

No. \_\_\_\_\_

19-5385

IN THE

SUPREME COURT OF THE UNITED STATES

Darlene Rodgers PETITIONER  
(Your Name)

vs.

Taura McDaniel et al. — RESPONDENT(S)  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

FILED

JUL 17 2019

ON PETITION FOR A WRIT OF CERTIORARI TO

United State 8<sup>th</sup> Circuit Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Darlene Rodgers  
(Your Name)

2006 Riverside Drive  
(Address)

Osceola, AR. 72370  
(City, State, Zip Code)

870-576-5020 (Home #)  
(Phone Number)

**UNITED STATES SUPREME COURT**

**1 FIRST Street, North East**

**WASHINGTON, DC. 20543**

**PHONE-202-479-3000**

**Darlene Rodgers-*Petitioner***

**V.**

**Taura McDaniel et al-*Respondents***

**PETITION FOR A WRIT OF CERTIORARI**

**COVER SHEET**

**The United States Supreme Court should grant the petition to resolve the important questions, Laws, Petitioner's Constitutional Rights, Penalties, Settlement, and Violations, bringing needed "Clarity" to this vital case.**

**The Petitioner's case involves:**

**Conflict of Law**

**Justices' Interest**

**Violations of the United States Constitution**

**Violations of Federal Laws**

**Violation of Civil Liable Penalties**

**Citizen in a different State, and the amount in questions exceeds \$75,000**

9.

### QUESTION(S) PRESENTED

- (1). In Rodgers, the Appellant's case, "Whether" 8<sup>th</sup> Circuit Court is vicariously liable for dishonest conduct, withholding the Federal District Court in favoring Taura McDaniel et al., in their counterfeit qualified immunity, "miscarriage of justice", and dismissing I Appellant's case when there were indeed reasonable grounds for a compensatory settlement?
- (2). Whether 8<sup>th</sup> Circuit Court intentionally erred in making "calumnious" decision not supported by evidence, knowingly that Federal District Court, and Arkansas Court of Appeals did the same?
- (3). Whether 8<sup>th</sup> Circuit Court erred intentionally, and knowingly that Federal District Court did notice that the Appellant Darlene Rodgers filed her lawsuit in an Individual/Personal Capacity, not as Judge Baker stated on case# 3:17CV-291-KGB Document 82. Federal District Court Judge Baker stated that I Appellant filed the lawsuit in official capacity?
- (4). Whether 8<sup>th</sup> Circuit Court, Federal District Court, Arkansas Court of Appeals erred when unseemly noticed that as results of Taura McDaniel et al., causing permanent injuries, punitive damages and harm to the Appellant substantial life, putting the Appellant in harm and danger financially, mentally, emotionally and physically?

The Appellant says that even with the I Appellant's **Bachelor of Science Degree in Sociology, Communication and Health**, over **25 years of Professional, Skilled, Experience** in the Public School Systems, **FOCUS, Incorporation, Granny's Daycare**, over **30 years of Professional Experience as a Home Tutor, Computer Graphic Designer, and Gospel Recording Artist Music (Jesus is the only way by Darlene Rodgers, Amazon.com) and "NO MORE VIOLENCE" by Darlene Rodgers, A Community Activist and Advocate**. I Appellant Darlene Rodgers finance and lifestyle were all "ruined" by Taura McDaniel et al., I Appellant am at an "calling out", "crying out" Emergency Relief from pains, embarrassment, besmirch, discrimination, financial loss, mental anguish, emotional stress, panic attacks, harm, and fear.

- (5). Whether the 8<sup>th</sup> Circuit, Federal District, Arkansas Court of Appeals made legal errors in handling the Appellant's case? Appellant says without the "huge errors" that were made, the Appellant outcome in lower court would have been successful with my only son back at home, and no harm, injuries, and punitive damages would have not occurred. "Nothing" Stands with 8<sup>th</sup> Circuit, Federal District Court, Arkansas Court of Appeals, "NOTHING".
- (6). Whether Taura McDaniel et al., are entitled to qualified immunity when they "all" are potentially liable for Civil Monetary Penalties?
- (7). Whether the Appellees Taura McDaniel et al., after destroying the Appellant's life, resulting in punitive damages, will the Appellant eventually be "Monetarily Compensated" of the amount of \$250,013, or United States Supreme Court, choices of demand of a "lesser" amount paid to the Appellant Darlene Rodgers for harm, defame injuries resulting from Taura McDaniel et al unlawfully conducts. Even after the Appellant tried to "**Mitigate**" her injuries, pain, mental anguish and damages, by making appointments to visit Family Doctor, Panic Attacks Doctor Bola, Therapist/Counselor Brian Teal, Special Counseling by Rev. Tony Hill. The Appellant's injuries, pains, harms, damages, financial loss remained to this year of 2019.

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

### IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS JONESBORO DIVISION

**DARLENE RODGERS**

**PLAINTIFF**

**v.**

**No. 3:17-cv-291-DPM**

**TAURA McDANIEL, Attorney Ad Litem;  
VAL PRICE, Court Appointed Attorney;  
RALPH WILSON, JR., Judge, Second  
Judicial Circuit; MIKE GIBSON, Judge;  
KATHERINE DEAN, Prosecutor; GRENEDA  
JOHNSON, Former DHS Attorney; JEREMY  
BLAND, Attorney; BRADLEY LAW FIRM, Attorney Dustin Jones  
DESTERNIE RICHMOND-SULLIVAN,  
CASA Association; CHELSEA FIFI, Counsel  
at Family Inc. Counseling Services; TONYA  
JONES, Case Manager/Supervisor; Paul Rameriz, City worker  
SYLVIA WARE, Case Worker; OSCEOLA  
POLICE DEPARTMENT (Ellis and Weaver); Stefani,  
SMITHEY, Principal; and TYLER  
DUNEGAN, City Council; Austin Porter, Jr.,**

**DEFENDANTS**

V.

DR

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Darlene Rodgers v. State-Arkansas Court of Appeals CV-16-496.....	App. C.
Judicial Court- CR -2014-169, Osceola, Arkansas.....	App. D.



IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

(Case # 18-3135)  
The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

(Err'd) ☒ reported at United States 8th Circuit of Appeals; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

- Disposition -  
Affirmed

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

(Err'd) ☒ reported at Federal District Court Jonesboro, Arkansas; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

72401  
Judgement -  
Dismissed

☒ For cases from **state courts**:

(Case # CR-2014-169)  
The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

(Err'd) ☒ reported at Osceola Circuit Court, Osceola, Arkansas; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

Disposition -  
Volle Prose

(Case # 1410281610)  
The opinion of the Osceola Police Department court appears at Appendix \_\_\_\_\_ to the petition and is

(Err'd) ☒ reported at Osceola Circuit Courthouse or, -CR-2014-169  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

☒ For case from Arkansas Court of Appeals  
Division II

Case # CV-16-496

Judgement -  
Affirmed

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 08, 2019 - Petition Denied

May 29, 2019 - Disposition - Affirmed

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: July 08, 2019, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was November 30, 2016  
A copy of that decision appears at Appendix \_\_\_\_\_.

☒ A timely petition for rehearing was thereafter denied on the following date: 11/30/2016, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## STATEMENT OF THE CASE

The statement of the case is that the Appellant Darlene Rodgers was “innocent” from the very beginning of the arrest on October 28, 2014, all the way up to the Appellant’s Parental Rights Termination on January 16, 2016, before the trial Termination date on February 26, 2016, to the Appellant’s Circuit court Disposition on August 07, 2017.

The statement of the case is that 8<sup>th</sup> Circuit Court and Federal District Court “**refused**” to face **reality** of the facts and requisite proof of the Appellant’s case, that the Appellees Taura McDaniel et al., chose this time the wrong victim (the Appellant Darlene Rodgers) to pick on, to false accused, to false arrest, to lie on, to bully, to discriminate against, to threat, to neglect, to persecute, to called dangerous, to called filthy, to called trashy, to called crazy, and say to the Appellant that she will “never” adopt another child again.

The statement of the case is that the Appellees Taura McDaniel et al., are “Potentially Liable” for Civil Monetary Penalties. The Appellees Taura McDaniel et al., are 100% guilty of while Assigned by the State in an Official Capacity Duty, the Appellees “stepped out of line” of their Official Capacity duties “intentionally”, into Personal Capacity duties violating clearly established Constitution Laws, and Penalties, in which they “all” were 100% aware of their actions, acting outside of the law with “IMPUNITY”.

The statement of the case is that I Appellant African American’s United States Constitutional Rights were 100% violated, abused, neglected, scandalized, bribed, defamed, injured, punitive damaged, besmirched, bullied, and terrorized as a result of Taura McDaniel et al. And the 8<sup>th</sup> Circuit Court in St. Louis, Missouri; the Federal District Court in Jonesboro, Arkansas; the Arkansas Court of Appeals, all were aware of it, as well as the Appellees Taura McDaniel et al. They “all” knew that Taura McDaniel et al., acted in clear absence of all jurisdiction, performing an act that were not judicial in nature. The 8<sup>th</sup> Circuit Court, the Federal District Court, and the Arkansas Court of Appeals knew that they all had Taura McDaniel back, “no matter” how many clear established law violations of innocence lives of Parents and their children that Taura McDaniel et al., have taken for granted, forever destroying the Parent and child or children. Taura McDaniel et al., violated a declaratory decree under 42 U.S.C. 1983. I Appellant was permanently damaged as a result of “all” parties failing, because they all decided not to determine the facts of the Appellant’s case, the requisite proof of the Appellant’s case, and that the Rights were clearly established at the time of the alleged violations. The facts were taken in the light most favorable to one asserting the injuries, show that Taura McDaniel et al., conducts violated a Constitutional Rights over and over, knowingly that the Appellant’s punitive damages were confronted or seen at issue.

The 8<sup>th</sup> Circuit Court, “erred” by granting Summary Judgement or Affirmed to Federal District Court, Federal District Court “erred” by granting Summary Judgement to Taura McDaniel et al., and Arkansas Court of Appeals “erred” by granting Summary Judgement to Taura McDaniel et al. There were 100% genuine issues of material fact regarding the reasonableness harm, defamed and punitive damages.



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### FEDERAL CASES

**Owen v. City of Independence**-The innocent individual who is harmed, defamed, damaged by an abuse of governmental authority is assured that he or she will be compensated for his injury

**United States v. Lee**, 106 U.S. at 220, 1 S. Ct. At 261 (1882)-"No man (or woman) in this country is so high that he or she is above the law. **Ableman v Booth**, 21 Howard 506 (1859)-Lawless

**MARBURY VS MADISON** 5 U.S. 137- break a law or rule of law.

**EX PARTE YOUNG** 209 U.S. 123 (1908)-allowing suits in Federal courts against State officials, despite Sovereign immunity, when the State acted unconstitutionally.

**West v. Atkins**, 487 U.S. 42, 49 (1988)-constituted requirement of "color of state law" in a cause of action based on 42 U.S.C. §1983, firmly established that an Appellee or defendant in a §1983 Federal lawsuit acts under color of state law when he or she abuses the position given to him or her by the State.

**Monroe v. Pope**: individuals can sue state officials for damages in Federal and State court

**Rankin v. Howard**, (1980) 633 F.2d 844, cert den. **Zeller v. Rankin**, 101 S. Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326- When Judges knows that he or she lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.

**Piper v. Pearson**, 2 Gray 120, cited in **Bradley v Fisher**, 13 Wall. 335, 20 L.Ed. 646 (1872)

**Davis v. Burris**, 51 Ariz. 220, 75 P. 2d 689 (1938)- A Judge must be acting within his jurisdiction or judicial capacity as to subject matter and person, to be entitled to immunity from Civil Rights or Civil Action for his acts.

**Gonzalez v. Commission on Judicial Performance** (1983) 33 Cal. 3d 678, 694.-Act in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process.

**Troxel v. Granville**, 527 U.S. 1069 (1999)-Constitutional Rights of a Fitted-Parent

**Santosky v. Kramer**, 455 U.S. 745 (1982)-A Parent taking back what rightfully hers or his.

**Hartman**, 547 U.S. at 261-262- Arrest done out of Retaliation

**PACER** (Appellant Files, Documents, Records, Photos)-Federal District, Little Rock, Arkansas

Title 17-A, 34: Culpable state of mind  
**Hafer v Melo**, 502 U.S. 21, 112 S. Ct. 358 (1991)  
**Bell v. Hood**, 327 U.S. 678 (1946).  
**Biven**, 403 U.S. at 392, as under Section 1983  
**Smith v. Wade**, 461 U.S. 30, 51 (1983); **Bell**, 327 U.S. 678

Dr.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### TABLE OF OTHER UNITED STATES CONSTITUTION STATUES

- 42 U.S.C. Section 1983-Civil Action for Deprivation of Rights/*Civil Rights Act of 1871*
- 42 U.S.C. Section 1981-Equal Rights under the Law
- 42 U.S.C. Section 1985- Conspiracy to Interfere with Civil Rights
- 18 U.S.C. Section §241-§242-Deprivation of Rights under the Color of Law
- 18 U.S. Code Chapter 73- Obstruction of Justice
- 18 U.S. Code Chapter 73-§1511- Obstruction of State or Local Law Enforcement
- 18 U.S. Code Chapter 73-§1512- Tampering with a witness, victim or an informant
- 18 U.S. Code Chapter 73-§1513- Retaliating against a witness, victim or an informant
- 18 U.S. Code § 1622- Subordination of Perjury
- 18.2-460(B)-provided in relevant part
- United States Constitution, Amendment 1- Establishing of Religion, Respect
- United States Constitution, Amendment VI, 2, 6, - Rights to a Speedy Trial
- United States Constitution, Amendment XIV- Equal Protection of the laws, Immunities of U.S. citizenship, Privileges, and Due Process of Law; Chapter 73 of United States Code Title 18, Section 1501, 1502, 1509, 1510, 1513, 1518
- Chapter 9: 9-9-402 – Definitions (2)-"Special needs" means a child who is not likely to be adopted by reason of one (1) or more of the following conditions: (A), (D) & (E)- A child who is at high risk for developing a serious physical, mental, development, or emotional condition if documentation of the risk is provided by a medical professional specializing in the area of the condition for which the child is considered at risk. 2010 Arkansas Code.
- § 5- 53-102- Perjury
- § 5 – 53-106-False swearing
- 8-2.100-Civil Rights Matters, Under 28 C.F.R. § 0.50 -Civil Rights Division are responsible for enforcement of all Federal Civil Right statues and settlements. Example of the Appellant's state: Arkansas Attorney General Leslie Rutledge and Arkansas Assistant Attorney Reid Atkins.
- CHAPTER 32-12.2- Claims against the STATE / CHAPTER 32-12.2-01-Monetary Damages
- CHAPTER 32-12.2-04- injuries to a person's rights or reputation
- 28 U.S.C. S 1738-The Full Faith and Credit Act
- 28 U.S.C. § 1291-Final Decision will come only from 8<sup>th</sup> Circuit Saint Louis, Missouri
- 4<sup>th</sup> Constitutional Amendment
- 5<sup>th</sup> Constitutional Amendment



## REASONS FOR GRANTING THE PETITION

Page one

(1A). Reasons for granting the petition is because 8<sup>th</sup> Circuit Court of Saint Louis, Missouri, Federal District Court of Jonesboro, Arkansas, Arkansas Court of Appeals, and the Appellees Taura McDaniel et, al., went above the law. **"Under the Constitution of the United States of America", No man who is in a position of authority over them is above the law.** I Appellant Darlene Rodgers was victimized and injured by Taura McDaniel et al. Therefore, I have 100% Rights to seek not revenge, but Monetary Compensation from them, because the Appellees' used of a deadly weapon toward the Appellant and the Appellant's only son, is **"Potentially Liable" for Civil Monetary Penalties.** Taura McDaniel et al., 100 percent used their authority of the State and Federal to act outside the law with **"IMPUNITY."** The Appellees, Taura McDaniel et, at., took absolute power with no regard to the Constitution of the United States of America. I Appellant had no **"RIGHTS"** to be **"FREE"** from my only son (CTR). But I Appellant did have Rights to be **"free"** from threats, duress, coercion, besmirch, intimidation, discrimination, befouled, harassment, speculations, false arrest, false police reports, false allegations, false accusations, bullying, financial loss, use of a deadly weapon, lies, injuries, negligence, pain, mental anguish, and punitive damages. I Appellant say, beginning on October 28, 2014, I Appellant was not **"free"**, but detained for 34 months by Taura McDaniel et, al., while all the time I Appellant was **"total innocence"**, taking I Appellant for granted. **"UNDER 6<sup>TH</sup> CONSTITUTIONAL AMENDMENT, ALL AMERICAS HAVE THE RIGHT TO NOT BE SUBJECTED TO "HEARSAY", "ASSUMED", "SPECULATIONS", BESMIRCH, BULLYING, AND TITTLE-TATTLES evidence against them.**

(1B). I Appellant says that more emotional stress, threats, bullying, depressed, headaches, panic attacks, stomach pains, back pains, and mental anguish occurred. When I Appellant was told by DHS Taura McDaniel, Judge Ralph Wilson, Jr., Val Price, Grenada Johnson, CASA, Tonya Jones, that if I made a deal with them by giving up my only son, confess a lie, then DHS will drop the charges. Also, my son (CTR) was totally **"bribed"** by Taura McDaniel, Val Price, Grenada Johnson, CASA (Desternie R. Sullivan), Judge Ralph Wilson, Jr., and Foster Parents Tyler Dunegan and wife Carolyn, that if and only if he (my son) lie, and say what CPS, DHS, CASA, THERAPIST Chelsea FiFi, the Foster parents Tyler Dunegan and wife wanted my son to say, then he (my son) was promised to receive by the Appellees, gifts, video games, not return back to I Appellant's home, and Appellant's Parental Rights be Terminated based on Lies, Speculations, Assuming Hearsays, lying about the use of a deadly weapon, and False Witnesses. **"WHEN TAURA MCDANIEL et, al., ARE MANDATED BY LAW, AND BY THE STATE TO TELL THE TRUTH", just I Appellant told the Truth.** Taura McDaniel et, al., **"NEVER"** acted reasonable under existing laws.

(1C). 8<sup>th</sup> Circuit Court knew **"without a shadow of doubt"** that the **Federal District Court** known **"without a shadow of doubt"**, and **Arkansas Court of Appeals** knew **"without a shadow of doubt"**, that **Taura McDaniel et, al.**, intentionally violated clearly established laws and penalties, knowingly that Taura McDaniel et al, never had reasonable and articulable suspicion, based on facts, and requisite proof that the Appellant Rodgers had committed any crime, or any child abuse. When the Appellant Darlene Rodgers had/have an **"Excellent"** Background History of being a well-behaved abiding citizen, well-known True Christian, Appellant minding her very own business, well-known Educators, Community Activist, Advocate for All Children, Young Adults and Senior Citizens, showing Love to all

**\*A Pro Se lawsuit is one of the most important Rights under the Constitution and Law, especially when a Pro Se in the lawsuit is wise, knowledgeable, honest, and highly educated.**

3.



## REASONS FOR GRANTING THE PETITION

Page two

(2A). Reasons for granting the petition is because I Appellant had the Right to be "secured" by Appellees Taura McDaniel et, al., while in the Appellees' care. **"Under the Constitution of the United States of America, all Americans have Rights to be secured with Qualified Immunity as Abiding Citizens.** While under the Appellees care, neither was I the Appellant and my son secured. CPS, DHS, Officers Ellis and Weaver Principal Stefanie Smithey, and Family Inc. Therapist Chelsea FiFi, went unannounced into Carroll Smith Elementary School, without the present of parent Appellant Darlene Rodgers. Also, unannounced at the Foster Parent Appellees Tyler Dunegan' house without the present of a Lawyer.

**"UNDER THE CONSTITUTION OF THE UNITED STATES OF AMERICA, ALL AMERICANS HAVE THE RIGHT TO BE LEGALLY PROTECTED FROM THREATS, SLANDEROUS REPORTS AGAINST THEM, AND THE RIGHT TO BE ABLE TO SEEK REAL RETRIBUTION FOR ANY SUCH VIOLATIONS AGAINST THEIR CHARACTERS.** Taura McDaniel et, al., knew without a shadow of doubt that I Appellant was totally innocent, but yet and still entered I Appellant Darlene Rodgers' name on the Registry of Child Abuse list, without been convicted of any child abuse or crime of child abuse. Therefore, I Appellant was "assumed", speculated, conjecture, laugh at, by Taura McDaniel et, al., as "Danger" to my only son, "Danger" to Society, Unfitted Parent, Filthy, Trashy and a convicted criminal. **I Appellant says that Taura McDaniel et al., penalties, assuming, speculations, hearsays, lies, bribery, speculation of perjury, use of a deadly weapon, false reports, false documents, false arrest, false accusations, does not satisfy the laws, nor the United States Constitution; nor 8<sup>th</sup> Circuit court's decision in Saint Louis, Missouri; nor Federal District Court's decision in Jonesboro, Arkansas; nor Arkansas Court of Appeals' decision in Little Rock, Arkansas; nor I Appellant Darlene Rodgers case.** I Appellant Darlene Rodgers fought 100 percent to have my name removed from the Child Central Registry. It took I Appellant 4 years to get my name removed. After working over 25 years of Professional Experience in the Public Schools system with children. Beginning of October 28, 2014, on the day I Appellant was arrested, I Appellant was immediately "barred" away from all school systems, all Daycares, all community functions, even at all Churches, where children were kept far away from I Appellant. Taura McDaniel knew of I Appellant's harm and damages at issue, but the Appellees clearly showed to make the Appellant's harm worsen. Appellees noticed the Appellant's harm at issue.

(2B). The 8<sup>th</sup> Circuit court, the Federal court, Arkansas Court of Appeals, and Taura McDaniel et., al., discern I Appellant's harm, defame, injuries at issue. They knew that I Appellant damages came into existence beginning of the Appellant arrest. They "ALL" knew that the Appellant has an "Prima Facie Case". They "ALL" heard about how I Appellant (before the arrest), was very highly Educated, tutored my only son who was "dumb" when I got him at the age of 9 years old. My son could not spell his name, nor write his name; couldn't speak correctly, (I Appellant gave him Speech & Tutor my son 7 days a week), couldn't even hold a pencil in his hand correctly; couldn't comb his hair, couldn't put his clothes on; couldn't count 1-5, much less 1-10; couldn't wipe his butt; never slept at others Foster Parents house. But my son first night at I Appellant's home, he immediately went to sleep. They all heard about my son going from zero grades to "All A's Honor Roll in 2 weeks at my home.



## REASON FOR GRANTING THE PETITION

Page three

**(2C). The 8<sup>th</sup> Circuit court, the Federal Circuit Court, the Arkansas Court of Appeals** cannot/ should not have drawn in Favor of Taura McDaniel et, al., because of 100 percent lack of evidence, facts, and requisite proof. The Appellees "engaged" in non-judicial gap-filling based 100 percent lack of evidence. The Appellees showed no "Totality of Circumstances, instead the Appellees showed "totality analysis" of negligence, abuse of power, lies after lies, use of a gun (deadly weapon), violations against their "Qualified Immunity", violations of clear established laws, harm, damages, injuries, and financial loss to I the Appellant and the Appellant's only son. In which all are/were not compliant to the Laws and United States Constitution, under 42 U.S.C., 1983.

**(3A). The 8<sup>th</sup> Circuit court** intentionally Affirmed the Federal District Court Decision, knowingly that the Federal District Court/Judge Baker knew that Taura McDaniel et, al., had committed a crime against their "Qualified Immunity", that Taura McDaniel et, al., used a deadly weapon (not with their hands), but with their mouth, to persuaded, convinced, bribed my only son to lie that I Appellant put an gun (deadly weapon) to his head to match up with the crime of charge of "Second Degree Assault and Battery against I Appellant, who was totally "innocent all the time".

**The Federal District court/Judge Baker** intentionally Dismissed I Appellant's Federal Lawsuit, because Judge Baker 100 percent knew that I Appellant was indeed innocence, being harmed, injured, and damaged by Taura McDaniel et, al. The Federal District court/Judge Baker knew "without a shadow of doubt", that I Appellant Darlene Rodgers stated through all of I the Appellant's Briefs that I Appellant filed the lawsuit in the Taura McDaniel et, al., Individual/Personal Capacity, and not their Official Capacity. Judge Baker knew "without a shadow of doubt" that **Taura McDaniel et, al., had violated their "Qualified Immunity", and had committed a crime, using a gun (deadly weapon) as a judicial gap-filling based evidence, persuading, convincing, bribing I the Appellant's only son to lie, in order to receive gifts, video games, decorate his (my son) bedroom the way he wanted it. The Federal District court/Judge Baker knew that clear established laws were violated by Taura McDaniel et, al., and that there was inadequate evidence to support, demonstrate, analyze and unreasonable to terminate the Appellant's Parental Rights, when the no-lacking evidence "failed" to demonstrate any type of child abuse, neglect, "Second Degree Assault and Battery charge, the use of deadly weapon, whereas Parent Appellant Darlene Rodgers did not even own a gun, much less having a gun in the home.**

**(3B). The 8<sup>th</sup> Circuit court, Federal District Court, Arkansas Court of Appeals** were "ALL" were aware that there were no discretionary actions performed within Taura McDaniel et, al., official capacity, none. Also, they are aware that the Appellant in this case is innocence and very Christlike, having been denied, like Jesus was denied. Appellant have been persecuted by Taura McDaniel et, al., because of her Truth. Jesus was persecuted because of his Truth.

**(3C). The 8<sup>th</sup> Circuit Court, Federal District Court, Arkansas Court of Appeals, and Taura McDaniel et al.,** have a relationship as far Judges, Lawyers, Therapist, City Worker, City Council, CASA, DHS, CPS. Whereas, some are close friends, family, bond together, but accordingly to Laws, Constitution Rights, 42 U.S.C. 1983, their actions "exceeded" outside of the Law and Constitution with "IMPUNITY", causing extremely harmed, damaged and injured to the Appellant Darlene Rodgers "Prima Facie" case.

3



**STATEMENT OF CLAIM**

**COURT DETAILS**

**"REVERSE BACK TO" -Federal District Court-615 South Main Street, Room 312,  
Jonesboro, Arkansas 72401**

**Case-1410281610-Osceola officers Ellis and Weaver (Police Department)**

**Case-CR-2014-169- State DHS/CPS/CASA/Circuit court (Osceola, Arkansas)**

**Case-CV-16-496-Arkansas Court of Appeals (Little Rock, Arkansas)**

**Case number-3:17-CV-291-KGB-Federal District Court (Jonesboro, Arkansas)**

**Case- 18-3135 8<sup>th</sup> Circuit Court of Appeal (St. Louis, Missouri)**

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**INJURIES/DAMAGES-Beginning October 28, 2014 to "CONTINUED"**

**TITLE OF PROCEEDINGS**

**Appellant- Darlene Rodgers**

**V.**

**Appellees-Taura McDaniel et, al.**

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**FILING DETAILS**

<b>Filed for</b>	<b>Darlene Rodgers-Appellant</b>
<b>Contact name and telephone</b>	<b>Darlene Rodgers-Home# 8705765020</b>
<b>Contact email address</b>	<b><u>darlrg@sbcglobal.net</u></b>

**TYPE OF CLAIM**

**Civil Rights Claim under 42 United States Code 1983, and Others**

**RELIEF CLAIM**

**\$13,108.00 each individual Appellees, multiplied by nineteen**

**Amount of claim----- \$249,052.00**

**Filing fees-----\$950.00--(\$400 District Court)- (\$550 8<sup>th</sup> Circuit)**

**TOTAL-----\$250,002 cents**

6.



## SUMMARY OF ARGUMENTS

The Petitioner's case squarely raises a question that has sharply divided the lower courts. Does the **Fourth Amendment** permit Officers Christopher Ellis and Steve Weaver to conduct a search of an arrest when neither that officer(s) in the chain of command, possesses the requisite amount of suspicion, "probable cause" necessary to justify the arrest under the **Fourth Amendment**? The Appellant/Petitioner arrest created conflicting decisions and confusion in an important area of **Fourth Amendment** law, an area where clear rules were most vitally needed. The officers, Ellis and Weaver lack sufficient evidence, causing clear danger to the Petitioner's Liberty.

After the Petitioner's arrest, illegally charge, and held over to Circuit Court for a trial. The **Due Process Clause** of the **Fifth Amendment** to the United States Constitution guarantees that any defendant (during the Petitioner's Circuit Court proceeding) who exercise his right, can be exercise in a request for a speedy and fair trial, in order to clear up the messed up done by the two Officers Ellis and Weaver as well as Taura McDaniel et al. The Petitioner, while in Circuit Court from November 2014 to August 7, 2017 was denied by three requesting for a speedy trial, because Taura McDaniel et al., refused to disclose to the defense during the Circuit Court Hearing, evidence of the Petitioner's innocence, while in its possession that was "favorable to the defense, that was material, exculpatory, and within the actual or constructive possession of the prosecution and court. And the prosecution (Prosecutor Katherine Dean) refused to disclose anything that was material, exculpatory, and within the actual or constructive possession of the Defense. The State (DHS, CPS, CASA, Police Officers, Therapist, Principal Smithey) refused to disclose to the court, material, exculpatory, while in their possessions that was "favorable to the Petitioner's innocence. Appellee Van Price (DHS Attorney) told I the Petitioner that I maybe going to prisoner, while being innocent. The materiality requirement established a standard under which one is convicted must be reversed when exculpatory material was not turned over to the defense. If that material was such that there is a reasonable probability that disclosure to the defense would have resulted in a different and quicker release of the innocent Petitioner, bringing her (the Petitioner) only son (CTR) home for good. In the Petitioner's case, Taura McDaniel et al, were 100% contrary to Laws and United States Constitution Rights. Taura McDaniel et al., knew at each DHS court hearings, Circuit Court hearings, that any information brought before court will be fabrication and deception. Taura McDaniel et al., failed to disclose all fabrications/ deception of lies, and failed in withholding requisite proof to the court that the Petitioner was 100% innocent of the charge "Second Degree Assault and Battery." **Violation of the Civil Right Acts of 1871**


The "**Miscarriage of Justice**", as a result of the Appellees Taura McDaniel et al., lead to a crime that the Petitioner did not commit, lead to the separation of the Petitioner and her only son; lead to punitive damages; lead to the use of a gun (deadly weapon); lead to the Petitioner receiving "public threats and bullying"; lead to abuse and neglect by the Appellees and the Public; lead to financial loss, lead to pains/mental anguish/emotional distress; lead to career jobs lost; and substantial injuries for a lifetime. **Violations of the Civil Right Acts of 1871 & 42 U.S.C. 1983.**

What "Grounds" of qualified immunity does Taura McDaniel et al., have in Petitioner's case? **EX PARTE YOUNG 209 U.S. 123 (1908); Monroe v. Pope; Owen v. City of Independence.**

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: July 15, 2019

10.

