

No. 19-8283 ORIGINAL

Supreme Court, U.S.  
FILED

APR 07 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

James Leonard Toney — PETITIONER  
(Your Name)

vs.

Corp, Heath Dickson et.al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court Of Appeals For The Eighth Circuit, 19-1273

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James Leonard Toney <sup>ADC</sup> #107698  
(Your Name)

600 west Sunset Ave.  
(Address)

Springdale, Arkansas 72764  
(City, State, Zip Code)

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

Execute an warrant that came through the Galina Crime  
Institution Center on James Leonard Long Violated The  
Truth Femandment evidence shows fabricated Nonexistence

QUESTION(S) PRESENTED

## **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:

Corporal Heath Dickson, Malvern Police Department

Sergeant Keith Prince, Malvern Police Department

Assistant Chief Jim Bailey, Malvern Police Department

## **RELATED CASES**

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Case # No: 19-1273

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**TABLE OF AUTHORITIES CITED**

**CASES**

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**STATUTES AND RULES**

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## Issues of Authorities

### CASES

#### False - or - No Warrant;

Trammell v. Wright, 2014 Ark. App. 439, 439 S.W.3d 718.

April 7, 2016 2016 Ark. 147 489 S.W.3d 636 Supreme Court of Arkansas.

Watkins v. Perkins, United States Court of Appeals, for Eighth Circuit - October 14, 2015 618 Fed. Appx. 299 (Mem)

Pierson v. Ray, Supreme Court of the United States April 11, 1967

386 U.S. 547 87 S.Ct. 1213 18 L.Ed.2d 288,

Burlington Transp. Co. v. Josephson, Court of Appeals, for Eighth Circuit - February 19, 1946 153 F.2d 372

#### Targeted - and - Profiled

Martinez v. Village of Mount Prospect, United States District Court, N.D. Illinois, Eastern Division April 5, 2000 92 F. Supp. 2d 780

U.S. v. Travis, United States District Court, E.D. Kentucky Covington - Division - November 23, 1993 837 F. Supp. 1386 62 USLW 2392

Giron v. City of Alexander, United States District Court, E.D. Arkansas - Western Division, March 5, 2010 693 F. Supp. 2d 904

Brown v. Madison County Mississippi, United States District Court S.D. Mississippi Northern Division, January 4, 2019 Slip Copy 2019 WL 112783

Johnson v. Crooks, United States Court of Appeals, Eighth Circuit - April 23, 2003 326 F.3d 995

Harassment

Banks v. County of Westchester; United States District Court

S.D. New York March 9, 2016 168 F. Supp. 3d 682

Watson v. Carter; United States Court of Appeals Ninth Circuit -  
February 13, 2012 668 F. 3d 1108 12 Cal Daily Op. Serv. 1849

2012 Daily Journal D.A.R. 1973

Keenan v. Hall; United States Court of Appeals, Ninth Circuit

May 8, 1996 83 F.3d 1083 96 Cal. Daily Op. Serv. 3261, 96 Daily Journal D.A.R. 5331

Willey v. Kirkpatrick; United States Court of Appeals, Second Circuit -

August 28, 2015 801 F. 3d 51 92 Fed.R. Serv. 3d 825

Note: Re No. 12-1273

The brief that James L Toney filed on 3/22/19 and  
w/Service on 3/28/19 is in part the conclusion of this  
brief making it a hold.

This ( ~~go's~~ right on top) Full Brief  
of 7 pages filed on 3/22/19

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.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 02, 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: January 09, 2020, and a copy of the order denying rehearing appears at Appendix A.

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**

*see Attach sheets*

*67-(b) and (c)*

## EXPLANATION OF EXEMPTIONS

## SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
- (b) (2) related solely to the internal personnel rules and practices of an agency;
- (b) (3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b) (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b) (5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b) (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- ✓ (b) (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b) (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b) (9) geological and geophysical information and data, including maps, concerning wells.

## SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding;
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k) (1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k) (4) required by statute to be maintained and used solely as statistical records;
- (k) (5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

EXHIBIT

G

FBI/DOJ

**STATEMENT OF THE CASE**

*See Attach sheet's*

## (Legal Standard)

Let the record show that the arrest warrant that officer Dickson and Prince had relied on was cleared rendering it inactive. could not have cleared because the entire NCIC ordeal was a lie fabricated by Dickson and his Attorney, the FBI, NCIC can't run something they don't have See page 2 Exhibit

(D) The incident report contradicting conflicting stories, dispatch prints the warrant's (Question) why come dispatch didn't print Dickson a warrant it's not because dispatch could not find the hard copy there wasn't a warrant to print they are not going to lose there job for Dickson lies, and that is why the incident report set aside to scheme the FBI NCIC See Exhibit

(A) ( Statement of The Case )

The Incident Report —, Exhibit (A)

The video footage —, Trickery question, I can't have in prison;  
The NCIC Fabrication —, Exhibit (D)

are contradicting conflicting stories that violate's the Fourth Amendment that no warrant can not be had, trickery question still don't constitute a warrant can be had.

Dickson and his Attorney tried to give me two eastern district case to dismiss this case with the three strikes See Exhibit  
(I)

Execute an warrant that came through the National Crime Information Center on James Leonard Toney That was perjury in these Courts, next page continue:

**REASONS FOR GRANTING THE PETITION**

SEE Attach sheet's

Next page you have genuine issue of material facts in this petition.

Arkansas prisoner James Toney appeals the district court's<sup>1</sup> adverse grant of summary judgment in his 42 U.S.C. § 1983 action. After careful review of the record and the parties' arguments on appeal, we conclude that summary judgment was proper. *See Tusing v. Des Moines Indep. Cnty. Sch. Dist.*, 639 F.3d 507, 514 (8th Cir. 2011) (reviewing summary judgment decision de novo, viewing the record in the light most favorable to the non-moving party; stating that summary judgment is appropriate if no genuine issue of material fact exists such that the movant is entitled to judgment as a matter of law). Accordingly, we affirm. *See* 8th Cir. R. 47B.

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<sup>1</sup>The Honorable P.K. Holmes, III, United States District Judge for the Western District of Arkansas.

No.

In The  
Supreme Court of The United States

James Leonard Toney - Petitioner  
v.s.

Corp Heath Dickson et.al. - Respondent(s)

Petition for a Writ of Certiorari

From the denial of a timely filed petition for rehearing  
In The U.S. Court of Appeals for The Eighth Circuit (No. 19-1273)

[Explanation of Perjured Evidence.]

(Back Ground)

On December 20, 2018 District Court sent the Summary Judgment. That's when I contacted FBI's Criminal Justice Information Services Division - Summary Request, The Brief for Eighth Circuit Appeals Court was filed on 3/22/2019 before I received The Information package from the FBI Identity History Summary or proof that a summary does not exist I received the instruction on May 6, 2019 see: Exhibit (E) On May 30, 2019 I sent the Information package back to FBI Identity History for Summary Request. I also sent the Appeals Court a copy of the same, to let the Appeals Court know what's being asked for. On August 5, 2019 I received the FBI NCIC answer, see: Exhibit (F). I sent a copy of everything to the Appeals Court.

## (Legal Standard)

Let the record show that the arrest warrant that officer Dickson and Prince had relied on was cleared rendering it inactive. could not have cleared because the infire NCIC ordeal was a lie fabricated by Dickson and his Attorney, the FBI, NCIC can't run something they don't have See. page 2 Exhibit

(D) The incident report contradicting conflicting stories, dispatch prints the warrant's (Question) why come dispatch didn't print Dickson a warrant it's not because dispatch could not find the hard copy there wasn't a warrant to print they are not going to lose there job for Dickson lies. and that is why the incident report set aside to scheme the FBI NCIC. See: Exhibit

## (A) ( Statement of The Case )

The Incident Report - Exhibit (A)

The video footage - Trickery questions I can't have in prison;

The NCIC Fabrication - Exhibit (D)

There are contradicting conflicting stories that Violate's The Fourth Amendment that no warrant can not be had, trickery question still don't constitute a warrant can be had.

Dickson and his Attorney tried to give me two eastern district case to dismiss this case with the three strikes See: Exhibit (I)

Execute an warrant that came through the National Crime Information Center on James Leonard Toney That was perjury in these Courts, next page continue:

U.S. District Court for the Western District of Arkansas

(6:17-cv-06100-PKH)

U.S. Court of Appeals for the Eighth Circuit No: 19-1273  
Also lied on a federal agency in a federal court of law  
no respect for the Justice System. See: Exhibit -  
(B,C,D).

In James L. Toney moving for judgment has made a sufficient showing; the burden of truth rest with James L. Toney to set forth the facts, by affidavit or other evidence, showing that a genuine issue of material fact exists." National Bank of Commerce v. Dow Chemical Co. 165 F.3d 602, 607 (8th Cir. 1999).

When opposing parties tell two or more different stories, and one which is fabricated and also blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment." Scott v. Harris, 550 U.S. 372, 380 (2007).

The FBI-Criminal Justice Information Services Division has provide the court with the truth.

The petitioner is entitle to justice.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Date: February 22, 2020