

No. 20-5522

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

O'Batala Blount pro se - Plaintiff/APPELLANT

VS.

BRIDGETT BEECHER Deputy clerk - Defendant/APPELLEE

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF GEORGIA

PETITION FOR WRIT OF CERTIORARI

O'Batala Blount GOC No. 816424 pro se

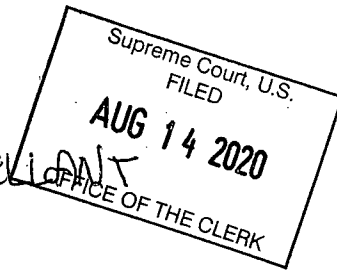
Baldwin State Prison H-C-140-Top

P.O. Box 218

Hardwick Georgia 31034

N/A

(Phone Number)



QUESTIONS PRESENTED

1. Whether the supreme court erred in denying a motion for default judgment in a civil action/mandamus.

a. Whether the conclusions is unsupported to the evidence.

3. Whether did counsel for all parties was served and notified.

4. Whether did the highest court deprive plaintiff of his Natural

Declaration of human rights, state and federal constitutional rights,

as well as plaintiff's international human rights.

5. Whether local governing bodies could be sued directly for monetary,

declaratory, or injunctive relief where the action that was alleged

to be unconstitutional implemented a policy statement, ordinance,

regulation, or decision officially adopted by that body's officers.

6. Whether constitutional deprivations were visited pursuant to

governmental custom even though such custom had not received

formal approval through the body's decision making channels.

7. Whether case law is clear on the issue of enforcing justice

when it is required pursuant to O.C.G.A. § 9-11-12.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A List of all parties to the proceedings in the court whose judgment is the subject of this petition is as follows:

1. officer Shepard D.R. investigator works at Smith state prison
 2. Devan Dover CO II officer who works at Smith state prison
 3. Tracy Atkinson counselor Smith State Prison
 4. lieutenant COX D.R. hearing officer Smith state prison
 5. Sgt. Justin Maldonado Smith state prison
 6. Chief counselor/grievance coordinator IYENA Smith State Prison
 7. Doctor Brown Medical Doctor Smith State Prison
 8. Nurse Leggett LPN Smith State Prison
 9. Bridgett Beecher Deputy clerk Tattnall County superior court
 10. Lane Cooper physician Assistant Smith State Prison
 11. Charles P. Rose Jr. Superior court Judge of Tattnall County
 12. Stephen E. Castlon clerk Court of Appeals of Georgia
 13. Therese S. Barnes clerk State Supreme Court of Georgia
 14. All justices that Concurred with Denied Petition state Supreme Court of Ga.
 15. Doctor Mulloy works at Augusta State medical Prison
 16. Doctor Sharon Lewis GDC medical Director
 17. Cindy L. Smith Appeals Division to Grievances office of GDC Professional standards
Special agent
 18. James Smith Appeal Division GDC office of professional standard special agent
- Grievance #'s 270894; 275579; 277653; 278214; 280967
Timely filed grievances all was Denied illegally
19. Sandy West Unit Manager at Smith state Prison.

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	
STATEMENT OF THE CASE.....	
REASONS FOR GRANTING THE WRIT.....	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A Decision of State Court of Appeals the order was dated 11-22-2019 and Filed on 11-22-2019.

APPENDIX B Decision of State Trial Court the order was dated 4-1-2019 and Filed on 4-3-2019. The order was dated for out of time appeal on 7-22-2019 and filed on 7-24-2019

APPENDIX C Decision of State Supreme Court Denying Review. The adjournment was dated and filed 7-15-2020

TABLE OF AUTHORITIES CITED

CASES

KUSH v. Rutledge 103 S. Ct. 1483 (1983) 4

Turner v. Safley 482 U.S. 78 (1987) 4

Speir v. Krieger 235 Ga. App. 392 (1998) 4

United States v. Cruikshank 92 U.S. 542 5

Wolff v. McDonnell 418 U.S. 539 (1974) 5

Western Bus System v. Station 492 F. Supp. 513 (N.D. Ga. 1980) 5

Reaugh v. Inner Harbour Hospital, 214 Ga. App. 259 (1994) 7

Porter v. Nussle 534 U.S. 516 (2002) 8

Monroe v. Pape 81 S. Ct. 473 (1961) 8

Nixon v. Condon 286 US 73 8

Overton v. State 295 Ga. App. 223 (2008) 8

Pasha v. State 273 Ga. App. 788 (2005) 9

Schofield v. Holsey 881 Ga. 809 (2007) 9
272 F.2d 365, 7

STATUTES AND RULES

State Courts of Appeals of Ga. Rule 38(a)(1)(2). 1

State Courts of Appeals Rule 13. 3

18 U.S.C. § 241. 3

O.C.G.A. § 16-14-5. 4

18 U.S.C. § 659. 6

Rev. Stat. § 1979 (42 U.S.C. § 1983). 6

O.C.G.A. § 16-14-3(8). 7

88 ALR 458. 7

O.C.G.A. § 16-14-1. 8

R.I.C.D. Act. 8

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Plaintiff/Appellant respectfully prays that a writ of certiorari
issue to review the judgment below,

OPINIONS BELOW

For cases from state courts:

The opinion of the highest state court to review the merits appears
at Appendix C to the petition and is ~~unpublish~~ no results. ~~no results~~
but is not yet reported.

The opinion of the state court of Appeals court appears at
Appendix A to the Petition and is ~~unpublish~~ no results

The opinion of the state trial court appears at Appendix B
to the petition and is ~~unpublish~~ No Results

JURISDICTION

For cases from state courts:

☐ The date on which the highest state court decided my case was 7-15-2020.

A copy of that decision appears at Appendix C.

☐ The date on which the State Court of Appeals decided my case was 11-22-2019

A copy of that decision appears at Appendix A.

An extension of time to file the enumerations of error was granted to and including ~~11-7-2019~~ 11-7-2019 on 10-23-2019 in Application No. A20A0361.

The date on which the state trial court decided my case was 4-1-2019 a timely notice of Appeal was sent timely on 4-10-2019 with no response, an out of time notice of appeal was filed 6-27-2019, and was denied on 7-22-2019 and filed on 7-24-2019, my timely original civil action was filed 10-8-2018. Application no. 2018-NH-7-CR

A copy of that decision appears at Appendix B.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a); 28 U.S.C. (1)(2).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Procedural History

An Georgia state prisoner filed a state civil action tort claim on 10-8-2018 challenging the malice and harsh condition he was experiencing from different medical and none medical GDC staff at Smith state prison in Glennville Georgia under mal-administration, medical negligence and a venal grievance system, which was dismissed without prejudice. see Appendix B for support.

A notice of appeal was filed timely, but the clerk who is a Deputy clerk refused to send copy of notice of appeal for plaintiff's personal records.

An out of time appeal was filed and it was dismissed. see Appendix B

A mandamus was filed with the state court of Appeals and it was dismissed, against defendant Bridgett Beecher a Deputy clerk.

A state Supreme court Petition for certiorari was filed and dismissed. see Appendix C.

Petitioner recieved from the Attorney Generals office Georgia Department of law stating This office was not served or involved in any of the proceedings in this case, and the Attorney General does not plan on otherwise responding to this Appeal. See Appendix A.

Plaintiff/Appellant pro se now appeals from the Opinions and orders denying motions.

STATEMENT OF THE CASE

I THE STATE SUPREME COURT ERRED IN DENYING PLAINTIFFS PETITION FOR CERTIORARI AND MOTION FOR DEFAULT JUDGMENT

standard of Review: THE STATE SUPREME COURT HAS jurisdiction to review a state trial Court's ruling on preliminary procedural issues, such as [a] limitations question [and] reviews the state Court's of Appeals interpretation on the two year tort claims limitation provision de novo. Georgia tort claims Act pursuant to Article 8 of chapter 8 of title 31, and Code section 51-13-1, Code Section 9-11-55, 9-11-12 Lopez v. Smiley, 2003 U.S. Dist. Lexis 16724 (D. Conn. Sept. 22, 2003)

A. Plaintiff has been housed in an Georgia state prison since filing his initial civil action state tort claims which was denied without prejudice

B. Plaintiff exhausted all his administrative remedies, Code section 51-13-1,

C. The court joined in with the defendants stated in the civil action to cover up criminal activity performed by the GDC official at Smith state prison in Glennville Georgia, 18 USC, § 659.

D. A tort which imposes civil liability on every person who deprives another of his Federally and state protected Rights.

E. The state trial court held plaintiff's complaint from 10-9-18 till 4-1-19 without notifying all counsel of record.

F. The Attorney Generals office knows nothing about plaintiff's civil action, nor his notice of appeal, out of time appeal, an his mandamus, also his Petition for certiorari cause at each stage to the next level the clerk proceeded the case off the record meaning they created documents of they're own and practice law in they're own capacity an not they're official capacity to maliciously deprive.

STATEMENT OF CASE (CONTINUED)

G. The state court of appeals was never ruled on by a judge only a clerk. Kush v. Rutledge 103 S. Ct. 1483 (1983).

H. Plaintiff was prejudiced by actions of the state of Georgia in that his applications were ruled under the table not in open court off the record. Turner v. Safley, 482 U.S. 78 (1987).

I. The court did not cite any cases when making a ruling because the mandamus and the Petition for certiorari were ruled by a clerk. Speir v. Krieger 235 Ga. App. 392 (1998). The rulings does not address the issues.

J. Plaintiff is a state prisoner in the Georgia Department of Corrections which the certain cases he is using are rulings in a different state and the Georgia Courts are not adpoting with them in plaintiff's complaint. United States v. Cruikshank 92 U.S. 542; Wolff v. McDonnell 418 U.S. 539 (1974); Western Bus System v. Slaton 492 F. Supp. 513 (N.D. Ga. 1980).

K. Prisoners retain rights of access to the courts. Kush v. Rutledge 103 S. Ct. 1483 (1983); Reaugh v. Inner Harbour Hosp. 214 Ga. App. 259 (1994). Said access is to be adequate, effective and meaningful, to challenge violations of Constitutional rights. Plaintiff has shown actual injury from the avert acts of deprivation of acess to the courts comitted by staff who works for the local governmental bodies of the Georgia courts, which prevented him from recieving relief from non frivolous issues. Monroe v. Pape 365 U.S. 167 (1961). Nixon v Condon 286 U.S. 73; Overton v. State 295 Ga. App. 223 (2008).

Wherefore Plaintiff respectfully urges this court to obtain the entire record from each court and motions and exhibit plaintiff submitted and do a de novo review an issue an opinion

statement of Case (Continued)

and Order of Reversal and any or all other relief as is deemed just, with the Order of a Master to represent him in his case. Because if Plaintiff would have had counsel he would have been received relief in his favor. The Georgia Court system does not respect pro se litigants and they get away every day by violating pro se's cause they know their fellow co-workers are going to help deprive and injure with malice intent to cover up criminal activity by their co-workers while under the color of state and federal laws.

REASONS FOR GRANTING THE PETITION

The issues herein are of Constitutional significance, deal with federal law, are of public interest and show violations of International Human rights, federal and state constitution, as well as Declaration of human natural rights as guaranteed through treaties the United States is bound by; their view would have wide ranging impact on the current landscape of law.

It is easy to infer Plaintiff was a throw away person and squarely fit the category of persons spoken of by Justice Douglas when he said, [It is the poor, the sick, the ignorant, the powerless and the hated who are deprived by Governmental officials who deprive prose litigants of proper access to the courts who have legitimate claims. Furman v. Georgia 92 S.Ct. 2276 (1972). That observation should not come to define American Jurisprudence. It is respectfully requested this case be accepted for review. The Petition for a writ of Certiorari should Be Granted.

OBatala Blount 7-27-2020
OBatala Blount ADC No 816424
Baldwin State Prison H-C-140-Top
P.O. Box 218
Hardwick Georgia 31034

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

O'Batala Blount GDC No. 816424

O'Batala Blount GDC No. 816424

Baldwin State Prison H-C-140-Top

P.O. Box 218

Hardwick, Georgia 31034

Date: 7-27-2020