

No. 24 - 6975

IN THE
Supreme Court of the United States

SAMUEL T. WHATLEY, II,

PETITIONER,

V.

T-MOBILE USA, INC.

RESPONDENT.

On Petition for a Writ of Certiorari
to
U.S. Court of Appeals for the Fourth Circuit

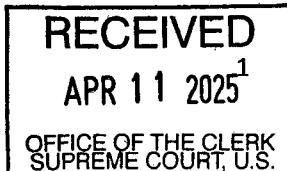
PETITION FOR WRIT OF CERTIORARI

Samuel T. Whatley, II
Ph.D. Crim. Just. -Lead.
(*Doctoral Candidate Liberty University*)
P.O. Box 14254
Charleston, SC 29422

John 5:30

“I can of mine own self do nothing: as I hear, I judge: and my judgment is just; because I seek not mine own will, but the will of the Father which hath sent me.” (King James Version)

*Friend of the Court and Biblically Founding
Preacher, Scholar, and Historically Related to Family of the American Revolution*



QUESTIONS PRESENTED

1. Are private entities invested with stock equities of assigned federal judges exceeding \$10,000 subject to federal law prosecutions, review, lawsuits, and sanction regulations of contempt against these governmental entities [i.e. U.S. Securities and Exchange Commission], and or other punishable justifications, that do not have the immunity protections, if the intergovernmental agencies, organizations, and or individual governmental employees implemented misconduct, and or infringed upon an individual's property and privacy [We the People] **RIGHTS** (*also known as Freedoms and Liberties*)?
2. Does using forged signatures supersede due process for an unsigned mandatory arbitration clause as a consumer in cyberspace?
3. How many more data breaches must occur before big companies are held liable for injuries and negligence to consumers?

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LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

Whatley v. T-Mobile USA, Inc., No. 24-1610, U.S. Court of Appeals for the Fourth Circuit.
Judgment entered 23 December 2024.

Whatley v. T-Mobile USA, Inc., No. 2:23-cv-01339, U.S. District Court for the District of South Carolina. Judgment entered 8 May 2024.

INDEX TO APPENDICES

APPENDIX A	Decision of U.S. Appeals Court
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APPENDIX C	Magistrate Report and Recommendation

OPINIONS BELOW

The decision by the U.S. Court of Appeals denying the Petitioner's direct appeal is reported as *Whatley v. T-Mobile USA, Inc.*, No. 24-1610 (4th Cir. 2024), in which the order of denial and dismissal is attached in the Appendix Section. The U.S. Federal Court of South

Carolina denied and dismissed the Petitioner's complaint in *Whatley v. T-Mobile USA, Inc.*, Civil Action 2:23-cv-01339 on 8 May 2024.

JURISDICTION

The Petitioner's appeal was denied on 23 December 2024 by the U.S. Court of Appeals. Petitioner then invokes this Court's jurisdiction under 28 U.S.C. § 1257 and 1254(1), having timely filed this petition for a writ of certiorari within ninety days of the U.S. Court of Appeal's judgment.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.

United States Constitution, Amendment IV:

The Fourth Amendment is part of the Bill of Rights. It prohibits unreasonable searches and seizures and sets requirements for issuing warrants: warrants must be issued by a judge or magistrate, justified by probable cause, supported by oath or affirmation, and must particularly describe the place to be searched and the persons or things to be seized.

South Carolina Constitution, Article I Section 10:

Searches and seizures; invasions of privacy. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated, and no warrants shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained.

South Carolina Constitution, Article I Section 24 (A)(1):

Victims' Bill of Rights. (A) To preserve and protect victims' rights to justice and due process regardless of race, sex, age, religion, or economic status, victims of crime have the right to (1) be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse, throughout the criminal and juvenile justice process, and informed of the victim's constitutional rights, provided by statute.

South Carolina Constitution, Article VIII Section 14:

General law provisions are not to be set aside. In enacting provisions required or authorized by this article, general law provisions applicable to the following matters shall not be set aside: (1) The freedoms guaranteed every person; (2) election and suffrage qualifications; (3) bonded indebtedness of governmental units; (4) the structure for and the administration of the State's judicial system; (5) criminal laws and the penalties and sanctions for the transgression thereof; and (6) the structure and the administration of any governmental service or function, responsibility for which rests with the State government or which requires statewide uniformity

STATUTORY AND RULES INVOLVED

Electronic Communications Privacy Act (ECPA) of 1986

Electronic Funds Transfer Act (EFTA) of 1978

18 U.S. Code § 2511

15 U.S. Code § 1693m

28 U.S.C. § 1257 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 1257.

State courts; certiorari

18 U.S.C. § 247 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 247.

Damage to religious property; obstruction of persons in the free exercise of religious beliefs

29 U.S.C. § 524a - U.S. Code - Unannotated Title 29. Labor § 524a. Elimination of racketeering activities threat; State legislation governing collective bargaining representative

18 U.S.C. § 1952 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 1952.

Interstate and foreign travel or transportation in aid of racketeering enterprises

18 U.S.C. § 1959 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 1959.

Violent crimes in aid of racketeering activity

3 U.S.C. § 411 - U.S. Code - Unannotated Title 3. The President § 411. Rights and protections under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and Title I of the Americans with Disabilities Act of 1990
2 U.S.C. § 1311 - U.S. Code - Unannotated Title 2. The Congress § 1311. Rights and protections under Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Rehabilitation Act of 1973, and Title I of the Americans with Disabilities Act of 1990

22 U.S.C. § 4355 - U.S. Code - Unannotated Title 22. Foreign Relations and Intercourse § 4355. Relationship to the Privacy Act and Freedom of Information Act

48 U.S.C. § 1613a - U.S. Code - Unannotated Title 48. Territories and Insular Possessions § 1613a. Appellate jurisdiction of District Court; procedure; review by United States Court of Petitions for Third Circuit; rules; Petitions to the appellate court

18 U.S.C. § 505 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 505. Seals of courts; signatures of judges or court officers

28 U.S.C. § 1914 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 1914.
District court; filing and miscellaneous fees; rules of court

28 U.S.C. § 375 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 375.
Recall of certain judges and magistrate judges

28 U.S.C. § 455 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 455.
Disqualification of justice, judge, or magistrate judge

45 U.S.C. § 59 - U.S. Code - Unannotated Title 45. Railroads § 59. Survival of right of action of
the person injured.

5 U.S.C. § 552

18 U.S.C. § 2510-2523

Health Insurance Portability and Accountability Act of 1996

Privacy Act of 1974, PL 93-579, 88 Stat 1896

Anti-Drug Abuse Act of 1986, PL 99-570, 100 Stat 3207

Electronic Freedom of Information Act of 1996

The Intelligence Authorization Act of 2002, PL 107-306, 116 Stat 2383

OPEN Government Act of 2007, PL 110-175, 121 Stat 2524

Wall Street Reform Act of 2010

FOIA Improvement Act of 2016

Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (2022) No. 20-1199

Renegotiation Board v. Bannercraft Clothing Co., 415 U.S. 1 (1974)

Administrator, Federal Aviation Administration v. Robertson, 422 U.S. 255 (1975)

Department of Air Force v. Rose, 425 U.S. 352 (1976)

National Labor Relations Board v. Robbins Tire & Rubber Co., 437 U.S. 214 (1978)

Chrysler Corp. v. Brown, 441 U.S. 281 (1979)

Federal Open Market Committee of Federal Reserve System v. Merrill, 443 U.S. 340 (1979)

Kissinger v. Reporters Comm. for Freedom of Press, 445 U.S. 136 (1980)

Forsham v. Harris, 445 U.S. 169 (1980)}

Consumer Product Safety Commission v. GTE Sylvania, Inc., 447 U.S. 102 (1980)

Baldridge v. Shapiro, 455 U.S. 345 (1982)

United States Department of State v. Washington Post Co., 456 U.S. 595 (1982)

Federal Bureau of Investigation v. Abramson, 456 U.S. 615 (1982)

Federal Trade Commission v. Grolier Inc., 462 U.S. 19 (1983)

United States v. Weber Aircraft Corp., 465 U.S. 792 (1984)

Department of Justice v. Provenzano, 469 U.S. 14 (1984)

Central Intelligence Agency v. Sims, 471 U.S. 159 (1985)

Church of Scientology v. Internal Revenue Service, 484 U.S. 9 (1987)

Department of Justice v. Julian, 486 U.S. 1 (1988)

Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989)

United States Department of Justice v. Tax Analysts, 492 U.S. 136 (1989)

John Doe Agency v. John Doe Corp., 493 U.S. 146 (1989)

United States Department of State v. Ray, 502 U.S. 164 (1991)

Department of Justice v. Landano, 508 U.S. 165 (1993)

United States Department of Defense v. Federal Labor Relations Authority, 510 U.S. 487 (1994)

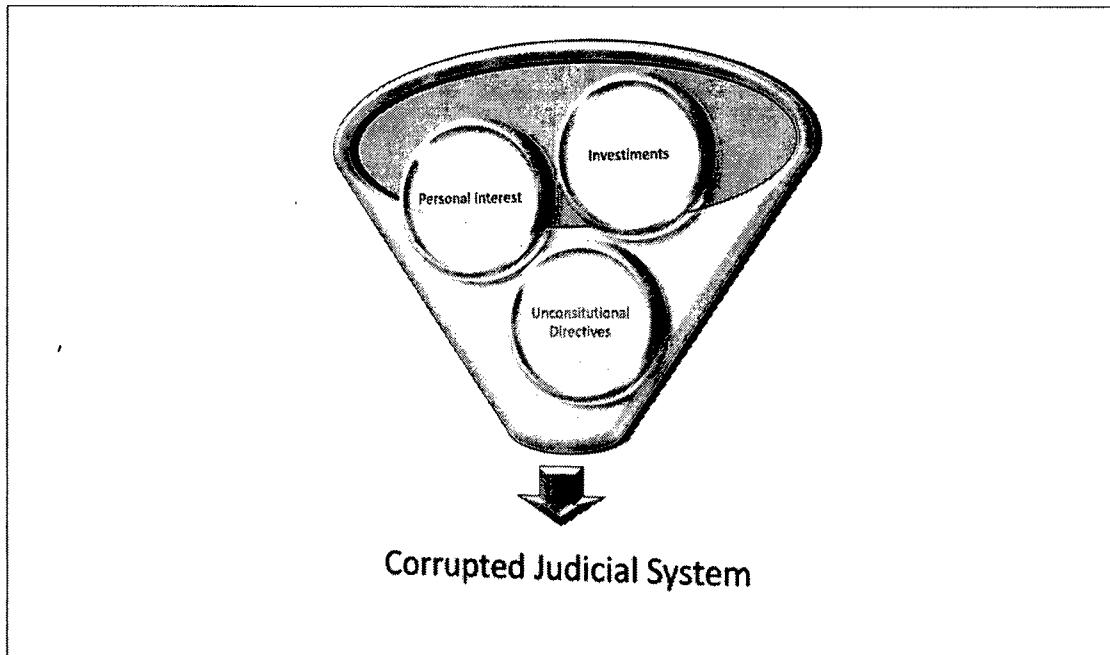
Bibles, Oregon Director, Bureau of Land Management v. Oregon Natural Desert Association,
519 U.S. 355 (1997)

Department of Interior v. Klamath Water Users Protective Assn., 532 U.S. 1 (2001)
National Archives & Records Administration v. Favish, 541 U.S. 157 (2004)
Taylor v. Sturgell, 553 U.S. 880 (2008)
FCC v. AT&T Inc., 562 U.S. 397 (2011)
Milner v. Department of Navy, 562 U.S. 562 (2011)
Schindler Elevator Corp. v. United States ex rel. Kirk, 563 U.S. 401 (2011)
Food Marketing Institute v. Argus Leader Media, No. 18-481, 588 U.S. ____ (2019)
United States Fish and Wildlife Service v. Sierra Club, No. 19-547, 592 U.S. ____ (2021)

STATEMENT OF THE CASE

During the early days of or around 5 April 2022 and or continued or around 6 April 2022, a telecom employee of T-Mobile USA, Inc., [Respondent] unlawfully transferred Petitioner's phone number to another device on 4/5/2022 approx. 4:22 PM at a T-Mobile store located in Traveler's Rest, SC. It later resulted in compromising my entire bank account and funds were unlawfully transferred via Zelle, a digital payment network controlled by private financial services and banks. Authorities were contacted about the attack the next day but were unsuccessful in apprehending the suspect after providing the police with the stolen IMEI # of the swapped device in addition to other evidence of unlawful wire transfers and charges.

Compensation and justice is still sought by the victim/petitioner/appellant/complainant/plaintiff for the unlawful transfer of electronic communications leading to the unauthorized access and compromise of the bank account. It has been discovered and questioned that the rational and fair judgment of the assigned judicial officers have equities and investment stocks by the Respondent's legal representation private law firms and or counsel more than \$10,000 via Blackrock and other investment stocks or financial interests. The following diagram highlights this concern and descriptive reasoning by the Petitioner and this Writ:



The diagram above provides a visual representation of what is described by the Petitioner as to how a court system can be compromised via questionable investments, personal interests, and unconstitutional directives that affect fair judgements. It does not matter how many attorneys or wealth one may have if the system is compromised. A corrupted judicial system will not stand and goes against the Federalist Papers and Founding Father's intent of this nation known as the United States of America. The following is not a complete listing, as other court filing documentation may provide additional information:

1. Identity theft, bank account theft, and other cybercrimes by T-Mobile USA, Inc. employees.
2. This case involves or should involve protective rights to the [PEOPLE] of the USA for a Class action for all victims of SIM Swap Identity Theft scams of T-Mobile USA, Inc.
3. On or around the date of 8 May 2024, the US District Court Charleston Division SC unconstitutionally ordered the dismissal of the federal court complaint filing by a few

errors, mainly one error by the presiding judicial officer not including a right to appeal notification to a pro se litigant.

4. It has been discovered that judicial officers have financial investments with the shareholders of the bank the opposing representative had while being the Chairman for several years, such as, but not limited to, Blackrock, Vanguard, and others were invested by the judicial officers and First Community Corporation.
5. The assigned judicial officers ruled in error by accepting, as it appears, a FORGED SIGNATURE as a false and fraudulent material fact from opposing counsel [Respondent].
6. The opposing party [Respondent] admitted into evidence that showed that the suspect, as assumed and believed, was involved in the criminal actions, directly and or indirectly, as an employee, an associate of the opposing party [Respondent] at the scene of the crime, the T-Mobile Store employees, engaged in the SIM SWAP SCAM, where the employee authorized the TRANSFER to STEAL and FRAUD the bank account information from the Plaintiff [Petitioner], as indicated and addressed by the Respondent's court documentation. Furthermore, as the details reflect, the Respondent seem to attempt to conceal and falsify the information to the court by watering down and kicking up dust like a mad chicken rooster in an old southern hen-house, by claiming that the Plaintiff [Petitioner] was somehow mystically within the store location and or directly involved at Traveler's Rest during the timeframe of the criminal activity of the SIM SWAP by the T-Mobile USA, Inc. employees.
7. It is flabbergasting, additionally saddening, as a violation of the moral duties for the lower courts to deny the factual realization that the rights of the Plaintiff [Petitioner],

as a victim, should have been upheld and honored against the wrongdoing and evils conducted against the Petitioner to demand a compelling, and or assumed, mandatory arbitration clause to small claims WHICH WAS NEVER EXPLICITLY DISCLOSED and or AGREED between both parties in an verifiable and properly prompted business setting. It is well known in the older southern folk language that such an improper bad business practice terminology as a “catch 22 gotcha” kind of questionable dealing, big-ring-circus-games to avoid at all cost.

8. The core victim [Petitioner Samuel Whatley II] of the crime(s) and wrongdoing by the Respondent [T-Mobile USA, Inc.], is not directly the business account owner of the T-Mobile business account, nor was the core victim [Samuel Whatley II] DISCLOSED and or SIGNED any assumed mandatory arbitration clause in the Respondent’s Terms of Service.
9. On the contrary, the opposing party [Respondent] violated its own CONTRACT and LAWS by allowing the UNLAWFUL WIRE TRANSFER of bank funds [money not owned by Respondent] to Respondent’s employee by giving free access and privately protected data and information of the Petitioner to a fraud impersonator which violates Privacy Act and other state and federal laws.
10. Compensation for pain and suffering is to be granted and given to the Petitioner due to the ongoing conflict and wrongdoing, such as, but not limited to, Electronic Communications Privacy Act (ECPA) of 1986 and Electronic Funds Transfer Act (EFTA) of 1978; 18 U.S. Code § 2511 and 15 U.S. Code § 1693m. This matter has continued to surround the core victim [Petitioner]. This thought could be best described by the Book of Proverbs 20:17: “*Bread of deceit is sweet to a man; but*

afterwards his mouth shall be filled with gravel.” Further example in the Book of Micah 2:1 - 3:12: “*Woe to them that devise iniquity, and work evil upon their beds! when the morning is light, they practise it, because it is in the power of their hand.*”

(King James Version)

UNDERSTANDING THE COMPLAINT AND STATEMENT

1. Appellee [Respondent] cites cases that have no relevance to this matter.
2. The employee of the appellee allowed the SIM Swap Scam to occur, resulting in theft and monetary loss, to which the appellant’s bank account became compromised.
3. Arbitration does not supersede federal law consumer protections.
4. The appellee [Respondent] did not provide any means to “opt-out” of its arbitration clause. Instead, it aided and abetted a suspect at a store using forged agreement signatures to a contract.
5. Appellee [Respondent] did not provide any notice to “opt-out” of said arbitration when the employee of Appellee [Respondent] initiated the unlawful wire transfers.
6. The appellant [Petitioner] does not agree to any appellee arbitration claims.
7. The standards for recusal are not under the authority of the opposing counsel.

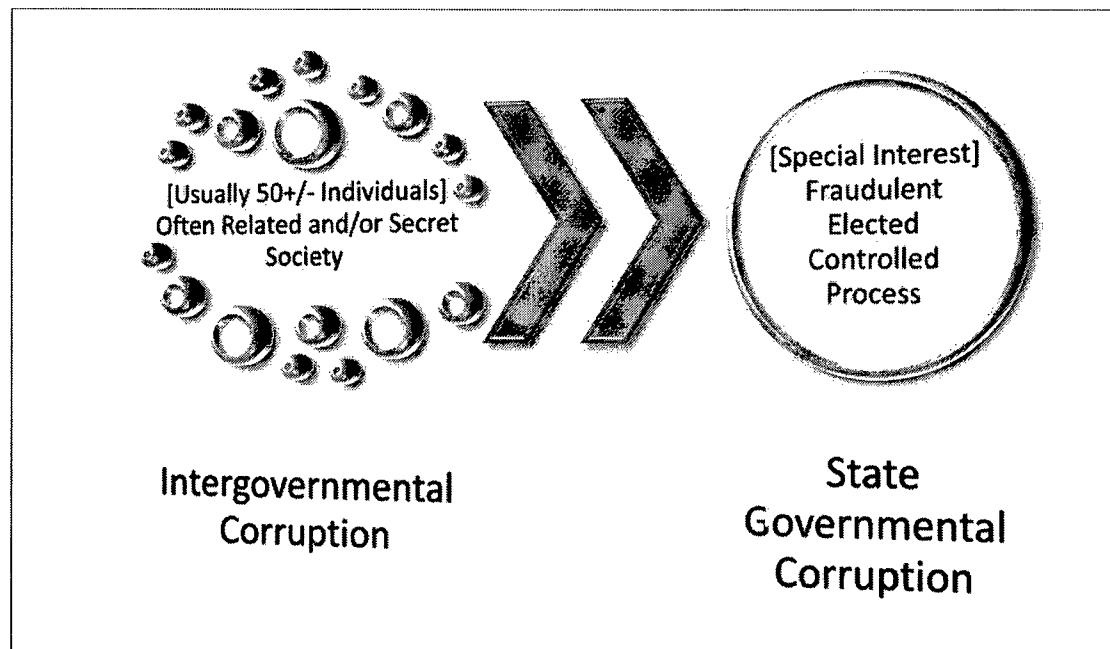
MATERIAL ERROR OF LAW

The lower court assigned judicial officers to the case, ruled in error by accepting the forged signatures of the appellant at the T-Mobile store to initiate the transfer. That is, Dkt. No. 21-1 “*Defendant’s Motion to Compel Arbitration and Stay Action*” pages 106 of 154 and 98 of 154. The appellant was not at this store, nor did he agree to anything obtained there, as the suspect was aided and abetted by the employee of the appellee on April 5, 2022. This resulted in the appellant’s bank account getting compromised and funds siphoned, in addition to additional

recurring charges on the compromised T-Mobile business account. Furthermore, various charges incurred due to the appellee's unlawful wire transfer resulted in additional monetary loss.

The ruling of the lower court decisions erroneously compels arbitration to the victim/petitioner/appellant/complainant/plaintiff by following an agreement from unlawful means. Allowing forged signatures to an agreement and incurring charges by aiding and abetting the suspect at a store to which the victim/petitioner/appellant/complainant/plaintiff was not present is a flagrant material error of law. It does not justify the blatant violations of federal consumer protection laws and statutes.

It is questionable that lower court judicial officers dismissed this case, as this petition highlights some dubious dysfunctions and financial investments of the judicial officers assigned to the parties involved with the Respondent. The following diagram displays a very basic visualization of the findings this Petition has determined based on the data collected and analyzed from personal persecutions supported by documentation and past *Exhibits*.



CORE LOGIC FOR THE PETITION

1. The lower courts are in error and violated the Petitioner's rights as outlined in arguments by the Petitioner, "*Pro se litigants are supposed to have a right to appeal a decision and provided instructions. There was none in the closure order, nor any details about deadlines for the appeal process which violates the federal rules for pro se Plaintiff(s).*"
2. The lower courts violated the rights of the Petitioner by issuing an unconstitutional, "*closure order claiming that the case was closed because it was not in federal jurisdiction AND OR claiming no constitutional violation when it appears the judges have no Ph.D. level academia or state-required legal certifications and or training in constitutional original intent by the Founding Fathers [Federalist Papers].*"

HISTORICAL COURT CASES OF MERIT

MULBURY V MADISON (a case with the founding fathers) clearly states that any laws, mandates, or anything that does not follow the Supreme Law of the Constitution are illegal and void. That case eliminates all these arguments about most government agencies that Congress never voted on to establish, removing judges not nominated or voted in. All laws and mandates are not approved by Congress, et al. quoting these old cases, but the way our nation is founded, everything must link back to that point and remove everything that violates the original founding.

HISTORICAL FIGURES OF IMPORTANCE

The Law of Public Policy and Warning of Legal Plundering

A very influential historical figure named Frédéric Bastiat, whereas in 1850 published a document titled, [The Law]. The following is a scholarly outline conducted by one of the Petitioner that is worthy of consideration in approving this Petition. It has become apparent, at least in the opinion of the Petitioner, and a growing number of individuals within our communities, that the judicial system has decayed far beyond the original intentions by the Founding Fathers of this once great and wonderous nation of nations, the United States of America, thereby, the faith of the People for the legal court system has faded and non-trusting. In a time of related existence between the conception of fellow mankind, at the beginning of time, it could be assumed, that from the time of birth to the acknowledgment of individual freedoms of choice, the elements of the surrounding world in an individual exists, has the environments of both good and bad (Cornell, 2015; Lynch, 2021). It could be suggested that on the day of creation, according to the Book of Isaiah 45:7 "I form the light, and create darkness: I make peace, and create evil: I the LORD [King Jesus Christ] do all these things," that all things function within these individual environments, good and evil, for the benefit of the individual to decide which path they desire to achieve (Balkin, 2016; McClellan, 2000). In ancient French and American literature what is usually valued by legal scholars is the historical classic author, Frédéric Bastiat's foundational essay grounded on the principles of public policy and the warning of legal plundering titled, "The Law" in 1850 (Bastiat, 2007; Snow, 2012). The famed essay involves the dangers of legal plundering that were first inspired either by, or for the American perception of free individual thought, and existence, by the

United States of America's founding framing titled, Declaration of Independence (Batiat, 2007; Weimer & Vining, 2017). The literature of Bastiat (2007) proclaims that all public policies must and should first involve the individual principal directives of the protection of individual lives, liberties, and property of those individuals (Cornell, 2015).

Alexander Hamilton

A poor orphan born out of wedlock, Alexander Hamilton emigrated as a teenager from the British West Indies to New York. Rising to prominence as an aide-de-camp to Washington during the Revolutionary War, he became an impassioned supporter of a strong central government. After attending the Constitutional Convention in 1787, he wrote the majority of the highly persuasive Federalist Papers, which argued for the Constitution's ratification. Washington then tapped him to serve as the first U.S. treasury secretary, a position he used to push for the creation of a national bank. Later immortalized on the \$10 bill, Hamilton was killed in an 1804 duel with his bitter rival Aaron Burr, the sitting vice president.

Samuel Adams

The second cousin of John Adams, Samuel Adams was a political firebrand who drummed up immense opposition to British policies in Boston, a hotbed of the resistance. Believing that the colonists were subject to "taxation without representation," he joined the Sons of Liberty. Unlike many of the Founders, Adams was staunchly anti-slavery. He signed the Declaration of Independence and went on to serve as governor of Massachusetts.

OBJECTION TO LOWER COURTS AND MISCONCEPTIONS OF FACT

The complaint involves the breach of trust by falsification and objection to the unconstitutional rulings by the lower courts, The Petitioner [Plaintiff] moved to object to the report and recommendation [R&R] on or around 17 April 2024, pursuant to FRCP 56(a) for the following:

1. The relevant background in the R&R wrongfully lists that the Petitioner [Plaintiff] was at the T-Mobile [Respondent] store located in Traveler's Rest "while he was at a T-Mobile store" in April of 2022, but the Petitioner [Plaintiff] was never at that store nor anywhere within a hundred-mile radius of Traveler's Rest [2 Benton Rd Ste F, Travelers Rest, SC 29690] (see Exhibits). The Plaintiff [Petitioner] and the business account owner were in Charleston on the

day of the crime [April 5, 2022], furthermore, the Plaintiff is not the business account owner. The Defendant [Respondent] in its motion to compel arbitration (Dkt. No. 21-1) utilizes a forged digital signature where their own sales representative employee under the name [K. Mathis] at the store location who allowed the unlawful purchases and transfer of an APL IPHONE 13 128G BLK KIT, IPHONE 13 SI CASE MIDNIGHT-ZML, 20W USB-C POWER ADAPTER-AME, and IP 13/13P IS GLASS ELT VG D30 SP (Dkt. No. 21-1 Page 101). Plaintiff denies and objects to the defendant's claims that the Plaintiff is subject to arbitration due to the Plaintiff's constitutionally protected rights to due process. Mandatory arbitration without explicit and clear disclosure violates the constitution and is unfair (*Baglione v. Health Net of California, Inc.*, 97 Cal. App. 5th 882 (Nov. 27, 2023); *Cheng v. HSBC Bank USA, N.A.*, 467 F. Supp. 3d 46 (Jun. 15, 2020); *Lape v. Brown*, 340 So. 3d 1011 (Dec. 30, 2021); *Sutton v. David Staley Chevrolet*, OK (Oct. 13, 2020); U.S. Const. Fourteenth Amendment § 1).

2. As the court can see from the Defendant's own filing address, T-Mobile Financial LLC is located at 12920 SE 38th Street Bellevue, WA 98006 (Dkt. No. 21-1 Page 101) yet [the Defendant] made several attempts to avoid service of summons by having the Marshals go on a wild goose chase for 95 excess miles (see Exhibits). The address of the corporate headquarters of T-Mobile USA, Inc., matches the same address that is listed on the service of summons. If the defendant had nothing to hide, why make multiple attempts to avoid service of summons when various other cases against the very same defendant are listed at the same corporate headquarters address?

3. The defendant failed to provide clear and explicit disclosure of a mandatory arbitration clause within its purchase contract by not telling the whole truth or anything at all to the business account owner or to the Plaintiff a priori and a posteriori on April 5, 2022, but

instead aided and abetted the suspect at the store location to engage in the SIM Swap scam (idem). The defendant violated its own contract via the Terms & Conditions when they [Defendant's employee K. Mathis] allowed the accessory after the fact (see Exhibits; Dkt. No. 21-1 Page 93). This shows accessorium non ducit sed sequitur suum principale et. seq., there was no disclosure of any "opt out" option to Defendant's arbitration clause to the business account owner or the Plaintiff nor any clear and explicit disclosure of a mandatory arbitration clause (Dkt. No. 27 Page 2). The exculpatory language insinuated by the Defendant to justify clear violations of the Electronic Communications Privacy Act of 1986 and the Electronic Transfer Funds Act of 1978 (18 U.S. Code § 2511 and 15 U.S. Code § 1693m) does not prevent holding the Defendant liable nor justifies the misuse and abuse of consumer sensitive personal identifiable information. The negligence of the lacking oversight [of the defendant] to allow their employees to participate as an accessory to crimes is argumentum a fortiori to propose and request awarding the Plaintiff in favor of the Plaintiff's relief to the injury caused by the defendant (Dkt. No. 1 Pages 3–4).

4. The court continues to be preachy about material facts, the material fact a posteriori is that the judges took an oath to uphold the law (Judiciary Act of 1789; *Marbury v. Madison*, 1803). Thereby, the often six figure salaries and extremely lavish excessive benefits that taxpayers are paying judges are not to be taken lightly, nor does it justify blocking, protecting, and or providing get-out-of-jail free cards due to financial investments to protect their friends et al. of the special interest (Rules for Judicial-Conduct and Judicial-Disability Proceedings Article II (4)(a)(1)(B), 28 U.S.C. §§ 331 and 358 (2019); Rule 4(a)(7); et seq.). The Defendant representative [Mitchell M. Willoughby] from the law firm [Willoughby Humphrey & D'Antoni, PA] shows that Mr. Willoughby, as being the Chairman of First Community

Corporation from 2009–2020. First Community Corporation's shareholders consist of Blackrock and Vanguard, both of which involve both judges assigned to this case who have financial investments in Blackrock and Vanguard *inter alia*.

Therefore, the Plaintiff respectfully calls the court to uphold their sworn Constitutional duties by allowing the Plaintiff's requested Motion for Summary Judgment (FRCP 56) for relief and award of the injury caused by the defendant as outlined in the Plaintiff's counter motion (Dkt. No. 23; *idem*). It is worthy to reflect on the Book of Romans 8:21 "*Because the creature itself also shall be delivered from the bondage of corruption into the glorious liberty of the children of God [King Jesus Christ].*"

REASONS FOR GRANTING THE WRIT

The Constitution and U.S. Supreme Court are to provide additional clarity to hold private entities accountable. Whereas the lower court decisions are not supposed to be the ultimatum body to decide the constitutional protections of U.S. citizens. This nation of nations we call the United States of America is to allow greater insight into the rights granted by King Jesus Christ and the protections and to provide every American the ability to know what their government is doing regarding unlawful actions, full transparency, and accountability if the private entity violates those protected rights of an individual. The Constitution and Supreme Court are to affirm and uphold liberty, by granting a basis to protect the Constitutional Republic from tyranny at all levels. The core principles, and foundational concepts of this Petition, are expressed from various depths, and explanations, of the underlying issues that are directly explained within the pages of the original Complaint, and other documentation that included a massive wave of preponderance of the evidence, that was the submission of Exhibits within the Complaint court file. The Order and Recommendations Report both are fallacious in nature and error, because neither

address the core attributes of the Complaint nor do the Federal Judges address the Constitutional Question of injury the complaint outlines.

This Petition objects to the reasons by the federal judge's order because the lower court orders fail to recognize and or conclude a logical and reasonable argument against the merits of the Complaint. Direct evidence of crimes against humanity and other heinous acts will be denied by judicial officers assigned to parties where they are invested and owned by the private equities which compromise fair judgement. Petitioner holds within their inner teachings from the Book of John 16:33 "*These things I have spoken unto you, that in me ye might have peace. In the world ye shall have tribulation: but be of good cheer; I have overcome the world.*" The following is the oath federal judges swore to follow, in addition to scholarly research that assists the core formulation and logical reasoning of this petition. It should be worthy to take note of the biblical teachings from the Book of 1 Kings 8:32 "*Then hear thou in heaven, and do, and judge thy servants, condemning the wicked, to bring his way upon his head; and justifying the righteous, to give him according to his righteousness.*"

I, ____[Justice Name] ___, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the United States. So help me God [King Jesus Christ] (June 25, 1948, ch. 646, 62 Stat. 907; Pub. L. 101-650, title IV, § 404, Dec. 1, 1990, 104 Stat. 5124.).

The Hobbs Act of the United States is a federal statute that prohibits extortion or robbery by a public official.¹ Extortion statutes require that the defendant have knowingly made a threat to damage the person, property, or reputation of a victim with the purpose of obtaining money or other property from the victim.

Likewise, as stated in this Petition Brief, the federal judges never addressed the points that the Petitioner addressed in the Complaint and Objections of how the federal law claims:

In *Hubbard v. United States*, 115 S.Ct. 1754, 1764 & n.15 (1995), the Supreme Court noted that these statutes, as well as sections 1503 (obstruction) and 287 (false claims), can apply to

and penalize false statements made to the Judicial Branch. The Court also specifically found the Federal false statement statute, 18 U.S.C. § 1001, inapplicable to statements to the judiciary. However, in 1996, Congress amended the § 1001 in the False Statements Accountability Act of 1996, P.L. 104-292, H.R. 3166, Oct. 11, 1996. The amendment restored the Department's ability to prosecute false statements made to the legislative and judicial branches.

The federal judges also made an error and ignored committing misconduct by not addressing the overwhelming evidence given by the Petitioner against the Defendant who appeared to have committed fraudulent intent against the Petitioner. In the case of *United States v. Costanzo*, 4 F.3d 658, 664 (8th Cir. 1993) (intent is an essential element, the inquiry is whether Defendant intended to defraud); *United States v. Porcelli*, 865 F.2d 1352, 1358 (2d Cir.) (specific intent requires intent to defraud, not intent to violate the statute), cert. denied, 493 U.S. 810 (1989); cf. *United States v. Reid*, 533 F.2d 1255, 1264 n. 34 (D.C. Cir. 1976) ("Proof that someone was defrauded is unnecessary simply because the critical element in a 'scheme to defraud' is 'fraudulent intent,' *Durland v. United States*, 161 U.S. 306, (1896), and therefore the accused need not have succeeded in his scheme to be guilty of the crime."); *United States v. Bailey*, 859 F.2d 1265, 1273 (7th Cir. 1988) (court held that there must be sufficient evidence that the defendant acted with intent to defraud, that is, "willful participation in [the] scheme with knowledge of its fraudulent nature and with intent that these illicit objectives be achieved." Although the federal judges never considered and or cared, it is flabbergasting that South Carolina appears to be so corrupted with organizational, intergovernmental mafia-style agencies, that maybe all aspects of the South Carolina intergovernmental functions should be dismantled, and rebuilt from the ground up, and never restoring those agencies that were illegally developed in the 1960s that are unconstitutional, such as, the Family Court System, as discovered by the Tort of Spoliation: There is no case law in South Carolina discussing spoliation of evidence, specifically. However, South Carolina recognizes a type

of Adverse Inference Rule as it relates to loss or destruction of evidence. *Wisconsin Motor Corp. v. Green*, 79 S.E.2d 718, 720-21 (S.C. 1954).

CONCLUSION AND RELIEF REQUESTED

The petitioner respectfully requests the respondent to be held liable for allowing the SIM Swap Scam Identity Theft to occur and that the lower court decision be reversed. Thereby, relief awarding the appellant the damages as outlined in the original complaint. This case is important for this court to address because if what appears that a state and intergovernmental bodies are corrupted, as this case seems to display, even as the lower courts have personal conflicts with governmental individuals within the intergovernmental operations, it would be logical to seek the highest court, the United States Supreme Court, to determine and assist the People to maintain transparency of all governmental levels. It would be the South Carolina constitution, which states, "*All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government.*" S.C. Constitution. As written in the Book of 2 Peter 2:19, "*While they promise them liberty, they are the servants of corruption: for of whom a man is overcome, of the same is he brought in bondage.*" (King James Version)

For the foregoing reasons, the Petitioner respectfully requests that this Court issue a writ of certiorari to review the judgment of the Court of Appeals and the Federal Court of South Carolina, District of Charleston, and all the Exhibits that were submitted to the lower courts. It could be argued that the lower courts operate in a type of "*Used Car Sales Syndrome*" as if the lower federal judges have the authority to decide and or negotiate how they desire the founding documents and Constitution should reflect their opinions and rulings regardless of the merits of what the Constitution and other founding documents, such as, but not limited to the Federalist Papers, that no intergovernmental entity controls the People, but rather the People control the

government. It would be reasonable and understandable for the Federal Supreme Court, after reviewing all the details of the original Complaint, and EXHIBITS, and this Petition, that an opinion, and ruling in favor of Relief and Compensation be awarded to the Petitioner be granted in whatever amount this court determines logically and constitutional. It is important to have wisdom from the Book of Ephesians 4:29 "*Let no corrupt communication proceed out of your mouth, but that which is good to the use of edifying, that it may minister grace unto the hearers.*"

Sam T. Whatley II

Petitioner's Signature
Samuel T. Whatley, II
Ph.D. Crim. Just. -Lead. (A.B.D.)

Date: MARCH 21, 2025