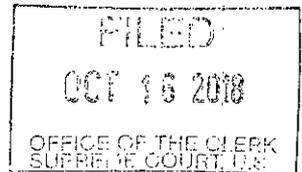


No. 18-8008



IN THE
SUPREME COURT OF THE UNITED STATES

Cedrick Draper _____ — PETITIONER
(Your Name)

vs.

Muy Pizza Southeast LLC d/b/a Pizza Hut — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeal 4th Circuit Court

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

PETITION FOR WRIT OF CERTIORARI

Cedrick Draper

(Your Name)
PO Box 144 Lynchburg Virginia 24505 or
4445 Corporation Lane ste 264
Virginia Beach, Virginia 23462

(Address)

Lynchburg VA 24505

(City, State, Zip Code)

276 806 4958

(Phone Number)

QUESTION(S) PRESENTED

“Fraud upon the court” versus a frivolous lawsuit, within the meaning of Rule 60’s saving clause by distinguishing from intrinsic and extrinsic fraud. The question presented is “fraud upon the court” intentionally and unintentionally or just intentionally protected or unprotected by immunity or is detected “fraud upon the court” predominantly voidable to set aside judgment within appellate courts’ review of a federal courts’ decree or final judgement order overrule frivolous defiance?

Question presented is a pro se litigant's defense not identified to authorize change of the court address impersonation by Title 18?

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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*unpublished
Order*

TABLE OF AUTHORITIES CITED

CASES

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Lee Wallace v. United States (C.C.A.2d, 1944) 142 F.(2d) 240, cert. den. (1944) 323 U.S. 712	
Praser v. Doing (App.D.C. 1942) 130 F.(2d) 617	
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Moore and Rogers, Federal Relief from Civil Judgments (1946) 55 Yale L.J. 623, 631-653	
Moore's Federal Practice (1938) 3254 et seq.	
Commentary, Effect of Rule 60b on Other Methods of Relief From Judgment, op. cit. supra. Cf. Norris v. Camp (C.C.A.10th, 1944) 144 F.(2d)	
Need v. South Atlantic Steamship Co. of Delaware (D.Del. 1942) 6 Fed.Rules Serv. 60b.31, Case 1	
Laughlin v. Berens (D.D.C. 1945) 8 Fed.Rules Serv. 60b.51, Case 1, 73 W.L.R. 209.	
Griffith v. Bank of New York, 147 F.2d 899 (2d Cir. 1945)	
Moscato v. Comm'r, 441 F.2d 930, 933-34 (9th Cir. 1971)	
Muten v. Baltimore County 164 F.3d 625 (4th Cir. 1998).	
Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991)	
General Electric Co. v. Joiner, 522 U.S. 136 (1997)	

STATUTES AND RULES

Code of Virginia. § 8.01-428. Setting aside default judgments; clerical mistakes; independent actions to relieve party from judgment or proceedings; grounds and time limitations.	
10 U.S. Code § 123 - Civil remedies for fraud	
Fed. R. Civ. P. Rule 60. Relief from a Judgment or Order	
Fed. R. Civ. P. Rule 60(d)(3). vacate by motion from fraud upon the court decree or judgement	
18 U.S. Code Chapter 43 - FALSE PERSONATION	

OTHER

Federal Civil Appeals, 229 F.R.D. 267 (2005)	
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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 Order to Appeal Case 4:18-wd-00013 to 4th Circuit; 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 ~~10/12/2018~~ 10/10/2018.
(10)

- 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

IS Constitution Article III Section 1 and 2

IS Constitution Amendment 14 Section 1

§ U.S. Code § 706(2)(a)

STATEMENT OF THE CASE

Western District Court Case is not fair equal trial that nature code represents Discrimination Employment y Title VII lieu of the actual selection by petitioner for Title 42 Discrimination. No right to sue letter was enter to filing and adjustment by civil filing is fraud of the petitioner pro se's intent on the Defendant Muy Pizza Southeast LLC d/b/a Pizza Hut located in Ridgeway Virginia. Petitioner suffer pphysical and mentally to the final order in connection to the enjoinder order of the case before mandated decision of appeal decision

Here, Plaintiff alleges in count one that he was damaged by the Us District Court's fraud upon the federal court when Court "misled the civil procedure into believing that plaintiff case was nature of code Discrimination Employment when Discrimination was the nature code selection by tort of orginial proceeding, genuine issue in controversy."

Plaintiff seeks damages as a result of intentionally concealing material facts and knowingly making false statements that misled IFP and judges opinionthat Federal court went into enjoinder order decree.

In count two, Plaintiff makes claims under 42 U.S.C. § 1983 stating that the Courts' fraud upon the court, and the ultimate dismissal of his case following that fraud, deprived him of his constitutional rights among Western District Cases filing and state action cause state court to accept erroneous evidence by label of

Plaintiff also argues that his claim second identifies grounds of defamation which extends violations of his constitutional rights and labeled the plaintiff as a pro se by a bias of Danville Division Us District Court when docketed final order, state court obtained the decree or final judgement.

The state court place judgment on other cases by jursidiction in reference to or by fraud upon the court within final judgment order of Danville Division Western District See (418cv-013), not on the state court judgment but off of tactial

measurement within Senior Judge's Opinion bias of fraud upon the court with final order still pending appeal within Higher Court US Court of Appeals 4th Circuit from Danville Division US District Court.

REASONS FOR GRANTING THE PETITION

Sufficient claims, grounds of relief, authorities, rules, and reference federal law jurisdiction identify error subject to the previous records of case and relief by error within fraud upon the court prove subject to the civil filing of petitioner pro se Cedrick Draper's selection.

With intent the petitioner extends to the court of United States Supreme Court to capture the record by writ for evidence of fraud, which is identified intrinsic fraud to draw sufficient reason to regulate by Supreme Court review the elements to verify the fraud of the court and reverse injunction and final judgement for possible fair trial obtain Defendant Muy Pizza Southeast LLC.

The court is order to grant petition and review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Cedrick Draper



Date: 10/12/2018 (10) 10/16/18