

19-8512
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

ALEXANDER MHLANGA TDOC # 383047
— PETITIONER
(Your Name)

vs.

TROOPER JENNIFER HICKS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

ALEXANDER MHLANGA

(Your Name)

BLEDSOE COUNTY CORRECTIONAL COMPLEX SITE #2
1045 HORSEHEAD ROAD

(Address)

PIKEVILLE, TENNESSEE 37367

(City, State, Zip Code)

423-881-3251 MAIN NUMBER

(Phone Number)

QUESTION(S) PRESENTED

- 1- DID DEFENDANT VIOLATE PLAINTIFF'S RIGHTS UNDER THE FOURTH AMENDMENT IN THIS CASE ON THE WAY DEFENDANT ISSUED THE TICKETS UNDER COLOR OF LAW AND COST PLAINTIFF TWO SEPARATE ARRESTS?
- 2- DID DEFENDANT DEPRIVE PLAINTIFF'S CONSTITUTIONAL RIGHTS BY IGNORING PLAINTIFF'S ADVISE OF THE REMOVAL OF HABITUAL OFFENDER STATUS ON DECEMBER 9, 2016 ON JANUARY 23, 2017'S ARREST AND ARRESTED PLAINTIFF FOR HABITUAL MOTOR VEHICLE OFFENDER?
- 3- WAS DEFENDANT NEGLIGENT WHEN SHE FORGOT TO WRITE ON THE SECOND CITATION TICKET DATED JANUARY 27, 2017 THAT IT WAS CORRELATED WITH THE JANUARY 23, 2017'S INCIDENT WHICH COST PLAINTIFF A SECOND ARREST?
- 4- DID PLAINTIFF HAVE LEGAL PROBLEMS ON PROPERLY LITIGATING HIS CASE AT SOME POINT THAT PLAINTIFF NEEDED APPOINTED COUNSEL AND WAS DENIED SEVERAL TIMES?
- 5- DID DEFENDANT VIOLATE PLAINTIFF'S EIGHTH AMENDMENT AND EQUAL PROTECTION CLAUSE OF THE UNITED STATES CONSTITUTION THAT PLAINTIFF DESERVES MONETARY DAMAGES BASED ON PLAINTIFF'S COMPLAINT?

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:

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OTHER

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 B to the petition and is

☒ reported at CASE NO. 19-5868; 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☐ is unpublished.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 _____ 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 A to the petition and is

☒ reported at U.S. DISTRICT COURT ORDER DATED 2/13/18; 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 MARCH 30, 2020 CASE # 19-5868

☐ 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: MARCH 30, 2020, and a copy of the order denying rehearing appears at Appendix B.

☐ 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).

THE COURT HAS JURISDICTION OVER THE PLAINTIFF'S CLAIMS OF VIOLATION OF FEDERAL CONSTITUTIONAL RIGHTS UNDER 42 U.S.C. 1331 AND 1343. THE COURT ALSO HAS JURISDICTION PURSUANT TO 42 U.S.C. § 1983.

☐ 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

SECTION 1983 CREATES A PRIVATE RIGHT OF ACTION "AGAINST OFFICIALS WHO, UNDER THE COLOR OF STATE LAW, DEPRIVE INDIVIDUALS OF THEIR CONSTITUTIONAL RIGHTS". BROWN V. CHAPMAN, 814 F.3d 447, 457 (6th Cir. 2016) (CITING 42 U.S.C. § 1983). A PERSON WHO HAS BEEN THE VICTIM OF "AN UNLAWFUL ARREST OR WRONGFUL SEIZURE UNDER THE COLOR OF LAW HAS A CLAIM BASED ON THE FOURTH AMENDMENT GUARANTEE THAT GOVERNMENT OFFICIALS MAY NOT SUBJECT CITIZENS" TO UNREASONABLE SEARCHES AND SEIZURES. BROOKS V. ROTHE, 577 F.3d 701, 706 (6th Cir. 2009) (CITING U.S. CONST. AMEND. IV; GARDENHIRE V. SCHUBERT, 205 F.3d 303, 312-13 (6th Cir. 2000)).

IN THE CASE AT BAR, THE PLAINTIFF HAS CLEARLY SATISFIED THAT TWO PRONG TEST OF GOMEZ WHEREIN BOTH "ELEMENTS" ARE CLEARLY SATISFIED IN THIS CASE. FURTHER, STATE OFFICIALS HELD SUBJECT TO PERSONAL LIABILITY FOR DAMAGES UNDER 42 U.S.C. 1983 BASED ON OFFICIAL ACTS, WHERE 1983 ACTIONS WERE BROUGHT AGAINST OFFICIALS IN THEIR INDIVIDUAL CAPACITY. SEE, HAFFER VS MELO, 502 U.S. 21, 116 L.Ed 2d 301, 112 S.Ct. 358 (1991); SEE ALSO THOMPSON VS OPEIU, 74 f 3d 1492 (6th Cir. 1996).

PLAINTIFF CONTENDS THAT PURSUANT TO SMITH VS WADE, 461 U.S. 30, 52, 103 S.Ct 1652 (1983); HEWETT VS JARRARD, 786 f 2d 1080, 1088 (11th Cir 1986). PLAINTIFF CONTENDS THAT UNLAWFUL CONFINEMENT CLEARLY WARRANTS COMPENSATORY DAMAGES. PLAINTIFF IS ENTITLED TO COMPENSATORY DAMAGES. SEE KERMAN VS CITY OF NEW YORK, 374 f 3d 93, 125 (2nd Cir 2004).

UNDER THE PRISON LITIGATION REFORM ACT ("PLRA"), 28 U.S.C. § 1915(a), A PRISONER BRINGING A CIVIL ACTION MAY BE PERMITTED TO FILE SUIT WITHOUT PREPAYING THE FILING FEE REQUIRED BY 28 U.S.C. § 1914(a). PLAINTIFF IS INDIGENT TO AFFORD COUNSEL TO HELP HIM TO PROPERLY LITIGATE AND RELIES ON THE COURT FOR ASSISTANCE. [SEE TRUST FUND COPIES DATED MAY 8, 2020 WITH MOTION FOR APPOINTMENT OF COUNSEL]

STATEMENT OF THE CASE

THIS IS A SUPREME COURT APPEAL OF A CIVIL RIGHTS VIOLATION CASE UNDER 42 U.S.C § 1983 AGAINST DEFENDANT TENNESSEE HIGHWAY PATROL TROOPER JENNIFER HICKS IN DISTRICT COURT OF MIDDLE DISTRICT OF TENNESSEE COURT WHICH WAS TO BE REVIEWED PURSUANT TO THE PRISON LITIGATION REFORM ACT ("PLRA") 28 U.S.C § 1915 (e) (2) AND 1915 A, AND 42 U.S.C § 1997 (e) WHICH WAS DISMISSED. PLAINTIFF ASSERTED CLAIMS FOR THE UNCONSTITUTIONAL AND UNLAWFUL ARREST AND CONFINEMENT OF PLAINTIFF IN JAIL. PLAINTIFF CONTENDS THAT THIS CASE IS NOT THE REASON HE IS INCARCERATED. THE PLAINTIFF SEEKS DAMAGES AS TO ALL CLAIMS IN HIS 42 U.S.C § 1983 CIVIL RIGHTS CASE IN VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION, THE EIGHTH AMENDMENT AND EQUAL PROTECTION CLAUSE OF THE UNITED STATES CONSTITUTION.

PLAINTIFF ALEXANDER MHLANGA IS A (TDOC) TENNESSEE DEPARTMENT OF CORRECTION PRISONER CURRENTLY INCARCERATED AT BLEDSOE COUNTY CORRECTIONAL COMPLEX, SITE #2. PLAINTIFF MHLANGA ALLEGES THAT ON JANUARY 23, 2017, DEFENDANT HICKS INITIATED A TRAFFIC STOP AND STOPPED PLAINTIFF. DURING THE STOP, DEFENDANT HICKS ADVISED PLAINTIFF THAT HE WAS A HABITUAL OFFENDER IN VIOLATION OF T.C.A. § 55-10-616 AND THAT SHE WAS PLACING HIM UNDER ARREST AND SEIZING HIS VEHICLE. PLAINTIFF ADVISED DEFENDANT HICKS THAT ON DECEMBER 9, 2016, THE DAVIDSON COUNTY COURT HAD REMOVED HIS HABITUAL OFFENDER STATUS AND RESTORED HIS DRIVING PRIVILEGES. [SEE APPENDIX A UNDER CASE # HD-04-182 ORDER RESTORING DRIVING PRIVILEGES AND COMMUNICATION RESULT REPORT COPIES. DEFENDANT HICKS IGNORED PLAINTIFF AND ARRESTED HIM. [SEE APPENDIX A - CITATION # 225663G, CITATION # 225664G AND VEHICLE SEIZURE COPY] THE NCIC-BACKGROUND EVENT CHRONOLOGY SHEET DOES NOT SHOW ANYTHING TO DO WITH PLAINTIFF'S HABITUAL OFFENDER. [SEE APPENDIX A - BACKGROUND EVENT CHRONOLOGY COPY]. PLAINTIFF WAS ASKED BY DEFENDANT HICKS TO SIGN TWO CITATIONS

STATEMENT OF THE CASE

AND A NOTICE OF PROPERTY SEIZURE. PLAINTIFF POSTED BOND ON THE JANUARY 23, 2017. [SEE APPENDIX - A CITATION # 225663 G. ON JANUARY 27, 2017, DEFENDANT HICKS ISSUED ANOTHER TRAFFIC CITATION TO PLAINTIFF. IN THE CITATION, DEFENDANT HICKS NOTED THAT SHE STOPPED PLAINTIFF WHILE HE WAS DRIVING THE VEHICLE WHICH SHE HAD SEIZED JUST DAYS BEFORE. [SEE APPENDIX - A CITATION # 225664 G]. PLAINTIFF WAS NOT AWARE OF THE SECOND CITATION UNTIL FEBRUARY 4, 2017, WHEN HE WAS LEAVING WORK AND WAS ARRESTED ON A WARRANT FROM ROBERTSON COUNTY BASED ON THE CITATION DEFENDANT HICKS HAD ISSUED ON JANUARY 27, 2017.

PLAINTIFF WAS TAKEN INTO CUSTODY AND BOOKED INTO THE DAVIDSON COUNTY SHERIFF'S OFFICE. PLAINTIFF ALLEGES THAT WHEN HE WAS BEING BOOKED, A PROBATION VIOLATION CHARGE WAS ADDED BASED ON DEFENDANT HICKS' TWO CITATIONS. PLAINTIFF ALLEGES THAT HE SPENT 34 DAYS IN THE DAVIDSON COUNTY JAIL AFTER WHICH HIS PROBATION VIOLATIONS WERE RETIRED AFTER PLAINTIFF EXPLAIN TO HIS COUNSEL WHAT WAS HAPPENING. PLAINTIFF WAS TRANSFERRED TO ROBERTSON COUNTY ON MARCH 8, 2017 AND RELEASED ON MARCH 9, 2017 ON BOND. [SEE APPENDIX - C UNDER ROBERTSON COUNTY DETENTION FACILITY

STATEMENT OF THE CASE

ALL CONFINEMENTS AND CHARGES COPY APPENDIX - C
CITATION # 225664 G ON MARCH 8, 2017 POSTED BOND].
PLAINTIFF'S VEHICLE ENDED UP FORFEITED TO TAP ON
DECEMBER 5, 2017. [SEE APPENDIX - C UNDER TN SAFETY
AND HOMELAND SECURITY COPY DATED DECEMBER 5, 2017]

ON DECEMBER 12, 2017, PLAINTIFF APPEARED IN THE
ROBERTSON COUNTY COURT AND ADVISED THE COURT AND
HIS APPOINTED COUNSEL ABOUT WHAT HAD TRANSPIRED
WITH DEFENDANT HICKS AND BOTH CASES STEMMING
FROM THE JANUARY 23, 2017 CITATION AND THE CASE
STEMMING FROM THE JANUARY 27, 2017 CITATION WERE
DISMISSED. PLAINTIFF ALLEGES THAT DEFENDANT HICKS
VIOLATED HIS RIGHTS, THE FOURTH AMENDMENT. AS RELIEF
HE SEEKS MONETARY DAMAGES [SEE APPENDIX - A
PLAINTIFF'S 42 U.S.C 1983 CASE # 3:18-CV-0036
COMPLAINT IN U.S. DISTRICT COURT].

ON FEBRUARY 25, 2020, PLAINTIFF WAS DENIED IN
FORMA PAUPERIES DUE TO HIS INDIIGENCE TO PAY \$505.00
FILING FEE. [SEE APPENDIX - B UNITED STATES COURT
OF APPEALS FOR THE SIXTH CIRCUIT ORDER FILED ON
FEBRUARY 25, 2020 BY JUDGE KETHLEDGE]. ON
MARCH 30, 2020 A MOTION FOR RECONSIDERATION WAS
DENIED BY CLERK S. HUNT. [SEE APPENDIX - B ORDER

STATEMENT OF THE CASE

DATED MARCH 30, 2020].

ON JUNE 17, 2017, JUDGE JOE B. BROWN IN UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION MADE A REPORT AND RECOMMENDATION TO JUDGE WAVERLY CRENSHAW, JR IN FAVOR OF DEFENDANT. [SEE APPENDIX - B REPORT AND RECOMMENDATION DATED JUNE 17, 2019].

ON JULY 18, 2019, JUDGE WAVERLY CRENSHAW, JR GRANTED DEFENDANT HICKS SUMMARY JUDGMENT AND DISMISSED THE CASE. [SEE APPENDIX - B UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE, NASHVILLE DIVISION ORDER DATED JULY 18, 2019].

PLAINTIFF HAD SEVERAL FILING LEGAL LITIGATING PROCEDURE PROBLEMS SINCE HE IS NOT A MEMBER OF BAR, HE APPLIED FOR APPOINTED COUNSEL AND WAS DENIED. [SEE APPENDIX - D UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE DATED FEBRUARY 28, 2019, APRIL 17, 2019, SEPTEMBER 11, 2018 AND OCTOBER 4, 2018 COPIES].

REASONS FOR GRANTING THE PETITION

- 1) PLAINTIFF WAS TURNED DOWN IN COURT OF APPEALS DUE TO PLAINTIFF'S INCARCERATION SITUATION OF NO FUNDS TO OPEN THE APPEAL CASE DUE TO INDIGENCE.
- 2) PLAINTIFF'S CASE WAS DISMISSED IN MIDDLE TENNESSEE DISTRICT COURT DUE TO LACK OF LEGAL ASSISTANCE ON OBTAINING LEGAL DOCUMENTS FROM COURTS AND PROPER LITIGATIONS.
- 3) - PLAINTIFF WAS UNLAWFULLY ARRESTED AND DETAINED AS A HABITUAL OFFENDER IN VIOLATION OF TENNESSEE CODE ANNOTATED 55-10-616 ON JANUARY 23, 2017 WHEREIN THE DAVIDSON COUNTY COURT HAD REMOVED AND FAXED TO DOSHS THE HABITUAL OFFENDER STATUS AND RESTORED PLAINTIFF'S DRIVING PRIVILEGES ON DECEMBER 9, 2016.
- 4) - PLAINTIFF'S CONSTITUTIONAL RIGHTS WERE VIOLATED BY TROOPER HICKS KNOWINGLY ISSUING A FALSE TRAFFIC CITATION ON JANUARY 27, 2017 AT 10:57 AM WHEREIN TROOPER HICKS CONTENDS PLAINTIFF WAS DRIVING ON A REVOKED IN VIOLATION OF TENNESSEE CODE ANNOTATED 50-55-504 DRIVING THE SAME 1997 WHITE FORD EXPEDITION WITH THE SAME LICENSE PLATE NUMBER THAT WAS SEIZED BY (TP) HICKS ON JANUARY 23, 2017. PLAINTIFF'S CONSTITUTIONAL RIGHTS WERE VIOLATED WHEREIN PLAINTIFF WAS SUBJECT TO UNLAWFUL CONFINEMENT ON FEBRUARY 4, 2017 IN DAVIDSON COUNTY AND MARCH 8-9, 2017.
- 5) - PLAINTIFF HAD AN UNFAIR VERDICT IN DISTRICT COURT BECAUSE PLAINTIFF WAS DENIED COUNSEL SEVERAL TIMES, HAD DIFFICULT ON SOME PROPER PLEADINGS AND DEFENDANT HAD A MEMBER OF BAR AND PLAINTIFF DID NOT.
- 6) - DEFENDANT ONLY SEND A TWO MINUTE VIDEO TAPE (CD) ABOUT THE INCIDENT TO PLAINTIFF, THE REST OF THE CRIME SCENE EVENTS WERE SCREENED WHEN PLAINTIFF STAYED AT THE SCENE FOR MORE THAN TWO HOURS.
- 7) - DEFENDANT FORGOT TO WRITE DOWN THAT JANUARY 27, 2017 CITATION WAS CORRELATED WITH JANUARY 23, 2017 CITATION WHICH COST PLAINTIFF A SECOND ARREST [SEE APPENDIX C - DEFENDANT'S RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES],

REASONS FOR GRANTING THE PETITION

8)- DEFENDANT FAILED TO PROVIDE EVIDENCE OF DEFENDANT TELLING THE COMMISSIONER IN ROBERTSON COUNTY ON JANUARY 27, 2017 AT 10:57 AM THAT THE SECOND CITATION WAS CORRELATED WITH JANUARY 23, 2017 CITATION.

9)- PLAINTIFF IS INDIGENT TO AFFORD PAID COUNSEL, STILL INCARCERATED, MAKES .17 CENTS PER HOUR, PAYS FOR HIS MEDICATION, HAS TWO GARNISHMENT AND THIS CASE HAS CONFLICTING TESTIMONIES THAT REQUIRE COUNSEL TO BETTER REPRESENT PLAINTIFF WITH EVIDENCE AND CROSS EXAMINE THE DEFENDANT AND WITNESSES THE PLAINTIFF FAILED TO DO DURING DISCOVERY AND PLAINTIFF IS UNDER SOCIAL DISTANCING LIMITING HIM TO GO TO THE LIBRARY BECAUSE OF COVID-19.

10)- ROBERTSON COUNTY CONFINEMENT CHARGE SHEET GOT IT WRONG, IT DOES NOT SHOW JANUARY 23, 2017 HABITUAL MOTOR VEHICLE OFFENDER'S ARREST DATE PLAINTIFF POSTED BOND ON. ON MARCH 9, 2017 PLAINTIFF ALSO POSTED BOND FOR THE SECOND CITATION (TP) HICKS SEAVED ON JANUARY 27, 2017 NOT FOR HABITUAL OFFENSE, BOTH CASES WERE SETTLED IN ROBERTSON COUNTY ON DECEMBER 12, 2017 NOT ONE CASE. [SEE APPENDIX-A ROBERTSON AND DAVIDSON COUNTY INMATE CHARGE SUMMARY SHEETS].

CONCLUSION

WHEREFORE, PLAINTIFF ASKS THAT THE COURT GRANTS PLAINTIFF PETITION FOR A WRIT OF CERTIORARI AND ALLOW HIM TO FILE IN FORMA PAUPERIS, APPOINT COUNSEL TO ASSIST ON THE APPEAL, INMATE JAIL CONFINEMENT ERRORS, CITATION ERRORS AND LEGAL RESEARCHES BECAUSE OF LESS LAW KNOWLEDGE AND PRIVILEGES AT THE LAW LIBRARY DUE TO COVID-19 QUARANTINE AND INCARCERATION AND GRANT RELIEF AS STATED IN THE COMPLAINT.

The petition for a writ of certiorari should be granted.

IT IS SO PRAYED

Respectfully submitted,

Ahlanga

Date: MAY 15, 2020