

18-0049

NO. 18-7048

(1:18-CV-00557-LMB-MSN)

IN THE
SUPREME COURT OF THE UNITED STATES

KEITH ANDRE ROBINSON,
Petitioner,

v.

H. WHITE, #28344, Officer H. White /
Norfolk Police Dept.; OFFICER J. E. MYERS,
Norfolk Police Dept.; M. PIERCE, Officer M.
Pierce / Norfolk Police Dept.; NORFOLK POLICE
DEPARTMENT,

Respondants.

FILED

APR 08 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI

Keith Andre Robinson #0042540
c/o Hampton Roads Regional Jail
2690 Elmhurst Lane
Portsmouth, Virginia, 23701

Petitioner, Keith Andre
Robinson is PRO Per.

QUESTIONS PRESENTED

1. Did the District Court, err in finding that no extraordinary circumstances were not present, despite the state's showing of blatant disregard in abiding by U.S. Constitutional standards, when Petitioner is left with no choice, but to appeal to a higher authority?
2. Did the Court of Appeals, in denying Informal Brief upholding 'Premature filing', as well as the application of the 'abstention doctrine' in *Younger v. Harris*, 401 U.S. 37, 43 (1971), err with this decision when exhibits showed the Norfolk Police Dept.'s misconduct to this Court supporting Petitioner's plea of Fourth Amendment violations?
3. Did the Court of Appeals, err in denying Petition for rehearing and rehearing en banc, after not acknowledging that Petitioner's criminal matter was concluded on January 9th, 2019. Which goes directly against the previous judicial ruling with the application of the 'abstention doctrine'. It would undermine his ongoing prosecution in the Virginia State Court. Id. ORDER. In which case the District Court and the Court of Appeals solely relied on this circumstance to prevent both Courts from acknowledging this civil claim?

PARTIES TO THE PROCEEDINGS
BELOW

H. White, J. E. Myers, M. Pierce, NORFOLK
POLICE DEPARTMENT were Respondants / or
Appellees in the United States District Court
FOR the FOURTH CIRCUIT.

Petitioner Keith Andre Robinson were
Plaintiff / Appellant in the United States
District Court FOR the FOURTH CIRCUIT.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner, Keith Andree Robinson respectfully petitions for a writ of certiorari to review the judgement of the United States Court of Appeals FOR the FOURTH CIRCUIT.

OPINIONS BELOW

The opinion of the United States Court of Appeals FOR the FOURTH CIRCUIT is reported at Robinson v. White No. 1:18-CV-00557-LMB-MSN (E.D. VA. July 19th, 2018).

The order for the Court of Appeals denying rehearing and rehearing en banc is February 6th, 2019.

The order of the United States District Court FOR the Eastern District of Virginia, Alexandria Division, was entered on July 19th, 2018.

JURISDICTION

The Court has jurisdiction pursuant to 28 U.S.C. § 1254(1). The United States Court of Appeals FOR the FOURTH CIRCUIT issued its opinion and judgement on December 21st, 2018.

On February 6th, 2019, the Court of Appeals denied Robinson's petition for rehearing or rehearing en banc.

2 CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Relevant constitutional and statutory provisions are set forth in the Appendix.

STATEMENT OF THE CASE

Keith Andree Robinson filed a civil rights action pursuant to 42 U.S.C. § 1983, when certain Police Officers, as well as the NORFOLK POLICE DEPARTMENT violated Petitioner's Fourth Amendment safe-guarded rights against illegal seizure of his person. The illegal search and seizure of a vehicle that was well within the curtilage of the home. Then the illegal search and seizure of his home under the guise of a protective sweep.

The intricate details will remain concise in the recounting of events.

On December 22nd, 2017, Officer H. White stated that the Petitioner "smelled like a green leafy substance." Comp. § IV. as Petitioner walked towards his front door.

Officer White arrested the Petitioner, searched his person, and found no contraband; but took utility and holiday savings in the amount of [\$8,011.00] without reasonable suspicion. Id.

Officer H. White then searches the car that Petitioner had arrived in against his objection, Id.

Then Officers White, J.E. Myers, and M. Pierce searched Petitioner's home against his will even though the front door was closed, and Petitioner said, "no one was home". Petitioner also asserts that each one of these actions are a violation of his Fourth Amendment right against unreasonable searches and seizures.

I. PETITIONER'S FOURTH AMENDMENT COMPLAINT

The Fourth Amendment clearly states that it is the right of the people to be secure in their persons, houses, paper, and effects, against unreasonable searches and seizures, shall not be violated, no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particulars describing the place to be searched, and the persons or things to be seized.

Every aspect of the said Constitutional Amendment provisions; all Respondants in this civil action complaint have violated one or more of these protections against the Petitioner.

For the sake of brevity, and the accurate presentation of the truth, At the end of Petitioner's petition for rehearing to the Court of Appeals, take notice of his ruling in regards to the fact

finder present and analysis on pages (3-4) on brief of 'protective sweep', carried out by Respondants absent exigent circumstances or permission from a Magistrate.

II. THE DISTRICT COURT DECISION

Leonie M. Brinkema, District Judge should not have declined to exercise jurisdiction; with this civil matter presenting Federal Constitutional Question(s).

A Petitioner need not be literally gasping for air, or bleeding out in circumstance; for the situation to warrant the attention of emergency; especially when a claim with proof is filed against any Police Agency; due to misconduct; the Supremacy Clause warranted direct intervention.

III. THE COURT OF APPEALS

1. Illegal Seizure of Person. Issue was re-addressed when Officer H. White illegally seized Petitioner's body by means of physical force, show of authority, and the restraint of movement... there is no intrusion that does not require some particularized and objective justification.

2. Illegal Search and Seizure of vehicle. The search and seizure of the vehicle was

carried out in the home owner's driveway; well within the curtilage of the home; absent exigent circumstances; without obtaining a warrant.

3. Illegal Search and Seizure of Home: Respondants under the guise of a 'protective sweep', against Petitioner's objections, after having been at the residence for (1) hour and (20) minutes. Went into Petitioner's home.

4. Negligence of NORFOLK POLICE DEPARTMENT. NORFOLK POLICE DEPARTMENT is culpable in fact. They are liable for training, recruiting, disciplinary measures, psychological evaluations, screening, procedure mis-conduct, gross negligence all amounting to the callous disregard for the U.S. Constitution by participation in violating the Petitioner's Fourth Amendment Rights.

5. Premature Filing. Petitioner asserted in his Informal Brief that by their filing under 18 USC 1983, was not premature. The U.S. Constitution is the Supreme Law of the Land. So when the States, showing, and a Police Agency both have a blatant disregard with prejudice as to who is afforded the safeguards. Although the lines of civil and criminal are two, In this instance they are intricately intertwined, and must be given into the binding precedent of the U.S. Constitution.

6. Abstention Doctrine. The Court of Appeals should have considered more on the distinguishing

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nature of this case. At the time arguments were presented before the Court. But in regards to the current application; Petitioner no longer has a criminal matter pending. Therefore remedy and recourse should have been granted in favor of the Petitioner.

7. Judges AGEE, THACKER, and Harris's opinion. All (3) three Circuit Judges Affirmed by unpublished per curiam opinion.

8. Rehearing. Petitioner timely filed petition for rehearing and Rehearing en banc. A STAY OF MANDATE UNDER FED. R. APP. P. 41 (d) (1). Then on February 6th, 2019, petition was denied.

REASONS FOR GRANTING THE WRIT

I. THE DISTRICT COURT'S DECISION NOT TO EXERCISE JURISDICTION, WAS WRONGLY APPLIED IN THIS CIVIL ACTION. Because not only did the Petitioner present evidence of the Police mis-conduct in their abuse of authority and discretion. The Supremacy Clause warranted direct and immediate intervention.

II. THE COURT OF APPEALS ERRED IN NOT REVERSING JUDGEMENT IN LIGHT OF THE PETITION FILED FOR RE HEARING, From the very beginning the 'abstention doctrine'

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has been applied towards this civil matter, behind an ongoing State criminal case. But as of January 9th, 2019, the prosecution against the Petitioner has been concluded. This case also carries and cries out with special factors, and it presents circumstances of exceptional importance. For this additional reason, this Court should grant the writ of certiorari.

CONCLUSION

The Court should grant Keith Andree Robinson's Petition FOR A WRIT OF CERTIORARI TO REVIEW THE JUDGEMENT OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.

Respectfully Submitted,

Keith Andree Robinson
(Signature)

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