

IN THE SUPREME COURT OF THE UNITED STATES

No. 22-_____

DAVID ALLEN O'NEAL,

DULY ELECTED CORONER, CRAWFORD COUNTY

APPLICANT

vs.

CRAWFORD COUNTY, GEORGIA,

RESPONDENT

APPLICATION FOR AN EXTENSION OF TIME
WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI
GEORGIA SUPREME COURT

Pursuant to Rules 13.5 and 30.2 of this Court, counsel for Applicant, respectfully requests a 60-day extension of time, to and including March 21, 2022, within which to file a petition for a writ of certiorari to review the judgment of the Georgia Supreme Court in this case. The Georgia Supreme Court entered its judgment on September 21, 2021 and denied the motion for reconsideration on October 19, 2021. Unless extended, the time for filing a petition for a writ of certiorari will expire on January 18, 2022. The jurisdiction of this Court would be invoked under 28 U.S.C. 1257 (a).

1. This case presents the question of whether the United States Constitution preempts a State Court from issuing a FIFA against a non-party in a case? Applicant is the former Coroner of Crawford County, Georgia who

at the time of the initial cause of action was the duly elected Coroner of Crawford County, Georgia. The State Court issued a judgment against the Coroner for the cause of action he brought in his capacity as Coroner. A FIFA was issued against the Coroner and his Attorney. The Attorney was a non-party. The Bankruptcy Court voided the FIFA. Thereafter, contempt actions and enforcement of the FIFA was continued against the non-party only. A direct cause of action was never originally filed against the non-party, thereby triggering the constitutional conflict of an improper taking and cause of action against the non-party.

2. Counsel has filed an Ante Litem Notice with the Attorney General's Office against the Coroner of Crawford County, State of Georgia since the ruling of the Georgia Supreme Court. Said ante litem notice expires January 26, 2022, with ongoing communications with the Georgia Attorney General's Office. Should settlement not be reached and proceedings were to be initiated back in the State of Georgia, said complaint would be on the same operative facts of this case rendering this petition for certiorari moot. An extension of time will allow that period to expire and exhaust avenues of possible resolution before initiating the Writ of Certiorari.
3. Further counsel has had a death in the family, and with ongoing COVID restrictions, final resolution of the ante litem notice has not been resolved. For extraordinary good cause the application for extension is made less than the usual time frame of 10-days.

4. Said application is directed to the 11th Circuit Judge assigned to the
Honorable Justice Clarence Thomas.

Due to the foregoing, additional time is needed to exhaust all avenues of
resolution prior to preparing and printing the petition in this case, so as not
to burden the Court with an unnecessary petition.

Respectfully submitted this 14th day of January 2022.

/s/ Bonnie Michelle Smith, Esq.
Bonnie Michelle Smith, Esq.
P.O. Box 8633
Warner Robins, GA 31095
(478) 953-3661
Email msmith158@juno.com
Efax (404) 393-5150
GA Bar No. 654848

CERTIFICATE OF SERVICE

I have filed this foregoing application and sent a copy via first class mail with sufficient postage to ensure delivery to the following:

Daniel Lewis Wilder, Esq.
Emmett L. Goodman, Jr. LLC
544 Mulberry Street Suite 800
Macon, GA 31201

Dated this 14th day of January 2022.

/s/ Bonnie Michelle Smith, Esq.
Bonnie Michelle Smith, Esq.
GA Bar No. 654848
P.O. Box 8633
Warner Robins, GA 31095
(478) 953-3661
Email msmith158@juno.com
Efax (404) 393-5150



SUPREME COURT OF GEORGIA
Case No. S21C1064

October 19, 2021

The Honorable Supreme Court met pursuant to
adjournment.

The following order was passed.

DAVID ALLEN O'NEAL v. CRAWFORD COUNTY.

Upon consideration of the Motion for Reconsideration filed
in this case, it is ordered that it be hereby denied.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Theresa A. Barnes
, Clerk



SUPREME COURT OF GEORGIA
Case No. S21C1064

September 21, 2021

The Honorable Supreme Court met pursuant to
adjournment.

The following order was passed.

DAVID ALLEN O'NEAL v. CRAWFORD COUNTY.

The Supreme Court today denied the petition for certiorari
in this case.

All the Justices concur.

Court of Appeals Case No. A21D0123

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Theresa A. Barnes
, Clerk

Court of Appeals of the State of Georgia

ATLANTA, December 21, 2020

The Court of Appeals hereby passes the following order

A21D0123. DAVID ALLEN O'NEAL v. CRAWFORD COUNTY.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

LC NUMBERS:

14CV173



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 21, 2020.

*I certify that the above is a true extract from the minutes
of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

Stephen E. Carlton , Clerk.

SO ORDERED.

SIGNED this 13 day of December, 2016.



Austin E. Carter

**Austin E. Carter
United States Bankruptcy Judge**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

IN RE: DAVID ALLEN O'NEAL and	:	
SUSAN B. O'NEAL	:	CASE NUMBER: 16-52380-aec
MOVANTS	:	
	:	
	:	CHAPTER 7
CRAWFORD COUNTY, GEORGIA	:	
RESPONDENT	:	

ORDER

The motion of the debtor seeking avoidance of the judicial lien held by the respondent in the above-styled matter having been served on the respondent and no objection having been filed with the court:

IT IS HEREBY ORDERED that the Motion to Avoid Judicial Lien of the debtor is hereby granted. The court avoids the fixing of the judicial lien on the real and personal property of the debtor upon the entry of the discharge in this case. The lien is avoided subject to reinstatement under 11 U.S.C. § 349 upon dismissal of the case

END OF DOCUMENT

SUBMITTED:
Robert O. House
Attorney for Debtor
GA State Bar No.: 369125
433 Cherry St, Suite. A
Macon, GA 31201

**WRIT OF FIERI FACIAS
IN THE SUPERIOR COURT OF CRAWFORD, GEORGIA**

CIVIL ACTION 14-CV-173

JUDGMENT DATE SEPTEMBER 3, 2015

GED DATE SEPTEMBER 21, 2015

Plaintiff's Attorney - Name, Address & Telephone

Name B MICHELLE SMITH

Address P O BOX 8633

WARNER ROBINS, GA 31095

Telephone: (478) 953-3661

Fi.Fa. in Hands of DUKE GROOVER

DAVID ALLEN ONEAL

DULY ELECTED CORONER

B. MICHELLE SMITH, JOINTLY & SEVERALLY

Vs Plaintiff(s)

CRAWFORD COUNTY

Defendant(s)

To all and singular the sheriffs of the State and their lawful deputies
In the above styled case, and on the judgment set out, the plaintiff(s) named above recovered against the defendant(s) named above, judgment in the following sums

Principal	\$	<u>\$70,487 68</u>
Interest	\$	<u>\$0 00</u>
Other	\$	<u>\$0 00</u>
Attorney's Fees	\$	<u>\$0.00</u>
Court Costs	\$	<u>\$0.00</u>
Fi Fa Fees	\$	<u>\$0.00</u>
Total	\$	<u>\$70,487 68</u>

CANCELLATION

The within and foregoing Fi.Fa. having been paid in full, the Clerk of Superior Court is hereby directed to cancel it of record

This the _____ day of _____,

Signature _____

Title _____

NOTE. _____

with future interest upon said principal amount from the date of judgment at the legal rate
Therefore, YOU ARE COMMANDED, that of the goods and chattels, lands, and tenements of said defendant(s) and ESPECIALLY/ONLY of the following described property, to wit.

You cause to be made the several sums set out in the foregoing recital of the judgment in this case and have the said several sums of money before the SUPERIOR Court of this County at the next term of court, with this Writ to render to said plaintiff(s) the principal, interest, attorney fees, and costs aforesaid

Witness the Honorable TILMAN E. SELF, III, Judge of said Court.

This the 21st day of September, 2015

CLERK By. Ashley Riggins
Deputy Clerk / Clerk

1476

Entered on Lien Docket 45 at 2:15PM

Page 196 this 21 day of SEPTEMBER, 2015

IN THE SUPERIOR COURT OF CRAWFORD COUNTY
STATE OF GEORGIA

CRAWFORD COUNTY, GEORGIA

PLAINTIFF,

vs.

B. MICHELLE SMITH

DEFENDANT.

§
§
§
§
§
§
§
§
§

Civil Action No. 14-CV-173

**ORDER COMPELLING B. MICHELLE SMITH TO RESPOND TO PLAINTIFF'S
FIRST POST-JUDGMENT INTERROGATORIES AND REQUEST FOR PRODUCTION
OF DOCUMENTS**

Plaintiff's Motion to Compel having come before this Court on the 28th day of October, 2020, and this Court having considered the Motion,

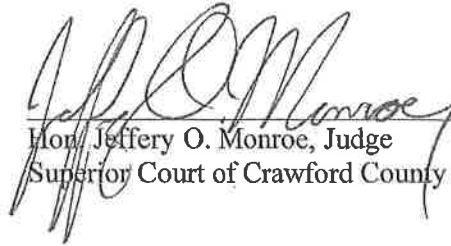
IT IS HEREBY ORDERED that Plaintiff's Post-Judgment Motion to Compel Discovery is hereby GRANTED. Defendant is ordered to answer the Interrogatories and Requests for Production of Documents which was served upon Defendant on or about November 19, 2019 within fifteen (15) days from the date of this Order.

FURTHER ORDERED that Defendant's responsive filing, including her related "Motion to Cancel Fifa or Mark Fifa Satisfied as Paid in Full, Motion to Set Aside the Judgment for Lack of Jurisdiction with Annexed Brief in Support Herein," is DENIED, the Court finding that the matter either has been or should have been previously litigated in this case.

FURTHER ORDERED AND DECREED that Plaintiff shall be awarded attorney's fees in the amount of \$700.00 in connection with filing and maintaining its Motion to Compel.

In the event Defendant shall fail to respond to Plaintiff's Post-Judgment Interrogatory, Defendant may be subject to further sanctions at the direction of the Court.

IT IS SO ORDERED this 29th day of October, 2020.


Hon. Jeffery O. Monroe, Judge
Superior Court of Crawford County

ORDER PREPARED BY:

/s/ Daniel L. Wilder

Attorney for Crawford County, Georgia

Daniel L. Wilder

State Bar No. 141448

EMMETT L. GOODMAN, JR., LLC

544 Mulberry St., Ste 800

Macon, GA 31201

(478) 745-5415

dwilder@goodmanlaw.org