

Supreme Court, U.S.
FILED
MAY 16 2022
OFFICE OF THE CLERK

No. 21-7949

IN THE
SUPREME COURT OF THE UNITED STATES

John D. Horton — PETITIONER
(Your Name)

vs.
US — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

John D. Horton
(Your Name)

No mailing address
(Address)

Lawton, Oklahoma
(City, State, Zip Code)

johndhorton@yahoo.com
~~Phone number~~ email

ORIGINAL

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QUESTION(S) PRESENTED

1. Did the courts below improperly construe the "notice" to the debtor requirement of 31 U.S.C. § 3720D(b)(2) and 31 C.F.R. § 285.11(e)(1) when the courts below allowed the 2019 debtor notice to be mailed to an address which the debtor had not lived at since 2011 when the triggering mechanisms for the garnishment was the debtor filling a 2019 IRS Form W-2 (known as the "Wage and Tax Statement") which clearly listed the debtor's 2019 home address, or in the alternative, the collector could have been mailed the garnishment notice to the debtor's current employer who could have forwarded it to the debtor, or in the alternative, the collector could have emailed the notice to the debtor's email address of johndhorton@yahoo.com which has been the same since the email address was created in 1996?

2. Did the courts below improperly ignore the notice from the "from the head of the executive ... agency, informing the ...[debtor of the debt]" requirement of 31 U.S.C. § 3720D(b)(2) and 31 C.F.R. § 285.11(e)(1) when the courts below allowed the fly-by-night federal contractor collection agency "Coast Professional" to issue the pre-garnishment notice?

3. This matter is appropriate for class action status under FRCP 23 to include all class members who are federal debtors who under 31 U.S.C. § 3720D(b)(2) and 31 C.F.R. § 285.11(e)(1) did not:
 - receive the notice of garnishment at the W-2 listed address which triggered the garnishment to include at the debtor's home address, the debtor's employer's address or at the debtor's email address known to the collecting federal agency, and/or,
 - receive the notice of garnishment "from the head of the executive [or other] agency..." but rather, wrongfully received the notice of garnishment from a federal contractor collection agency which was not authorized by statute and/or regulation and is thus invalid, null, void and outside the scope of the law.

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:

RELATED CASES

None.

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OTHER

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

X 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 _____.

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: May 3, 2022, 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 Due Process

31 U.S.C. § 3720D(b)(2)

Administrative Procedures
Act 5 U.S.C. § 500 et seq.

STATEMENT OF THE CASE

As interpreted by the courts below, the "notice" requirement codified at 31 U.S.C. § 3720D(b)(2) is meaningless because the collector can send the notice to any address and still be in compliance with the courts below unnatural, unreasonable, illogical and irrational notions of what "notice" should require. The clear intent of Congress was that the debtor receive 30 days of pre-garnishment notice. This can only be accomplished if:

- the garnishment notice is sent to the debtor's home address as listed on the debtor's IRS Form W-2 which triggered the garnishment,
- the garnishment notice is sent to the debtor's employer's address as listed on the debtor's IRS Form W-2 which triggered the garnishment, with a notice to the employer to forward the garnishment notice to the debtor,
- the garnishment notice is sent to the debtor's email address which may be included in the IRS Form W-2 or may be in the possession of the agency seeking the collection.

As interpreted by the courts below, the "head of the agency" requirement codified at 31 U.S.C. § 3720D(b)(2) is meaningless since there has been an improper delegation from the "head of the agency" to any fly-by-night federal contractor collection agency such as "Coast Professional." Only when this matter was brought before the courts, was the debtor provided with clear answers regarding the nature of the debt. Coast Professional never responded to the debtor's inquiries about the nature of the alleged debt.

REASONS FOR GRANTING THE PETITION

As a class action under FRCP 23, this case potentially impacts millions of debtors and trillions of dollars since apparently most collector federal agencies never send the garnishment notice to the debtor's most recent W-2 home address etc., and the notice is never issued by the "head of the agency," both of these requirements being mandated by the statute 31 U.S.C. § 3720D(b)(2).

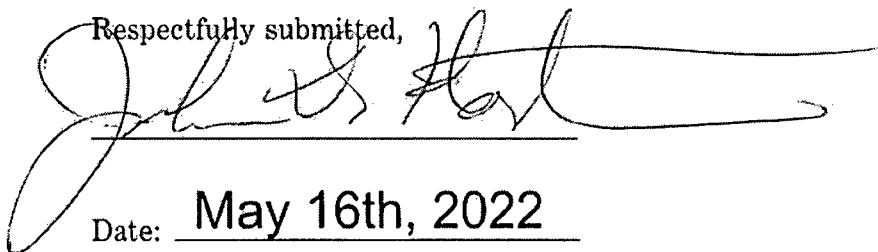
The Biden administration is looking to cancel federal student loan debt which can also be done by this court if it found that the collecting federal agencies are out of compliance with the notice requirements of the statute 31 U.S.C. § 3720D(b)(2) thus rendering the collection activity outside of the law. These collection actions can thus be rendered void due to the federal agencies not following the law and not being in compliance with the Administrative Procedures Act for improperly implementing procedures which directly conflict with 31 U.S.C. § 3720D(b)(2). A collection notice outside of the law will have the effect of cancelling the debt. In other words, the federal agency has to comply with the law the first time it sent a collection notice or the debt is cancelled.

A reasonable and normal laches period of 2 years from the debt first being due, payable and owing should be mandated otherwise the debtor is prejudice by not having all the records required to properly defend the action.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: May 16th, 2022