

No. 20-1540

IN THE SUPREME COURT OF THE
UNITED STATES

VICTOR J. EDNEY JR. - PETITIONER

versus

EONDRA LAMONE HINES; OFFICER JORDAN WENKMAN; OFFICER BOBBY
KING; SERGEANT DAVID CONLEY; SERGEANT KEITH VAUGHAN -
RESPONDENTS

“ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE FIFTH CIRCUIT”

“PETITION FOR REHEARING”

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QUESTIONS PRESENTED FOR REVIEW

For the Supreme Court of the United States, can you grant this petition for rehearing and after the court hears this request - call for a response to judge this important constitutional matter that relies on your trust for the respondents who violated the first and fourth amendments of the United States Constitution by harassing and pressing false statements about the petitioner and his family for instance: a 911/emergency services caller whose of no relation stated Victor the petitioner was trying to commit suicide – a frivolous libel by the respondents that led to the petitioners' arrest forcing the pro se petitioner to initiate this civil suit that has been previously denied in the lower courts because he lacked knowledge of a proper motion although he followed direct orders of the court - in which allowed the respondents to received qualified immunity. . . the respondents received it because the petitioners' previous motions from assumption did not meet the federal question jurisdiction requirements to be judged? With that said, the petitioner requests for rehearing because he now has an asserted motion of frivolous claims that meets the federal requirements that includes violations of the constitution and Texas penal codes to prove the unethical misconduct of the respondents who ruined the petitioner's identity and reputation locally and statewide that is presented in good faith and not for delay.

A LIST OF ALL PARTIES TO THE PROCEEDINGS

VICTOR J. EDNEY JR. - PETITIONER

EONDRA LAMONE HINES - RESPONDENT

OFFICER JORDAN WENKMAN - RESPONDENT

OFFICER BOBBY KING - RESPONDENT

SERGEANT DAVID CONLEY - RESPONDENT

SERGEANT KEITH VAUGHAN – RESPONDENT

**A LIST OF ALL PROCEEDINGS IN FEDERAL, APPELLATE, SUPREME COURT OF
THE UNITED STATES**

United States District Court of the Western District the Waco Division: in docket 24, 25, 26, 27, 28, Plaintiff - Victor J. Edney Jr. versus Defendants - Eondra Lamone Hines; Officers: Jordan Wenkman, Bobby King, David Conley, and Keith Vaughn, in the Motion of Frivolous Claims in which judgment was entered on the 26th of March 2020.

United States District Court of the Western District the Waco Division: in docket 15,19, and 20 Plaintiff - Victor J. Edney Jr. versus Defendants - Eondra Lamone Hines; Officers: Jordan Wenkman, Bobby King, David Conley, and Keith Vaughn, in the Motion for Default Judgment in which judgment was entered on the 26th of March 2020.

United States Court of Appeals Fifth Circuit: in docket: no. 20-50327, Plaintiff - Victor J. Edney Jr. versus Defendants - Eondra Lamone Hines; Officers: Jordan Wenkman, Bobby King, David Conley, and Keith Vaughn, in the Motion of Frivolous Claims in which judgment was entered on the 23rd of October 2020.

United States Court of Appeals Fifth Circuit: in docket: no. 20-50327, Plaintiff - Victor J. Edney Jr. versus Defendants - Eondra Lamone Hines; Officers: Jordan Wenkman, Bobby King, David Conley, and Keith Vaughn, in a Petition for rehearing in which judgment was entered on the 30th of November 2020.

Supreme Court of United States: docket no. 20-1540, Petitioner - Victor J. Edney Jr. versus Respondents - Eondra Lamone Hines; Officers: Jordan Wenkman, Bobby King, David Conley, and Keith Vaughn. The Petition for a writ of certiorari is denied and judgment was entered on the 28th of June 2021.

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**CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF THE OPINIONS
AND ORDERS ENTERED IN THE CASE**

OPINIONS BELOW

In appellate court:

The opinion of the United States Court of Appeals - appears at Appendix (i) to the petition and was reported on 23rd day of October 2020 and is unpublished.

In federal court:

The opinion of the United States District Court appears at Appendix (ii) to the petition and was reported on the 26th day of March 2020.

JURISDICTION

In appellate courts:

The date on which the United States Courts of Appeals decided my case was the 23rd of October 2020.

No petition for rehearing was timely filed in my case. But a motion to file rehearing and rehearing en banc out of time was filed and granted.

The petition for rehearing was denied by the United States Court of Appeals on the 30th of November 2020 and a copy of the order denying rehearing appears at Appendix (iii). With the above stated, the jurisdiction of this Court is invoked under 28 U. S. C. section 1254(1).

THE CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN THE CASE

First Amendment to the United States Constitution: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Texas Constitution: Article 1. Bill of rights; Sec. 8. Freedom of speech and press; Libel.
Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Fourth Amendment to the United States Constitution: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Texas Constitution: Article 1. Bill of rights; Sec. 9. Searches and seizures. The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing,

shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

Texas Civil Practice and Remedies – LIBEL Ch. 73.001. Elements of Libel: A libel is a defamation expressed in written or other graphic form that tends to blacken the memory of the dead or the tends to injure a living person's reputation and thereby expose the person to public hatred, contempt or ridicule, or financial injury or to impeach any person's, honesty, integrity, virtue, or reputation or to publish the natural defects of anyone and thereby expose the person to public hatred, ridicule, or financial injury.

Motion of frivolous claims: Section 105.002 states: a party to a civil suit in a court of this state brought by or against a state agency in which the agency asserts a cause of action against the party... is entitled to recover, in addition to all other costs allowed by law or rule, fees, expenses, and reasonable attorney's fees incurred by the party in defending the agency's action if: (1) the court finds that the action is frivolous, unreasonable, or without foundation; and (2) the action is dismissed or judgment is awarded to the party.

Civil Practice and Remedies: Title 5. Government Liability Ch. 101. 025 - Waiver of governmental immunity; permission to sue: states two exceptions: (a) Sovereign immunity to suit is waived and abolished to the extent of liability created by this chapter. (b) A person having a claim under this chapter may sue a government unit for damages allowed by this chapter. It notes: Note 1, if a plaintiff fails to prove the existence and violation of legal duty sufficient to impose liability under the Texas Tort Claims Act (TTCA), sovereign immunity remains intact (Corbin v. City of Keller).

Motion to recover: section 105.003. Motion of Frivolous Claims. Which states: The motion must state if the action is dismissed or judgment is awarded to the party, the party intends to submit a motion to the court to recover fees, expenses, and reasonable attorney's fees.

PETITION FOR REHEARING

To the Supreme Court of the United States: now comes Victor J. Edney Jr. pro se petitioner who requests the court to grant this petition for rehearing to judge the unethical behavior of the respondents who has violated the First and Fourth Amendments of the United States Constitution with false asserted causes of actions towards the petitioner. . . stating he was being suicidal and that his family informed the police about the matter which led to the arrest of the petitioner – the respondent's statements are frivolous, not true and has ruined the identity and reputation of the petitioner statewide in Texas? This rehearing request has been made and deserves a response because the respondents have not been properly judged for their acts because the petitioner did not know the demands of the federal question jurisdiction to be judged previously in the lower courts. The petitioner is now ready to present his legal statute composed of constitutional violations, and Texas penal codes. The petitioner seeks this judgement because his motion of frivolous claims was denied in the court of appeals the Fifth Circuit because he did not negate the respondent's question on qualified immunity because he assumed he did not have to answer because it was not a direct recommendation of denial towards his motion in the final judgement of district court before being appealed ROA.204. The petitioner assumed and answered only the

recommended rulings of denial in the court of appeals brief that was opposed towards his motion of frivolous claims look at appendix (i).

With that stated, the petitioner again will ask the court to rehear and pardon the previous errors of the court too judge this motion of frivolous claims that comes next that is limited to inventing circumstances of the substantial effect of presenting a proper and direct motion . . . that asserts violations of the constitutional amendments of the United States with asserted Texas penal codes to prove the existence of the respondent's conduct that was not reasonable – towards the petitioner showing qualified immunity should not be deserved. Following that will be the criteria of the motion to recover if this rehear shall pass. In addition to all, a motion of default judgement will be presented on respondent Hines to prove the assertion of the case to prevail over the respondent before the petitioner concludes this rehearing petition that is presented in good faith and not for delay.

MOTION OF FRIVOLOUS CLAIMS

Here comes Victor J. Edney Jr. pro se petitioner who requests the court to: grant this motion of frivolous claims that asserts misconduct about the respondents on April 25, 2018 who has violated the First and Fourth Amendments of the United States Constitution from a frivolous report of suicide about the petitioner from false family members in which made the respondents report the negligible thoughts to the Texas Department of Public Safety (TDPS) accusing the petitioner of charges based upon the presumption of bad faith: from the Texas Commission on Law Enforcement agency officers of Waco Texas and the "Internal Affairs and Professional Standards" of the city of Waco Police Department who received information from some unknown person who

called the emergency services dispatch at first with a drowning in progress. Next, the unknown caller alerted a terroristic threat of the petitioner trying to commit suicide review ROA.119-120. In the emergency services/911 sequence log the perpetrator stating her cousin was trying to harm himself and later she states she does not know her cousin, so she stepped back – words of the emergency dispatch – in which was falsified statements reported – look in ROA.14-16. The petitioner had no family at the park with him at the time nor was he suicidal in this incident – check ROA.133-134. In addition to that Respondent Hines of the Federal Bureau of Investigations who is of no relation to the petitioner made false allegations to other officers stating he was uncle in ROA.13. Hines and accomplice clarified that they were family and that the petitioner was suicidal. Officers believed Hines and the unknown caller to be the petitioners' family and disobeyed constitutional amendment Four and One of the United States. For the untrue statements the respondent officers accused and arrest the petitioner for suicide after they asked to speak with him as he stood calm compliant and answered them. Respondents search and seized the petitioner and found the petitioner weapon. The officers ask if the petitioner had a license and he stated yes. Following that officer did a background check and it came back clear then the officers release the petitioner. Afterwards, the petitioner asked officers why did they arrest and where is his property. The officers stated your family has property. At this time, the petitioner asked what family - I did not come to the park with family nor did you confirm any family with me – also stating why did you give my property to strangers. One of the officers retrieved my wallet but no weapon. The petitioner again asked - where is my weapon and I want to speak with who's in charge of this scene. The petitioner spoke with the sergeant about

his weapon and he stated you were being suicidal and I am not giving you anything. Later the officers exited the scene. Following the plaintiff filed a citizen's complaint on the officers through the WPD Internal Affairs/TCOLE in ROA.6. The Internal Affairs agents then filed charges against the petitioner to the Texas Department of Public Safety Regulatory Division - pressing frivolous claims . . . and in fact - was led by presumption - check ROA.162-165. Heres what the respondent's stated: "To Whom it may concern, on 4-24-18 Waco Police Officers were called to a local park on a drowning/ attempted suicide. When officers arrived, they found Victor Edney still in the water. Family and friends of Edney were trying to talk him into getting out of the water but he did not get out until the officers talked him into getting out of the water . . . Edney told officers he did not think they were really the police even though they were in full police uniforms and identified themselves to him as being the police. Edney also did not recognize his friends and family and told officers that he didn't think his mother was really his mother. He said that his mother was someone wearing a woman suit . . . Once Edney was secured officers they found him to have a .45 caliber derringer in the front of his pants. The weapon was unloaded but he had numerous rounds in his pant pockets. Edney did not tell officers he was armed nor did he tell them had a concealed carry permit . . . Family members told officers that Edney was a schizophrenic and has PTSD and he has not been taking his medicine for his mental condition. Family also told officers that Edney was in the marines". After reviewing the false allegations', the petitioner then filed civil claims and so far his claims have been denied for not meeting the burden of federal question jurisdiction in the United States District Court for the Western District of Texas in the Waco Division ROA.1-225. and in the United States Court of Appeals the Fifth Circuit.

And currently, the petitioner now insists his motion of frivolous claims has met the burden of federal question jurisdiction and would like for the court to rehear this case because the respondents pressed their assumption without any positive foundation leaving the plaintiff liable for acts he did not commit. And since the petitioner did not commit any of the acts stated - a reversal of judgement should be awarded after the response of the respondents who acted unethical within this case.

Here are facts that justify the petitioner's motion of frivolous claims and they are presented concisely with established constitution rights to show the respondents conduct was not reasonable and they are addressed with the Texas penal code violations to assert the frivolous causes of action:

Respondents Hines - The Federal Bureau of Investigations officer violated the first amendment of the United States Constitution freedom of speech and press – for making a false report to peace officers. Hines told officers he was an uncle to the petitioner and the officers believed the frivolous remark and pressed it violating Texas penal code section 37.08 false report to peace officer review ROA.122-123.

Respondents King and Wenkman - disobeyed the fourth amendment of the United States Constitution search and seizure by tackling and arresting the petitioner who was accused of drowning and suicide as he stood calm and compliant when the officers view him on the Brazos riverbank. - With that said, the petitioner will apply the plain view doctrine for the unreasonableness of seizure, because the officers in the witness statements stated – they only seen a man at the riverbanks edge. The officers viewed no ill-manner actions from the petitioner, but they attacked and assaulted the plaintiff based on hearsay - violating the Texas penal code section 22.01 for assault by arresting the plaintiff for

suicide without proof beyond a reasonable doubt – look at ROA.137. This incident started because some perpetrator called in a terroristic threat of suicide, but initially - they called in a drowning to the emergency services dispatch look in ROA.119-120 (the perpetrator caller stated she doesn't know her cousin, so she stepped back – words of the emergency dispatch). In ROA.123 officer Wenkman in a witness statement - stated after determining that Edney was neither a threat to himself or others they had no other reason but to release him from custody. For the reasons stated, the officers do not deserve qualified immunity and sovereign immunity should not stay intact and this case should be reheard and this court and the respondent should give a response.

Respondents Conley - After being released from custody the petitioner asked the sergeant on duty at the scene about his property taken and about what was going on . . . like being arrested - and Sergeant Conley stated, your family has your property. The plaintiff then stated what family – I did not come to the park with family nor have I briefed any family with you. The petitioner also stated, how do you know my family - that could be anyone - while giving examples. Conley told me to wait here and Wenkman went around the police vehicle too retrieved the plaintiff belongings in which he came back with just the wallet. I then stated wears my other belongings (weapon) and he stated you will get it when you go home because you were being suicidal. The petitioner then asked, Conley - who stated that about me! But no answer was received from Conley. All he stated was, he was not going to give me anything back because of your suicidal mental state. Conley violated the first amendment of the United States Constitution - freedom of speech and press and the fourth amendment - freedom to seizure – he humiliated the petitioner with the libel of suicide in park and gave the petitioners' property to a stranger

respondent Hines. He nor any of the police officers saw the petitioner being suicidal nor did the officers on scene sign statements about the petitioner being suicidal. Why alert non-factual statements publicly about the petitioner being suicidal. The petitioner and the court - now share facts from officer Wenkman's witness statement in ROA.11-13 - that states; the petitioner was neither a threat to himself or others and finding no other reason to take him into custody. For the stated, Conley does not deserve qualified immunity for speaking and pressing the non-factual suicidal statement about the petitioner publicly. He deserves a violation of official oppression of the Texas penal code 39.03 – because he deprived the petitioner of his liberty to speak, and to resolve the issue at hand, and to have knowledge about the situation that occurred.

Respondents Wenkman - violated the first amendment of the constitution – he committed perjury of the Texas penal code 37.02 by providing false statements to fellow officers in the WPD incident report that is on record in the ROA.123 (mainly about the petitioners' family and his beliefs – like, the petitioners' mother and uncle showed on scene (which is not true) or about the petitioner stating they were not the police several times in which is not true. . . the petitioner once asked the police to show themselves because it was dark outside and they did compliantly – showing themselves with flash lights. And for the court if you could check all the body warn cameras and the surveillance patrol vehicles footage - the court will be able to justify the petitioner statements. For the stated, Wenkman does not deserve qualified immunity and sovereign immunity should not stay intact.

Respondents Vaughan - of the "Internal Affairs/ Professional Standards" unit of W.P.D.: allowed the Waco police department (WPD), officers and the "Internal Affairs Unit" to

charge the plaintiff with the frivolous and unreasonable crime of suicide that was falsely reported to WPD officers in which has been submitted in bad faith to the Texas department of public safety's regulatory services division in a revocation affidavit in the ROA.17-19. Vaughan does not deserve qualified immunity for his acts of negligence in not investigating this incident of assumed suicide. The petitioner did not try to commit suicide nor did the petitioners' family inform the police about him being suicidal in any way ROA. WPD officers in witness statements did not even report they scene the petitioner trying to commit suicide nor did they hear the petitioner state he was going to commit suicide ROA . . . with that said, Vaughn presented frivolous facts in the charging affidavit. He violated the first amendment of the United States Constitution - rights of freedom of speech and press, committing perjury in the Texas penal code 37.02. For the actions of Vaughan this court should rehear and respond to this request.

As the petition concludes, if his motion of frivolous claims is awarded - the petitioner will submit a motion to the court to recover under Ch. 105.002 of the Texas Civil Practices and Remedies for fees, expenses: for "Governmental Liability" - in the Texas Tort claims, for the respondents' libelous acts towards the petitioner that has ruined his reputation locally and statewide exposing him to public hatred based on hearsay. The respondent officers do not deserve qualified immunity and according to the applicable Texas statute under "Governmental Liability" Title 5 Ch. 101.025: Wavier of Governmental Immunity; Permission to Sue – whereas respondents' sovereign immunity should not remain intact (Corbin v. City of Keller). And this case should be heard in this court as its' presented in good faith.

MOTION TO DEFAULT JUDGMENT

Now comes Victor J. Edney Jr., petitioner pro se who requests the clerk of the court to enter the Federal Bureau of Investigations special agent respondent Hines as default judgment for failure to plead because the respondent did not appear in court. Hine was summons and served by a process server on the 9th of January 2019 - ROA.34. The court should grant this motion for default judgement rule 55 that alerts defendants have 21 calendar days to file an answer after they are served with the compliant. The petitioner summons Hines for violating the first amendment of the United States Constitution freedom of speech and press – for making false reports to peace officers. Hines told officers he was an uncle to the petitioner and the officers believed the frivolous remark and pressed it violating Texas penal code section 37.08 false report to peace officer review ROA.122-123. In addition to that, Hines and accomplice harassed the petitioner violating section 42.07 of the Texas penal code for alarming peace officers about the frivolous libel of the petitioner trying to commit suicide in which caused the other respondents to act with negligence ruining the reputation of the petition that caused this frivolous claim and civil suit. For Hines remarks and the federal government he is liable for the negligence to the municipal and Texas. With the stated, the petitioner request relief of: one hundred and fifty thousand dollars for violating the first constitutional amendment of the United States the frivolous reported to the Waco PD officers and for harassing.

CONCULSION

I declare under penalty of perjury that the petition for rehearing is presented in good faith and not for delay. The petitioner now requests for a response to this matter at hand . . . alerting its' grounds are limited to intervening circumstances of a substantial or controlling effect of the lower courts which is the presentation of a proper motion of frivolous claims that asserts constitutional violations to ensure the federal question jurisdiction burden has been met to be judge for the unethical behavior of the respondent present.

Respectfully submitted,

On the 13th of August 2021

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**Additional material
from this filing is
available in the
Clerk's Office.**