

No. 20-1585

Supreme Court, U.S.
FILED

APR 28 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Donnahue George -Petitioner

vs.

Westway Towing
William Snyder
Fort Lauderdale Code Enforcement
John Doe

ON PETITION FOR A WRIT OF CERTIORARI TO
United States Court Of Appeals 11th Circuit

PETITION FOR WRIT OF CERTIORARI

Donnahue George

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ORIGINAL

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MAY - 5 2021

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Are Pro se litigants entitled to the same interpretation and protections of the law when the opposing party is a government agency as litigants represented by legal counsel.
2. Whether the District Court erred by dismissing Plaintiff- Appellant Donnahue George case for failure to state a claim when defendants were properly served, and Plaintiff- Appellant Donnahue George was very specific in his Amended complaint about Defendants unconstitutional actions. The Defendants entered Plaintiff Donnahue George premises illegally under the color of law and stole his personal property, thereby denying him his constitutional rights to due process and violating his constitutional rights against unjust seizure of his property.
3. Whether the District Court erred by striking the Defendants separate motions to dismiss and ordering that they file a joint motion to dismiss, unless they had conflicting interests, and issuing orders before plaintiff has time to respond, which gives the impression that the District court is acting like co-counsel for the defense and becoming the architect of the defendants defense strategy and denying Plaintiff Donnahue George Constitutional rights to a fair and impartial trial.
4. Did the Court of Appeals err by affirming the the lower courts decision to set aside the Clerks entry of default when the defendants were properly served . The

defaulting party did not have a meritorious defense, The Default was willful and culpable and setting it aside prejudiced the plaintiff-Appellant. The Defendants alleged they were not served but presented no evidence to support that allegation but Plaintiff Appellant provided proof of Service.

LIST OF PARTIES

All the parties appear in the caption of the case on the cover page.

RELATED CASES

Donnahue George v Westway Towing 19-CV-61827 U.S. District Court Southern District of Florida Judgment April 27, 2020

Donnahue George v Westway Towing 20-11648 JJ U.S. Court Of Appeals 11th Circuit Judgment Feb 12 , 2021

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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 the cases from the **federal courts**:

The opinion of the United Court of Appeals appears at Appendix 1 to the petition and is

Unpublished.

The opinion of the United States District Court appears at Appendix 2 to this petition and is

Unpublished

There are no State Court cases

JURISDICTION

For cases from the **federal courts**:

The date from which the United States Court of Appeals decided my case was
February 12, 2021

The Jurisdiction of this Court is invoked under U.S.C. 1254(1).

There are no **State Court** cases.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The federal courts historically have been solicitous of the rights of pro se litigants. *E.g., Haines v. Kerner*, 404 U.S. 519, 520-21 (1972) (*per curiam*); *Prou v. United States*, 199 F.3d 37, 42 (1st Cir. 1999). The Court of Appeals decision on this case was a manifest error because the courts affirmed the lower courts decision even though the defendants never presented any evidence to the courts to support their claims.

The Court of Appeals argues in their decision that the District Court decision was correct even though the facts of the case and the law does not support that decision. See *Comer v. Nicholoso*, No. 05-1462, 2007 U.S. App. Vet. Claims LEXIS 1083 (Vet. App. July 6, 2007) (“2007 Veterans Court Decision”). Because we conclude that the court misinterpreted *Roberson v. Principi*, 251 F.3d 1378 (Fed. Cir. 2001), when it held that the duty to sympathetically and fully construe a pro se veteran’s filings did not apply to an appeal submitted to the Board of Veterans’ Appeals following a rating determination, we reverse and remand. I am a Pro se litigant and a disabled veteran.

Plaintiff Donnahue George Complaint met the requirements under Rule 12(b)(6) to the defeat the motion to dismiss because there were sufficient facts in the complaint to state a claim to relief that is plausible on its face. The facts in the case

were very very specific and the only reason the courts supported that erroneous decision was because I was a pro- se litigant. If an admitted attorney submitted the exact same complaint with the exact same facts, the courts decision would have been different.

STATEMENT OF THE CASE

Plaintiff Donnahue George states that on March 18, 2019 at approximately 0930. Defendant William Snyder a city employee without any legal authority to enter private property and with the assistance of Westway towing who was a state actor stole my perfectly running covered limo out of my paved driveway. Plaintiff Donnahue George has presented proof that Defendant William Snyder then submitted an erroneous report to Fort Lauderdale Code enforcement stating that the vehicle was derelict and that he did not know who the owner was Yet Defendant and state actor Westway Towing submitted a title search that they ran on plaintiffs car that same day and time that lists the plaintiff as the owner and the car was registered at the address from where it was towed. Plaintiff Donnahue George does not allege that he filed a police report. Plaintiff Donnahue George states that he went to the Fort Lauderdale Police department to file a report and that police officer Rivera Shield # 1625 informed Plaintiff Donnahue George that his car was found abandoned on NE 5th street and NE 2nd ave. Plaintiff Donnahue George has no idea who reported his vehicle abandoned in the street but after a discovery period plaintiff is confident that the Fort Lauderdale Police department has accurate records. Defendant William Snyder and Defendant

and state actor Westway entered my property illegally with the intent to trespass of chattel, violated Plaintiff Donnahue George constitutional rights arising under the *4th, 5th and 14th amendments plus 42 USC 1983*, by committing grand theft auto, fraud, trespass, trespass of chattel, intentional infliction of emotional distress and conversion.

As demonstrated below, Plaintiff Donnahue George claims should be granted in its entirety because:

First, Fort Lauderdale Code Enforcement is an entity that is capable of being sued because the process server informed me that the statute required her to serve the director of Code enforcement, and even if the courts even wanted to entertain that allegation, the City of Fort Lauderdale is on notice and has had ample time to provide an answer and defense. Plaintiff Donnahue George added John Doe to his Complaint because he knew after discovery there would be more defendants. It is a very simple issue to add City of Fort Lauderdale as a defendant if that will make the Defendant happy.

Second, to the extent that Plaintiff Donnahue George does state a claim against defendant William Snyder who was supposed to be acting in his official capacity as a City of Fort Lauderdale employee, Westway Towing who was acting as an agent for the state. Plaintiff Donnahue George notified Fort Lauderdale Police Department, Fort Lauderdale Code enforcement, Fort

Lauderdale City hall and Broward county commission on June 24. 2019 (See exhibit C) in complete compliance of pre-suit requirements 768.28(6)(a), *Fla. Stat. (2017)* warranting this court granting all of plaintiff Donnahue George claims.

Third, Plaintiff Donnahue George claims are very specific and the facts are overwhelming. Defendant William Snyder and state actor Westway Towing entered my property illegally and with the assistance of state actor Westway Towing stole my perfectly good running limo that was clean and covered and legally parked on my paved driveway. While Defendant William Snyder and state actor WestWay Towing were in the process of stealing my vehicle in violation of Florida towing statutes 715.07 (2)(a)(3) which is a felony, and *Florida statute 713.78* which is very clear that the only person that can tow vehicles from private property are the Owner the owners representative or a law enforcement officer. The statutes are very clear that a code enforcement officer is not a law enforcement officer and therefore is not authorized to tow any vehicles from private property. Plaintiff Donnahue George neighbors saw Defendant William Snyder and immediately called Plaintiff. I had my neighbor put Defendant William Snyder on the phone and I explained to him that he did not have my permission to remove my legally parked covered car from my paved driveway. State actor Westway towing

and William Snyder then stole my vehicle. Defendant William Snyder then submitted an erroneous report with his department which he signed stating that a vehicle on private property was derelict and that he did not know who the owner was. He knew it wasn't derelict he knew who the owner was and he still removed the vehicle from my private property and lied about it.

Westway towing have provided me with documentation that proves that they knew who the owner of the vehicle was, they knew it was registered at that address and they still towed the vehicle in violation of Florida Towing Statutes. They were in possession of the correct information and Defendant William Snyder still submitted that report to his department alleging that the vehicle was derelict and he did not know who the owner was. This is further evidence that the fraud perpetrated by Defendant William Snyder and Defendant Westway Towing was deliberate, intentional and willful. Florida Statute 715.07 (2)(a)(2) states that if you tow a vehicle in the state of Florida without the owners permission you have to notify the local police department in 30 minutes. Violation of this statute is a misdemeanor. Nobody notified Fort Lauderdale police department in 30 minutes in violation of Florida state statutes, instead someone notified Fort Lauderdale police department dispatcher that they found my vehicle abandoned in the street blocks from my house.

Fourth, Plaintiff specifically states a cause of action against Defendant William Snyder, state actor Westway Towing and Fort Lauderdale Code enforcement. Defendant William Snyder and state actor Westway Towing had no legal reason to enter my property and steal my vehicle. The City of Fort Lauderdale as the employer of Defendant William Snyder is responsible for training him and supervising his actions. Its obvious to a reasonable person that either they failed in training him properly, supervising him properly or both. By entering my property to commit a felony by stealing my vehicle and then fabricating evidence to cover up the felony, Defendant William Snyder and state actor Westway Towing committed Grand theft auto, trespass, trespass of chattel, fraud and conversion. Only through a court ordered discovery period will we be able to determine if this was a one-time incident, or a pattern of behavior that has been going on unsupervised and unchecked for years.

Fifth, Plaintiff Donnahue George spoke to Defendant William Snyder while he was in the process of towing my car and explained to defendant William Snyder that he did not have my authority to remove my perfectly running covered vehicle from my paved driveway. Defendant William Snyder hung up on plaintiff Donnahue George and proceeded to steal the plaintiffs vehicle. The plaintiff Donnahue George felt weak and helpless at that point

because there was nothing he could do to stop Defendant William Snyder from violating his Constitutional rights. The emotional helplessness that Donnahue George felt at that point cannot be overstated, and then to return home and see that his vehicle is missing, and then to add insult to injury to be informed by Officer Rivera shield#1625 that his vehicle was found abandoned in the road sent Plaintiff Donnahue George in a sense of panic and he immediately went to Fort Lauderdale code enforcement to find out what was going on. Defendant William Snyder handed Plaintiff Donnahue George a paper stating that he did not know who the owner of the vehicle was and that it was derelict. Plaintiff Donnahue George told defendant William Snyder that he knows who owned it because you spoke to me while you were towing it and you hung up on me. Defendant William Snyder just walked away

REASONS FOR GRANTING THE PETITION

This honorable Court should grant this petition because it has national and international importance. I have fought for this country as a United States Marine on many foreign soils. One of the tenets that we hold dear and that is respected around the world is the fairness of our courts. The world looks up to the United States of America as that ideal city on a hill that most countries aspire to be. The Constitution that me and my brothers and sisters fought for as a United State Marines says that all Americans are equal under the law regardless of race gender, political association or socio-economic status.

This order by the Court of Appeals order tells the world the exact opposite. The Court of Appeals order tells the world that if you are not represented by legal counsel then you are not equal under the law. In every other Court in the United states if I was represented by counsel and the exact same facts were written in the complaint the courts would have ruled differently.

The Court of Appeals order is totally contrary to the judicial system that our great nation was built on. Had I been represented by legal counsel would court of Appeals and the District Court would not have held that there was not sufficient facts in the case. The Amended Compliant had sufficient information to state a claim for which relief could be granted. The only reason the Courts came to their decision is because

I was a pro-se litigant. The facts in the complaint were very clear as to what transpired and how my constitutional rights were violated.

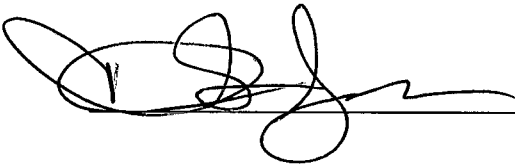
Just like the American people needs to have confidence in a transparent voting system the American people need to have confidence in a transparent Judicial System.. A fair and just Judicial system. Americans need to feel that when they enter a courtroom they will be treated as equals and Justice will be administered fairly based on the facts and the law not based on relationships or who the opposing party or who the opposing counsel is.

I fought for the right to be treated equally under the law as a United States Marine and the decision made by the Court of Appeals and the District Court says that if I am not represented by legal counsel I am not equal under the law.

CONCLUSION

The Petition for a writ or certiorari should be granted because the there was sufficient facts in the Amended Complaint that stated a claim upon which relief may be granted.

Respectfully Submitted

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'J' shape followed by a horizontal line.

Date: 4/28/2024