

ORIGINAL

No: 25-5571

In the

Supreme COURT OF UNITED STATES

FILED

AUG 08 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

THURMOND GUESS SR. ----- PETITIONER

VS.

DANIEL COBLE, as RICHLAND COUNTY ADMINISTRATOR:ET., AL ----- RESPONDENTS,

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

PETITIONER FOR WRIT OF CERTIORARI

THURMOND GUESS SR.

2211 READ STREET APT. 212

COLUMBIA, S.C. 29204

(803) 354-8230 OR 803-376-7814

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Did the United State District Court of Columbia South Carolina and the Fourth Circuit Court of Appeals err Under Rule 59 E, on Motion to Alter or Amend a Judgment" 1.to accommodate intervening change in controlling law. 2. To account for new evidence not available at trial. 3. To correct a clear error of law or prevent manifest injustice".
2. Did the District Court of South Carolina and the Fourth Circuit Court of Appeals Violated the Acts of Congress 42 U.S.C. 1983?
3. Did the District Court of South Carolina and the Fourth Circuit Court of Appeals Violated the 7th Amendments Rights of The United States of America?
4. Did the District Court of Columbia South and the Fourth Circuit Court of Appeals violated the 14th Amendments Rights of the Petitioner, law facts, Equal Protection?
5. Did the District Court of South Carolina and The Fourth Circuit of Appeals violated Wilken V. United States of America.?

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:

Thermon Guess Sr. Petitioner

vs.

Daniel Coble, as Richland County Circuit Court,
Morgan Stuart Stout,
Travelers, insurance Company Property,
Casualty, insurance Company,
Brett Boyne

Respondents

RELATED CASES

Table of Authorities

case

42-U.S.C. 1983

Baker v. McCallan 443 U.S.C. 137 (1979) 42-U.S.C. 1983

4234 at 434 U.S.C. 559 n.6. 439 U.S. 1114 (1979), Certiorari Negligence is sufficient to state a cause of action under 1983.

7th Amendments Rights of the U.S. Constitution of the United States of America.

Thomas v. Kenosha (2001), 274 f 3d 464 (7TH Cir. 2001).

MONELL CLAIMS UNDER 42-U.S.C. 1983

OCOZO V. DART 641 F (4TH CIR 806, 824 (2003).

THOMAS V. KENOSHA (2001)

Wilken v. United States of America :2023

INTRODUCTION

this Appeal involves the violation by the Lower State Circuit Court and District Court, Fourth Circuit Court of appeals concerning the Acts of Congress and State Statues Rule 38, violation of the Constitution the 7th Amendments Rights, law, facts, Congress, 14th Amendments Rights to the Constitution. The District court erred in enjoined the Defendants in violation of the Plaintiff Civil and Constitutional Rights.

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 _____ to the petition and is

[] reported at ESF 12-1292024; 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 _____ to the petition and is

[] reported at USCA 14 appeal 25-1026 Filed Dec 18 Filed 5-28/2025; 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 N/A; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the Wilker V. United States of America court appears at Appendix _____ to the petition and is Supreme Court 2023

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

The District Court of Columbia South Carolina proposed to exercise subject matter of Jurisdiction under 28 U.S.C. 1331 and 1343, Because the District enter a Judgment on 12-12-2024 ECF- 115 to the Respondents in this matter, the Petitioner file Reconsideration ECF 116. the District Court Denied the Petitioner Motion under 59e. ECF 117. The Petitioner filed timely Petition to the Fourth Circuit Court of Appeals and the Fourth Circuit Court of Appeals Denied that Appeal on May, 28, 2025. The Petitioner file Petition for rehearing and the Fourth Circuit Court of Appeals Denied that motion on June 27, 2025. The Petitioner file Petition to the United States Supreme Court on August 8, 2025, Case USAP-4 No.25-1026.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 7th amendments Rights to Constitution of the United States of America
2. 42 U.S.C 1983 acts of Congress.
3. 14th amendments Rights of the Constitution of United States of America.
4. Monell claims.
5. 5th amendments Rights, Taking of Property without payments.
6. Baker V. McAllan 443 U.S.C. 137 (1979)
7. Wilkerson V. United States of America, 2023 Case.

Statement of Case

7. The Plaintiff brings this action against these defendants as result of an automobile accident on January 28, 2020. The plaintiff was injured automobile accident which was not his fault. and lot of medical bills that the defendants refuse to pay and set up a scheme so they would not have to pay the plaintiff for this accident. See exhibits (a) of the plaintiff. The plaintiff filed law suit on January 25, 2022.see exhibits (b) of the plaintiff. The defendants travelers and the defendant Morgan stout filed answer and motion the dismiss the plaintiff summons and complaint on February 23, 2022, on the grounds that the case should be dismissed for pursuant to rule 12 (b) (4) and 12(b) (5) of the south Carolina rule of civil procedure for in sufficiency of process and insufficiency of process, and the plaintiff didn't comply with rule 4 SCRCR which is false asserted in in the defendant's motion to dismiss see exhibit (c), which was false the defendant Stout refuse to pick up the summons and complaint that was sent by the plaintiff certify mail return restricted delivery. See exhibit (d) id. A hearing was held on November 4, 2022 the court motion granted defendant motion to dismiss over the plaintiff objected and stated that summons and complaint had not comply with rule 4 of South Carolina rule of civil procedure, the judge granted the defendants motion dismiss without prejudice and order the plaintiff that he had had until January 28, 2023 to serve stout are the case would be dismissed to this defendant which is stout. See plaintiff exhibit E. The plaintiff had stout served again by Richland county sheriff department on November 15, 2022. The defendants have not filed any answer or amended answer to the plaintiff amended summons and complaint. See plaintiff exhibit (f). On May 22, 2023 the plaintiff filed motion default judgment against Defendant and motion to compel discovery. On December 13, 2023, judge Daniel Coble heard the motions and denied the plaintiff motion on default judgment and the defendant motion on mediation. The defendants had the plaintiff case dismissed falsely and as of today have not filed any motion to set aside default, the judge job is not to circumventing the law or statue that is on the books. The judge violated the plaintiff deprivation, due pross and fair hearing and equal protection of the law and constitution fifth amendments and fourteenth amendments, Change Rule of Civil Procedure and law Rule 55 of SCRCR. *Removal from State Court to District Court Jan 5, 2024, amended Complaint February 22, 2024*

REASONS FOR GRANTING THE PETITION

1. Violation of ~~act~~ of Congress.
2. Violation of 7th amendment's Rights of the Constitution of The United States of America
3. Violation of the 14th Amendment of Constitution
4. Mordell Errors
5. Violation of ~~seventh~~ amendment's Rights

Richard Muller

SUMMARY OF ARGUMENT

The District court erred in this case and refuse to accept the Act of Congress, 42 U.S.C. 1983.

The District court and the fourth Circuit Court of appeals of appeals violated the Plaintiff 7th Amendments rights trial by jury. The District Court violated the Plaintiff 14th Amendments Rights Equal protection of the law. a Right to Trial by Jury in Civil case in Federal Courts fact of the case is to be decided jury in the case. Claims exceeds certain dollar value. The plaintiff complaint is before the court Pursuant to U.S. C. 1983. Sect 1983 is the Procedure Mechanism through which Congress provide a private civil cause of action base on allegation of Federal Constitution violation by person acting under color of state law. The purpose of 1983 is to deter state actors from using badge of their authority to deprive individuals of their federally guaranteed rights and provide to victims if such deterrence fails. To state a plausible claim for relief under 42 U.S.C. 1983 an aggrieved party must sufficiently allege that he was injured by deprivation of any of his or her Rights, or Immunities secured by the United States Constitution and law". Bell Atlantic Crop v. Twombly, 550 U. S, 544, 570 (2007) rule 8 (a) 2.

The 14th Amendments Rights of the Constitution provide equal protection of the law to all person, in this matter Lower Circuit Court, the United States District Court and the Fourth Circuit of appeals violated the Act of Congress and 42-U.S.C. 1983 and Baker v. McCallan 443 U.S.C. 137 (1979), Wilken v. United States of America, 2023 case.

FACTS

1.The Plaintiff Demanded jury trial.

The Plaintiff request that the court grant him a ~~for the plaintiff, Jack, and FIVE Thousand Dollars~~ each on all others Defendants in this action. This is clearly violation of law and Constitution of United States of America.

RESPECTFULLY SUBMITTED
Thurmond Guess Sr.
THURMOND GUESS SR.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Daryl Guess Jr
Date: August 9th - 2025