

19-7415

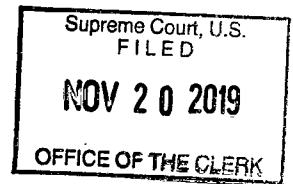
No. \_\_\_\_\_

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
DENNIS C. DAVIS — PETITIONER  
(Your Name)



vs.

FAYETTE COUNTY APPRAISAL DISTRICT,  
PERDUE, BRANDON, FIELDER, — RESPONDENT(S)  
COLLINS & MOTT, L.L.P.

ON PETITION FOR A WRIT OF CERTIORARI TO

NO. 18-20468

United States Courts Of Appeals for the Fifth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DENNIS C. DAVIS #1597434  
(Your Name)

1098 S.Hwy 2037  
(Address)

Ft. Stockton, Texas 79735  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

QUESTION(S) PRESENTED

QUESTION ONE: Writ of Certiorari to resolve a conflict among the state courts as to whether in TAX CASES, state court must provide relief under 42 U.S.C. §1983 when adequate remedies exist under state law? [W]here petitioner's statutory claims were negated by erroneous limitation law. (provisions involved, Appx. E)

QUESTION TWO: Writ of Certiorari to resolve as to whether the lower court has failed to adjudicate the merits of the petitioner's 42 U.S.C. §1983 complaints to state a cognizable Taxation violation claim for relief? (provisions involved, Appx. F)

QUESTION THREE: Writ of Certiorari to resolve as to whether petitioner's 42 U.S.C. §1983 establish fraudulent state Taxation upon his statutory fraudulent inducement claim and intentional tort claim? (provisions involved, Appx. G)

## 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:

Richard Morning; Linda Wagner,

John T. Banks; A. Dylan Wood

## RELATED CASES

CLARK V. ANDREWS COUNTY APPRAISAL DISTRICT, 251 Fed. Appx 267

HOLMES V. TEX. A & M UNIV., 145 F.3d 681, 684-685 (5th Cir. 1998)

PERSUASIVE AUTHORITY: Question One, Provisions One

See:

NATIONAL TRUCK COUNCIL INC. VS. OKLAHOMA TAX COMMISSION,  
111 S.Ct. 2882, UNITED STATES SUPREME COURT CERTIORARI:  
GRANTED, VACATED JUDGMENT AND REMAND. (Citing: The  
QUESTION ONE of the Petitioner's Certiorari) [W]here  
Petitioner's Statutory Claims were Negated by Erroneous  
Limitations Law. (prejudice presume.)

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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 C to the petition and is

☐ reported at TEXAS THIRD COURTS OF APPEALS; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the SUPREME COURT OF TEXAS court appears at Appendix D to the petition and is

☐ reported at \_\_\_\_\_; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

1.

## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 23 2019. APPENDIX A.

☒ 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 \_\_\_\_\_ (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 \_\_\_\_\_.  
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

|   | APPEARS IN<br>APPENDIX | PAGES                      |
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| §27.01<br>V.T.C.A. BUSINESS AND COMMERCE<br>COMMON LAW FRAUD<br>AND<br>INTENTIONAL TORT | G.<br><br><br><br>G.   | 63-68<br><br><br><br>63-68 |

STATEMENT OF THE CASE  
Civil Action No. 4:16-cv-1112

DENNIS DAVIS  
Petitioner (hereinafter DAVIS)

VS.

FAYETTE COUNTY APPRAISAL DISTRICT  
Respondents (hereinafter F.C.A.D.)  
PERDUE, BRANDON, FIELDER, COLLINS & MOTT, LLP  
Respondents (hereinafter P.B.F.C.M.)

This Petition For Writ of Certiorari is of Extraordinary fraudulent, illegality and fundamentally erroneous scheme of taxation by the tax authority and collector. Requires Writ of Certiorari Rendition of a different judgment upon the Merits Of The Case from the order appealed from.

DAVIS, filed his §1983 for the purported violations of the Texas Debt Collections Act (T.D.C.A.)(see: Tex. Fin. Code §392.301). He also invoked the Federal Fair Debt Collections Practices Act (F.D.C.P.A.)(see: 15 U.S.C. §1692(e), and the Texas TORT Law of intentional inflictions of emotional of distress, and FRAUD claims. ROA. 8-47) (prejudice presume)

The United States District Court for the Southern District of Texas, Houston Division and the United States Court of Appeals for the Fifth Circuit, HAS FAILED TO ADJUDICATE, DAVIS'S §1983 MERITS, by dwelling on the COLECTION of Ad valorem TAXES. Instead of focusing on the True Cause of Action, and the bulk of DAVIS'S §1983 claims.

DAVIS, was dragged into a court of law, where the delinquent

4.

STATEMENT Pg. 1

TAX was PAID IN FULL (ROA. 144, Appx. 3)(19 days Anterior).  
Whereeto, being filed and posted within the Appraisal District  
(ROA. 145, Appx. 3) proceeded to trial court without Legal Immunity,  
as a private person presented a fraudulent (paid) TAX ROLL (ROA.  
94-96, Appx. 4) as prima facie evidence, that Jeopardize The  
Court's Jurisdiction, acting as a FALSE AUTHORITY, with deceptive  
acts of misleading representation, where A WRONGFUL ENTRY OF  
JUDGMENT "CAUSE OF ACTION" Render a \$1,431.74 dollars MONEY DEBT  
DUTY BY JUDGMENT of an Personal Obligation against (NAMED) DENNIS  
C. DAVIS, the (Petitioner) (ROA. 97-99, Appx. 2) Even though  
DAViS did not owned the property of the (Nonsuit) lien (only  
because of the NON-DEBT there was a tax lien) Where The JUDGMENT  
SPECIFIC NAME PETITIONER of private concern. (see: Appx. 2) Which  
is proximate to the Violations of the T.D.C.A, F.D.C.P.A. and  
FRAUD & TORT CLAIMS IN DAVIS'S §1983. That Shall Not Prejudice  
DAVIS'S right to be heard on pending claims for affirmative relief.  
Tex. R. Civ. P. RULE 162. Moreover, the release of the judgment's  
non-debt lien (70 days later) Did Not rendered the case moot  
(see: ROA. 135-138, Appx. D at pg 5) where a live controversy  
remained. DAVIS'S assertion damage for mental anguish are Recoverable  
Undet The Acts. CAMPBELL, 616 S.W. 2d at 375; see: BROWN V.  
OAKLAWN BANK, 718 S.W. 2d 678, 680 (Tex. 1986) (holding that  
damage for "serious upset" and "strain of overall situation"  
were Recoverable Under The Acts).

TAX SUIT: DAVIS, was served in a tax suit on April 10, 2012  
(ROA. 48-56, Appx. 1) by (P.B.F.C.M.) a delinquent tax collector

Law Firm. On October 31, 2012, the trial court render a WRONGFUL ENTRY OF JUDGMENT in favor of (F.C.A.D.)(ROA. 97, Appx. 2).

On November 4, 2014, the Third Court of Appeals, Texas, Wrongfully Agreed with the trial court and denied the Writ of Habeas Corpus (ROA. 135-138, Appx. D). On May 1, 2015, The Supreme Court (without written opinion) denied DAVIS'S petition for review (Appx. C).

On April 22, 2016 DAVIS filed his original §1983 complaint. (ROA. 8-47). On June 11, 2018, by dwelling on the Collection of TAXES, otherwise PAID IN FULL, BIASLY FAILED TO ADJUDICATE The Fraudulent Representation that render A WRONGFUL ENTRY OF JUDGMENT (ROA. 516-17, Appx. B). On August 23, 2019, The U.S. Court of Appeals Fifth Circuit agreed with the District Court and denied the Appeal (Appx. A). Soon after on November 26, 2019, DAVIS filed his Writ of Certiorari in the Supreme Court of the United States. DAVIS was given 60 days to re-submit.

In it's Memorandum And Order And Final Judgment (ROA. 516-17, Appx. B) the district court dismissed DAVIS'S §1983 on the grounds of: (1) DAVIS'S claims were barred by limitation. This brings up DAVIS'S WRIT QUESTION ONE: A conflict among the State's Courts as to whether IN TAX CASES, state courts must provide relief under §1983 when adequate remedies exist under State Law?

The ground of barred by limitation "CAN NOT" WITHSTAND DAVIS'S PROVISION INVOLVED ONE (Appx. E) THE TAX INJUNCTION ACT, U.S.C.A. §1341. Where the general rule that exhaustion of State remedies is Not required in §1983 actions; "did Not apply" where State property TAX was challenged, given specific Congressional

Limitation On Federal Jurisdiction.

Second ground of dismissal: DAVIS failure to State A Claim under (T.D.C.A.) & (F.D.C.P.A.) that Taxes Are Not Debts and (F.C.A.D.) & (P.B.F.C.M.) Are Not Bill Collectors. PROVISION INVOLVED TWO (Appx. F) STATES: THERE WAS NO TAXES OWED, ONLY A FRAUDULENT DEBT CREATED BY FRAUDULENT PRACTICES AND THE RESPONDENTS FAILED TO HAVE SOVEREIGN IMMUNITY, Constitutes Several Cognizable Legal Claims under the Acts.

Additionally, the court dismissed DAVIS'S FRAUD CLAIM (see: Provision Involved THREE)(Appx. G) and his TORT CLAIM (see: Provision Involved FOUR)(Appx. H) and his Amends To State A Claim (see: Provision Involved FIVE)(Appx. I).

NO ONE SHOULD SUFFER the kinds of ABUSE that the Tax Authority and Collector AFFLICTED on the Petitioner, and this Petition For WRIT OF CERTIORARI Should be: GRANTED, to also deter any forecoming miscarriage of justice a like in regard to PUBLIC TAXATION. Sincerely, Dennis Davis, Petitioner.

### REASONS FOR GRANTING THE PETITION

This writ is of the SUPREME COURTS JURISDICTION IMPORTANCE that requires a review and the granting of an Rendition of a different judgment upon the Merits Of The Case from the order appealed from.

This writ is of an UNacceptable Fraudulent DOUBLE TAXATION Scheme by a STATE OF TEXAS Appraisal District on the collection of property and Ad valorem taxes, having private and public concerns in the Nation's court system.

The Petitioner, therewith, the other good citizens of THE UNITED STATES OF AMERICA, who owes allegiance to the government and is entitled to its protection...goes to work...pays taxes... and dies. NO WHERE in the Constitution does it say a TAXpayer MUST PAY THE SAME TAXES TWICE. STATE TAXPAYERS are entitled to relief from fundamentally erroneous plan or scheme of taxation.

IT IS INDISPUTABLE, that the lawsuit taxes were PAID IN FULL twenty six (26 days) anterior of the trial court, NEVERTHELESS, The Fayette County Texas, Appraisal District, Without Sovereign Immunity, Intentionally, Knowingly and/or Recklessly enter into the trial the EXACT (paid in full) TAXROLL as the prima facie evidence, that render A WRONGFUL ENTRY OF JUDGMENT LIEN, that embark the Petitioner to pay a NOW DEBT/DUTY... "NOT TAXES" for a Cash sum of \$1,468.78 Dollars, that was paid prior to the trial. For the next Seventy (70 days) the illegal judgment stood against the Petitioner. Only after the Petitioner

filed a Motion For A New Trial did the TZX Authority try to cover-up their, WRONGFUL JUDGMENT with a release of the judgment. However, the released judgment DID NOT DELETE the Inflected Consequences.

DOUBLE TAXATION "Double Dipping" IS UNLAWFUL; ALSO FRAUDULENT TAXATION AND WRONGFUL ENFORCEMENT are of Civil Rights violations, that Requires To Be Eliminated and/or Deterred from the Nation's Court System. The Petitioner, is fully aware that the granting of this Writ of Certiorari may not stop All Erroneous TAXation, but the granting of this writ, will be very influencial in the case at point and future similar legal decisions.

#### GRANTING REASONS ONE

THE MERITS OF THIS WRIT OF CERTIORARI CONSTITUTES: That The Petitioner Raised STATUTORY CLAIMS under F.D.C.P.A. and the T.D.C.A. as well as Tort Claims under both 42 U.S.C. §1983 and Texas Common Law (fraud and intention infliction of emotional distress) and therefore the Lower Courts has erroneously dismissed them.

The Petitioner argues that his allegations supporting the Merits of his claims are true to STATE A CLAIM entitles to relief. Petitioner claimed, as he had in the state-court action, that the TAX Suit contained Inaccurate Material and Fraudulent Representation, but largely abandoned his prior "slander and libel" cause of action; instead, Petitioner focused the bulk of his §1983 claims on the new allegation that the Tax Suit constituted: WRONGFUL ATTEMPTS TO COLLECT A DEBT.

The Merits of the claims, includes that the TAX WAS PAID  
IN FULL, LEAVING ONLY A FRAUDULENT DEBT...NOT TAXES, Being  
Represented by a private person are the "CAUSE OF ACTION" TO  
"STATE A CLAIM" IN Violations of the Petitioner Claims Petitioner  
Has "STATE A CLAIM" for relief that entitles him to be heard.  
CERTIORARI Should be GRANTED, VACATED JUDGMENT, AND REMANDED.

GRANTING REASONS TWO

The Statutes of Limitations was erroneously used to dismiss  
the Petitioner's Claims. The Petitioner has argued that he could  
not file his federal suit while the State Case was pending, because  
he feared the res judicata effect that the first of the two cases  
to be decided would have on the other, and this is True.

The Facts are that the Lower Courts have uniformly found  
state laws that do not concern the question presented here -  
and the court apply different rationales in reaching their uniform  
result.

Being a complaint upon alleged violations of civil rights  
42 U.S.C.A. §1983 of the U.S. Constitution will NOT AVOID the  
prohibition contained in 28 U.S.C.A. §1341, TAX INJUNCTION ACT.  
In this case §1983 collides FULL FORCE with specific congressional  
limitation on federal jurisdiction.

§1341 reflects the congressional concern with federal court  
interference with STATE TAXATION and there is No similar statute  
divesting state court of the authority to enter an injunction  
under federal law when an adequate legal remedy is available



under STATE LAW.

The record reveals that Petitioner did exhaust available state remedies. TEXAS STATE remedial procedures were available and the petitioner could have and did availed himself of those procedures. The Petitioner's §1983 " IS OF TIMELY ". CERTIORARI should be GRANTED, VACATED JUDGMENT, AND REMANDED.

GRANTING REASON THREE

THE MERITS OF THIS WRIT OF CERTIORARI CONSTITUTES That The Petitioner Raised A COMMON LAW FRAUD CLAIM.

The Respondents, INTENTIONALLY, KNOWINGLY, AND/OR RECKLESSLY enter into trial court the FRAUDULENT TAX ROLL, as the Prima Facie Evidence, JEOPARDIZE COURT'S JURISDICTION, having ONLY Legality to dismiss or nonsuit the lawsuit, HOWEVER, Respondents being WITHOUT SOVEREIGN IMMUNITY, acting as a private person under FALSE AUTHORITY, Knowingly utilized a INACCURATE AND IMPROPER Fraudulent tax roll, THEREWITH: DECEPTIVE ACTS OF WRONGDOINGS, MISLEADING REPRESENTATION, AND CONCEALMENT OF MATERIAL FACTS, from the court for the BENEFITS OF THE RESPONDENTS, that render A WRONGFUL ENTRY OF JUDGMENT, and a DEBT/DUTY BY JUDGMENT onto Petitioner that he DID NOT OWE.

The Lower Court are WRONG BY DWELLING ON THE TAXES WERE OWE, Instead on the Fraudulent, illegality and fundamentally erroneous scheme of "DOUBLE" TAXation by the tax authority and collector. Requires GRANTING OF WRIT Of Certiorari Rendition of a different judgment upon the Merits Of The Case from the

order appealed from.

GRANTING REASONS FOUR

THE MERITS OF THIS WRIT OF CERTIORARI CONSTITUTES That The  
Petitioner Raised A TORT CLAIM.

The Petitioner, Retains his "intentional infliction of emotional distress" claim, averring that he was irrevocably injured and emotionally distraught by being intentionally or recklessly "dragged" into a court of law for an outrageous sum of money that was paid in full, is utterly intolerable in civilized community, whereto, the ill-motivated action constitute legally actionable infliction of "serious upset" and "strain of overall situation" of emotional distress, are also recoverable under the Texas Debt Collection Practices Act Claim Of the Petitioner's §1983.

INCLUSION: The Petitioner HAS FULLY SATISFIED ALL REQUISITES OF A CLAIM WITHIN HIS U.S.C.A. 42 §1983 AND/OR 15 U.S.C.A. §1692(e.) So Requires THE GRANTING of review, Writ of Certiorari RENDITION of a different judgment upon the Merits Of The Case from the order appealed from. Thank You, Dennis Davis, Petitioner.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dennis L Davis

Date: JANUARY 21, 2020

6.