

IN THE

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

RECEIVED

OCT 19 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ANTOINE D. DEGRATE,
PETITIONER,

V.

SCOTT S. HARRIS, CLERK, SUPREME COURT OF THE
UNITED STATES

RESPONDENT,

BROADCAST MUSIC INCORPORATED,
RESPONDENT.

CAUSE # 17-9069

MOTION FOR LEAVE TO AMEND
UNDER FRCP 15(a)(2) THE
MOTION FOR RECONSIDERATION
WITH SUGGESTION FOR
REHEARING EN BANC
Tex. R. App. P. 49.07;
Fed. R. App. P. 40(a)(1)(C)
Fed. R. App. P. 40(a)(1)(D)

IF IT PLEASES THE COURT:

I ANTOINE D. DEGRATE, TEXAS PRISONER #1913105, PETITIONER,
DOES AT THIS TIME MOVE THIS SUPREME COURT OF THE UNITED STATES, D.C.
CIRCUIT, LOCATED IN WASHINGTON, D.C. 20543, ON ITS OWN MOTION TO
GRANT MY REQUEST FOR, MOTION FOR LEAVE TO AMEND UNDER FRCP 15(a)(2),
THE MOTION FOR RECONSIDERATION WITH SUGGESTION FOR REHEARING
EN BANC, PURSUANT TO TEX. R. App. P. 49.07.

IN ACCORDANCE WITH FED. R. CIV. P. 59(a); and Fed. R. App. P.
40(a)(1)(C)(D), THIS PETITION IS TIMELY SUBMITTED. AS FURTHER TO
SUPPORT THIS MOTION: § DISCUSSION §

THE SUPREME COURT OF THE UNITED STATES FOR THE D.C. CIRCUIT
ENTERED A JUDGMENT IN WHICH THE PANEL "DENIED" MY PETITION FOR A
WRIT OF CERTIORARI.

I. "OFFICERS OF THE COURT HAVE NO IMMUNITY WHEN
VIOLATING CONSTITUTIONAL RIGHT, FROM LIABILITY"

TITLE 42 US CODE SEC. 1983, AND SEC. 1985, AND SEC. 1986: CLEARLY
ESTABLISHED THE RIGHT TO SUE ANYONE WHO VIOLATES YOUR CONSTITUTIONAL
RIGHT. UNDER FTCA (FEDERAL TORT CLAIMS ACT), PASSED IN 1946, THAT
CONFERS EXCLUSIVE JURISDICTION TO UNITED STATES DISTRICT COURTS
TO HEAR CLAIMS AGAINST THE UNITED STATES FOR MONEY DAMAGES, FOR
INJURY, OR LOSS OF PROPERTY, OR PERSONAL INJURY OR DEATH, CAUSED BY
THE NEGLIGENT OR WRONGFUL ACT OR OMISSION OF AN EMPLOYEE OF THE
GOVERNMENT, WHILE ACTING WITHIN THE SCOPE OF ANY EMPLOYEE OFFICE,
OR EMPLOYMENT, UNDER CIRCUMSTANCES WHERE THE UNITED STATES,
IF A PRIVATE PERSON, WOULD BE LIABLE TO THE CLAIMANT

UNDER THE LAWS OF THE PLACE WHERE THE ACT OR OMISSION

occurred.

THE ACT IS A "BROAD WAIVER" OF SOVEREIGN IMMUNITY, THUS, MAKING THE "DENIAL" A DUE PROCESS VIOLATION OF MY CONSTITUTIONAL RIGHT, PURSUANT TO THE 14TH AMENDMENT.

§ "STATEMENT OF UNDISPUTED FACTS §

① ON MAY 21, 2018 THE PETITION FOR A WRIT OF HABEAS CORPUS WAS FILED AND PLACED ON THE DOCKET MAY 24, 2018. THIS IS CLEARLY IN DEFAULT; I RECEIVED THE FINAL JUDGMENT ON OCTOBER 1, 2018 WHICH IS OVER 90 DAYS AND NO EXTENSION REQUEST HAS NOT BEEN FILED. "133 DAYS" BEFORE THE FILING OF THE SUPREME COURT OF THE UNITED STATES ENTERED THE FINAL JUDGMENT ON OCTOBER 1, 2018 AS (CAUSE # 17-9069).

"② A "BROAD WAIVER" WAS FILED WITH THE COURT TO NOT CHALLENGE OR DISPUTE ANY ARGUMENTS OR LAWS STATED IN PETITIONER ANTONIO D. DEGRATE PETITION OF A WRIT OF HABEAS CORPUS, DATED JUNE 8, 2018, (SOLICITOR GENERAL NOEL J. FRANCISCO). A BROAD WAIVER ALLOWS FOR THE GOVERNMENT TO BE SUED, THUS AUTHORIZING THE PETITIONER PERMISSION TO PROCEED. MAKING THIS A VIOLATION OF A CONSTITUTIONAL RIGHT (14th AMENDMENT) - DUE PROCESS.

"③ ON JUNE 14, 2018, A SCHEDULED CONFERENCE WAS HELD WITH THE COURT. THIS IS PROOF THAT A MISTAKE WAS MADE BY THE COURT BECAUSE THE PETITIONER WAS CLEARLY INFORMED OF THIS SCHEDULED MEETING, AND THEREFORE A DENIAL OF MY PETITION OF HABEAS CORPUS IS CLEARLY ERRONEOUS. THIS IS A MATTER OF JUSTICE. I NEVER RECEIVED A RULING FROM BROAD CAST MUSIC INC. I HAVE ENTERED ATTACHMENTS AS FURTHER OFFER OF PROOF.

§ PRAYER IN CONCLUSION §

WHEREFORE, PREMISES CONSIDERED, AS THE PETITIONER, ANTONIO D. DEGRATE, MOVE THIS COURT THROUGH PRAYER TO GRANT THIS MOTION FOR LEAVE TO AMEND UNDER RULE (15a) (2), THE MOTION FOR RECONSIDERATION WITH SUGGESTION REOPENING EN BANC, TEX. R. APP. P. 49.07, AND UPON SAID REOPENING EN BANC, TO REVERSE THEIR DECISION, AND REMAND THIS CASE BACK TO THE UNITED STATES DISTRICT COURT FOR THE D.C. CIRCUIT FOR FURTHER PROCEEDINGS.

§ CERTIFICATION OF TRUTH §

THIS STATEMENT CERTIFIES UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA, AND 28 U.S.C. § 1746 THE FOREGOING TO BE TRUE, CORRECT, COMPLETE, CERTAIN, NOT MEANT TO HARASS, NOT MEANT TO DELAY PROCEEDINGS, NOT MEANT TO MISLEAD OR DECEIVE IN ANY WAY SO HELP ME GOD.

EXECUTED THIS 9 DAY OF OCTOBER, 2018.

ACCEPTED THROUGH AUTHORIZATION OF:

ANTOINE D. DEGRATE
SECURED PARTY, GRANTOR
SIGNATURE UCC 9-102(72)
"WITH COPY-CLAIM"

Antoine D. DeGrate (#1913105)

By: ANTOINE D. DEGRATE, AGENT
ATTORNEY-IN-FACT, WITH AUTOGRAPH
UCC 9-102(72)(E) : UCC 3-402
WITHOUT PREJUDICE UCC 1-207/1-308
UNDER COMMON LAW UCC 1-103

cc:
SCOTT S. HARRIS
BROADCAST MUSIC INC.
ANTOINE D. DEGRATE

ANTOINE D. DEGRATE (#1913105)
TDCT-ID MARK W. STILES UNIT
5060 F.M. 3514
BEAUMONT, TEXAS 77705

ENCLOSURE

ATTACHMENT (2)

 Search documents in this case: Search	
No. 17-9069	
Title:	Antoine D. Degrate, Petitioner v. Scott S. Harris, Clerk, Supreme Court of the United States
Docketed:	May 24, 2018
Lower Ct:	United States Court of Appeals for the District of Columbia Circuit
Case Numbers:	(17-5187)
Decision Date:	December 15, 2017
Rehearing Denied:	March 14, 2018

DATE	PROCEEDINGS AND ORDERS
May 21 2018	Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due June 25, 2018) Motion for Leave to Proceed in Forma Pauperis Petition Appendix Proof of Service
Jun 08 2018	Waiver of right of respondent Scott S. Harris, Clerk to respond filed. Main Document
Jun 14 2018	DISTRIBUTED for Conference of 9/24/2018.

NAME	ADDRESS	PHONE
Attorneys for Petitioner		

Antoine D. Degrate

#1913105
Stiles Unit
3060 FM 3514
Beaumont, TX 77705

Party name: Antoine D. Degrate

Attorneys for Respondent

Noel J. Francisco
Counsel of Record

Solicitor General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
202-514-2217

SupremeCtBriefs@USDOJ.gov

Party name: Harris, Clerk, Scott S.

ATTACHMENT (B)

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

June 22, 2018

Mr. Antoine D. Degrate
Prisoner ID #1913105
Stiles Unit
3060 FM 3514
Beaumont, TX 77705

Re: Antoine D. Degrate
v. Scott S. Harris, Clerk, Supreme Court of the United States
No. 17-9069

Dear Mr. Degrate:

The petition for a writ of certiorari in the above entitled case was filed on May 21, 2018 and placed on the docket May 24, 2018 as No. 17-9069.

A form is enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

Scott S. Harris, Clerk

by

Melissa Blalock
Case Analyst

Enclosures

ATTACHMENT (A)

IN THE SUPREME COURT OF THE UNITED STATES

DEGRATE, ANTOINE
Petitioner

vs.

No: 17-9069

SCOTT S. HARRIS, CLERK, SUPREME COURT OF THE
UNITED STATES

WAIVER

The Government hereby waives its right to file a response to the petition in this case,
unless requested to do so by the Court.

NOEL J. FRANCISCO
Solicitor General
Counsel of Record

June 08, 2018

cc:

ANTOINE DEGRATE
PRISONER ID# 1913105
STILES UNIT
3060 FM 3514
BEAUMONT, TX 77705

ATTACHMENT ©

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

ANTOINE DEGRATE — PETITIONER
(Your Name)

SCOTT S. HARRIS VS.

BROADCAST MUSIC INC. — RESPONDENT(S)

PROOF OF SERVICE

I, ANTOINE DEGRATE, do swear or declare that on this date, May 9,, 2018, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Attorney for BROADCAST MUSIC INC.: Shannon Frank Green, Esq.

HUGHES HUBBARD & REED LLP, 1 Battery Park Plaza

New York, New York 10004 (212) 837-6930

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 9,, 2018

Antoine D. Degrate (#1918105)
(Signature)