

NO 18-7908

Supreme Court, U.S.

FILED

AUG 06 2018

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES **ORIGINAL**

TWILA HAYNES,

Plaintiff, Appellant

Vs.

WALMART LOVEJOY, GA. ETAL

Defendant, Appellees

APPEAL NO: 17-12005-AA
COURT DOCKET NO: 1:16-CV-000798
APPLICATION NO. 18A21

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the 11th. Eleventh Circuit

PETITION FOR WRIT CERTIORARI

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QUESTION PRESENTED

Federal rule 39. (in forma Pauperis) IFP. Is an IFP that is granted by District Court (Eastern District of Pa.) transferable to another district Court Northern District of Ga.)

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PETITION FOR WRIT OF CERTIORARI

Petitioner Twila Haynes Respectfully petition this court for Writ of Certiorari to review the judgment of the United States Court of Appeals for the 11th. Circuit

OPINION BELOW

The opinion on the District Court dismissing Appellant Appeal for Failure to pay filing and Docking fees within the time fixed by rule Cir. R 42.1 (b). The Court opinion is not published but is included in the exhibits.

JURISDICTION

The March 9, 2018 United States District of Ga. Appeal for the 11th. Circuit dismissed Appellant Appeal for failing to pay filing docking fee to the district Court within the time fixed by the rules

Pursuant to 11 Cir. R 42-1(b).

CONSTITUTIONAL AND STATUTORY PROVISION AT ISSUE

The 7th. Amendment to the United States Constitution provides in pertinent part:

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

INTRODUCTION

The issue raised by this Petition is whether a (IFP) transferred from one district court to another. Pursuant to U.S.C. Rule (24. (3) . The U.S. Court of Appeals for the 11th Circuit . For these reasons, more fully explained below, the Petition for Writ of Certiorari Should be granted

STATEMENT OF THE CASE

On February 3, 2016 Appellant filed a pro se Civil Complaint against Wal-Mart, store in Lovejoy, Georgia. Appellant also named Bruce A. Hagen, P.C., and Myrlin Earle as Defendant Appellant further named Albert DeCusati and his Law Firm McLain & Merritt, P.C. who represented Wal-Mart.

March 31, 2017, the U.S. District Court for the

Northern District of Georgia Atlanta Division Granted Defendants' Motion to dismiss for failure to state a Claim.

On April 28, 2017 Appellant filed a notice of appeal of The U.S. District Court for the Northern District of Georgia Atlanta Division ordered an application to proceed on appeal in forma pauperis was filed on May 12, 2917.

The court decision leaves appellant in an impossible situation by allowing the defendants to file petition and or motions based on untruthful and or misleading statements with no opportunity to challenge under oath to takes, away appellant rights to demonstrate to the court, the injustice that was done.

REASON FOR GRANTING THE WRIT

CERTIORARI SHOULD BEGRANTED BECAUSE THE RULE ADOPTED BY THE 11TH. CIRCUIT AND SEVERAL OTHERS CIRCUITS WILL HAVE A SIGNIFICATION NATIONWIDE IMPACT

The 11 Circuit decision was an error in law under Rule U.S.C.24.(3). In the U.S. District Court, Northern District of Georgia. The court decision states the court agreed with defendants, Motion to dismiss for failure to state a claim.

The order of the court should not be based on the truthfulness of defendant or Appellant, but the facts of the case, this was a complaint filed by the Appellant accusing defendants of legal malpractice, related to case No.(1:13 cv-0066-MHS). The court denying Plaintiff (IFP) which was granted by the U.S. Eastern District Court of Pa. Because the court believes Appellant facts are frivolous.

This is the opinion of the court which is based solely on who the defendants are and their representation and Appellant who is Pro-se.

II

**CERTIORARI SHOULD BE GRANTED TO RESOLVE
A CONFLICT BETWEEN THE COURT OF APPEALS**

Appellant case is not frivolous, Federal Rule 8(A)(2) requires that pleading contain a “short and plain statement of the claim showing that the pleader is entitled to “relief”, the court order also states (Bell Atl. Corp. v. Twombly, 550 U.S. 544, 547 (2007)). A claim has facial plausibility when the plaintiff plead factual contents that allow the court to draw the reasonable inference that the defendant is liable for the misconduct alleged , Appellant stated defendants gave misleading statements and conducted professional malpractice.

The 11th Circuit interpretation of O.C.G.A.9-11-9.1 directly conflicts with U.S. 7th Amendment and U.S. Rule 24. The court listed several issues of concern,

Appellant should have been given the opportunity to file the supporting documents raised in the court order. This clear conflict between U.S. District Court of Ga. And the 11th Circuit decision merit this court review.

CONCLUSION

The court listed several issues that the appellant could have addressed, but wasn't given the opportunity. Appellant have evidence of professional malpractice by all defendants.

This case originated in the U.S. Eastern District Court of Pennsylvania and was transferred in opposition by the appellant, but was overruled. Appellant complaint against defendants originated from a complaint filed in the State Court of Gwinnett County of Georgia on 12/17/2012 (Haynes 1) Haynes v Wal-Mart.

Defendant remove the case to the Northern District of Ga. 01/17/2013.

Appellant is from the State of Pennsylvania and was never able to get a fair hearing. Appellant objected to the case being transferred from U.S. Eastern District Court of Pa. to U.S. Northern District of Ga., because of the discrimination atmosphere involving the State of Ga. Court system.

When the U.S. District Court for the Northern District of Georgia Atlanta Division, 11th Circuit, clearly made an error of law.

Under U.S.C. Rule (24.(3)., Which Gives Appellant the right to proceed on an appeal without further authorization. The 11th Circuit clearly making it impossible for Appellant case to be heard on the Merit.

If appellant are not given the opportunity for a full judicial review of compliance order free of Northern District of Georgia Atlanta Division 11th Circuit onerous conditions, Appellant due process rights will be violated. This Courts' review is needed.

The petition for writ of certiorari should
be granted.

Date: 08/05/2018

Respectfully submitted,



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NO _____