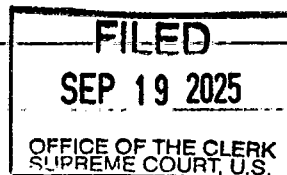


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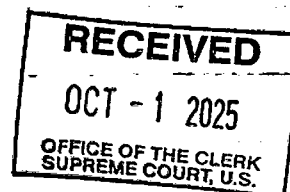
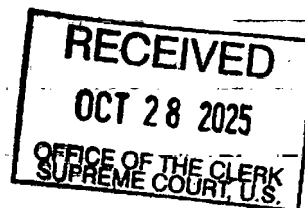
IN THE
SUPREME COURT OF THE UNITED STATES
SEPTEMBER TERM 2025
No. 25-6187 (L)
(6:25-cv-00645-MGL)



RICHARD VANDALE CLOWNEY,
PETITIONER,
-AGAINST-
STATE OF SOUTH CAROLINA, WALKER MILLER,
WALT WILKINS, ALAN WILSON, REYTON SWANEY,
RESPONDENTS

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE 4TH CIRCUIT

RICHARD VANDALE CLOWNEY #1263
20 MCGEE ST.
GREENVILLE, S.C. 29601



QUESTION PRESENTED

Whether a Magistrate that interact with law Enforcement and hold office at the law Enforcement Center investigating crimes, meet the fourth Amendment Neutral and Detached Warrant Requirement for Magistrates Issuing Warrants.

PARTIES

The petitioner is Richard Vandal Clowney, a pretrial detainee at Greenville County Detention Center, 20 McGee St Greenville, S.C. 29601. The respondents are Walt Wilkins, Walker Miller, Peyton Swancy are all solicitors at the Thirteenth Judicial Circuit, and Alan Wilson is the Attorney General of South Carolina.

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Table Of Authorities

CASES:

- Shanwick v. City of Tampa, 8212 5445, 407 U.S. 345, 92 S.Ct. 2119, 32 L.Ed.2d 783 (1972) iv, v
- U.S. v. LEON, 468 U.S. 897, 914, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984) iv, v
- Coolidge v. New Hampshire, 403 U.S. 443, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971) iv
- Lo-Ji Sales, Inc., v. New York, 442 U.S. 319, 326-27, 99 S.Ct. 2319, 60 L.Ed.2d 920 (1979) iv
- Connally v. GEORGIA, 429 U.S. 245, 97 S.Ct. 546, 50 L.Ed.2d 444 (1977)
- Katz v. UNITED STATES, 389 U.S. 347, 88 S.Ct. 507, 19 L.Ed.2d 576 (1967)
- FRANKS v. DELAWARE, 438 U.S. 154, 57 L.Ed.2d 667, 98 S.Ct. 2674 (1978)
- Robbins v. CALIFORNIA, 453 U.S. 420, 101 S.Ct. 2841, 69 L.Ed.2d 744 (1981)
- ILLINOIS v. GATES, 462 U.S. 213, 103 S.Ct. 2317, 76 L.Ed.2d 527 (1982)
- North v. Russell, 427 U.S. 328, 96 S.Ct. 2709, 49 L.Ed.2d 534 (1976)
- MARBURY v. MADISON, 5 U.S. 137, 2 L. Ed. 60, 1 Cranch 137 (1803) v, vi

DECISIONS BELOW:

THE DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT IS UNREPORTED. A COPY IS ATTACHED AS APPENDIX A TO THIS PETITION (A.1). THE ORDER OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA IS NOT REPORTED. A COPY IS ATTACHED AS APPENDIX A TO THIS PETITION (A.2). IT IS CITED AT (4TH CIR. AUG. 1, 2025).

JURISDICTION

THE JUDGMENT OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT WAS ENTERED ON AUGUST 1, 2025. AN ORDER DENYING A PETITION FOR REHEARING EN BANC WAS ENTERED ON SEPTEMBER 9, 2025, AND A COPY OF THAT ORDER IS ATTACHED AS APPENDIX A TO THIS PETITION (A.3).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THIS CASE INVOLVES AMENDMENT IV TO THE UNITED STATES CONSTITUTION, WHICH PROVIDES:

SECTION 1.

THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSON, HOUSE, PAPERS, AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE

PERSON OR THINGS TO BE SEIZED.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provision of this article.

The Amendment is enforced by Title 42, Section 1983, United States Code.

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 in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

STATEMENT OF THE CASE

The petitioner complaint alleged that he was charged with multiple unconstitutional felony offenses by a disqualified magistrate issuing warrants. See Appendix B (A.1)-(A.9). It further alleged that the charges were false and that in reality without probable cause because the magistrate rubber stamped the search warrants and arrest warrants for the affiant. See Appendix B (A.1)-(A.11). The magistrate and affiant in this case both hold office at the law enforcement center 4 McGee St Greenville S.C. 29601 interacting with each other on a daily basis investigating crimes. See Appendix B (A.12)-(A.14). The petitioner has written multiple affidavits to the defendants with evidence of the fourth amendment neutral and detached warrant requirement violation. The defendants denied the constitutional violation. The district court granted summary dismissal judgment to the defendants on the ground that the petitioner fourth amendment claims were conclusory and without merit. The court of appeals affirmed the grant of summary dismissal for reasons stated by the district court. A copy of the record is attached as Appendix B to this petition (A.1)-(A.14).

Basis For Federal Jurisdiction

This case raises a question of interpretation of the neutral and detached warrant requirement clause of the

Fourth Amendment to the United States Constitution. The District Court had jurisdiction under the general federal question jurisdiction conferred by 28 U.S.C. 1331.

REASONS FOR GRANTING THE WRIT

A. Conflicts with Decisions of Other Courts

The holding of the courts below that the Fourth Amendment Neutral and Detached Warrant Requirement is conclusory and without merit is directly contrary to the holding of the United States Supreme Court. See *U.S. v. Leon*, 468 U.S. 897, 914, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984); *Coolidge v. New Hampshire*, 403 U.S. 443, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971); *Lo-Ji Sales, Inc., v. New York*, 442 U.S. 319, 326-27, 99 S.Ct. 2319, 60 L.Ed.2d 920 (1979). In addition, the United States Supreme Court has held that "The Fourth Amendment requires that magistrates be impartial and severed and disengaged from law enforcement activities such that independent judgment is not distorted. *Shadwick v. City of Tampa*, 8212 5445, 407 U.S. 345, 92 S.Ct. 2119, 32 L.Ed.2d 783 (1972)... will warrant reversal."

B. Importance of the Question Presented

This case presents a fundamental question of the interpretation of this Court's decision in *Shadwick v. City of Tampa*,

8212 5445, 407 U.S. 345, 92 S.Ct. 2119, 32 L.Ed.2d 783 (1972).
THE QUESTION PRESENTED IS OF GREAT PUBLIC IMPORTANCE
BECAUSE IT AFFECTS THE CITIZENS OF GREENVILLE S.C. AND
HUNDREDS OF PRETRIAL DETAINEES IN THE COUNTY JAIL. IN VIEW
OF THE LARGE AMOUNT OF LITIGATION OVER THE FOURTH AMENDMENT
NEUTRAL AND DETACHED WARRANT REQUIREMENT, GUIDANCE ON THE
QUESTION IS ALSO OF GREAT IMPORTANCE TO THE PUBLIC, BECAUSE
IT AFFECTS THEIR ABILITY TO RECEIVE A FAIR AND IMPARTIAL
MAGISTRATE DETERMINING IF PROBABLE CAUSE EXISTS WHEN
ISSUING A WARRANT.

THE ISSUE'S IMPORTANCE IS ENHANCED BY THE FACT THAT
THE LOWER COURTS IN THIS CASE HAVE SERIOUSLY MISINTERPRE-
TED SHADWICK. THIS COURT HELD IN SHADWICK THAT MAGISTRATE
MUST BE IMPARTIAL AND SEVERED AND DISENGAGED FROM LAW
ENFORCEMENT ACTIVITIES. THE COURT REITERATED THIS POINT
IN U.S. V. LEON, 468 U.S. 897, 914, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984),
AND ADDED THAT "WARRANTS MAY NOT BE ISSUED EXCEPT UPON A
FINDING OF PROBABLE CAUSE BY A NEUTRAL AND DETACHED JUDGE.

THUS THE COURT BELOW SERIOUSLY MISINTERPRETED SHADWICK
BY FAILING TO DISTINGUISH BETWEEN MAGISTRATES AGAINST
THE FOURTH AMENDMENT NEUTRAL AND DETACHED CLAUSE
WARRANT REQUIREMENT OF THE CONSTITUTION. CERTAINLY ALL
THOSE WHO HAVE FRAMED WRITTEN CONSTITUTIONS
CONTEMPLATE THEM AS FORMING THE FUNDAMENTAL AND

PARAMOUNT LAW OF THE NATION, AND CONSEQUENTLY THE THEORY OF EVERY SUCH GOVERNMENT MUST BE, THAT AN ACT OF THE LEGISLATURE, REPUGNANT TO THE CONSTITUTION, IS VOID." MARBURY V. MADISON, 5 U.S. 137, 2 L. Ed. 60, 1 CRANCH 137 (1803). THE COURT SHOULD CORRECT THAT MISINTERPRETATION AND MAKE IT CLEAR THAT THE CONSTITUTION FOURTH AMENDMENT NEUTRAL AND DETACHED CLAUSE WARRANT REQUIREMENT INTERPRETATION IS THAT MAGISTRATES ISSUING WARRANTS MUST HAVE NO/ANY CONNECTION TO LAW ENFORCEMENT ACTIVITIES OR AUTHORITY.

CONCLUSION

FOR THE FOREGOING REASONS, CERTIORARI SHOULD BE GRANTED IN THIS CASE.

SEPTEMBER 17, 2025

RESPECTFULLY SUBMITTED,

RICHARD VANDALE CLOWNEY #1263
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