

Filed due to illness, grief, lack of internet access, and obstruction from the court.

Appendix P: Declaration in Support of In Forma Pauperis

Outlines unemployment, medical hardship, lack of legal aid, and necessity to waive fees.

MOTION TO PROCEED IN FORMA PAUPERIS

Petitioner affirms:

Petitioner TC Hulett, Jr., respectfully moves to proceed in forma pauperis. He is financially unable to pay the costs of these proceedings.

He is unemployed and lacks housing

He suffers from PTSD and medical hardship

He has no legal representation and qualifies under 28 U.S.C. § 1915

APPLICATION FOR EXTENSION OF TIME

Petitioner, TC Hulett Jr., respectfully requests an extension of time of 60 days, to and including 2-12-25, to file a petition for a writ of certiorari in this case.

Petitioner requests a 60-day extension due to:

Complexity of legal issues

Public interest implications

Need for evidence assembly and record compilation

Administrative obstruction by Clerk Maureen Gornik

Medical hardship and ADA denial

QUESTIONS PRESENTED

- 1. Whether judicial bias and denial of a fair tribunal violated due process and equal protection. Whether the denial of due process in terminating government benefits violates 42 U.S.C. § 1983**
- 2. Whether racial discrimination and retaliation support claims under Title VII, § 1981, and § 1983.**
- 3. Whether obstruction by court staff violated rights of appellate access.**
- 4. Whether sanctions imposed on a pro se civil rights plaintiff were retaliatory and unconstitutional.**
- 5. Whether the denial of an impartial tribunal and imposition of procedural barriers by Judge Bough violates the Petitioner's constitutional rights under the Fourteenth Amendment.**
- 6. Whether judicial bias and implicit discrimination against the Petitioner constitute violations of 18 U.S.C. § 242 and 18 U.S.C. § 245.**
- 7. Whether misinformation and intentional delay by the Eighth Circuit Acting Clerk of Court constitutes a violation of due process and access to appellate relief.**
- 8. Whether the stigmatization of pro se litigants and the failure to provide fair procedures constitute structural due process violations.**
- 9. Whether the administrative actions and ex parte conduct by court personnel obstructed Petitioner's access to fair appellate review.**
- 10. Whether denial of procedural accommodations for medical and**

disability related needs constitutes a violation under the ADA and established due process doctrine.

11. Whether structural discrimination against pro se litigants of color and use of Rule 11 sanctions to silence civil rights plaintiffs violates the Equal Protection Clause.

REASONS FOR GRANTING THE WRIT

Protection Against Judicial Bias and Discrimination

The denial of an impartial tribunal undermines the very foundation of justice. Judge Bough's actions reflect a pattern of misconduct that must be reviewed for constitutional violations. Judicial bias and refusal to hear evidence violated Petitioner's right to an impartial tribunal under *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

Enforcement of Civil Rights Statutes

Violations alleged fall squarely within 42 U.S.C. § 1983, 18 U.S.C. §§ 242, 245. Judicial accountability is required to uphold civil protections. Petitioner's claims under 42 U.S.C. § 1983, § 1981, Title VII, and 18 U.S.C. §§ 242 and 245 warrant full adjudication.

Clarification of Legal Standards for Judicial Conduct

The Court should provide clear standards on how courts must treat pro se litigants, particularly in civil rights cases involving racial and procedural discrimination. Guidance is needed on the boundaries of judicial conduct and pro se protections.

Remedy for Discriminatory Dismissals and Systemic Bias

The use of dismissal with prejudice to dispose of credible claims of racial discrimination is improper and reinforces structural inequality in federal courts. The courts' treatment of Petitioner as a pro se litigant violated basic fairness.

Access to Appellate Relief Without Administrative Obstruction

The actions of the Clerk of Court in the Eighth Circuit impeded Petitioner's ability to pursue relief. Delay and misinformation obstructed Petitioner's right to review. These actions must be reviewed to preserve procedural fairness.

Protection for Pro Se and Disabled Litigants

Petitioner was denied ADA accommodations and reasonable court access, as required under *Tennessee v. Lane*, 541 U.S. 509 (2004). Relief is necessary to protect equal justice under the law. The courts failed to accommodate medical hardship and pro se status, contrary to *Tennessee v. Lane* and *Bounds v. Smith*, 430 U.S. 817 (1977).

Judicial Bias and Procedural Misconduct

Judge Bough presided over ex parte conferences without Plaintiff present, ignored scheduling conflicts, and dismissed verified civil rights claims without discovery.

ADA and Equal Access Failures

The refusal to accommodate Hulett's documented medical condition and requests for time extensions constitute ADA and due process violations.

Administrative Obstruction

The Eighth Circuit Clerk's failure to respond to calls, provide proper notice, or offer procedural guidance obstructed appellate review.

Use of Sanctions as Retaliation

The Rule 11 motion was filed as retaliation for protected speech. Courts have repeatedly rejected misuse of Rule 11 against civil rights claimants. See *Christian v. Mattel*, 286 F.3d 1118 (9th Cir. 2002).

Hostile Work Environment Claims Ignored

The record meets the standard under *Harris v. Forklift Sys., Inc.*, 510 U.S. 17 (1993), for severe and pervasive harassment, and the lower courts' dismissal undermines statutory enforcement of Title VII.

Chilling Access to Courts

Use of Rule 11 sanctions and denial of extension penalized protected speech and civil rights complaints, violating the First Amendment and *Boddie v. Connecticut*, 401 U.S. 371 (1971).

Systemic Misconduct by Court Officials

Misinformation and inaccessible communication from the Clerk's Office delayed review. This conduct demands oversight and corrective relief.

Access to Courts Must Be Protected

The procedural rules must not be weaponized against pro se or disabled litigants.

Enforcement of Civil Rights Statutes Dismissal of verified claims under 42 U.S.C. §§ 1981, 1983, Title VI, VII, and 18 U.S.C. §§ 242, 245 undermines federal protections.

Clarification of Legal Standards Pro se litigants need defined protections from procedural exploitation and discrimination

Remedy for Systemic Misconduct Court clerks and judges engaged in obstruction, miscommunication, and administrative delay.

Use of Rule 11 as Retaliation Misuse of Rule 11 chills First Amendment rights and deters civil rights claimants (*Christian v. Mattel*, 286 F.3d 1118).

Procedural Abuse The denial of ADA accommodations and due process, including ex parte scheduling and refusal to appoint counsel, were clear constitutional violations.

ADDITIONAL CONSTITUTIONAL AND STATUTORY VIOLATIONS

1. Violations of Federal Criminal Statutes by Court Officials

Court officers, including Shauna Murphy-Carr, Chief Judge Beth Phillips, Kendra Kerns, Gloria Woods, Tracey Peters, Kathy Popejoy, and Renea Matthes Mitra, engaged in conduct that obstructed Plaintiff's access to the judicial process. Their actions constitute potential violations of the following:

18 U.S.C. § 2071 (Concealment, removal, or mutilation of court records):

Plaintiff alleges that filings and material court documents were mishandled or suppressed, obstructing his ability to litigate effectively.

18 U.S.C. § 1030 (Fraud and related activity in connection with computers):

Technical barriers and manipulation of electronic systems were imposed, denying Petitioner fair access to electronic filing and communications.

These violations mirror the judicial misconduct discussed in *Dennis v. Sparks*, 449 U.S. 24 (1980), where the Court recognized that judicial corruption under color of law is not immune from liability.

2. Title VI of the Civil Rights Act of 1964

Under 42 U.S.C. § 2000d, racial discrimination is prohibited in all federally funded programs. The U.S. District Court for the Western District of Missouri receives such funding and is therefore bound by Title VI.

Petitioner, a Black pro se litigant, was:

Denied equal access to court services;

Subjected to procedural obstruction and disrespect;

Treated disparately from similarly situated white litigants.

In *Alexander v. Sandoval*, 532 U.S. 275 (2001), the Court acknowledged that disparate impact alone is insufficient unless tied to intentional discrimination, which Petitioner has established through the documented pattern of bias and obstruction.

3. ADA Violations and Denial of Reasonable Accommodations

Plaintiff suffers from a traumatic brain injury (TBI) and visual impairment. The court's refusal to provide ADA accommodations, such as deadline extensions and access assistance, violates:

42 U.S.C. § 12132 (Title II of the ADA), requiring reasonable modifications by public entities.

Tennessee v. Lane, 541 U.S. 509 (2004), holding that disabled litigants must have meaningful access to the courts.

Petitioner repeatedly requested accommodations and was ignored, further demonstrating systemic discrimination.

4. Bias, Intimidation, and Erosion of Dignity

Petitioner was:

Intimidated through rulings and demeanor inconsistent with neutrality;

Denied the dignity of meaningful engagement in legal proceedings;

Marginalized by implicit bias and stereotypes against Black pro se litigants.

In Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009), the Court recognized that judicial impartiality is essential to due process and that the appearance of bias can itself be unconstitutional.

5. Systemic Support of Discrimination and Failure to Intervene

The Eighth Circuit's refusal to review or correct these violations compounds the injury. It reflects:

Institutional bias,

Structural indifference to pro se and minority litigants,

Abdication of oversight obligations.

As held in Griffin v. Illinois, 351 U.S. 12 (1956), equal protection requires access to the courts not to be contingent on race or economic status.

6. The Human Cost of Racial and Procedural Injustice

Petitioner endured:

Emotional and psychological trauma,

Retaliation for protected speech,

Denial of his right to pursue redress without obstruction.

In Boddie v. Connecticut, 401 U.S. 371 (1971), the Court emphasized that due process forbids procedural barriers that deny litigants a hearing. Here, Petitioner was functionally excluded through obstruction, misconduct, and abuse of discretion.

Conclusion:

These statutory and constitutional violations demonstrate not isolated missteps, but a pervasive failure of judicial integrity, access, and fairness. The pattern supports the need for Supreme Court review under 28 U.S.C. § 1254(1) to correct these grave injustices and ensure that the rights guaranteed under the Constitution are not illusory for marginalized, pro se litigants.

Protection Against Judicial Bias and Discrimination: Petitioner was denied an impartial tribunal and subjected to procedural unfairness.

Enforcement of Civil Rights Statutes: Petitioner's claims under 42 U.S.C. § 1983, § 1981, Title VII, and 18 U.S.C. §§ 242 and 245 warrant full adjudication.

Clarification of Legal Standards: Guidance is needed on the boundaries of judicial conduct and pro se protections. Clarification of Legal Standards for Judicial Conduct The Court should provide clear standards on how courts must treat pro se litigants, particularly in civil rights cases involving racial and procedural discrimination.

Remedy for Systemic Bias and Procedural Barriers: The courts' treatment of Petitioner as a pro se litigant violated basic fairness.

Appellate Misconduct Requires Oversight: Delay and misinformation from the Eighth Circuit Clerk's Office obstructed Petitioner's right to review.

Access to Courts Must Be Protected: The procedural rules must not be weaponized against pro se or disabled litigants.

CONSTITUTIONAL FRAMEWORK: USURPATION AND OPPRESSION

As an independent branch of government, the judiciary must act as a safeguard against the abuse of power by the other branches. As articulated in early constitutional commentary:

"If we consider the nature of the judicial authority, and the manner in which it operates, we shall discover that it cannot, of itself, oppress any individual; for the executive authority must lend its aid in every instance where oppression can ensue from its decisions. On the contrary, its decisions in favor of the citizen are carried into instantaneous effect, by delivering him from the custody and restraint of the executive officer the moment that an acquittal is pronounced. And herein consists one of the great excellencies of our Constitution: that no individual can be oppressed whilst this branch

of the government remains independent and uncorrupted; it being a necessary check upon the encroachments, or usurpations of power, by either of the other branches.”

“An unconstitutional judicial decision is no more binding than an unconstitutional legislative enactment, and a man has the same right to resist, by force, one as the other, and to be tried for such resistance by a jury, who judge of the law for themselves.”

These foundational principles support Petitioner’s claim that the judicial misconduct and procedural obstruction he faced amounted to a systemic usurpation of authority, thereby undermining the Constitution’s promise of fairness and due process. The failure of the Missouri courts to remain independent and uncorrupted, especially in the face of credible evidence of discrimination and retaliation, constitutes not only a constitutional violation but also a moral failing of the judiciary to act as the final check on injustice.

PRAYER FOR RELIEF

Vacates the decision of the lower court and remands for proceedings before an impartial judge; Orders accommodation of disability rights and appointment of counsel; Provides declaratory relief to affirm due process protections for pro se and marginalized litigants.

Petitioner respectfully prays that this Court:

Grant the writ of certiorari

Deny sanctions and ensure constitutional protections

Reverse the lower court’s dismissal with prejudice judgment

Remand for proceedings with appointed counsel

Grant an extension of time

Grant any other relief as justice may require

My only plea is to be seen not as a file number or a nuisance, but as an individual.

I filed this petition to make it plain and clear:

The Constitution protects me, too.

Respectfully submitted,

TC HULETT, JR.

705 Virginia Avenue

Kansas City, MO 64106

Pro Se Petitioner

Dated: 2-12-25

PROOF OF SERVICE

I, TC Hulett, Jr., declare under penalty of perjury under the laws of the United States of America that:

On 2/12/25, I tried to call the courts to send the enclosed Petition for Writ of Certiorari, Motion to Proceed In Forma Pauperis, Application for Extension of Time, and related filings by placing a true and correct copy in an envelope, properly addressed and with postage prepaid, and depositing it with the United States Postal Service, addressed as follows:

Scott S. Harris, Clerk of Court
Supreme Court of the United States
1 First Street NE
Washington, DC 20543
202-479-300?

DECLARATION PURSUANT TO 28 U.S.C. § 1746

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

Executed on: 2/12/25

TC HULETT, JR.

705 Virginia Avenue, Kansas City, MO 64106

Pro Se Petitioner

TC HULETT, JR.

Signature:

A handwritten signature in black ink, appearing to be "TC Hulett, Jr.", written over a horizontal line.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 24-2966

TC Hulett, Jr.

Plaintiff - Appellant

v.

Clarkson Construction Company; Dominic Praderio

Defendants - Appellees

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:23-cv-00871-SRB)

JUDGMENT

Before LOKEN, ERICKSON, and STRAS, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See [Eighth Circuit Rule 47A\(a\)](#).

Appellees' motions to dismiss case are denied. Appellant's motion for appointment of counsel is denied.

December 16, 2024

Order Entered at the Direction of the Court:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

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Appellees

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:23-cv-00871-SRB)

ORDER

The petition for rehearing by the panel is denied.

January 22, 2025

Order Entered at the Direction of the Court:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik