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Supreme Court, U.S.
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*IN THE SUPREME COURT OF THE
UNITED STATES*

PATRICIA ANN BOGAN

VS.

*DENTON COUNTY DISTRICT
ATTORNEY OFFICE*

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

PETITION FOR A WRIT OF CERTIORARI

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REVIEW QUESTIONS

1) *In 2019, the issue arose whether a court could dismiss for want of prosecution at a time after the statute of limitations had run. The state's argument was that the effect of such a dismissal would be "with prejudice," because they would be barred from re-bringing the case. In State v. Banks, 348 Ga. App. 876 (2019), and State v. Walker, 356 Ga. App. 170 (2020), the Georgia Court of Appeals sided with the State and held that the trial courts could not dismiss for want of prosecution after the statute of limitations had run.*

Georgia courts have long exercised the inherent authority to dismiss criminal cases for want of prosecution. This typically occurs when the state has not met its burden to proceed for a trial call or has simply sat on a case for an extended period of time. It has also been used when the State has not met its statutory discovery obligations in a manner which delays the trial of the case. In other words, it is a method of the judge exercising control of the court's docket.

REVIEW QUESTIONS

2) *Dion Starr v. Leory Baca, Los Angeles County Sheriff Case Number: 09-55233.* The court in *Starr v. Baca*, 652 F.3d 1202, 1212-16 (9th Cir. 2011) identified and addressed conflicts in the Supreme Court's jurisprudence on the pleading requirements applicable to civil actions. The court held that whatever the differences between the Supreme Court cases, there were two principles common to all: First, to be entitled to the presumption of truth, allegations in a complaint or counterclaim may not simply recite the elements of a cause of action but must contain sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself effectively. Second, the factual allegations that are taken as true must plausibly suggest an entitlement to relief, such that it is not unfair to require the opposing party to be subjected to the expense of discovery and continued litigation. *Starr v. Baca*, 652 F.3d 1202, 1216 (9th Cir. 2011).

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UNITED STATES SUPREME COURT

1 FIRST ST NE

WASHINGTON, DC 20543

Patricia Ann Bogan

Case No.: 22A494

Formerly Patricia Ann

**PETITION FOR A WRIT OF
CERTIORARI**

Mitchell - Plaintiff

v

Denton County DA Office

Paul Johnson-DA

Gerald Wayne Cobb-

Former District Attorney

Bruce Isaacks-Fomer

District Attorney

Defendant

PETITION FOR A WRIT OF CERTIORARI - 1

**STATEMENT OF THE BASIS OF THE
JURISDICTION**

The US Supreme Court has jurisdiction over this proceeding from a dismissal for want of prosecution; from the 5th Circuit New Orleans LA dated 08/10/2022 **case # 22-40231**. Request for reopening the case dated 08/26/2022 was denied 8/29/2022. This Court's jurisdiction rests on Federal Question - Illegal Search and Seizure violation. An extension of time to file a writ of certiorari was granted by Justice Alito 12/6/2022 and extended through 1/26/2023. The US Supreme Court Clerk returned petition 01/31/2023 for corrections in the appendix.

STATEMENT OF FACTS

Now comes Appellant Patricia

Ann Bogan, filing a petition for a writ of certiorari in Patricia Ann Bogan vs Denton County District Attorney Office, Denton, Tx. A civil lawsuit was filed for Illegal Search and Seizure - 4th Amendment violation with False Affidavit-Fraud on the court, personal injury. Case was dismissed for want of prosecution from the 5th Circuit of
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Appeals New Orleans "On July 21,2022 the clerk provided the appellant 14 days to correct deficiencies in the brief filed on July 18,2022. The directed corrections were not made. Accordingly, it is ordered that the previously filed brief is stricken because it does not comply with the applicable FRAP or 5th Circuit rule the clerk is directed to dismiss the appeal for failure to prosecute under 5th Cir. R. 42.3.," signed by Edith Brown Clement US Circuit Judge. Dated 8/10/2022 The court did not direct me in the fact that I did not submit paper copies of the record excerpts attached to the brief is what I am finding is lacking. Unfortunately, the clerk for the 5th circuit did not mention rule 30 relating to the appendix in the letter dated 07/21/2022. I only corrected what she requested and/or brought to my attention; otherwise, I would

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have corrected. I also probably needed a sample since I was not aware of what an appendix should include.

I am requesting the court to remand the case to Denton County District Attorney Office and/or 5th circuit, issuing order to release the stay of proceeding in that completing discovery i.e., request for admission, interrogatories, production of documents; also anticipating a judgement on the merits of the case. The defendant has a right to joinder of parties. I want to know what's the charge and where's the warrant? Why was the defendant negligent in getting the paperwork and information from Smith County -Tyler, Tx. **IN RE: Frank violation 438US154. Fraud on the court. IN RE:14th Amendment IN RE: Dion Starr vs Leroy Baca Starr v. Baca, 652 F.3d 1202, 1212-16 (9th PETITION FOR A WRIT OF CERTIORARI - 4**

Cir. 2011 **In Re: FRCP Representation to the court FRCP Rule11(B)(3)** allows discovery prior to presenting evidentiary material. IN RE: Local rule CV-26 Provision Governing Discovery.

DKT#47- dated 4/19/2021/ **Case# 4:20-cv-00137,**

US court Sherman. In Re: Sneed rule 59

F.R.D. at 149. In Re: Dominick v Hanson

753A.2d 824(Pa. Super 2000). IN RE: "Must

Surveillance Videos Be Disclosed Prior to Trial if

Only Used for Impeachment Purposes?" edited and

reviewed by FindLaw Attorney Writers **In re:**

Sneed 59 F.R.D. at 149, In re: Dominick v

Hanson 753 A.2d 824(Pa. Super.2000).

As I read through the paperwork from Tyler, I find

it to be straight forward as to the guilt of Earl

Lynch. Lynch was calling the victim on her job and

threatening to kill her and one of her children. The

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victim had filed a complaint with the police in March of 1980 indicating Lynch was harassing her which was included in the paperwork provided to me in 2018. The victim was employed with **Buford Television** which was the only TV station in Tyler. A statement was taken from her mother stating she was also employed with a **Funeral Home** in Tyler and there was some problem. The paperwork I have is quite informative. Also, there are several witness statements from white individuals driving behind Lynch when the victim was thrown out of the car and stated they were the ones who called the police. They said they thought she was a deer or a dog, and when they came back from the store, they saw her feet sticking out on the side of the road and stopped. The paperwork I have, has all the photos of the crime scene. I've stated all along I was at

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work. My work records reflect that. I also noticed in the paperwork that when Lynch was booked in jail he stated, "he did not know the victim was dead." My mother who is deceased as of Sept 1996 went with me to court and listened to some testimony. The 30 or more years I have lost to pain and suffering for no reason can't be replaced. I am in a lot of pain from the interception and the coherent lights. The negligence of my two kids. I also question the purpose of the Cranston Gonzales subsidy houses built in Annona.

History of filings/proceedings:

a. Patricia Ann Bogan v. Denton County

District Attorney Office, Denton County

Sheriff's Dept, City of Denton Mayors

office; filed in the District Court of Denton

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County Texas 431st Judicial District Trial

Court April 18, 2018, Case # 18-3417-31

dismissed with prejudice 06/20/2019 for lack
of jurisdiction.

**b. Patricia Ann Bogan v Denton County
District Attorney, Denton County
Sheriff's Dept. City of Denton Police
Dept, and City of Denton Mayors Office;**
Appealed to 2nd court of appeals Ft Worth
Tx 07/15/2019 Case # 02-19-00264-CV
opinion issued 12/31/2019, affirmed decision
of trial court; mandated 03/19/2020.

**c. Patricia Ann Bogan formerly Patricia
Ann Mitchell v. Denton County District
Attorney Office** filed in US District Court
Eastern District of Texas - Sherman Division
02/26/2020 Case # 4:20-CV-00137 Judge

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Amos Mazzant dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted,

d. Patricia Ann Bogan formerly Patricia Ann Mitchell v. Denton County District

Attorney office; Filed in the US Fifth Circuit

Court of Appeals New Orleans La docketed

04//2022 **Case# 22-40231.** Case was

dismissed for Want of Prosecution 08/10/2022,

Judge Edith Brown Clement and mandated

08/10/2022 Christina Rachal - Deputy Clerk.

Motion to Request Reopening was filed

08/22/2022 received 08/26/2022 by the court.

Reinstatement denied by court and mandated

08/29/22.

e) Patricia Ann Bogan v Denton County

District Attorney office: filed an Extension of time to submit a writ of certiorari and review of denied reinstatement from 5th Circuit dated 8/29/2022 with Justice Alito on 11/28/2022. Justice Alito approved 12/6/2022 and extended through 01/26/2022.

I find Denton County District Attorney Office to be in violation of ongoing **Continuous tort violation**, lacking warrant or probable cause of action, **tampering with a witness-18uscl512**, false affidavit-fraud on the court **438us154** Includes roving interception with death and bomb threats, use of tracking devices trailing me, pen registers etc., unjustly attacked with an illegal weapon (**8th Amendment violation**, reckless endangerment of two underage children .IN RE

**a) Crime Fraud exception- in re:, USA v
Doe Appellants & corporation (15-50450
D.C.NO. 2:26-cm-1014-UA-1)
order/opinion, crime/fraud exception]
found that investigative work product
is not privileged when used as a
scheme/artifice for defraud.**

**b) ECPA violation-50 usc1810 IN RE:
Continuing Tort Violation - Gonzaga
Law review-Kyle Graham (3/19/2008).**

**c) In re: Handley vs Town of Shinniston
289 S.E 2d201,202(W.WA. 1982) statute of
limitation begins to run on a trespass
claim only once the trespass ends.**

**d) IN RE: Daniel Cunningham v
Connecticut Mutual Life Ins [(US Dist.
Court S.D. California 1994-an amended
memorandum opinion denying
plaintiff's Motion for Protective order,
request to return and seal disclosed
documents and granting defendants
motion to compel disclosure of
Attorney-Client Privilege)].**

I am witness for the **State of Texas vs Earl Stanley Lynch** acquitted of the April 18, 1980, kidnapping and murder of Talitha Singleton Whitley, Tyler Tx Galloway Calhoun presiding judge. **In re: Briscoe v. LaHue, 460 U.S. 325(1983)** stated Absolute Immunity is thus necessary to assure that judges, advocates, and **witnesses** can perform their respective functions without harassment or intimidation. Hence, I am a witness for the **State of Texas in State of Texas vs Earl Stanley Lynch** and extended absolute immunity from harassment and intimidation. IN
RE: State of Texas vs Lynch – App Page 18-26

I will include the details of the incident with Lynch in Tyler to attempt to speed up the process here. I met Earl Stanley Lynch one week prior to the kidnapping. It was getting close to the end of the
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semester I was getting excited about graduation; it was Friday 04/11/1980 I was thinking, I've almost made it. So, I decided to do something I didn't usually do alone. I usually had a companion the roommate, classmate, relative etc. My dads' sister, her husband, and kids lived in Tyler. I thought I'm going by Stacy's and get a drink after class that Friday. Stacy's is a bar in Tyler, that the Fraternities used for Frat parties. So, when I went in the bar there was no one there but the owners; (The Lacy's) Lacy, his sister and Lynch was sitting at the bar and started talking to me asking questions etc. asked me to come by his house. And to satisfy my curiosity I went by his house on Glendale and the next weekend I went by there and he asked if he could borrow my car and I was on my way to work at Church's which kind of frightened

me that he asked to borrow the car. And I thought I might should not have gone by the house. As was, I was on my way to work and went ok. But his mother was there screaming at him boy don't you do that, was another thing that frightened me. So, I let him borrow the car and thought my dad can replace the car if something goes wrong. As was at the end of the shift he never showed back up and the manager from Church's Chicken, whose last name is Lockhart, had to take me home. So, when I got out of the car at my apartment, I realized I didn't take the apartment key off the key chain and couldn't get in my apartment, so I started walking up Loop 323 to go to the 7-11 to call my aunt to ask them to come pick me up. So, as I was walking Lynch showed up in my car and I started to scream about him not bringing the car back and not

picking me up from work. So, as I was about to escalate, he went I just killed somebody and started crying, then he went she jumped out of the car. Of course, I was scared to death from that point and that he was going to kill me. I went where do you want me to take you and he said to the Palace Club, it was a long scary ride from South Tyler to North Tyler, praying I was going to make it. I dropped him off at the Palace Club and went to my aunt's house to spend the night. I woke up the next morning and told my cousin Brenda to check the car to make sure he didn't leave the chick in my car dead or something like that. My cousin Brenda walks back in the house with this bag; with the chicks' belongings, which irked me considerably and went oh no. She called my cousin Jackie Ray to come over, he said you better get up and get that to

the police department immediately. The intake officer at the Police Department who took the sack with the victim's things in it; looked at her ID and said yep we got her in the morgue. He advised they brought her in, last night around 11:00 o'clock P.M. We thought she was a white girl. I recall seeing an ambulance coming through with their emergency lights on and pulled into Mother Francis Hospital around that time, I wondered if it was the victim in transport. I was cooking chicken at Church's Chicken. My relatives said they didn't know Lynch nor the victim. I had never seen the chick (Talitha Singleton Whitley) before. I will also mention after I was subpoenaed to court Lynch showed up in court all hugged up, with the chick that worked at IHOP as a waitress. Since getting the information from Tyler in 2018, I'm finding; that is his wife and

her name tag stated, "Pat" the Mexican and/or Arab looking chick. So, I also wanted to mention; don't get me mixed up with Lynch's wife, since our names are similar when decoding Meta Data. I assume Lynch was attempting a frame, and why me, I can't answer either. There was a strange incident in the Fall Session 1979 a prank phone call was made to my parents' home. I was home from Tyler for the weekend and a prank call came in from an old lynching area, in Oak Grove portion of Dekalb Texas stating my brother was dead in a car wreck while he was attending school at Abilene Christian University working on a theology degree. I say old lynching area because the family that called our house, was neighbors with a lady whose father was lynched, early 1900's is what the old tale says. I didn't know any Lynches growing up, I

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have found in recent years the Harrises of Clarksville are intermarried to some Lynches. The detective in Tyler told me Billy Estes and some Muslim type named guy abandoned the victim's car at the Esquire Club. I was required to take my car in for fingerprinting, the following Monday morning. The detective also stated he had parked my car at Texas College Campus while this incident transpired. It was quiet from that point on until the night before graduation, May 24, 1980 , which coincidentally is my father's birthday 05/24/1935. I heard this car pulling up in the apartment complex parking lot it was running loud, I went and looked out the bedroom window and it was Lynch in that cream yellow looking lemans or monte Carlo, I ran next door to the neighbors John and Becky Smith an inter-racial couple next door.

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John was black, Becky was white (red head) with whom I talked to frequently since living in that apartment, Becky periodically would ask me for a ride somewhere and she would invite me over for Kool-Aid. Becky was from Mexia, Tx, and John was from Fairfield, Tx. I took her to work a couple of times at a convenience store. I had told her about the incident with Lynch and the kidnapping. So, the night before graduation I ran next door and told her to go call the police, and that Lynch was in the parking lot. I was going to let him in to see what he wanted. He came in and I told him he would have to leave and that my father was on the way to Tyler for my graduation. He went, what did you do with that bag that was in the car. I played it off and told him I don't know what you're talking about, and you need to leave. I told him I don't know anything

about no bag in the car, but as you know I had turned it in to the police. I was just lucky he got up and left, thank God. It was truly a nightmare. I read in the police report I picked up from Tyler in 2018 that Earl Lynch had stolen some car that night before my graduation from a man last name Shelton. **In RE: Appendix Reproduced THEFT smith county page.** I don't know anyone in Tyler last name Shelton. The only people in Tyler I was familiar with other than classmates and those I met on campus was my aunt their friends and family, was the Rev. Bezell can't remember the name of the church he pastored there in Tyler. Rev Bezell was from Annona and/or former pastor of our local church in Annona. My aunt mentioned one of the McCain guys from Annona, lived in Tyler. I had never met him while living there. My

father's grandmother was related to the Shelton's from Annona. He lived in Texarkana, Tx., J.H. (Luke) Shelton (Uncle Luke), my father's uncle who died 07/02/1972 in Texarkana, Tx., Wadley hospital. He was 80 years old. I think he was an associate minister of the church in Annona. My father's oldest brother: Minnigan Bogan, graduated from Texas College, Tyler, Tx. with an education degree and taught in the Black Schools-Clarksville. He served in WWII in the Pacific and was in Pearl Harbor on a ship, at the bombing and was employed with the military base. In all actuality, I wanted a copy of the information the detective had stated about Billy Estes and the Muslim guy abandoned the victim's car at the Esquire Club included in the paperwork. The clerk stated, "that information was not what they provided for me to

give to you." I also would like to mention the inter-racial couple was on the north side of me in the apartment, there were two white lesbians on the south side and Becky is the one who told me they were lesbians. There was a Highway Patrolman south of the lesbians. The 8 months that I had lived in the apartment I had been seeing that guy come in and out, he was never in uniform nor driving his patrol car. He was always in a Black Camaro. The day of graduation was when I figured out, he was a Highway Patrolman. He pulled in while my dad was there loading my things up to go home. He was in uniform and driving his patrol car. Also, to mention another scary incident. There was a Black couple who lived downstairs from me (Tish and James) that would come to my apartment wanting to use the telephone, she and her husband or

boyfriend were older than I was he was grey headed probably 15 or 20 years older and was from North Tyler area. My cousins and aunt knew her. I don't recall how long prior to the incident with Lynch that she scared me to death. I had worked that particular night and made it to the apartment, around 3 AM. Church's Chicken stayed open until 2 AM and we had to clean up afterward. So, when I opened my front door, the phone was ringing, and I thought who is calling me this time of night. It was Tish from downstairs threatening, "I started to blow your got (----) (expletive) brains out tonight, when you got out of your car." I went who is this, and what are you talking about. Then she said James had a picture of you. I went I have no earthly idea of what you are talking about and hung the phone up. I called my aunt immediately

and told her what she did. They later told me they had talked to Tish about the incident. To say the least I hate I let them use the phone, and her husband or boyfriend had started knocking on the door wanting to use the phone also. I should have called the police on her but didn't.

I am from Annona Tx and graduated from Clarksville High School Clarksville Tx. My counselor Mrs. Pearce who was also my typing teacher, suggested going to Tyler Jr College stating I was good at math, and they had an excellent computer science dept if interested. I had never heard of a computer before. The classes were complex and not the toy or gadget I thought it would be; if I'd go back now, I'd make the dean's list. I at the last minute decided to go to TJC. I was pretty much accepted as an airline stewardess for

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United Airlines. I wish I had stuck with the Airline Stewardess position.

I filed a civil lawsuit with Denton County trial court April 18, 2018, which was not the court of proper jurisdiction, I appealed to 1st Court of Appeals Ft. Worth, Tx and affirmed case #02-19-00264-CV. After which I discovered it was not the proper court of jurisdiction. **Judge Bailey** of the trial court did not request a transfer to the proper Court of jurisdiction. I filed in proper court US District court in Sherman 02/26/2020. John Feldt attorney of record for the defendant requested stay of proceeding to not continue with discovery; pending motion to dismiss pleading “Rooker Feldman doctrine.” As well as the age and expense of having to research the information. Magistrate Judge Kimberly Priest Johnson requested the PETITION FOR A WRIT OF CERTIORARI - 25

former District Attorney's to be served and they pleaded absolute and prosecutorial immunity. After which case was reviewed; after Magistrate Johnson's report and recommendations, by Judge Amos Mazzant and dismissed with prejudice. I appealed to the 5th Circuit New Orleans, La. 04/12/2022 proceeding was dismissed for Want of Prosecution 07/21/2022 due to brief not including table of contents and cover sheet. **IN RE: In State v. Banks, 348 Ga. App. 876 (2019), and State v. Walker, 356 Ga. App. 170 (2020)**, the Georgia Court of Appeals sided with the State and held that the trial courts could not dismiss for want of prosecution after the statute of limitations had run.

Denton County District Attorney Office proceeded with **4th amendment-Illegal search and seizure** with the use of an unmanned aircraft and use of PETITION FOR A WRIT OF CERTIORARI - 26

Federal Energy Gas Masers with coherent lighting and drone surveillance, being unjustly attacked.

UAVs were lacking a statute to support the use of.

Statute was enacted September 2013, allowing use in law enforcement with warrant and probable

cause. **Notice of Constitutional question**

28USC 2403(b) has been filed on Ken Paxton

Attorney General State of Texas. **In Re: De facto**

Officer Doctrine; Sumner Vs Beeler, Kelly vs

Bemis, Campbell vs Sherman officers are held

liable without defense for Proceeding under an

Unconstitutional Statute.

In RE: Mayfield vs USA Civil 04-1427-AA.

BRANDON MAYFIELD V. United States of

America (Oregon 2004)] precedence case

represents a proven trespass of property by a

Federal Agent without probable cause. Agent

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was entering private property and stealing.

Summary judgement awarded FISA

unconstitutional and violates 4th amendment.

Defendant Cobb and Isaacks overall complaints are lack of subject matter jurisdiction, failure to state a claim upon which relief can be granted, he also referred to the 11th amendment immunity. They also pleaded absolute and prosecutorial immunity.

InRe: Case #4:20-CV-00137 Dkt#48 Reply brief

of Bruce Isaacks pleads; motion to dismiss

and Dkt#49 Motion to stay proceeding

pending dismissal. Both documents dated

05/13/2021. Dkt#51. Reply brief of Jerry Cobb's

motion to dismiss and Dkt#52 Motion to stay

proceeding pending dismissal. Both

documents dated 5/26/2021. Plaintiffs reply

brief filed 4/19/2021 Dkt#47 stated, "there is no

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reason for abstention -lack of subject matter jurisdiction based on Rooker-Feldman doctrine. The case was filed in the improper court of jurisdiction at the trial proceeding. Judge Bailey had the opportunity to transfer to the court of proper jurisdiction but did not request the transfer. I filed in US District Court Sherman Division 2/26/2020. Due to my being pro se I am allowed leniency with procedural errors and was allowed 60 days to file in a court of proper jurisdiction. In re: Tx civil practice and Remedies Code Sec 16-064.

There is Federal Question jurisdiction based on Federal law, namely US Constitution 4th amendment and Federal Question statute 28USC1331.

REASONS FOR GRANTING WRIT
PETITION FOR A WRIT OF CERTIORARI - 29

The US Court of appeals 5th circuit court denied reinstatement of the case after requested corrections were made and a preponderance of evidence exists regarding Denton County District Attorney Office's illegal search and seizure. US District Court erred in not remanding the case to Denton County District for completion of discovery and conflicts with decisions made in **Dion Starr v. Leory Baca, Los Angeles County Sheriff Case** **Number: 09-55233. The court in Starr v. Baca, 652 F.3d 1202, 1212-16 (9th Cir. 2011)** identified and addressed conflicts in the Supreme Court's jurisprudence on the pleading requirements applicable to civil actions.

CONCLUSION

The court should grant the petition for a writ of certiorari. Respectfully submitted,

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Dated this 24th day of May 2023

/s/ Patricia Ann Bogan

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