

19-5525

No. 18A 1097

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JUN 12 2019  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ERIKA JACOBS — PETITIONER  
(Your Name)

Atlanta Police Department, et al. <sup>vs.</sup> ~~AJ POLT,  
DEKALB COUNTY POLICE Department,  
COKE COUNTY POLICE Department  
DEPARTMENT, et al.~~ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE Eleventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Erika Jacobs

(Your Name)

PO Box 5141

(Address)

Norman, OK 73070

(City, State, Zip Code)

602-434-3107

(Phone Number)

RECEIVED  
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QUESTION(S) PRESENTED

1. Is this case presenting issues of importance beyond the particular facts and parties involved? Well does a case of judicial conspiracy and malice to over the offenses of Police officers against honest law bidding citizens fit the description. For the case presented is as stated in the prior sentence.
2. Is there an existence of a conflict between the decision of which review is sought and a decision of another appellate court on the same issue as it pertains to the Petitioner's case?
3. Did the United States Federal Court in Atlanta, GA depart from the accepted and usual Courts of judicial proceedings as it pertains to the actions and conduct of Clerk's and judges overseeing the case?
4. Does the Petitioner's Constitutional Rights evolve as the highest concern of a nation in all its representation?

## 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:

See attachment

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D. S. Weissel

APPENDIX B Federal District Court of Atlanta Order

APPENDIX C United States Court of Appeals for the Eleventh Circuit Order

APPENDIX D Envelope from the Federal District Court stamped 7-3-8

APPENDIX E Motion For Answer

APPENDIX F Notice of Appeal and Copy of Correspondence from Court of Appeals 11th Circuit.

APPENDIX G Letter of Extension from US Supreme Court

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**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

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

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

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

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

### TABLE OF AUTHORITIES CITED

#### CASES

	PAGE NUMBER
1. Frederick Gibbons v. William Mc Bolde et al. 6114-056. 82-15. United States Court, S.D. Georgia, Augusta Division. August 21, 2015 124 F. Supp 3d 1342 2015 U.S. L. 501702	<u>10-11</u>
2. Palmer v. Hall 380 F. Supp. 120, No 2912 July 29, 1974	<u>10-11</u>
3) Sexton v. Gibbs, 327 F. Supp. 134 (N. D Tex. 1970), aff'd, 446 F. 2d 904 (5th Cir. 1971)	<u>10-11</u>
4) Callahan v. Sanders 339 F. Supp 814, 819 (M. D Ala. 1971)	<u>10-11</u>

#### STATUTES AND RULES

- 1) Rule 77 Conducting Business; Clerks Authority; Notice of an 9-10 Order of Judgment
- 2) Appellate rule 4(a). Effect of a motion on a Notice of 9-10 appeal
- 3) Rule 19. Settlement of a Judgment enforcing an agency 9-10 Order in Part
- 4) Rule 12.1(b) demand after an Indicative ruling by the District Court on a Motion for relief that is barged 9-10 by a pending appeal

#### OTHER

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Jan 28, 2019.

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: \_\_\_\_\_, 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 June 12, 2019 (date) on Apr 124, 2019 (date) in Application No. 18 A 1097.

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 \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment 14

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 where in they reside. No state shall make or enforce any law which shall abridge the privileges or immunitiess 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.

**STATEMENT OF THE CASE**

*See attachment*

## STATEMENT OF THE CASE

The case presented is of great public importance it involves the application of Constitutional rights to a everyday citizen in the United States of America. Erika Jacobs is not able to utilize an automobile and or even walk down the street without being harrassed by police officers . Erika Jacobs, the petitioner has never had a criminal record and follows the law of the land each and everyday. This harrassment from police officers in the Georgia needs to be rectified to its abolition. I am a citizen whose constitutional rights have been violated in the state of Georgia to many times and for to many years. The submission and process of the case has been under malicious and conspiracy of clerks and judges assigned to the case in the Federal Court of Atlanta, GA. The federal district court of Atlanta has not delivered important orders to the Petitioner, did not answer motions and other correspondence about the case from the Petitioner in a timely manner, intentional means to hinder the appeal process by clerks and Judge Duffy in the Federal District Court of Atlanta, and malicious in not informing the Petitioner when calling about her case that a decision had been rendered. The Supreme Court of the United States should view this case as presenting issues of importance beyond particular facts and parties involved.

I could give you all the individual harrassment issues experienced but due to the multiple police departments in Georgia involved. I would request you read the briefs sent to you by the US District Court of Appeals in Atlanta, GA. The Petitioner is requesting that, to be done by the Supreme court of the United States, for all records in reference to the case be sent to the US Supreme Court for review for all case numbers 16-15954-FF ,18-13661-DD and 1:15-cv-03520-WSD. The original case in the Federal District court of Atlanta is 1:15-cv-03520-WSD.

The Federal District Court of Atlanta dismissed the Plaintiff case on April 13, 2016 (the Petitioner originally filed her case with the Federal District Court of Atlanta on Oct 5, 2015). The Petitioner filed a timely appeal with the United States Court of Appeals for the 11<sup>th</sup> circuit in Atlanta GA, case # 16-15954-FF. The United States Court of Appeals for the Eleventh Circuit in Atlanta made a decision to Vacate and Remand the case on 4-17-17, case # 16-15954-FF. (See Appendix C, for United States Court of Appeals for the Eleventh Circuit Order). The Petitioner did not receive the decision of the Federal District Court of Atlanta until August 2018. (See Appendix B, Federal District Court of Atlanta Order). Although I called, sent letters, and motions for a response to my case I received no response from the Federal District Court of Atlanta until August of 2018. (Please see Appendix E, Motion for

Answer). The Federal Court sent me a packet with the order and other envelopes containing the order/judgment that they did not deliver to the Petitioner in a timely manner. (Please see Appendix D, Envelope from the Federal District court stamped for Jul 03, 2018). Now the Petitioner immediately filed a notice of appeal to the United States Court of Appeals for the Eleventh Circuit in August of 2018. The Plaintiff was rendered a new case # of 18-13661-DD. The Plaintiff received correspondence for submitting a brief from the Court of Appeals Eleventh Circuit in August 2018. (Please see Appendix F, Notice of Appeal and Copy of Correspondence from the Court of Appeals Eleventh Circuit; Note that when Petitioner received packet in August of 2018 per her notice of appeal was under the impression that the Federal District Court of Atlanta had not rendered the order to dismiss her case for the second time in May of 2018 per the packet sent). Later, the Court of Appeals denied the Petitioner's appeal for lack of jurisdiction in November 2018. The Plaintiff filed a timely motion in December 2018 to object dismissal. The Court of Appeals sent an order denying the Petitioner Motion in Jan. 2019. (Please see Appendix A, US Court of Appeals denials and Petitioner Motion to Object Dismissal).

Now the case is before the United States Supreme Court for review.

## **REASONS FOR GRANTING THE PETITION**

See attachment

## REASONS FOR GRANTING THE PETITION

The supreme court should grant the petition based on the Public concern of the issue. As well as, due to the conspiracy and malicious actions of the clerks and judges of the Federal court of Atlanta, GA in preventing justice to be rendered to the petitioner for any case presented. Upon requesting all records pertaining to the Petitioner case from the Court of Appeals and Federal District Court it will find that the Georgia continues to deny the Petitioner her Constitutional rights. The Federal district court consistently comes up with frivilous reasons to dismiss the Petitioner's cases. This injustice rendered by the Federal district court of Atlanta should be abolished in all its entirety. The constitutional amendment in violation is the 14<sup>th</sup> Amendment:

All persons born or naturalized in the United States and subject to the jurisdiction there of, are citizens of the United States and of the state where in they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; no 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.

The question arises did the Federal District Court of Atlanta and Court of Appeals of the 11<sup>th</sup> District follow proper rules and regulations in the handling of the Petitioner's case. Was Rule 77: Conducting Business; clerks authority; Notice of an order of Judgment, intentionally not followed by the clerks' of the Atlanta Federal District Court.

Rule 77: Conducting Business; Clerk's Authority; notice of an Order of Judgment

- (1) Service. Immediately after entering an order or judgment, the clerk must serve notice of the entry, as provided in Rule 5(b), on each party who is not in default for failing to appear. The clerk must record the service on the docket. A party also may serve notice to the entry as
- (2) Time to appeal not affected by Lack of Notice. Lack of notice of the entry does not affect the time for appeal or relieve – or authorize the court to relieve- a party for failing to appeal within the time allowed, except as allowed by Federal Rule of Appellate procedure 4(a)

The Plaintiff timely submitted a change of address to both courts of her new address. (Please see Appendix H, Change of address). Now only the US Court of Appeal gave me a copy of my address change for record as seen in Appendix H. Yet, both the Federal Court and court of Appeals was given the Petitioner's change of address timely. The Plaintiff can not file her papers electronically per Georgia's law for pro se applicants in federal court. Thus, the Petitioner can not look up the results

online. When the Petitioner inquired on the status of her case in Federal District Court a truthful answer/response should have been given to her. The Plaintiff sent in correspondence twice to the Federal District Court of Atlanta inquiring on the status of her case as seen in Appendix E, Motion for an Answer.

Did the Federal District Court of Atlanta intentionally not regard Rule 19. Settlement of a Judgment Enforcing an Agency Order in Part and Rule 12.1(b) Remand after an Indicative ruling by the District Court on a Motion for relief that is barred by a pending appeal.

**Rule 19. Settlement of a Judgment Enforcing an Agency Order in Part and Rule**

When the court files an opinion directing entry of judgment enforcing the agency's order in part, the agency must within 14 days file with the clerk and serve on each other party a proposed judgment confirming to the opinion. A party who disagrees with the agency's proposed judgment must within 10 days file with the clerk and serve the agency with a proposed judgment that the party believes conforms to the opinion.

**Rule 12.1 (b). Remand after an Indicative ruling by the District Court on a Motion for relief that is barred by a pending appeal.**

If the district court states that it would grant the motion or that the motion raises a substantial issue, the court of appeals may remand for further proceeding but retains jurisdiction unless it expressly dismisses the appeal. If the court of appeals remands but retains jurisdiction, the parties must promptly notify the circuit clerk when the district court has decided the motion on remand.

Now the Petitioner is in compliance with federal law in her request for extension to file brief with the US Supreme Court in accordance with Appellate Rule 4. Appeals of Right-when taken. 4(a) Effect of a motion on a Notice of Appeal:

If a party files in the district court any of the following motions under the Federal rules of civil procedure and does so within the time allowed and does so within the time allowed by those rules – the time to file an by those rules -the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion.

See Appendix A.

The following cases support the Petitioner's writ of certiorari:

*Sexton v. Gibbs*, 327 F Supp. 134. Found that punitive damages are appropriate where willful or malicious violations of constitutional rights were shown.

And

*Callahan v. Sanders*, 339 F. Supp 814819, the court stated:

"The general rule as to punitive damages is that they may be imposed if defendant has acted willfully and in gross disregard for Plaintiff's rights.

Now as it pertains to the adjust police harrasment experienced by the Petitioner when walking down the street, driving a car and etc is supported by the following cases:

Palmer v. Hall 380 F. Supp. 120 No. 2912 July 29, 1974:

Quinton David Palmer, a thirteen year old Macon child, brought this lawsuit against Macon police officers Roger Hall and Larry Foster, Macon Mayor Ronnie Thompson and the individual aldermen of the city of Macon for his being unconstitutionally and unlawfully shot by Police officer Hall on Feb 18, 1973, Basis of Complaint-42 U.S.C. 1983 The court has jurisdiction under 28 U.S.C.{ 1343 (3) of Plaintiff's complaint which is founded on 42 U.S.C. 1983, a statute of law enacted by the Congress of these United States.

Conclusion: For the foregoing reasons it is ordered, adjudged and decreed that the plaintiff have and recover the sum of \$50,000 in actual and punitive damages jointly and severally against the defendants Ronnie Thompson and Roger Hall.

Frederick Gibbons, Plaintiff, v. William Mc Bride, individually and in his capacity as Director with the GRU Department of Public Safety, et. al. , Defendants. CV 114-056. 8-2-15. August 21, 2015 124 F. Supp 3d 1342 2015 WL 5017021 Education – Civil Rights. Arrestee stated Supervisory liability claim against state university police chief based on failure to train theory.

In lieu of answering Mr. Gibbons Amended complaint (Doc 40), Defendants move for partial dismissal on multiple grounds, including various immunitiess, failure to comply with the procedural requirements of the Georgia Tort Claims Act (GTCA) and failure to state claims upon which the court can grant relief. For the reason stated herein the court grants in part and denies in part Defendants partial motion to dismiss.

The Plaintiff is asking the Supreme Court to render its appropriate authority to insue the rights of the Petitioner.

**CONCLUSION**

The petitioner has presented statutes, cases, and constitutional provisions in support of her petition for writ of certiorari.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Euphemia  
Date: June 11, 2019