

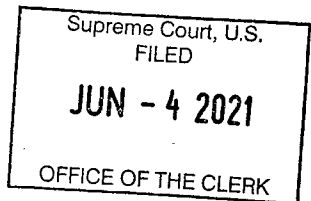
21-5038

9th circuit court
20-16972

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Donnell Bledsoe — PETITIONER
(Your Name)

vs.
MARSHALL COLE, WALT VANCEL,
MATHEW THURLOW, DAVID — RESPONDENT(S)
AMBROSE AND STOCKTON police Department

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEAL FOR THE Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

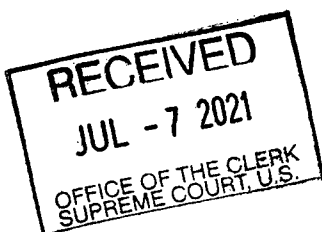
PETITION FOR WRIT OF CERTIORARI

Donnell Bledsoe sr.
(Your Name)

2038 E. Church ST.
(Address)

Stockton, ca. 95205
(City, State, Zip Code)

(916) 370-7932
(Phone Number)



QUESTION(S) PRESENTED

The lower courts (the circuit court of appeals) made a mistake. The Federal Criminal Statute that enforces constitutional limits on conduct by law enforcement officers is 18 U.S.C. 242 section 242 provides in relevant part: "whoever, under color of any law, ... willfully subjects any person ... to the deprivation of any rights, privileges, or immunities secured or protected by the constitution or laws of the United States (shall be guilty of a crime) section 242 is intended to "protect all persons in the United States in their civil rights, and to furnish the means to their vindication." *Screws v. United States*, 325 U.S. 91, 98 (1945) (quoting legislative history).

I the plaintiff Donnell Bledsoe Sr. is asking the Supreme Court to rule in my favor in the name of Racial Justice, George Floyd and many others.

LIST OF PARTIES

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

☒ 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: WALT VACIL, MARSHALL COLE, DAVID AMBROSIO AND MATTHEW THURLOW. ARE THE DEFENDANTS ALONG WITH THE STOCKTON POLICE DEPT.

RELATED CASES

ATTORNEY JOHN BURRIS HAS ALSO FILED A FEDERAL CIVIL RIGHTS INVESTIGATION OF A MINOR (DEVIN CARTER) 7 YRS OLD WHO WAS VIOLENTLY BEATEN BY TWO STOCKTON POLICE OFFICERS WHILE OTHER STOCKTON POLICE OFFICERS WATCHED. THE MINOR WAS HAND CUFFED KICKED AND BEATEN BY STOCKTON POLICE OFFICERS WHO LEFT A SHOE PRINT ON THE JUVENILE'S BACK IN THIS YEAR (RECENTLY) APRIL 3, 2021 TO BE EXACT YOUR HONORS. AS CIVIL RIGHTS ATTORNEY JOHN BURRIS STATED THE STOCKTON POLICE DEPARTMENT HAS A PATTERN OF THIS TYPE OF BEHAVIOR (KICKING AND BEATING) AFRICAN AMERICANS WHILE HAND CUFFED AND HAS BEEN REPORTED TO THE DEPARTMENT OF JUSTICE.

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 cases from federal courts:

The opinion of the United States court of appeals appears at Appendix D to the petition and is

☒ reported at April 13, 2021; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix D to the petition and is

☒ reported at on file (Court Records); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished. D.C. No. # 2:20-CV-01634 KSM-RJN

☐ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was April 13, 2021

☐ 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: July 5, 2021, and a copy of the order denying rehearing appears at Appendix D.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The federal criminal statute that enforces constitutional limits on conduct by law enforcement officers is 18

U.S.C. 242. Section 242 provides in relevant part

"who ever under color of any law, ... willfully Subject s Any person... to deprivation of any rights, Privileges, or Immunities Secured or protected by the Constitution or laws of the United States [shall be guilty of a crime].

Section 242 is intended to protect All persons in the United States in their civil Rights, and to furnish the means for their vindication. "screws ✓ United States, 325 U.S. 91, 98 (1945) quoting legislative history.

To prove a violation of 242, the government must prove each of the following elements beyond a reasonable doubt; (1) that the defendants deprived a victim of a right protected by the Constitution or laws of the United States. (2) that the defendant's acted willfully, and (3) that the defendant was acting under color of Law. A violation of 242 is a felony if one of the following condition is met; the defendant's used, attempted to use, or threatened to use a dangerous weapon, explosive or fire, the victim suffered bodily injury; the defendant's actions included attempted murder, kidnapping or attempted kidnapping, aggravated sexual abuse or attempted aggravated sexual abuse or attempted sexual abuse, or the crime resulted in death. Otherwise, the violation is a misdemeanor.

Establishing the intent behind a Constitutional violation requires proof beyond a reasonable doubt that the law enforcement officer knew what they were doing wrong and

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVE

CONTINUE

AGAINST the law and decided to do it anyway. Therefore, even if the government can prove beyond a reasonable doubt that an individual's constitutional right was violated.

242 requires that the government prove that the law enforcement officers intended to engage in the unlawful conduct and that he did so knowing that he was doing wrong or unlawful. See *Screws v. United States*, 325 U.S. 91, 101-107 (1945) mistake, fear, misperception, or even poor judgement does not constitute willful conduct prosecutable under the statute.

BASIS FOR THE SUPREME COURT OF THE UNITED STATE JURISDICTION

Article 3, Section 2 of the constitution establishes the jurisdiction (legal ability to hear a case) of the Supreme court. The Court has original Jurisdiction (a case is tried before the court) over certain cases, e.g. suits between two or more states and/or cases involving ambassadors and other public ministers.

SUPREME COURT RULE 15

Legal question was timely and properly raised and that this court has jurisdiction to review the Judgement entered by the lower courts.

STATEMENT OF THE CASE

FACTS:

On July 1, 2005 Stockton police officers WALT JACI, MARSHALL COLE, DAVID AMBROSE and MATTHEW THURLOW entered the plaintiff's home located at 2255 E. HAZELTON AVE, STOCKTON CALIFORNIA 95205 illegally/unlawfully without a warrant causing great bodily harm. Upon entering the plaintiff's home one Stockton police officer (young white rookie/youngest hit the plaintiff DONNELL BLEDSOE in the temple (head) causing victim (plaintiff) to go unconscious dropping to his (plaintiff) kitchen floor. Court records show that the victim (plaintiff) was then handcuffed. Remarkable the plaintiff remembers being kicked by Stockton/Police officers. Court records during Preliminary Hearing revealed in court that the plaintiff resisted arrest and had to be beaten by a Stockton police officer (who's name is blacked out on report) with a 12 gauge shotgun to be brought under control. IT is impossible for the victim being combative if the victim (plaintiff) was knocked unconscious upon entry to his (plaintiff's) resident. Your Honor's The plaintiff was hit immediately with a 9mm handgun to his temple leaving a golf size knot/ball to his head where he was knocked out unconscious, handcuffed AND severely beaten, kicked A struck with the butt of a 12 gauge shotgun.

STATEMENT OF THE CASE CONTINUE

FACTS

FALSE REPORTS: is to 20 minutes the plaintiff had let his two children out as Stockton police requested per children's mother Min Lewis. According to police report Plaintiff's ex-wife called Stockton police for a disturbance (false police report where children's mother indicate an object was thrown at her (false Alagatation and requested the children's removal. 15 to 20 minutes After the Plaintiff let the children out, Stockton Police officer's Walt Vancil, Marshall Cole, David Ambrose and Matthew Thurlow entered the plaintiff's home unlawfully illegal because the defendant's listed stated that the plaintiff children which are minors said plaintiff threaten to kill them. The Plaintiff children who are now Adult states that they never told the Stockton police anything.

ILLEGALLY ENTRY

Stockton police officer's defendant's Walt Vancil, Marshall Cole, David Ambrose and Matthew Thurlow unlawfully without warning and without a warrant. The defendant's Stockton police officer's entered the plaintiff's security door at the back entrance. The black-bar security door for the back entrance of the plaintiff's resident was breached (forced by crow-barred and bent like a lawn chair through middle) where the defendant's listed entered through causing great bodily injury

STATEMENT OF CASE CONTINUED

GREAT BODILY INJURY

I Donnell Bledsoe SR. the Plaintiff woke up in the back seat of a Stockton police officers Back seat. I the plaintiff was transported to the Stockton Police department. While seating in the holding cell I was taken out of the cell, photographed and fingerprinted. As I the Plaintiff left the room of finger printing and photograph I was put back in the holding cell. When I the plaintiff went back in the holding cell another inmate was in there. When I entered the holding cell, I the plaintiff was assaulted by another inmate in the holding cell in which I the plaintiff believe was a Stockton police informant, because this was an unprovoked incident. I the plaintiff was punched in the chest one time. After being processed at the Stockton Police department I was transported to San Joaquin General hospital for a swollen temple (Brain) and X-rays of being kicked in the ribs. The plaintiff had just had back surgery a few years prior.

CONCLUSION

About 1 month later the Stockton police department and officers received a 911 call to the plaintiff's resident at 2255 E. Hazelton Ave. Stockton, Ca. 95205 on a disturbance of the plaintiff pointing a gun at the ex-wife MIA LEWIS and the plaintiff running to his back quest house But the plaintiff was in Beaumont, Texas.

STATEMENT OF THE CASE CONTINUED

Conclusions

The Stockton police department and officer came out on a false report. The Stockton police came out again on a 911 call placed by the plaintiff's ex-wife. The Stockton police department went to the back House (Quest House) and asked the tenant for entry because Stockton police department got a call by Mr Bledsoe's ex-wife Mrs Lewis Bledsoe that the plaintiff pulled a gun on her and fled to the quest house. The tenant in the quest house informed the Stockton police officers that the plaintiff Mr. Bledsoe was in Texas. The tenant stated that the Stockton police officers came 4 car loads with their guns drawn. Then tenant informed Mr. Bledsoe the plaintiff on what had happen via telephone. This occurred on the weekend, so on Monday the Plaintiff called his lawyer Robert Williams of what had just happened. The Plaintiff attorney Robert William called the District Attorney and all charges were dropped. I had 7 felonies and it was for obstruction of justice I believe your honors.

RELIEF

I Donnell Bledsoe Sr. would like relief for being wrongfully Imprisoned, posting bail twice the amount of 20,000.00. I The plaintiff would like 3 million dollar for pain & suffering, 3 million dollars for punitive damages 2 million for defamation of character AND 5 million for statutory damages for A total of 11 million dollars.

EXCESSIVE FORCE

The defendant's Stockton police officer's Marshall, Walt Vancil, David Ambrose and Matthew Thurlow, used excessive force against an unarmed African/Asian/Irish man in his (plaintiff's) home. It was an unlawful entry because the issue at hand was solved. The plaintiff's ex-wife requested that Mr. Bledsoe let her have the children to stay with her at her mother's home. The defendant's (Stockton police officer's) waited 15 to 20 minutes to break in a black bar security door with a metal screen. The back door to the house (security door) was bent in the middle where it bent inward and became unlocked.

The Stockton police Department/officer's job is to de-escalate family disputes not take the law into their own hands and be Lawless. Instead the defendant's listed willfully violated the plaintiff civil rights, gaining entry by falsifying a police report and beating the plaintiff Klu Klux Klan style.

PHYSICAL ASSAULT

In cases of physical assault, such as allegations of excessive force by an officer, the underlying constitutional right to issue depends on the custodial status of the victim. If the victim has just been arrested or if the victim is being held in jail but has not yet been convicted, the government must, in most cases, prove that the law enforcement officer used more force than is reasonable necessary to arrest or gain control of the victim. This is an objective standard dependent on what a reasonable officer would do under the same circumstances. "The reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham v. Connor*, 490 U.S. 386, 396-97 (1989)

DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL CONDITION OR A SUBSTANTIAL RISK

Section 242 prohibits a law enforcement officer from acting with deliberately ignore a serious medical condition or risk of serious harm (such as a risk that an inmate or officer) to a person in custody to prove deliberate indifference, the government must prove that the victim faced a substantial risk of serious harm; that the officer had actual knowledge of the risk of harm; and that the officer failed to take reasonable measures to abide by it.

After I the plaintiff was beaten unconscious, The Stockton Police Dept. & officer's should have transported to SAN JOSE GENERAL Hospital for treatment, Instead I the plaintiff was transported to the Stockton Police Department where I the plaintiff was assaulted by an inmate which I believe

OR A COVER-UP BECAUSE THE STOCKTON POLICE
OFFICERS BEAT ME BLOODY UNCONSCIOUS. SEE
EXHIBIT PROVIDED.

FAILURE TO INTERVENE

An officer who purposefully allows a fellow officer to violate a victim's constitutional rights may be prosecuted for failure to intervene to stop the constitutional violation. To prosecute such an officer, the government must show that the defendant officer was aware of the constitutional violation, had an opportunity to intervene, and chose not to do so. This charge is often appropriate for supervisory officers who observe uses of excessive force without stopping them, or who actively encourage uses of excessive force but do not directly participate in them.

THE STOCKTON POLICE DEPARTMENT AND OFFICER'S HAVE A PATTERN

April 3, 2021 - The family of Devin Carter 17 years old a minor, filed a federal lawsuit for their son who was arrested handcuffed and beaten and kicked by two Stockton police officers while two other Stockton police officers watched. Some media outlets described the Stockton police officer's "A PACK OF WOLVES".

KOUSSAYA V. CITY OF STOCKTON

- WRONGFUL DEATH

MC CAM V. STOCKTON Police - Nor CIVS -

10-31-70 DAM CRDPG

There is no statute of limitation contained within the language of 42 USC § 1983. The United States Supreme Court has directed that § 1983 requires courts to borrow and apply to all § 1983 claims the one most analogous state statute of limitations "Owens v. Okure, 488 US 235, 240 (1989)

BELL ATl. Corp, V. Twombly - 550 U.S. 544, 555-57 (2007). Simply, the complaint must contain sufficient factual matters, accepted as true, to state a claim to relief that is plausible. means pleading "factual content that allows the court to draw the reasonable inference that the defendant is liable for CONCLUSION The misconduct.

Also The President of the United States (JOE BIDEN'S) George Floyd Police Reform ACT Bill.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Donnell Bledsoe Pro Se Attorney

Date: 6/16/21