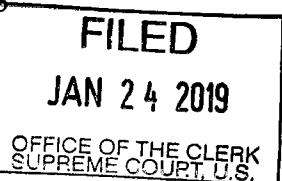


ORIGINAL

18-1387

IN THE SUPREME COURT OF THE UNITED STATES



Susan Lloyd,

Petitioner

V

Judge Becky Doherty

Magistrate Natasha Natale

Kelly Hershberger

John and Jane Does

Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES

COURT OF APPEALS FOR THE SIXTH CIRCUIT

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PETITION FOR WRIT OF CERTIORARI

Susan Lloyd 

PO Box 2577

Streetsboro, OH 44241

Petitioner

Date April 15, 2019

## QUESTIONS PRESENTED

Susan Lloyd is a disabled US Citizen residing at all relevant times in the State of Ohio. Lloyds civil rights have been violated by all Defendants since 2016. Lloyd has been discriminated against for owning service dogs, the Sunshine Law has been violated, Lloyds pro se status has been abused by the Northern District of Ohio and the 6<sup>th</sup> Circuit Court of Appeals, and Lloyds case was unjustly dismissed even after Judge Adams himself opined Lloyd states claims in which relief can be given. In fact, Doherty has even recused herself from Lloyds underlying state cases admitting she is biased and prejudiced towards Lloyd. Lloyd was never given the opportunity to conduct discovery, or present any evidence. In fact, Lloyds oral argument was even denied by the 6<sup>th</sup> Circuit. The questions presented are:

1. Is a magistrate and judge allowed to refuse well behaved service dogs in a courtroom?
2. Is a judge allowed to violate the Sunshine Laws by ignoring public record requests?
3. Is a judge and Court reporter allowed to change a transcript?
4. Are Defendants immune especially as in this case where they show a repeated pattern of abuse towards Lloyd?
5. Does a pro se litigant have more leeway or can their case be dismissed before any evidence is presented or given the chance to repair any defects in the pleading?
6. Should a litigants case be dismissed when A. the underlying District Court stated the litigant states claims in which relief can be given and B. the court of Appeals state the case should be stayed?
7. Should any judge preside over a case when his mental stability is being called into question?

## **PARTIES TO THE PROCEEDINGS**

Petitioner Susan Lloyd was Plaintiff-Appellant in the Court of Appeals.

Respondents Judge Becky Doherty, Magistrate Natasha Natale, Kelly Hershberger and John and Jane Does were Defendants-Appellees in the Court of Appeals.

## **CORPORATE DISCLOSURE STATEMENT**

Susan Lloyd is a private US Citizen who has not issued shares of stock or debt securities to the public and has no parent corporation, subsidiaries or affiliates that have issued shares of stock or debt securities to the public.

## TABLE OF CONTENTS

	<u>PAGE</u>
QUESTIONS PRESENTED	1
PARTIES TO THE PROCEDDING	11
CORPORATE DISCLOSURE STATEMENT	111
TABLE OF AUTHORITIES	vii
OPINIONS BELOW	1
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY	2
PROVISIONS INVOLVED	
INTRODUCTION	6
STATEMENT OF THE CASE	7
A. Judge Doherty and Magistrate Natasha Natale violated ADA law and the Rehab Act by refusing to allow Lloyds service dogs in the courtroom	7
B. Judge Doherty violated the Sunshine Law by refusing to release public records	8
C. A transcript is not to be altered	9
D. No defendant is immune	10
E. A pro se litigant is not held to the standards of an Attorney.	13
F. A litigants case should not be dismissed when the underlying court has stated claims have been made for which relief can be given and the Appeals court states	16

## ✓ TABLE OF CONTENTS

### (CONTINUED)

the case should be stayed until underlying State cases have been settled

G. A judge whose mental stability is being called into question should not preside  
over cases 17

### REASONS FOR GRANTING THE PETITION 18

A. Judicial immunity does not apply to ADA violations as per ADA 35.178 which  
states a state is not immune for violations under ADA law. The right of access to  
the courts falls under the Title II Public Services Section A of the ADA  
Title II ensures that the earlier nondiscrimination requirement of Section 504 of the  
Rehab Act of 1973 applies to all state public entities, including courts. States are  
NOT immune from lawsuits under Title II. 18

B. Doherty violated the Sunshine Law 18

C. A transcript is not to be altered. 18

D. No defendant is immune 19

E. A pro se litigant is not held to the standards of an Attorney 19

F. A litigants case should not be dismissed when the underlying court has stated  
claims have been made for which relief can be given and the Appeals court states  
the case should be stayed until underlying State cases have been settled. 20

G. A judge whose mental stability is being called into question should not preside  
over cases 21

THE QUESTIONS PRESENTED ARE IMPORTANT AND  
RECURRING 21

vi  
**TABLE OF CONTENTS**

**(CONTINUED)**

<b>APPENDIX</b>	<b>PAGE</b>
CONCLUSION	24
CERTIFICATE OF SERVICE	SEPARATE SHEET
CERTIFICATE OF COMPLIANCE	SEPARATE SHEET
ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT (November 27, 2018)	A1
MEMORANDUM OF OPINION AND ORDER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO (May 23, 2018)	B1
DOHERTYS RECUSAL (November 29, 2018)	C1

**TABLE OF AUTHORITIES**

<b>CASES</b>	<b>PAGE</b>
<i>28 USCA 1346 (b)(1) see Indian Towing Co V US 350 US 61,64(1955)</i>	11
<i>473, US at 166, 105 SCT at 3105</i>	13
<i>Ashcroft V Iqbal, 556 US 662 678 (2009) quoting Bell Atl Corp V Twombly, 550 US 544,570 (2007)</i>	16
<i>Badillo V Thorpe 158 F Appx 208,211 ( 11<sup>th</sup> Circ 2005)</i>	6,18
<i>Belatedly V CIA, 953, F20. 25, 26, 28 (2<sup>nd</sup> Circ 1991)</i>	13

V  
TABLE OF AUTHORITIES

(CONTINUED)

CASES	PAGE
<i>Cline V Rogers</i> 87 f3d 176, 184 (6 <sup>th</sup> Circ 1996) quoting <i>Associated Gen Contractors V</i>	
<i>Cal State Council of Carpenters</i> , 459 US 519, 526 (1983)	15
<i>DC Court of Appeals V Feldman</i> , 460, US 462(1983)	14
<i>Doe V Univ of Ky</i> , 860 f3d, 365, 372 9 <sup>th</sup> Circ 2017	16
<i>Duvall V County of Kitsap</i> 260 F30 1124, 1133 (9 <sup>th</sup> Circ 2001)	6
<i>Forman V Davis</i> 371, US 178, 182 (1962)	14
<i>Forrester V White</i> US Supreme Court, 484 US 219(1988)	11
<i>Jenkins V McKeithon</i> 395, US 411, 421 (1956)	13
<i>John Adams V The Judicial Council of the 6<sup>th</sup> Circuit Et Al</i> US District Court for DC 1:17-CV01894	17
<i>Kentucky V Graham</i> 473, US 159, 165-66, 1055CT, 3099, 3105, 87Led, 25, 114(1985)	2
<i>McZal V Sprint Nextel group case No 06-15-48, fed circ Sept 2007</i>	13
<i>Mireless V Waco</i> , 502 US 9, 9-10 (1991)	10

VIII  
TABLE OF AUTHORITIES

(CONTINUED)

CASES	PAGE
<i>Muniz V US Border Patrol (ND Ohio 3:09-CV2865</i>	11
<i>Olsen V US 546, US 43(2005)</i>	11
<i>Owen V City of Independence 445, US 622, 100 SCT 1398, 63, Ed2d 673(1980)</i>	13
<i>Pp 436 US 690-691</i>	12
<i>Pp 436 US 699-700</i>	12
<i>Raph V Mackowiak, No 11-1010, slip op at 2 (6<sup>th</sup> Circ dec 20, 2011) citing Tedford V Hepting, 990 F 2d 745, 747 (3<sup>rd</sup> Circ 1993)</i>	9
<i>Rooker V Fidelity Trust Co 263 US 413 (1923)</i>	14, 22
<i>Stump V Sparkman 435 US 349, 356(1978)</i>	10
<i>Twombly 550 US at 555</i>	16
<i>US District Court for Eastern District of Washington V John Sandlin 91-36251</i>	18
<i>Weidman V Dock 2017 US District lexis 35417 (nd Ohio Jan 10, 2017)</i>	12
<i>Younger</i>	14, 15, 16, 21, 22

IX  
**CONSTITUTIONAL PROVISION**

US Const Amend I	2,15,22
US Const Amend IV	2
US Const Amend VIII	2
US Const Amend IX	2, 3
US Const Amend XI	3,6
US Const Amend XIV	3

**STATUTES AND RULES**

28 USC 1254	1
42 USC 1983	2,12,13
ADA 35.130	3
ADA 35.134	3
ADA 35.136	4 4
ADA 35.149	
ADA 35.178	4,8,18
ADA 42 USC 1210 Sec 504 of the Rehab Act of 1973 as amended	29 USC 794 3,4,7,8,18
ADA Title II and III	3,6,7,8,13,17

X  
**STATUTES AND RULES**

**(CONTINUED)**

CANONS OF Judicial Conduct 1, 2, 2A, 3A1, 3A3, 3A4, 3A6 4/5/18

FRAP Rule 34(a)

23

FRAUD

12

ORC 9.86

11

ORC 2744.03(A)(6)

Rule 8(a)(2)

Rule 12(b)(6)

8, 18, 22

Sunshine Law

1

Supreme Court 13(1) and (3)

**OTHER AUTHORITIES**

**PAGE**

Pennsylvania: Court Judge Altered transcript: Court Reporter removed "less than  
judicial" remarks 9

"Meth making a comeback in Portage County" record Courier, June 23, 2018, Dave  
O'Brien 24

"Heroin takes fall, replaced by meth and cocaine in 2018" Record Courier, January  
20, 2019, Eileen McClory 24

## **PETITION FOR WRIT OF CERTIORARI**

Susan Lloyd, respectfully petitions for writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit

### **OPINIONS BELOW**

The order of the United States Court of Appeals for the Sixth Circuit dismissing Lloyds case is reproduced at App 1. The Memorandum of Opinion and Order of the United States District Court for the Northern District of Ohio dismissing Lloyds case is reproduced at App 2.

### **JURISDICTION**

The order of the 6<sup>th</sup> Circuit Court of Appeals dismissed Lloyds case on November 27, 2018. This court has jurisdiction under 28 USC 1254. This petition is timely filed under the terms of the Supreme Court Rule 13(1) and (3)

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Title 42 USC 1983 provides: Every person, who under color of any statute, ordinance, regulation, custom or usage of any state or territory or the District of Columbia, subjects or causes to be subjected any citizen of the United states or other person within the jurisdiction thereof the deprivation of any rights, privileges or immunities secured by the constitution and laws shall be liable to the party injured in an action at law suit in equity or other proper proceeding for redress.

### **42 USC 1983**

First Amendment to the US Constitution provides: The First Amendment prevents the government from making laws which respect an establishment of religion, prohibit the free exercise of religion, or abridge the freedom of speech, the freedom of the press, the right to peaceably assemble or the right to petition the govt for redress of grievances.

### **US Const Amend I**

Eighth Amendment to the US Constitution provides: Excessive bail shall not be required, nor excessive fines imposed nor cruel and unusual punishment inflicted.

### **US const Amend VIII**

Ninth Amendment to the US Constitution provides:

The enumeration in the Constitution of certain rights, shall be construed to deny or disparage others retained by the people.

### **US Const Amend IX**

<sup>3</sup>  
Eleventh Amendment to the US Constitution provides:

State shall not be immune under the 11<sup>th</sup> Amendment to the US Constitution from an action in federal court for a violation of ADA act.

US Const Amend XI

Section 1 of the Fourteenth Amendment to the US Constitution provides:

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws

US Const Amend XIV

ADA Title II and III and Rehab Act

35.130 General prohibitions against discrimination

No qualified individual with a disability be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity or be subjected to discrimination by any public entity.

35.134 Retaliation or coercion

No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under the act or this part.

4  
35.136 Service animals

A public entity shall modify its policies, practices or procedures to permit the use of a service animal by an individual with a disability. A public entity shall not ask about the nature or extent of a person disability but may make (2) inquiries to determine whether an animal qualifies as a service animal. A public entity may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of a public entity's facility where members of the public are allowed to go.

35.149 Discrimination prohibited

No individual with a disability shall be excluded or denied the benefits of or be subjected to discrimination by any public entity.

35.178 State Immunity

A State shall not be immune under the 11<sup>th</sup> Amendment to the US Constitution from an action in federal court for a violation of this act. In any action against a State for a violation is the requirements of this act. Remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State.

Canons of Judge Conduct:

1. A judge should uphold the integrity and independence of the Judiciary

2. A judge should avoid impropriety and the Appearance of impropriety in all activities

A. Respect for Law. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. 2A. An appearance of impropriety occurs when reasonable minds with knowledge of all relevant circumstances would conclude that the judges honesty, integrity, impartiality, temperament or fitness to serve as a judge is impaired.

Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. A judge must avoid all impropriety and appearance of impropriety.

3. A judge should perform the duties of the office fairly, impartially and diligently.

A. Adjudicative responsibilities

1. A judge should be faithful to and maintain professional competence in the law and should not be swayed by partisan interests, public clamor or fear of criticism.

3. A judge should be patient, dignified, respectful and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity.

4. A judge should accord to every person who has a legal interest in a proceeding and that persons lawyer the full right to be heard according to law. A judge should not initiate, permit or consider ex parte communications or consider other communications pending or impending matter that are made outside the presence of the parties and lawyers. If a judge receives an ex parte communication, the judge should promptly notify the parties and allow an opportunity to respond.

6

6. A judge should not make public comment on the merits of a matter pending or impending in any court

## INTRODUCTION

Susan Lloyd is an individual disabled from multiple physical ailments including but not limited to multiple strokes, heart issues, pacemaker, svt, vtach, coronary artery spasms, pulmonary hypertension, sjogrens disease, rheumatoid arthritis, immune deficiency, neuropathy, chronic pancreatitis, etc. None of Lloyds disabilities stem from a mental illness. In fact, Lloyd never saw a therapist until late 2016 when she discovered a Facebook page dedicated to her from her ex neighbor in Streetsboro, Mr. Joshua Thornsbery. There are hundreds of threats to rape Lloyd, murder Lloyd, blow up Lloyds house, damage Lloyds property, etc. They even stalk Lloyd and post where Lloyd was that day. Lloyd has service dogs since 2008 to help her manage her daily symptoms of hypoglycemia, autonomic dysfunction and balance issues from her strokes. The Sixth Circuit Court of appeals ruled that Lloyds claims against a State court judge for violations of the ADA and Rehab Acts are barred by the doctrine of judicial immunity. *Badillo V Thorpe 158 F Appx 208, 211 (11<sup>th</sup> Circ 2005)* *Duvall V County of Kitsap 260 F 3d 1124, 1133 (9<sup>th</sup> Circ 2001)*. This is in direct contrast to the ADA 35.178 which clearly states that a state IS NOT IMMUNE under the 11<sup>th</sup> Amendment to the US Constitution from an action in federal court in violation of the ADA law. The right of access to the courts falls under the Title II Public Services Section A of the ADA. Title II ensures that the earlier non discrimination requirement of Section 504 of the Rehab Act of 1973

applies to all state public entities, including courts. States are NOT immune from lawsuits under Title II.

Therefore, for this reason alone, this writ of certiorari should be granted.

It is estimated in 2016, over 500,000 Americans use service dogs. This question must be answered or many people are in danger of being denied access to the court systems when using a service dog. Service dogs are used for many different life threatening medical reasons including but not limited to hypoglycemia and syncope such as in Lloyds case but they also detect seizures, help blind people, etc. By denying service dogs in any court system, is denying individuals right to justice. It also is putting individual lives, including Lloyds in peril. Lloyd does not recognize her symptoms until she has passed out or her blood sugar has dropped to as low as 17, which is life threatening. Also, altering a transcript, violating the Sunshine Laws, verbally assaulting Lloyd who was at the courthouse to simply pay a fee, defaming Lloyd to third parties, etc all violate Lloyds civil rights.

#### **STATEMENT OF THE CASE**

Susan Lloyd is an individual with multiple PHYSICAL disabilities since 2006 which have left her permanently disabled. Lloyd lives with the use of 2 service dogs who are licensed in the State of Ohio as Lloyds service dogs.

A. Judge Doherty and Magistrate Natale violated ADA law and the Rehab Act by refusing to allow Lloyds service dogs in the courtroom. Lloyd has sued all Defendants in both their Official and Individual Capacities. Even after Lloyd presented their permanent Ohio service dog licenses, which she is not required to do

8  
under ADA law, they were still refused by Natale and Doherty. Section 35.178 specifically states there is no immunity under the 11<sup>th</sup> Amendment to the US Constitution from an action in federal court for violation of the ADA law. Unlike what the 6<sup>th</sup> Circuit ruled stating that Judicial Immunity applies, the ADA 35.178 clearly states that a state is NOT immune for violations under ADA law. The right of access to the courts falls under the Title II Public Services Section A of the ADA. Title II ensures that the earlier nondiscrimination requirement of Section 504 of the Rehab Act of 1973 applies to all state public entities, including courts. States are NOT immune from lawsuits under Title II.

B. Judge Doherty violated the Sunshine Law by refusing to release public records. Any business in a courtroom or courthouse is public record. For (2) years now, Doherty has ignored Lloyds written public records requests. Lloyd brought this point up in her Appeal with the 6<sup>th</sup> Circuit and they did not even address it. Dohertys refusal to release these records are in direct violation of the Sunshine Laws. The sunshine laws give individuals access to government meetings and records. Any individual, including Lloyd, has a right to these records. Sunshine Laws are to ensure that public business is done in public and available for public inspection. Sunshine Laws make meetings, records, votes, deliberations and other official actions available for public observation, participation, and/or inspection. Doherty has violated the Sunshine Laws by refusing to release any video or audio of Lloyds trial and refusal to release any audio or video of the incident on May 26,

2017 when Doherty assaulted Lloyd in a common waiting area on a day Lloyd did not have a hearing, but was simply there to pay a transcript fee.

C. A transcript is not to be altered. In contrast to the 6<sup>th</sup> Circuit who cites a Plaintiff does not have a constitutional right to a totally accurate transcript of her trial *Ralph V Mackowiak, No 11-1010, slip op at 2 (6<sup>th</sup> Circ dec 20, 2011) citing Tedford V Hepting, 990 F 2d 745, 747(3<sup>rd</sup> Circ 1993)* this is simply not the case. Lloyd and her witnesses have all maintained the entire transcript was altered to delete Dohertys continued vile and vulgar comments. Lloyd has pages certified by Hershberger stating that the transcript is true and accurate. This is obviously a LIE. Doherty again has refused to release for (2) years now the audio and video showing her actions to alter Lloyds transcript were deliberate. In fact, Doherty even recused herself on November 29, 2018 from Lloyds case admitting she is biased and prejudiced towards Lloyd. No doubt this was a plea deal that she made because her recusal was the day after the 6<sup>th</sup> Circuit dismissed Lloyds appeal. No defendant denies altering Lloyds transcript.

In fact, on May 12, 2011, there was an article entitled "*Pennsylvania: Court, Judge altered transcript, Court reporter removed "less than judicial remarks"*". The PA Supreme Court called the judges actions reprehensible. It is clear that Doherty and Hershberger DO NOT DENY altering Lloyds transcript and it is clear their actions are reprehensible. It is clear that altering a transcript is NOT ACCEPTABLE. In fact, Lloyd has now joined many others in #METOO #OHIOGATE

10

#VICTIMSWITHVOICES whose transcripts have also been altered in the State of Ohio.

Defendants Doherty and Hershberger should be sanctioned for altering Lloyds transcript. Doherty should be forced to release the audio and video of the trial asked for in written motions (2) years ago which she has ignored.

D. No defendant is immune. Defendants have clearly discriminated against Lloyd for owning service dogs, violated the Sunshine Laws, illegally changed a transcript, defamed Lloyd to third parties, verbally assaulted Lloyd outside the courtroom, laughed to third parties about the harassment done to Lloyd, allowed opposing lawyers to commit perjury, had ex parte meetings, made legal decisions in backrooms without hearing any evidence and being off the record where Lloyd has no chance of appeal, and committing fraud to every citizen of Portage County. None of these actions have ever been denied by any Defendant. Judge Adams himself states on May 23, 2018 in his Memorandum of Opinion and Order that Lloyd has stated claims which entitle her to relief. In fact, even the 6<sup>th</sup> circuit states citing *Doe v Univ of Ky, 860 fd, 365, 372 9<sup>th</sup> Circ 2017*, that Lloyds case should have been stayed until the resolution of her state cases as Lloyd is seeking monetary relief. The fact that the 6<sup>th</sup> circuit cites *Mireles V Waco, 502 US 9,9-10(1991)* stating that A judge performing a judicial act is absolutely immune from a suit seeking monetary damages and *Stump V Sparkman 435 US 349, 356(1978)* that a judge will not be deprived of immunity because the action he took was in error, was done maliciously or was in excess of his authority. In fact the 6<sup>th</sup> circuit even admits that

some of Lloyds claims are non judicial and entitle Lloyd to relief in their Order of November 27, 2018.

Contrary to the 6<sup>th</sup> Circuit, it is the nature of the function performed, adjudication- rather than the identity of the actor who performed it-a judge- that determines whether absolute immunity attaches to the act. *Forrester v White US Supreme Court, 484 US 219)(1988)*. No Defendant is immune from this case. Defendants are not entitled to immunity under *ORC 2744.03(A)(6)*

The US Supreme Court has held since 1955 that the FTCA reference to the govt being liable in tort if under circumstances where the US is a private person would be liable to the claimant in accordance with the law of the place where the act or omission occurred does not allow state govt immunity provisions as defenses. 28 USCA 1346 (b)(1) *see Indian Towing Co V US 61, 64(1955)* and *Olson V US 546, US 43(2005)*

Even if the Defendants fit under *ORC 2744.03(A)(6)* immunity, they have acted with malicious purpose, in bad faith and in wanton manner or recklessness toward Lloyd and this negates all immunity. Again, no Defendant has ever denied any of Lloyds claims. *Muniz V US Border Patrol (ND Ohio 3:09-CV2865)*

*2744.03* states immunity to employees and officials as political subdivisions unless the employee acts or omissions were manifestly outside the scope of the employees employment or official responsibilities. The employees acts or omissions were with malicious purpose, in bad faith and or in a reckless and wanton manner. 3. Civil liability is expressly imposed upon by the employer by another section of the revised

code. *Weidman V Dock* 2017 US District lexis 35417 (ND Ohio Jan 10, 2017).

Furthermore, no Defendant is entitled to statutory immunity in both their official and individual capacities. *ORC 9.86* clearly states an officer or employee is liable in any civil action that arises under the law of this state for damage or injury caused in the performance of their duties. Denying service dogs, changing a transcript, verbally assaulting a litigant in a common waiting room who is simply attempting to pay a fee, threatening a litigant with a 5000.00 fine in a back room, and violating Sunshine Laws are all A. non judicial in nature and B. all show malicious and reckless wanton and willful behavior towards Lloyd. Local officials sued in their official capacities can therefore be directly sued under 1983 for monetary , deflator and injunctive relief when the action in unconstitutional. In addition, local govt like every other 1983 person may be sued for constitutional deprivation visited pursuant to govt custom even things such custom has not received from approval through the govt official decision making channels. *Pp 426 US 690-691*. In addition, affairs cannot be arranged on an assumption that they can violate constitutional rights for an indefinite period, municipalities have no reliance interest that would support an absolute immunity. *Pp 436 US 699-700*

Official capacity suits generally represent another way of pleading an action against an entity of which an officer is an agent. As long as the govt entity received notice and an opportunity to respond, an official capacity suit is in all respects other than to be treated as a suit against the entity. *Kentucky V Graham* 473, US 159, 165-66, 1055 CT, 3099, 3105, 87Led, 25, 114(1985). In addition the Defendants are not

13

entitled to assert the immunity defense available to individual actors sued in their individual capacities. *Owen V City of Independence* 445, US 622, 100 SCT 1398, 63, Ed2d, 673 (1980). To show personal liability in a 1983 action it is enough to show that an official acting under color state of law caused the deprivation of a federal right. 473, US at 166, 105SCT at 3105 under 42 USC 1983 every person who under color of any statute, ordinance, regulation, custom or usage of any state subjects or causes to be subjected any person to the deprivation of any federally protected rights, privileges or immunities shall be civilly liable to the injured party.

Lloyd has cited multiple cases and reasons above to show why none of the Defendants are immune. In fact, Lloyd has cited a specific ADA statute showing Defendants are never immune for ADA violations.

E. A pro se litigant is not held to the standards of an Attorney.

The law is clear. The 6<sup>th</sup> circuit did not even address this in Lloyds appeal even though Lloyd mentioned it. A court errs if it dismisses a pro se litigant without instructions on how pleadings are deficient and how to repair pleadings. *Belatedly V CIA*, 953, F20, 25, 26, 28(2<sup>nd</sup> Circ 1991). A lesser standard is applied to pro se litigants. *McZal V Sprint Nextel Group case No 06-15-48, fed circ Sept 14, 2007*. Pro se litigants are to be considered without regard to technicality and are not held to the same standard of perfection as lawyers.

*Jenkins V Mckeithon*, 395, US 411, 421 (1956) Instead of dismissing Lloyds case, she should have been told what was wrong and given free leave to amend.

14

*Forman V Davis* 371, US 178, 182(1962). In fact, the details of Lloyds case are not even being seen by the Northern District of Ohio and the 6<sup>th</sup> Circuit of Appeals. Lloyd is not and never was trying to get the Federal Court to remedy the many errors Doherty has made in her state cases. Most of the claims Lloyd has made against Defendants such as refusing her service dogs, changing a transcript, violating the Sunshine Laws, defaming Lloyd to third parties and verbally assaulting Lloyd outside the courtroom on a day no hearing was scheduled are clearly non judicial in nature. It is obvious the underlying courts did not even read Lloyds complaint. They use *Rooker Feldman* and *Younger* to dismiss Lloyds claims. The *Rooker Feldman* doctrine is a rule of civil procedure enunciated by the US Supreme Court in 2 cases *Rooker v Fidelity Trust Co* 263 US 413 (1923) and *DC Court of Appeals V Feldman* 460, US 462(1983). The doctrine holds that federal courts cannot review state court decisions. Lloyd even holds in her appeal to the 6<sup>th</sup> Circuit that is not what she is trying to do. It is clear the 6<sup>th</sup> Circuit is desperate to dismiss Lloyds case and does not even take the time to read and understand why Lloyd sued Defendants. Even though Lloyd mentioned how Doherty has trespassed the law in her underlying state cases to be biased and prejudiced against Lloyd, it is not and never was the heart of Lloyds federal case against Defendants. The heart of this case is how Defendants have discriminated against Lloyd for owning service dogs, have performed non judicial duties of altering a transcript, have verbally assaulted Lloyd outside of the courtroom, have persecuted Lloyd to Portage County and the State of Ohio by defaming Lloyd and threatening Lloyd with a 5000.00 fine

15

in a back room, etc. It is clear Lloyds case should not be dismissed. The 6<sup>th</sup> circuit also uses *Younger* which again is a doctrine that states a federal court should not interfere with state courts. Again, Lloyd cannot make this statement any more clearer. The Northern district of Ohio and 6<sup>th</sup> Circuit Court of Appeals does not even know what Lloyds case is about. They never even took the time to review Lloyds pleadings. And again, if Lloyd was not clear in her pleadings, instead of being dismissed, Lloyd as a pro se litigant, has a right to amend her pleadings as she is not regarded with the same perfection as an attorney. As a non attorney, Lloyd did not know about challenging the districts court to abstain under *Younger* and therefore Lloyd did not forfeit that right on Appeal. Again, as a pro se litigant, Lloyd is not required to have the same perfection as an Attorney. Not only are Lloyds rights being violated by the Defendants, they are also being violated by Judge Adams, from Northern district of Ohio and the 6<sup>th</sup> Circuit Court of Appeals by having her case dismissed.

In fact, in regards to Lloyds First Amendment violations she claims, Lloyd was never given the chance to conduct discovery. Therefore, she never had the chance to even find out who exactly blocked her. Discovery was never completed in this case. Lloyd cannot allege or prove facts when discovery was never performed. This is why Lloyd named Jane and John Doe in her original complaint so the identity of the person responsible for violating her First Amendment could be identified if not already a named Defendant. This goes against *Cline V Rogers 87 f3d 176, 184 (6<sup>th</sup>*

16

*Circ 1996)quoting Associated Gen Contractors V Cal State Council of Carpenters, 459 US 519, 526 (1983)* that the 6<sup>th</sup> Circuit used to dismiss Lloyds case.

F. A litigants case should not be dismissed when the underlying court has states claims have been made for which relief can be given and the Appeals court states the case should be stayed until underlying State cases have been settled.

Lloyd pled factual allegations enough to raise a right to relief above a speculative level. *Twombly* 550 US at 555. In fact on Page 4 of his own Memorandum of Opinion and Order, Judge Adams clearly states Lloyd states claims which entitle her to relief. This directly goes against the 6<sup>th</sup> Circuit ruling to dismiss Lloyds case. Lloyd brought this up on appeal and it was ignored.

To avoid dismissal a complaint must contain sufficient factual matter accepted as true to state a claim to relief that is plausible on its face. *Ashcroft V Iqbal*, 556 US 662 678 (2009) quoting *Bell Atl Corp V Twombly* 550 US 544, 570 (2007)

Again, Judge Adams specifically states Lloyd has stated claims which entitle her to relief. The 6<sup>th</sup> Circuit also clearly states on page 6 of their Order that Lloyds case should have been stayed pending resolution of her state court proceedings because Lloyd seeks monetary damages in addition to equitable relief.

*Doe V Univ of Ky* 860, F3d, 365, 372. We have consistently held that if a court abstains under *Younger*, it should stay any claim for damages rather than evaluate the merits and dismiss the case." It is obvious that Lloyds allegations that

Defendants actions are willful, egregious and malicious and therefore are sufficient to invoke the bad faith harassment exception to the *Younger* doctrine.

G. A judge whose mental stability is being called into question should not preside over cases.

Since before Lloyds case was originally filed, Judge Adams mental stability was called into question. Again, as a prose litigant, Lloyd is not held to the same standard as an attorney. Therefore, because Lloyd did not file an amended notice of appeal when Judge Adams refused to recuse himself when Lloyd questioned his mental stability, is not important in this matter. What is important is this case never should have been assigned to Judge Adams to begin with. Judge Adams has been sanctioned because of his behavior towards other litigants. He is suing judges from the 6<sup>th</sup> Circuit and the Disciplinary Council because he refuses to undergo a simple psychiatric examination. *John Adams V The Judicial Council of the 6<sup>th</sup> Circuit Et Al US District Court for DC 1:17-CV01894*. He is complaining his civil rights are being violated all the while he is violating Lloyds civil rights along with many other litigants. Judge Adams has even been recused from multiple cases. The stress alone would greatly affect his decision making. It is obvious that the 6<sup>th</sup> circuit copied and pasted Adams Order and did not even read Lloyds case. Adams did not even know that Lloyd paid a filing fee for her case and insisted at the end of his order that Lloyd is not allowed to Appeal with the 6<sup>th</sup> Circuit. His decisions are outlandish and frivolous to say the least.

18  
**REASONS FOR GRANTING THE PETITION**

1. Judicial immunity does not apply to ADA violations as per ADA 35.178 which states that a state is not immune for violations under ADA law. The 6<sup>th</sup> Circuit cites *Badillo V Thorpe* 158F Appx 208,211 (11<sup>th</sup> Circ 2005) which states a judge enjoys judicial immunity for ADA and Rehab Act claims. This goes directly against ADA 35.178. States are not immune from ADA lawsuits under Title II.
2. Doherty violated the Sunshine Law. The 6<sup>th</sup> Circuit does not even address this issue even though Lloyd brought it up on her appeal. It is not even denied that for over (2) years, Doherty has ignored Lloyds public records request. Audio and video inside of a courthouse and courtroom are public records. Dohertys refusal to release these records are in direct violation of the Sunshine Laws. Any individual, including Lloyd, has a right to these records
3. A transcript is not to be altered. Lloyd has a certified page attached to her transcript from Hershberger which clearly states the transcript is a true and accurate copy of the trial which is a LIE. There is multiple cases where judges and court reporters have been sanctioned for altering transcripts. It is clear Lloyds transcript was maliciously altered and No Defendant denies doing so. *US District Court for Eastern District of Washington V John Sandlin 91-86251* Dohertys actions and her own recusal after 6<sup>th</sup> Circuit dismissed Lloyds case shows she is biased and prejudiced towards Lloyd violating multiple Canons of Judicial Conduct including but not limited to 1, 2, 2A, and 3. Judge Doherty recusing herself clearly proves Lloyds case.

4. No defendant is immune.

19

Lloyd has cited multiple and detailed reasons above why no Defendant is immune. Defendants have clearly discriminated against Lloyd for owning service dogs, violated the Sunshine Laws, illegally changed a transcript, defamed Lloyd to third parties, verbally assaulted Lloyd outside the courtroom, laughed to third parties about the harassment done to Lloyd, allowed opposing lawyers to commit perjury, had ex parte meetings, made legal decisions in back rooms without hearing any evidence and being off the record where Lloyd has no chance of appeal, and committing fraud to every citizen of Portage County. None of these actions have ever been denied by any Defendant. Judge Adams himself states on May 23, 2018 in his Memorandum of Opinion and Order that Lloyd has stated claims which entitle her to relief. In fact, the 6<sup>th</sup> circuit even admits that some of Lloyds claims are non judicial and entitle Lloyd to relief in their Order of November 27, 2018. It is clear Defendants actions towards Lloyd were malicious and purposeful. Furthermore, no defendant is entitled to statutory immunity in both their official and individual capacities. Denying service dogs, changing a transcript, verbally assaulting a litigant in a common waiting room who is simply attempting to pay a fee, threatening a litigant with a 5000.00 fine in a back room, and violating the Sunshine Laws are all A. non judicial in nature and B. all show malicious and reckless wanton and willful behavior towards Lloyd.

5. A pro se litigant is not held to the standards of an Attorney. The law is clear.

The 6<sup>th</sup> circuit did not even address this in Lloyds appeal even though Lloyd

40

mentioned it. Lloyd even holds in her appeal to the 6<sup>th</sup> circuit that she is not trying to get the federal Court to overturn Dohertys frivolous decisions in her State cases. The heart of this case is how Defendants have discriminated against Lloyd for owning service dogs, have performed non judicial duties of altering a transcript, have verbally assaulted Lloyd outside of the courtroom, have persecuted Lloyd to Portage County and the State of Ohio by defaming Lloyd and threatening Lloyd with a 5000.00 fine in a back room, etc. It is clear Lloyds case should not be dismissed. Again, Lloyd cannot make this statement any more clearer. The Northern District of Ohio and 6<sup>th</sup> Circuit Court of Appeals does not even know what Lloyds case is about.

They never even took the time to review Lloyds pleadings. And again, if Lloyd was not clear in her pleadings, instead of being dismissed, Lloyd as a pro se litigant has a right to amend her pleadings as she is not regarded with the same perfection as an attorney.

6. A litigants case should NOT be dismissed when the underlying court has stated claims have been made for which relief can be given and the Appeals court states the case should be stayed until underlying state cases have been settled. Again Judge Adams specifically states Lloyd has stated claims which entitle her to relief. The 6<sup>th</sup> circuit also clearly states on page 6 of their Order that Lloyds case should have been stayed pending resolution of her State court proceedings because Lloyd seeks monetary damages in addition to equitable relief. It is obvious that Lloyds allegations that Defendants actions are willful, egregious and malicious and

21

therefore are sufficient to invoke the bad faith harassment exception to the *Younger* doctrine.

7. A judge whose mental stability is being called into question should not preside over cases.

Since even before Lloyds case was originally filed, Judge Adams mental stability was called into question. What is important is this case never should have been assigned to Judge Adams to begin with. He is suing judges from the 6<sup>th</sup> Circuit and the Disciplinary Council because he refuses to undergo a simple psychiatric examination. The stress alone would greatly affect his decision making. Adams did not even know that Lloyd paid a filing fee for her case and insisted at the end of his order that Lloyd is not allowed to Appeal with the 6<sup>th</sup> Circuit. His decisions are outlandish and frivolous to say the least.

The court should grant certiorari to resolve these questions.

**THE QUESTIONS PRESENTED ARE IMPORTANT AND RECURRING**

The court should grant certiorari because the questions presented are important and recurring. Across the US every day, thousands of disabled individuals enter a courtroom with a service dog. This case is important because it preserves the rights of disabled individuals under the ADA and Rehab Act across America.

Also every litigant in America expects a fair trial and a fair chance in the legal system. Lloyd was never given that opportunity with Defendants. Their recusal from Lloyds case proves that Lloyd is correct. Also the Sunshine Laws are in effect to make sure that the public has access to what happens in the govt. The refusal to

22

release public records is a direct violation of the Sunshine Laws. Also, it is well known that a pro se litigant is not held to the same standards as an attorney. However, some of Lloyds case was dismissed on technical errors which a non attorney would not know. Also, it is obvious that the 6<sup>th</sup> circuit applying *Rooker Feldman* and *Younger* to Lloyds case is incorrect. Lloyd should have been told what was wrong, if anything to her pleading, and given time to correct it instead of dismissing her case. In fact, the District Court clearly states that Lloyd has stated claims which entitle her to relief and yet Lloyds case was dismissed anyway. When Lloyd brought this up on her Appeal to the 6<sup>th</sup> Circuit, it was avoided. Also, Lloyds mention of the Sunshine Law violations were avoided. Not only that, but Lloyd was never given a fair opportunity to present her case or even ask for discovery. It was dismissed before discovery was even requested. Then, Lloyds First Amendment Rights claim was dismissed without her even given the chance to find out exactly who blocked Lloyd.

Lloyds case was dismissed for one reason and one reason only. Lloyd is pro se and is being discriminated against for being pro se. A pro se litigant should never be dismissed without having them correct any errors. Lloyd was never given the chance for oral argument even though she requested it. And yet, a day after the 6<sup>th</sup> circuit dismissed her case, Doherty recused herself acknowledging she is biased and prejudiced towards Lloyd and proving Lloyds case. This was no doubt a plea deal she made hoping Lloyd would go away. No defendant in this case has immunity for any claims Lloyd has made nor should Judge Adams be hearing cases

when his mental stability is being questioned and he has been sanctioned for previous incidences with other litigants. However, even Judge Adams states Lloyd has claims in which relief can be given, a fact the 6<sup>th</sup> circuit ignored even though Lloyd brought it up on Appeal. They even state Lloyds case instead of being dismissed should have been stayed until the underlying state cases are settled. And yet, Lloyds case was dismissed anyway. It is all part of the corruption which goes on in the State of Ohio. Lloyd has an entire Facebook page dedicated to Ohios corruption and has over 500 people on her page who have also faced corruption in Ohio. The one lady even has her rape on tape which has been ignored.

#OHIOGATE #METOO #VICTIMSWITHVOICES #VIDEOSDONTLIE

Lloyd has shown her evidence at this point to hundreds if not thousands of people.

Lloyd has 15 flash drives and hundreds of pages of documents of what goes on in the State of Ohio. No defendant even cares. It is absolutely beyond despicable what goes on in Ohio. It is the State where you can smoke in smoke free apartments and injure a person with heart issues, run drug houses, burn clothing and drug paraphenelia, use a signal jammer, gang stalk someone, and then threaten to murder and rape them. Then worse of all hire attorneys who abuse drugs and alcohol, have ex parte meetings with judges, call people "crackers" and commit open perjury in court. It is beyond sick and Lloyd has every intention of continuing to show her evidence to as many people as possible for the rest of her life. Lloyd no longer resides in the State of Ohio nor would she ever reside in the State of Ohio again. The corruption is sick and never ending. Just as Dohertys drug court is a

Fraud. There was even two recent Record Courier articles stating meth and cocaine are on the rise. *"Meth making a comeback in Portage County"* Record Courier June 23, 2018 Dave O'Brien and *"Heroin takes fall, replaced by meth and cocaine in 2018"* Record courier, January 20, 2019 Eileen McClory. Doherty was shown multiple individuals bragging about meth and cocaine in writing. Her exact words were "so what". Her docket continues to be filled with all of the drug addicts who have threatened and harassed Lloyd since 2016. Portage County and Ohio deserves nothing and that is exactly what they are getting. It is the worse place in America to even consider residing. Not one single person in the United States or other countries whom Lloyd has shown her evidence to have ever thought for even one second that any of the behavior is acceptable. It is because of a direct result of the Defendants, Lloyds life will never be the same. Lloyd suffered a heart attack and another stroke as a direct result of the Defendants complete and utter failure to perform any of their duties. If the District Court or 6<sup>th</sup> Circuit feels bthey are doing Ohio any favors by dismissing Lloyds case, they are sorely mistaken. It is obvious the court should grant review. The future proceedings of any individual depends on this outrageous case dismissal being overturned.

### CONCLUSION

For these reasons and many more, certiorari is warranted.

Respectfully submitted,

Susan Lloyd 

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