

OCT -7 P 4:04

KMT 367

In The  
SUPREME COURT OF THE UNITED STATES

GEORGE E. McDERMOTT

JURY TRIAL DEMANDP SUPREME  
IN ALL CASES BUT DENIED

PETITIONER

10 - 10236

VS.

CASE\_10-A662

KENNETH J. MACFAYDEN; JAMES J. LOFTUS  
MARIAM M. FUCHS, JEFF HOUSTON.

ALSO CASE NUMBER  
10 - 8196 ALSO DISMISSED  
WITH SHAM UNSIGNED  
UNCONSTITUTIONAL ORDER

RESPONDENT'S

---

PETITIONER'S MOTION FOR THE COURT TO CERTIFY UNDER PENALTY OF PERJURY, THE NAMES OF THE INDIVIDUAL JUDGES AUTHORIZING THIS CLERK'S OFFICE TO DISMISS CASE WITH UNSIGNED UNCONSTITUTIONAL ORDER IN VIOLATION OF MARYLAND CONSTITUTION ARTICLE 4 SECTION 1. AND INCORPORATED MOTION FOR THE COURT TO PRODUCE FOR COPYING AND INSPECTION THE JUDICIAL OATHS OF OFFICE OF EACH INDIVIDUAL JUDGE OF THIS COURT AND THE COURT CLERK'S COMPLIANCE WITH THEIR SWORN ALLEGIANCE TO OUR CONSTITUTION

Comes now, George McDermott through the motion process, requesting/demanding the clerk of the court identify all the justices taking part in the denial of constitutional and statutory relief in the two above cases which were purportedly ruled upon By the Court, October 3 2011. As each judge of this court was petitioned to take judicial notice of the Constitution of the state of Maryland; and having been notified by certified registered mail that noncompliance would result in a complaint of civil and criminal conspiracy against the justices of this court for violating the legal and constitutional rights of American citizens under color of law and authority.<sup>1</sup>

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<sup>1</sup> Void Orders Can Be Attacked At Any Time

An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ed 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608.

William Suter, nor this court can deny that the pleadings put forth before this court showed grave constitutional questions regarding this court's compliance with the Constitution and rule of law of this nation. The Washington Times reporting. Testimony given by Justices Anthony Scalia and Justice Stephen B. Souter making outlandish public statements and I quote ("I'm hoping the living Constitution will die." Justice Scalia said.) The justices revealed were astounding facts on the public record. The mechanism of judicial accountability is flawed and unfair to the majority of American citizens. ("On Wednesday, the justices explain some of the criteria they used in deciding which of the 9000 or so annual appeals they will consider. They said the key is often a disagreement among lower courts, which usually signals that a law is unclear and can be interpreted differently. The court/field whittled down those appeals to 77 cases they decide annually.") [Att 3].

Petitioner asserts that based on the number used by Justices in the public hearing of 9000 or so petitions supplied to the court annually. This court clerk's office is submitting roughly 8923 sham unsigned orders in conflict with the Constitution and oath of office, that the justices of this court and the clerk of this Court swore to uphold and defend. This equates to 8923 or so violations of Title 18 of the United States criminal code to, and unless the court can provide authenticated proof that petitioner and others were given their minimum due process of rights at law by these 9 Supreme Court justices, operating under a purported cloak of judicial immunity, in a shroud of secrecy as the justices admit, in an unprofessional, unconstitutional methodology giving preference to corporate America and special interest over the constitutional rights and liberties of our citizens, under color of law and authority

. In summation, the court is in breach of contract by providing substandard poor and inadequate services of justices who knowingly of their free will signed and attested to their oath

of office to uphold and defend the Constitution of the United States, just as the justices of the Maryland courts have done [Att. 4] which was recently validated by the Maryland secretary of state and attested to. If this court clerks office does not know the location of the original signed oaths of office and what the cost is of such records, it would be advisable that this court shutdown until such documents can be located and verified. Petitioner also requests that the court clerk identify the party or entity, or governmental agency that covers the judicial bond for federal judges and Supreme Court judges also court personnel operating outside of their oath of office and job description under color of law and authority. Petitioner will wait to courts response. While formulating a motion to reconsider based on the fact that attested copies of the courts of appeals judges verified that a fraud has been committed on this court and the petitioner.

Respectfully submitted,

  
Petitioner George E McDermott

143 N. Huron Dr.

forest Heights, Maryland

20745

301-839-5816 cell 301-996-9577

Attachments

1. Noncomplying order Of the Court, October third 2011
2. Formal request to the Maryland Secretary of State for judicial signatures
3. Washington Times front-page story October 3, 2011 In Hill testimony
4. Secretary of State's compliance with constitutional request

## CERTIFICATE OF SERVICE

\*\*\*\*\*

I, George McDermott, do hereby certify that on October 7, 2011, I served a complete copy of PETITIONER'S MOTION FOR THE COURT TO CERTIFY UNDER PENALTY OF PERJURY, THE NAMES OF THE INDIVIDUAL JUDGES AUTHORIZING THIS CLERKS OFFICE TO DISMISS CASE WITHIN UNSIGNED UNCONSTITUTIONAL ORDER IN VIOLATION OF MARYLAND CONSTITUTION ARTICLE 4 SECTION 1. AND INCORPORATED MOTION FOR THE COURT TO PRODUCE FOR COPYING AND INSPECTION THE JUDICIAL OATH OF OFFICE OF EACH INDIVIDUAL JUDGE OF THIS COURT AND THE COURT CLERK'S COMPLIANCE WITH THEIR SWORN ALLEGIANCE TO OUR CONSTITUTION

addressed as shown below by US first-class prepaid mail to:

Kenneth MacFadyen  
102 East Redwood Street  
Baltimore, MD 21202



George McDermott

# MD court watch.com

Midcourtwatch.com    secretjustice.com    georgemcdermott.com    saveme101.com

George E. McDermott  
143 N. Huron Drive  
Forest Heights, MD 20745  
301 996-9577  
secretjusticepr@yahoo.com

Sharon V. Galloway  
5634 Mt. Gilend Road  
Reisterstown, MD 21136  
443 985-9333  
svgalloway@gmail.com

October 6, 2011

Manual Signatures Office  
THE SECRETARY OF STATE  
John P. McDonough,  
16 Francis St., Annapolis, Maryland, 21 401

Dear Sir or Madam

I was referred to your office by the clerk of the Maryland Court of Appeals, October 5, 2011 after making a formal request to the courts office for copies of the original oath of office, or signed by the judges of the Maryland Court of Special Appeals and Maryland Court Of Appeals, which I now understand are in the possession of this office as the custodian of records for the state.

This is I am forced to ask that your office to furnish me with copies of the completed manual signature forms, pursuant to the Maryland uniform facsimile signatures of public officials act, being sec. 2 301 through 2 306 of the states finance and procurement article of the Annotat ed Code of Maryland

I am formally requesting a copy of the signed oath of office of each and every currently active member of the Maryland court of appeals and court of special appeals judges and the clerks of these respective courts to produce to the United States Supreme Court as evidence of official documents in case number 10 - 10236. As I have produced to the courts record 300 unsigned orders as proof of fraud on behalf of the judges and clerks of the Maryland courts of appeal. Video evidence is available@secretjustice.com programs 240 through 244, the latest to be put up today. I am attaching a copy of your certificate of filing of manual signature of public officials [Att. 1] I would also like any an estimate of how many notary applications are on file for these two courts as it appears many documents are being sent out in violation of nonconformance with the established notary statutes of the state [Att. 2]

The events of October 5, 2011 which are memorialized@secretjustice.com on videotape programs 344, which a witness and myself verified after visiting the Court of Special Appeals, upon reviewing case file # 1093 2009 term at the request of the victim Sharon Galloway, no signed order could be found in the case file, necessitating the request for the copies of the judicial signatures as they are necessary to submit to the Supreme Court of the United States as proof of the official record of your office and the validation of court officers oath of office required under state statute.

This request is for the signed oath of office. You have it in your custody with the following parties The Honorable Peter B. Krauser Chief Judge, Judge James R. Elyler, Judge Deborah S. Elyler.

Judge Timothy E. Meredith, Judge Patrick L. Woodward, Judge Robert A. Zarnoch, Judge Albert J. Matricciani, Jr. Judge Kathryn Grill Graeff Judge Christopher B. Judge Michele D. Hotten, Judge Shirley M. Watts and the Clerk of the Court Leslie D. Gradel' respective copies of their oath of offices. [Att. 3]

Also Court of Appeals Judges the Hon. Chief Judge Robert M. Bell, Judge Lynne A. Battaglia, Judge Sally D. Adkins, Judge Clayton Greene Jr., Judge Joseph F. Murphy Jr. (ret.), Judge Mary Ellen Barbera Judge Glenn T. Harrell Jr also clerk of the court Bessie M. Decker, Clerk respective signed oath of office. [Att. 4].

Per your offices official request form. I am enclosing a check for \$100 for the above referenced documents to cover the expense of these documents and their authentication by your office. Time is of the essence as the matter is currently before the US Supreme Court and the documents are crucial to my defense and the matter before that court.

I'm further, requesting that your office provide if possible, if not direct me to the office, that would administer the state bond on judicial officers and the courts; as it may be necessary to bring action against the bond for restoration of rights, properties, and liberties taken by the courts and their officers; in conflict with the Constitution of the state and the common law rules of this nation. [Att. 5]

Further is my understanding that Maryland has not adopted or authorized the use of electronic signatures in our state courts if it has and I have been provided erroneous information, could you please attach a copy of the Governors order and legislative Bill number that would allow our courts to work outside of the Constitution and rule of law. Once again video evidence is available@secretjustice.com programs one through 344, showing the urgency of this request.

Respectfully submitted.

George McDermott

Attachments

1. Sample request form manual signature affidavit and cover letter certification.
2. Notary application courts must file but or noncompliance with.
3. Orders received October 5 from court files. Necessitating request for courts noncompliance
4. Backup showing standing judicial officers
5. U.S Supreme Court motions, necessitating this request.

ATT 2

# The Washington Times

## In Hill testimony, justices lift high court's veil

*Views diverge on Constitution*

13 Comments and 10 Reactions | [Share](#) | [Tweet](#) | [Email](#) | [Print](#)

By [Stephen Dinan](#)

The Washington Times

Wednesday, October 5, 2011

Partially lifting the veil that usually guards their actions, two Supreme Court justices on Wednesday painted the court as a bulwark for the Constitution and said some of today's cynicism about government stems from the public's scanty understanding of the founding document.

One of the two, Justice Antonin Scalia, said there are too many federal judges and they are too heavily taken from the ranks of lifelong government bureaucrats, which he said has watered down the quality of judges.

He and Justice Stephen G. Breyer appeared before the Senate Judiciary Committee in an unusual hearing. The branches of government usually strive to keep their spheres separate, but the two justices agreed to testify on the role of judges and the Constitution because both said they take a keen interest in trying to educate the public on the critical importance of the document.

"I feel that we're not teaching it very well," Justice Scalia said.

Justice Breyer said the Constitution "creates a structure for democracy" that has served the country well and said judges aren't there to substitute for legislators, though he said they do bring their personal experiences to bear.

"This is a very big country. We have 309 million people, 308 million of whom, to everyone's surprise, are not lawyers," he said. "And they have many different views. And it's a good thing, not a bad thing, that people's outlook on that court is not always the same."

Justice Scalia was nominated by President Reagan and confirmed in 1986, while Justice Breyer was a pick of President Clinton's and began serving on the high court in 1994.

The judiciary is the most closed of any of the three federal branches of government, and the workings of the Supreme Court are somewhat shrouded.

On Wednesday, the justices explained some of the criteria they use for deciding which of 9,000 or so annual appeals they will consider. They said the key often is a disagreement among lower courts, which usually signals that a law is unclear and can be interpreted differently.

The court last year whittled those appeals down to just 77 cases the justices actually heard.

Sen. Herb Kohl, Wisconsin Democrat, urged them to decide more.

But the justices said they don't go searching for cases to intervene in, and Justice Scalia said the smaller number of cases is a signal that Congress hasn't passed much major legislation over the past decade.

"In the last 10 years, there's been legislation, but nothing of — very little of that magnitude," he said. "The major generator of circuit conflicts below is new legislation, because it always has some ambiguities that have to be decided by the courts. So where there hasn't been a whole lot of major legislation, you would expect our load to go down."

He said when he first came to the court, justices were deciding twice as many cases, and he said the legal opinions suffered for it with the majority and dissenters often behaving "like ships passing in the night; they never quite meet each other."

Justices Scalia and Breyer are two of the most prominent proponents of competing judicial philosophies — the former espouses originalism, which says judges should try to confine themselves to the understanding of the Constitution and laws that was held by those who wrote them, and the latter subscribes to the idea of a "living" Constitution, which holds that judges must delve into underlying values and reapply them to modern problems.

"I'm hoping the living Constitution will die," Justice Scalia said.

But Justice Breyer said the words of the Constitution don't explain themselves and don't always "work" for a modern country.

"It calls for human judgment. As soon as human judgment enters the picture, fallibility is possible," he said.

He criticized the originalists for being too locked in to ancient concepts.

"The opposite danger is interpreting those words in a way that they will no longer work for a country of 308 million Americans who are living in the 21st century — work in the way those framers would have wanted them to work had they been able to understand our society," he said.

The justices took on the ever-thorny issue of televising their proceedings, with Sen. Richard Blumenthal, Connecticut Democrat, asking them why they don't.

The justices said they feared the effects of boiling down their in-depth arguments to brief snippets that would appear on the news.

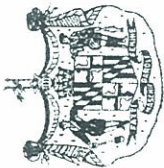
"Do you really think the process in the Senate has been improved since the proceedings have been televised?" Justice Scalia asked.

Mr. Blumenthal shot back that though there have been mixed reviews, the openness has been worth it.

"I do think that it has been a step in the right direction, providing more transparency and disclosure and understanding on the part of the public," he said.

Wednesday's hearing was televised by C-SPAN.

ATT'S



The State of Maryland  
Executive Department

STATE OF MARYLAND  
OFFICE OF SECRETARY OF STATE  
ANNAPOLIS, MARYLAND 21401

# Receipt

No. 45386

Receipt Date: 10/6/2011

Received From: George McDermott

Category: Photocopies

Amount: \$5.00

Payment Type: Cash

Date Printed: 10/6/2011 3:56:32 PM

By: L. Hall

I, John P. McDonough, Secretary of State, of the State of Maryland, under and by virtue of the authority vested in me by Section 7-106 of the State Government Article of the Annotated Code of Maryland (1999 Repl. Volume), Do Hereby Certify that

The attached photocopies of the signature of the Attorney General, the Judges of the Court of Special Appeals and the Judges of the Court of Appeals are true and correct

as the same is taken from and compared with the original document now on file in my office.

In Testimony Whereof, I have hereunto set my hand and have caused to be affixed the official seal of the Secretary of State at Annapolis, Maryland, this 6th day of October in the year two thousand and eleven.



  
John P. McDonough  
Secretary of State

JUDICIAL OATH

I, Peter B. Krauser do swear affirm, that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and Laws thereof; that I will, to the best of my skill and judgement, diligently and faithfully, without partiality or prejudice, execute the Office of

Chief Judge of the Court of Special Appeals according to the Constitution and Laws of this State, and that I will not directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as such Judge.

Peter B. Krauser

I declare my belief in the Existence of God.  
Provision for the religious beliefs of those who do not believe in God.

Peter B. Krauser

Sworn to and subscribed before the undersigned, Governor of the State of Maryland, at the City of Annapolis, this 17th day of December in the year of our Lord, Two Thousand Ten

[Signature]  
Governor of Maryland

JUDICIAL OATH

I, Joseph F. Murphy do swear affirm, that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and Laws thereof; that I will, to the best of my skill and judgement, diligently and faithfully, without partiality or prejudice, execute the Office of

Judge of the Court of Special Appeals according to the Constitution and Laws of this State, and that I will not directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as such Judge.

Joseph F. Murphy

I declare my belief in the Existence of God.  
Provision for the religious beliefs of those who do not believe in God.

Joseph F. Murphy

Sworn to and subscribed before the undersigned, Governor of the State of Maryland, at the City of Annapolis, this 17th day of December in the year of our Lord, Two Thousand Ten

[Signature]  
Governor of Maryland

ATT 4



No. 10-10236

Title: George E. McDermott, Petitioner  
v.  
Kenneth J. MacFadyen, et al.

Docketed: April 29, 2011

Linked with 10A662

Lower Ct: United States Court of Appeals for the Fourth Circuit

Case Nos.: (10-1691)

Decision Date: August 18, 2010

Rehearing  
Denied: October 1, 2010

~~~~Date~~~~ ~~~~~Proceedings and Orders~~~~~

- Dec 19 2010 Application (10A662) to extend the time to file a petition for a writ of certiorari from December 30, 2010 to February 28, 2011, submitted to The Chief Justice.
- Dec 29 2010 Application (10A662) granted by The Chief Justice extending the time to file until February 28, 2011.
- Feb 28 2011 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due May 31, 2011)
- Jun 16 2011 DISTRIBUTED for Conference of September 26, 2011.
- Jul 7 2011 Supplemental brief of petitioner George E. McDermott filed. (Distributed)
- Sep 13 2011 Supplemental brief of petitioner George E. McDermott filed. (Distributed) (Second Supplemental)
- Sep 18 2011 Supplemental brief of petitioner George E. McDermott filed. (Distributed) (Third Supplemental)
- Oct 3 2011 Petition DENIED.

~~~~Name~~~~~ ~~~~~Address~~~~~ ~~~~~Phone~~~~~

**Attorneys for Petitioner:**

|                     |                          |                |
|---------------------|--------------------------|----------------|
| George E. McDermott | 143 N. Huron Drive       | (301) 996-9577 |
|                     | Forest Heights, MD 20745 |                |

Party name: George E. McDermott

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

December 20, 2010

George E. McDermott  
143 North Huron Drive  
Forest Heights, MD 20745

RE: George E. McDermott v. Kenneth J. MacFayden, et al.

Dear Mr. McDermott:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked December 19, 2010 and received December 20, 2010. The application is returned for the following reason(s):

The lower court opinion must be appended in its entirety. Rule 13.5.

The order denying rehearing must be appended if any. Rule 13.5.

The application does not specify the amount of additional time requested. Rule 13.5.

It is impossible to determine the timeliness of your application for an extension of time without the lower court opinions.

A copy of the corrected application must be served on opposing counsel.

Sincerely,  
William K. Suter, Clerk  
By:

Ruth Jones  
(202) 479-3022

Enclosures

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

William K. Suter  
Clerk of the Court  
(202) 479-3011

December 29, 2010

Mr. George E. McDermott  
143 N. Huron Drive  
Forest Heights, MD 20745

Re: George E. McDermott  
v. Kenneth J. MacFadyen, et al.  
Application No. 10A662

Dear Mr. McDermott:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to The Chief Justice, who on December 29, 2010 extended the time to and including February 28, 2011.

This letter has been sent to those designated on the attached notification list.

Sincerely,

William K. Suter, Clerk

by

Jeffrey Atkins  
Supervisor-Case Analyst Division

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001

March 1, 2011

George E. McDermott  
143 North Huron Drive  
Forest Heights, MD 20745

RE: George E. McDermott v. Kenneth J. MacFayden, et al.

Dear Mr. McDermott:

The above-entitled petition for writ of certiorari was postmarked and received February 28, 2011. The papers are returned for the following reason(s):

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2 and 39. The motion must be signed.

No notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,  
William K. Suter, Clerk  
By:

Ruth Jones  
(202) 479-3022

*AC 62*

Enclosures

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

William K. Suter  
Clerk of the Court  
(202) 479-3011

April 29, 2011

Mr. George E. McDermott  
143 N. Huron Drive  
Forest Heights, MD 20745

Re: George E. McDermott  
v. Kenneth J. MacFadyen, et al.  
No. 10-10236

Dear Mr. McDermott:

The petition for a writ of certiorari in the above entitled case was filed on February 28, 2011 and placed on the docket April 29, 2011 as No. 10-10236.

A form is enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

William K. Suter, Clerk

by

Ruth Jones  
Case Analyst

Enclosures

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

William K. Suter  
Clerk of the Court  
(202) 479-3011

NOTIFICATION LIST

Mr. George E. McDermott  
143 N. Huron Drive  
Forest Heights, MD 20745

Clerk  
United States Court of Appeals for the Fourth Circuit  
1100 East Main Street  
Room 501  
Richmond, VA 23219

No. 10-8196

Title: Mark S. Tomey, et ux., Petitioners  
v.  
Jerry Lambdin

Docketed: January 3, 2011

Linked with 10A730

Lower Ct: Court of Special Appeals of Maryland

Case Nos.: (2671, September Term, 2008)

Decision Date: June 11, 2010

Discretionary

Court

Decision Date: October 22, 2010

~~~~Date~~~~ ~~~~~Proceedings and Orders~~~~~

- Dec 30 2010 Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due February 2, 2011)
- Jan 13 2011 Application (10A730) for an injunction pending disposition of the petition for a writ of certiorari, submitted to The Chief Justice.
- Jan 24 2011 Application (10A730) denied by The Chief Justice.
- Feb 17 2011 DISTRIBUTED for Conference of March 4, 2011.
- Mar 7 2011 The motion of petitioner for leave to proceed in forma pauperis is denied. Petitioner is allowed until March 28, 2011, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.
- Mar 15 2011 Application (10A919) for an extension of time within which to comply with the order of March 7, 2011, submitted to The Chief Justice.
- Mar 16 2011 Application (10A919) granted by The Chief Justice extending the time to file until June 24, 2011.
- Jun 24 2011 Petitioners complied with order of March 7, 2011.
- Jun 30 2011 DISTRIBUTED for Conference of September 26, 2011.
- Oct 3 2011 Petition DENIED.

~~~~Name~~~~ ~~~~~Address~~~~~ ~~~~~Phone~~~~~

**Attorneys for Petitioners:**

|               |                       |                |
|---------------|-----------------------|----------------|
| Mark S. Tomey | 26 Washington Road    | (443) 622-1186 |
|               | New Freedom, PA 17349 |                |

Party name: Mark S. Tomey, et ux.

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

William K. Suter  
Clerk of the Court  
(202) 479-3011

January 3, 2011

Clerk  
Court of Special Appeals of Maryland  
Court of Appeals Building  
361 Rowe Boulevard, 2nd Floor  
Annapolis, MD 21401

Re: Mark S. Tomey, et ux.  
v. Jerry Lambdin  
No. 10-8196  
(Your No. 2671)

Dear Clerk:

The petition for a writ of certiorari in the above entitled case was filed on December 30, 2010 and placed on the docket January 3, 2011 as No. 10-8196.

Sincerely,

**William K. Suter, Clerk**

by

Erik Fossum  
Case Analyst



Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

William K. Suter  
Clerk of the Court  
(202) 479-3011

January 3, 2011

Mr. Mark S. Tomey  
26 Washington Road  
New Freedom, PA 17349

Re: Mark S. Tomey, et ux.  
v. Jerry Lambdin  
No. 10-8196

Dear Mr. Tomey:

The petition for a writ of certiorari in the above entitled case was filed on December 30, 2010 and placed on the docket January 3, 2011 as No. 10-8196.

A form is enclosed for notifying opposing counsel that the case was docketed.

Sincerely,

**William K. Suter, Clerk**

by

Erik Fossum  
Case Analyst

Enclosures

# Supreme Court of the United States

No. 10-8196

Mark S. Tomey, et ux.,

Petitioners

v.

Jerry Lambdin

ON CONSIDERATION of the motion of the petitioner for leave to proceed *in forma pauperis*,

IT IS ORDERED by this Court that said motion, be, and the same is hereby, denied. Petitioner is allowed until March 28, 2011, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

March 7, 2011

A true copy WILLIAM K. SUTER

Test:

Clerk of the Supreme Court of the United States

By \_\_\_\_\_

Deputy

**SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM 2011 - GRANTED & NOTED LIST**

*As of September 27, 2011*

|                                  |                   |  |   |                                |
|----------------------------------|-------------------|--|---|--------------------------------|
| 09-958 )<br>09-1158)<br>10-283 ) | CFX<br>CFX<br>CFX | <b>DOUGLAS V. INDEPENDENT LIVING CENTER OF S. CA</b><br><b>DOUGLAS V. CA PHARMACISTS ASSOCIATION</b><br><b>DOUGLAS V. SANTA ROSA MEMORIAL HOSPITAL</b> | Court: USCA-9<br>Argument Date: 10/3/11           | Granted: 1/18/11               |
| 10-63                            | CFH               | <b>MAPLES V. THOMAS, INTERIM COMMISSIONER, AL DOC</b>  | Court: USCA-11<br>Argument Date: 10/4/11          | Granted: 3/21/11               |
| 10-209                           | CFH               | <b>LAFLEER V. COOPER</b>   | Court: USCA-6<br>Argument Date: 10/31/11          | Granted: 1/7/11                |
| 10-218                           | CSX               | <b>PPL MONTANA, LLC V. MONTANA</b>   | Court: SC-MT<br>Argument Date: 12/7/11            | Granted: 6/20/11               |
| 10-224                           | CFX               | <b>NATIONAL MEAT ASSOCIATION V. HARRIS, ATT'Y GEN. CA</b>  | Court: USCA-9<br>Argument Date: 11/9/11           | Granted: 6/27/11               |
| 10-444                           | CSH               | <b>MISSOURI V. FRYE</b>  | Court: CA-MO, W. Dist.<br>Argument Date: 10/31/11 | Granted: 1/7/11                |
| 10-507                           | CFX               | <b>PACIFIC OPERATORS OFFSHORE V. VALLADOLID</b>  | Court: USCA-9<br>Argument Date: 10/11/11          | Granted: 2/22/11               |
| 10-545                           | CFX               | <b>GOLAN V. HOLDER, ATT'Y GEN.</b>   | Court: USCA-10<br>Argument Date: 10/5/11          | Granted: 3/7/11 (EK – no part) |
| 10-553                           | CFX               | <b>HOSANNA-TABOR CHURCH V. EEOC</b>  | Court: USCA-6<br>Argument Date: 10/5/11           | Granted: 3/28/11               |

**SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM 2011 - GRANTED & NOTED LIST**

|               |            |   |                  |
|---------------|------------|---|------------------|
| <b>10-577</b> | <b>CFX</b> | <b>KAWASHIMA V. HOLDER, ATT'Y GEN.</b><br>Court: USCA-9<br>Argument Date: 11/7/11                           | Granted: 5/23/11 |
| <b>10-637</b> | <b>CFH</b> | <b>GREENE V. FISHER, SUPT., SMITHFIELD</b><br>Court: USCA-3<br>Argument Date: 10/11/11                      | Granted: 4/4/11  |
| <b>10-680</b> | <b>CFH</b> | <b>HOWES, WARDEN V. FIELDS</b><br>Court: USCA-6<br>Argument Date: 10/4/11                                   | Granted: 1/24/11 |
| <b>10-694</b> | <b>CFX</b> | <b>JUDULANG V. HOLDER, ATT'Y GEN.</b><br>Court: USCA-9<br>Argument Date: 10/12/11                           | Granted: 4/18/11 |
| <b>10-699</b> | <b>CFX</b> | <b>ZIVOTOFSKY V. CLINTON, SEC OF STATE</b><br>Court: USCA-DC<br>Argument Date: 11/7/11                      | Granted: 5/2/11  |
| <b>10-704</b> | <b>CFX</b> | <b>MESSERSCHMIDT V. MILLENDER</b><br>Court: USCA-9<br>Argument Date: 12/5/11                                | Granted: 6/27/11 |
| <b>10-708</b> | <b>CFX</b> | <b>FIRST AMERICAN FINANCIAL CORP. V. EDWARDS</b><br>Court: USCA-9<br>Argument Date: 11/28/11                | Granted: 6/20/11 |
| <b>10-788</b> | <b>CFX</b> | <b>REHBERG V. PAULK</b><br>Court: USCA-11<br>Argument Date: 11/1/11   | Granted: 3/21/11 |
| <b>10-844</b> | <b>CFX</b> | <b>CARACO PHARMACEUTICAL LABORATORIES V. NOVO NORDISK A/S</b><br>Court: USCA-Fed.<br>Argument Date: 12/5/11 | Granted: 6/27/11 |
| <b>10-875</b> | <b>CFX</b> | <b>HALL V. UNITED STATES</b><br>Court: USCA-9<br>Argument Date: 11/29/11                                    | Granted: 6/13/11 |

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| <b>10-879</b>  | <b>CFX</b> | <b>KURNS V. RAILROAD FRICTION PRODUCTS CORP.</b><br>Court: USCA-3<br>Argument Date: 11/9/11 | Granted: 6/6/11                 |
| <b>10-895</b>  | <b>CFH</b> | <b>GONZALEZ V. THALER, DIR., TX DCJ</b><br>Court: USCA-5<br>Argument Date: 11/2/11          | Granted: 6/13/11                |
| <b>10-945</b>  | <b>CFX</b> | <b>FLORENCE V. BD. OF CHOSEN FREEHOLDERS</b><br>Court: USCA-3<br>Argument Date: 10/12/11    | Granted: 4/4/11                 |
| <b>10-948</b>  | <b>CFX</b> | <b>COMPUCREDIT CORP. V. GREENWOOD</b><br>Court: USCA-9<br>Argument Date: 10/11/11           | Granted: 5/2/11                 |
| <b>10-1001</b> | <b>CFH</b> | <b>MARTINEZ V. RYAN, DIR., AZ DOC</b><br>Court: USCA-9<br>Argument Date: 10/4/11            | Granted: 6/6/11                 |
| <b>10-1016</b> | <b>CFX</b> | <b>COLEMAN V. COURT OF APPEALS OF MARYLAND</b><br>Court: USCA-4                             | Granted: 6/27/11                |
| <b>10-1018</b> | <b>CFX</b> | <b>FILARSKY V. DELIA</b><br>Court: USCA-9   | Granted: 9/27/11                |
| <b>10-1024</b> | <b>CFX</b> | <b>FAA V. COOPER</b><br>Court: USCA-9<br>Argument Date: 11/30/11                            | Granted: 6/20/11 (EK – no part) |
| <b>10-1062</b> | <b>CFX</b> | <b>SACKETT V. ENVIRONMENTAL PROTECTION AGENCY</b><br>Court: USCA-9                          | Granted: 6/28/11                |
| <b>10-1104</b> | <b>CFX</b> | <b>MINNECI V. POLLARD</b><br>Court: USCA-9<br>Argument Date: 11/1/11                        | Granted: 5/16/11                |

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| <b>10-1121</b> | <b>CFX</b> | <b>KNOX V. SERVICE EMPLOYEES INT'L UNION, LOCAL 1000</b><br>Court: USCA-9                               | Granted: 6/27/11                |
| <b>10-1150</b> | <b>CFX</b> | <b>MAYO COLLABORATIVE SVCS. V. PROMETHEUS LABS., INC.</b><br>Court: USCA-Fed.<br>Argument Date: 12/7/11 | Granted: 6/20/11                |
| <b>10-1195</b> | <b>CFX</b> | <b>MIMS V. ARROW FINANCIAL SERVICES, LLC</b><br>Court: USCA-11<br>Argument Date: 11/28/11               | Granted: 6/27/11                |
| <b>10-1219</b> | <b>CFX</b> | <b>KAPPOS V. HYATT</b><br>Court: USCA-Fed.  | Granted: 6/27/11                |
| <b>10-1211</b> | <b>CFX</b> | <b>VARTELAS v. HOLDER, ATT'Y GEN.</b><br>Court: USCA-2  | Granted: 9/27/11                |
| <b>10-1259</b> | <b>CFY</b> | <b>UNITED STATES V. JONES</b><br>Court: USCA-DC<br>Argument Date: 11/8/11                               | Granted: 6/27/11                |
| <b>10-1261</b> | <b>CFX</b> | <b>CREDIT SUISSE SECURITIES (USA) LLC V. SIMMONDS</b><br>Court: USCA-9<br>Argument Date: 11/29/11       | Granted: 6/27/11 (CJ – no part) |
| <b>10-1265</b> | <b>CFH</b> | <b>MARTEL, WARDEN V. CLAIR</b><br>Court: USCA-9<br>Argument Date: 12/6/11                               | Granted: 6/27/11                |
| <b>10-1293</b> | <b>CFX</b> | <b>FCC V. FOX TELEVISION STATIONS, INC.</b><br>Court: USCA-2  | Granted: 6/27/11 (SS – no part) |
| <b>10-1399</b> | <b>CFX</b> | <b>ROBERTS V. SEA-LAND SERVICES, INC.</b><br>Court: USCA-9  | Granted: 9/27/11                |
| <b>10-1472</b> | <b>CFX</b> | <b>TANIGUCHI V. KAN PACIFIC SAIPAN, LTD.</b><br>Court: USCA-9   | Granted: 9/27/11                |

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| <b>10-1542)</b> | <b>CFX</b> | <b>HOLDER, ATT'Y GEN. V. GUTIERREZ</b>                  |                  |
| <b>10-1543)</b> | <b>CFX</b> | <b>HOLDER, ATT'Y GEN. V. SAWYERS</b>                    |                  |
|                 |            | Court: USCA-9   | Granted: 9/27/11 |
|                 |            |   |                  |
| <b>10-6549</b>  | <b>CFY</b> | <b>REYNOLDS V. UNITED STATES</b>                        |                  |
|                 |            | Court: USCA-3   | Granted: 1/24/11 |
|                 |            | Argument Date: 10/3/11                                  |                  |
|                 |            |   |                  |
| <b>10-7387</b>  | <b>CFY</b> | <b>SETSER V. UNITED STATES</b>                          |                  |
|                 |            | Court: USCA-5   | Granted: 6/13/11 |
|                 |            | Argument Date: 11/30/11                                 |                  |
|                 |            |   |                  |
| <b>10-8145</b>  | <b>CSH</b> | <b>SMITH V. CAIN, WARDEN</b>                            |                  |
|                 |            | Court: Orleans Parish, Crim. DC, LA                     | Granted: 6/13/11 |
|                 |            | Argument Date: 11/8/11                                  |                  |
|                 |            |   |                  |
| <b>10-8505</b>  | <b>CSY</b> | <b>WILLIAMS V. ILLINOIS</b>                             |                  |
|                 |            | Court: SC-IL  | Granted: 6/28/11 |
|                 |            | Argument Date: 12/6/11                                  |                  |
|                 |            |   |                  |
| <b>10-8974</b>  | <b>CSY</b> | <b>PERRY V. NEW HAMPSHIRE</b>                           |                  |
|                 |            | Court: SC-NH  | Granted: 5/31/11 |
|                 |            | Argument Date: 11/2/11                                  |                  |
|                 |            |   |                  |
| <b>10-9995</b>  | <b>CFH</b> | <b>WOOD V. MILYARD, WARDEN</b>                          |                  |
|                 |            | Court: USCA-10  | Granted: 9/27/11 |
|                 |            |   |                  |
| <b>11-139</b>   | <b>CFX</b> | <b>UNITED STATES V. HOME CONCRETE &amp; SUPPLY, LLC</b> |                  |
|                 |            | Court: USCA-4   | Granted: 9/27/11 |

**NOTE:**

|               |            |  |                  |
|---------------|------------|--|------------------|
| <b>10-514</b> | <b>CFX</b> | <b>STOK &amp; ASSOCIATES V. CITIBANK</b> |                  |
|               |            | Court: USCA-11                           | Granted: 2/22/11 |
|               |            | Order Date: 6/2/11                       |                  |
|               |            | Result: <b>DISMISSED – Rule 46</b>       |                  |

# SUPREME COURT OF THE UNITED STATES

## OCTOBER TERM 2011 - GRANTED & NOTED LIST

No. of Cases made available for Argument (Hours): **52 (49)**

No. of Cases Argued (Hours):

No. of Cases (Hours) Disposed of: **1 (1)**

WITH ARGUMENT:

*Signed Opinion/Judgment –*

*Per Curiam –*

*Dismissed –*

WITHOUT ARGUMENT:

*Signed Opinion/Judgment -*

*Per Curiam –*

*Dismissed – 1 (1)*

|               |
|---------------|
| CASE CODE KEY |
|---------------|

First Letter = Jurisdictional Grounds (ex. 99-804 CFY)

C - Certiorari

A - Appeal

Q - Certified Question

Second Letter = Court Below (ex. 99-804 CFY)

S - State

F - U.S. Court of Appeals

T - Three-Judge District Court

M - U.S. Court of Appeals for the Armed Forces

O - Other Court

Third Letter = Nature of Case (ex. 99-804 CFY)

X - Civil

Y - Criminal

H - Habeas Corpus or other collateral attack