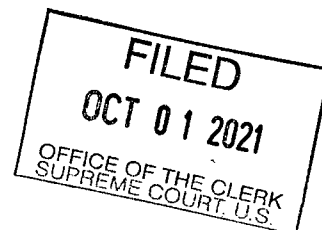


No. 21-5892

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



"In re" Lori Anna Massey — PETITIONER  
(Your Name)

vs.

Pierce County Sheriff's Dept.; — RESPONDENT(S)  
Kimberly Dawn Klemme, Pierce County Sheriff's Deputy

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lori Anna Massey

(Your Name)

1725 E. G Street, J6.4

(Address)

Ontario, CA 91764

(City, State, Zip Code)

(253) 222-0664

(Phone Number)

## QUESTION(S) PRESENTED

### 1. Should no time limit apply?

R.C.W. 4.16.190 If a person entitled to bring an action against a sheriff or other officer be at the time the cause of action accrued be incompetent or disabled, mentally or physically, to such a degree that he or she cannot bring forth or understand the nature of the proceedings, such incompetency or disability shall not be a part of the time limited for the commencement of action.

Guidlines for Tolled Extension of Time: if the plaintiff is incapacitated by a physical, mental or medical crisis or incompetent at the time of expiration of the 'Statute of Limitation', the statute may be lifted or tolled until the plaintiff regains capacitation or restored competency or physically restored to be whole again.

## 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:

Defendents Pierce County Sheriff's Department is and at all times relevant a department providing local law enforcement for Pierce County and are inclusive, responsible and culperable for the damages I received by assault by Deputy Kimberly Dawn Klemme on April 17, 2010 at Allenmore Hospital in Washington State.

### RELATED CASES

Defendent Pierce County Sheriff Deputy Klmberly Dawn Klemme is and at all times relevant a duly authorized deputy/officer and/or an employee of the Pierce County Sheriffs Department on April 17, 2010 in Washington State.

Allenmore Hospital/MultiCare Health System

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Involved

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APPENDIX F Conclusion

# **TABLE OF AUTHORITIES CITED**

## **CASES**

1. Victim of Crime Reports - April 17, 2010  
Case/Cause No. B00236039  
Incident No. 101070364
2. Injuries List/Diagnosis Codes
3. NEXUS Report (Motive)
4. Class Action Lawsuit (Motive) Nov. 14, 2007  
Cause No. 04-2-07032-1  
Re: Abba Plemmons & Members  
Vs.  
Pierce County Sheriffs

## **STATUTES AND RULES**

5. Color of Law/Police Brutality  
Malicious & Deadly Instrumentality  
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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 a to the petition and is

☒ reported at U.S. Court of Appeals for the Ninth; or, Circuit  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

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

☒ reported at Western District of Washington at Tacoma; 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 5/13/2020.

☐ 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: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

1. United States Constitution  
    "We the People"
2. Civil Rights Act of 1964
3. The United Nations Universal Declaration of Human Rights which are regularly protected as natural legal rights in the municipal and international law, whereas recognition of the inherent dignity and of the equal and inalienable rights of all the members of the human family is the foundation of freedom, justice and peace in the world....  
All human beings are both free and equal in dignity and rights.

3.

(Appendix C)

**STATEMENT OF THE CASE**



#### STATEMENT OF THE CASE

1. No Statute of Limitations. Tolle and suspended for serious crimes such as murder, attempted murder, kidnapping etc... The operation of Statute of Limitation can be avoided and eliminated altogether/tolled if serious crimes and/or permanent mental and physical injuries occurred, factors that delay the ability of the plaintiff to take action.

2. On April 17, 2010, I went to Allenmore Hospital's emergency room expecting to receive courteous and considerate medical care. Instead, the defendants Richard B. Gomez (Security guard) and an accomplice, male nurse, (name unknown) both employees of Allenmore Hospital, a MultiCare Health System facility, intentionally interfered with my Civil Rights by threats, intimidation and coercion in that the two men acted violently against me to deter me from exercising my free will and rights to medical care without expecting to be harmed or injured in Tacoma, WA, Pierce County.

3. On April 17, 2010, after realizing that Richard Gomez and accomplice posed a violent attack and eminent threat on/to my life, I tried to quickly ~~exit~~ the ER and the two men 'FOLLOWED ME OUT THE DOORS' and attacked me from behind. They assaulted and battered, beat and lynched me for approximately 10 minutes.

4. Then the Pierce County Sheriff and the Tacoma Police arrived and "Upon arrival was a further Tip of Injustice", as per Dr. Vu also. Still on the ground, the two men then began twisting and holding my arms and feet, holding me down as Pierce County Sheriff Deputy Kimberly Dawn Klemme used the unnecessary, unreasonable deadly malicious instrumentality of steel-toed boots with excessive force to kick me from head to toe. You cannot kick a person unless they are already on the ground!

4a

(Appendix D)

5. 'As a Direct Result/Proximate Cause of Assault' on April 17,2010, plaintiff has been and continues to be incapacitated having:

- a) Mental Instability.
- b) Permanently Broken Skull w/ Orbital and Nasal Cavity Fractures also called Ecchymosis/Battle Sign.
- c) Permanently Broken Cervical and Lumbar Spines & Sacral Fractures and critical massively flowing/floating ossification and/or bone particles and fragments.
- d) Completely detached/amputated Shoulders/Humeral Head (bilateral).
- e) Legal blindness . Cataract removal w/ implants due to head trauma.
- f) Permanent Brain damage and Spinal Cord injuries.
- g) Herniations of Cerebrospinal Fluid through the Skull and Diaphragm.
- h) Permanent Extruding Fragment through the Oropharynx.
- i) Meniscus tears of the Knees.
- j) Ankle Fractures etc...

6. A person has the ability to sue because the acts committed were in violation of the United States Constitution, and because it is a federal crime to injure, intimidate or interfere with those seeking to obtain hospital, health, or medical services. Plaintiff, by standing to privately prosecute a right without having been personally injured or expecting harm or subject to retaliation on April 17, 2010 at Allenmore Hospital in Tacoma, WA, Pierce County.

4(b)

(Appendix D)

## **STATEMENT OF THE CASE**

7. By perpetrating, sanctioning, tolerating and ratifying the outrageous conduct and other wrongful acts, the defendants acted with an intentional, reckless and callous disregard for the health, safety, and welfare of the plaintiff and the plaintiff's Constitutional, Civil, and Human Rights.

8. Defendants deprived plaintiff of rights and liberties secured by the Fourth and Fourteenth Amendments of the United States Constitution, in that the defendants and their supervising, managerial, training and controlling of employees, agents, and representatives acted with gross and deliberate negligence. At all times, agents knew or reasonably should have known that Deputy Klemme had dangerous propensities for abusing her authority and for mistreating innocent civilians.

9. 'As a Direct Result & Proximate Cause' of intentional affliction, plaintiff continues to suffer extreme physical pain, and also to this day, incurred damages of psychological & emotional injuries, and Post Traumatic Stress Disorder. The conduct of Deputy Klemme was willful, wanton, malicious, and done with reckless disregard for plaintiff's rights and safety on April 17, 2010, therefore it warrants the imposition of exemplary and punitive damages.

10. Deputy Klemme's conduct caused plaintiff Lori A. Massey to be arrested and detained without just cause in violation of plaintiff's rights to secure hospital entry/exit without retaliation or injury. Therefore, Pierce County Sheriff's Department, also Deputy Klemme are both liable for the plaintiff's permanent injuries because Klemme was an integral participant in the wrongful arrest and detention of the plaintiff April 17, 2010.

4(c)

(Appendix D)

## **STATEMENT OF THE CASE**

11. 'Respondeat Superior' states that hospitals/sheriff's departments are liable for employees' actions if the negligence happened while at work. Redress for just grievances. Independent contractors that are not employees, but the corporation/company can still be held culpable and accountable for 'Granting Privileges' to those that are independent.

4(d)

(Appendix D)

**REQUEST FOR RELIEF**

WHEREFORE: the plaintiff requests

1. That Congress not only considers but adds 'Protections Against Police Brutality' to the United States Constitution and laws.
2. Plaintiff requests judgment against defendants and that the defendants be held vicariously liable and accountable, also in the form of settlement as follows:
  - a. Past, present and future damages according to proof.
  - b. Exemplary damages – actions were malicious, violent, oppressive, and fraudulent, wanton and grossly reckless.
  - c. Compensatory damages – meant to return the victim to pre-injury state. To be made whole again.
  - d. Punitive damages – meant to deter defendants from injuring/harming anyone else.
  - e. Pecuniary damages – settlement/money damages in the sum amount of \$15,000,000.00, (Fifteen Million Dollars).

Lori Anna Massey

*Lori A. Massey*

September 14, 2021

*September 14, 2021*

## REASONS FOR GRANTING THE PETITION

1. In forma pauperis : 28 U.S.C. 1746

The ability of an indigent person to proceed in court without payment of the usual fees associated with the lawsuit or appeal

2. 28 U.S.C. 201(e)

The case is of such imperative importance that it requires immediate determination in the Supreme Court of the United States.

3. 28 U.S.C. 1651(a)

An Extraordinary Writ is needed because the exceptional circumstances warrant the exercises of the court's discretionary powers, and adequate relief cannot be obtained in any other form or from any other court. Also, the existense of conflict and disagreements need to be removed.

5.

(Appendix E)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lou A. Massey

Date: September 14, 2021