

No.

21-6913

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Timothy Littlejohn

- Petitioner

Bauman et al.

VS

- Respondent

FILED

OCT 11 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

On Petition For Writ of Certiorari to
U.S. Courts of Appeal for the Northern District of Georgia 11th Circuit

Petition For Writ of Certiorari

Timothy Littlejohn

1825 County Service Pkwy SW

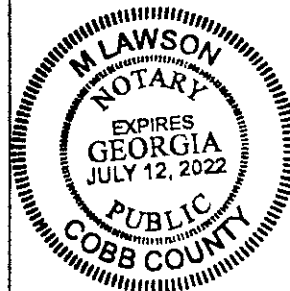
Marietta, GA 30008

JS

12/16, 22/21

M. Lawson

Notary 12/16/21



Question (5) Presented

- 1) Plaintiff file leave to amend Litigation history which magistrate allow to proceed before it reach the district Judge it was corrected before his decision or his review the magistrate court finding. Since Litigation history was presented after leave should the district court allowed it to proceed?
- 2) Did the district court abuse its discretion By not allowing a pro-se complaint from leave to proceed after magistrate clearly did?
- 3) Did the district court grant the pro-se complaint leave to amend his complaint freely when he dismiss it for Litigation history that was added on leave?
- 4) Did the district Judge have Jurisdiction to dismiss pro-se complaint when a motion to recuse with Affidavit was filed timely Before he made a ruling?
- 5) Did the district Judge do enough to protect Pro-se Litigant after he told him, he was going through mail fraud, and retaliation?
- 6) When the district Judge when on docket 68 when he stated pro-se Litigant never filed a response and docket 67 defendant clearly contradict him and said that i did committ abuse of discretion By not correcting himself which the defendant did clearly?

Question (5) Presented cont'd

- 7) Did the district Judge committed false statements on the Bench when he said i never ~~spoke~~ responded and defendant in docket 67 said i did?
- 8) Did the district Judge Because of those action as the Basis for his refusal of honest service, mail fraud, false statement, Bias, prejudice defraud of Government fiction suppose to cease and proceed no further But procure the service of Another Judge and until then upon the finding disqualify himself?
- 9) Because this complaint deal with involuntary medication and medical profession did the district judge abuse it discretion By not appointing counsel when requested?
- 10) Did the district Judge abuse it discretion when not granting ex parte, to speak to him after Being told over 5 times of the misconduct of defendant, of mail fraud, a federal crime with or without Federal Litigation 18 U.S.C. 1512 By not grant relief after due diligence on the pro-se plaintiff request was denied?
- 11) Did the district Judge abuse its discretion when on 79 when denied pro-se plaintiff counsel, denied ex parte, and master, and then stricken him from any further motion even to vacate or Rule 60. not to mention the leave to counsel, Did he abuse his discretion to not grant a leave to counsel, vacate, motion 60, and stricken him from filing any motion in this case? Because he wasn't a three-striker?
- 12) Did Magistrate Judge abuse it discretion in refusing to grant a master under the circumstance? medical case
- 13) Did Magistrate Judge Abuse it discretion when he denied

Question (3) Presented cont'd

- 13) From leave added additional parties which is allowed?
- 14) Did district Judge error and abuse it discretion when granting docket 47 objections to defendant of litigation history when it was added on leave and amend in the complaint?
- 15) Did district Judge error and abuse it discretion when it granted qualified immunity and Summary Judgment to clearly established law of the courts in Washington v. Harper?
- 16) Did district Judge error and abuse his discretion when he dismissed pro-se complaint for abuse of the Judicial process which was added from leave before it got to him and the Magistrate who allowed it to proceed? overruling the district Judge
- 17) Did the district Judge error and abuse his discretion when he was recuse on 3/25/2021 and 4/15/2021 and never disqualified himself when a motion to recuse was filed on 2 separate dates before he even made the order to direct the clerk not to place any further motions or other papers from Plaintiff on this docket in this case But to return them to me with copy of this order?
- 18) After being told That Plaintiff sent for papers a fictitious papers that was never sent to file did appeals courts abuse it discretion and error toward a pro-se litigant not a trial Lawyer to reinstate his appeal?
- 19) On docket 43 The Magistrate Judge denied docket 26 and 30 of defendant's claim that I was a 3 stricker and

Question (s) Presented

- 19) Told them at the time i filed i wasnt and allowed it to proceed the appellate court Did they error clearly and abuse their discretion when they told me on June 07, 2021 That the appeals courts has determined i was a three-striker when clearly on docket 43 it clearly says i wasnt Did they make a clear error and abuse of discretion of want of prosecution Because i failed to pay filing and docketing fees that they had no Jurisdiction to apply?
- 20) Did the court abuse its discretion of authority to stricken me from any other filing including Rule 60 relief, and instruct the clerk not to file any more motion to this case?
- 21) Was it abuse of discretion to not correct himself when the defendant did?
- 22) Did the appeals court abuse it discretion to reinstate when given a explanation of mail fraud on a non-frivolous case?
- 23) Since there was no three strike at the time of this filing did the appeal court abuse its discretion not to reinstate on the merits?
- 24) Did both the district and appeals court abuse its discretion By denying a pro-se case of less stringent standard to be heard on the merits instead of dismissing it?
- 25) WAS my pro-se complaint held at a less stringent standard for litigation history he had no access to and told the courts so?
- 26) Did the court abuse it discretion to find ground to dismiss that exist once the defects were fixed after leave to Amend was allowed to proceed was By magistrate?

List of Parties

- A. Bowman Sgt., Appellee
- B. Brown, Michael L. Judge United States District Court, Northern District of Georgia
- C. Bruce, Lauren S., Counsel for Appellee
- d. Cobb County, Georgia
- e. Larkin III, John K. United States District Court, Northern District of Georgia
- f. Littlejohn Timothy Dewayne, Appellant
- g. Muhammad Nurse, Appellee
- h. Owen Sr. Craig D., Sheriff of Cobb County
- i. Sanders Colonel
- j. Rawlings Jr. H. Williams, Counsel for Appellee
- K. Vaughan Sgt. Appellee
- L. Warren Neil ex-sheriff

Related Cases

- 1) Timothy Littlejohn v. Sgt. Baumann et al, 1-20-cv-02758-MUS-JKL, U.S. Magistrate Judge Court of the Northern District of Georgia entered 10/30/2020
- 2) Timothy Littlejohn v. Sgt. Baumann et al, 1-20-cv-02758-MUS-JKL, U.S. District Court of the Northern District of Georgia entered 12/31/2020
- 3) Timothy Littlejohn v. Sgt. Baumann et al, 21-11893-C United States Courts of Appeal of Georgia 11th Circuit entered 6/29/2021

Table of Contents

1) Opinion Below	1, 2,
2) Jurisdiction	3
3) Constitutional and Statutory Provisions Involved	4, 5
4) Statement of the case	6, 7, 8, 9, 10, 11, 12, 13,
5) Reason For Granting The Writ	(14) (15) (16)
6) Conclusion	17,

INDEX OF APPENDICES

Appendix A-1, A-2 United States Courts of Appeal

Appendix B-1, B-2, B-3, B-4, B-5 Magistrate Court allowed it to proceed (citation & authority included dkt (5))

Appendix C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-8
Docket for the case

Appendix D-1, D-2, D-3, D-4, D-5
Docket (19) Basic for writ and Strickland on

Appendix E-1, E-2 Writ to Certiorari extension

Appendix F Notice of filing Petition of Certiorari

Appendix G Writ to Certiorari extension

Appendix H docket 67 when defendant correct Judge Brown and he still never reissue, but dismiss it

Appendix I complete amended complaint

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:

1) The opinion of the United States courts of appeals appear at Appendix
A1, A2 to the petition and is

reported at 585 F.2d 742, 742-43 (11th Cir 1978); See Estrada v.
United States

For case from Federal courts:

2) The opinion of the United States district courts appear at Appendix
C4 - 61 to the petition and is

3) reported at 144 F.3d 719, 731 (11th Cir. 1998); Rivera v. Allin

4) reported at 491 F.App'x 129 (11th Cir. 2012); Jackson v. Fla. Dept of
Corr

For case from Federal

5) The opinion of the United States Magistrate court not publish here
But at Appendix C-5 dkt 43

Authority under 371 U.S. 178, 182 (1962); Foman v. Davis

6) The opinion of the United States Magistrate court appears at Appendix
B-2 to petition and is

reported at Washington v. Harper, 494 U.S. 210, 227 (1990)

7) The opinion of the United States Magistrate court appears in Appendix B-2 to the petition and is reported at Grider v. Cook, 590 F. App'x 876, 882 (11th Cir. 2004)

8) The opinion of the United State Magistrate court appears in Appendix B-2 to the petition and is reported at Spaulding v. Poitier, 548 F. App'x 587, 589 (11th Cir. 2013)

9) The opinion of the United States Magistrate court appears in Appendix B-3 to the petition and is reported at Riggins v. Nevada, 504 U.S. 127, 135 (1992)

10) The opinion of the United States Magistrate courts appears in Appendix B-3 to the petition and is reported at Griffin v. Bryant No. 5:17-CT-03173-D, 2018 WL 7882081, at *2 (E.D.N.C., Nov. 21, 2018)

11) The opinion of the United States Magistrate courts appear in Appendix B-3 to the petition and is reported at Cooper v. Hollis, No. 7:05-CV-112 (HL), 2006 WL 3791684, at *5 (M.D. Ga. Dec. 22, 2006)

12) The opinion of the United States Magistrate courts appear in Appendix B-4 to the petition and is reported at Daglas v. Yates, 535 F.3d 1316, 1322 (11th Cir. 2008)

13) The opinion of the United States Magistrate courts appear in Appendix B-3 to the petition and is reported at Harper, 494 U.S. At 222, 227, 233

Jurisdiction

- 1) The date of which the United States Courts of Appeals decided my case was 6/29/2021 after mail fraud
- 2) Motion to reinstate was denied twice the United States Courts of Appeals on the following dates: The first was timely file But
can get a copy after request over 5 time from appeals courts, The second
denied on 10/22/2021 Both were timely at appendix
- 3) An extension of time to file the petition for writ of certiorari was granted to and including October 19, 2021 on October 11, 2021, on October 18, 2021 in Application number 21-11893 appendix E1, E2
- 4) An extension of time to file the petition for writ of certiorari was granted to and including October 11, 2021 on October 26, 2021 on November 4, 2021 in Application number 21-11893 appendix G

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

Constitutional and Statutory Provisions Involved

- 1) Foman v. Davis 311, U.S. 178, 182 (1962) Authority of this court that leave should be freely given in the interest of Justice, which by Judge Brown striking me from filing leave give this court authority to overrule no clearly abuse of discretion, and plain error, clear error which confer the courts jurisdiction to review on this writ judge and order in question as well as appeal courts, to deny a motion for relief is clear abuse of discretion period point Black, what worse is to be stricken from filing anything full denial to access to courts under Boumediene
- 2) Estrada v. United States, 585 F.2d 742, 742-43 (11th Cir. 1978) is misplaced this because he was a fugitive in pro-se litigation which I told and gave numerous explanation in going through mail fraud at the trial reinstatement should be given to readily explanation plus I was a 3 strike to even mention prior frivolous lawsuit so since that the reason on Appendix A1, A2 it should confer the courts jurisdiction to review on this writ
- 3) Scotti v. U.S. v. Park Place Entm't Corp., 322 F.3d 211, 215 (2d Cir. 2003) says the courts should express no view on whether to other grounds exist to dismiss a complaint once it has been amended, which confers the courts jurisdiction to review on this writ
- 4) Cowley v. Gibson, 355 U.S. 41, 48 78 S.Ct 1032 L.Ed 2d 50 clearly abuse of discretion once the leave to amend was amended and allowed to proceed but was dismissed by Judge Brown which should raise a eye brow of never given a answer on the merits, which confers the courts jurisdiction to review on this writ especially when magistrate allowed it to proceed
- 5) Haines v. Kerner, 404 U.S. 519, 520-21 42 S.Ct 594 595-96 30 L.Ed 2d 252 (1972) says I was held at a less stringent standard as pro-se, by district court and courts of appeals which confer jurisdiction to review on this writ.
- 6) Munz v. Pham 758 F.2d 1254, 1258 (Cir. 1985) says my complaint was not frivolous and should be liberally construed and I'm entitled to relief which confers jurisdiction of this courts to review this writ

- 7) Washington v. Harper 494 U.S. 210, 227 (1990) says my complaint has merit and justifiable of fact and law that I supposed to have a hearing But never did get and should be granted to proceed on its merits instead of mere technicalities which confers jurisdiction of this court to review this writ
- 8) Duncan v. Duckworth 644 F.2d 653, 655 (7th Cir. 1981) says I was held at a standard of a seasonal lawyer instead of a less stringent standard of pro-se was undue prejudice, bias, unreasonable, and added no relief to me at all was abuse of discretion and confers jurisdiction of this court's review of this writ
- 9) Parham v. Johnson, 126 F.3d 454, 461 says this case is dealing with medical inappropriateness and would need expert opinions and more of the medical profession which I am not and only a seasonal lawyer could help so to deny me appointment of counsel in such case to properly litigate was a abuse of discretion and confers jurisdiction on this court's review of this writ
- 10) 28 U.S.C. 144 says I had grounds to recuse the Judge when he clearly made a false statement on and defendant correct him on dkt (67) and he never did But dismiss my case anyway Before he made that order he was recuse so it wasn't made After he made an order, so he never gave a hearing and abuse his discretion which are clearly grounds for impeachment which confers jurisdiction on this court's review of this writ and void any order he made Before he procure another judge this order is void

Statements of facts

- 1) One May 26, 2020 I was attacked by deputy Coleman, and deputy Nowoff while I was fully restrained without reason slammed against the wall face first which cracked my teeth, and left a knot on my head while deputy Garcia try to stop it and Sgt. Stevens, Lt. Easterly sat there and watch along with 10 new recruits afterwards they left me fully chain in the room until next shift arrive
- 2) Once the next shift arrive deputy Morales + Jernigan they said what happened they said I wasn't supposed to still be in chains until the next shift I told what happened then I told them I would press charges which never happened
- 3) About four hours later about 7 officer came to take me to close opps a padded cell while I was fully restrain which I told them all I would press charges which never happened so Lt. Cordaw came with the nurse and took picture of my injuries and place me back into that cell, all the time I told him I would press charges
- 4) Later Nurse Angel and Muhammad, Sgt Bowman, deputy Lossing, Sgt. Vaughan came to my padded cell with a chair and said like John we have to shoot you with some medicine which I said why they said because Dr. Hinchsh order it I told them no I don't want be injected with that over 7 times that's when Nurse Angel refuse to do it and gave the needle to Nurse Muhammad and that when he said it was order yesterday But we never did it, so that when Bowman, Vaughan, Lossing held me down while Nurse Muhammad injected me with a anti-psychotic drug against my will call Haldol, and Benadactyll at the same time which I resist as much as possible to no effect about 10 minutes later I was "out", for how long I don't know, after refusing it over 7 times
- 5) I file a grievance and appeals over 10 then initiated this claim which Judge Larkins III allowed to proceed under my 14th Amendment of

due process as a pretrial detainee stating it poses a significant liberty interest in avoiding the unwanted administration of anti-psychotic drugs'; Under Supreme Court Decision Washington v. Harper, 494 U.S. 210, 227 (1990), also under this circuit Grider v. Cook, 590 F. App'x 816, 882 (11th Cir. 2011); also Supreme Court Case Riggins v. Nevada, 504 U.S. 127, 135 (1992)

6) Magistrate Judge Larkin III stated that Harper mandates a hearing which the state must find that the psychotic medications is in my medical interest which it does, the tribunal or panel that reviews a treating physician's decision to prescribe forced medications must exercise impartial and independent judgement and the prisoner must be permitted to argue before a review tribunal that he doesn't need forced medication. Harper, 494 U.S. at 222, 227, 233

7) That why he allowed it to pass through the 1915 A screening see. Hugh v. Lott, 350 F.3d 1157, 1159-60 (11th Cir. 2005)

8) Defendant clearly can't nor can provide any evidence that they gave me such a hearing. So now let me show the courts the plot

9) Plaintiff claim was docket on 6/29/20 at dkt(1) and the allowed to proceed By Magistrate Larkin III on 7/09/2020 at dkt(5) This was during the spike of Covid-19 which I caught in December and soon as I didn't die District Judge Brown dismiss it I'll get to that in a minute

10) I amended my complaint on 7/24/2020 which I'm allow one Amended complaint as a matter of course see Fed. R. Civ. P. 15 (a)(1) which I did at dkt(8)

11) District Judge Brown adopted dkt(5) Report and Recommendations at dkt(9) allowing it to proceed

- 12) Defendant's Mohammad Motion to dismiss for failure to Disclose Three strike under PLRA which was accumulated after the filing was at dkt (26) But the never gave a answer on the merits of the case which is why it pass frivolity stage and isn't frivolous Because it clearly states a claim of Law and facts; Munz v. Parr 758, F.2d 1254, 1258 (Cir. 1985) (pro-se complaint not frivolous unless its Beyond doubt petitioner can prove no set of facts can support his claim which would entitle relief (Nelis v. Colson 809 F.2d 1446, 1448 (9th Cir. 1987))
- 13) Defendant also amended his answer on dkt (27) as well to failure to mention Litigation history and more as to he did it under someone else authority But never give a answer was there a hearing given under Harper, 494 U.S. at 222, 227, 233 it was not
- 14) Motion to dismiss was then given By Lawrence Bruce on Behalf of Bowman and Vaughan as well at dkt (30) on 10/13/2020 which to never answer there was a hearing given under Harper, 494 U.S. at 222, 227, 233 and ask for it to Be dismiss for Litigation History of me failed to state all cases But not the merits
- 15) On docket (35) a preliminary injunction was order to show cause why my case shouldnt be dismiss from magistrate i quessing that what that was Because im not a lawyer i was expected to know what to file and the way to file which show favoritism now And isn't the actions under Authority of this Court which is clearly establish in Cowley v. Gibson, 355 U.S. 41, 48, 78 S.Ct. 99, 103 2 LE2d 80 (Clearly says pro-se litigants complaints are to Be construe to secure a just, speedy, and inexpensive determination of the action, and they have a special responsibility to construe those complaints Liberally; see also, Haines v. Kerner, 404 U.S. 519, 520-21 92 S.Ct 594 595-96 30 LEd 2d 252 (1972) Less stringent standards for pro-se, And its the duty of the courts, as well as the appeal as well as the U.S. Supreme Courts that pro-se

Litigants are given a fair and meaningful consideration

16) I diligently as for relief as the docket shows asking for a motion at dkt (42) to intervene, writing a declaration at dkt (39) as to Larkin telling him know I'm not a seasoned lawyer and he can't hold me to that standard but a far less stretched; see Duncan v. Duckworth 644 F.2d 653, 655 (7th Cir. 1981)

17) I've even let him know of the misconduct of defendants with the mail at dkt (39) (34) and why I need a motion at dkt (42) If the courts duty not to dismiss any evidence presented by a pro-se pretrial detainee or punish without adjudication and because of misconduct of defendant in anyway able to litigate; Parham v. Johnson 126 F.3d 454 461 (3d Cir. 1997)

18) Magistrate clearly agreed that my leave to Amend Litigation history was proper before him that was docketed at (41) which corrected the Litigation history and was grant at dkt (43) to proceed after leave; Foman v. Davis 371 U.S. 178, 182 (1962); Authority of this Court clearly says The courts should grant leave freely to Amend complaint which is what magistrate did But District Court did not and plain error and abuse its discretion at that.

19) Magistrate also abuse its discretion after being warn of defendant conduct not grant relief at dkt (43) in denying the leave to add others at dkt (40) which clearly relates back and with the statute of limitations to do so; Fed. R. Civ. P. 15(c); see also Presnell v. Pawling City, Inc., 454 F. Appx 763, 767 (11th Cir. 2011)

20) Defendant gave their objections to R+R on dkt (46) (47) on 11/13/2020

21) And I amended the complaint at dkt (45) (48) (49) 3 more time and file a declaration at dkt (51) and a declaration for Summary Judgment at dkt (52)

23) On dkt (53) The Courts case again was under operation of exigent circumstance created by Covid-19 and Related Coronavirus which I caught on December 14, 2021

24) If you look at the docket i never gave response after that Because i was in quarantine and i just was finding out that the Attorney General gave a order to release those who had pre-existing health problems like me which the Covid-19 would be worse on. I've been diagnosed of having COPD a Breathing disorder And its in my medical records from Augusta State Prison And they knew that And im a pretrial detainee so that Order then Attorney General gave applied to me

25) Citing on March 27, 2020 Congress gave authority to Home confinement for risks factors such as mine of COPD which is a chronic lung disease

26) Which authorize Home confinement and compassionate release under 18 U.S.C. 3621 (c)(2) and 34 U.S.C. 60541. under the CARES Act By Attorney General Barr Martinez-Brooks v. Easter, 459 F. Supp. 3d 411 (2020) But they held me here to suffer

27) But Before i got sick i ask this court to look at the diligence of me filing Summary Judgments at dkt (56) on my Operative Complaint which is abuse of discretion ^{District Judge} ~~pro error~~

28) And its to the court to also look at The ~~magistrate~~ ^{District Judge} gave it order July 28, 2020 at dkt (9) allowed to proceed By district Judge Brown once i got better on December 30, 2020 after almost 14 days i quarantine take note how coincidentally District Judge Brown clearly pro error dismiss my case from leave which the magistrate judge allowed to proceed the proximity of that is to close to say it doesnt raise a eyebrow when it took from July which is 5 months to december to finally answer after i didnt die from COVID-19 and he said it was abuse of process in litigation history which was amended. Which the courts clearly says he should express no view on whether other grounds exist to dismiss the complaint once it is amended. See Scutti Enters., LLC v. Park Place Entm't Corp., 322 F.3d 211, 215 (2d Cir. 2003).

29) And once amended Litigation history was there defendants were answer to the complaint, Because it satisfied the requirements of Rule 8 that a extensive Pleading of facts is not require and is to be held liberally and doesnt permit dismissal for "failure in the complaint to cite statute, or cite correct one" ^{sf} (10)

Northrop v. Hoffman of Simsbury, Inc., 134 F.3d 41, 46 (2d Cir. 1997); quoting Albert v. Carovano, 851 F.2d 561, 571 n. 3 (2d Cir. 1988) (in banc) "Factual allegations alone are what matters". Id

30) Fornau v. Davis says he abuse his discretion, Rule 15(a) declares that leave to amend "shall be freely given when justice so requires this mandates is to be heeded. See generally 3 Moore, Federal Practice (2d ed 1948), 15.08, 15.10. If the underlying facts or circumstances relied upon by a plaintiff may be proper subject of relief he ought to be afforded an opportunity to test his claim on the merits. There was the abuse

31) There was no undue delay, Bad faith or dilatory motive on the part of the movant, or repeated failure to cure deficiencies by amendments previously allowed undue prejudice by the allowance, so this leave sought should've as rule require, be "freely given". The outright denial of leave once you see the deficiencies and litigation history fix is merely abuse of discretion and inconsistent with the spirit of the Federal Rule !!! 15(a), 28 U.S.C.A.

32) Conley v. Gibson, 355 U.S. 41 48 28 5 Ct 99 103 2 LEd 2d 80. Its too late in the day and entirely contrary to the spirit of the Federal Rules of Civil Procedure for a decision on merits to be avoided on the Basis of mere technicalities. Federal Rule rejects the approach that pleading is a game of skills in which one misstep by counsel, worse especially may decide the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits which was not done by District Judge Brown after Magistrate did allow it clearly dismissing for abuse judicial process for litigation history fix from leave which he had no grounds to dismiss complaint once it's amended Fornau v. Davis; Scotti Enters., LLC v. Park Place Entm Corp, and clear and plain error

33) Plaintiff then filed motion for reconsideration timely at docket (66) Judge Brown denied it stating i never filed a opposition to defendant motion to dismiss at dkt (68) defendant said on dkt (67) 19 days before he said i didnt filed a opposition that i did 19 days before he said i didnt on 2/24/2021 which now he's lie on the Bench committed false statements intentionally you can hide this its plain error, clear error

33) He never change his decision even when defendant himself corrected him on dkt (67) which is a violation of Federal Law 18 U.S.C. 1346 (Honest Service), 18 U.S.C. 1341 (Mail Fraud)

34) False Statements, section 1001; United States v. Simpson, 898 F.3d 287, 305 n. 13 (2d Cir. 2018)

: To secure a conviction under the statute, government must prove he (1) knowingly and willingly, which he did 15 to 19 days in advance (2) made materially false fictitious, or fraudulent statements which is undisputed (3) Knowledge it was false

36) Which prompted a motion for disqualification and recusal By me under dkt (74) timely made with affidavit and a declaration of attempted murder By me under 18 U.S.C. 1512 which i got no relief at all and i dont the court i going through post Covid-19 and i had it when he made his decisions as well

37) Even try to write The Chief Judge had the wrong one on docket (77)

38) 28 U.S.C. 144 provides procedure for recusal

He lied on the Bench clearly that defendant themselves correct at dkt (67) yet he failed to correct himself and was recused Before he even made an order on the reconsideration for his false statement what was suppose to proceed no further and assigned it to another Judge; United States v. Williams, U.S.

68, 65-69, 95 LEd 747, 752, 751, 71 Sct 595 To chat the government or mislead its office By governmental misconduct. Kay v. United States, 303 U.S. 1, 82 LEd 607, 58 Sct 468 Plus lying on the Bench is a High Crime such as treason and Bribery

39) Plus i ask for at dkt (86) way Before that since this case has to do with medical advise counsel was needed so his order on dkt (79) which he had no jurisdiction to place After a recusal motion with out a hearing was void and he instructed the clerk to place no further motions on the dockets was clear abuse of power, discretion, malicious, and bias, abuse of discretion to appoint counsel And that Abuse impacted me to develop and litigate my claim Dewitt v. Corizon, Inc # 13-2930, 2014 U.S. App. Lexis 14236 (7th Cir)

Especially when Misconduct my defendant stop your mail to properly litigate which you've Brought to the courts attention Parham v. Johnson, 126 F.3d 454, 461

40) Schenck, 870 P.2d at 195 (the courts rejects the facts that a Judge acquiesces. It's denial of a motion to disqualify was challengeable By mandamus or on appeal, But structure under the Judicial Act

41) Hazel Atlas Glass Co. v. Hartford Empire Co., 322 U.S. 238 (1944); Toledo Scale Co. v. Computing Scale Co., 261 U.S. 349, 421, 43 S.Ct. 458 (1923) 719, when its of equity and compensation it should be tried and not dismiss because of unsatisfactory methods of affidavits, and not resort to disorderly remedies By disregarding the laws of Federal courts since they've been established

41) Because of his Blocking order I was even unable to file Rule 60 as well

42) This order the District Court gave on 5/11/2021 at docket (79) was totally abuse of discretion and power, and plain error, clear error, and a clear abuse. The courts must not use or be use coercive machine to punish pro-se litigants who are not dumb, as one think, nor should the courts deny filing further in the pursuit of Justice. This order was given 7 months ago even to rule 60 relief. This is clear error, and he was timely reversed, and this appeal was timely taken.

43) The courts of appeals denied it for want of prosecution even when a readily explanation of mail fraud that I sent the district court but the said misconduct has been stopping it as well, so I ask for reinstatement twice they never did, the second reinstatement they mention about frivolous filing but when that I was a three strike which was clear established at appendix C-5, dkt 43 so if that was the basic it was abuse, and the courts never look at my complaint at a less stringent standard period, and I did get reinstatement my appeal which I never abandon contrary to the estrada case, which misplace in not a fugitive but pro-se and is to be held a less stringent standard than a lawyer.

Reason for Granting the Petition

1) Has departed so far from the accepted and usual course of Judicial proceeding By ordering the clerk at dkt (79) on 5/11/2021 to no place any further motion or other papers on the docket But to closed the case that it calls for an exercise of the Courts supervisory power reason Being in the interest of Justice give District Judge Michael Brown in the United States District Court for the Northern District of Georgia to file Leave to Amend, Rule 60 relief, were clearly unduly hampered Skillem v. Georgia Dept of Corrections, Not Reported in F. Supp. 2d (2008)

Plaintiff wasn't even given a show cause warning such sanction was even in the future and should be allowed judgments on the merits

2) Since it was amended from leave and allowed to proceed By Magistrate Before it goes to Both Judge's and to outright abuse your discretion and stricken any other motion like Rule 60, or motion to reopen case, or motion for leave to amend or motion to alter and amend or reconsideration which this Block is clear error, plain error, abuse of discretion and this court should grant this Petition and over rule the lower court and appeal courts finding which was vague and never gave a answer as to Leave to Amend Be Block By this order Foman v. Davis and Rule 15(a)

says the refusal to not allow a pro-se litigant the right to amend his claim By stricken any other motion when it was low frivolous is a outright abuse of discretion, Authority under abuse of discretion in this Court are General Electric Co v. Joiner, 522 U.S. 136 (1997); and Mchanne Co., Inc. v. E.E.O.C., 581 U.S. (2017) reason for granting this petition, of it arbitrariness, and abuse of discretion

3) It's undisputed that his stricken me from filing rule 60 relief and any further motion on a low-frivolous claim he allowed to proceed put such fundamental interest at stake, and cannot be a barrier to my access to the judiciary

see Boodie v. Connecticut, 401 U.S. 371, 374, 91 Sct 780, 781 28 LEd 2d 113 (1971). Which is clearly departed from the accepted and usual course of Judiciary proceedings. it calls for an ~~extra~~ exercise of this Court's supervisory power Supreme Court Rule 10

4) He cannot impose such a sanction to deny me access to courts, Because this claim wasnt frivolous nor did it lack an arguable basis of either in law or in fact Weitzke v. Williams, 490 U.S. 319, 321, 109 Sct 1827 (1981) 32 LEd 2d 338 (1989) which clearly shows vindictiveness Because of a disqualification + recusal, which cause for the courts to intervene

5) It of important public interest to know that one can access the courts over fundamental constitutional right being violated and the ability to grieve without being deprived by a Article III sitting Federal Judge which deprive these right arbitrarily. it the courts duty to grant this writ

6) And if the courts duty to use the analysis in Supreme Courts decision in United States v. Georgia, 546 U.S. 151, 126 S.Ct 877, 163 LEd 2d 650 (2006)

7) Nor after being corrected by defendant did he correct himself in stead he allowed lie to continue even when it was corrected by the very clerk himself his decision favored which was grounds for recusal which he never did nor gave a hearing as well or ask for another Judge why this writ should be granted

8) Clearly this is a three judge circuit of the 11th Circuit of Appeals and i recused Brasher on a prior claim of appeal now he's got on another case of mine on 10/22/21 with Judge Jordan when i filed to reinstate my appeal Because of mail fraud of tampering with mail which i've alerted the courts multiple times to no prevail on this answer to appeal im not a three striken nor did they address the case's on the merits. when court rules clearly says it should be reinstate on a readily explanation, They mention nothing of a three-striken, on this appeals nor the grounds for dismissing it also it wasnt of 3 judges so this order should be vacated + set aside for want of

appeal rule, also, 3 judge rule^{ing} as well in prose so excuse me if i'm saying it wrong, and construe it liberally And i told them im going through mail fraud, which is a good cause and to strikew from filing further motions on a non-frivolous complaint, even a Rule 60 motion, Leave to amend and so on is plain error, clear error, and unjust, reversible as why the courts should grant this writ as well Clearly on dkt (43) im not a three strikel and i gave a readily explanation of mail fraud as amongst other reasons to reinstate reason to grant this writ

9) Also i filed a summary judgement myself which should've stop the granting of their summary judgement i filed mine on dkt (56) (57) reason to grant the writ

10) The district courts and appeals court error in denying a Leave to Amend freely that stricken me to file a rule 60 motion as i was going through mail fraud, or any other motion for relief post verdict and appeals courts error do not reversing the error, Poman v. Davis which Litigation History was amended so there was no issue not to proceed

11) Appellate court rules are clear that upon explanation Appellate Courts should reinstate appeals in the interest of Justice They never gave as to why on the merits ever and after a explanation still denied reinstated— Because its a non-frivolous claim that the district court and appeals court have abuse their discretion and not even say how its taken i Bad Faith as well as what prior claim frivolous this claim wasnt a three strikew who filed the reasons for granting the writ as well as a i should be afforded to test my claims on its merits which neither courts afforded to me any it in the courts jurisdiction to confer for review

12) Furthermore in Appendix D-4, Dkt 79 clearly say Plaintiff may seek leave to amend post Judgement, well clearly leave to amend was file in Appendix-C-4, at dkt (69) and dkt (78) so he contradict him self the reason a recusal is warranted as well, as abuse of discretion clear and plain error exist, and more unexplained Opinions, authority Appendix I see for yourself

13) Appendix H clearly said he lied on dkt 68 after them that i in fact did write a opposition, so he error, but still dismiss it "Wew" (16) RG

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted

Timothy Littlejohn

Date: December 16, 2021

[Signature]
12/16/22/21

M. Lawson
Notary 12/22/21

