

No. 21-1330

In The

Supreme Court of The United States

Rehearing Petition For Writ Of Certiorari

Arthur O. Armstrong,

Petitioner,

Vs.

State of Georgia,
Conyers Police Department,

Respondents.

Rehearing Petition For Writ Of Certiorari

On Rehearing Petition For Writ Of Certiorari
To The United States Court Of Appeals For The Eleventh Circuit

Arthur O. Armstrong, Pro se
8113 Pleasant Hill Road
Elm City, NC 27822
252-236-7912

QUESTIONS PRESENTED

Whether respondent on July 5, 2002, transgressed the Fourth and Fourteenth Amendments to the Constitution of the United States when respondent acted with racial profiling - stopped, detained, assaulted kidnapped and harassed petitioner, made an entry, without a warrant, onto private areas of personal premise of petitioner, searched and seized his property and invaded his privacy, in violation of the Fourth Amendment to the Constitution of the United States, then acted with active connivance in the making of the DWLR, left turn violation, No driver's license false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive respondent of liberty and property without due process of law in violation of the Fourteenth Amendment.

Whether then on September 21, 2010, Respondent did it again in Greenville County, VA. when Respondent Greenville County, VA sheriff Edward stopped, detained, assaulted, harassed and kidnapped appellant, made an entry without a warrant, onto private areas of personal premise of Petitioner; searched and seized his property and invaded his privacy, then acted with active connivance in the making of the FTA, DWLR, warrant for arrest false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause and seized and impounded his vehicle without due process of law violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

PROCEEDINGS AND RELATED CASES

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

RELATED CASES

Armstrong v. State of Georgia, et al; No. 1:02-CV-02629 -RWS. United States District Court for the Northern District of Georgia, Atlanta Division, On March 15, 2022, Appellant seeks leave to appeal a district court's Order entered March 4, 2004.

Armstrong v. State of Georgia, et al, No. 17-90003-D United States Court of Appeals for the Eleventh Circuit decided appellant's case on March 23, 2022.

There is no parent or publicly held company owning 10 % or more of the corporate stock.

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APPENDIX A: On March 23, 2022 United States Court of Appeals for the Eleventh Circuit decided my case.

APPENDIX B: On March 4, 2004, United States District Court for the Northern District of Georgia decided my case.

APPENDIX C: Constitutional and statutory provisions involved in the case set out with appropriate citations.

For the case from federal court, the opinion from the United States Court of Appeals for the Eleventh Circuit appears at Appendix A to the petition and is unpublished.

For the case from the federal court, the opinion from the United States District Court for the Northern District of Georgia appears at Appendix B to the petition and is unpublished.

JURISDICTION

From federal Court: The date on which the United States Court of Appeals for the Eleventh Circuit decided my case was March 23, 2022.

CONSTITUTIONAL AND STATUTORY PROVISIONS

Constitutional Provisions

Fourth Amendment

Fourteenth Amendment

Statutory Provisions

28 U.S.C.S 1254 (1)

28 U.S.C.S. 1291

28 U.S.C.S. 1746

42 U.S.C.S. 1983

Set out verbatim the constitutional and statutory provisions involved in this case at Appendix C.

STATEMENT OF THE CASE

Petitioner resides at 8113 Pleasant Hill Road Elm City, NC 27822.

The conduct complained of was engaged in under color of State law and that such conduct subject Appellant of the deprivation of rights, privileges and amenities secured by the federal constitution and laws of the United States while engaged in the conduct complained of.

On July 5, 2002, in Rockdale County, Georgia, appellee acted with racial profiling when appellee failed to conform to the requirements of the federal constitution and laws of the United States when appellee acted with reckless indifference and wanton disregards for the truth or falsity and the rights of appellant and others when appellee, without probable cause, stopped, detained, assaulted, kidnapped and harassed the appellant, then made an entry, without a warrant, onto private areas of personal premise of appellant, searched and seized his property and invaded his privacy in violation of the Fourth Amendment to the Constitution of the United States; then acted with, including but not limited to: arbitrariness, capriciousness, malice, fraud, trickery, deception, distortion, falsity, misrepresentation, intimidation, highway robbery, misrepresentation, RICO, extortion, defamation, gross negligence, racketeering, kidnapping, pattern of racketeering activities and conspiracy, then acted with active connivance in the making of the left turn, no driver's license, speeding, and DWLR, false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of liberty or property without due process of law when appellee

detained and tortured appellant for more than four hours when appellee took appellant's driver license and deem them fictitious and contacted North Carolina Department of Transportation; called appellant's daughter, Courtney and Monica and told them to come with a licensed driver in that appellant is about to spend the week-end in Conyers City jail on moving the car therefrom, after we leave, when appellee acted with defamation and derogatory statements, when appellee acted with active connivance in the making of the DWLR false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

Then on January 31, 2006, Respondent acted with racial profiling when Respondent stopped, detained, assaulted and kidnapped Appellant. Made an entry, without a warrant, onto private areas of personal premise of Appellant. Searched and seized his property and invaded his privacy in violation of the Fourth Amendment to the Constitution of the United States. Then acted with active connivance in the making of the warrant for arrest, FTA IN Conyers Municipal Court, DWLR false reports and other conduct amounting to official discrimination clearly /sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive Appellant of liberty and property without due process of law in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

Then on September 21, 2010, Respondent did it again. Respondent did it again when Respondent Sheriff Edward acted with racial profiling when appellee stopped, detained, kidnapped and assaulted Appellant. Made an entry without a warrant onto private areas of personal premise of Appellant. Searched and seized his property and invaded his privacy in violation of the Fourth Amendment to the Constitution of the United States. Then acted with active connivance in the making of the DWLR, FTA and Warrant for Arrest false reports and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive Appellant of liberty and property without due process of law when Respondent seized Appellant's vehicle when Respondent towed his car away and impounded it in violation of the Fourth and Fourteenth Amendments to the Constitution of the United States.

As a direct and proximate result of the respondent's conduct, petitioner suffered continuing injuries including but not limited to: humiliation, mental distress, psychic injury, injury to his reputation, and mental anguish. I pray for judgment in the sum of \$125,000,000.00.

WHEREFORE, Petitioner prays for judgment in the sum of \$125,000,000.00 under 42 U.S.C.S. 1983 Civil Right Act as follows:

1. Compensatory and Punitive damages under 42 U.S.C.S 1983 – Civil Rights Act.
2. Intangible Harm

3. Attorney's fees under 42 U.S.C.S. 1988 Attorney Awards Act or as a component of punitive damages.

4. Costs and Expenses of this action and such other and further relief as the Court deems just and proper.

Respectfully submitted this the 25th day of May, 2021

Respectfully submitted,

.. /s/Arthur O. Armstrong, Petitioner
 . Arthur O. Armstrong, Petitioner
 . 8113 Pleasant Hill Road
 . Elm City, North Carolina 27822
 . 252-236-7912

Appellant demands a jury trial on all issues raised by the pleading in this action

DEMAND JURY TRIAL

May 25, 2021

/s/Arthur O. Armstrong, Appellant

VERIFICATION

I, Arthur O. Armstrong, being first duly sworn, deposes and says that he is the Petitioner in the foregoing matter and that the allegations set forth in the Petition are true and correct to the best of his knowledge and belief except for those allegations set forth on information and belief and as to those allegations he believes them to be true.

May 25, 2021

/s/ Arthur O. Armstrong, Petitioner
 8113 Pleasant Hill Road
 Elm City, NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under United States law that the within and foregoing statements set forth in the verification are true and correct (28 U.S.C.S.1746.).

May 25, 2021

/s/Arthur O. Armstrong, Petitioner

REASONS FOR GRANTING THE PETITION

The Petition should be granted because the United States Court of Appeals for the Eleventh Circuit has decided an important question of federal law, that has not been, but should be settled by this Court, or has decided an important federal question in a way that conflicts with relevant decision of this Court.

CONCLUSION

Because of the conduct of the appellee, the writ of certiorari should be granted.

May 25, 2021

/s/Arthur O. Armstrong, Appellant

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

FILED 03/23/22

No. 17-90003-D

ARTHUR O. ARMSTRONG

Petitioner

Verses

CITY OF CONYERS,

Respondents.

On Appeal From The United States District Court
For The Northern District of Georgia

BEFORE: TROFLAT, HILL, and MARCUS, Circuit Judges.

BY THE COURT:

The Court hereby amends the last two paragraphs of the March 14, 2017 order as follows: The Clerk is DIRECTED not to accept for filing, and to take no action on any pro se pleadings – including, but not limited to: petition for writ of mandamus or requests for permission to appeal under Federal Rules of Appellate Procedure 5 – that seek relief from the June 2003 judgment in Case No 1.02-cv-2629-RWS from the Northern District of Georgia, or any other matter in that proceeding from which Armstrong has already appealed or failed to timely appeal. The Clerk need not provide notice to Armstrong when it takes no action on any pro se pleadings as Armstrong is on notice of this order's direction to the Clerk. The Clerk will not return Armstrong's unacceptable pleadings. SO ORDERED.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARTHUR O. ARMSTRONG, . :

.
Plaintiff, :

Vs. :

CITY OF CONYERS, et al :

Defendants. :

FILED IN
COURT'S . OFFICE
MAR. 4, 2004

ORDER

Now before the Court for consideration and Plaintiff Arthur O. Armstrong's motion to Reopen action [34-1], to amend pleading [35-1], for Relief [45-1], for permission to file instant action [47-2], and to Proceed in Forma Pauperis [48-1]. After reviewing the entire record, the Court enters the following Order.

On June 17, 2003, this Court entered an Order denying Plaintiff's Motion for Summary Judgment and granting Defendants' Motion for Summary Judgment. The Eleventh Circuit Court of Appeals affirmed that Judgment on December 1, 2003.

Plaintiff's Motion to Reopen action [34-1], to amend pleading [35-1], and for relief [42-1] attempt to relitigate issues already decided by this Court and affirmed by the Court of Appeals. Accordingly, they are hereby DENIED as moot.

From Plaintiff's Motion for Permission to file instant action [47-1], and for Judgment pursuant to Rule 60

APPENDIX B

(b)[47-2], it appears that Plaintiff wishes to open another action alleging the same events and issues already decided in this case against substantially the same Defendants with the addition of Rockdale County and several names City of Conyers police officials. Plaintiff has also filed with this Court a request to proceed in Forma Pauperis. Plaintiff has failed to comply with the requirements set forth in 28 U.S.C. S. 1915(a)(1) for proceeding in Forma Pauperis. Moreover because the issues in his proposed new action have already been decided, the Court finds that the new action is frivolous; therefore, Plaintiff's Motion to proceed in Forma Pauperis [48-1], and Motion for Permission to file instant action [47-1] are hereby **DENIED**.

See 28 U.S.C.S. 1915 (e)(2), (providing the court shall dismiss claims or action that are frivolous).

Although this Court has cautioned Plaintiff about the nature of his filings, a review of Plaintiff's motions in this case reveals a consistent pattern of frivolous filing. The Eleventh Circuit recognizes this Court's authority to impose restrictions on Plaintiff's ability to file. See generally *Procup v. Strickland*, 702 F. 2d. 1069 (11 Cir. 1986).(outlining potential restrictions) As Propup explained "Federal court have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions. The court has a responsibility to prevent a single litigants from unnecessarily encroaching on the judicial machinery needed by others " *Id*, at 1073-74(internal citations omitted).

The Court finds that it is necessary to enjoin Plaintiff from making future filing in this case to protect the court's jurisdiction. Accordingly, the Court hereby **ENJOIN** Plaintiff Arthur O. Armstrong from making future filing in this case and from attempting to open new action without complying with the following procedures. If Plaintiff wishes

to make a filing in this case or open a new action, he must submit a petition for leave to file, along with a proposed document for filing and a copy of this order to this Court for consideration. The Clerk is hereby DIRECTED that if Plaintiff submit a petition, the clerk shall forward the Petition and accompanying document to the undersigned for consideration. The Clerk is further DIRECTED not to docket a filing or open a case file in such circumstances until this Court issues an Order so directing. If Petitioner fails to comply with this Order by submitting a document for filing without a Petition and copy of this Order, the Clerk is DIRECTED to return the document to Petitioner

SO ORDERED this 2nd day of March, 2004.

./s/Richard W. Story

/s/Richard W. Story

United States District Judge

FOURTH AMENDMENT

The right of the people to be secured in their persons, house, paper and offices against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and persons or thing to be seized.

FOURTEENTH AMENDMENT

All persons born or naturalized in 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 law.

42 U.S.C.S. 1983: Civil Action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purpose of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

APPENDIX C

CERTIFICATE OF COMPLIANCE

No. 21-1330

Arthur O. Armstrong,

Petitioner,

vs.

State of Georgia., et al,

Respondents.

As required by the Supreme Court Rule 33.1(h), I certify that petitioner's petition contains 466 words, excluding the parts of the petition that are exempted by the Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 15, 2022.

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line extending to the right.

Arthur O. Armstrong, Petitioner

No. 21-1330

IN THE

SUPREME COURT OF THE UNITED STATES

Arthur O. Armstrong,

Petitioner,

vs.

State of Georgia, et al

Respondents.

PROOF OF SERVICE

I, Arthur O. Armstrong do swear or declare that on this June 15, 2022, as required by the Supreme Court Rule 29.1, I have served a Petition for Rehearing for writ of certiorari on each party in the above proceeding, or that party's counsel and every other person required to be served by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third party commercial carrier for delivery within 3 calendar days three copies of the inbound document to: Phillip E. Friduss, Esq. 191 Peachtree Street Suite 2900 Atlanta GA 30303

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 15, 2022.


Arthur O. Armstrong, pro, se

