(s) of the Constitution for the United States of America. As to the protections provided by the 14th Amendment we find that:

. . . "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The further protection provided through the 7th Amendment of the Constitution for the United States of America we find that:

"In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United State, than according to the rules of the common law."

These violations occurred under Federal Law, "The Color of Federal Law" in which he violates Federal Statutes. This Statute Defines or Creates A Duty which was Breached by the officer of the Supreme Court of the United States. See, Color of Office.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Antoine Demetrios DePrato (#1913185)

Date: May 9, 2018