
IN THE SUPREME COURT OF THE UNITED STATES

COREY ALLAN DONALDSON, Plaintiff - Movant,

versus

F.B.O.P Federal Agent Tony Normand, et.al., Defendants.

**Motion for Stay/Recall of Mandate
Pending the Filing of a Petition of
Certiorari to the United States Court
of Appeals for the Eleventh Circuit**

Respectfully presented to: Justice Clarence Thomas

Appeal from the U.S. District Court Southern District of Georgia (Waycross): 5:18-cv-7

Appeal from the 11th Circuit Court of Appeals: 19-11720

Date: April 21st 2022
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**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

COMES NOW Corey Donaldson, and files the Certificate of Interested Persons and Corporate Disclosure Statement as follows:

Baker, Ronald G., Attorney for Co-Defendants Brick Tripp and Tracy Johns, and Geo Inc

Baker, Hon. R. Stan, United States District Judge Blanchard, Jason W., Assistant United States Attorney

Boyle, Hon. Terrence W., United States District Judge (EDNC)

Bredenberg, Michael D., Former Attorney for Appellee

Hon. Benjamin W., United States Magistrate Judge

Christine, Bobby L., United States Attorney

Davids, Justin G., Assistant United States Attorney

James C. Stuchell, Assistant United States Attorney

Donaldson, Corey Allan, Appellant

GEO Group Inc., Co-Defendant

Johns, Tracy, Co-Defendant

Tripp, Brick, Co-Defendant

Greenwood, Nancy, Assistant United States Attorney

Jones, Hon. Robert B., United States Magistrate Judge (EDNC)

Normand, Tony, Appellee

Wood, Hon. Lisa Godbey, United States District Judge

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28 USC 2101 (F) and Rule 23 of the Supreme Court	p. 4,5
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Rojas v. Florida, 285 f.3d 1339, 1341 (11th Cir. 2002)	p. 6,7
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JURISDICTION

This Plaintiff/Movant is exercising the rights under 28 USC 2101 (F) and Rule 23 of the Supreme Court to stay the mandate, before a Justice of the Supreme Court so that an appeal for Writ of Certiorari to the Supreme Court of the United States can be made before the 90-day deadline of June 4th 2022. A timely request for a stay was denied without cause at the 11th Circuit Court of Appeals.

INTRODUCTION

In is undisputed by any court or defendant that facts and law around three major issues presented herein, timely preserved for and raised on appeal have been left unattended,

untouched, omitted, concealed and censored, have not been dismissed, restated, addressed, reconciled, harmonised or dealt with by the 11th Circuit. The first of those issues is entirely dispositive relating to defendant US Federal Agent Tony Normand, but remains untouched by any court, or disputed by any defendant.

A timely and detailed *Motion for Stay of the Mandate* was filed at the 11th Circuit (Appendix One), but was denied without cause or reason.

This case involves an event of undisputed violent retaliation kidnapping upon Plaintiff/Movant, because the Plaintiff/Movant had caught Geo Inc prison staff destroying certified United States legal mail, then he employed protected speech to protest. In retaliation, Federal Agent Tony Normand ordered the retaliation kidnapping and it was executed by defendants Geo Inc, Wardens Tracy Johns and Brick Tripp across several State lines, using multiple staff and vehicles while the Plaintiff was hogtied on chains after a fifteen-day free speech hunger strike.

No court or defendant disputes that the violent kidnapping in retaliation for the exercise of free speech took place upon the Plaintiff/Movant, or that certified US legal mail was destroyed by Geo Inc staff.

WHY THE RELIEF SOUGHT IS NOT AVAILABLE ELSEWHERE

A Motion to Stay the Mandate (*Appendix One*) was denied by the 11th Circuit Court of Appeals on March 10th 2022 (*Appendix Two*), one day after it was requested on March 9th. No reason for the denial was offered. With no other remedy, a Motion for Stay of the Mandate is now put before a Justice of the Supreme Court under 28 USC 2101 (F) and Rule 23 of the Supreme Court.

QUESTIONS FOR THE SUPREME COURT

It is anticipated that three major questions preserved for and raised on appeal, but unattended by any court, will be cited for the Supreme Court, and a fourth question involving undisputed misconduct of a government attorney on the record (*for which he has lost his position as Chief of the Civil Division and been demoted downward*).

It is anticipated that the first question will result in the Supreme Court ruling that a Summary Judgement should have been obviously granted to the Plaintiff/Movant. That first question may appear as:

1. Is it permissible for the District Court in Georgia to fabricate evidence on the record (*This is undisputed by defendant Normand*) for defendant Normand in order to allow an untimely second Answer outside the jurisdiction of the originating District Court in North Carolina, violating jurisdiction and Civil Rule 12 (g) (2), which unlawfully thwarted plaintiff's Motion for Summary Judgement, overruling *Ferens v. John Deere Co.* 494 U.S. 516 (1990) and *Rojas v. Florida*, 285 f.3d 1339, 1341 (11th Cir. 2002) PUBLISHED)?

As it stands now, the District Court denied Plaintiffs Motion for Summary Judgement (despite the fact that the criteria for the motion to be granted was met) which was submitted BEFORE the defendant submitted a second Answer out of time and out of jurisdiction.

This timeliness expiration conflict was never reconciled by any court.

The District Court suggested the defendant had demonstrated "good cause" for massive time delays before submitting a second Answer to the Complaint, which unravelled the Plaintiffs Motion for Summary Judgement. However, the District Court just made it up, and defendant

Tony Normand does not dispute this. No cause was ever shown by defendant Normand for massive delays in submitting the second Answer.

This integrity of courts issue has never been reconciled by any court.

Additionally, the District Court refused to reconcile Civil Rule 12 (g) (2) forbidding a second Answer where information submitted was available at the time the first Answer was delivered.

The jurisdictional conflict, for a District Court in Georgia to overturn a District Court in North Carolina, who had denied defendant Normand Motion to dismiss, but then it was granted in Georgia, was never reconciled, leaving unattended and overruled *Ferens v. John Deere Co.* 494 U.S. 516 (1990) and *Rojas v. Florida*, 285 F.3d 1339, 1341 (11th Cir. 2002), declaring that the original courts decisions must stand.

The 11th Circuit Court of Appeals left vacant any discussion on all of the facts and law around this matter.

2. When acting on the orders of Federal Agent to commit a kidnapping in retaliation for First Amendment speech, and acting as contract US Postal workers in a diversity action, and where there is no other remedy, is a private prison and staff considered as a federal worker, and therefore liable under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388, 91 S. Ct. 1999 (1971)?

As it stands now, Geo Inc and Wardens Tracy Johns and Brick Tripp have been dismissed from the case because (*Correctional Services Corporation v. Malesko*, 534 U.S. 61) this Court had ruled that private prison workers are not Federal Agents liable under *Bivens*. However, no court or defendant has applied the facts of the current case to *Malesko* or have even attempted to answer the above question in its context.

The fact that Geo Inc staff carried out orders by a Federal Agent, that this is a diversity action, that interstate kidnapping occurred, and destruction of US mail occurred by contract US postal workers at Geo Inc, has all passed without discussion by any court, in order to determine Bivens liability

Thunderously, 39 USC 1008 (a) proves that Geo Inc employees are liable under Bivens if the staff conduct in question occurred in their capacity as US postal workers – “A person temporarily employed to deliver mail is deemed an employee of the Postal Service”. Without dispute, this case includes the destruction of US mail by Geo Inc workers temporarily employed to deliver mail (Geo Inc and staff), as defined by law (39 USC 1008 (b), 39 USC 102 (5), 39 USC 404 (1), 39 USC 404 (4), 39 USC 102, 404, 409, 1011, and 2805), grafting Geo Inc and Wardens John and Tripp into Bivens liability.

Malesko was improperly applied to dismiss Geo Inc and staff (Wardens Johns and Tripp) from this lawsuit because they engaged the Federal crimes of mail fraud and retaliation kidnapping as contract US Postal workers, and on behalf of a dirty Federal Agent.

Without justification, none of these facts have been discussed by any court.

3. The District Courts unsupported claim (upon which the Panel has been silent) that “kidnapping is an act, not an injury” conflicts with the published opinion that kidnapping is a crime of violence because of its connection to injury (USA V. Gillis 11th Cir 2019). Is kidnapping an injury or not?

In making a determination of punitive damages, it is appropriate to determine if kidnapping constitutes an injury, in connection to USA V. Gillis 11th Cir 2019. However, this matter has not been addressed by any court.

4. Is it permissible for Assistant US Attorney James C. Stuchell to commit 18 USC 205 crimes on the Appellant record without consequence?

That Assistant US Attorney James C. Stuchell committed 18 USC 205 crimes on the Appellant record (*This event and applicable laws are undisputed*) for and on behalf of Geo Inc., without consequence, conflicts with 11th Circuit Rules and Criminal Statutes. Assistant US Attorney James C. Stuchell, in his Appellee Brief (p.17), impersonated as an attorney for Geo Inc, represented the interests of Geo Inc in court documents without a Notice of Appearance, without standing, without permission, in a case the United States has an interest in; clearly a textbook violation of 18 USC 205.

AUSA James Stuchell was demoted from Chief of the Civil Division at the US Attorney's Office for Southern Georgia, as a result of his misconduct in this case.

The 11th Circuit Court of Appeals has not reconciled this matter, letting Stuchell off scot-free.

THE JUDGEMENT/ORDER TO BE REVIEWED

A Motion to Stay the Mandate (*Appendix One*) was denied by the 11th Circuit Court of Appeals on March 10th 2022 (*Appendix Two*), one day after it was requested on March 9th.

SPECIFIC REASON WHY A STAY IS JUSTIFIED

THE 11TH CIRCUIT COURT OF APPEALS REFUSED TO RESTATE, ADDRESS, CITE, RECONCILE, DISMISS, ACKNOWLEDGE, OR HARMONISE ANY OF THE FACTS AND LAWS AROUND THE QUESTIONS RAISED HEREIN. EACH QUESTION HAS BEEN DUCKED, SCUTTLED AND MUTED WITHOUT REGARD.

This Motion demonstrates good cause for stay/recall of mandate, because the undisputed facts, laws, and grievances preserved for and raised on appeal by the Movant have

not been attended by the 11th Circuit, amounting to a denial of due process and access to courts, while it is undisputed that the Movant has a right to be heard, have major legal issues ruled upon, and be redressed for violent retaliation kidnapping.

This Court may now fill the void left by the lower courts, completing the unfinished business left undone, recalibrate unlawful abrogation made by silence, apply the law, and only a stay/recall of the mandate will enable that possibility.

(1) There is a “reasonable probability” that this Court will grant certiorari.

- a. The four questions raised herein ALL represent violations of both statutory and/or Supreme Court precedent, and the fact that the lower courts have been mute, electing abrogation by silence, does not make it okay. The supervisory function of this Court is now presented with a textbook example of putting legal wrongs to rights, making the granting of certiorari irresistible.
- b. The second question raises a Bivens issue not previously before the Supreme Court, allowing the Court to determine its position on Bivens application to contract US Postal workers. In this matter, it is uncontested that contract US Postal workers are considered employees of the US Postal Service, and as such, Bivens rightly attaches to Geo Inc and Wardens Johns and Tripp. Though the lower courts have remained silent on this matter, this Court may lead the way in making a declaration, settling the issue altogether.
- c. To deny the Supreme Court an opportunity to rectify the wrong of silence upon the questions in this case, would be for the Supreme Court to approve of due process being defaulted upon by silence.

(2) There is a “fair prospect” that the Court will reverse the decision below

- a. Bringing this case to this Court is somewhat awkward, as stated in the Motion for Stay of the Mandate before the 11th Circuit (Appendix One p. 8, 21), because the Movant is asking this Court to perform a function that the lower courts have defaulted upon, without cause given.

It is reasonable that this Court will either decide the unfinished business of this case or order the 11th Circuit to answer the questions preserved for and raised on appeal, reversing the silence of the lower courts on matters lawfully and timely raised.

- b. Bivens clearly extends to Geo Inc and Wardens Johns and Tripp as a result of their federal conduct, not the least of which was their misconduct as US Postal contractors.

(3) There’s a “likelihood that irreparable harm [will] result from the denial of a stay.”

- a. It is undisputed that a violent retaliation kidnapping occurred in this case. Without completing the unfinished business at hand, the defendants get away with retaliation kidnapping. That is harmful to both law and society.
- b. Prior to the retaliation kidnapping in this case, Geo Inc had already been placed on a “CURE NOTICE” from the US Office of Inspector General about its misconduct at its D. Ray James facility in Folkston Georgia, where this kidnapping originated. But Geo Inc carried out the retaliation kidnapping anyway, thumbing its nose at the OIG. Consequently, the FBOP cancelled its contract with Geo Inc at Folkston, and extended its cancellation to the kidnapping receipt facility in Winton North Carolina. Both defendant Wardens Johns and Tripp lost their jobs, along with Federal Agent Tony Normand.

- c. If the FBOP thought enough about the retaliation kidnapping to cancel contracts with two Geo Inc facilities and two Wardens forfeited their employment, then this Court may think enough of it to see justice done to its completion, lest retaliation kidnapping be given a blessing.

RELIEF

This Movant respectfully requests of Justice Clarence Thomas:

1. Stay/recall the mandate so that a Writ of Certiorari may be filed before the filing deadline of June 4th 2022, or in the alternative, to direct the 11th Circuit Court of Appeals to address the questions raised herein in the first instance, so that the record may be developed for potential Certiorari in the future.
2. Postage from the USA to Australia can take up 29 days at the moment. I therefore request to be notified by email of the decision of the court in this case, so that resulting filing deadlines may be met.
3. It is appropriate that no bond be demanded. IFP status was granted both at the District Court and the Appeals court. The movant had a right within those courts to have the issues preserved for and raised on appeal, decided upon. That right was defaulted upon by the silence of the 11th Circuit. It would be unreasonable to demand a bond now, in requesting a stay/recall of the mandate, as a result of duties not performed by the 11th Circuit. The burden for unfinished business in this case does not rest upon the Movant, but upon the 11th Circuit. Therefore, a bond is unreasonable and unjustified.
4. Issue any other Order which further administers the law and justice.

Respectfully,

Corey Donaldson



CERTIFICATE OF SERVICE

April 21st 2022 - Australian time.

RE: 5:18-CV-7

I declare under penalty of perjury under the laws of the United States of America (28 U. S. C. § 1746) that the foregoing is true and correct.

Executed on April 21st 2022.

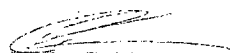


Today I sent a copy of the attached Motion, submitted to the Supreme Court, to those listed below.

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