

21-5107

ORIGINAL

No. _____

Supreme Court, U.S.
FILED

JUN 29 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Willie C. Walker — PETITIONER
(Your Name)

vs.

State of Georgia, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eleventh Circuit Court Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Willie C. Walker
(Your Name)

6865 W. Strickland
(Address)

Douglasville, Georgia 30134-1171
(City, State, Zip Code)

6786138112
(Phone Number)

QUESTION(S) PRESENTED

Exceptions pursuant to which the government is not subject to suit, even if a private employer could be liable under the same circumstances. These exceptions include the discretionary function exception, which bars a claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or a employee of the government , whether or not the discretion involved be abused. 28 usc 2680(a)(h). In order to determine whether conduct falls within the discretionary function exception, the courts must apply a two-part established in Berkovitz v. U.S. 486 U.S. 531, 536, 880 F. 2d. 1018, 1025 (9th Cir. 89). first, the question must be asked whether the conduct involved an element of judgement or choice. 499 U.S. 315, 322 (91). This requirement is not satisfied if a federal statute, regulation, or policy specifically prescribes course of action for an employee to follow. 486 U.S. 536. Once the element of judgement is established, the next inquiry must be whether that judgement is of kind that the discretionary function exception was designed to shield in that involves consideration of social, economic, and political policy. Gaubert, 499 U.S. 322-23. See Supreme Ct. Rule 19, 20, 36, 28- USC 2253(c)

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:

Willie C. Walker

V.

State of Georgia

Judge Tom Campbell,

DBHDD

ANTRON EVANS,

CITY OF SOUTH FULTON MUNICIPAL COURT.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A

Notice of Filing in the Superior Court-Order and Judgement-Federal Court-U.S.D.C.

APPENDIX B

Judgement And Order In Plea of Mental Incompetency to Stand Trial-Superior Court Fulton Ct.

APPENDIX C

U.S. Court of Appeals-IFP Denied as Moot-COA Denied No. 20-13871-C

APPENDIX D

U.S. Court of Appeals 11th Circuit-Denying motion for reconsideration-COA-N0-20-13871-C

APPENDIX E

Supreme Court of Georgia Dismissal of the Appeal from Baldwin County

APPENDIX F

United States District Court Order denying COA-1:20-CV-2373-CAP

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
	1
	2
401 US 371;555 US 113; 129 S Ct. 681;995 F. 2d. 728	3
468 F. 3d. 750, 754. 487 US 392. 108 S. Ct. 2449	4
456 S.E. 2d. 642. 540 F. 3d. 190. 410 F. 3d. 236. 538 U.S. 691,694	5

STATUTES AND RULES

28 USC-2253, Supreme Court Rule- 36, Fed. R. App. Proc.22(b), 23)(a) Supreme Ct. Rule 10
28 USC-2253 (c), 28 USC2679 (d)(1); 28 USC 1738, 28 USC-1257.

OTHER

Question's Presented: 486 U.S. 531, 536; 880 F. 2d. 1018, 1025; 499 U.S. 322-23; Supreme Ct.
Rule 19, 20, 36.

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 NO. 20-13871-C; 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 F to the petition and is

- ☐ reported at 1: 20-CV-2373-CAP; 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 appears at Appendix E to the petition and is

- ☐ reported at Case No. S14A1337; 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 03/04/2021.

☐ 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: May 18, 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 June 16, 2014.
A copy of that decision appears at Appendix E.

☐ 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).

STATEMENT OF THE CASE

Al of a civil action, 28 USC 2679. Petitioner filed a petition for the Writ of Habeas Corpus in the United States District Court for the Northern District of Georgia, case no. 1:11-cv-0174-CAP-CCH; on April 22, 2011, the petitioner Received the Final Report and Recommendation that set forth a dismissal without prejudice and the COA be denied. On May 17th, 2011 petitioner received the Final Order Judgement of the Court. The judgment was filed in the Superior Court of Fulton County on May 24; judgment was not under seal of the court apparently due to the court denial of the certificate of appealability. Therefore, the certificate must be obtained from the Eleventh Circuit Court of Appeals.

Petitioner filed for an out of time appeal in the district court, the motion for out of time appeal was Denied and the application to or proceed in forma pauperis was dismissed as moot, on April 4th, 2011, petitioner filed an appeal in the Eleventh Circuit Court of Appeals, the appeals was dismissed sua sponte, for lack of jurisdiction. Case No. 11-13818-I. Petitioner filed a RICO COMPLAINT IN THE DISTRICT COURT FOR The NORTHERN DISTRICT OF GEORGIA, the Motion to proceed IFP was Denied. Der could not use a private civil complaint to request release from his involuntary civil commitment, as he had to use federal habeas petition to request such relief. See *Hutcherson V. Riley*, 468 F. 3d 750, 754 (11th Cir. 2006). Appropriate Federal Agency within 60 days after the dismissal of the civil action, 28-USC 2679(e) the Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 and with the same effect. *Sheridan V. U.S.* 487 U.S. 392, 108 S. CT. 2449.

REASONS FOR GRANTING THE PETITION

Petitioner claim that the City of South Fulton Municipal Court binding over case no. 2018-213003, and that Evans failed to appear on the court date which denied petitioner Due Process, and equal protection under the law and subject matter of jurisdiction. Also, the petitioner call the office of Fulton County Solicitor and was told that there is no record related to that case number given. In support of the proposition that intent to injure stripes a defendant state officer or employee of official immunity, Ga. Const. of 1983, Art. Sec. 2, par. 9 (d). 234 F. 3d. 514. In order to decide whether the defendants are entitled to the immunity they claim, which is question of the law. we must determine three issues (1) whether the GTCA applies to this action (2) whether defendants are state employees; if so (3) whether their actions were conducted with the intent to injure him, they necessarily fell outside of the scope of their employment thus, defendant are subject to liability for those actions. It is well established in tort law that, when two concurrent causes naturally operate to produce an injury, the individual tortfeasors maybe sued jointly or separately, because their wrongful conduct together becomes the proximate cause of the injury. Adam and Adam, Ga. Law of Torts 15-5, 456 S.E. 2d. 642

See also Walker v. State of Georgia, Writ of Habeas Corpus, Summons and Petition in the Superior Court of Fulton County, case no. HC01032, Filed August 23rd 2018, also the suspension clause. In addition removal otherwise permitted By section 28 usc 1441 (a) maybe barred by Congress if such as those arising under state workers compensation laws or the Federal Violence Against Women Act 691,694(2003). Several courts of Appeals have extended its holding and found that states waive their Eleventh Amendment Immunity from suit over federal claims as well when they remove such claims to federal court. Lombardo v. Pennsylvania 540 F. 3d. 190; Meyers v. Texas 410 F. 3d 236. Trial court erred in holding that O.C.G.A. 17-7-130(c) is constitutional and violated defendants right to due process w charged with committing violent crimes and found mentally incompetent to stand trial. 17-7-130 (6)(b), whe it shall be the duty of the court to cause the issue of the defendants mental competency to stand trial to be tried first by a special jury. Rooker-Feldman is a jurisdictional bar, whereas res judicata determines which party prevails after the court has assumed jurisdiction over the suit. see GASH Assocs. 995 F. 2d. 728

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Verified by PDFfiller

Willie C Walker
06/21/2021

Date: July 2, 2021