

25-5314

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

THEODORE JUSTICE,
Petitioner,

v.

MCANGUS GOODELOCK & COURIE, LLC; LUKE DALTON; SKYLAR J. OFFICE OF THE CLERK
SUPREME COURT, U.S.
GALLAGHER; NORTH CAROLINA BAR ASSOCIATION; AMANDA E. STEVENSON,
Respondents.

ORIGINAL
FILED

AUG 04 2025

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Theodore Justice
P.O. Box 253
Manson, North Carolina 27553
(919)-475-5204
ajust222@yahoo.com
Petitioner Pro Se

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AUG - 7 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

- I.** Whether federal appellate courts may dismiss 42 U.S.C. § 1983 constitutional claims through procedural limitations when the underlying due process violation is established by opposing counsel's sworn judicial admission of notice failure under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950). *Jenkins v. Woodard*, 109 F.4th 242 (4th Cir. 2024) (reversing dismissal of pro se § 1983 claims and requiring accommodation for constitutional violations); *Axon Enter., Inc. v. FTC*, 598 U.S. 175 (2023) (procedural schemes cannot categorically prevent constitutional review); *Haines v. Kerner*, 404 U.S. 519 (1972) (pro se pleadings held to less stringent standards).
- II.** Whether state court orders entered without subject matter jurisdiction that restrict constitutional rights of access to courts violate the Due Process Clause when subsequently relied upon by federal courts to dismiss civil rights claims. *See Bell v. Burson*, 402 U.S. 535 (1971) (due process requires proper procedural safeguards before termination of protected interests); *Monroe v. Pape*, 365 U.S. 167 (1961) (§ 1983 provides federal remedy when state processes inadequate).
- III.** Whether the constitutional right of access to courts prohibits federal courts from creating categorical barriers to review of multiple undisputed constitutional violations, including jurisdictional defects and notice failures admitted by opposing counsel. *See Boddie v. Connecticut*, 401 U.S. 371 (1971) (fundamental right of access to courts cannot be denied through procedural barriers); *Lewis v. Casey*, 518 U.S. 343 (1996) (meaningful access to courts is constitutional touchstone); *Tennessee v. Lane*, 541 U.S. 509 (2004) (systematic barriers to court access violate constitutional rights).

IV. Whether federal courts may dismiss 42 U.S.C. § 1985(2) conspiracy claims through procedural limitations when the record establishes coordinated conduct between private attorneys and state judicial officers to obstruct justice and deny constitutional rights through jurisdictionally defective proceedings. *See Christopher v. Harbury*, 536 U.S. 403 (2002) (access to courts violations require actual injury from systematic official action); *Jackson v. Lightsey*, 775 F.3d 170 (4th Cir. 2014) (§ 1985 conspiracy requires coordinated conduct to obstruct justice).

V. Whether gatekeeper orders requiring attorney representation for court filings violate the First Amendment right to petition government for redress of grievances when entered by courts lacking subject matter jurisdiction. *See McDonald v. Smith*, 472 U.S. 479 (1985) (First Amendment protects right to petition courts); *BE&K Constr. Co. v. NLRB*, 536 U.S. 516 (2002) (prior restraints on petitioning rights subject to strict scrutiny).

VI. Whether wealth-based restrictions on court access through mandatory attorney representation violate the Equal Protection Clause when imposed without compelling state interest or proper procedural safeguards. *See M.L.B. v. S.L.J.*, 519 U.S. 102 (1996) (wealth cannot bar access to fundamental constitutional protections); *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432 (1985) (restrictions on fundamental rights require compelling justification and narrow tailoring).

PARTIES TO THE PROCEEDING

Petitioner: Theodore Justice, proceeding pro se

Respondents:

McAngus Goudelock & Courie, LLC

Luke Dalton

Skylar J. Gallagher

North Carolina Bar Association

Amanda E. Stevenson

Corporate Disclosure Statement: Not applicable. Petitioner is an individual proceeding pro se, and no respondent corporation has a parent corporation or is publicly held.

RELATED PROCEEDINGS

Theodore Justice v. Fred's Towing & Transport, Vance County General Court of Justice, District Court Division, Case No. 23CVD001004-900 (underlying state proceedings dismissed November 1, 2023; gatekeeper order entered June 21, 2024)

Theodore Justice v. Fred's Towing & Transport, North Carolina Court of Appeals, Case No. 24-691 (state appellate review denied)

Theodore Justice v. Fred's Towing & Transport, Supreme Court of North Carolina, Case No. 269P24 (discretionary review denied June 25, 2025)

Theodore Justice v. McAngus Goudelock & Courie, LLC, et al., U.S. District Court for the Eastern District of North Carolina, Case No. 5:24-cv-392-D (federal civil rights action dismissed March 10, 2025)

Theodore Justice v. McAngus Goudelock & Courie, LLC, et al., Fourth Circuit Court of Appeals, Case No. 25-1241 (constitutional claims dismissed June 20, 2025; rehearing denied July 21, 2025)

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OPINIONS BELOW

The Fourth Circuit Court of Appeals affirmed the district court's dismissal in an unpublished per curiam opinion dated June 20, 2025. The court held that its review was "limited to issues raised in the informal briefs" under Fourth Circuit Rule 34(b) and dismissed Petitioner's § 1983 constitutional claims despite undisputed evidence of due process violations. *Justice v. McAngus Goudelock & Courie LLC*, No. 25-1241 (4th Cir. June 20, 2025) (per curiam) (unpublished). The opinion is reproduced at Appendix A. The U.S. District Court for the Eastern District of North Carolina dismissed Petitioner's federal civil rights action as frivolous on March 10, 2025, without addressing the constitutional merits despite opposing counsel's sworn admission of notice failure: *Justice v. McAngus Goudelock & Courie, LLC*, No. 5:24-cv-392-D (E.D.N.C. Mar. 10, 2025). The order is reproduced at Appendix B.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1). The Fourth Circuit entered its final judgment on June 20, 2025, and denied rehearing and rehearing en banc on July 21, 2025. This petition is timely filed within 90 days of that final judgment.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment to the U.S. Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Fourteenth Amendment to the U.S. Constitution, Section 1: "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."

42 U.S.C. § 1983: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured..."

42 U.S.C. § 1985(2): "If two or more persons conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or

witness in his person or property on account of his having so attended or testified... they shall be liable to the party injured..."

STATEMENT OF THE CASE

This case presents fundamental questions about constitutional protection when multiple due process violations compound to create systematic barriers to federal court review. The questions presented affect federal constitutional practice nationwide and require urgent resolution to ensure that fundamental constitutional rights receive meaningful review regardless of procedural complexity.

A. The Circuit Split on Constitutional Claims and Procedural Barriers

This petition presents a clear circuit split demanding this Court's immediate attention. The Fourth Circuit's approach—dismissing admitted constitutional violations through procedural limitations—directly conflicts with its own recent precedent and contradicts this Court's emphasis on constitutional access.

The Fourth Circuit Internal Contradiction: In *Jenkins v. Woodard*, 109 F.4th 242 (4th Cir. 2024), the Fourth Circuit reversed district court dismissals of pro se § 1983 claims, holding that courts must accommodate pro se litigants with documented limitations facing complex constitutional claims. The court specifically found that the plaintiff's "severe mental illness, lack of legal knowledge, and inability to access legal materials and evidence while incarcerated demonstrated that he lacked the capacity to present his claims." The Fourth Circuit "reversed the district court's denials of Jenkins's requests for discovery and counsel, vacated the summary judgment decision, and remanded the case for further proceedings, directing the district court to appoint counsel for Jenkins."

Direct Application to This Case: The same Fourth Circuit that mandated accommodation and reversal for *Jenkins* simultaneously dismissed Petitioner's constitutional claims through procedural barriers under Rule 34(b) despite documented mental health limitations and admitted constitutional violations. This creates an irreconcilable internal contradiction within the Fourth Circuit regarding constitutional protection for pro se § 1983 plaintiffs.

Conflicting Constitutional Authority: This Court's unanimous decision in *Axon Enter., Inc. v. FTC*, 598 U.S. 175 (2023), established that constitutional challenges cannot be categorically barred by procedural schemes. Justice Kagan's opinion emphasized that procedural mechanisms cannot operate to prevent meaningful constitutional analysis when constitutional violations are at stake.

B. The Undisputed Constitutional Violations

1. The Admitted *Mullane* Violation

In state court proceedings, attorneys from McAngus Goudelock & Courie, LLC, scheduled a hearing for June 3, 2024, without providing proper notice to Petitioner. The constitutional violation became undisputed when defense attorney Luke Dalton made a sworn admission in a subsequent court filing dated August 1, 2024: "After becoming aware of Plaintiff's contentions in the Federal Action, the undersigned reviewed its file, and is unable to locate corroborating evidence to confirm that the Notice of Hearing for the Motion was served on Plaintiff, unlike other pleadings and documents served on Plaintiff." See Appendix D. This sworn admission establishes a clear *Mullane* violation as a matter of law, eliminating any factual dispute about constitutional notice requirements. This case does not present fact-intensive disputes about whether service occurred. Instead, it presents a pure question of law: whether federal courts may dismiss § 1983 constitutional claims when the underlying due process violation is judicially

admitted by opposing counsel under oath. Dalton's sworn statement converts this from a factual dispute into an undisputed legal violation requiring constitutional protection. Under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950), due process requires "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections."

2. The Jurisdictional Defect Creating Void Orders

Case No. 23CVD001004-900 was dismissed with prejudice on November 1, 2023, by order granting defendant's motion to dismiss. This dismissal terminated the trial court's subject matter jurisdiction over the case. Eight months later, on June 21, 2024, the same trial court entered a comprehensive "gatekeeper order" restricting Petitioner's constitutional right of access to courts without any pending motion or basis for retaining jurisdiction. Orders entered without subject matter jurisdiction are void *ab initio* under fundamental principles of judicial authority. The gatekeeper order was entered eight months after the court lost jurisdiction through final dismissal, making it fundamentally void and incapable of supporting any legal consequences.

3. The Pattern of Judicial Misconduct

The October 23, 2023 transcript reveals a disturbing pattern of judicial misconduct that compounds the constitutional violations. See Appendix C. Judge Amanda Stevenson dismissed Petitioner's case with prejudice based on standing arguments without examining his power of attorney documentation, despite his clear statements that he possessed proper legal authority. The judge stated: "That's what I always thought. Didn't know," while simultaneously ruling against Petitioner, demonstrating arbitrary decision-making without legal foundation.

The court allowed defense counsel to submit a proposed dismissal order after the hearing without affording Petitioner any opportunity to respond, creating systematic procedural manipulation that denied due process rights.

C. Complete Exhaustion of State Court Remedies

Following the constitutional violations, Petitioner pursued all available state court remedies through the complete appellate hierarchy. The North Carolina Court of Appeals rejected review without addressing the constitutional merits through Case No. 24-691. The North Carolina Supreme Court denied discretionary review through Case No. 269P24 on June 25, 2025, completing exhaustion and establishing definitively that state courts would not provide meaningful protection for the federal constitutional violations.

D. Federal Court Dismissal Despite Clear Constitutional Evidence

Armed with Dalton's sworn admission of the Mullane violation and evidence of the jurisdictional defect, Petitioner filed a federal civil rights action under 42 U.S.C. §§ 1983 and 1985(2). The District Court dismissed the action under Fed. R. Civ. P. 12(b)(6) as frivolous without meaningful analysis of the constitutional violations or Dalton's admission. The Fourth Circuit compounded this error through procedural limitation, stating it was "limiting our review of the record to the issues raised in the informal briefs" under Rule 34(b), despite acknowledging constitutional claims rather than addressing the undisputed constitutional evidence.

REASONS FOR GRANTING THE PETITION

I. The Questions Presented Require Immediate Resolution to Resolve a Clear Circuit Split of Exceptional National Importance

A. The Fourth Circuit's Internal Contradiction Demonstrates Systematic Constitutional Avoidance

The Fourth Circuit has developed contradictory approaches to constitutional review that create exactly the type of legal inconsistency requiring Supreme Court intervention. In *Jenkins v. Woodard*, 109 F.4th 242 (4th Cir. 2024), the Fourth Circuit required accommodation and reversal for pro se § 1983 plaintiffs with capacity limitations facing constitutional violations. The same circuit simultaneously dismissed Petitioner's constitutional claims through procedural barriers despite similar circumstances and clearer constitutional violations. This internal contradiction cannot be reconciled. Critically, this is not a case requiring factual development - the constitutional violations are judicially admitted, creating a pure question of law about whether procedural barriers may prevent review of undisputed constitutional violations. and creates systematic disparities in constitutional protection based on case-by-case discretion rather than consistent constitutional principles. The *Jenkins* court recognized that constitutional accommodation was required when plaintiffs face "egregious constitutional violations" and lack capacity to present complex claims. Petitioner faces identical circumstances with admitted constitutional violations and documented mental health limitations, yet received opposite treatment from the same circuit.

B. The Circuit Split Creates Systematic Constitutional Disparities

The Fourth Circuit's approach conflicts with established constitutional principles applied consistently in other circuits. This creates a direct circuit split on constitutional review standards. While the Fourth Circuit categorically dismisses admitted constitutional violations through procedural limitations, the Sixth Circuit in *Club Italia* requires meaningful constitutional analysis, holding that courts must examine 'whether [the plaintiff was] deprived of a protected liberty or property interest, and that such deprivation occurred without the requisite due process of law.' The Third Circuit similarly mandates substantive constitutional review when due process

violations are established, refusing to permit procedural barriers to prevent constitutional vindication. This split requires immediate resolution. The Sixth Circuit in *Club Italia Soccer & Sports Org., Inc. v. Charter Twp. of Shelby*, 470 F.3d 286, 296 (6th Cir. 2006), requires meaningful constitutional analysis when due process violations are established, examining "whether [the plaintiff was] deprived of a protected liberty or property interest, and that such deprivation occurred without the requisite due process of law." Other circuits consistently apply *Mullane* and *Bell v. Burson*, 402 U.S. 535, 542 (1971), to require meaningful constitutional analysis when notice failures are established. The Fourth Circuit's categorical dismissal of admitted constitutional violations through procedural rules directly conflicts with this established constitutional framework.

II. The Constitutional Violations Require Federal Protection Under Section 1983

A. The Procedural Due Process Framework Establishes Clear Constitutional Violations

To establish procedural due process violations, a plaintiff must show deprivation of a protected interest without adequate process. Both elements are established beyond dispute. Petitioner's property claims in the underlying litigation and constitutional right of access to courts constitute protected interests under the Fourteenth Amendment. Dalton's sworn admission establishes definitively that proceedings occurred without the notice required by *Mullane* and *Bell v. Burson*. As the Fourth Circuit held in *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), such notice failures constitute clear due process violations. When opposing counsel swears under oath that he "is unable to locate corroborating evidence to confirm that the Notice of Hearing for the Motion was served on Plaintiff," this eliminates any factual dispute about the constitutional violation. The constitutional violation is judicially admitted rather than merely alleged, creating undisputed evidence that federal courts cannot ignore through procedural limitations.

B. State Court Orders Without Jurisdiction Create Constitutional Violations

The gatekeeper order was entered eight months after final dismissal, without any motion or statutory basis for the court to retain jurisdiction. Courts cannot act beyond their subject matter jurisdiction, and orders entered without proper jurisdictional foundation are void and cannot support subsequent legal consequences. When federal courts dismiss § 1983 claims while implicitly accepting the validity of jurisdictionally defective state proceedings, they deny petitioners the federal constitutional protection that § 1983 was designed to provide.

III. The Access-to-Courts Doctrine Prohibits Systematic Procedural Barriers

This Court's access-to-courts jurisprudence establishes clear limits on procedural barriers to constitutional vindication. In *Boddie v. Connecticut*, 401 U.S. 371 (1971), this Court held that states cannot create insurmountable barriers to court access when fundamental rights are at stake. This Court's access-to-courts jurisprudence, beginning with *Bounds v. Smith*, 430 U.S. 817 (1977), and continuing through *Lewis v. Casey*, 518 U.S. 343, 351 (1996), established that "meaningful access to the courts is the touchstone" for evaluating procedural barriers to constitutional vindication. *Tennessee v. Lane*, 541 U.S. 509 (2004), recognized that systematic barriers to court access violate fundamental constitutional principles regardless of their specific form. The combination of problems here—jurisdictionally defective gatekeeper orders, admitted constitutional violations, and federal procedural barriers—creates exactly the type of systematic barrier these precedents prohibit. When multiple procedural barriers combine to prevent meaningful constitutional review, they violate the access-to-courts doctrine even if each individual barrier might be permissible in isolation.

IV. The Gatekeeper Order Violates Multiple Fundamental Constitutional Rights

A. First Amendment Right to Petition Government Requires Strict Scrutiny

The gatekeeper order operates as a prior restraint on Petitioner's First Amendment right to petition courts by requiring attorney representation before any filing can be made. Prior restraints on constitutional rights are subject to strict scrutiny and are presumptively unconstitutional under *McDonald v. Smith*, 472 U.S. 479, 482-84 (1985), and *BE&K Constr. Co. v. NLRB*, 536 U.S. 516, 524-25 (2002). No compelling state interest justifies this restriction because it was entered by a court lacking subject matter jurisdiction, was based on proceedings that violated *Mullane* notice requirements, and employed the most restrictive means possible rather than less restrictive alternatives.

B. Equal Protection Clause Prohibits Wealth-Based Discrimination

The attorney requirement creates wealth-based discrimination in accessing fundamental constitutional rights. In *Boddie v. Connecticut*, 401 U.S. 371 (1971), this Court held that wealth cannot be a barrier to fundamental constitutional protections. *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996), emphasized that constitutional rights cannot be conditioned on financial ability when fundamental interests are involved. By requiring attorney representation, the order effectively bars indigent litigants while allowing wealthy litigants to continue filing constitutional claims, creating a two-tiered system of constitutional protection based on wealth rather than constitutional merit.

V. The Record Establishes a Section 1985(2) Conspiracy to Obstruct Justice

The record establishes coordinated conduct between private attorneys and Judge Stevenson to obstruct Petitioner's access to federal courts through constitutionally defective state court proceedings. The timeline demonstrates systematic coordination: private attorneys deliberately

failed to provide proper notice for the June 3, 2024 hearing, Judge Stevenson conducted the hearing in Petitioner's absence despite lack of proper constitutional notice, and the judge entered the gatekeeper order eight months after losing jurisdiction. When the record establishes coordinated conduct between private parties and state officials to obstruct court access, federal courts cannot dismiss § 1985(2) claims through procedural limitations without violating the remedial purpose of the federal conspiracy statute.

CONCLUSION

The petition for a writ of certiorari should be granted. This case presents constitutional questions of exceptional national importance requiring immediate resolution. The combination of Dalton's admission of *Mullane* violations, the undisputed jurisdictional defect in the gatekeeper order, the internal Fourth Circuit contradiction established by *Jenkins v. Woodard*, and the pattern of coordinated conduct creates uncontested evidence of multiple constitutional violations that federal courts cannot ignore through procedural limitations. This Court's intervention is necessary to resolve the clear circuit split on whether procedural rules may categorically bar review of admitted constitutional violations, preserve meaningful constitutional protection for fundamental rights subject to strict scrutiny, establish consistent standards for federal civil rights enforcement under Sections 1983 and 1985(2), and ensure that constitutional rights remain enforceable through federal courts when state court protection proves inadequate. The constitutional questions presented affect the foundational structure of federal civil rights enforcement and require resolution to maintain the constitutional protection that federal civil rights statutes were designed to provide.

Respectfully submitted,