25-7673

No. ___________

FILED
APR 16 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
Supreme Court of the United States

Clayton G. Walker,

Petitioner,

v.

Thomas Auto Inc., Frank Thomas Trust,
Terri Guccione, Jason Salamun, Michelle Schuelke,
City of Rapid City,

Respondents.

On Petition for Writ of Certiorari to the
South Dakota Supreme Court

PETITION FOR WRIT OF CERTIORARI

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Rapid City SD 57703

Pro Se Petitioner

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I. Questions Presented

1. Whether this court should grant Certiorari to resolve conflicts among the Court Circuits regarding the definition of "Fraud Upon the Court" and to establish uniform guidelines for sanctioning attorney misconduct under 28 U.S.C § 1257,?

2. Does spoliation of critical evidence by counsel rise to a constitutional violation of Due Process and Equal Protection?

3. Whether ignoring Supreme Court Precedent when a "Notice" is not given is it a violation of the United States Constitution within "Stare Decisis" of the Judiciary Act of 1789 and Due Process, which requiring a judgment to be vacated?

List of Parties

Attorneys for the Respondents with their respective stock ticker symbols rule 14.1 B

Parties/ Defendant/ Respondents	Attorney for Parties
Frank Thomas Trust, Terri Guccione, Thomas Auto, No Stock Ticker Number	David R. Hansen, Tel no 605-721-3958 1830 W. Fulton St. Suite 102 Rapid City SD 57702

Jason Salamun, Michelle Schuelke, City of Rapid City, No Stock Ticker Number	-Cash Anderson, Tel No 605-224-8803 PO Box 160 Pierre SD 57501

Clayton G. Walker, No Stock Ticker Number/symbol,	Pro Se, 1515 E saint Patrick Street. # 356 Rapid City, South Dakota, 57703 605-431-4086

A list of all parties to the proceeding in the court whose judgment is the subject of this petition, but was dismissed in the lower courts is as Fallows: Jeffery and Jodi Bent, 605 Storage and Extra Storage, they have been dismissed Defendants, Rule 12.6 dictates that everyone in lower court case is involved Under new rules adopted February 17, 2026 Rule 14, for review Corporate disclosures are not publicly held companies or owning more than 10% they are not listed on the stock exchange and have no stock ticker for the parties listed.

II. Table of Contents

Table of Authorities

Cases

Statutes

Other Authorities:

Constitutional Provisions

Jurisdictional Statement

1. Date from Hearing was on Feb.18 2025, Ruling sought to be reviewed is the Order from the 7th of May, First Notice of Appeal June 3rd 2025, The Appeal from Circuit Court from Judge Robert Gusinsky and Pfeifle, Appealed to South Dakota Supreme Court, Order Granted of Extension to Aug. 25, 2025 from Steven R. Jensen, Chief Justice,
2. The Supreme Court of South Dakota issued a ruling of Judgment of Affirmance on January 20th 2026. Case # 31111 The Petitioner is working on his brief with limited access and Justice Robert Gusinsky was disqualified as being the presiding Judge.
3. All deadline have been timely filed, statutory provision involved are Due Process of the law, the 5th Amendment, the 14th Amendment and fraud upon the court.

Statement of the Case

The Court needs to address and resolve conflicts between different opinions across the United States and set guidelines to follow for "Fraud Upon the Court" when it comes to attorney misconduct. A Land Rover was towed and stolen by the Tow Yard of Thomas Auto inc. and they would not return to the owners(petitioner) even with cash in hand, registration vin, bill of sale when the City took the land from Mr. and Miss Bendts petitioner "quiet enjoyment" was violated. The Petitioner was assaulted and went to the hospital; petitioner presented the video to the court and Defendants and it was ignored. A test must be given so as to provide Due Process for process a fresh set of eyes to ensure the government or city action is proper. Court described the requirements of due process as "the government may not take property like a thief in the night, rather, it must announce its intentions and give the property owner a chance to argue against the taking."

The petitioner is asking the court to review a decision, arguing that a lower court failed to follow precedent regarding fraud, and notice, that concerns the integrity of court procedures. When an Attorney's conduct subverts the integrity of the Judicial Process by withholding evidence, deceiving freelance reporter and destroying evidence like a Yelp review is unconstitutional and undermines Justice. The United States Supreme Court frequently reviews, reverses or issues Summary reversals of lower court decisions that ignore or defy established Federal Precedent. the court emphasizes independent judgment and adherence to the duties of candor and fair play, rather than just pursuing a clients wishes.

When a property was taken by city council members, the taking of a SUV without notice when the petitioner was renting a paid parking space, and then the taking of another car to pay for the Judgement of the first theft, undermines the Judicial Process. The colluding between police and private towing companies to deprive owners of property is unconstitutional and the Respondents attorney showed this of not sharing discovery by other parties that had car stolen at the hands of the Government. Is Freedom of Speech and Freedom of Religion allowed in South Dakota when asking his community for help? No freedom according to the Judge, the judge also stated that go fund me was sanctionable. The Respondents have diverging stories that were told to the police and the courts making bad faith representation alone with engaging in fraudulent behavior and transactions. The petitioner strong views and protection of religious freedoms are constantly infringed upon. A Miscarriage of Justice is at stake here, along with Judges misconduct being ignored. The Petitioner brief was not incoherent, David Hansen can't understand Numerical Numbers and after 3 attempts of double billing still could not get all the fees separated from another case making the judgment improper.

Pietitioner asserts that Attorney misconduct is getting out of control and overcharging attorney's fees, by not following the United States Constitution, in the Right to Speedy Public Trial within 180, the petitioner has brought up the issue in both state courts and in the South Dakota Supreme Court and yet in both David Hansen refused to defend his action.

Manipulation of a freelance reporter is illegal and fraud upon the court, when the respondents are asking their court reporter to tell the Petitioners court reporter not show up because she is there and than denying to type the petitioners depositions demanding cash is unconstitutional, fraudulent and undermines fair justice. In the case of Burrs v. United Techs. Corp., 2018 U.S. Dist. Lexis 187929 the core precept of the 5th Amendment is a right to due process. Adjudication of such an action is Unconstitutional under the United States of America. The circuits can not be split.In Discovery Misconduct in the case of Qualcomm Inc. v. Broadcom Corp During discovery, Qualcomm repeatedly denied involvement in JVT before the late 2003 year, despite the evidence to the contrary. The misconduct came to light when the attorney for Qualcomm discovered about 21 emails to JVT groups on an employee email on an office computer but failed to disclose. Destruction of Evidence, in Jones v. Riot hospitality Group LLC (2024) the 9th Circuit decision affirming the dismissal of a Title 7 employment discrimination case because the plaintiff intentionally deleted text messages and coordinated with witness to do the same. The court found this destruction of evidence prejudiced the defense and justified terminating sanctions. When the Defendants destroyed evidence and withheld evidence that broke the petitioners constitutional right of Due process. Finding that deletions were intended to deprive the defense of evidence, as David Hansen did with his hiding of evidence and destruction of key evidence the petitioner needed for his case.

Background

A storage unit was rented from Jeffery Bendt at Extra Storage, after the unit was cleaned the petitioner asked about the deposit and Mr. Bendt would credit the deposit back for cleaning and mopping the unit. An inquiry about a space to park a Land Rover (SUV) with Mr. Bendt suggested another storage facility, 605 Storage, later to be found out it was owned by his wife Judi Bendt. He suggested parking to the left of a green Ford Mustang (1996) that was parked next to a semi-truck and trailers that were later found was used to remove Medical Waste. No deposit was required for the parking spot (a parking lot made of gravel off HWY 79 in Rapid City South Dakota) Mr. Bendt did not credited the deposit money from the storage unit at Extra Storage to this new leased parking spot at 605 Storage like agreed upon. A verbal Contract was entered with the petitioner paying each month and dropping the payment off at a payment Box at Extra Storage with money Orders. The petitioner made a payment to be one month ahead with deposit, and the petition drove the SUV with $1500 new chrome rims and new tires, 5 to be exact one on the back as a spare tire(similar to a jeep). The Petitioner was making payments and Mr. Bendts was cashing them, not being the owner

The land/lot that the SUV was Parked at 605 Storage was taken by the City of Rapid City South Dakota. Mr. Bendt was cashing the money orders knowing he didn't own the land anymore. The SUV was Sold to a friend Jake Black, but didn't make the final payment and the petitioner did not default on him. Thomas Auto Towed the SUV to their lot, where other city impounds were stored. Petitioner not sure what happened to the Green Mustang, Semi-truck, and other cars, as the Defendants did not share everything that was requested in Discovery and did not follow up with the Motion to Compel Discovery.

Petitioner is not aware of any lawsuits that are pending with my case other than two, as most litigants cannot afford an attorney and we are short staffed on attorneys other than Jake Blacks Lawsuit. Petitioner is aware of a case sent back to the lower courts in Scotlynn Transort, LLC v. Plains Towing and Recovery, LLC similar to my case were a verbale contract was sent back for review by the Supreme Court. The SUV was at Thomas Auto, and it would not be released, but was racking up charges fast without any Notice or hearing on why it was being held. After a while the Petitioner got Terri Guccione to admit they had the SUV, because of a picture of it in the yard. They were playing games that they didn't have it,and they didn't have a vin number. Petitioner asked about the personal license plates with the word Senate on it. (Petitioner was a candidate for united states Senate as an Independent candidate and Petitioner is constantly having my rights infringed upon.) The SUV had a vin Number and License plates. Terri finally said come down and pick it up after over about two weeks, Petitioner took money out of the bank with extra cash in case there was any more fees as not all fees were given. When Jake and I arrived they would not release the SUV and I was assaulted for trying to record a sign that was placed on the counter, respondents reported it was on the wall , but you can see it on the countertop Petitioner called the police after the assault and the police refused to call an ambulance and I had my friend drive me to Urgent care, and missing some work. Both jake and I filed a lawsuit to get the SUV returned; they would not return or pay for medical bills. The Judge we got was Judge Chief Judge Craig Pfeife, who worked with the Bendnt 's before. He dismissed them as parties and asked if an expedited trial was ok. After Jake moved for default, because the attorney David Hansen asked for an extension of time to answer his complaint and then missed the deadline to answer, Jake lost his lawsuit with the use of trickery by the attorney.

The petitioner's case moved forward, that ended up being a nightmare of deception, trickery, destruction of evidence, withholding evidence of the other thefts, the names of the employees (more than two employees) assault at the depositions, records of other people assaulted at this tow yard, and violating Motion to Compel. The case went well beyond the "expiated civil action" rules of the Court of having a trial within a year after Judge Craig Pfeifle retired and a new Judge was appointed to Chief newly appointed Judge Robert Gusinsky. The fact that evidence was deleted from Yelp is criminal and when still in the discovery process fraud upon the courts. 18 U.S.C § 1001, false statements, using deception, or concealing material facts within the United states Jurisdiction. Judge Gusinsky also stated on the record that the Plaintiffs Motion to Compel was not in the file. Petitioner asked if it was missing. To them being placed half into the record after the case was dismissed.

The Petitioner Appealed and now is at the door of the Supreme Court of the United States. Renting a parking space, paying by money order and the respondents still cashing money orders and not informing the land was being taken by the city council. There must be a sign on the property that the land was being taken over by the city. This is unconstitutional.

Even when a vehicle is on the interstate it is still given a Notice Sticker, the petitioner got nothing see American Honda v city of Revere 2020. A tow yard does not have blanket immunity for private company acting as a state contract with city can be held liable for constitutional violations. The National Importance of targeting indigent people is widespread, the National Crime Bureau reported a nationwide increase of 89% in towing claims between 2022-2024.

Reason for Granting the Writ

1. National Importance and Precedent

   a. This case affects significantly national policy on civil rights and the economic issues. A Notice does not mean the defendants send a letter with a list of demands when a constitutional adequate Notice must be a Notice of hearing, not when they demand you to pay because the defendants have your car. The courts have repeated ruled that ordinances are where the notice is a list of demands to pay towing fees within a 15 days of the mailing of the letter or the petitioner will forfeit the SUV. The notice was not even given to the register owner. See Seals v. Nicholl, 378 F. Supp. 172, 177 (N. D. III 1973)See American Honda Finance v. City of revenue).

   b. The United States Supreme Court frequently reviews, reverses or issues Summary reversals of lower court decisions that ignore or defy established Federal Precedent. The Supreme Court has intervened when lower courts Disobey or contradict binding authority, but his case is more about establishing guidelines for split opinions.

2. First Material Breach- Major Federal Questions

   a. The Supreme Court holds that a party who commits the first material breach cannot enforce the contract against the other party. The breach must deprive the non-breaching party of the benefit they reasonably expected to receive "Quiet Enjoyment"(Holtzlander v. Brownell)

   b. Supreme court must act when a lower court fails to abide by the most basic due process and equal protection principles of the United States Constitution.

Under the Supremacy Clause (Article VI Clause2) the United States Constitution and Federal law takes precedent over conflicting state laws lower courts and state courts are bound to follow Supreme Court precedent regarding the Equal Protection Clause of the 14th Amendment which prohibits states from denying any person equal protection of the laws. (Brown V Board Of Education 1954)

c. Abuse of Discretion, the appellant courts review discovery rulings based on Abuse of Discretion, when a court ignores a validly filed like number and names of employees to call for witness, to take depositions (the petitioner Motion to Compel and other stolen cars and assaults at the Tow yard it may constitute an abuse of discretion.

3. Fraud Upon the Court

a. The Spoliation of Evidence, if the defendants deletes' Yelp reviews after a lawsuit is initiated or anticipated, they may be found guilty of destroying evidence, where a judge or jury assumes the deleted evidence was harmful to the plaintiffs case. The Judge and Jury may review as a "Consciousness of Guilt" or an attempt to hide the truth During litigation and the appeal of the case, which significantly damaging the petitioner case and the credibility of the respondents. The petitioner has documented proof of the existences of other assaults that happened at the Thomas auto tow yards. Once the review is submitted it becomes part of the record.

b. Attorney withholding evidence in Discovery when the petitioner filed a motion to compel and respondents making false statements to the court about the Number of employees Thomas Auto's Tow yard had, this violates the Constitution.

c. The Supreme Court of Hazel-Atlas Glass Co. v. Haertford-empire Co., 322 U.S. 238(1944) is a landmark case where the Court ruled that Judgment obtained Via " fraud on the Court" must be Vacated. In the appendix the petitioner has submitted Exhibits of Yelp reviews and Pictures to prove the Defendants had more than two employees, both Cash Anderson and David Hansen, the Attorney for the defendants withheld evidence of other cars stolen.

4. Circuit Split

a. Courts ensures that Sanctions align with rules like Rule 37(e), restraining discovery gamesmanship while enforcing safe harbors for good faith compliance.

b. There are split opinions and significant inconsistencies in how courts define, apply, and remedy on "Fraud vitiates everything" courts disagree on the scope of conduct that qualifies, leading to a complex and often nebulous standard.

c. When appellant courts differ significantly on how to interpret federal law. Once when a Constitutionally procedure provides notice to interested parties of the right to be heard, the question remains if it was constitutionally appropriate and adequate. Our government has the burden to state and conduct a hearing Fuentes v. Shevin, 407 U. S. 57, 80 (1972) when finding that unconstitutional a Pennsylvania statute when it allows a post seizure hearing if the party shoulders the burden of intimating one Mennonite Bd. Of Missions, 462 U.S. at 799 (" a party's ability to take steps to safeguard its interest does not relieve the state of it's constitutional obligation"

Krimstock v. Kelly, 306 F.3d 40, 59 (2nd cir 2002) lessors and lienholders must be notified, Eg Mennonite, 462U.S. at 799 when rejecting the argument that the party with the interest in a seized vehicle should have to institute a separate civil action in order to force a city to have justification on the seizure and keeping of the Vehicle, even if it seems obvious there must be a hearing Fuentes, 407 U.S. at 87 (the right to be heard does not depend on an advance showing that one will surly prevail at the hearing" this due Process protected by the 14th amendment is to ensure that there are no mistakes. When SUV is determined abandoned or junk at a parking lot (new owners the city) a test must be given so as to provide Due Process for process a fresh set of eyes to ensure the government or city action is proper. The petitioner SUV was not abandoned the petitioner made it clear to the tow Yard that the petitioner wanted it and during the litigation court hearings Terri Guccione allegedly committed perjury placing her name on title, transfer that the SUV was abandoned, the SUV had 5 new Chrome Rims and Tires costing over $1500.00 and license plates. See Tedeschi v. Blackwood, 410 F. Supp. 34, 45, (D Conn. 1976)

d. When respondents deprive the petitioner Constitutional rights with visible Vin number without a fair hearing or the ability to challenge the prepaid lot fee when the land was taken by the city council which require a warning tag or stickers to be placed on the vehicle first. A district Court in 1978, where a " Notice" is a letter informing the party that they owe a towing and storage fees which must be paid, is the doctrine of the notice is merely a fait accompli leaving no room for input or reversal and is not constitutionally adequate. Craig v. Carson, 449 F. Supp. 385,395, (M.D. Fla. 1987) a such notice " confront the owner of a car that has been towed and stored with the proverbial Hobson's choice: the petitioner must pay the charges… or forfeit the SUV. Under either alternative, the owner is compelled to relinquish… personal property, whether the SUV or the money, without an opportunity to dispute the loss" id at 394. Notice complying with due process is notice of a hearing, not a notice of a demand for payment.

e. Ethical Ambiguity, the Supreme Court of the United States holds that attorneys are not merely client advocates but officers of the court, obligated to maintained the upmost integrity of the judicial system over client demands. Tow yards do not have blanket immunity, when an ethical rules are ambiguous, the court emphasizes independent judgment and adherence to the duties of candor and fair play, rather than just pursuing a clients wishes.

5. Recurring Significant Constitutional Issue, key federal Questions when a towing constituted an unreasonable seizure under the 14th Amendment it lacked of notice and hearing denied the petitioner property owner without due process because state law failed to offer an adequate remedy. No procedures to request a hearing and no clear violation, the city improperly bypass constitutional requirements where the lack of hearing poses a recurring significant Constitutional issue.

a. State towing cases that violate Federal Due Process by failing to provide a prompt post-deprivation hearing, violating the 14th Amendment, no state shall deprive any person of life liberty or property without due process of the law, the 4th Amendment of seizure, the right of people to be secure in their persons, house, papers, and effects against unreasonable search and seizures , shall not be violated.

b. Doge must investigate attorney misconduct like when David Hansen continues to stretch out cases to gain more access to money.

c. Regarding state action and Federal violation and procedural Safeguards of the 4th Amendment protects individuals against unreasonable searches and seizures by the government requiring warrants based on probable cause, the 14th Amendment of the Equal Protection and Due Process and the right to quiet enjoyment prohibiting states from Violating federal Constitutional Rights.

d. Impounding cars under contract with the city they can be held liable for constitutional violations.

e. The right of the Constitutional inquiry starts with a notice, as the right to be heard has little reality and or worth unless the party is informed that a matter is pending and then can choose whether to appear or default, acquiesce or contest Mullane v. Cent. Hanover Bank and Trust and tr. Co, 339 U.S. 306,314, (1950)

f. One court described the requirements of due process as "the government may not take property like a thief in the night, rather, it must announce its intentions and give the property owner a chance to argue against the taking." Clement v. City of Glendale, 518 F.3d 1090, 1093 (9th cir. 2008).

There have been many cases that have outlined each of these requirements in the United States Courts. Please see e.g. Stypmann v. City & City of San Francisco 557 F.2d 1338, 1344 (9th Cir.1977); Krimstock v. Kelly, 306 F.3d 40, 68 (2nd Cir. 2002).

g. Equal Protection Clause, in SDCL § 43-32-13 the petitioner must be given a 30 days notice of any changes to the contract. In SDCL § 43-32-6 the petitioner is to ensure Quiet enjoyment of the property, and if the landlord fails Petitioner can sue for damages but those defendants were removed, David and Jody Bendt, extra Storage and 605 storage. (not in the titled header, but listed in the appendix)

h. Process Clause in a landmark case in Fuentes v. Shevin (1972) where the Supreme Court case that ruled State Laws allowing creditors to take or seize property through a Writ of Replen without a hearing or prior notice did violate the 14th Amendment.

i. In the case of American Honda Finance corporation v. City of Revere (2020) the Massachusetts United States District Court case in which the court ruled that a Massachusetts state governing the towing and sale of cars was unconstitutional.

j. In Burrs v. United Techs. Corp., 2018 U.S. Dist. Lexis 187929 the core precept of the 5th Amendment is a right to due process.

k. In the Consumer Review Fairness Act of 2016 is a federal law protecting consumers rights to share honest independents review regarding a business service or conduct, and when the defendants delete that evidence its Fraud.

Opinions Differ from Lower Courts and Supreme Court on Fraud

There is a significant importance here with ongoing difference of opinion with the supreme Court regarding Fraud, particularly in cases involving fraud statutes. In a show of recent decisions show a sharp divide and a narrowing of consensus on what constitutes material fraud of the justice of balancing government authority against the potential overreach of the issues. In some key differences in opinion from 2025 – 2026 the Expansion vrs. Limitations while some justices support a broad interpretation of the False Claims Act to catch fraud, others have championed a trend of narrowing down the "right to control" theory in Ciminelli v. United states (2023)

Opinions differ on whether fraud requires actual economic loss or only fraudulent intent. In a case in 2025, the court clarified that inducing a transaction through false pretenses is fraud. A significant differences of opinion exist among U.S. Supreme Court Justices and lower courts regarding " Fraud Upon the Court" the primarily focusing on whether a judges's own misconduct in covering up records constitutes such fraud. The differences arise between establishing high burdens of proof versus protecting the integrity of the Judicial process. In the case of United States. V Throckmorton(1878) established that fraud vitiates the most solemn contracts, Judgments and documents, but when defining what constitutes fraud upon the court versus fraud between the parties is often debated. A key area of dispute is whether a Judges intentional misrepresentation of the official record or destruction of evidence constitutes fraud. The courts often conflict on balancing finality with the duty to vacate a judgment obtained through fraud. In the case of General Medicine, P.C. v. Horizon/CMS Health Care Corporation 6th Cir. The 6th Circuit reversed a district court ruling that found fraud on the court.

The appellant court disagreed on whether this failure to disclose constituted a fraud on the court or mere fraud between the parties. In Hazel-Atlas Glass co v. Hartford- empire Co. where the Supreme Court split on whether to set aside judgment after discovering fabricated Documents.

Circuit Splits differences also do exist in how a lower court has defined fraud, Such as the False Claims Act, where different circuits hold that conflicting views on whether a difference of opinion can be legally fraudulent. Some circuits like the 7th Circuit have emphasize that the right to a tribunal free from bias or prejudice is based on the "Due Process Clause" and that acting with such bias or concealing it can constitute fraudulent actions by the court.

History of Litigation

Freedom of Speech, in South Dakota Freedom of Speech protections are found in Article 6 § 5 of the South Dakota Constitution, which guarantees every person the right to freely speak, write and publish on all subjects. Freedom of Speech is also protected in United States Constitution of the First Amendment a Jury will have to decide if statements are Untrue, although the petitioner has showed on multiple occasions that Thomas auto employees have assaulted people before under google and yelp reviews. Freedom of Religion is also protected by the First amendment of the United States Constitution of free exercise which protects individuals right to practice their religion freely, without government interference from the Government . Judge Robert Gusinsky was aware of my Religion in 2020 page 651 and 654.

Motion on Judicial Notice page 612 ¶11The courts have developed the doctrine of constitutionally protected opinion. Gertz v Robert welch, 418 U.S. 323, 339-40 (1974) ("there is no such thing as a false idea") see Ollman v. Evans, 750 F.2d 970 (D.C.Cir 1984) determining of opinion . Freedom of speech must be determined whether the process the state provided was constitutionally adequate Zinermon v. Burch, 494 us 113 126,110 s. ct 975,108 L.Ed .2d 100 (1990) Mathews v. Eldridge, 424 U.S. 319,333,96 S Ct. 893, 47 Expedited Civil Procedure, page 351 ¶1 , petitioner asserted in the record about not getting a hearing and stating in his briefs about how the courts just sat on walkers motions for 3 months when he was filed for a Motion for a Court Hearing see page 993 ¶ When it was Forwarded to Judge Brown. Brings a question How can Judge Matthew Brown recused himself as seen in page 44 ¶1 that's personal Bias dated the 6th day of November but then he comes back and rule on motions page 995,996,its clear that the judges in South Dakota will not let the petitioner have a fair chance in court and deprive him of his constitutional rights to know who his accuser is, freedom of religion, and freedom of speech, the right to a speedy Expedited Civil Action/trial. In the case of Williams v. Pennsylvania page 11 ¶ # 53 in the petitioner brief of the Argument, the attorney makes no reference to dispute the issue of having the Supreme Court Rule on the Recusal of the Judge, I when objected Judge Brown 995 and 996 In the case of That's personal prejudice against a party. In Fact the Record has multiple pages missing when the petitioner filed a motion to compel. Supreme court letter of recusal. See appellants Motion for Judicial Review page 980 ¶ 6. A motion to Compel documents page 396 and the petitioner answering page 384 to get a speedy trial page 351.

The Clerk was unaware if she needed to issue the Subpoena see page 978-979, in discovery disputes, the court/ clerks could not handle the amount of cases as they were failing to get things done and papers gone missing. In discovery disputes the receipt shows rent transferred to the city. A motion to compel documents page 396 petitioner answering page 384 and to get a speedy trial page 351. The Attorney refused to reply to all Federal Questions and other issues questions for the court to decide at the Supreme Court of South Dakota. Substantial rights Statute of Frauds and enough to make a binding contract. See Cottom v. Kennedy,140 III. App.3d 209, 293 488 NE 2d 682-III: Appellate court, 5th Dist. 1986. To obtain relief petitioner must show an error that is plain like bias from Judges, that effects the fairness of integrity or public reputation of Judicial proceedings. United states v. Mull # 24-2822, 2025 Wl 236459 at 2 (8th Cir August 14th 2025) lets look at the ruling to protect other witness, the new judge can not, change the substantial right the city would have to disclose who else had a stolen vehicles or

towed by the city. Please see motion for sufficient probable cause asking for discovery that judge Pfeifle said in court the defendants must protect and save that discoverable materials page 1018 and a motion to protect substantial rights page 117 With the protections of Constitutional and Statutory Provisions involved Provisions the Supremacy Clause Article VI Clause2.

Now I wish I could help everyone that had a car stolen from tow thefts but, the court has stated that's not possible and the AG not willing to help. The theft of cars when tow companies refuse to give because the owner cant give a description is unbelievable, the Vehicle has a vin number and License plates, when the petitioner went to pick up the SUV petitioner was told by Thomas auto that he needed the Description of the SUV, petitioner gave them the Vin Number the license plates(Senate) and still they would not release the SUV. I'm assuming its just the opposite when you don't know the vin Number its all games to steal from indigent litigants. When the petitioner started to record and an employee assaulted me sending me to the Urgent Care those issues need to be investigated. A Theft by Deception Motion was filed to show the court of the perjury, the court ignored it, ruling a go fund me, freedom of speech Sanctionable.

Conclusion

The Erosion of Public trust is at stake, the petitioner has a video of the assault and google review's that this company has a history of assaults, and the petitioner is entitled to get discovery, when he files a Motion to Compel. The Supreme Courts needs to address and resolve conflicts between different opinions across the United States and set guidelines to follow for "Fraud Upon the Court" when it comes to attorney misconduct and if ignored does that violate the Judiciary Act of 1789 and Article III of the U. S. Constitution? The courts are based on objectivity and fairness, were the approach for a fair and unbiased assessment, ensuring that the case is based on the substance of the matter at hand. The Supreme Courts has also clarified that towing companies can be sued under state laws if they act unlawfully like towing from private property without authorizations affirming that towing companies do not have a blanket immunity. When an ethical rules are ambiguous, the court emphasizes independent judgment and adherence to the duties of candor and fair play, rather than just pursuing a clients wishes. when the error happened way before the sanction 11 rule which is unconstitutional and the case should be based on its merits. Split court opinions with different views from across the United States Districts the Supreme court must resolve the conflicts to establish guidelines.

When an Attorney's conduct subverts the integrity of the Judicial Process withholding evidence and destroying evidence is unconstitutional and undermines Justice. Impounding cars under contract with the city they can be held liable for constitutional violations. Three things can not be long hidden, the Sun, the Moon, and the truth. Taking a SUV without notice, and then taking another car to pay for the Judgement of the first theft is unconstitutional and undermines Justice, Does a Municipality violate the 14th Amendment by authorizing a private towing company to seize a vehicle from a paid storage parking lot, (not a traffic hazard) without providing a prompt post-deprivation hearing to contest the validity of the impoundment? 42 USC § 1983Can a private towing company acting under a city contract be considered a state actor, (giving blanket immunity) making the warrantless taking of a vehicle a violation of the 4th Amendment prohibition against unreasonable seizures ? The 5th Amendment restricts the Federal Government while the 14th Amendment applies these protections to state actions. The Supreme Court must review Fraud Upon the Court when an attorney hides, withholds and destroys evidence, and is it fair justice to take a 2nd vehicle to pay for judgment of the first vehicle being stolen from a parking spot on what was private land. The Circuit Split Opinions on failing to address serious attorney misconduct and discovery abuses that hamper a fair trial, violate the integrity of Justice System and the due process and equal protection clause.

The Supreme Courts must address and resolve conflicts between different opinions across the United States and set guidelines to follow for "Fraud Upon the Court" when it comes to attorney misconduct and if ignored does that violate the Judiciary Act of 1789 and Article III of the U. S. Constitution?

When the Supreme Court reviews a lower court's blatant disregard to Federal Precedent, they have historically ruled that Due Process mandates an appropriate, timely and remedy, and when not that requires a reversal of the Judgment. There's a national issue here with towing companies and insurance companies, when a business interviews someone they are unable to hire certain people with felonies, so businesses have to keep them underneath the table(not on the books), which is why there has been fraud upon the court but when they're a witness to a crime they can not say that they work there. Which is why the attorney could not give all the employees names. And assuming that's why the assailant took off/left when the police arrived, the police not willing to take a police report of the assailant was unconstitutional; which means the assailant can not be disposed, the supremacy clause protects those Constitutional Rights so the Court must remand.

When David Hansen attempted 3 times to correct for double billing and still could not get all the fees separated from another case, thus making the judgment improper. David also was charging a fee for his Paralegal at over $200 an hour., I brought that up to the Judge questioning if he was really paying his Paralegal that much money, if David would have charged this as an administrative fee that be creditable but instead, he lied about the fee for his paralegals.

It makes a significant difference in the state of South Dakota, who violates the rules in breaching the contract first. In common law, a party who commits the first substantial and material breach of a contract can not maintain an action against the other party for a subsequent breach, The Bendts had a 4 month notice and an opportunity to place a sign or to give notice, but chose not to inform the petitioner. A defendant cashing a money order for land not owned by them anymore is a material breach of contract and it violates Due Process.

With a precedent by the Supreme Court, the attorneys have to get creative by breaking the law(fraud upon the court), in hopes the pro se party won't catch them, undermines the Justice system. With 40% of cars going unclaimed, the petitioner just does not believe. It's the tow yards refusal to give back the cars and charging outrageous fees, most unclaimed are most likely low income people unable to defend or pay the fees. Frivolous Motions are too broadly, the court beliefs, Davids poor bookkeeping and=d fraud of hiding evidence that is important to the petitioners case. A Spoilation of evidence when brought to the court it was ignored. See exhibits

The Erosion of Public trust is at stake, the petitioner has tampered google reviews and video of the assault that this company has a history of battery, and the petitioner is entitled to get discovery, file motion to compel. When the error happened way before the sanction 11 rule which is unconstitutional, undermines the judicial process, and a case should be based on its merits. While lower courts might avoid a precedent, the ultimate authority of the Supreme Court to reverse them helps keep the system functioning, providing a final check against legal disuniformity. Split court opinions with different views on fraud upon the court from across the United States Districts the Supreme court must resolve the conflicts to establish guidelines.

Relief

Wherefore, the Petitioner respectfully requests that this Court grant the Writ of Certiorari to establish uniform Guidelines.

Dated this 16th Day of June, 2026

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