

19-8813

No. _____

Supreme Court, U.S.
FILED

MAR 25 2020

OFFICE OF THE CLERK

Original

IN THE

SUPREME COURT OF THE UNITED STATES

Tom M Franks — PETITIONER
(Your Name)

Kirk Deputy Sheriff Et Al vs.
Stanley's Sheriffs Dept. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tom M Franks #AV3360
(Your Name)

Po Box 8457
(Address)

LANCASTER CA 93539
(City, State, Zip Code)

(Phone Number)

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SUPREME COURT, U.S.

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:

Mr. Mauldin, Deputy Sheriff

Mr. Wyyt, Deputy Sheriff

RELATED CASES

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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☐ is unpublished.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 _____ 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 March 10, 2020.

☒ 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).

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Farmer v. Brennan, 511 U.S. 825, 844, 114 S.Ct. 1970 (1994)
Helling v. McKinney, 509 U.S. 25, 33, 113 S.Ct. 2475 (1993),
(quoting DeShoner v. Wineboro County Dept. of Social Services,
489 U.S. 189, 200, 109 S.Ct. 998 (1987)).
Castro v. County of Los Angeles, 833 F.3d 1060, 1071, (9th
Cir. 2016).

STATUTES AND RULES

Federal Rules of Civil Procedure 59(a)

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

XIVth AMENDMENT TO THE UNITED STATES CONSTITUTION

VIII AMENDMENT TO THE UNITED STATES CONSTITUTION

Farmer v. Brennan, 511 U.S. 825, 844, 114 S. Ct. 1970 (1994)

Helling v. Mc Kinney, 509 U.S. 25, 33, 113 S. Ct. 2475 (1993) (quoting
De Shazer v. Winnebago County Dept. of Social Services, 489 U.S. 189, 200,
109 S. Ct. 998 (1987)).

STATEMENT OF THE CASE

Back in 2012 I was in the Stanislaus County Jail and the officer Wight called me with an inmate by the name of Joe Dixon on 7-15-12. While I was celled with Dixon pulled a knife on me and I told the officer and I got rehoused by myself and I asked for a keep away order he put in place so Dixon could never be near me again. The officers kept putting inmates in Joe Dixon's cell in hopes that they would jump on Dixon because Dixon shot and killed one of the deputies sister when he was on the street. That's what Dixon was being charged with. Then on 10-4-14 The deputies needed cells and forced me to be celled with Dixon again. I tried telling the officer Wight that I can't cell with him due to the past history we have. Wight said deal with it and put me with him anyway. 2 weeks later on 10-25-14 I went to yard and Dixon came from behind me and cut my face all over and it took 45 stitches to see my face back up. Dixon told the officers that they should have never housed me back with him that he has been waiting for the right time to attack me. During trial Dixon had told the jury the same thing and during trial my lawyer and the judge noticed that some of the jury was falling asleep. The jury came back with a verdict that placing me back with Joe Dixon did not put my safety at risk. I deserve a new trial due to the jury sleeping

I declare under penalty of perjury that the foregoing is true and correct. Executed at Lancaster State Prison

Dated. 5-21-20

Tom M Franks

QUESTION(S) PRESENTED

FEDERAL QUESTION NO. 1: Did Plaintiff, TOM FRANKS have a XIVth AMENDMENT TO THE UNITED STATES CONSTITUTION EXPECTATION OF BEING protected by the Stanislaus County Sheriff's Department while in their custody as a pretrial detainee?

FEDERAL QUESTION NO. 2: Did the Stanislaus County Sheriff's Department make an intentional decision with respects to the condition under which they unlawfully celled Plaintiff TOM FRANKS with a known enemy causing Plaintiff TOM FRANKS TO suffer physical injuries by that enemy under color of authority?

FEDERAL QUESTION NO. 3: Did the District Court, and the Ninth Circuit Court of Appeals have a duty to compel the Stanislaus County Sheriff's Department to provide reasonable safety for their prisoners as well as Plaintiff TOM FRANKS?, under the UNITED STATE CONSTITUTION?

FEDERAL QUESTION NO. 4: Did the Stanislaus County Sheriff's Department, the Federal District Court, and the Ninth Circuit Court of Appeal afford Plaintiff TOM FRANKS protection under the Eighth and Fourteenth Amendments to the UNITED STATES CONSTITUTION?

FEDERAL QUESTION NO. 5: ARE the citizen's of the UNITED STATES entitled to the protections of the UNITED STATES CONSTITUTION?

REASONS FOR GRANTING THE PETITION

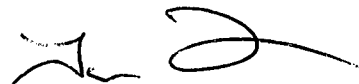
The SUPREME COURT should Grant this petition and remand this matter back to the District Court for a retrial consistent with the opinion of this Court because the District Court, and the Ninth Circuit Court of Appeal had a duty to follow the UNITED STATES CONSTITUTION in protecting the Plaintiff, Tom FRANK'S, and in protecting the citizen's of these UNITED STATES from the Unlawful actions of police agencies under color of authority, and they failed to do so in this matter. The District Court, and the Ninth Circuit Court of Appeal abused it's/their/ discretion in denying Plaintiff's Rule 59 motion which is unassailable only where the Verdict is not against the weight of the evidence, unlike here. There was no evidence to support the verdict. See: *Castro v. County of Los Angeles*, 833 F.3d 1060, 1071 (9th Cir. 2016) (en banc) (Setting forth elements of a pretrial detainee's Fourteenth Amendment failure-to-protect claim).

Due to all the evidence I have shown I'm asking for the court to grant me a new trial and appoint me new counsel.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


TOM FRANKS. Applicant/Plaintiff

Date: 5-21-20