

71-6883

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SUPREME COURT, U.S.

IN THE SUPREME COURT, U. S.

JIM FAIR, PETITIONER,

VS.

W. T. HODGES, AND

U. S.

GOVERNMENT,

RESPONDENTS.

APPEAL, OR

PETITION FOR A WRIT OF CERTIORARI

TO THE U. S. COURT OF APPEALS, 5TH CIRCUIT

AND TO THE U. S. DISTRICT COURT, MID. FLA., TAMPA DIV.

Pro Se, Petitioner prays ~~that~~ a writ of Certiorari issue to review the U. S. Court of Appeals, Fifth Circuit, order denying ~~pauperis~~ proceedings and, thereby, review ~~the~~ U. S. District Court, Middle District of Florida, Tampa Division, order, said orders being unreported. They are appended. Or he appeals.

Jurisdiction is here sustained, as said Appeals Court Order was entered Mar. 24, 1972; and as such is allowed by 28 U. S. C. ss-1254(I); 2 U. S. C. ss 7; 42, ss 1981, 1983, & 1988; 28, ss 1331, 1343 (3) & (4), 2201, 2202 & 228I; and 42, ss 1988 -- or other unknown to ~~any~~ ¹²⁴ person petitioner. This action was brought below by plaintiff-petitioner ~~maxamk~~ maintaining he was denied ~~the~~ process and equal protection of laws, and a Republican form of Gov't. U. S. Constitution, 14th Amend. and Art. IV, Sec. 4. Also, he is maintaining he was denied his 1st. Amendment right to petition for redress ~~of~~ grievance.

QUESTIONS PRESENTED - I. Whether U. S. Supreme Court Justice nominees should be inflicted by greater, lengthier public exposure than U. S. ^{District} Court judge nominees? 2. Whether three days or three months between President's nomination and Senate's confirmation of such judge protects Constitutional rights? 3. Whether a class action as to citizen's and judges maintains? 4. Whether a citizen's sincere action seeking guidelines as to minimum ~~time~~ between a judge's nomination, and confirmation is meritless? 5. Whether in form ~~of~~ pauperis proceedings ~~agg~~ are a right?

The case arose out of President Nixon's nomination of respondent W. T. Hodges to be judge of the U. S. District Court, Middle District of Florida, Tampa Division. In 1971, he nominated him Dec. 8th and the U. S. Senate confirmed him Dec. 11th - for a lifetime job.

Upon learning of said nomination ~~the~~ petitioner, Jim Fair, who works ~~xxxx~~ solely within the system pursuing social justice and who looks to judges for relief from vested interests" unjust laws, "phoned one U. S. Senator~~x~~ in deep concern about the appointee, as set out in complaint made part hereof, appended, but by the hasty confirmation was prevented further petitioning for redress of his grievances. As the swearing in of said nominee was upcoming, petitioner sued in the concerned District Court which denied a temporary restraining order and dismissed ~~the~~ action, one ~~case~~ naming as respondent the U. S. Government.

Petitioner sought to proceed and to appeal in forma ~~de~~ pauperis, and in good faith, only to be denied this right to due process. He established federal jurisdiction in the court of first instance by setting forth denials of due process, equal protection and Republican form of ~~agovern~~ment, and therein naming as defendant the U. S. Government. He paid for docketing and for service, though he could not afford to do so, as in good faith he seeks needed guidelines "prospectively in future nominations," as prayed below.

REASONS FOR GRANTING THE WRIT ARE MANIFEST. I. The Court should decide whether only U. S. Supreme Court justices should be subject to public investigations, while District Court judges go relatively unexposed, even uncriticized, by rubber-stamp, cooperative U. S. senators protective of their own patronage-plum proposals to life-time judgeships? This Court in instant case can bring into the sunshine such young plants as will grow and bear fruit, for a historical harvest the pride of present and future generations of laymen and lawyers alike. This Court, the high to which lesser appointees aspire, can now show its bigness by upholding petitioner's contention that said proposals should be of such quality as to withstand the elements of investigation for a reasonable time of germination.

2. The decisions below seriously limit the intended efficacy

of a judicial system wherein lawyers and lawyer-judges conceal criticisms by rushing through approvals, for over four out of five U.S. senators are attorneys, all considered obligated more to campaign contributors than constituents in general. The decisions eliminate

~~2. The~~ ~~judicial~~ ~~system~~ ~~wherein~~ ~~lawyers~~ ~~and~~ ~~lawyer-judges~~ ~~conceal~~ ~~criticisms~~ ~~by~~ ~~rushing~~ ~~through~~ ~~approvals~~ ~~,~~ ~~for~~ ~~over~~ ~~four~~ ~~out~~ ~~of~~ ~~five~~ ~~U.S. senators~~ ~~are~~ ~~attorneys~~ ~~,~~ ~~all~~ ~~considered~~ ~~obligated~~ ~~more~~ ~~to~~ ~~campaign~~ ~~contributors~~ ~~than~~ ~~constituents~~ ~~in~~ ~~general~~ ~~.~~ ~~The~~ ~~decisions~~ ~~eliminate~~

even outspoken criticisms across party ~~α~~lines, for loyalty to ~~Bank~~ Brothers-at-the-Bar exceeds loyalty to law. Said decisions merit from this Court an enlargement of time between President's nomination and Senate's confirmation, for three days' time negates a Republican form of government, denies a right to petition the government for a redress of grievance, and denies equal protection of law and due process of rights. U. S. Con. Art. IV, Sec. IV; Ist, 14th Amend.

3. This case raises important questions as to an American's right as a class to a judge who will become the checks and balances against police power of the Chief Executive, against Fascist or other legislation. It shows the need for judges to be recognized as a class not above criticism but welcoming public scrutiny for wholesomeness and respect it produces. It merits ~~xxxx~~ recognition as a class action productive of enduring guidelines, for minimal time of public view.

4. The plaintiff-petitioner was verbally lashed unnecessarily within the District Court's order, though he sincerely litigated in the public interest from righteous indignation against unchallengeable appointment, which appeared hasty and against the people's interest. He maintains his ~~xxxx~~ plea should be applauded for intent, if not for content. (He corrects now a part, having heard another "W. T. Hodges" has the larger property on the same lake!) He asks this Court to hold that the case has merit.

5. As a lay person striving for reasonable guidelines and working within the system, he felt so strongly the need to enlarge nomination-~~xxxx~~ confirmation time, that he paid to docket and to make service, but he could not afford appeal costs. To go on, he filed motions and affidavits in both lower courts only to have pauperis proceedings denied. As a rich person could

climb the ladder here, he claims he has like right on grounds
pled below and here, by his ~~pauperis~~ motion-affidavit made part
hereof by reference thereto. He asks this Court to protect his
14th-Amendment rights to due process and equal protection rights,
a seemingly granted or denied below. ~~Not~~ on his insolvency status
but on Court's attitude as to issues.

Thus, petition should be granted.

Respectfully,



Jim Fair