ORIGINAL

No. 21-5469

IN THE

SUPREME COURT OF THE UNITED STATES

ZIAHONNA CATORI TEAGAN — PETITIONER
(Your Name)

vs.

THE CITY OF MCDONOUGH, GEORGIA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF GEORGIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ZIAHONNA CATORI TEAGAN
(Your Name)

1846 Simmons Lane
(Address)

HAMPTON GEORGIA 30228
(City, State, Zip Code)

470-662-9896
(Phone Number)

QUESTION(S) PRESENTED

1. Can a Georgia Municipality be held liable for an official, agent, or entity actions that makes a deliberate choice to follow an internal official policy, practice, procedure, and or custom while exercising its judicial power under Georgia Law to adjudicate a State -Law Offense?

2. Does a Municipal Court Judge act on behalf of a municipality when he or she exercises judicial authority with respect to it's local internal official policy, practice, procedure, and or customs?

3. Can a Municipality's City be held liable for claims of 42 U.S.C. § 1983, due to an unconstitutional practice by its Municipal Court and agents acting on limited State authority through an Undenied policy or Custom that is both prohibited by the State Law and the United States Constitution to secure funds owed to the State post conviction and sentencing?

4. Can the State of Georgia Barr §1983 claims by Heck v. Humphrey, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994) by denying the existence of a cause of action until the criminal proceedings have terminated in the favor of the Plaintiff who is no longer in custody and or the conviction or sentence has not been invalidated barring without first addressing the applicability of Heck?

5. Does a post-conviction claim(s) not over turned based on unconstitutional violation(s) of federal claims under 42 U.S.C. § 1983 for violations of Fourth, Sixth, and Fourteenth Amendment rights, bar claims under Heck v. Humphrey 512 U.S. 477, 114 S. Ct. 2364 (1994) that were caused after conviction and sentnecing of the initial charge which gives rise for claims under 42 U.S.C. § 1983?

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:

RELATED CASES

McDonough Municipal Court Henry County

State of Georgia v. Ziahonna Teagan Case No: 13-11-08481
Judgement entered on March 19, 2014

State of Georgia v. Ziahonna Teagan
Case No: 13-11-08481
Judgement entered on Dec 16, 2020

State of Georgia v. Ziahonna Teagan
Case No: 13-11-08481
2nd Motion to Vacate Judgement/Order
Filed on April 30, 2021

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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 B 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 United States district court appears at Appendix C to the petition and is

[✓] reported at F. 3d - - 2020 WL 6246695; 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 _____ 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 May 19, 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 07, 2021, and a copy of the order denying rehearing appears at Appendix A.

[ ] 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 constitutional provisions herein involved are the Fourth, Sixth, and Fourteenth Amendments and Equal Protection Clause of the
Constitution of the United States, which read as follows:

The text of Section 1983 states:

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 purposes 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.

Historical Development of Section 1983

Although passed in 1871, Section 1983 did not come into use as a tool to prevent abuses by state officials until 1961 with the Supreme Court case of *Monroe v. Pape*. In *Monroe* the Supreme Court listed three uses for the statute:

1. Overriding state laws;
2. Providing remedies where state laws are inadequate; and
3. Providing federal remedies where state remedies are available in theory, but not in actuality.

Section 1983 has undergone continuing expansion since this time, permitting suits against municipal entities as well as state actors. State officials found blameworthy under Section 1983 have included police officers, correctional officers, state and municipal officials, municipal entities, and private parties acting under color of law.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED Continued on Next Page

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment XIV

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.

Continued CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Due Process Clause

The Fifth and Fourteenth Amendments both contain a Due Process Clause, although the Fourteenth Amendment applies explicitly to the states. The Supreme Court has interpreted the Due Process Clauses in both articles as having the same meaning, as Justice Frankfurter describes in his concurrence in *Malinski v. New York*, 324 U.S. 401 (1945): "To suppose that "due process of law" meant one thing in the Fifth Amendment and another in the Fourteenth is too frivolous to require elaborate rejection."

Due process is generally understood to contain two concepts: procedural due process and substantive due process.

Procedural Due Process

Procedural due process guarantees fairness to all individuals. This fairness might require different elements to the accused, including the opportunity to be heard, given notice, and be given a judicial decision with a stated rationale. As a basic rule, the more important the right, the stricter the procedural process must be. The Supreme Court has defined what property and liberty interests are in different cases. In the case *Board of Regents v. Roth*, 408 U.S. 564 (1972), the Court held, "The Fourteenth Amendment does not require opportunity for a hearing prior to the nonrenewal of a nontenured state teacher's contract unless he can show that the nonrenewal deprived him of an interest in 'liberty' or that he had a 'property' interest in continued employment, despite the lack of tenure or a formal contract."

Substantive Due Process

Although procedural due process is widely accepted, substantive due process is a bit more controversial. Modern debate regarding the substantive due process clause tends to focus on certain liberties which the Supreme Court has interpreted as belonging to citizens, with a large focus on economic liberties, such as the right to create a private contracts.

18 U.S. Code § 3041. Power of courts and magistrates

For any offense against the United States, the offender may, by any justice or judge of the United States, or by any United States magistrate judge, or by any chancellor, judge of a supreme or superior court, chief or first judge of the common pleas, mayor of a city, justice of the peace, or other magistrate, of any state where the offender may be found, and at the expense of the United States, be

arrested and imprisoned or released as provided in chapter 207 of this title, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the office of the clerk of such court, together with the recognizances of the witnesses for their appearances to testify in the case.

A United States judge, or magistrate judge shall proceed under this section according to rules promulgated by the Supreme Court of the United States. Any state judge or magistrate acting hereunder may proceed according to the usual mode of procedure of his state but his acts and orders shall have no effect beyond determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial or to discharge him from arrest.

18 U.S. Code § 3614. Resentencing upon failure to pay a fine or restitution

(a) Resentencing.—
Subject to the provisions of subsection (b), if a defendant knowingly fails to pay a delinquent fine or restitution the court may resentence the defendant to any sentence which might originally have been imposed.

(b) Imprisonment.—The defendant may be sentenced to a term of imprisonment under subsection (a) only if the court determines that—

(1)
the defendant willfully refused to pay the delinquent fine or had failed to make sufficient bona fide efforts to pay the fine; or

(2)
in light of the nature of the offense and the characteristics of the person, alternatives to imprisonment are not adequate to serve the purposes of punishment and deterrence.

(c) Effect of Indigency.—
In no event shall a defendant be incarcerated under this section solely on the basis of inability to make payments because the defendant is indigent.

Continued CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

Ziahonna Teagan was not arraigned on any new charge for failure to appear and or contempt of court prior to the "warrant" of failure to pay fine and fee being added post sentencing of Failure to Maintain Insurance on March 19, 2014. Ziahonna Teagan was not also given a meaningful opportunity to present a defense to the elements of such a potential charge or appointed an attorney to defend her on any new charge.

On March 19, 2014, Ms. Teagan appeared at her bench trial before Donald Patten, the Chief Judge of the McDonough municipal court. Chief Judge Patten found her guilty of driving without insurance and imposed a fine of $745, as well as a $50 penalty for being late to court. Although the City of McDonough Municipal Court had convicted and sentenced Ms. Teagan on March 19, 2014 for failure to maintain automobile liability insurance constitutes a state-law misdemeanor. That offense is punishable by a fine of between $200 and $1,000 and/or a term of imprisonment of up to 12 months. See Ga. Code Ann. § 40- 6-10(a)(4) The Court sentenced after conviction a fine of $795. Ms. Teagan informed Chief Judge Patten that she was unable to pay the fine that day, but that she would be able to do so by the following Friday—March 28, 2014. Chief Judge Patten then sentenced her to 60 days in jail, suspended on the condition that she pay the $795 fine by March 28 as she did not want to be on Probation while paying over a period of time. On March 24, 2014 Ms. Teagan filed a "Motion for Stay Pending Appeal" with the municipal court, requesting the court to "grant a Stay Case: 18-11060. Chief Judge Patten re-opened the case without setting a court appearance or sending a notice as to his

findings after reviewing the filing and determined that it was not in the proper form to serve as a valid motion for appeal, closed the case on March 26, 2014 by instructing the deputy clerk to place it in Ms. Teagan's court file. No one at the municipal court notified Ms. Teagan that her motion had effectively been denied. When Ms. Teagan was unable to pay the $795 fine by March 28, the municipal court clerk prepared an application for an arrest warrant through policy or practice of the McDonough Municipal Court in handling unpaid debts or fines owed from conviction of a crime. On April 25, 2014 Chief Judge Patten Jr then executed and issued the warrant at the same time, imposing an additional $100 "contempt charge." Pursuant to the warrant, a deputy from the Henry County Sheriff's Office arrested Ms. Teagan at her home on May 18, 2014 She was taken directly to the Henry County Jail, where she was photographed, fingerprinted, and issued a jail uniform. Ms. Teagan was brought before the court on May 28, 2014 after several phone calls from Ms. Teagan while in jail. At Chief Judge Patten Jr direction Ms. Teagan was brought over from Henry County jail for him to explain to Ms. Teagan that she had been incarcerated for her failure to pay her fine by the agreed-upon March 28 deadline, and that she was therefore subject to the previously suspended 60-day jail sentence. Without counsel or any one representing the State for said committed charge of Failure to Pay McDonough Municipal Court through its agent Judge Donald Patten Jr again imposed the pay the $895 be released or serve the 60

days which she was remanded back into custody to serve the 60 days. Chief Judge Patten did not inquire into why Ms. Teagan had failed to pay the fine or whether she had the ability to pay it. At the conclusion of the appearance, Chief Judge Patten ordered Ms. Teagan to be returned to the Henry County Jail to serve the remainder of her 60-day sentence It is from May 18, 2014 that these claims post-conviction to the original charge conviction on March 19, 2014 that the Court determined that the sentence was $795 plus $50 late fee with no jail time that this case ensued for 42 U.S.C. § 1983 claims. Jail time was added only after Ms. Teagan could not pay the fine that day. The McDonough Municipal Court staff and its agent Donald Patten Jr violated Due Process and Equal Protection rights by imprisoning her without determining the willfulness of her failure to pay or her ability to pay; failed to conduct a preliminary revocation hearing to determine whether she had failed to comply with a condition of her suspended sentence before issuing a warrant for her arrest; failed to bring her before a judicial officer within 72 hours of her arrest and incarceration, as required by Georgia law; All without any direction from a Solicitor or Prosecutor for the State or the City of McDonough just McDonough Municipal Court staff and Judge Donald Patten Jr sworn statement that Ms. Teagan committed the offense of Failure to Pay Fine on or about April 25th 2014 Original violation of Failure to Maintain Insurance.

REASONS FOR GRANTING THE PETITION

The decision rendered violates the country's constitution and or is not compliant with the country's law and the State Law is inconsistent with Federal Law. The decisions based on the law made in Ziahonna Teagan vs. City of McDonough Georgia violates both the State and Federal Constitutions. Even though Ziahonna Teagan was charged and convicted of a misdemeanor in proceedings in a municipal court for failure to maintain automobile liability insurance as required by Georgia law have not given State actor(s) City of McDonough Municipal Court and Cheif Judge Donald Patten Jr the right or authority to commit the acts defined in the complaint Ziahonna Teagan vs. The State of Georgia for asserted federal claims under 42 U.S.C. § 1983 for violations of her Fourth, Sixth, and Fourteenth Amendment rights, and a state-law claim under Georgia law for false imprisonment.

This case presents an unspoken and unanswered question of whether a municipal court judge acts on behalf of a municipality when he or she exercises judicial authority with respect to local ordinances enacted by the municipality through official policy adopted by practice and or custom. This case will address this question with respect to municipal courts in Georgia. Whether the McDonough Municipal Court, through Chief Judge Patten, was acting on behalf of the City when it took the actions which form the basis for the constitutional violations alleged.

Walker v. City of Calhoun, 901 F.3d 1245, 1256 (11th Cir. 2018) (concluding, at the preliminary injunction stage, that a Georgia municipal court acted on behalf of the city in setting bail policy, and therefore was not immune from § 1983 liability in an indigent

arrestee's class action lawsuit challenging the court's standing bail order); ODonnell v. Harris Cty., 892 F.3d 147, 155-56 (5th Cir. 2018) (holding that a county judge was a policymaker for the county in establishing an "unwritten, countywide process for setting bail that violated both state law and the Constitution"); Anela v. City of Wildwood, 790 F.2d 1063, 1066-67 (3d Cir. 1986) (holding that a municipal court judge's "cash bail schedule," which failed to comply with a state supreme court rule, constituted a municipal practice for which the city could be held liable under Monell).

> The Georgia Supreme Court has explained that the "General Assembly's exercise of its constitutional authority to enact legislation vesting municipal courts with jurisdiction over various state misdemeanor offenses... imbues the municipal court with limited state judicial power when it tries a defendant for violations of the state misdemeanors the General Assembly has placed within its jurisdiction." Nguyen, 651 S.E.2d at 684 (emphasis added). What it does not explain is whether municipal courts in Georgia act on behalf of the state or on behalf of the municipality when they adjudicate misdemeanor offenses under state law while excising the Municipal Court's very own policy, procedure, custom or practice.

The principle that jailing the poor because they cannot pay a sum of money is unconstitutional with deep roots in American constitutional law. The Fourteenth Amendment also requires a state court to provide a neutral forum in which to adjudicate ability to pay. *Ward v. Village of Monroeville, 409 U.S. 57 (1972); Tumey v. Ohio, 273 U.S. 510 (1927).* Unlike government officials, municipalities do not enjoy absolute or qualified immunity from constitutional claims brought under 42 U.S.C. § 1983. *Sample v. City of Woodbury,* 836 F.3d 913, 917 (8th Cir. 2016) (citing *Leatherman v. Tarrant Cty. Narcotics Intelligence & Coordination Unit,* 507 U.S. 163 (1993); *Owen v. City of Independence, Mo.,* 445 U.S. 622 (1980)).

The Fourth Amendment requires the States to provide a fair and reliable determination of probable cause as a condition for any significant pretrial restraint

of liberty." *Baker v. McCollan, 443 U.S. 137, 142 (1979).* "Probable cause exists if the totality of facts based on reasonably trustworthy information would justify a prudent person in believing the individual arrested had committed an offense." *Williams v. City of Alexander*, 772 F.3d 1307, 1310 (8th Cir. 2014) (citation omitted). "Reasonable minds frequently may differ on the question whether a particular affidavit establishes probable cause, and we have thus concluded that the preference for warrants is most appropriately effectuated by according 'great deference' to a magistrate's determination." United States v. Leon, 468 U.S. 897, 914 (1984).

Government official may violate the Fourth Amendment by obtaining a warrant based on knowingly or recklessly false information, *Franks v. Delaware, 438 U.S. 154, 165 (1978)*, so may the City, under the principles of municipal liability discussed in Monell v. New York City Dep't of Soc. Servs., 436 U.S. 658 (1978), violate the Fourth Amendment by having a policy that leads to the issuance of warrants based on knowingly or recklessly false information, or by having a policy that causes systemic invalidity in issuing and executing warrants. See *Myers v. Becker Cnty., 833 F. Supp. 1424, 1434 (D. Minn. 1993)* ("It is axiomatic that Myers cannot be charged with a misdemeanor for not appearing at a hearing of which she did not have prior notice. Accordingly, there was absolutely no basis to objectively believe that probable cause existed to arrest Myers for failure to appear.").

Municipalities may be liable under § 1983 if an action "pursuant to official municipal policy," including "practices so persistent and widespread as to practically have the force of law," cause the plaintiffs' injuries. Connick v. Thompson, 131 S. Ct. 1350, 1359 *(2011). Berg v. County of Allegheny, 219 F.3d 261, 8 277 (3d Cir. 2000)* (finding that municipality may be liable for Fourth

Amendment violation where it "fail[ed] to provide protective measures and fail safes" against issuance of erroneous or invalid warrants); *Johnson v. City of Philadelphia, No. 13-CV-02963, 2013 WL 4014565, at *3 (E.D. Pa. Aug. 7, 2013)* (finding valid Fourth Amendment claim was stated against the municipality, based on its practice of issuing "warrants for a probationer's failure to appear in court when the courts were closed.");See *Williams v. Illinois, 399 U.S. 235, 241 (1970)* ("[T]he Court has had frequent occasion to reaffirm allegiance to the basic command that justice be applied equally to all persons."); *Douglas v. California, 372 U.S. 353, 355 (1963)* (condemning the "evil" of "discrimination against the indigent"); *Griffin v. Illinois, 351 U.S. 12, 19 (1956)* ("There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."); see also *Mayer v. City of Chicago, 404 U.S. 189, 193 (1971).*

These principles have been applied in a variety of contexts in which a government jailed someone because of her inability to make a monetary payment. In Tate v. Short, 401 U.S. 395, 398 (1971), the United States Supreme Court held that "the Constitution prohibits the State from imposing a fine as a sentence and then automatically converting it into a jail term solely because the defendant is indigent and cannot forthwith pay the fine in full." In Bearden v. Georgia, 461 U.S. 660, 672-73 (1983), the Court explained that to "deprive [a] probationer of his conditional 19 freedom simply because, through no fault of his own he cannot pay [a] fine . . . would be contrary to the fundamental fairness required by the Fourteenth Amendment." Relying on this Supreme Court precedent, federal and state courts have long held that any kind of pay-or-jail scheme is unconstitutional when it operates to jail the poor. In *Frazier v. Jordan, 457 F.2d 726, 728-29 (5th Cir. 1972)*, for example, the court found that an alternative sentencing scheme of $17 dollars or 13 days in jail was unconstitutional as applied to those who could

not immediately afford the payment and, therefore, were imprisoned. Id. at 728. Frazier condemned a system in which "[t]hose with means avoid imprisonment [but] the indigent cannot escape imprisonment." Id.; see also Alkire v. Irving, 330 F.3d 802 (6th Cir. 2003) (holding that the Constitution forbids the incarceration of "an indigent defendant for his failure to pay a debt"); Barnett v. Hopper, 548 F.2d 550, 554 (5th Cir. 1977) ("To imprison an indigent when in the same circumstances an individual of financial means would remain free constitutes a denial of equal protection of the laws."), vacated as moot, 439 U.S. 1041 (1978).

The Federal Government has an interest in ensuring that all the Constitutional Principles of the United States Constitution are carried out with just and compart with due process in any Court. As today we still have jailing of the poor because they cannot pay a sum of money it stands 37 years later Section 1983 of Title 42 of the United States Code ("42 USCS § 1983") is part of the Civil Rights Act of 1871 involving the deprivation of civil rights the primary means of remedying constitutional violations by state actors regardless or if he or she can afford to get a conviction or sentence over turned. The Importance of this Court's discretionary jurisdictions will set and send a clear message with Ziahonna Teagan vs. The City of McDonough, Georgia that just because you are too poor or unable to get your conviction or sentence overturned that were based on constitutional violations that any court cannot continue to violate citizens' rights that are protected by the constitution simply because it can without any repercussions when it causes a greater effort for an indigent without representation to get a conviction or sentence overturned or voided. This Court has that power to correct this injustice, the many that have occurred and the many that will follow if *current Heck v. Humphrey, 152 U.S.477, 114 S. Ct. 2364 (1994) stands.*

It is currently alleged and evidenced in 2nd Motion to Vacate Judgment /Order and Motion to Set a hearing with subpoena for witnesses filed with the Municipal Court that The Municipal Court of the City of McDonough Georgia City officials and employees—through their conduct, decisions, training and lack of training, rules, policies, and practices—have built a municipal scheme designed to brutalize, to punish, and to profit. The architecture of this illegal scheme has been in place for many years starting with verbal refusal to set a hearing in cases handled by the City of McDonough Municipal Court accused of Void Judgments regarding failure to Pay fines warrants without due process in the personal journey of Ziahonna Teagan to over come post -convictions claims based on unconstitutional violations of her Fourth, Sixth, and Fourteenth Amendment rights by the McDonough Municipal Court Deputy Clerks at the direction of fill in Judge Ted Echols due to current conflict of interest with chief Judge Donald Patten Jr. Not only is a pattern for the City of McDonough Municipal Court to not to send out any notices of hearings or set hearing dates deputy clerks often list the wrong address when they have updated, current and previously filed court documents for that as well as having been notified in writing of the correct address and contact information. The City of McDonough Municipal Court has made it very difficult or nearly impossible to correct a void sentence/judgment.

There are several class action constitutional challenges to unlawful municipal debt-collection regimes. A recent case settlement Cain v. City of New Orleans (E.D. La. 2017) dealt with warrants for failure to pay fines and fees along with no instituted

practice of considering a defendant's ability to pay before jailing them for failure to pay their court debts. Within the case Cain v. City of New Orleans (E.D. La. 2017) there are 7 opinions cited that also reflect the recurring issue in Teagan's case. (9) references to Tumey v. Ohio, 273 U.S. 510 Supreme Court of the United States March 14, 1927, (8) references to Ward v. Monroeville, 409 U.S. 57 Supreme Court of the United States Nov 14, 1972, (7) references to In Re Murchison.,349 U.S. 133 Supreme Court of the United States May 16, 1955, (6) references to Aetna Life Ins. Co. v. Lavole, 475 U.S. 813 Supreme Court of the United States April 22, 1986, (3) references to Caperton v. AT Massey Coal Co., Inc., 556 U.S. 868 Supreme Court of the United States June 8, 2009 (1) reference to Condrey v. Suntrust Bank of Ga, 429 F.3d 556 (5th Cir. 2005) Court of Appeals for the Fifth Circuit Nov. 2, 2005 and (1) reference to Tradewinds Enviro. Restoration v. St. Tammany Park, 578 F.3d 255 (5th Cir. 2009) Court of Appeals for the Fifth Circuit Aug. 4, 2009. See Jones et al v. City of Claanton, 15-cv-34(M.D.Ala. 2015); Pierce e. al. v. City of Velda City, 15-cv-570 (E.D. Mo.2015):Thompson et al. v. City of Moss Point, 1:15-cv-00182-LG-RHW (S.D. Miss. 2015); Cooper et al. v. City of Dothan, 1:15-cv-425-WKW (M.D.Ala 2015); Jenkins etal. V City of Jennings, 15:-cv-252-CEJ (E.D.Mo. 2015) ; Mitchell et at v. City of Montgomery, 2014-cv-186 (M.D.Ala 2014).

The mere fact that the City of McDonough Georgia utilized that to the extent any constitutional violations occurred, they were the result of an unlawful "State practice or custom, not a municipal practice or custom." leaves an untrusting feeling that even though Cheif Donald Patten Jr, Deputy clerk, and Court Administrator admitted that it was the practice, the norm, and was well established before Chief Judge Patten Jr became the Chief Judge of McDonough Municipal Court the masses who seek justice are faced with an issue such as this that goes ignored and disregarded by Courts applying Taylor v. Cnty. of Pima, 913 F.3d 930, 937 (9th Cir. 2019) (Graber, J., concurring) (citing McMillian, 520 U.S. 781) (emphasis in original). Teagan v. The City of McDonough Georgia demonstrates that this is a recurring problem of national importance warranting this Court's full review.

The challenges driven by municipal courts presented in this case is the tip of a nationwide iceberg. THE CITY OF FERGUSON, MISSOURI, v. KEILEE FANT, ET AL., PETITION FOR A WRIT OF CERTIORARI further points to how far a City or Municipal Court is willing to go to avoid responsibility for it's actions by simply brushing off an individual rights just because they can get away with it due to a loop hole with Ziahonna Teagan vs. City of McDonough The Supreme Court of the United

States has a way to close that loop hole restore faith in Masses that are and were wronged by Municipal Courts and its Judges acting on internal policy, custom, or procedures of the Municipalities not of the State Law Policy.

Due to lack of resources A Quoted and reproduced exact verbiage minus the conclusion of Brief of Amicus Curiae Institute for Justice in Support of Cain v. City of New Orleans, 281 F. Supp. 3d 624 (E.D. La. 2017) is quoted as follows The Institute for Justice ("IJ") is a nonprofit, public interest law firm committed to defending the essential foundations of a free society by securing greater protection for individual liberty and restoring constitutional limits on the power of government. A central pillar of IJ's mission is to protect the right to own and enjoy property. Property rights are jeopardized, however, where fines, fees, and forfeitures deprive individuals of their personal and real property. IJ litigates cases to defend property rights and also files amicus curiae briefs in important property-rights cases. See, e.g., Timbs v. Indiana, No. 17-1091, ___ U.S. ___ (argued Nov. 28, 2018); Nelson v. Colorado, 137 S. Ct. 1249 (2017); Horne v. Dep't of Agric., 135 S. Ct. 2419 (2015); Kaley v. United States, 134 S. Ct. 1090 (2014); Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595 (2013); Kelo v. City of New London, 545 U.S. 469 (2005); Bennis v. Michigan, 516 U.S. 442 (1996).

This brief intends to inform the Court on two points: First, it shows that the use of fines, fees, and forfeitures to generate revenue is a growing and troubling trend. Reliance on

such revenues creates an incentive for governments to use their municipal court and law enforcement systems, not to protect the public and do justice, but to generate revenue. This is a practice that continues to grow, as fines, fees, and forfeitures have exploded in recent decades. Second, it presents the Court with recent court challenges to the practice of relying on fines, fees, and forfeitures to boost municipal revenues. These cases are directly analogous to the appellees' claims in this case. And some of these courts have even expressly held that municipal officials cannot, consistent with due process, have a financial incentive to ticket, convict, fine, or forfeit the property of individuals.2 I. Using Fines, Fees, and Forfeitures to Fund Municipal Government Incentivizes Municipalities to Prioritize Revenue Over Justice and Is an Increasingly Common Practice. The court below found that "[a]pproximately $1,000,000 from various fines and fees goes into the [Orleans Parish Criminal District Court (OPCDC)] budget each year." Cain v. City of New Orleans, 281 F. Supp. 3d 624, 655 (E.D. La. 2017). The trial court held that this revenue stream creates an unconstitutional conflict of interest because the court's judges "therefore have an institutional incentive to find that criminal defendants are able to pay fines and fees." Id. The OPCDC's budgetary reliance on fines, fees, and forfeitures is part of a troubling nationwide trend. Across the country, local governments have come to rely on fines, fees, and forfeitures to generate revenue. This reliance incentives municipalities to prioritize revenue generation over the neutral administration of justice. And it has snowballed into staggering increases in fines, fees, and forfeitures collected.

A. Governments Have Come to Rely on Fines, Fees, and Forfeitures. Local governments have come to rely upon fines, fees, and forfeitures to generate a substantial portion of municipal revenues. In New Orleans specifically, "[c]riminal justice agencies collected [in 2015] . . . $1.7 million in bail and bond fees and $2.8 million in conviction fines and fees." Mathilde Laisne et al., Past Due: Examining the Costs and Consequences of Charging for Justice in New Orleans 22, Vera Institute of Justice (2017), https://goo.gl/DjVFL6. This "[r]evenue from fees helps to fund the municipal and district courts, the district attorney, public defender, and sheriff's office, and other agencies." Id. at 12. The most notorious example of a municipal government using its court and law enforcement to collect revenue is Ferguson, Missouri. The Department of Justice's report on Ferguson demonstrated that the ultimate goal of the town's police and municipal court was to generate revenue. Every aspect of life in Ferguson was regulated by the Ferguson Municipal Code, the violation of which would result in a plethora of fines, fees, and surcharges. See U.S. Dep't of Justice Civil Rights Division, Investigation of the Ferguson Police Department 7 (March 4, 2015), https://goo.gl/JhzEiu; see also Julia Lurie & Katie Rose Quandt, How Many Ways Can the City of Ferguson Slap You with Court Fees? We Counted, Mother Jones (Sept. 12, 2014), https://goo.gl/CFu9hL (documenting how rolling through a stop sign in Ferguson could easily result in incarceration and impoverishment). Maximizing these financial penalties meant the criminalization of mundane conditions, heavy-handed enforcement, biased policing, and

a municipal court operated to quickly convict and obtain fines from defendants, who were often financially incapable of satisfying the city's revenue demands. Ferguson, it turns out, is not an outlier. In St. Louis County, municipalities routinely used their municipal courts and law enforcement as revenue generators. The cities of Calverton Park, Bella Villa, Vinita Terrace, and Pine Lawn all derived around half or more than half of their general revenue from fines and fees. Better Together, Public Safety—Municipal Courts 8 (Oct. 2014), https://goo.gl/jBkXcD. And when the state of Missouri capped the amount of money municipalities could retain from traffic fees, municipalities resorted to ticketing people for things like having a barbeque in the front yard or basketball hoops in the street. Jennifer S. Mann, Municipalities ticket for trees and toys, as traffic revenue declines, St. Louis Post-Dispatch (May 24, 2015), https://goo.gl/QNciJk.

Nor is this practice limited to Missouri. In Colorado, five towns receive more than 30 percent of their revenue from traffic tickets and fines, with one town receiving 93 percent of its revenue from traffic tickets. Editorial, Limit cities' reliance on revenue from traffic fines, Denver Post (April 24, 2016), https://goo.gl/u5F5Df. In Georgia, the small city of Doraville, with a population of just around 10,000, was reported as writing over 40 tickets per day. Andria Simmons, Atlanta's ticket traps: slow down or pay up, Atlanta JournalConstitution (Oct. 18, 2014), https://goo.gl/LnqhLz. Doraville also ticketed people for having cracked driveways or improperly stacked wood, before

boasting to residents that "[a]veraging 15,000 cases and bringing in over $3 million annually, the court system contributes heavily to the city's bottom line." Christian Britschgi, Atlanta Suburb Brags About Fines for Chipped Paint and Incorrectly Stacked Wood, Reason (May 24, 2018), https://goo.gl/Zjbq2L; Patrick Sisson, How the municipal court money machine burdens city residents, Curbed (May 24, 2018), https://goo.gl/mKJjw9. In Oklahoma, a County District Judge said that "we fund probably 90 percent or more of the operation of the courts actually out of the money that the court collects." Kate Carlton Greer, Over the Years, Court Fines, Fees Have Replaced General Revenue Funds, KGOU (Feb. 9, 2015), https://goo.gl/97UCbg. And "the Nevada Supreme Court recently went broke because revenue from traffic tickets plummeted." Karen D. Martin et al., Monetary Sanctions: Legal Financial Obligations in US Systems of Justice, 1 Ann. Rev. Criminology 471, 477 (2018). For many municipalities, municipal courts have become simply another way to generate revenue. And when those cities cannot easily obtain revenue through other means, they come to depend on this revenue to make ends meet. That reliance creates a perverse financial incentive, which turns local government decision-making away from public safety and toward revenue generation. B. Reliance on Fines, Fees, and Forfeitures Creates Perverse Profit Incentives for Municipal Courts, Prosecutors, and Law Enforcement. Reliance on the criminal justice system to produce revenue creates perverse incentives for local government. Local governments will use their municipal courts and law enforcement,

not to do justice, but to collect revenue. This is precisely what the Department of Justice uncovered in its Ferguson investigation. After noting that "[t]he City budgets for sizeable increases in municipal fines and fees each year[and] exhorts police and court staff to deliver those revenue increases," the DOJ found that Ferguson's "municipal court does not act as a neutral arbiter of the law . . . . Instead, the court primarily uses its judicial authority as the means to compel the payment of fines and fees that advance the City's financial interests." U.S. Dep't of Justice, Investigation of the Ferguson Police Department at 2, 3.

The pressure to generate "royal revenue" is a well-recognized byproduct of any system of fines. See Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc., 492 U.S. 257, 271 (1989). Unlike other forms of punishment— which cost the government money —"fines are a source of revenue." Harmelin v. Michigan, 501 U.S. 957, 978 n.9 (1991) (op. of Scalia, J.). So "[t]here is good reason to be concerned that fines, uniquely of all punishments, will be imposed in a measure out of accord with the penal goals of retribution and deterrence." Id. Because "the State stands to benefit" from levying fines, id., there is a singular risk that governments will exercise their punitive powers with an eye toward revenue, rather than justice. Civil forfeitures in particular have infamously perverted government incentives. Civil forfeiture is a mechanism by which law enforcement agencies can seize and keep property "merely on a showing of probable cause to believe that the property was implicated in certain offenses." United States v.

Melrose E. Subdivision, 357 F.3d 493, 501 (5th Cir. 2004) (holding recent amendment to Civil Asset Forfeiture Reform Act did not raise standard of proof). "[B]ecause the law enforcement entity responsible for seizing the property often keeps it, these entities have strong incentives to pursue forfeiture." Leonard v. Texas, 137 S. Ct. 847, 848 (2017) (Thomas, J., statement respecting denial of certiorari) (citation omitted). As Justice Thomas has recently noted, "[t]his system . . . has led to egregious and well-chronicled abuses" and "frequently target[s] the poor and other groups least able to defend their interests in forfeiture proceedings." Id. This is not a merely theoretical incentive. Empirical research shows that relying on municipal fines and fees leads to fewer violent and property crimes being solved. See Rebecca Goldstein et al., Exploitative Revenues, Law Enforcement, and the Quality of Government Service, Urban Affairs Rev., 2018, at 1, 17. That is because police departments, in response to political pressure, devote resources away from solving crime and toward generating revenue. See id. Specifically, a one-percent increase in a municipality's fines, fees, and forfeitures revenue "is associated with a statistically and substantively significant 6.1 percentage point decrease in the violent crime clearance rate and 8.3 percentage point decrease in the property crime clearance rate." Id. at 4. Law enforcement groups themselves have lamented that "[a]n inappropriate and misguided mission has been thrust upon the police in many communities: the need to generate large sums of revenue for their city governments." Police Executive Research Forum, Overcoming the Challenges and Creating a Regional

Approach to Policing in St. Louis City and County 7 (April 30, 2015), http://www.policeforum.org/assets/stlouis.pdf. Reliance on forfeiture revenues can likewise impact law enforcement behavior and change enforcement priorities. Most state civil forfeiture laws "give law enforcement agencies a financial stake in forfeitures by awarding them some, if not all, of the proceeds." Dick M. Carpenter II et al., Policing for Profit: The Abuse of Civil Asset Forfeiture 11, Institute for Justice (2d ed., 2015), https://goo.gl/QdfjQY. The ill effects of this financial stake are well-studied. In a study in the Review of Behavioral Economics, the authors found that "the temptation for law enforcement personnel to benefit themselves at the expense of the public is indeed strong and clearly evident in our data." Michael Preciado & Bart J. Wilson, The Welfare Effects of Civil Forfeiture, 4 Rev. Behavioral Econ. 153, 175 (2017), https://goo.gl/qgBNVV. Likewise, studies have shown that "[a]llowing law enforcement agencies to reap financial benefits from forfeitures encourages the pursuit of property over the impartial administration of justice." Carpenter et al., Policing for Profit, at 11 (citing J. M. Miller & L. H. Selva, Drug enforcement's double-edged sword: An assessment of asset forfeiture programs, 11 Justice Quarterly 313 (1994)). "[W]hen local governments allow police agencies to keep a substantial fraction of the assets that they seize in drug arrests, police respond . . . by increasing the drug offense arrest rate." Goldstein et al., Exploitative Revenues, at 6 (citing, inter alia, Katherine Baicker &

Mireille Jacobson, Finders Keepers: Forfeiture Laws, Policing Incentives, and Local Budget, 91 J. Pub. Econ. 2113, 2113–36 (2007)).

These incentives are not limited to unscrupulous individuals who misuse positions of power. Instead, these incentives lead to systemic distortions of priorities: revenue over public safety, fees over justice. The problem "is not one of 'bad apples' but bad rules that encourage bad behavior—it is not the players, but the game." Bart J. Wilson & Michael Preciado, Bad Apples or Bad Laws: Testing the Incentives of Civil Forfeiture, Institute for Justice (Sept. 2014), https://goo.gl/ALZZcS. Not surprisingly given their incentives, municipalities have gotten quite good at the game. C. The Emphasis on Generating Revenue Has Led to an Explosion in Fines, Fees, and Forfeitures. Fines, fees, and forfeitures continue to grow. As of 2017, 10 million people owed more than $50 billion in criminal fines, fees, and forfeitures alone. Karin D. Martin et al., Shackled to Debt: Criminal Justice Financial Obligations and the Barriers to Re-entry They Create, Harvard Kennedy Sch. & Nat'l Inst. of Justice 5 (Jan. 2017), https://goo.gl/7U24No. That is an average of over $5,000 owed per person. See id. Fines and fees have long been an aspect of punishment in both Europe and America. Alexes Harris et al., Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States, 115 Am. J. Sociology 1753, 1758 (2010). Although the use of monetary sanctions in the U.S. had waned by World War II, id., the postwar rise in crime, and the concurrent rise in the cost of administering the criminal justice system, created a need to use

penalties and fees to supplement state and local budgets, see Council of Economic Advisors, Fines, Fees, and Bail: Payments in the Criminal Justice System that Disproportionately Impact the Poor 1 (Dec. 2015), https://goo.gl/RVm4xo. In 1991, 25 percent of inmates reported receiving legal financial obligations. Alexes Harris, A Pound of Flesh: Monetary Sanctions as Punishment for the Poor 23 (2016). By 2004, the number of inmates reporting receiving such obligations had risen to 66 percent. Id. That number is undoubtedly higher today. To shift the cost of criminal justice from taxpayers to defendants, state and local governments created new, and often novel, financial penalties for defendants. All 50 states mandate that fines be levied upon conviction. Id. at 26. This is just the beginning of the payments a defendant must make, however. In addition to actual fines, state and local governments have added so-called "user fees," such as court costs, the cost of public defense, filing fees, jury costs, charges for witnesses, warrants, criminal laboratory costs, charges related to the collection, recording, and storage of DNA, court security fees, special court costs, and even, in North Carolina, a "cost of justice fee." Id. at 27, 42. These fees are levied across the country. For example, in Massachusetts, a defendant is subject to an almost never-ending list of charges: He'll incur a fee for court-appointed counsel (even if he's indigent), a fine (if he's guilty of the underlying crime), a victim/witness assessment (even if the crime is victimless), a monthly supervision fee (if he's put on probation), a daily monitoring fee (if he has to wear a GPS device), court costs (because courts are

expensive to run), a default fee (if he defaults on a court date), and so on. Mass. Senate Comm. on Post Audit and Oversight, Fine Time Massachusetts: Judges, Poor People, and Debtors' Prison in the 21st Century, Mass. S. Docket No. 2734, at 10 (Nov. 7, 2016). In California, a $100 fine for a traffic infraction requires the defendant to pay $490 to the state, after an additional $390 in charges for such things as a "criminal surcharge," a court construction fund, and a fee for EMS operations. Lawyers' Comm. for Civil Rights of the San Francisco Bay Area et al., Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California 10 (2015), https://goo.gl/bz95yZ. If the defendant fails to pay this amount or is late in paying, the state will suspend the defendant's driver's license, thus depriving the defendant of the ability to get to work to earn money to pay the citation, leading to more charges. Id. at 11. In fact, fines and fees fund large amounts of California governmental activities, everything from the State Optometry Fund to the Underground Storage Tank Cleanup Fund. Mac Taylor, Improving California's Criminal Fine and Fee System, Cal. Legislative Analyst's Office Rep. No. 3322, at 9 (Jan. 5, 2016). And these legal financial obligations continue to grow. Since 2010, 48 states have increased civil and criminal fees. Joseph Shapiro, Supreme Court Ruling Not Enough to Prevent Debtors Prisons, NPR (May 21, 2014) (describing results of yearlong investigation), https://goo.gl/Tft4XK. Arizona, Louisiana, Ohio, and Texas instituted new fees and raised existing fees to address 2010 budget shortfalls. See Martin et al., Shackled to Debt, at 6 (internal citation omitted). In 2012, the Tennessee legislature

established a $450 criminal record expungement fee for the principal purpose of raising revenue for the state general fund. Maura Ewing, Want to Clear Your Record? It will Cost You $450, The Marshall Project (May 31, 2016), https://goo.gl/wWsgfm. The use of fines, fees, and forfeitures continues to grow because it is more politically feasible to levy fees on those stuck in the criminal justice system than to raise taxes: "[M]any lawmakers use economic sanctions in order to avoid increasing taxes while maintaining governmental services, with some lawmakers even including increases in ticketing in projected budgets." Beth A. Colgan, The Excessive Fines Clause: Challenging the Modern Debtors' Prison, 65 UCLA L. Rev. 2, 22 (2018) (footnotes omitted). Civil forfeitures have also continued to grow as a means of revenue generation. In 2012, agencies in 26 States and the District of Columbia took in more than $254 million through forfeiture under state laws alone. Dick M. Carpenter II et al., Policing for Profit, at 11 (noting that deriving totals for all 50 states is "impossible because most states require little to no public reporting of forfeiture activity"). This amount is growing: The total amount seized in forfeitures "across 14 states more than doubled from 2002 to 2013." Id. at 5 (emphasis added). II. The Use of Fines, Fees, and Forfeitures to Generate Revenue Has Been Challenged in Courts Across the Country, and Some Have Expressly Found It to Be Unconstitutional. Because the use of fines, fees, and forfeitures to generate revenue continues to grow, courts are increasingly seeing constitutional challenges to the practice. Cases are sparse, however, because widespread budgetary

reliance on fines and fees is a relatively recent phenomenon. Nevertheless, recent litigation on profit incentives in municipal government continues to percolate in federal courts. And courts have indeed found that financial incentives to convict or prosecute defendants violate due process. In DePiero v. City of Macedonia, the Sixth Circuit held that "the plaintiff was deprived [of] due process when [the defendant city's mayor] tried his contested traffic and criminal contempt charges." 180 F.3d 770, 782 (6th Cir. 1999). The plaintiff alleged that the city's "Mayor's Court" violated due process because the mayor was not "neutral and detached" when acting as a municipal judge. Id. at 774. The Court of Appeals agreed, reasoning that the mayor's "executive powers and his sweeping administrative responsibilities necessarily puts him in 'two practically and seriously inconsistent positions, one partisan and the other judicial.'" Id. at 782 (quoting Ward v. Vill. of Monroeville, 409 U.S. 57, 60 (1972)). The court noted that the Mayor "retained ultimate responsibility for law enforcement and preparation of the city's budget, and appointed the officer who issued plaintiff's parking ticket," and therefore faced a "possible temptation" to bias even if he "possessed no 'actual' temptation or bias." Id. A similar case was filed in 2015 by residents of Pagedale, Missouri. The residents filed a class action challenging "the City's institutional reliance on revenue from fines and fees, claiming this reliance incentivizes the City's unconstitutional conduct of ticketing, convicting, and fining defendants in order to generate revenue." Whitner v. City of Pagedale, No. 4:15-CV-1655-RWS, 2016 WL 915303, at *1 (E.D.

and the vehicle was seized. Id. After a city hearing officer found that Harjo had not proven her own innocence, Harjo filed suit against the City of Albuquerque alleging that the City had an unconstitutional financial incentive to use civil forfeiture. Id. at 1164–65. The district court found in Harjo's favor, reasoning that "the forfeiture program has the control to spend all it takes in, and it has done so." Id. at 1197. The Court thus "conclude[d] that the City of Albuquerque's forfeiture officials have an unconstitutional institutional incentive to prosecute forfeiture cases, because forfeiture revenues are set in a special fund, and the forfeiture program can spend, without meaningful oversight, all of the excess funds it raises." Id. at 1193. Likewise, homeowners in Philadelphia filed a class action against the City's civil forfeiture program, which they alleged "use[d] form legal documents and endless proceedings to generate millions of dollars in revenue." Sourovelis v. City of Philadelphia, 103 F. Supp. 3d 694, 698 (E.D. Pa. 2015) (internal quotation marks omitted). The court held that the plaintiffs had adequately pleaded a due process violation because they alleged that "the [Philadelphia] D.A.'s Office allocates forfeiture proceeds for both institutional and personal benefit and further alleg[ed] a profit-sharing agreement with the Philadelphia Police Department." Id. at 709. The parties have since agreed to a proposed consent decree on that claim. Proposed Consent Decree on Plaintiffs' Fifth and Sixth Claims for Relief, Sourovelis v. City of Philadelphia, No. 2:14-cv-04687, Doc. 253-1 (E.D. Pa. September 18, 2018), https://goo.gl/k9vsZ5.

The United States Supreme Court as a whole does have the power to enforce the Constitution and overturn any violations or claims such as Violation of Due Process and Equal Protection Clauses of the Fourteenth Amendment for jailing any individual whether he or she willfully failed to pay the fine, Violations of Sixth and Fourteenth Amendments for failure to provide counsel, Violation of Fourth Amendment for issuing and executing an invalid arrest warrant, Violation of Fourteenth Amendment for revoking a suspended sentence without a hearing, Violation of Liberty Interests Protected by the Fourteenth Amendment all of which ultimately leads to False Imprisonment due to "discrimination against the indigent" which will continue to endure and give up all rights offered under 42 U.S.C § 1983 without intervention and correction from the U.S. Supreme Court.

Legislation or the General Assembly is not the answer to resolving and giving redress to violations such as ones alleged and aggrieved in Teagan vs. City of McDonough.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dahonna Teagan

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