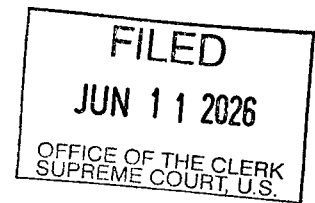


25-7646

No. \_\_\_\_\_



IN THE

SUPREME COURT OF THE UNITED STATES

In Re Rev. Willie Johnson — PETITIONER  
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Willie Johnson  
(Your Name)  
Broad River Correctional Inst.  
4460 Broad River Road  
(Address)

Columbia, S.C. 29210  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

- A. Invidious Delay of Court of Appeals Panel . . . . . 1
- B. Circuit Judges misconstrued the Holding of *Hook v. State of Ariz.* . . . . . 5
- C. Circuit Judge's Decision conflicts with *max* Decision of this Court and other Circuits . . . . . 13
- D. Circuit Judge *Wiemer* Decision is in direct conflict with this Court's precedents holding that Action to Enforce prior Court order . . . . . 17
- E. The District Court Judge *Gergel* Abuse its Decision and conflicts with Decisions of other Courts . . . . . 22

# LIST OF PARTIES

Rev. Willie Johnson v. Joel E. Anderson  
SCDC Director

## RELATED CASES

Smith v. State of Kansas, 10th Cir.  
356 F.2d 654 " " " " " " " " " " " " 1,2  
Hark v. State of Ariz, 907 F. Supp. 2d  
1326 (1975) " " " " " " " " " " " " 5  
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## OTHER

CGA 2A  
CGA 3A

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

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 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☐ is unpublished.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 C to the petition and is

☐ reported at S.D. District Court; 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☐ is unpublished.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☐ is unpublished.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 N/A 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 19, 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: N/A, 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 N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1). Including  
invoked 28 U.S.C. § 1651(c)

☐ For cases from **state courts**:

The date on which the highest state court decided my case was N/A.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

# CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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### STATEMENT OF THE CASE

The case underlying this Petition is an action stem from Court of Appeals moderate delay. This Petition, however, involved an issue of law. Rather the issue presented in this Petition relates strictly to 28 U.S.C.A. 70 (9) (c) and Hook v. State of Ariz. SUPRA in enforce of prior court order.

In the underlying action, Circuit Judges in this case violated Canon 2A in modifying Judge Gersel prior court order, set forth in Georgian Co. v. Britton, 114 S.L. 136, it is well settled that another Judge cannot modify another court order. To the extent Circuit Judges in this case should be held accountable for their action and their ethical and legal obligation including Circuit Judges -- unless held. As a result, circuit judges action constitute a "abuse of discretion".

Here, Defendant has been moderate delay for seven years and Defendant did not file an appeal to Fourth Circuit Court of Appeals, defendant has no legal step to prior court order but to come in compliance with Judge Gersel's prior court order.

As a result Judge Gersel failed to sign his court order dated April 21, 2021 in second Amended Complaint and decided by Court of Appeals by Judge Stromeyer.

## REASONS FOR GRANTING THE PETITION

Argument In Support of Granting Petition for a Writ of Mandamus.

A. Inordinate Delay of Court of Appeals Panel  
On June 4, 2025, the Petitioner filed a Petition for Rehearing it has been 11 months. However, inexcusable or inordinate delay by the Court of Appeals Panel in processing Petition for Rehearing it did render Rehearing ineffective. When such delay has rendered the Petition ineffective to protect the rights of the Petitioner due process. Here, Petitioner's substantive rights may have been reduced to nothing more than an empty shell.

Inasmuch, these very issues are the heart of the matter that existed in relevant part during the time of this case controlled by Smith v. State of Kansas 10th Cir. 356 F.2d 654 where it appeared that more than 11 months had elapsed from time of filing of Petitioner's Petition for Rehearing, to the extent consistently with these inexcusable principles the court have recognized that inordinate delay in the adjudication of an asserted Petition for Rehearing remedy may very well work a denial of due process cognizable in the federal court. See Kelly v. Crouse, 10 Cir. 352 F.2d 506.

and still vividly with all certainty exist now within our modern day courts on system of jurisprudence and by the constitutional rights of every citizen cannot be ignored. These issues secured and protected by the ruling in Smith v. State of Kansas ~~supra~~ as well as the many ruling in other such cases still apply today and are protected by the United States Constitution and laws of the United States. These concepts are designed to overlap in these matters to ensure a more true course of justice and its citizens for the sake of Justice and fairness.

Inasmuch the issues here go far beyond that of dealing with Mordante's ~~del~~ the matter set forth in 28 U.S.C.A. Rule 47 C17 secures a legal win when Rev. Johnson filed his Petition for Rehearing as the time of this ~~del~~ still pending by Fourth Circuit of Appeals Panel.

However, to the extent, that the ~~del~~ in Rev. Johnson "Petition" is therefore Mordante and unjustifiable. Specifically, the Petitioner has provide Court of Appeals with a sufficient record upon which the Panel could render an intelligent review to grant "Petition for Rehearing" in a timely manner. To the extent Rev. Johnson present sufficient evidence to the court that it would prove beyond a reasonable doubt that

Court of Appeals Permal mandamus defer will stop the wheel of Justice and access to the Court to challenge violations of Petitioner Constitutional rights. see Lewis v. Casey, 116 S. Ct. 2174 (1996); Boyd v. Smith, 436 U.S. 817 (1977); the Petitioner clearly have a constitutional protect right of access to the Court and interference with Petitioner right to access to the Court, such as a defer and result in a deprivation of his Constitutional rights.

More specifically, United States Court has jurisdiction to review a Petition Challenge Court of Appeals of the Fourth Circuit mandamus by Smith v. State of Kansas, 10th Cir. 356 F.2d 644.

As mention above, this case is one of many filed around the country to challenge the delays in adjudications a defer under the Mandamus Act, 28 U.S.C. § 1361, APA, 5 U.S.C. § 555 (b), 706 (D).

Petitioner seeking to vindicate his rights in Court enjoy a constitutional right of access to Courts and Circuit Judges orders should not impede Petitioner efforts to pursue legal claims. see Lewis v. Casey, 518 U.S. 343, Nevertheless Rev. Johnson holds that a violation of his due process occurs when Court of Appeals Permal has unreasonable defer their decision in Petitioner "Petition for Rehearing," by which-

it means the hindrance of efforts to pursue  
a legal claim.

Petitioner argues that noted above, the record before  
the court has shown no valid explanation as to  
why the Defendant has not come in compliance  
with prior court order, it has been more than  
seven years after Judge Gersel rendered its  
decision, to the extent the court has blocked  
compliance of prior court order for period  
seven years and still has not compliance.

What's more "the petitioners are asking this  
court for extraordinary interim relief namely,  
an order from this court to enforce court  
of Appeals and the petitioners will be irre-  
parably harmed if petition is not granted  
because it will be deprived of Rev. Johnson  
fourteenth Amendment of Equal Prot-  
ection of 14th. By court of Appeals majority  
delay has disrupted Smith v. State of Kansas  
Supra

As mentioned above, the consequences of defen-  
dant non-compliance of prior court for seven  
years has cause a majority delay, Justice  
delay is justice denied.  
Further elaboration, Circuit Judges and  
prior majority delay deprived petitioner  
of his due process.

B. Circuit Judges misconstrued the Holding of Hook v. State of Ariz.

The Circuit Judges has misconstrued holding in Hook. This case is controlled by Hook v. State of Ariz., 907 F. Supp. 1326 (1995), Federal court has inherent power to enforce prior court order. However, to the extent Circuit Judges in this case when an "abuse of discretion" occurs when a circuit judge's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support the procedure mandated by Hook was not followed by the Circuit Judges and District Court in this case. Specifically, Circuit Judges in this court disregarded their obligation to enforce a prior court and ethical duty to seek justice. Does a judge has power to violate his ethical obligation.

More specifically, Circuit Judges in this case ignore Judge Gersel prior court order outright.

It is well understood that this court has power to do all that is necessary to give effect to enforce prior court order to the extent the jurisdiction of this court so constituted necessarily includes.

Power to Make all orders required to enforce  
a prior court order, see A. Keefe & Sons Milling  
Co. v. St. Louis Southwestern Ry. Co., 39 S. Ct.  
237 (1917).

The Petitioner humbly contends that his Constitutional Rights and Rights of Due Process were violated  
by Circuit Judges in this case. Pursuant to  
28 U.S.C.A. § 1361 "Action to compel an officer  
of the United States to perform their duty.  
As a result Circuit Judges in this did abuse  
its discretion by failure to enforce prior court  
order. For example in Spillone v. United States,  
110 S. Ct 625, the U.S. Supreme Court ...  
specifically and unequivocally with  
clarity and particularity stated in ...  
Quinn v. Meese, 95 S. Ct. 584 (1975),  
that all orders and judgments of courts  
must be complied with promptly. The order  
and expedition administration of justice  
by the courts requires that an order  
issued by a court with jurisdiction over  
the subject matter and person must be  
obeyed by the parties until it is reversed  
by order and proper proceedings. Further,  
defendants declined to appeal the order  
to the Fourth Circuit Court of Appeals.  
It is very clear that the Defendant-

waived right to raised defense in this  
Petition. Further, Defendant or Judge Gessel  
made no responsive Plead to dispute,  
To the extent severely contradicted  
Fed. R. Civ. P. Rule 8 ~~et al~~, an ex  
example of this situation is found  
in In re Wells, 180 U.S. 1123 S. Ct.  
718 (1903).

As discuss above the Circuit Judge in  
this case impedes administration of...  
justice by failing to perform their judicial  
duty in this case it was "shocking to  
universal sense of justice" By not...  
enforcing prior court order in this case,  
which violated "Administration of Justice"  
which means performance of acts or duties  
required by law in discharge of duty...  
Ross v. U.S. 10 F.2d 675 (1926) see also  
U.S. v. Cohen, 202 F. Supp. 589

Petitioner argues that his case has already  
been won in the District Court, the present  
goal is to retain what has been granted.  
The U.S. Supreme Court has noted that Courts  
shall enforce of prior court order.

As the U.S. Supreme Court has explained in  
Spauldon v. U.S. Supp. Circuit Judges in this case  
decision is "conform to" Court established course

Precedent when Circuit Judges in this case  
applies a rule that contradicts the governing  
law set forth in [Supreme Court] cases,  
or when Circuit Judges confronts a set  
of facts that are materially indistin-  
guishable from a decision of [the Supreme  
Court] Precedent.

Rev. Johnson argues that this Court's decision  
in Grubke v. Department of the Treasury, 858  
F.2d 1570 (Fed. Cir. 1988) (per curiam), requires  
that this Court reverse the Circuit Judge's  
conclusion violated Rev. Johnson due Process and  
obstruct due administration of Justice.

As mentioned above, the Court of Appeals  
has a duty to follow Precedent, especially  
Supreme Court. To the extent the Supreme  
Court has left no doubt that as far as  
constitutionally inferior courts, Court are  
compelled to follow faithfully & directly  
controlling Supreme Court Precedent  
rules and until the Supreme itself deter-  
mines to overrule it. The Court may not  
reject, dismiss, disregard, or deny Supreme  
Court Precedent even in a particular  
case, it seems perfectly clear to litigants  
lawyers, and lower court judges alike  
that given the opportunity, the Supreme  
Court would overrule Precedent.

SINCE THE SUPREME COURT HAS UNEQUIVOCALLY SPOKE ON THIS ISSUE THAT FEDERAL COURT HAS INHERENT POWER TO ENFORCE PRIOR COURT ORDER. HERE, CIRCUIT JUDGES IN THIS CASE IGNORE WELL-ESTABLISHED PRECEDENT, THE AUTHORITY OF PRIOR DECIDED CASES CANNOT SAFELY BE OVERLOOKED.

BRUNING CHIEF JUSTICE BLACK OF PENNSYLVANIA REMARKED THAT "A PERPETUAL MISTAKE VIOLATING JUSTICE PERSON AND LAW, MUST BE CORRECTED, NO MATTER BY WHOM IT MAY HAVE MADE."

PURSUANT TO THE ENFORCEMENT PROCEDURE SET FORTH IN 28 U.S.C.A. RULE 70 (C) (C) TO THE EXTENT CIRCUIT JUDGES IN THIS CASE FAILURE TO ENFORCE PRIOR COURT ORDER THAT ARE MANDATE BY RULE 70 (C) (C)

28 U.S.C.A. RULE 70 (C) PROVIDES:

"ENFORCE A JUDGMENT FOR A SPECIFIC ACT"

SPECIFICALLY, RULE 70 WHERE TO FORCE COMPLIANCE WITH THE ORIGINAL ORDER THAT IT COMPLIES WITH THE DISTRICT COURT'S ORDER OF APRIL 29, 2019. FURTHER, CIRCUIT JUDGES IN THIS CASE OVERLOOKED RULE 70 (C) (C). AS RESULT, THE CIRCUIT JUDGES IN THIS CASE HAS FAIL TO ISSUE AN ORDER TO ENFORCE DEFENDANT TO COME IN COMPLIANCE WITH ITS APRIL 29, 2019 ORDER, THEREFORE... CONSTITUTE A VIOLATION OF ITS DISCRETION IN RECORDENCE WITH 5 U.S.C. § 706 (C) (D).

the Circuit Judges in this case abused the delegated discretionary authority by having acted arbitrarily capriciously, or not in accordance with law. It is also important to note that Rule 70 when the Circuit Judges failed to direct District Court's to enforce their prior court orders.

28 U.S.C.A. 70 (c) Provides:

and holding in contempt, the court may also hold the disobedient party in contempt

Nothing in this Act affects a court's power to continue a contempt in order to compel him to obey a court order, see 18 U.S.C.A. 401 (3), 28 U.S.C.A. § 1651 (c), also see Menzes v. Menzes, 95 S.Ct. 584 (1975), Rev. Johnson begin with the basic proposition that all orders and judgments of courts must be complied with promptly.

As noted above, Circuit Judges in this case has violated their oath set forth in 32 AM. Jur. 2d Federal Courts {25 (Oath required of Federal Judges) which provides:

- It is clear that all Federal Judges are bound by a solemn moral obligation to regulate their decisions according to constitution and laws of the United States. Every litigant entitled to have his or her case heard by a judge mindful of this oath.

The fact pertains to this issue whether Circuit Judges in this case mind were on constitution and laws when making their decision in this case. Obviously, Circuit Judges was not mindful of their oath.

28 U.S.C.A. 453 Oath of Justice and Judges

- Each Justice or Judges of the United States shall take following Oath or Affirmation before performing the duties of his or her office: "I, John Doe, do solemnly swear or affirm that I will administer Justice without respect person, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Judge under the Constitution and laws of the United States. So help me God.

More specifically, A Judge at any level of the Court system Presides at the focal point of the administration of Justice. For that reason, a Judge must be held to the highest standards of any Public Officer. The Canons of issue in the case at bar are:

1. Canon 1. A Judge should uphold the integrity and independence of the Judiciary. Therefore A Judge's ethical responsibility is to uphold the law rather than to disregard law or violate it. Here, Circuit Judges in this case add no insult to Judicial system by abusing the Judicial system.

As note above, the Framers of the Constitution did not given Circuit Judges in this case a blank check to operate outside the Constitution and laws. There is nothing in to let to be mis-constructed.

As discussed above, Circuit Judges in this case violated 28 U.S.C.A. 1361, Action to compel an officer of the United States to perform his duty. Thus, Mandamus properly issues to enforce official duties of government officers.

More importantly, though, there simply is no such reset button and once a Judge grants relief that order must be enforced pursuant to 70 C.F.R. and other laws. Therefore a Prior Court order history cannot be readily erased and re-run.

18 U.S.C.A. § 401 (3) which provides:

• 823 Disobedience or resistance to its lawful writs, process, order, rule, decree or command.

With respect, Circuit Judges in this case had a obligation to respect and comply with the law. Further, Circuit Judges has failed to respect and comply with Constitution and law, their action violated Canon 2 A, and once again Circuit Judges violated their Ethical Responsibility to uphold Constitution and laws of the United States. As a result Circuit Judges in this case prefer to sweep the Constitution and law under the rug.

As set forth above, there is no so reason for this abusive delay, which has been compounded by Circuit Judges in this case to manipulate the Judicial Process. To the extent Circuit Judges in this case obligation to respect and comply with the law.

C. Circuit Judges Decision Conflicts with  
Many Decision of this Court And Other Circuits

With respect to the circumstance involved  
in the instant case, Circuit Judges in this case  
disregard of Precedent & standing court orders  
& also threatens the other Bond of Canon 2 - the  
Maintenance of Public Confidence in the Judiciary.  
See, e.g., in the Matter of Heave, 315 N.W. 2d  
524, 533 (Mich. 1982), specifically, Circuit Judges  
in this case disobeying to enforce a prior court  
order that entered by Judge Gersel in District  
Court, by circuit judges in this case lack of  
reasoned order in question and willfully disregard  
of the law set forth in Holt v. State of Ark. 349 U.S.  
281, 154 A.2d 101 (1959). Petitioner considered this infraction by circuit  
Judges in this case to be a serious violation as  
described in section 70 (c) (2) as enumerated  
by circuit judges in this case in violation of  
their oath of office. Further, the circuit judges  
in this case failed to uphold their oath to faith-  
fully discharge their duties, Const. 1963, art. 1,  
§ 1; circuit judges in this case did under-  
mine the integrity and independence of the  
Judiciary, "Code of Judicial Conduct, Canon  
1.

As described above the general language of Canon 2  
A states: "A Judge shall respect and comply with the  
law and shall at all times in a manner that promotes  
public confidence in the integrity and independ-  
ence of the Judiciary."

Moreover, under Canon 2 A, Circuit Judges in this case are held to a higher standard of... Personal and official conduct than is expected of lawyer and others in society. This case... therefore presents "a matter of special importance upon the Federal Circuit to enforce a Prior Court order as set forth in 70 C.F.R. and... Spillane v. U.S. Supra, specifically, Circuit... Judges in this case had no legal authority to... recharacterize Petitioner Prior Court order.

As described above nowhere is this Judicial system so dysfunctional more obvious than in Rev. Johnson case it is Broken systems, Broken Duties. Further, Circuit Judges in this case... incorrectly place the burden upon Rev. Johnson to come forward with evidence to support the Prior Court order. To the extent Circuit Judges in this case was not authorized to modify sufficient of the evidence in support to... enforce of Prior Court order, further sufficient of evidence already been decided by Judge Gersel. Thus, Circuit Judges in this case, they deliberately disregarded the law section 70 C.F.R., it harmed the administration of justice. As a result, Circuit Judges in this case decision has cause Rev. Johnson irreparable harm and Circuit Judges in this case are compel under 70 C.F.R. to enforce a Prior Court order. See Appendix A

As set forth above, Circuit Judges in this case has committed Procedural error in their order on page 2, Circuit Judges in this case Misconserve the Prior Court Order. The Facts in Hook v. State of Ariz. SUPP are straight-forward and simple. Federal Court has inherent power to enforce Court Order.

As described above, Appendix A will prove beyond a reasonable doubt that Circuit Judges in this case Modify the Prior Court Order. For example Geosion Co. v. Britton, 141 S.C. 136, the S.C. Supreme Court specifically and unequivocally ruled 1/9/16 and particularly state in Hushe v. Shingle, 51 S.C. 25, 28 S.E. 2; Wiloshby v. R. Co., 52 S.C. 135, 29 S.E. 629; Wille v. Bank, 63 S.C. 4/91 41 S.E. 504; Woodman v. Meigs, 87 S.C. 127, 69 S.E. 83

As is stated in the conclusion of the case of Nixon Grocery Co. v. Spem, 108 S.C. 329, 94... S.E. 531.

"It is well settled that one Circuit Judge cannot set aside or modify the orders of another... except in cases when the right to do so has been reserved to the succeeding Judge, or when it is allowed by rule of Court or statute. Specifically, the opinion of the present Chief Justice in the case of Middleton v. Ice & Fuel Co., 81 S.E. 157, 81 S.E. 157, is equally as clear to that effect. From this early case of Durant v. Steggers, 210 S.C. 11 S.C. 11, 182 Mac 488-

we quote the syllabus, which is as follows:

"A succeeding Judge will not rescind an order made by proceedings but where a party thinks himself aggrieved by such order, the proper manner to procure redress is by appeal."

As noted above, the record submitted by the Petitioner does contain evidence of the Federal list in the statute to cases which put in legal obligation upon Circuit Judges in this case. Specifically, Circuit Judges in this case failed to perform their duty pursuant to 28 U.S.C. § 1361 States:

"Action to compel an officer of the United States to perform his duty."

Indeed, this section vests original jurisdiction in this court of an action in the nature of... mandamus to compel Circuit Judges of the United States to perform their duty owed to Rev. Johnson. To the extent it remains undisputed, however, that § 1361 only creates a means of enforcing a duty owed to Rev. Johnson by the Court. As a result, Rev. Johnson has established that duty, the Petitioner relies solely on the Due Process clause of the Fourteenth Amendment. See Meyer v. Nebraska, 262 U.S. 390 (1923). Specifically, this Court must accept the Petitioner's factual allegations as true and draw "all reasonable in favor of the Petitioner"

As described above, Federal Court are bound to accept the interpretation of state law by the highest Court of the state. Further, Circuit Judges in this case did abuse their position by modifying Judge Gersel prior court order and failed to perform their judicial duty according to 28 U.S.C.A. § 70(c)(2). ... see U.S. v. Classic 61 S.Ct. 1031 (1941) nowhere is this dysfunction more obvious than Rev. Johnson case.

D. Circuit Judge Niemeyer decision is in direct conflict with this Court's ... precedents holding that Action to Enforce Prior Court Order.

With respect to the circumstances involved in instant case, the record will prove beyond a reasonable doubt that Judge Niemeyer ... did committed ethical violation by failure to disqualify himself from Rev. Johnson case. To the extent Judge Niemeyer has been ... involved in Rev. Johnson, in Johnson v. Rod 1807, 1235 Fed. Appx; Johnson v. Stillman 2021 WL 5563933 and 2025 WL 1430651 (M.D. Pa. 2025, specifically, when a Judge serves part of Circuit Panel he or she is prohibited from hearing a petition. As a result, Judge Niemeyer had personal knowledge of fact.

Pursuant to Model Rule 2.1 (A) (1) states, that a "Judge shall disqualify" him or herself when the Judge has "Personal Knowledge of facts" that are in dispute in the proceedings. "Knowledge is actual knowledge of the fact in question."

Petitioner further alleges that Judge Niemeyer the records will show that he was aware of Judge Gersel prior Court order in Seemings from Johnson v. Stirling, 2021 WL 5563933 (Nov. 29, 2021); Johnson v. Stirling, 2021 WL 1430651 (C.D. 18-EV-03028); during course of Judge duties of this case, Circuit Judges and Judge Niemeyer failed to review the record of this case. Pursuant to Oct. 21, 2019 order the Court granted Plaintiff's Motion to Reconsider, vacated the prior order dismissing the First Amended Complaint, and referred the case back to the Magistrate Judge for a review of Plaintiff's Second Amended Complaint (Dkt. no. 35) see APPENDIX B

\* With respect, Circuit Judges in this case fly the refuse to comply with Judge Gersel prior Court order. To the extent did abuse its discretion by failing to comply with 28 U.S.C. 706(c) to enforce -

A Prior Court order. Here Circuit Judge in this case "Flagrant disregard" Prior Court order. Thus, the record will prove beyond a reasonable doubt that Circuit Judge and Judge Niemeyer, did abuse its discretion by failing to in compliance with Judge Gersel Prior Court order as prescribe in Hook v. State of Ariz Supra and 28 U.S.C.A. § 70 (c) (2). Circuit Judges and Judge Niemeyer abused the delegated discretionary authority by having acted arbitrarily, capriciously, or not in accordance with law, 5 U.S.C. § 706 (2)(A). It is also important to note that no Judge is "above the Law".

As prescribe by this Court the Pres. Trump is not "above the Law" this standard should apply to all Judges.

The Petitioner, is also of the opinion, belief and it can be substantiated that Judicial Judge Niemeyer also conspired with Defendant Attorneys, including former SEC Director Skilling, with several other state judicial personnel in order to defile Judge Gersel Prior Court order it constitute a malicious abuse of process in failure to comply with Prior Court order it is a "Mockery of Justice".

As described above substantial evidence supports that Judge Niemeyer and Circuit Judges in this case was subordination, thus, insubordination is a willful and intentional refusal to obey an authorized Prior Court order of Judge Gersel.

Which the Federal Judges has ethical obligation to enforce and obey, Pursuant to 28 U.S.C.A. 701 (c) there is no exception to this statute. see Phillips v. Gen. Serv. Admin. 878 F.2d 370, 373 (Fed Cir, 1989). To the extent Circuit Judges in this case has cause a disruption in Federal function of the Court.

- As mentioned above the relevant Federal statute, 28 U.S.C. § 455 (c) provides that "Every Justice, Judge, or Magistrate Judge of the United States shall disqualify himself in any proceedings in which his impartiality might reasonably be questioned." 28 U.S.C.A. § 455 (c). The Supreme Court has stated that the purpose of this provision is "to promote public confidence in the integrity of the Judicial Process," see Clemmons v. Wolfe, 377 F.3d 322 (3rd Cir. 2004), it created appearance of impropriety because Judge Niemeyer had pre-biased over the case the ever serious effects fairness, integrity or public reputation of Judicial Proceedings. see U.S. v. O'Brien, 113 S.Ct. 1770 (1993), specifically Circuit Judges and Judge Niemeyer had no statutory right to contest or modify Judge Seeger prior Court order. As such, Canon 1 "A shall uphold the integrity and independence of the Judiciary."

More specifically, Circuit Judges and Judge Niemeyer in this case fell short of integrity and violated Judicial ethics guidelines set forth in Canon 2A and 28 W.S.C.A. 70 C.R.C.P., see, Lee v. U.S., 114 S. Ct. 1197 (1994).

As described above, Circuit Judges and Judge Niemeyer failed to comply with law 28 W.S.C.A. (70 C.R.C.P.), and their conduct was prohibited by language in Canon 2A requiring Judge to respect and comply with law. Circuit Judges and Judge Niemeyer behavior was such as to undermine public confidence in integrity and impartiality of Judiciary; and violation of law see In Re Conduct of Roth, 293 Or 179 (1982). To the extent, Circuit Judges and Judge Niemeyer willful or persistent failure to perform judicial duties set forth by Canon 2A.

As described above, Circuit Judges and Judge Niemeyer in this case they had obligation to respect and comply with the law. Further, Circuit Judges and Judge Niemeyer in this case failed to respect and comply with the law set forth in Canon 2A. As a result, Circuit Judges and Judge Niemeyer had a ethical responsibility to uphold the law, rather than to disregard or violate it. For example, in In Re Vandell; Matter of Harshbarger, 192 W. 2d 938 (1994) -

Specifically Circuit Judges and Judges numerous in this case they are held to highest standard of any Public Officer, see In Re Hill 152 Vt. 548 (1989), Matter of King 184 W. Va. 177 (1990), thus, -- -- --  
censure for misrepresenting status of Court decision in Johnson v. Gensel, 9 Proceedings before an Untried Panel in Court of Appeals

E. The District Court Judge Gensel abuse its discretion and conflicts with decision of -- -- -- other Courts.

With respect, Judge Gensel abused the delegated discretionary authority by having acted arbitrarily, capriciously, or not in accordance with law, 5 U.S.C. § 706 (2) (A). It is also important to note that Judge Gensel disregard Petition to answer that he failed to answer form described above.

More specifically, Court of Appeals Clerk Office's instructed Rev. Johnson to send -- -- -- Judge Gensel and Defendant Attorneys copy of -- -- -- Petition for Writ of Mandamus. In accordance FRCP 8 (c) (2), failure to respond to the Petition it is deemed admitted to, ~~that~~ Petition forth no dispute against the Petition.

As described the record in this case has -- -- -- clearly established Judge Gensel knowledge of Defendant Know Complaint of Prior Court Order.

The Petitioner is also of the opinion, that Judge Gersel comprehensive scheme deprived Rev. Johnson due Process to conspired with several other Federal and State Judicial officials in order to deprived Rev. Johnson prior court order, Thus, an abuse of discretion occurs when Court's ruling is based on denial of due Process. As a result, Judge Gersel failed to comply with the Procedural requirement of section 28 U.S.C.A. 70 (c)(2). Further, Judge Gersel violated 28 U.S.C.A. § 1361, which provides:

- 1. Action to compel an officer of the United States to perform his duty.

Moreover, under Canon 2A, Judges are held to a higher standard of persons and official conduct than is expected of lawyer and others in society. Here Judge Gersel has violated his obligation to respect and comply with the law.

More specifically, straightforward reading of Judge Gersel prior court order even a two year old can comprehend Judge Gersel ruling in his order.

As described above the general language of Canon 2A states "A Judge shall respect and comply with the law and shall act all times in a manner that promotes public confidence in the integrity and impartiality on the Judiciary."

Further elaborate "the law is crystal clear that a District Court has authority to issue orders compelling compliance with Judge Geisler prior court orders. Further, Judge Geisler obstructed due Administration of Justice in violation of Canon 2A, including Hook v. State, 1907 F. Supp. 2d 1326.

As Presented above set forth 28 U.S.C. 701 (c) (2) To the extent Judge Geisler's conduct was prohibited by language in Canon 2A requiring Judge to respect and comply with law. Thus, Judge Geisler's behavior, was such as to undermine Public Confidence in the integrity and impartiality of Judiciary, violation of law and it wilful or persistent failure to perform his judicial duties.

Accordingly, contrary to the Supreme Court Ruling in Becker v. Montasomex, 532 U.S. 757 (2001) 121 S.Ct. 1801 (2001). Further, Circuit Judges in this case has "OPENING Pandora's" set forth in Appendix A

As described above Judge Geisler ethical obligations to signed his court orders, but Judge Geisler choose not perform his judicial duty, therefore lesser obligation Judges has ethical duties to uphold rule of law. But to reiterate a critical point, Circuit Judge in this case made a false statement in their order set forth in Appendix A with the actual -

intend to deceive and disregard of Precedent  
or standing Court orders also threaten  
the other Plans of canon 2 - the maintain-  
ance of Public Confidence in the Judiciary.  
See also in the Matter of H9340, 518  
N.W.2d 524, 533 (Mich. 1982).

It is well settled that the "Good Ground to....  
Support" rule seems to derive from Supreme Court  
Justice's discussion of the Signature requirement  
in his treatise on equity practice. As a result  
the United States Supreme Court promulgated  
Rule 11 of the Federal Rules of Civil Procedure  
pursuant to the Rules Enabling Act of  
1934. See Appendix D.

As noted above, the orders granted by the  
Circuit Judges in this case were enti-  
rely null and void for the reason that  
Circuit Judges lack authority to modify  
Judge Giesel's prior Court order. Circuit  
Judges such orders modifying prior Court  
orders under the facts of this case that  
Circuit Judges had no legal authority  
whatever to modify Judge Giesel's prior  
Court order. As described Circuit Judge  
primary authority to enforce prior Court  
order, pursuant to 28 U.S.C. 706 and  
Hook v. State of Ariz. Supreme. Further,  
Circuit Judges and District Court's failure  
to comply with local rule.

As described above Circuit Judges in this case misconstrued and granted that was granted by Judge Gersel the relief stem from... Johnson v. Stirling, 2019 WL 2148493 (M.D. 2019)

Further, Circuit Judges misinterpreted Judge Gersel Prior Court Order, the Circuit Judges failed to read the fine print in Prior Court Order. Judge Gersel Order, which provides:

- The Court's Prior dismissal of amended Complaint Voided.

Further elaboration, Circuit Judge in this case of false misrepresentation of relief granted by Judge Gersel see Appendix A and E it will prove beyond a reasonable doubt the relief granted. See Appendix C

The Petitioner was granted following relief by Judge Gersel: awarded 27.5 millions awarded a immediate release from SCDC and awarded the restated Nelson decree.

As note above, these issue has been set forth in Appendix E the issues raised by Rev. Johnson was previously been raised before Court and Circuit Judges Stirling are contrary canon 2A their failed to perform their judicial duty and completely sidestepped their ethical obligations.

It is well settle that there are enforcement  
Process that is Mandatory Pursuant to 28 U.S.  
C.A. 70 (c)(2) and Circuit Judges Failure of  
consultation from the statute it Violated...  
Canon 2A states "A Judge shall respect...  
comply with the law and shall at all times  
in a manner that promotes public confidence  
in the integrity and impartiality on the judi-  
ciary. But to recede at critical point...  
Judge Niemeyer was award of Judge Gessel  
unsigned court order dated April 2, 2011, see  
APPENDIX B. As a result Judge Niemeyer...  
familiarity with this court order that...  
Judge Niemeyer render a decision against  
to the extent it stem from Petitioner Appeal  
of second amended complaint to Court of  
Appeals. As such the Supreme Court specifically  
and unequivocally with clarity and particularity  
stated in Becker v. Montgomery Supp that  
a type name is not a signature under Rule 11  
C97. Without the signature it is merely an  
unfinished paper. Here is another example...  
the law is crystal clear in Supreme Court...  
precedent set forth in Life Fire Ins. Co. of  
New York v. Wilson 33 U.S. 291 (1807)

As described above Rev. Johnson has been illegally  
detained in SCDC for 41 years on unsigned court  
order. SCDC officials ignore Judge Gessel prior  
court order dated April 29, 2019, but SCDC  
remain Rev. Johnson on unsigned court order  
SCDC official has Rev. Johnson confined  
as enemy combatant.

Pursuant to SCDC Policy OP-21-04, Sec. 4.2, states  
Sec. 4.2 inmates who do not have a valid commitment  
papers to ensure or a valid South Carolina  
sentence will not be accepted by the SCDC.

More specifically, this Court don't need to be a  
rocket scientist to figure out their scheme  
to remain incarcerated someone already been  
granted relief. To the extent Rev. Johnson were  
diagnosed with "Multiple Myeloma" SCDC officers  
are waiting on Rev. Johnson pass away so they do  
have to honor A/101 Court order, Rev. Johnson do not  
have a criminal record, is this enough to treat a  
Veteran as "ERMA COMBAT" CONCLUSION it will be a travesty  
of justice if this Court do not intervene to takes action  
to curb the petitioner is threatened with irreparable harm  
such as the petitioner is threatened with irreparable harm  
such as the petitioner is threatened with irreparable harm  
The petition for a writ of mandamus should be granted.

Respectfully submitted,



Date:

May 28, 2026