

20-5550
No.

ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

**ROBERT KELVIN LINDBLOOM,
PETITIONER**

v.

Lower case number. 8:18-cv-2642-T-02AEP

**MANATEE COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA,
TANYA SHAW, DONALD COURTNEY,
TOM WOOTEN, KATHARINE ZAMBONI
RESPONDENTS**

ON PETITION FOR A WRIT OF CERTIORARI TO:

**UNITED STATES DISTRICT COURT OF APPEAL, 11TH DISTRICT
19-12650-CC**

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Do specific and particular allegations of perjury and submitting false evidence overcome a presumption of qualified immunity in a Motion to Dismiss?

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 proceeding in the court whose judgment is the subject of this petition is as follows:

**Robert Kelvin Lindbloom,
Petitioner**

**Manatee County, a political subdivision of the State of Florida
Tanya Shaw,
Donald Courtney
Tom Wooten,
Katharine Zamboni
Defendants**

RELATED CASES

None

INDEX TO THE APPENDICES

APPENDIX A	Appeal Court Order
APPENDIX B	District Court Order
APPENDIX C	Motion for Extension
APPENDIX D	Blanket Extension for 150 days

TABLE OF AUTHORITIES CITED

- Hardwick v. County of Orange, 844 F. 3d 1112 - Court of Appeals, 9th Circuit... No. 15-55563. Argued and Submitted October 7, 2016
Pasadena, California.
Filed January 3, 2017.
- MICHAEL D. JONES, P.A., Appellant, v. SEMINOLE COUNTY, etc.,
Appellee. 670 So.2d 95 (1996) No. 95-1038. February 16, 1996.
Rehearing Denied March 26, 1996.

STATUTES AND RULES

None

OTHER

None

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectively prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States Court of appeals appears at Appendix A to the petition and is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and has not been recorded.

JURISDICTION

FEDERAL CASES

**The date on which the United States Court of Appeals decided my case was
March 31, 2020.**

[X] No petition for rehearing was timely filed in my case.

**[X] An extension of time to file the petition for a writ of certiorari was
granted to and including August 27, 2020 on March 19, 2020.**

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment, US constitution

Fourteenth Amendment, US Constitution

STATEMENT OF THE CASE

Lindbloom alleged on many occasions, including at the original hearing and the Fourth, Fifth, Eighth Causes of Actions, that Shaw gave false testimony and/or presented false evidence at the hearing as well as in the Notice of Violation. (NOV) This action comes to the Court on a Motion to Dismiss, where all well plead factual allegations are to be considered true.

Submitting false testimony and/or presenting false evidence are actions well known by Shaw to be wrong and contrary to the concept of due process. Although formal rules of evidence are not available, the basic concept of due process is available. Nothing is more fundamental to due process than the reliance on sworn testimony.

“In this case, the jury specifically concluded that Vreeken and Dwojak lied, falsified evidence and suppressed exculpatory evidence — all of which was material to the dependency court’s decision to deprive Fogarty-Hardwick of custody — and that they did so with malice. These findings are clearly sufficient to satisfy the Supreme Court’s definition of circumstances in which ‘qualified immunity would not be available.’”

*Id. at *14..... No official with an IQ greater than room temperature in Alaska could claim that he or she did not know that the conduct at the center of this case violated both state and federal law. The social workers in this case are alleged to have knowingly and maliciously violated the law in their attempt to sever Preslie’s protected relationship with her mother. Perjury is a crime under both federal*

and California state law, as is the knowing submission of false evidence to a court. 18 U.S.C. § 1621; Cal. Penal Code § 118.

Hardwick v. County of Orange, 844 F. 3d 1112 -
Court of Appeals, 9th Circuit... No. 15-55563.
Argued and Submitted October 7, 2016 Pasadena,
California. Filed January 3, 2017.

Appellants had claimed in their reply (Dkt. 27, page 7) that Lindbloom had conceded that the defendants had been within their jobs.

“In the present case, the Plaintiff has acknowledged that at all relevant times Shaw, Wooten and Zamboni were acting within the scope of their respective discretionary authority. (Doc.26 ¶¶ 75,76 and 78).”

This is simply not true. The purported quote provided by the Defendants is untrue and does not appear anywhere in Lindbloom’s pleadings.

The references provided by the Defendants specify the names of:

“(75) Defendant Tanya Shaw
(76) Defendant Donald Courtney
(78) Katharine Zamboni: Assistant County Attorney”

By committing perjury and submitting false evidence, Shaw should lose her qualified immunity protection, since she was well aware that committing perjury and submitting false evidence was contrary to her job.

Neither the trial court nor the Appeals court addressed this argument.

REASONS FOR GRANTING THE MOTION

Lindbloom has continually maintained, from the original hearing, that Shaw perjured herself and presented false evidence. In the instant "Motion to Dismiss", those allegations alone should be sufficient to reach a jury.

Over 20 years ago the Fifth District Court of Appeals for Florida, noted that the current "Code Enforcement System may well deserve the characterization of a "Kangaroo Court.

We are not unsympathetic to Jones' argument (based on newspaper accounts and Jones' description of hearings before other boards, which Jones cites in this case) that some boards take unbridled and arbitrary actions, and may well deserve Jones' characterization of them as "kangaroo courts."

MICHAEL D. JONES, P.A., Appellant, v. SEMINOLE COUNTY, etc., Appellee. 670 So.2d 95 (1996) No. 95-1038. February 16, 1996. Rehearing Denied March 26, 1996.

Appellant suggests that the characterization of due process procedures as a "Kangaroo Court", by a Florida Appeals Court Judge, makes any such process so designated, suspect.

The "due process" provided by the county/state does not provide for any "rules of evidence" and the magistrate has much discretion with respect to the evidence allowed. This case is rightly in this honorable court. It is this court's *raison d'être* to draw a line in the sand: To say this far and no further.

CONCLUSION

The petition for a writ of certiorari should be granted to preserve a minimum due process standard: Perjury and/or submission of false evidence are not allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Kelvin Lindbloom" above a stylized "RK".

8-24-20

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