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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE # 5:16-CV-00238-BO

FILED
SEP 29 2016
JULIE RICHARDSON JOHNSON, CLERK
US DISTRICT COURT, EDNC
BY DEP CLK

PATRICK L. MCCRORY in his official)
Capacity as Governor of the State of North)
Carolina and FRANK PERRY in his official)
Capacity as Secretary of Public Safety for)
The State of North Carolina)

Plaintiffs,)

Vs.)

UNITED STATES OF AMERICA,)
UNITED STATES DEPT. OF JUSTICE,)
LORETTA E. LYNCH, in her official)
Capacity as United States Attorney General)
And VANITA GUPTA in her official)
Capacity as Principal Asst. Atty. General)
Defendants.)

RULE 59 (e)

MOTION TO ALTER JUDGMENT

**MOTION FOR RECONSIDERATION TO ALTER JUDGMENT OF
THE ORDER OF THE DISTRICT COURT DATED
1 SEPTEMBER 2016**

NOW COMES Steven Glenn: Johnson, Plaintiff, in the above styled and numbered cause of Action (hereafter, "APPELLANT" or "Johnson"), here proceeding pro se, and files this his MOTION FOR RECONSIDERATION OF THE COURT'S DATED 1 SEPTEMBER 16, and for cause thereon will show the court as follows:

I.
BACKGROUND

1. Plaintiff has filed his Petition for Intervention as a matter of right into in this case and the Court has denied the same. Plaintiff now moves the court for reconsideration. (See: Generally: the Docket Report for this case.)
2. Appellant's Rule 59 Motion for Reconsideration and to alter and/or set aside the Denial to Plaintiff's Petition for Intervention..
3. Appellant has caused to be filed his Petition for Rehearing of the Court's Order denying Plaintiff's Petition for Intervention. (See Docket Report)

6. Plaintiff now moves this Court for Reconsideration and/or set aside of the Court's 1 September 16 Order denying the same for the reasons and argument as are set out below.

II.
MOTION FOR RECONSIDERATION OF
THE COURT'S ORDER DATED 1 SEPTEMBER 16 DENYING
APPELLANT'S PETITION FOR INTERVENTION

REDRESS OF GRIEVANCES

5. "Congress shall make no law respecting...the right of the people...to petition the Government for a redress of grievances. (See: Amendments to the Constitution for the United States of America Article 1) Contrasted with the Court's Order of 1 September 16, Petitioner for Intervention has been prejudiced in that his Petition for Intervention into the above captioned and numbered presently ongoing civil action

has been **DENIED** by the court predicated upon, inter alia, the allegation/claim that the Attorney's for Defendants North Carolina will adequately represent the interest of Petitioner in this case.

6. Petitioner's interest are of a personal and individual origin and are not to be confused with the public and general interest of Attorney's of the State of North Carolina. Further, the interest on which Petitioner seek intervention rise from strong moral issues to which the Attorney's for the State of North Carolina are utterly incapable of reaching.
7. Intervention as of Right rises from the "**BILL OF RIGHTS**" which are generally intended to guarantee to individuals the benefits of each provision set out therein. It is not a BILL OF "PRIVALEGES".
8. Plaintiff's morality is persona, individual, profoundly that of an Adult born and raised and now living within the state of North Carolinian. Plaintiff's ideas are thereby **INDIVIDUAL AND PERSONAL** and are not to be confused with the profoundly public interest of the Attorney's representing the State of North Carolina.
9. The issues on which this present case is brought are highly offensive to this Petitioner. Issues which provoke and incite confrontation and moral repugnance to which Petitioner unalterably opposes on personal and individual moral grounds.
10. And while there is unarguably some overlap in the "confluence of interest" between the Attorneys for the State of North Carolina as compared and contrasted with Petition, there remains a vast and irreconcilable difference which fact forecloses the possibility of said Attorneys adequately representing Petitioner's personal and individual interest tempered with this high moral component which fuels this present intervention.

11. Additionally, Petitioner will note that the Attorneys for the State of North Carolina are representing the interest of the state and not the individual member comprising that state. Their primary duty is to the interest of the State and while Petitioner will recognize some confluence of interest, the remaining personal and individual moral issues and interest of this Petitioner cannot be the focus or the object of State Attorneys. The distinction between the state collective and the individuals personal interest are obviously both palpable and conspicuous.
12. Petitioner has frequently found and taken a significant umbrage with the exercise of State power and authority which is, in the present case, utterly at odds the distinctions mentioned above.
13. State Attorneys cannot represent the interest of this Petitioner on the personal and individual moral issues rising in the contest and question now congealed within this civil case. Petitioner is strongly moves to represent his own interest via the exercise of this RIGHT TO PETITION THE GOVERNMENT FOR GRIEVANCES especially those particular grievances which are fundamental to this case. Further, Petitioner has specifically chosen that the path of his exercise of that RIGHT of Petition is Title 28, F.R.CivP., Rule 24(a) - **INTERVENTION OF RIGHT.**
14. As stated above, the Court's **ORDER** of 1 September 16 is offensive to the exercise of Petitioner's fundamental CONSTITUTIONAL RIGHTS as are guaranteed to Petitioner by the Bill of Rights,
12. Accordingly, Petitioner moves this court to set aside the **ORDER** of this court dated 1 September 16 and to supplant the same with a new

order which **GRANTS IN ALL THINGS** the Petitioner's Motion to Intervene.

DUE PROCESS OF LAW AND EQUAL PROTECTION:

13. In this case, Petitioner is seeking to intervene into the present action via F.R.Civ.P., Rule 24(a) - Intervention of Right. As such, the Fifth Article of Amendments state in pertinent part as follows:

**FIFTH ARTICLE OF AMENDMENT TO
CONSTITUTION FOR THE UNITED STATES OF
AMERICA"**

"No Person" [shall] "...be deprived of life, liberty or property without due process of law"

14. It would seem to this Petitioner that to deprive one of due process of law would be offensive to the fundamental Constitutional right guaranteeing to citizens their RIGHT to a due process of law.
15. Likewise, Petitioner seeks in this case to exercise his RIGHTS as to an equal protection of the law. As such, the Fourteenth Article of Amendments state in pertinent part as follows:

**FOURTEENTH ARTICLE OF AMENDMENT TO
CONSTITUTION FOR THE UNITED STATES OF
AMERICA**

"No State shall" ... "deny to any person within its jurisdiction the equal protection of the laws."

16. Petitioner here seeks via Intervention of Right his rights rising from a due process of law, specifically F.R.Civ.P., Rule 24, Intervention of Right; as well as Petitioner's individual to protection of an equal protection of the law.

17. Petitioner seeks his right to EQUAL protection of the law - and by use and expectation of the word: "equal", Petitioner expects, indeed demands, that his individual exercise of his due process of law will be permitted, as is guaranteed, to be subject to an equal right of exercise of that right of due process via the equal protection of all the law including but not limited to Intervention of Right pursuant to Rule 24(a). The state attorney for North Carolina is a separate benefit, if any individual right of state representation exist at all; However, it is not state representation that Petitioner seeks, rather it is Petitioner's individual exercise of that right by the equal protection as to both the exercise of the right as well as the benefits of Petitioner having exercised that right. In short, it is not just the **SEPARATE** but rather the **EQUAL** protection of all of Petitioner's rights that is the point to be made here. As we all know, separate is not equal in the lexicon of Constitutional Rights. (See: Brown v Board - US Supreme Court)

18. Absent this court's reconsideration and set aside of its ORDER of 1 September 16, then in that event, Petitioner will be deprived unconstitutionally of his rights of due process and equal protection as well as his right to Petition his government for his individual exercise and perceptions of Petitioner's First Amendment right as to a redress of grievances. Averting the deprivation of these important fundamental rights as are guaranteed to every individual citizen by the United States Constitution, Petitioner will be deprived of those rights and their benefits and will be denied his day in court, his redress of his grievances, his right of due process of law and his right to the equal protection of all the law.

19. Accordingly, Petitioner will respectfully requests that the court recognize the prejudice falling on Petitioner rising from the Court's Order of 1 September 16; Following which recognition, Petitioner will request that this court set aside the said ORDER and substitute in its stead a new order GRANTING Petitioner's INTERVENTION in this case.

REQUEST FOR LENIENCE

20. Petitioner is requesting lenience from this court due to his being a pro se litigant in that Petitioner is not a lawyer and cannot readily acquire the services of an attorney at law to assist in the prosecution of this

Intervention in question at this time. Nor is economics the only reason Petitioner is requesting lenience from this court since Petitioner is not an attorney but rather Petitioner is only a mere citizen of the United States and of the State of North Carolina.

21. In this regard, Petitioner will cite the logic, language and law as is contained within the Treatise cited as follows: "DUTIES OF THE JUDICIAL SYSTEM TO THE PRO SE LITIGANT" by Mark Andrews, Georgetown University Law Center, Circa 2013, and Katherine Alteneider, *Literacy and the Courts*, 24 ALASKA JUST. F. 1 (2007).
22. "Lastly, the Supreme Court has held that "even though the governmental purpose may be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved." pp:156" (See: NORTH CAROLINA JOURNAL OF LAW & TECHNOLOGY VOLUME 17, ISSUE ON. 329 (2016) 329 THE TSA OPTING-OUT OF OPT-OUTS: THE NEW TSA FULLBODY SCANNER GUIDELINES AND TRAVELERS' RIGHT TO PRIVACY, by: Elizabeth Windham*
23. Petitioner reserves the right to alter, amend and/or supplement this pleading when as and if the same is deemed necessary by Petitioner.

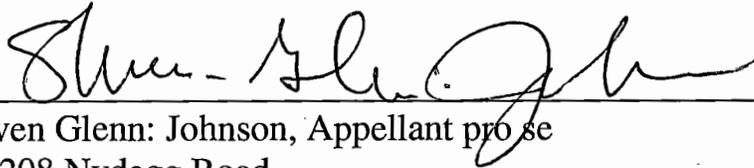
WHEREFORE PREMISES CONSIDERED, Appellant respectfully requests that the following relief be granted as follows:

1. That the Clerk's Order of 1 September 16 be in all things set aside, and
2. That the Appellant's Petition for Intervention be restored to the Docket of this court, and
3. That the Petitioners Motion for Rehearing be in all things granted and that the underlying Petition for Intervention be in all things GRANTED, and
4. That the Appellant's Petition for Reconsideration be afforded the due process consideration, equal protection and lenience in the court's consideration, and

5. That the Appellant be afforded added and extended relief at law and or in equity to which the court deems JUST, and

6. Appellant requests JUSTICE.

Respectfully Submitted by:

A handwritten signature in cursive script, appearing to read "Steven Glenn Johnson", written over a horizontal line.

Steven Glenn: Johnson, Appellant pro se
c/o 208 Nydegg Road
New Bern, NC 28562

CERTIFICATE OF SERVICE

I do hereby certify that I have, this 29th day of September 2016 served a copy of the foregoing MOTION TO ALTER JUDGMENT upon the below listed parties by placing a copy in the U.S. Mail, addressed as follows.

Corey Stoughton
Senior Counsel
Civil Rights Division
United States Dept. of Justice
950 Pennsylvania, Ave. NW
MJB, room 5642
Washington, DC 20530

And

THE STATE OF NORTH CAROLINA
Office of the Governor
General Counsel
20301 Mail Service Center
Raleigh, NC 27699



Steven-Glenn: Johnson, Plaintiff
Sui Juris
c/o 208 Nydegg Road
New Bern, NC 28562i