

No. _____

IN THE SUPREME COURT OF THE UNITED
STATES

Tomas Caesar Popson, *Petitioner*

v.

CITY OF KANSAS CITY, MISSOURI, ET AL.,
Respondents

The Honorable GARY A. FENNER- Senior United
States District Court Judge, *Intervener below*
Respondents

On Petition for a Writ of Certiorari to the United
States Court Of Appeals for the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

Re: Honorable Scott S. Harris Clerk of Court-United
States Supreme Court Clerk to file and process
Tomas Caesar Popson -Petitioner's request.

Tomas Caesar Popson- Petitioner, Sui Juris/
Without Recourse/ All Rights Reserved
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December 27, 2021

QUESTIONS PRESENTED

1. Under which circumstances can a man be deprived from his property without due process of law?
2. Under which circumstances can a man be deprived from his constitutional rights without due process of law?
3. Under which circumstances can a man be deprived from his inalienable rights without due process of law?

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INTRODUCTION

Tomas Caesar Popson, (hereafter the "[Petitioner]" Sui Juris, being of majority, Lawful Naturalize Citizen of the United States of America, Natural Born Citizen of European Union, after been targeted on numerous occasions by several police officer/ agents, put in the dead chock by Guy Rorabaugh while was in handcuffs, assaulted, harass, beset by Steve Morgan, Erick Benson and unknown agents from Kansas City intelligence unit, and Sgt. Mike Lewis deprived of property and rights without due process of law, filed this action in United States District Court, Western District of Missouri accompanied compliant with cause of action, supported with plain statements and grounds for remedy as required by law. Appellant/Claimant, brings his claims in this action for damages, declaratory judgment and injunctive relief for personal injury claims under Title 42 U.S.C.

§ 1983 and Title 28 U.S.C. § 1331 against Defendants for trespass on Plaintiff/ Claimant person and property with damages and violations of Petitioner Tomas Caesar Popson unalienable rights secured under the Fourth and Fourteenth Amendments of the United States Constitution, as well as Missouri Constitution and other laws of the State of Missouri. Furthermore, Petitioner Tomas Caesar Popson, pursued to his right to remedy and bring the action to United States District Court, Western District of Missouri remedy action to United States District Court. Claimant, Sui Juris, Tomas Caesar Popson brought all claims and this action for damages, declaratory judgment and injunctive relief for personal injury claims under Title 28 U.S.C. § 1331 and under 42 U.S.C. § 1983 against Defendants for excessive force trespass on Plaintiff/ Claimant person and property with damages and violations of

Claimant/Plaintiff/ Appellant Tomas Caesar
Popson unalienable rights secured under the
Fourth and Fourteenth Amendments of the United
States Constitution, as well as other laws of the
State of Missouri. Moreover,

STATEMENT OF THE CASE

Petitioner, Tomas Caesar Popson, state that the jurisdiction of this Court is invoked under 28 U.S.C. § 1257. The pertinent dates presented to the Court with Notice of Exhibits Attachments on October 21, 2021 are:

- A. August 9, 2019: Issuance of written order denying rehearing and rehearing en banc. A copy of the order is attached here to as Exhibit B.
- B. October 21, 2020: Deadline for seeking extension of time within which to file a petition for writ of certiorari in the United States Supreme Court.
- C. Extended time to and including December 20, 2021 Application No. 21A129

REASONS FOR GRANTING THE PETITION

- I. The Appellant's Court decision eliminates the constitutional and decision of laws that man cannot be deprived of his rights without the due process of law. Also deprives the rights of title 42 U.S.C §1983 and title 42 U.S.C §1985.**

".....the Fourteenth Amendment, which prohibits the states from depriving "any person of life, liberty, or property, without due process of law." 14th Amendment of United States Constitution, who is it Supreme Law of the Land.

"That no person shall be deprived of life, liberty or property without due process of law." Missouri Const. of 1875, Art. I, Sec. 30.

The Appellant Court overlooked Taylor v. Riojas, 141 S. Ct. 52 – 2020. Per Curiam (2020), presented to the court by the Petitioner. "When the Officers violated constitutional right(s) of man, the qualified immunity

is not absolute defense, granted them immunity for their action(s).”

Due process is perhaps the most majestic concept in our whole, constitutional system.” Joint Anti-Fascist Committee v. McGrath, 341 U.S. 123, 174 (1951) (Justice Frankfurter, concurring). It is ingrained in our national traditions and is designed to maintain them. In a variety of situations, the Court has enforced this requirement by checking attempts of executives, legislatures, and lower courts to disregard the deep-rooted demands of fair play enshrined in the Constitution.” *id.* 161. “Fairness of procedure is “due process in the primary sense.” *Brinkerhoff-Faris Co. v. Hill*, 281 U. S. 673, 281 U. S. 681.

In a long line of cases, the United States Supreme Court has held that impingements of constitutional rights are, without variation, subject to the strictures of “due process” or notice and opportunity to be heard

prior to their enactments. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 313 (1950); Anti-Fascist Committee v. McGrath, 341 U.S. 123 (1951); Goldberg v. Kelly, 397 U.S. 254 (1970), Fuentes v. Shevin, 407 U.S. 67 (1972); Owen v. City Of Independence, 445 U.S. 622 (1980); Carey v. Piphus, 435 U.S. 247, 259 (1978); Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

'No judgment of a court is due process of law, if rendered without jurisdiction in the court, or without notice to the party." Old Wayne Mut. Life Ass'n v. McDonough, 204 U.S. 8, 15 (1907).

II. The Appellant Court omits and eliminates the bill of rights that govern that man cannot be deprived of his property without the due process of law.

".....the Fourteenth Amendment, which prohibits the states from depriving "any person of life, liberty, or property, without due process of law." 14th

Amendment of United States Constitution, who is it
Supreme Law of the Land.

“That no person shall be deprived of life, liberty or property without due process of law.” Missouri Const. of 1875, Art. I, Sec. 30. The Panel overlooked Taylor v. Riojas, 141 S. Ct. 52 – 2020. Per Curiam (2020), presented to the Appellant court by the Appellant. When the Officers violated constitutional right(s) of man, the qualified immunity is not absolute defense, granted them immunity for their action(s). ‘No judgment of a court is due process of law, if rendered without jurisdiction in the court, or without notice to the party.’ Old Wayne Mut. Life Ass’n v. McDonough, 204 U.S. 8, 15 (1907). In a long line of cases, the United States Supreme Court has held that impingements of constitutional rights are, without variation, subject to the strictures of “due process” or notice and opportunity to be heard prior to

their enactments. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 313 (1950); Anti-Fascist Committee v. McGrath, 341 U.S. 123 (1951); Goldberg v. Kelly, 397 U.S. 254 (1970), Fuentes v. Shevin, 407 U.S. 67 (1972); Owen v. City Of Independence, 445 U.S. 622 (1980); Carey v. Piphus, 435 U.S. 247, 259 (1978); Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

III. The Appellant's Court created dangerous precedent, allowed District Court to become own lawmaker and disregard the precedents of sister courts and United States Supreme Court and fail to apply them accordingly as presented in Appellant's Briefs. Unless corrected, this gross misconduct will cause manifest injustice.

The Panel ignored the fact that Appellant/ Claimant/ Petitioner was targeted, arrested, detained, imprisoned, dead chocked by Guy Rorabaugh, physically, mentally, and emotionally abused without braking any law committed any crime, without

warrant or probable cause in support of State and City's actor's behavior acting, exceeding and abusing their power and authorities under the color of law and in violation, perjury of their Oath of Office/ Oath of Affirmation to serve under the United States Constitution and Missouri Constitution.

In re Powell, 851 F.2d 427, 431

(D.C.Cir.1988)(reversing and holding If a pro se litigant is to be deprived of such a vital constitutional right as access to the courts, he should, at least, be provided with an opportunity to oppose the entry of an order restricting him before it is entered. ".....the Fourteenth Amendment, which prohibits the states from depriving "any person of life, liberty, or property, without due process of law."

14th Amendment of United States Constitution, who is it **Supreme Law of the Land**.

“That no person shall be deprived of life, liberty or property without due process of law.” Missouri Const. of 1875, Art. I, Sec. 30. The Panel overlooked Taylor v. Riojas, 141 S. Ct. 52 – 2020. Per Curiam (2020), presented to the court by the Appellant. “When the Officers violated constitutional right(s) of man, the qualified immunity is not absolute defense, granted them immunity for their action(s)”. Unless corrected, this gross misconduct will cause manifest injustice.

IV. The Appellant Court created dangerous precedent, allowed discrimination of self-representing party bring their cases the United States District court to remedy for damages from the Tortfeasors. Unless corrected, this gross misconduct will cause manifest injustice.

The Panel ignored the fact that Appellant/Claimant was targeted, arrested,

detained, imprisoned, dead choked by Guy Rorabaugh, physically, mentally, and emotionally abused without braking any law committed any

crime, without warrant or probable cause in support of State and City's actor's behavior acting under the state color of law.

The Panel ignored the fact that Appellant/ Claimant was denied assistance of counsel Our Constitutions provide counsel "to 'protec[t] the unaided layman at critical confrontations' with his expert adversary,' the government...." McNeil v. Wisconsin, 501 U.S. 171,177 (1991). The Panel overlooked the fact that Appellant/ Claimant was denied the presentment of oral argument of 30 minutes preserve in Appellant's brief ". Oral arguments of 30 min. are requested in this case due the gravity of the lack of judicial oversight necessary to ensure citizen's federal rights under the municipal police departments and municipalities". Appellant's brief Summary page.

".....the Fourteenth Amendment, which prohibits the states from depriving "any person of life, liberty, or

property, without due process of law.” 14th Amendment of United States Constitution, who is it **Supreme Law of the Land**. “That no person shall be deprived of life, liberty or property without due process of law.” Missouri Const. of 1875, Art. I, Sec. 30. The District Court dismiss with prejudice Claimant/ Plaintiff's complaint constituted an abuse of discretion without affording him the opportunity to present evidence in his behalf.” We granted certiorari to decide whether a federal court may apply a “heightened pleading standard”—more stringent than the usual pleading requirements of Rule 8(a) of the Federal Rules of Civil Procedure—in civil rights cases alleging municipal liability under Rev. Stat. § 1979, 42 U.S.C. § 1983. We hold it may not. Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit, 113 S. Ct. 1160 (1993). Prisoner's *pro se* complaint seeking to recover

damages for claimed physical injuries and deprivation of rights in imposing disciplinary confinement should not have been dismissed without affording him the opportunity to present evidence on his claims. Haines v. Kerner, 404 U.S. 519 (1972) Pro-se pleadings are to be considered without regard to technicality; pro-se litigant's pleadings are not to be held to the same high standards of perfection as lawyers. Picking v. Pennsylvania R. Co., 151 F. 2d 240(3d Cir. 1945): Puckett v. Cox 456 F. 2d 233(6 Cir. 1972). Pro-se litigants are to be given reasonable Opportunity to remedy the defects in their pleadings. Platsky v. CIA. 953 F 2d 25 (2 Cir. 1991): Reynolds v. Shillinger 907 F. 2d 124,126 (10th Cir. 1990). Obviously, it is in Defendants interest to keep this Court from reviewing damning facts further evidencing the sham nature of Appellees' deceptive conduct and the inseparable connection of their willful misconduct, gross

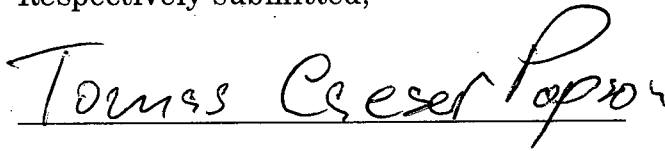
negligence, wanton, reckless and deliberate interfere with the Plaintiff's inalienable rights of life, liberty and property and to seized Plaintiff's person and property without due process of law. There is, however, no legal justification for asking this Court to turn a blind eye to such claims. The Court dismiss with prejudice Claimant/ Plaintiff's complaint constituted an abuse of discretion without affording him the opportunity to present evidence in his behalf, violated Due Process of Law. Thus, this is an action for declaratory relief pursuant to 42 U.S.C. §1983 as all Defendants are acting under color of state law and deprived Plaintiff of his constitutional rights under 42 U.S.C. §1983 and 28 U.S.C. §1331 and Plaintiff recover damages for claimed physical injuries and deprivation of rights, thus, it is clear that the district court's dismissal of the Complaint without hearing, decided the Jury trial without Jury, denial of

reconsideration without hearing. Unless corrected,
this gross misconduct will cause manifest injustice.

CONCLUSION

For the forgoing reasons, this Court should grant
Petition for Writ of Certiorari.

Respectively submitted;

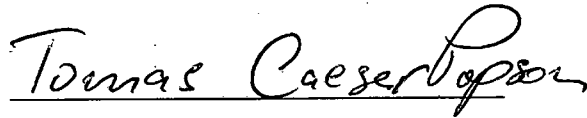
A handwritten signature in cursive script that reads "Tomas Caesar Popson". The signature is written in dark ink and is positioned above a horizontal line.

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CERTIFICATE OF COMPLIANCE

As required by Supreme Court Rule 33.1(h), I certify that the petition for writ of certiorari contains 2,771 words, excluding the parts of the petition that are exempted by the Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 27, 2021.

A handwritten signature in cursive script that reads "Tomas Caesar Popson". The signature is written in dark ink and is positioned above a horizontal line.

Tomas Caesar Popson, Petitioner

CERTIFICATE OF SERVICE

I, Tomas Caesar Popson, certify that I have this day served the foregoing Motion for Extension of Time to file Petition for Writ of Certiorari by first-class mail, postage prepaid, addressed to:

Scott S. Harris Clerk of Court-United States Supreme Court at United States Supreme Court, 1 First Street, NE, Washington, DC 20543 for filing into Court's electronic filing system, CM/ECF system which notified of foregoing filing the following: all CM/ECF Attorney of record in this action:

Diane F. Peters, MO Bar # 54784- Assistant Attorney General, 615 East 13th Street, Suite 401, Kansas City, MO 64106, Telephone: (816) 889-5000, Facsimile:(816) 889-5006, Attorney for Defendants Chief Richard Smith, Officers Justin Forrest and Nathan Anderson, KCPD and Kansas City Board of Police Commissioners.

AFFIRMATION

Tomas Caesar Popson Dec 27, 2021

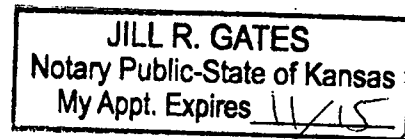
Tomas Caesar Popson, Petitioner

Date

State of Kansas

County of Johnson

On this 27 day of December in the year of 2021, before me, the undersigned Notary Public, personally appeared Tomas Caesar Popson known to me to be the person(s) whose name(s) is/are subscribe to the within instrument and acknowledge that he executed the same for the purpose therein contained. In witness, whereof, I hereunto set my hand and official seal.



Jill R. Gates
Notary Public

Seal

United States Court of Appeals
For the Eighth Circuit

No. 20-1860

Tomas Caesar Popson

Plaintiff - Appellant

v.

City of Kansas City, Missouri; Richard Smith, individually; Justin Forrest, individually; Nathan Anderson, individually; Kansas City, Missouri Police Department; Mayor Quinton Donald Lucas; Mayor Sylvester “Sly” James; Nathan F. Garrett; Leland Shurin; Don Wagner; Mark Tolbert; Doe-1, Police Officer/Agent; Doe-2; Doe-3; Doe-4; Doe-5; Doe-6; Doe-7; Sgt. Mike Lewis; Clint Reno; Does 1-50; City of Excelsior Springs, Missouri

Defendants - Appellees

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: April 21, 2021

Filed: April 27, 2021

[Unpublished]

Before SHEPHERD, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

In this pro se civil rights action, Tomas Popson appeals the district court's¹ orders dismissing several defendants and granting summary judgment to the remaining defendants. Popson also challenges the district court's imposition of a restriction on his filings. After careful review of the record and the parties' arguments on appeal, we find no basis for reversal. *See Morris v. Craddock*, 954 F.3d 1055, 1058 (8th Cir. 2020) (summary judgment standard of review); *Waters v. Madson*, 921 F.3d 725, 734 (8th Cir. 2019) (Fed. R. Civ. P. 12(b)(6) dismissal standard of review); *Bass v. Gen. Motors Corp.*, 150 F.3d 842, 851 (8th Cir. 1998) (inherent disciplinary power standard of review). Accordingly, we affirm. *See* 8th Cir. R. 47B.

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 20-1860

Tomas Caesar Popson

Appellant

v.

City of Kansas City, Missouri, et al.

Appellees

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:19-cv-00515-GAF)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

July 23, 2021

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans