

25-5635

No. USCA P4 25-6204

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
AUG 21 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ROY FRANKLIN ECHOLS, JR. — PETITIONER  
(Your Name)

VS.

CSX TRANSPORTATION, INC. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ROY FRANKLIN ECHOLS, JR. #1151751  
(Your Name)

VA.DOC CENTRAL MAIL DISTRIBUTION CENTER

(Address)

3521 WOODS WAY

STATE FARM, VIRGINIA 23160

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

The United States Federal Courts have Denied the "Independent Question of Great Public Importance" which no other inferior court will answer.

1. Was the Petitioner Denied Access to the Federal Courts to address the violation of Railroad Corporate Advertisement Law, where extenuating factors existed which justified this civil action?
2. Was the Petitioner Denied Access by the Federal Courts by denying reason for their refusal to address the question of entitlement to Petitioner relative to CSX's negligent exposure to silica dust in the Railroad workplace environment?
3. Was the Petitioner Denied Access by the Federal courts to serve Summons by conjoining Rule 59(e) together with the 'Petition for Issuance of Summons' compelling CSX to produce medical examinations in their possession.?
4. Was the Petitioner Denied Access by the Federal Courts to appoint counsel under applicable law because he is unskilled and lacks the legal knowledge to file the appropriate pleadings? ( See: Exhibit 1 ).
5. Was the Petitioner Denied Access to the Fourth U.S.C. Circuit to Grant his motion to Stay and Access to the Issuance of Summons after he provided Supplemental medical reports related to occupational exposure at CSX Transportation?
6. Question Of Great Public Importance? Did the violations of the Constitution of the United States cause prejudice to E. Echols under the Federal Civil Rights Act and Federal Statutory Laws?
7. Was the Petitioner Denied Access by the Federal Courts seeking restitutive redress as required by the U.S.C.A, CONST. AMEND. 5th, 6th, 13th, 14th, 15th, 1nd 19th, necessary to prevent manifest injustice?

## 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

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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 A to the petition and is

reported at Fourth U.S. Court of Appeals; 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 Eastern District of VA. (Richmond Division) 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 May 23, 2025.

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: \_\_\_\_\_, 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. § 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

Petitioner seeks relief from this court pursuant to Supreme Court Rule 10 - 14 on the basis that CSX deprived Echols of procedural due process, equal protection and privilege of laws by violating Railroad Corporate Advertisement laws to serve process under FELA Railroad Injury law protections of 1908.

The court failed to grant petition for issuance of summons under Code of Virginia subsection 8.01-195.3 and FRE 302 Applying State law to Presumptions in Civil Cases within the meaning of Article III of the United States to compel CSX Transportation, Incorporation to produce silicosis examinations under the Equal Opportunity Employment Act [EQEA] Constitutional protections within the United States Federal laws.

Furthermore, CSX violated Federal Regulations under Occupational Safety and Health Act (OSHA), Federal Safety Appliance Act (FSAA) and Federal Railroad Administration (RFA) by failing to provide appropriate training, instruction and PPE to prevent direct exposure to silica dust in the Railroad workplace environment.

CSX's deprivations under the due process and equal protection clauses of the 5th, 8th, and 14th Amendments were unconstitutional, within the full scope of the 8th Amend.. Deliberate indifference and 5th and 14th Amends. prohibition on denial of access to the federal courts. Thereupon, CSX clearly violated Federal Statute 42 Title U.S.C. Subsection 1985 under Civil Rights Act of 1964. The lower courts factual determinations were not only unreasonable but defies basic principle of fairness and justice... directly impacting the fairness of the proceeding, specifically where the court ignored critical facts of the case.

Wherefore, to prevent manifest injustice it is essential that the court acknowledge the Marshal did not have a different opinion from the [Google] & [Yellow Page] Websites that CSX listed for evasion of service by a defendant. T & R Rentals, 164 F.R.D. 422, 425 (N. D.W. Va. 1996).

## STATEMENT OF THE CASE

In Echols V. CSX Transp., No. 3: 19cv947 Judge Elizebeath W. Hanes June 17, 2021, show cause order ' withheld ' that the United States Marshal Service had returned the Summons unexecuted for CSX Transp. because the address that Echols had Provided the Marshal on May 24, 2021, was an address for a church according to the [Google] internet service, which CSX false website listing advertisement on [Google] prohibited and/or deprived Echols from complying with the Const. Statutory provision Rule 4(m) to provide another address within the (11) days of entry. (ECF Document No. 22).

Subsequent to Judge Robert E. Payne, By Court Memorandum order entered on July 27, 2021. (ECF Document No. 23). Specifically, " concealed the false CHURCH ADDRESS in his Memorandum order" to further cover up CSX's violation Railroad Corporate Advertisement Laws that prevented the United States Marshal from performing his or her duties, which CSX violated Echols Civil Rights 42 U. S. C. Subsection 1985 (1). Wherefore, Judge Payne DISMISSED the FELA Action without Prejudice, which CSX Corporation violated the Federal Employers Liability Act [FELA] 45 USC 51 et seq. in violation of 42 Title U S C Subsection 1985 (3) (2) depriving a person of Equal protection or privilege of a citizen of the United States.

**Denny V. City of Albany**, 247 F. 3d 1172, 1190 (11th Cir. 2001).

On November 1, 2021, by Memorandum Order and opinion the Honorable Judge Robert E. Payne Rule 59(e) Motion disclosed that CSX Transportation, Inc., was advertising their Main Railroad Business Office in Richmond, Virginia as an address for a local ' CHURCH '. (ECF Document No. 23).

**Wherefore**, CSX Corporate deprived Petitioner Echols of his Constitutional Right and Equal Protection to ~~serve~~ both Summons and Complaint process in the above proceeding, accordingly.

## LEGAL ARGUMENT

In the present 42 USC subsection 1985 Civil RightsAction Echols V. CSX No.,3:23cv697. Echols corroborating Factual documented evidence, Rule FRE 402 consisting of recorded 'Yellow Page' Internet Service Records' which CSX fails to admit and/or rebut to the alleged Factual allegations of obstruction of justice in violation of 42 Title subsection 1985, which the [Google] and [Yellow Page] (Exhibits 2,3 ) supported Echols conclusions that are based on the assumption of truth according to the United States Marshal that also confirmed this false CHURCH Address that clearly proves manifest injustice before the Supreme Court of the United States.

The January 15, 2025, Factual findings of the United States District Court are not just unreasonable, they are simply not true. Clearly, the complaint on page 7. demonstrates CXS's fraudulent Act was wholly unsuitable for the United States Government Official to serve process on a responsible operator, as CSX Transportation in violation of 42 USC Subsection 1985(1) preventing a Federal Official from performing his or her duties are more than a short and plain statement of the claim showing the pleader is entitled to relief upon which it rests." Bell Atl. Corp. V. Twombly, 550 U.S. 544(2007) quoting Conley Gibson, 355 U.S. 41, 47 (1957); that are facts sufficient " to raise a right to relief above the speculative level,"\* (citation omitted), stating a claim that is " plausible on its face" Id at 570.

CSX Violated these Federal Statutory Rights of Equal Enjoyment of Civil Rights secured by law to all pursuant Title 42 Subsection 1985 (3). This is what the statute 1985 (1)(3) states, and the court clearly misconstrued the facts. Specifically, based on the record, as a whole would lead the Fact - Finder to reach a conclusion that CSX's violations of Civil Rights Statute 1985(4), which results in serious injury to seek recovery in this Railroad/Exposure Injury.

"A Claim has a plausibility when the plaintiff pleads Factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 566 U.S. 678 (citing *Bell Atl. Corp.*, 550 U.S. 556).

On March 19, 2025, the District Court Denied Rule 59(e) motion for reconsideration. Therefore, the courts Factual findings were cannot be justified under any rational where the court overlooked the critical facts that, under Federal law would have compelled the court to find Echols claims to be creditable.

In addition, the court joined the Petition for Issuance of Summons with the Rule 59(e) motion. Denying both claims in a suit under Rule 59(e), and Petition For Issuance of Summons together violated Procedural Due Process Clause and Denial of Access to the Federal Court under U.S.C Const. Amends. Fifth, Sixth and Fourteenth to Summons CSX to compel, to produce Echols relevant Silicosis examinations for medical need *Estelle v. Gamble*, 429 U.S. 597 (1976). *Hallett v. Morgan*, 296 F. 3d 732, 744 (9th Cir. 2002).

Lastly, in *United States v. Nixon*, 418 U.S. 597 (1974) held the United States Constitution requires the production of documents that are relevant, admissible and specific to litigation; necessary to establish a Railroad injury in this tort action under code of Virginia Subsection 8.01-195.3, and Article III FRE 302 within the meaning on the Constitution of the United States tort liability. When there is a Constitutional injury, the courts are asked to provide a legal remedy parallel to principles of liberty and justice established in

*Marbury v. Madison*, 5 U. S. 137 (1803).

The Court should Authorize Subpoena duces tecum where Echols Medical Examinations produced by CSX Co. Silicosis Testing for inspection. Fed. Rule Crim. Proc. 16,17(c) 18 U.S.C. Authorizing subpoena for production of documentary evidence may only be invoked in good faith to obtain evidence. *Bowman Dairy Co. v. United States*, 71 S. Ct 675, 341 U. S. 244 (1951).

## REASONS FOR GRANTING THE PETITION

Petitioner has shown compelling reasons of Public Importance for having the Supreme Court determine the lower courts reversible error. Where the courts have overlooked CSX violating Railroad Corporate Laws supported by U. S. Marshal records, and internet websites that demonstrate CSX violated Echols equal protection and privilege under the authorities of FELA 45 USC 51 et seq. (1908) and Title 42 USC subsection 1985 Civil Rights Act of 1964.

The Federal Courts failed to execute summons to compel CSX; to produce the medical examinations in accordance with code of Virginia subsection 8.01-195.1 (1950), as amended, and Article III. RFE Rule 302. Rule 402 (a) (b).

Furthermore, the national importance of this civil action not only involves the petitioner, but also to others similarly situated citizens that may or have sustained a civil rights violation that should qualify under Civil Rights protection of the United States Constitution to seek redress to recover damage.

Specifically, In Thomas V. CSX, Case No.? (Richmond Circuit Court 2020). The Law Practice from Pennsylvania representing the wrongfuleful death suit requested Echols to provide the CSX Railroad Railroad Exposure workplace conditions during their railroad career. In 2012, Bill was diagnosed with colon cancer, prostate cancer, Lung cancer and brain cancer. Bill passed in August of 2017, in relation to occupational exposure, respectfully to the Thomas Family.

Petitioner's Allegations against CSX are serious violations of essential Constitutional and Federal Statutory provisions which the Federal Courts prevented manifest injustice. CSX has provided their company employees with medical silicosis examinations and have received silicosis company settlements from CSX Corporate following Silicosis company examinations in 1994-95. CSX has deprived Echols of his right to Due process and equal protection to obtain his medical examinations for the VCU medical study guaranteed under State and Federal Constitutional Laws.

Petitioner has provided the Supreme Court of the United States and Attorneys for CSX Transportation a true copy of his VCU Medical Reports that establish his cancer related injury " Like " other CSX employes who are similarly situated and have received restitution for damage, FRE Rule 401 (b).

Therefore, Petitioner is requesting the supreme court to grant his Writ of Certiorari and execute this Summons under applicable rule of law; to compel CSX; to produce his medical examinations; to move forward in the above proceedings, accordingly.

In addition, on or about March 26, 2019, the Honorable Gary M. Williams, Clerk of Sussex Circuit Court believed that this CSX Railroad/Exposure Cancer related case should come under the purview of the Federal Courts, which Echols absolutely needs the assistance of an attorney.

(See: Gary Williams attached letter Exhibit 1. ).

Subsequent to Petitioner Echols has contacted several Law firms to retain private counsel, to no avail. Since December 26, 2019 and through 2020 COVID poliy's and therafter the Federal Courts have failed to grant his motion(s) for appointment of competment counsel to protect his Constitutional Rights.

Wherefore, Petitioner Echols respectfully prays that the Supreme Court of The United States, a Judge or Justice will Grant appointment of counsel in accordance with Rules 6,9,39.6 and 39.7 of Constitutional and Federal statutory laws to protect his best interest against CSX Transportation regarding this legal matter.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roy F. Echols

Date: July 27, 2025