

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

In re: Russell F. Walker, Petitioner

Case Number 17-1383

**PETITION FOR A WRIT OF MANDAMUS**

**Relief Sought**

COMES NOW, Russell F. Walker, Pro Se, and prays that this Court issue a Writ of Mandamus to the United States District Court for the Middle District of North Carolina -- Magistrate Joe E. Webster, to assign the underlying case to a District Judge with the case heard on an expedited basis.

**Issues Presented**

That the underlying case of Russell F. Walker v. Hoke County et al., 1:17CV78 be placed on an expedited basis.

RECEIVED  
2017 MAR 28 AM 11:50  
U.S. COURT OF APPEALS  
FOURTH CIRCUIT

## Facts Necessary

On 31 January 2017 petitioner filed a Complaint in the U.S. District Court for the Middle District of North Carolina. The complaint was assigned docket number 1:17-CV-78 and assigned to Magistrate Joe Webster. The USDC for the Middle District of North Carolina in the case of Covington vs. North Carolina (1:15-CV-399) on Nov 29, 2016 issued an Order calling for elections in the fall of 2017. The United States Supreme Court, C.J. Roberts issued a stay in this matter. North Carolina vs. Covington on 10 January 2017. It is not unreasonable to believe that the appointment of Judge Gorsuch will be confirmed in the next 2 weeks or so by the US Senate to be a Justice of the US Supreme Court. It is not unreasonable to believe that the Roberts' stay might be lifted once Gorsuch joins the Court.

In a prior case, Russell Walker vs. J.T. Thomas Inc., Magistrate Webster granted motions to two defendants even before a

copy of the defendants' motion arrived in my mail in spite of Local Civil Rule 6.1 (a), denied every one of my motions and unsurprisingly ultimately ruled against me. I complained to Judge Battles about the granting of motions *ex parte* but was rebuffed as well. An appeal was denied as untimely. The current complaint Russell Walker vs. North Carolina State Board of Elections et al., 1:17CV78, has a racial component. Walker is white and based upon information and belief Webster is black. I have never seen nor met Magistrate Webster.

On 27 February 2017 a Motion to Expedite Proceedings, docket #11, was filed with the District Court. As of 24 March 2017 no decision has been made on this petition

**Reasons why a Writ should issue –**

Justice delayed is justice denied. I believe that Magistrate Webster has shown prejudice against me in the past and now he will have a racial animus to do so.

Mandamus is an extraordinary Writ and is to be used sparingly. This matter is extreme however due to time constraints of possible fall 2017 elections, past prejudice shown and, current injury to the number of voters of Hoke County, involved. These facts justify the Writ.

The alleged racial gerrymander of Hoke County is more extreme than that alleged in Covington vs. North Carolina.

While we cannot predict the resolution of the Covington matter, if any relief is to be given to the voters of Hoke County, it will take time to review this case and define voting districts and decide upon voting places.

There are approximately 50,000 people in Hoke County. The number of people affected by "at large" voting is large.

The Covington District Court Order stated in part ---

"While special elections have costs, those costs pale in comparison to the injury caused by allowing citizens to continue to be represented by legislators elected pursuant to a racial gerrymander."

The underlying Walker complaint is truly *Pro Bono Publico* and the real party-in-interest are the voters of Hoke County. Walker seeks no damages and no relief from prison etc.

Pursuant to 28 U.S. Code § 1746 -- "I declare under penalty of perjury that the foregoing is true and correct.

Executed on 24 March 2017.

A handwritten signature in black ink, appearing to read "Russell F. Walker", written in a cursive style.

---

Russell F. Walker

Rule 32 Compliance – This petition is 6 pages long including Certificate of Service and has 692 words total. The font is Century Gothic size 16.

Attachment – Motion for Expedited Proceeding as filed in the District Court

## CERTIFICATE OF SERVICE

I certify that I have placed a copy of this Petition with one attachment in the U.S. mail, postage prepaid on 24 March 2017 to:

Magistrate Joe Webster  
U.S. District Court  
324 W. Market St.  
Greensboro, NC 27401-2544

Craig Schauer  
Brooks Pierce  
P.O. Box 1800  
Raleigh, NC 27602

James Bernier  
Assistant Attorney General  
P.O. Box 629  
Raleigh, NC 27602



---

Russell F. Walker  
(910) 281-4657  
littlefarm1@windstream.net

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Russell F. Walker,	)	
Plaintiff	)	
vs.	)	
	)	
North Carolina State Board of Elections	)	C.A. NO. 1:17CV78
	)	
and	)	
	)	
Hoke County Board of Elections,	)	
Defendants	)	

MOTION FOR EXPEDITED REVIEW

This Court in the case of Covington vs. North Carolina (1:15-CV-399) on Nov 29, 2016 issued an Order calling for elections in the fall of 2017. The United States Supreme Court issued a stay in this matter. North Carolina vs. Covington on 10 January 2017.

While we cannot predict the outcome in Covington, there is a very real possibility that elections will be called for this fall. I pray that this case be put on an expedited review basis so

that in the event of fall 2017 elections that the various election boards, political parties and candidates have sufficient time to prepare.

While we cannot predict the resolution of the Covington matter, if any relief is to be given to the voters of Hoke County, it will take time to review this case and define voting districts and decide upon voting places.

There are approximately 50,000 people in Hoke County. The number of people affected by "at large" voting is large.

The Covington Court Order stated in part ---

"While special elections have costs, those costs pale in comparison to the injury caused by allowing citizens to continue to be represented by legislators elected pursuant to a racial gerrymander."

The underlying complaint is truly *Pro Bono Publico* as the real parties-in-interest are the voters of Hoke County.





Russell F. Walker

### CERTIFICATE OF SERVICE

I certify that I have placed a copy of this Motion in the U.S. mail, postage prepaid on 24 February 2017 to:

James Bernier  
Assistant Attorney General  
9001 Mail Service Center  
Raleigh, NC 27699-9001

Grady L. Hunt  
Locklear, Jacobs, Hunt & Brooks  
P.O. Box 999  
Pembroke, NC 28372



---

Russell F. Walker  
(910) 281-4657  
littlefarm1@windstream.net

WALKER  
176 902 4414  
ABERDEEN NC  
28315



1000



23219

U.S. POSTAGE  
PAID  
ABERDEEN, NC  
28315  
MAR 24, 17  
AMOUNT  
**\$4.75**  
R2305K141258-25

CLERK KATHI BENNET  
USCA 4TH CIRCUIT  
1100 EAST MAIN ST  
RICHMOND VA

501

INSPECTED

MAR 28 2017

U.S. MARSHALS

7016 3560 0000 7614 0417

CERTIFIED MAIL



7016 3560 0000 7614 0417

23219

