

No. 19-384

In The
SUPREME COURT OF THE UNITED STATES

HARMON L. TAYLOR,
Plaintiff – Appellant – Petitioner,

v.

CITY OF SHERMAN, TEXAS, et al.,
Respondents – Appellees – Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

ORIGINAL PETITION FOR A WRIT OF CERTIORARI
WITH APPENDIX A

HARMON L. TAYLOR
H.L. Taylor Farms
225 Old Patterson Road
Howe, Texas 75459

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SUPREME COURT, U.S.

Questions Presented

Compelled consent – “transportation”

1. Is the TEX. TRANSP. CODE “unconstitutional,” as applied?

Compelled commerce – Illegal seizure

2. Did Respondents illegally seize Taylor’s van?

Compelled consent – magistrate participation

3. Was it abusive to dismiss?

Disqualification

4. Is E.D.Tex. disqualified?

Transfer of Venue

5. Was it abusive to deny transfer to N.D.Tex.?

[New] Letter Briefs

6. Is leave required?

Parties to USCA5 Proceeding

Appellant

HARMON L. TAYLOR
pro se

Appellees

- CITY OF SHERMAN, TEXAS, a Municipal Corporation
- BRANDON SHELBY, CITY's (corporation's) Attorney
- CODY SHOOK, the "Ticketing Officer"
- FNU LNU, a/k/a ALEX AVILES, the "Assisting Officer"
- ZACHARY FLORES, CITY's Police Chief

All By: D. RANDAL MONTGOMERY

- BOB UTTER TOWING ((still) missing from case style, as pointed out in Taylor's Cert. of Interested Persons with his Brief, but specifically named in the ruling)
- BOB UTTER TOWING, Driver

- BOB UTTER TOWING, Assistant to Driver
- MIDWAY STORAGE FACILITY

All By: ANTHONY O'HANLON

- WHITNEY BREWSTER, Exec. Dir., TEXAS
DEPARTMENT OF MOTOR VEHICLES, a
public charitable trust

By: DEMETRI ANASTASIADIS,
DENNIS M. MCKINNEY
Asst. Attorneys General

Directly Related Proceedings

- Trial

E.D.Tex., No. 4:17-CV-488

TAYLOR v. CITY OF SHERMAN,
SHELBY,
SHOOK,
“ASSISTING OFFICER” (FNU LNU
a/k/a AVILES),
FLORES,
BOB UTTER TOWING (B.U.T.),
B.U.T.’s DRIVER,
B.U.T.’s DRIVER’S ASSISTANT,
MIDWAY STORAGE FACILITY, and
BREWSTER (DMV).

Dismissed: Feb. 28, 2018 (Doc [76-1])

- Appeal

USCA5, No. 18-40272

TAYLOR v. CITY OF SHERMAN,
SHELBY,
SHOOK,
“ASSISTING OFFICER” (FNU LNU
a/k/a AVILES),
FLORES,
BOB UTTER TOWING (B.U.T.),
B.U.T.’s DRIVER,
B.U.T.’s DRIVER’S ASSISTANT,
MIDWAY STORAGE FACILITY, and
BREWSTER (DMV).

Affirmed, with Sanctions: July 8, 2019

Petition for a Writ of Certiorari

Taylor petitions for a writ of certiorari to USCA5 as follows:

Citations below

None.

Jurisdiction

- (i) Date of ruling/sanctions.
No. 18-40272.
July 8, 2019. [+90: Oct. 6 (Sun.), thus Oct. 7, 2019]
- (ii) Extension(s).
None sought, with sincere, genuine hope of avoiding an Operation Overlord, Part II, i.e., with intent to mitigate damages.
- (iii) Rule 12.5.
N/A
- (iv) Statutes, Jurisdiction.
28 U.S.C. §§ 1254(1), 2101(c).
- (v) Statutory challenges, Rule 29.4(c).
TEXAS's Attorney General represents BREWSTER, who, under AG "advice," *refuses* to update DMV's records, thus, *intends* to cause these types of damages.

Primary Statutory Provisions

TEX. TRANSP. CODE § 502.001(45) ("vehicle").

28 U.S.C.A. § 636(c)(1), (c)(2) (consent, "civil cases").

Statement of the Case

Conscience-shocking.

Jurisdiction – E.D.Tex.

28 U.S.C.A. § 1331.

Politics v. Law

This case turns on the construction of “vehicle” and the *in pari materia* construction of § 636.

Players, Programs

This Court will know whether Taylor’s 2017 “no jurisdiction” rulings in his Walker County (Huntsville) “transportation” case are state/national firsts.

Bulldozing those rulings, the state actors/judges in Grayson County (Sherman) say, “*All* jurisdiction challengers are **sovereigns!**” [domestic terr*rists].

E.D.Tex. says, “Pre-trial, consent is **irrelevant!**”

USCA5 covertly says, “**Frivolous!**” thereby “affirming” both “**sovereign!**” *and* “**irrelevant!**”

Compelled Consent – state system

See No. 18-536.

No “transportation.”

Taylor wasn’t carrying passengers or cargo, i.e., wasn’t (1) removing people and/or property (2) from one place to another (3) **for hire** (4) under *any* choice of law, including “this state.”

No hire; no passengers; no passenger manifest; no cargo; no bill of lading.

No “consent.”

In July, 2016, Taylor terminated the last “Certificate of Title” trust in his name.

In Sept., 2016, Taylor’s Mom [1931-2018] terminated the “Certificate of Title” trust regarding the van, then transferred full title ownership to Taylor.

No Probable Cause.

By Oct., 2016, Taylor's van displayed *non*-DMV-approved taggagge, overtly giving Notice of his *non*-consent to being regulated per Sixth Plank policy, at all, much less in his *non*-commercial activity. Yet, this taggagge was the reason/cause for the "transportation" stop of June 18, 2017.

Bradbury-esque Grand Theft Auto.

Fire departments *set* the fires. FAHRENHEIT 451. Police departments *steal* the cars. Sherman, Texas.

Stigmatizing Taylor as a "sovereign," the officer called for a tow truck. Fourth Plank.

Taylor informed the officers that the van was not a "vehicle." The seizure proceeded, anyway, per municipal policy to tow "uninsured" "vehicles."

Taylor never consented to any such ordinance or policy. Taylor informed both officers, and then both the tow truck driver and his assistant, that they were stealing his van. The seizure proceeded.

Mail fraud and ransom.

CITY's towing and storage companies sent their demands for payment, i.e., the ransom demands, via the mail. Taylor's Mom and he demanded return of the van; neither one paid the ransom.

Taylor (again) reported his van stolen.

Taylor served a copy of his *written* theft report, filed of Record, on CITY, COUNTY, etc.

Taylor has never again heard about his van.

State court trials.

Being all doped up on their FBI/SPLC political indoctrinations, CITY *and* COUNTY prosecutors and both judges, muni. *and* county, were 100% onboard with applying the selective enforcement policy directed against Taylor stigmatized as a "sovereign."

Muni. denied Taylor's jurisdictional challenges. STATE obtained a conviction of all charges.

Taylor appealed. County also denied Taylor's jurisdictional challenges. See No. 18-536.

Ultimately, STATE requested dismissal. The car-seizing/ticketing officer moved out of state. Mitigating damages, Taylor responded promptly, distinguishing "irrelevant" (no jurisdiction) and "unavailable," but to no avail. County had withheld serving its *ex parte*, jurisdiction-asserting "favorable ruling."

Compelled Consent – U.S. system

Taylor initially requested emergency relief.

While Taylor appeared in muni. within the 30 days, he invested the bulk of that time preparing *this* suit, focusing on the emergency relief. To get his van back promptly was to mitigate the damages of the state actors already under the influence of their FBI/SPLC political indoctrinations.

The national judicial system markets itself as the great protector of individual rights, and this is a "right *not* to contract" matter. However, E.D.Tex. was *also* hell-bent to compel Taylor's consent, which stall maneuver aided Respondent's illegal seizure.

Courthouse business invitees not admitted.

Taylor has no "official" state or national ID, and they don't/won't take fingerprints (*Taylor's* ID) at the door or issue a building entry ID. So, after the initial filing, the U.S. Marshals didn't allow access *and* threatened Taylor with trespass charges.

Non-judicial decision-making.

For *decades*, E.D.Tex. has referred *all* (pro se) matters to the magistrates by "Standing Order." Taylor has yet to find *any* objection, formal or informal, by *any* E.D.Tex. member to this policy.

Taylor asserted non-consent on the first page (in the case style) of every document he filed. E.D.Tex. bulldozed that objection instantly by "referring" Taylor's "civil case" "at filing."

To preserve his objection, Taylor stopped participating. He filed motions to strike and his motion for disqualification and transfer. He described very plainly the crimes being committed, including Sedition, but nothing changed.

Judicial complaint.

All trial judges involved, state *and* U.S., have compelled Taylor's consent. Given the severity of the criminality displayed in/by E.D.Tex., Taylor filed a judicial complaint. USCA5's Chief Judge characterized Taylor's underlying case as "frivolous." Since the Walker County rulings *prove* the exact opposite, the C.J. *intended* to shut Taylor up about *all* the criminality Taylor's documenting, in *both* systems. That's witness tampering *and* aiding and abetting, e.g., illegal seizure, Record tampering, even Sedition.

Harass the non-consenter.

E.D.Tex. stalled and stalled and stalled, then dismissed Taylor's suit. USCA5 not only affirmed but also, adopting their C.J.'s intent, retaliated and witness tampered some *more*, sanctioning Taylor for his (A) continuing to assert his right not to contract / agree / consent, despite *all* the judicial coercion to assimilate, and (B) exposing all the overt, criminal conduct, including USCA5 personnel's.

Supp. Briefs

In his limited word-count letter, Taylor added § 636(b)(1)(A), which *prohibits* referral of matters in equity (*and* dispositive motions).

USCA5 required leave; Taylor declined.

Argument

Compelled consent – “transportation”

1. Is the TEX. TRANSP. CODE “unconstitutional,” as applied?

No “transportation” + No “consent” = No “vehicle.” *Lozman v. Riviera Beach*, 568 U.S. 115 (2013). Taylor’s taggag broadcast Notice of non-consent. CITY/STATE never had Probable Cause. Respondents have yet to return Taylor’s van.

Compelled commerce – Illegal seizure

2. Did Respondents illegally seize Taylor’s van?

Lozman (2013). There being no “vehicle,” Taylor had no duty to purchase insurance. *Cf. NFIB*, 567 U.S. 519 (2012). Moreover, it’s not *available*; policies cover only “vehicles,” *not* cars, trucks, vans, etc.

E.D.Tex., instead of granting, *immediately*, Taylor’s requested emergency relief, denied access.

Compelled consent – magistrate participation

3. Was it abusive to dismiss?

Taylor filed a “civil case.” Taylor never consented to magistrate participation. Therefore, no jurisdiction existed to refer *anything*. § 636(c); *Gamba*, 553 U.S. 1050 (2008); *Gomez*, 490 U.S. 858 (1989), citing *Ford*, 824 F.2d 1430 (5th Cir. 1987) (“grave constitutional questions”); *Kalan*, 274 F.3d 1150 (7th Cir. 2001); *Mendes Junior Int’l Co.*, 978 F.2d 920 (5th Cir. 1992) (§ 636 requires consent). *See also Volt Info. Sciences, Inc.*, 489 U.S. 468 (1989).

To preserve the non-consent issue, Taylor stopped participating, *Roell*, 538 U.S. 580 (2003) (consent by conduct), except for reasserting the objection.

Moreover, § 636(b)(1)(A) overtly *prohibits* referral regarding both equity *and* dispositive matters.

Instead of repenting (and withdrawing from the conspiracy), E.D.Tex. punished Taylor by dismissing.

Disqualification

4. Is E.D.Tex. disqualified?

Not *just* the “Standing Order”-signing Chief Judge, un-consented-to magistrate, *and* assigned § 451 judge. The entire District.

E.D.Tex. has compelled arbitration for *decades*. Yet, where is even *one* judge’s objection to this openly Seditious policy? E.D.Tex.’s lawless policies of compelled consent *and* [recently/newly “registering”] *compelled commerce* – ***represented*** plaintiffs ***aren’t*** “instantly referred,” just *pro se* – disqualify the entire District from Taylor’s case, which arises from CITY’s / COUNTY’s / STATE’s standing policies of compelled consent *and compelled commerce* regarding “transportation.” § 455(a).

Transfer

5. Was it abusive to deny transfer to N.D.Tex.?

For comparison, SPARKS *didn’t* join W.D.Tex.’s addiction to compelled consent. Thus, in W.D.Tex., a different judge might suffice. Here, though, they’re *all* in on it. § 455(a). For *this* case, Dallas is the closest venue outside E.D.Tex. Both Taylor and at least one defense firm have direct ties to Dallas.

[New] Letter Briefs

6. Is leave required?

Isn't the entire point of limited word-count letter Briefs to obviate the need for leave? FRAP 28; 5th.Cir.R. 28.4.

Relief Requested

Taylor requests as follows:

1. Grant this petition.
2. Vacate USCA5's ruling, including sanctions.
3. Confirm that limited word-count letter Briefs don't need leave.
4. Vacate E.D.Tex.'s dismissal.
5. Reinstate Taylor's "civil case," and Remand (with instructions to transfer) to N.D.Tex., Dallas.
6. E.D.Tex. both ruled on the merits *and* dismissed. Presuming the merits reachable,
 - a. Declare TEX. TRANSP. CODE "unconstitutional," as applied; *and*
 - b. Grant Taylor's emergency relief by Ordering Respondents to return Taylor's van to him or at least by Entering a Show Cause.
7. Award costs; and
8. Grant all other relief applicable.

Respectfully submitted,

/s/ Harmon Taylor
HARMON L. TAYLOR