

20-7396

ORIGINAL

NO. 18-14545-DD

IN THE
SUPREME COURT OF THE UNITED STATES

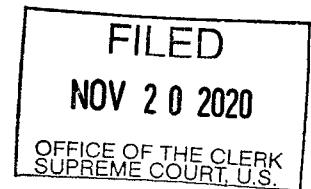
MARLINA CALHOUN PETITIONER

V.

WAL-MART STORES EAST LLC RESPONDENT

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

PETITION FOR WRIT OF CERTIORARI



MARLINA CALHOUN
1515 BETTS MILL RD
AUBURN GA 30011
Tel: 404-407-0750
Email: ms.calhoun1969@yahoo.com

MCLAIN & MERRIT P.C
ROBERT HILL
3445#500 PEACHTREE RD.N.E.
ATLANTA GA 30325

1. That the Plaintiff first Attorney Douglas was the Walmart Attorney Best friend. Also, that the second attorneys the HOOD LAW Group. Let the discovery time Pass for Doing Depositions on the Plaintiffs Doctors. Which the Plaintiff explain that they will explain She Had no prior Injuries before the Wal-Mart accident. (Georgia Code, Section 9-11-26) (1)

2. That Walmart attorney new that the Doctor admitted that Wal-Mart was responsible for Plaintiffs injury. Also, that Doctor Vicks stated that Wal-Mart was responsible. For the plaintiff injuries and they held the information. That the Plaintiff told the Judge at the Pretrial. The Judge ordered Wal-Mart to do the Deposition Because the Plaintiff could not afford it. Code Section 9-11-36 (c)

3.that the worker admitted me hit, talk to and looked at the Plaintiffs injuries at the time of the injury. Plus, it was all on video tape that the Wal-Mart had some of the video edited and remove some images.

4. That the Jury was going to settle. When asked what percentage she would take. She asked what they meant. What number. Then everything was changes. The Jury knew the plaintiff suffered with. A mental health issue due to the case but would not lesson to the Plaintiff. She should have been giving an interpreter to help her in court. The weight of evidence outweighed the ruling. Americans with Disabilities Act or Section 504 SUPREME COURT OF THE UNITED STATES

BRAGDON v. ABBOTT 524 U.S.624(1998) rule 42 U.S.C.S § 1202(2)

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT No. 97—156.

Argued March 30, 1998—Decided June 25, 1998

www.lexisnexis.com

5.The Court should resolve the following question and award the Plaintiff 1million dollars.

III. LIST OF PARTIES

1. RAKUAN BIVINS
2. BREUKLIN CALHOUN
3. MARLINA CALHOUN
4. DR. AUGUSTINE CONDAUH
5. BERNICE COX
6. JUDGE CLARENCE COOPER
7. DOUGLAS DAUM ATTORNEY
8. DR. MICHEAL HARTMAN
9. JEFF HOOD ATTORNEY
10. THERESA A. HOOD ATTORNEY
11. DR SHERELL VICKS
12. DR KHALIQUE REHMAN
13. DR. ROY TALLEY
14. ROBERT HILL ATTORNEY

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<i>Date</i>	<i>Error! Bookmark not defined.</i>
<i>Place Wal-Mart Stores East LLC</i>	<i>Plaintiff Marlina Calhoun.....</i>
<i>Verfication: I Marlina Calhoun do verify that the content of paras 1-12 are correct to my knowledge and behalf.</i>	
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2014 GEORGIA CODE TITLE 24 - EVIDENCE CHAPTER 8 - HEARSAY ARTICLE 1 - GENERAL PROVISIONS § 24-8-803 - HEARSAY RULE EXCEPTIONS; AVAILABILITY OF DECLARANT IMMATERIAL ERROR! BOOKMARK NOT DEFINED.

PLAINTIFF ASKED FOR 80 % YES, I OBJECT TO IT. I WANTED IT TO GET BETWEEN THE 1 MILLION DOLLARS AS WE DISCUSSED. FOR WHAT I LOST FOR MY LIFE EARNING AND DAMAGES. AS YOU WERE WALKING OUT, I WAS GOING TO. OR FOR HIM TO EXPLAIN WHAT MORE OF A PORTAGE THEY WERE THINKING. THE QUESTION WENT TO 27

2. 014 GEORGIA CODE TITLE 24 - EVIDENCE CHAPTER 6 - WITNESSES ARTICLE 1 - GENERAL PROVISIONS § 24-6-608 - EVIDENCE OF CHARACTER AND CONDUCT OF WITNESS ERROR! BOOKMARK NOT DEFINED.

DR HARTMAN TESTIMONY MOST PATIENTS THAT HAVE THIS KIND OF PROBLEM18 HAVE LIMITS. THEY CAN WALK 100 YARDS, BUT THEY CAN'T WALK A MILE..... ERROR! BOOKMARK NOT DEFINED.

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"CONTRARY TO EVIDENCE AND THE PRINCIPLES OF JUSTICE AND EQUITY," OCGA § 5-5-20, OR "DECIDEDLY AND STRONGLY AGAINST THE WEIGHT OF THE EVIDENCE EVEN THOUGH THERE MAY APPEAR TO BE SOME SLIGHT EVIDENCE IN FAVOR OF THE FINDING," OCGA § 5-5-21. THESE ARE KNOWN AS "THE GENERAL GROUNDS." THE PLAINTIFF FEELS DUE TO THE FACT THAT SHE SUFFERS FROM A MENTAL DISABILITY. SHE SHOULD HAVE BEEN GIVEN AN INTERPRETER TO HELPER WITH THE UNDERSTANDING OF THE TRIAL 29
FEROZ SAVED, OF PORTLAND WAL-MART STORES EAST . IS A FOREIGN CORPORATION DOING BUSINESS IN SCARBOROUGH, COUNTY OF CUMBERLAND, STATE OF MAINE. JAN1, 2010- 3-31-2015 SETTLE. . IS A FOREIGN CORPORATION DOING BUSINESS IN SCARBOROUGH, COUNTY OF CUMBERLAND, STATE OF MAINE. SAID INJURIES CAUSED GREAT PAIN AND SUFFERING AND MENTAL ANGUISH. DEFENDANT OWED PLAINTIFF THE DUTY OF EXERCISING REASONABLE CARE TO PROVIDE PREMISES WHICH HE WAS INVITED TO USE OR WHICH HE COULD BE REASONABLY EXPECTED TO USE, THAT WERE REASONABLY SAFE FOR HIS USE. ATTORNEY FOR PLAINTIFF **ERROR! BOOKMARK NOT DEFINED.**

DR. VICKS DEPOSITION 29

VICKS NOTES THAT WEREN'T ALLOWED THIS WILL 29
BE MY EXHIBIT 4. THIS DAY I WAS SEEN FOR -- THIS IS 29
THE FOLLOW-UP FROM THE EMERGENCY ROOM, WHICH I WAS 29
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***THE WITNESS: I CAN JUST SAY THAT** **ERROR! BOOKMARK NOT DEFINED.**
ON FEBRUARY 3RD, 2014, YOU HAD A VISIT **ERROR! BOOKMARK NOT DEFINED.**
WITH WHAT LOOKS LIKE DR. DAVID OLSON, WHO **ERROR! BOOKMARK NOT DEFINED.**
IS A NEUROLOGIST, WHO THOUGHT THAT THERE **ERROR! BOOKMARK NOT DEFINED.**
WAS SOME COGNITIVE DYSFUNCTION PRESENT **ERROR! BOOKMARK NOT DEFINED.**
AND TREATED YOUR HEADACHES WITH **ERROR! BOOKMARK NOT DEFINED.**
GABAPENTIN AND DEFERRED YOUR WORK-UP **ERROR! BOOKMARK NOT DEFINED.**
REGARDING YOUR NECK TO -- HE DIDN'T SAY10 WHO IT WAS. HE JUST SAID FURTHER WORK-UP 11 FOR THIS WAS DEFERRED. **ERROR! BOOKMARK NOT DEFINED.**
***THE WITNESS: I CAN SAY, BASED UPON** **ERROR! BOOKMARK NOT DEFINED.**
THE EVIDENCE PRESENTED ON THE PAPERS AND **ERROR! BOOKMARK NOT DEFINED.**
THE STUDIES THAT HAVE BEEN PRESENTED, **ERROR! BOOKMARK NOT DEFINED.**

THERE WAS A CHANGE FROM YOUR BACK TO -- **ERROR! BOOKMARK NOT DEFINED.**
FROM 2005 TO THE ONE IN 2012, AND THERE WAS A CHANGE IN THE APPEARANCE OF YOUR BRAIN FROM 2007 TO 2014 OTHER THAN
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NOTHING IN TITLE 23 OF THE REVISED STATUTES SHALL BE CONSTRUED TO IMPAIR THE RIGHTS OF PERSON OR PROPERTY PERTAINING TO THE INDIANS IN ANY TERRITORY, SO LONG AS SUCH RIGHTS REMAIN UNEXTINGUISHED BY TREATY BETWEEN THE UNITED STATES AND SUCH INDIANS, OR TO INCLUDE ANY TERRITORY WHICH, BY TREATY WITH ANY INDIAN TRIBE, IS NOT, WITHOUT THE CONSENT OF SUCH TRIBE, EMBRACED WITHIN THE TERRITORIAL LIMITS OR JURISDICTION OF ANY STATE OR TERRITORY; BUT ALL SUCH TERRITORY SHALL BE EXCEPTED OUT OF THE BOUNDARIES, AND CONSTITUTE NO PART OF ANY TERRITORY NOW OR HEREAFTER ORGANIZED UNTIL SUCH TRIBE SIGNIFIES ITS ASSENT TO THE PRESIDENT TO BE EMBRACED WITHIN A PARTICULAR TERRITORY. AS USED HEREIN, THE TERM "TERRITORY" DOES NOT INCLUDE THE VIRGIN ISLANDS, PUERTO RICO, AMERICAN SAMOA, GUAM, OR THE NORTHERN MARIANA ISLANDS.	32
THE TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI FROM NOVEMBER 20 2020, TO FEBRUARY 13, 2021. MARLINA CALHOUN V WAL-MART STORES EAST LLC UNITED STATES SUPREME COURT NO. 18-14545-DD	32
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1. THE PURPOSE OF THIS SECTION OF THE PETITION IS TO EXPLAIN TO THE COURT WHY IT SHOULD GRANT CERTIORARI. IT IS IMPORTANT TO READ RULE AND ADDRESS WHAT COMPELLING REASONS EXIST FOR THE EXERCISE OF THE COURT'S DISCRETIONARY JURISDICTION. TRY TO SHOW NOT ONLY WHY THE DECISION OF THE LOWER COURT MAY BE ERRONEOUS, BUT THE NATIONAL IMPORTANCE OF HAVING THE SUPREME COURT DECIDE THE QUESTION INVOLVED. IT IS IMPORTANT TO SHOW WHETHER THE DECISION OF THE COURT THAT DECIDED YOUR CASE IS IN CONFLICT WITH THE DECISIONS OF ANOTHER APPELLATE COURT; THE IMPORTANCE OF THE CASE NOT ONLY TO YOU BUT TO OTHERS SIMILARLY SITUATED; AND THE WAY THE DECISION OF THE LOWER COURT IN YOUR CASE WAS ERRONEOUS. YOU WILL NEED TO ATTACH ADDITIONAL PAGES, BUT THE REASONS SHOULD BE AS CONCISE AS POSSIBLE, CONSISTENT WITH THE PURPOSE OF THIS SECTION OF THE PETITION.	ERROR! BOOKMARK NOT DEFINED.
2. THIS PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED BECAUSE THE APPLICANT IN THIS CASE HAS SUFFERED A SEVERE INJUSTICE DUE TO AGENCY FAILURES IN ADMINISTRATIVE PROCEDURES AND MISFEASANCE OF FEDERAL PROSECUTORS INFLUENCING THE COURTS AND JURORS WITH MISLEADING AND FALSE STATEMENTS IN VIOLATION OF CONSTITUTIONAL DUE PROCESS PROTECTIONS.....	ERROR! BOOKMARK NOT DEFINED.
RULE 803. EXCEPTIONS TO THE RULE AGAINST HEARSAY	ERROR! BOOKMARK NOT DEFINED.

TAYLOR V. MENTOR WORLDWIDE LLC, 940 F.3D 582, 591 (11TH CIR. 2019) NO. 16-17147, NO. 16-17245. 940 F.3D 582 (2019) <i>TERESA TAYLOR, PLAINTIFF-APPELLEE, V. MENTOR WORLDWIDE LLC, MENTOR CORPORATION, DEFENDANTS-APPELLANTS. IN RE: MENTOR CORP. OBTAPE TRANSOBTURATOR SLING PRODUCTS LIABILITY LITIGATION. TERESA TAYLOR, PLAINTIFF-APPELLANT, V. MENTOR WORLDWIDE LLC, MENTOR CORPORATION, DEFENDANTS-APPELLEES.</i>	ERROR! BOOKMARK NOT DEFINED.
UNITED STATES COURT OF APPEALS, ELEVENTH CIRCUIT.....	ERROR! BOOKMARK NOT DEFINED.
<i>OCTOBER 8, 2019. ATTORNEY(S) APPEARING FOR THE CASE</i>	ERROR! BOOKMARK NOT DEFINED.
Ms. CALHOUN NEXT CONTENDS THAT THE DISTRICT COURT ERRED IN EXCLUDING HER MEDICAL BILLS AND RECORDS. THE DISTRICT COURT EXCLUDED Ms. CALHOUN'S MEDICAL BILLS AND RECORDS FOR TWO REASONS: (1) NO RECORDS WERE INCOMPLETE Ms. CALHOUN'S JUST MARKING OR NOTES; AND (2) ALL OF THE BILLS OR RECORDS WERE AUTHENTICATED. JUST HAD OTHER BILLS WITH THEM THEY WERE PRINTED FROM WALGREENS. I WAS NOT TOLD BEFORE TRIAL HOW THEY WERE TOLD TO BE DONE. THE PRETRIAL WAS A DAY BEFORE. I WAS GIVING HOW . THINGS TO BE DONE IN THAT COURT. THAT WASN'T IN THE RULE.....	34
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RELEVENT MATERIALS.....**ERROR! BOOKMARK NOT DEFINED.**

A) . THE LOWER COURT ALSO REFUSED AN INSTRUCTION ON INSANE DELUSION TO WHICH OBJECTED. THE APPELLANT IS ALLEGING THAT THERE WAS A BELIEF IN 'S MIND THAT AROSE SPONTANEOUSLY WITHOUT ANY EXTRINSIC EVIDENCE TO SUPPORT IT, CAUSING TO EXECUTE A WILL IN FAVOR OF HIS/HER NURSE AIDE WITHOUT ANY CONSIDERATION.....**ERROR! BOOKMARK NOT DEFINED.**
B) WHETHER THE PRESENT CASE ON APPEAL INVOLVES FUNDAMENTAL ISSUES OF BROAD PUBLIC IMPORTANCE REQUIRING DETERMINATION BY THE SUPREME COURT? IN VIEW OF THE RECENT ENACTMENTS OF STATUTORY LAWS AND OTHER RULES AND REGULATIONS, HAS CERTAINLY CAUSED A LOT OF PUBLIC CONCERN BY THE COURT AND WAL-MART ATTORNEYS ACTIONS.....**ERROR! BOOKMARK NOT DEFINED.**
C) THE PUBLIC CERTAINLY HAS AN INTEREST IN PREVENTING THE ABUSE OF THE DISABLE FROM A INJURY OR AT A STORE, SINCE MOST PEOPLE WORK HAVE A DUTY OF CARE. IT IS OFTEN ENTRUSTED BY SHOPPERS OR CERTAINLY, IF THE COURTS PERMIT SUCH AN ACT.....**ERROR! BOOKMARK NOT DEFINED.**
D) THE FAMILY OF HAD NO DESIRE TO SPEAK ON ANY TYPE OF WITNESS PROSECUTION OF , BUT IN A PROFESSIONAL MANNER IS A CAPABLE AND AS A REPUTABLE PARTIES.**ERROR! BOOKMARK NOT DEFINED.**
E) MS. CALHOUN WAS A ORDINARILY WOMAN, BUT THE PARTIES WAS STRUCK BY THE MANIPULATIVE SKILLS OF THE WAL-MART ATTORNEYS WHEN SENDING THE PRE TRIAL ORDERS THAT THEY TOOK OUT MER DEDICAL FILES THAT WHERE CERTIFIED.**ERROR! BOOKMARK NOT DEFINED.**
F) THEN THE JUDGE SAID HE WOULD ALLOW THE BILLS AND MEDICAL FILES THEN TOOK THEM OUT DURING TRIAL.**ERROR! BOOKMARK NOT DEFINED.**
WHEREFORE, PETITIONER RESPECTFULLY PRAYS THAT HIS/HER PETITION FOR A WRIT OF CERTIORARI BE GRANTED.**ERROR! BOOKMARK NOT DEFINED.**
AND PETITIONER PRAYS FOR GENERAL RELIEF.....**ERROR! BOOKMARK NOT DEFINED.**
RESPECTFULLY SUBMITTED,.....**ERROR! BOOKMARK NOT DEFINED.**

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Appendix M Wal-mart other case. Same as Plaintiff happen after Plaintiffs.

Appendix N Dr Vicks Deposition Dr Hartmans Deposition

Appendix O Pictures of Plaintiff showing Wal-mart worker of Injuries. Also Picture of shopper putting shopping carts back after work knock them into the middle of the floor and left them. Pictures of where Plaintiff was when she got hit.

Appendix P X-rays of plaintiff to show no Injury prior to accident to Left knee. Also X-rays of Plaintiffs back.

Appendix Q Picture of wal-mart worker at the same store. Him running in front of the carts with the remote control machine at a high speed.

Appendix R Diploma in Medical Assistant GPA 3.9

Appendix S Dr vicks Medical Notes

Appendix T Dr. Hartman Medical Notes

Appendix U Dr Conduah Medical Notes

Appendix V The Hood Law Group Attorneys Contract

Appendix W Douglas Daum Attorney Contract

IN THE
SUPREME COURT OF THE UNITED STATES
18-14545

MARLINA CALHOUN—PETITIONER
(Your Name)

vs.

WAL-MART STORES EAST LLC—RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MARLINA CALHOUN
(Your Name)

1515 BETTS MILL RD
(Address)

AUBURN GA 30011
(City, State, Zip Code)

404-407-0750

VM Calhoun

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 judgements below.

OPINIONS BELOW

For cases from federal courts

The opinion of the United States court of appeals appears at Appendix _____ to the Petition and is.

[x] Report at **UNITED STATES COURT OF APPEALS FOR THE ELEVENTH COURT**, or

is unpublished.

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

[x] reported at **US DICTRICT COURT NORTHERN DICTRICT OF GEORGIA**

; 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 appear at Appendix to the petition and is.

[X] report UNITED STATES COURT OF APPEALS FOR THE ELEVENTH COURT
at; or,

has been designated for publication but is not yet reported; or,
Is unpublished.

The opinion of the US DICTRICT COURT NORTHERN DICTRICT OF GEORGIA

Court appears ALSO to the petition and is.

Appendix 11-9-2017 / 9-3-
2020

; or,

Reported at

Has been designated for publication but is not yet reported; or,

Is unpublished.

[x] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was. 9/3/2020

No petition for rehearing was timely filed in my case.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date 8/25/2020: 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)

LOWER COURT ORDERS

Decision could be had denied discretionary review, a copy of that order should follow. If an order denying a timely filed petition for rehearing starts the running of the time for filing a petition for a writ of certiorari pursuant to Rule 13.3, a copy of the order should be appended next.

Appendix Rule 14.1

Appendix A Decision of Northern district Court 11-9-2017

Appendix B Decision of State Trial Court 11-14-2014

Appendix C Decision of State Court of Appeals 7-16-2020

Appendix D Decision of State Court of Appeals 7-16-2020App.39

Appendix E Decision of Northern district Court 11-14-2017

Appendix F Decision of State Court of Appeals 8-25-2020 rule 41-1

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Appendix K Supreme Court 11-25-2020

Appendix L Supreme Court Rule39 Incomplete 12-15-2020

II. Jurisdiction

This Court's jurisdiction is drawn from 28 U.S.C. § 1257(a).

MARLINA CALHOUN is a citizen and resident of AUBURN GA.

Federal courts have subject matter jurisdiction over state law claims only where the dispute is between citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332. For removal to be proper, complete diversity of citizenship must exist, meaning that every plaintiff must be diverse from every defendant. *Trigg's v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998)

. 1451. Rights of Indians not impaired; boundaries

Nothing in title 23 of the Revised Statutes shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory. As used herein, the term "Territory" does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

Marsh v. Brooks 49 US 223(1850)US SUPREME COURT www.supreme.justia.com

Statement of the Case

Because of the of the Accident. The Plaintiff. Ms. Calhoun presented evidence demonstrating that on August 4, 2012, Her daughter Breuklin Calhoun and her grandson. Were shopping at a Walmart store. While Ms. Calhoun was putting her grandson in the basket. She was hit from behind by the Wal-Mart worker. That was operating a machine with carts attach. Ms. Calhoun testified that she was hit with Blunt force. Causing her to "thrust forward. Ms. Calhoun further testified that as a result of this incident. She suffered injuries to her back and her Left leg. She testified that because of this pain. She is not able to walk or sit for Long Periods," "She now needs to walk with a cane.

Before the accident, The Plaintiff was attending Strayer college. For health service Management. She also was a Certified Personal Trainer and a Register Medical Assistant.

¹For hobbies she models and did Spoken Word as an Artist. She was Seven Classes away from getting her BBA. She also has 3 kids which two are Special Need. Plus, three grandchildren. One was with her when she got hurt.

Applicant's direct appeal raised seven issues challenging (1) The plaintiff has objected to all of these. I have provided these medical records with the right authentic need. 2. The judge even wrote the plaintiff back in a reply stating. That he always gives time. For people to go and get new records. With that was not the been the case with the Plaintiff. 3. She states in this trial. The Judge talks to her like he does not want to be bothered. He did not allow the Plaintiff to speak like the defendant. He says he will come back with an answer for her and never did. He seemed to have been in a rush. To get the trial over. 5. Also he let the defendant run the trial. as you will. See. 6. This trial should not have taken place. I think he was sick also because that Monday. 7. He had to go back to the doctor form Friday.

THE COURT: although the Court excluded Punitive The worker showed Negligence, he failed to exercise duty of care and another person is injured **Georgia Code Title 51** governs torts. (George Code section 51-11-7). *Kroger Co. v. Walters*, 319 Ga. App. 52, 60 (1992) Kroger appeals and claims six errors, primarlu related to the issues os spoliation, ligation expenses and damages because the trail court erroneously excluded material evidence at trial.

<https://www.casemine.com/judgement/us/5914f68fadd7b04934990ab5> Notes Miller and Ray, J

"GA Code § 24-6-608 (2014 "George Code section 51-11-7" "§ 24-9-921

2014 Georgia Code Title 24 – EVIDENCE Chapter 8 - HEARSAY

Article 1 - GENERAL PROVISIONS § 24-8-803 - Hearsay rule exceptions; availability of declarant immaterial (1) (3) (4) (5) (10) (15)

<https://law.justia.com/codes/georgia/2014/title-24/chapter-8/article-1/section-24-8-803/>

SPECIAL DAMAGES. If an item of special damage is claimed, it must be specifically stated.

2010 Georgia Code TITLE 51 – TORTS CHAPTER 1 - GENERAL PROVISIONS

§ 51-1-2 - Ordinary diligence and ordinary negligence defined.

<https://law.justia.com/codes/georgia/2010/title-51/chapter-1/51-1-2/>

2014 Georgia Code Title 24 – EVIDENCE Chapter 9 - AUTHENTICATION AND

IDENTIFICATION Article 2 - SPECIFIC TYPES OF RECORDS AND EVIDENCE

§ 24-9-921 - Identification of medical bills; expert witness unnecessary

(1) (3) (4) (b)

<https://law.justia.com/codes/georgia/2014/title-24/chapter-9/article-2/section-24-9-921>

Meraz v. State, 785 S.W.2d 146 (Tex. Crim. App. 1992)

https://www.casemine.com/judgement/us/5914be42add7b049347a7361#p_66

Goodin V. State, 750 S.W.2d 857 (Tex. App.-Corpus Christi 1998) Pet

https://www.casemine.com/judgement/us/5914be42add7b049347a7361#p_66

1. Because the Plaintiffs mother was at her doctor's deposition. She was not able to testify about.
2. What she seen and heard. What Dr. Vicks Say. About the x-rays. 3. That the Plaintiff had No prior injuries to her Left leg, Back, Neck. Also, that she had no prior, Brain or Nerve Damages or Hands

Rule 360-19-.05 Pre-Hearing Discovery

<http://rules.sos.ga.gov/GAC/360-19>

The Judge did not give Plaintiff. Proper chance to show him the tampered video. The Plaintiff prove it was tampered during trial. Along with Plaintiff neck x-ray with.

: During recess because of the Court's questions about Dr. Conduah and Dr. Vicks, Plaintiff reached out and talked to me. I can state in my place I talked to his administrative assistant, Tiffany Meraz V. State, 714 S.W.2d 108 (Tex. App.- 6 Dist., 1986)

<https://www.casemine.com/judgement/us/591489ccadd7b04934508229>

Plaintiff asked for 80 % of 1 million dollars. Plaintiff objects to it. Plaintiff wanted it to Get between the 1 million Dollars. This was discussed in the Pretrial. For what I lost for my life earning and damages. As the Judge was walking out., The questions went to ignored.

1. The defendant uses impeached old videos of the plaintiff dancing before the injury. Dr Hartman Stated you can walk around for months and not know you hurt. Plaintiff did not even know how bad she was hurt. It took months to discover her neck was broken after the second MRI with contrast of her neck.

United States V Walker United States Court of Appeals Feb 4, 1963 131 F.2d 236
(6th Cir. 1963) smart legal search <https://casetext.com/case/united-states-v-walker-83>

Universal Citation: GA Code § 24-6-609 (2014) Evidence of character and conduct of witness (e) <https://law.justia.com/codes/georgia/2014/title-24/chapter-6/article-1/section-24-6-609>

2. Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness's character for truthfulness. Code of conduct indicative of the witness's bias toward a party may not be proved by extrinsic evidence. 313 F.2d 236 (6th Cir. 1963), and cases cited.
3. *Plaintiffs* Motion to ask the court to grant Plaintiff an Appeal. Starting with the Pretrial with all due respect to Judge Cooper. I felt the pretrial was rushed and the trial was rushed. The original Pretrial date was Nov 6, 2017. I was on my way to the courthouse. When Velma the court clerk called, she did not tell me there was a fee. Judge cooper had to go to the doctor. The pretrial would be set for Monday Nov 6
4. With all due respect to the Judge, he made many mistakes. He admits his confusion. His assistants had to remind him. Of what going on in the case. His was sick during the trial. He rushed the trial. He would not lesson to anything the Plaintiff had to say or object to Jury the whole trial. He did not want to hear her evidence.

The worker lied about the machine being on turtle mode. He lied about hitting me lied about the yelling to the Plaintiff. Talking to her. Pictures missing in the video Georgia 18 U.S.C. § 1001: CRIMES AND CRIMINAL PROCEDURE — FRAUD AND FALSE STATEMENTS — CRIMES — STATEMENTS OR ENTRIES GENERALLY (1) (2) (3)
<https://www.casemine.com/act/us/591975e4add7b05bd4dd2a71>

Under Georgia law, a trial judge may grant a new trial when the verdict is "contrary to evidence and the principles of justice and equity," OCGA § 5-5-20, or "decidedly and strongly against the weight of the evidence even though there may appear to be some slight evidence in favor of the finding," OCGA § 5-5-21. These are known as "the general grounds. "The Plaintiff feels due to the fact that she suffers from a mental dis ability. she should have been given an interpreter to helper with the understanding of the trial.

STINSON V. STATE ,272 Alb.319, 154 So.2d 674. (1965) Cite code 43 Ala App. 27

Applicant's competency to stand trial and claiming that his waiver of counsel was not knowing and voluntary.

the district court's orders holding Applicant in contempt; (3) the substantive reasonableness of the sentence; (4) Judge Dawson's failure to recuse himself; (5) the sufficiency of the evidence; and (6) the fairness of Applicant's trial, especially considering disparaging remarks the court made against Applicant.

On December 26, 2007, the Ninth Circuit Court of Appeals rejected all but one of the issues raised. A precedential opinion addressed Applicant's challenge to the district court's contempt citation. **United States v. Cohen,796 F.2d, 1114 (9th Cir. 1986)**. The court vacated the contempt citations and remanded the case back to the district court. **21 U.S.C. § 846 (1982)**

Dr. Vicks deposition

1

1 Vicks notes that were not allowed This will be my Exhibit. The follow-up from the emergency room, which I was.

seen for initially for my back and leg pain.

MRI of my lumbar spine in a follow-up in how many months

Plaintiff suffered with contusion. And a code was unspecified site. But you complained of lower back pain and left leg pain the document is dated September 13,

2 2013. Findings noted a true disk herniation with cord compression. Both were remedied -- She said.

3 both were remedied in identical fashion following. Essentially the same technique at C5-C6. And this particular one was related to C4-C5.

4 there is impingement of the spinal cord at the cervical level to a significant degree, it can cause paralysis.

5 it says desiccated disk with disk bulge. There is a shallow central and slightly left. That its saying that there still was narrowing at C2 and 3 and C3 and 4 and that you May have a bulging disk at C5-C6.

Dr. Hartman explained to me that pretty much that's the best that he can do. So, would you say, from reading that, that I will be in pain for the rest of my life?

*THE WITNESS: I cannot say that.

you'll be in pain. I just can say that your neck has arthritis or degenerative changes that are present.

*THE WITNESS: I can just say that on February 3rd, 2014, you had a visit with what looks like Dr. David Olson. Who is a neurologist, who thought that there was some cognitive dysfunction present?

and treated your headaches with gabapentin and deferred your work-up.

regarding your neck to. He didn't say who it was. He just said further work-up for this was deferred.

(By Ms. Calhoun) Dr. Vicks, based on the information that I have showed you and your history with me as a patient, do you believe, as me reporting to you, that these are problems that I received from my injury to be true?

*THE WITNESS: I can say, based upon the evidence presented on the papers and the studies that have been presented, there was a change from your back to -- from 2005 to the one in 2012, and there was a change in the appearance of your brain from 2007 to 2014 Other than that one MRI of the brain, you have not reviewed any scans or films here today; correct?

Dr Hartman Deposition Statement

2

Dr. Hartman stated that. Most patients that have this kind of problem have limits. They can walk 100 yards, but they can't walk a mile. And so that is enough to change me. perceptions. I have already said -- and I'll say it again -- it takes a significant injury normally to rupture a disk. More likely than not. I didn't say it couldn't happen. Unfortunately, in the legal scenario, the threshold, as I understand -- what every lawyer seems to ask me -- is, Doctor, more likely than not, that -- which implies a 51 percent level of certainty -- is this how it happened. And I answer honestly. After seeing the video

Weight Against Evidence

3

The Jury did not take all the evidence into action. The video tapes. The confession of the employee. Stating he hit the defendant. Him looking at the pictures of the video. Stating she was holding her back. Stating she was in pain and showing him her leg bleeding. The jury was going to settle for a percentage of 1 million. the plaintiff asked what the number would be. The judge went out and then him and the jury can in and ruled for the defendant. After court, the plaintiff asked the jury what happen. They were going to settle but they can't say what happen. The Video had images missing. The Plaintiff had the images of her holding her back and leg. The working getting caught in lies. Saying he didn't even speak or look at the Plaintiff injuries. Plus, he got caught saying. The machine was on turtle mode all day. Then testified and said it wasn't the time of the accident.

Meraz V. State, 785 S.W.2.d 146 (Tex.Crim.App. 1990)

https://www.casemine.com/judgement/us/5914be42add7b049347a7361#p_66

III. Jurisdiction

This Court's jurisdiction is drawn from 28 U.S.C. § 1257(a).

MARLINA CALHOUN is a citizen and resident of AUBURN GA.

Federal courts have subject matter jurisdiction over state law claims only where the dispute is between citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332. For removal to be proper, complete diversity of citizenship must exist, meaning that every plaintiff must be diverse from every defendant. *Triggs v. John Crump Toyota, Inc.*, 154 F.3d 1284, 1287 (11th Cir. 1998)

. 1451. Rights of Indians not impaired; boundaries

Nothing in title 23 of the Revised Statutes shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory. As used herein, the term "Territory" does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

(R.S. §1839; Pub. L. 98-213, §15(a), Dec. 8, 1983, 97 Stat. 1462.)

Marsh v. Brooks, 49 U.S. 223, 8 How. 223, 12 L.Ed. 1056 (1850)

XI. Constitutional and Statutory Provisions

The time to file a petition for a writ of certiorari from November 20, 2020, to February 13, 2021. MARLINA CALHOUN V WAL-MART STORES EAST LLC United States Supreme Court NO. 18-14545-DD

STATUTORY AND CONSTITUTIONAL

For cases from federal courts: The date on which the United States Court of Appeals

decided my case **NORTHERN DISTRICT OF GEORGIA**

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 **SEPTEMBER 3, 2020** and a copy of the order denying rehearing appears at Appendix.

A timely petition for rehearing was thereafter denied on the following date: **9/28/2018** and a copy of the order denying rehearing appears at Appendix.

The jurisdiction of this Court is invoked under **28 U. S. C. §1254(1)**
Constitutional and Statutory Provisions Involved

The Forth tenth Amendment to the United States Constitution states:

- Rights Guaranteed, Privileges and Immunities of Citizenship, Due Process and Equal Protection⁶

- a) A. Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- b) Was not giving proper court aid.
- c) A person with a mentally and physically handicapped. who shall create a substantial risk to the health or safety was violating a duty of care, protection, or support by the court? It was a violation of a duty of care, protection, or support under the division.
- d) The Court took out Medical Records. Were Improper.
- e) The Cost of the case Being change was Improper.
- f) The Wal-Mart Attorneys holding evidence of the deposition was Improper.
- g) The Jury Ruling for Wal-Mart with the evidence weighing in the defendant side. Was wrong.

IV. STATEMENT OF CASE

1. "Courts have no power to rewrite legislative enactments to give effect to their ideas of policy and fitness or the desirability of symmetry in statutes." *Busse v. Commissioner of Internal Revenue*, 479 F2d 1143

Ms. Calhoun next contends that the district court erred in excluding her medical bills and records. The district court excluded Ms. Calhoun's medical bills and records for two reasons: (1) no records were incomplete Ms. Calhoun's just marking or notes; and (2) all the bills or records were authenticated. Just had other bills with them they were printed from Walgreens. I was not told before trial how they were told to be done. The pretrial was a day before. I was giving how. things to be done in that court. That wasn't in the rule.

Rule 901. Requirement of Authentication or Identification

Supreme Court of Illinois.

DONALDSON v. CENTRAL ILLINOIS PUBLIC SERVICE CO. ET AL,767 N.E. 2d 314, 325 (Ill 2002) short 767 N.E.2d314

<https://www.casemine.com/judgement/us/59147bb1add7b04934421a47>

Proof of Service Rule 29. 28 U.S.C. §1746.

Plaintiff also argues that the district court erred by permitting Walmart to impeach her with her Facebook posts. Old personal training, modeling, and actress. Before the accident incident. Walmart did not disclose this evidence prior to trial, the images violate Facebook "copyright laws." Both arguments lack merit. The judge didn't ask for dated. The Plaintiff objected and testified they were before the accident. 24-4-404 9(1) Rule 1002. Requirement of the Original

An original writing, recording, or photograph is required in order to prove its content unless these rules or a federal statute provides otherwise.

https://www.law.cornell.edu/rules/fre/rule_1002

The most encountered of this latter group is of course, the X-ray, with substantial authority calling for production of the original. *Daniels v. Iowa City*, 191 Iowa 811, 183 N.W. 415 (1921)

The Judge make a statement to the Jury to me. That was misleading about the damages. They did not award any Punitive damages. I object to this. The ordered Only compensatory damages, which can have included Special damages, such as loss of earnings he did not allow me to show my school records nothing. And medical expenses and general damages such as pain and suffering and emotional distress. Which the Plaintiff Takes Depression and Anxiety Pills. From this. Which they gave Plaintiff nothing for this either. How is that? When the worker hit me it on tap. She is holding her back, leg shows hurt.

Something really was wrong that day Plus the Plaintiff claim Legal negligence on the Hood law group for failure to do a deposition/ During the time of summary judgement time! 42 U.S.C. § 1983: THE PUBLIC HEALTH AND WELFARE — CIVIL RIGHTS — GENERALLY — CIVIL ACTION FOR DEPRIVATION OF RIGHTS Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State. any citizen of the United States or other person within the jurisdiction. thereof deprivation of any rights, privileges, or immunities secured by the Constitution and laws, its liable to the party injured in an action at law, suit in equity., or other proper proceeding.

1. Liberally construing Ms. Calhoun's pro se briefs, as we must, Ms. Calhoun challenges several of the district court's evidentiary rulings at trial, As well as the district court's denial of her post-trial motions. See *Bellizia v. Fla. Dep 't of Corr.*, 614 F.3d ("We construe pro se filings . . . liberally."). First, Ms.

Calhoun contends that the district court erred by prohibiting her mother from testifying about the contents of Dr. Vicks' and Dr Hartman deposition.

Plus, the Court removing the Plaintiffs Medical records. Fed. R. Evid. 1002

Rule 1002 - Requirement of the Original, Fed. R. Evid. 1002 | Casetext Search + Citator

2. It should be noted, however, that Rule 703, *supra*, allows an expert to give an opinion based on matters not in evidence, and the present rule must be read as being limited accordingly in its application. Hospital records which may be admitted as business records under Rule 803(6) commonly contain reports interpreting X-rays by the staff radiologist, who qualifies as an expert, and these reports need not be excluded from the records by the instant rule. The reference to Acts of Congress is made in view of such statutory provisions as 26 U.S.C. § 7513, photographic reproductions of tax returns and documents, made by authority of the Secretary of the Treasury, treated as originals, and 44 U.S.C. § 399(a), photographic copies in National Archives treated as originals.

3 This Petition for Writ of Certiorari should be granted because the Applicant in this case has suffered a severe injustice due to agency failures in administrative procedures and misfeasance of federal prosecutors influencing the courts and jurors with misleading and false statements in violation of constitutional due process protections.

The lower Court also refused an instruction which **was** objected to. The Appellant arose spontaneously without any extrinsic evidence to support it, causing to execute favor for Wal-Mart without any consideration of the evidence.

- a) The case on appeal involves fundamental issues of broad public importance. The Supreme Court statutory laws and other rules and regulations. Should be held up to. This has certainly caused a lot of public concern. By The way, the Court and Wal-Mart Attorneys actions has taking place.
- b) The public has an interest in preventing the abuse. Of the Public and the disable. From an injury or at a store since most people work have a duty of care. It is often entrusted by shoppers. That would let courts permit such an act.
- c) The family was disregarded on any type of witness. A prosecution of **professional** manner. Should be Uphold. To all reputable parties.
- d) Ms. Calhoun The Plaintiff was an ordinarily woman. The Who was struck by the manipulative skills of the Wal-Mart attorneys. When sending the Pretrial orders that they took out medical files that where certified.
- e) Then the judge said he would allow her bills and medical files .Then took them out during the middle of the trial.
- f) After the trial, the Judge stated to the Plaintiff, he made a mistake. The Defendant then said thanks Judge....

WHEREFORE, Petitioner respectfully Prays that her Petition for a Writ of Certiorari be granted. AND PETITIONER PRAYS FOR GENERAL RELIEF. That she be awarded 1million dollars for pain and suffering

Respectfully submitted,