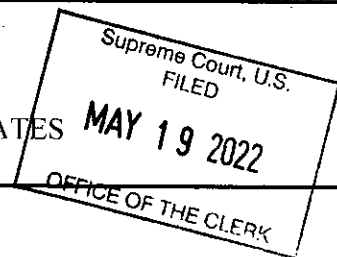


21-7955 ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



Michael Palma,

Pro Se PETITIONER

V.

Harris County Appraisal District; et al  
(Case #21-20402)

RESPONDENTS

AND

Michael Palma,

Pro Se PETITIONER

V.

Greg Abbott, *State of Texas*; et al.  
(Case #21-20588)

RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO  
UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Michael Palma  
5026 Autumn Forest Dr.  
Houston, Texas 77091  
Telephone: (713) 263-9937  
[Mpalma1@gmail.com](mailto:Mpalma1@gmail.com)

## **QUESTIONS PRESENTED**

- 1) Do federal judges have the absolute right to ignore the laws of the State in which they sit and while doing so libel the Petitioner?
- 2) Do federal judges have the authority to protect State officials who violate their own Constitution and laws and thereby their Oath of Office?
- 3) Do federal judges have the authority to completely ignore the unalienable rights of Americans granted through the Federal Bill of Rights and other various sections of the Federal and state Constitutions?

## **LIST OF ADDITIONAL PARTIES**

Case #21-20402 - Dedra Davis and Christine Weems

Case #21-20588 - Ken Paxton, *Texas Attorney General*; Harris County Appraisal District, *Roland Altinger*; Harris County Appraisal Review Board, *Ronnie Thomas*; Harris County Tax Assessor Collector, *Ann Harris Bennett*; Texas General Land Office, *George P. Bush*

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## **I. OPINIONS BELOW**

The opinion of the United States court of appeals for Case #21-20402 and district court Case #4:20-CV-02741 along with the magistrates' memorandum appears at Appendixes A through D to the petition and are unpublished.

The opinion of the United States court of appeals for Case #21-20588 and district court Case #24:1-CV-1210 along with the magistrates' memorandum appears at Appendixes E through G to the petition and are unpublished.

## **II. JURISDICTION**

The date on which the United States Court of Appeals decided case #21-20402 was on December 6, 2021.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 18, 2022, and a copy of the order denying rehearing appears at Appendix B.

The date on which the United States Court of Appeals decided case #21-20588 was on May 3, 2021. This order appears at Appendix E. A petition for rehearing was not requested in this case.

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

### **III. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- A) Privileges and Immunities Clause Art. 4 Sec. 2, Federal Constitution
- B) Supremacy Clause Art. 6 Sec. 2, Federal Constitution
- C) Bill of Rights Fourteenth Amendment
- D) 28 U.S.C. 1341
- E) 28 U.S.C. 1652
- F) Article 1 Section 9 Texas Constitution
- G) Article 1 Section 17 Texas Constitution
- H) Article 1 Section 19 Texas Constitution
- I) Sec. 42.01. Texas Tax code

### **IV. STATEMENT OF THE CASE**

The fact that Texas officials of all ilk have lied when applying a tax to a private home concerning this Petitioner did not stop two state appellate courts from proclaiming the truth in other cases.<sup>1</sup> However, because the truth is too much for officials to bare it is common practice and one can even say encouraged that the truth be hidden, concealed and prevented from coming into the light at all costs when dealing with private homes. There are several political reasons why this occurs but judicially and monetarily a good portion of the State judges in Texas owe part of their income (Appendix H) to the very counties who are dependent upon the ad valorem property tax. It is clear that federal judges who have an interest in a case, such as owning stock of one of the parties, must, or at least are supposed to, recuse themselves or they may be seen as having the slightest hint of bias, true or not.<sup>2</sup>

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<sup>1</sup> *City of Houston v. Morgan Guar. Intl. Bank* (666 S.W. 2nd 526) and *Dallas County Appraisal District v. L.D. Brinkman & Co.* 701 S.W.2d 20 (Tex. App.—Dallas 1985, writ ref'd n.r.e.) — stating that only property both domiciled and in business are taxable via ad valorem taxes

<sup>22</sup> The lack of self-recusal of federal judges was verified by the Wall Street Journal:

<https://www.wsj.com/articles/131-federal-judges-broke-the-law-by-hearing-cases-where-they-had-a-financial->

However, when state judges sit on cases that directly affect their income is this not actual bias? For this is one of the reasons behind Case #4:20-CV-02741. A suit to hold two State District Court judges accountable for various constitutional and statutory violations.

The cases that this Petitioner now brings to this Court will clearly show that oathed officers of the State of Texas violated said oath by eviscerating not only the true meaning of words of art within its statutes, “located in this state,” but also the single most important phrase in the Texas Constitution, “unless exempt as required,” when discussing property taxation, but how the state judiciary protected the political subdivisions of the State. This is the second reason for federal Case #4:20-CV-02741. Now the federal judiciary is doing the same when it protected two state judges and is the reasoning behind the second case with docket #4:21-CV-1210.

To add insult to injury when Petitioner asked the same issues of a federal judge (Case #4:21-CV-1210) due, to the ineffable lack of due process in every case at the state level and the first case at the federal level, a magistrate had the audacity to violate 28 U.S.C. 1652 by ignoring state law<sup>3</sup> and declaring the Petitioner a “serial litigant” (Appendix G). All for acting as one’s own private attorney general to properly, rightfully, protect, and defend his private home from the corruption that leads, or can lead, to an American being displaced from a home or at a minimum an unconstitutional taking of some of its value. This occurs when the State or its political subdivisions have very limited rights to take value of property without just compensation in violation of the Fifth Amendment at the federal level. In Texas the takings clause is at Article 1, Section 17 which can be defended in federal court by and through the Fourteenth Amendment.

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interest-11632834421 or can be seen here: <https://thehill.com/regulation/court-battles/574244-131-federal-judges-failed-to-recuse-themselves-from-cases-in-which/>

<sup>3</sup> Section 42.01 of the Texas Tax Code

Even though this Court accepts less than 1 percent of the cases placed before it, the Petitioner is now situated to demonstrate to this court that this violation of property rights and the lack of due process has occurred at the state judicial level and in administrative hearings for countless years and is now being sanctioned by the federal judiciary to the point where federal judges have committed libel upon the Petitioner and violate their own Oath of Office.

## **V. REASONS FOR GRANTING THE PETITION**

This case goes beyond the private home held by this Petitioner, and applies to all private homes held by Americans and others, throughout these Union States. Additionally, no judge, federal or state, or any other official, to include attorneys, should be above the law and must be held accountable for their actions or, in this case, inactions.

While *Roe* may be “egregiously wrong from the start” and “is not deeply rooted in the Nation’s history and traditions”<sup>4</sup> because it was not based on common law the same cannot be said for property rights. For it has long been held that an American has the right to be safe and secure in his or her own home and that no State or Federal government or subdivision thereof has the absolute authority to interfere, invade or take value of a Man’s property without just compensation.<sup>5</sup>

The factual reasoning behind a property tax on private homes is exceptionally weak provided that rights on private property have been protected within the common law and in every state of the Republic from the time of this nations birth and prior to it. While some states, such as Texas, have decided to outright lie about a political subdivision’s “right” to tax said property; others, such as Florida, have not “lied” about it but have buried it so far within its code that one must be a legal

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<sup>4</sup> From 1<sup>st</sup> draft of decision penned by Justice Alito, *Dobbs v Jackson Women’s Health Organization* (Feb \_\_\_, 2022)

<sup>5</sup> Violations of Art. 1 Sec. 9 Texas Constitution, and Art. 1 Sec. 17 Texas Constitution, Art. 1 Sec. 19 Texas Constitution and Fifth Amendment Federal Constitution

sleuth to find it.<sup>6</sup> Still others have decided that the State should keep all equity if the home is sold due to unpaid taxes! These states include: Alabama, Arizona, Colorado, Illinois, Massachusetts, Maine, Michigan, Minnesota, Nebraska, New Jersey, New York and Oregon. This factoid can be listened to on this link narrated by John Stossel<sup>7</sup> and an example can be read about here.<sup>8</sup> In each and every instance a clear violation of the Fifth Amendment and their own State Constitutions have occurred. This is, or should be considered, a national disgrace, one of which is worthy of this Courts ability to stop.

Even though this Court does not generally accept cases to “fix” the errors of lower courts, if it fails to do so here then the only alternative remaining is to hold the federal judges accountable for libel and for the damages that they have caused the Petitioner in an unrelated State case when repeated by two attorneys and hold the United States liable for aiding and abetting political subdivisions of the State of Texas to violate the takings clause of the Texas and Federal Constitutions.

I think it unnecessary to remind this court of the following but this precedent has already been set:

This Court ruled that Municipalities *cannot* exert any acts of ownership and control over property that is NOT OWNED by them, see *Palazzolo v. Rhode Island* 533 US 606, 150 L.Ed. 2d 592, 121 S.Ct. (2001), which affirmed both *Lucas v South Carolina Coastal Council*, 505 US 1003, 120 L.Ed. 2d 798 (1992). (butterfly activists and Code Enforcement cannot restrict development of the man's private swampland unless they lawfully acquire the land FIRST, surveying with binoculars constitutes a "takings"), and *Monterey v. Del Monte Dunes*, 526 US 687 (1999), 143 L.Ed. 2d 882 S.Ct. (1998). In the Monterey case, the California private property

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<sup>6</sup> Florida Administrative code: 12D-7 .002 Exemption of Household Goods and Personal Effects -- stating that food, clothing and shelter used for “creature comforts of the owner” are accorded full exempt status under Section 196.181 F.S.

<sup>7</sup> [https://www.youtube.com/watch?v=ghCMel8Z\\_28](https://www.youtube.com/watch?v=ghCMel8Z_28)

<sup>8</sup> <https://thehill.com/opinion/judiciary/3478950-massachusetts-grandmother-lost-her-savings-to-tax-foreclosure-law/>



owner was awarded \$8 million for Code Enforcement's *illegal trespass* and restriction of his business, and another \$1.45 million for the aggravation of a forced sale.

Because the foregoing is true then this court must be reminded of *Owen v. City of Independence*, 445 U.S. 622 (1980) in which the court held that "A municipality has no immunity from liability under §1983 flowing from its constitutional violations and may not assert the good faith of its officers as a defense to such liability. Pp. 635-658." The statute imposes liability upon "*every person*" (held in *Monell v. New York City Dept. of Social Services*, 436 U. S. 658, to encompass municipal corporations) who, under color of state law or custom, "subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws." See also *EX PARTE YOUNG*, 209 U.S. 123 (1908) and *Alden v. Maine*, 527 U.S. 706 (1999).

## VI. CONCLUSION

The sheer amount of theft and non-accountability of government agents in this Country being perpetrated by the States and their political subdivisions is simply ineffable and must come to an end. People are literally being taxed out of their own homes or having its value taken, and is inconsistent with everything this Country, this Court and all of the State Courts have stood for.

By the state's political subdivisions exerting its *illegal trespass* over a man's private shelter and the land it sits on by exacting its fief over said land year after year after year, on property that it does not own, has no control over and that it cannot and will not show is liable for ad valorem tax purposes puts this Plaintiff in the feudal service of the state's political subdivisions. This system of ownership is known as feudal tenure. The continued violations are effectively outlawed under Sections 1, 9, 17, 19, and 27, Article 1 of the Texas Constitution and is in short – a violation of the

takings clause in both the Texas and Federal Constitutions and as envisioned in the Privileges and Immunities and Supremacy Clause also in the federal constitution.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Date: May 19, 2022