

No. 22-5764

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

SEP 26 2022

OFFICE OF THE CLERK

LYNN RICHARD NORTON PETITIONER
(Your Name)

vs.

DAVID BARKER, ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals For The Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LYNN RICHARD NORTON #54534-074
(Your Name)

F.C.I. Beaumont LOWD P.O. Box 26020
(Address)

Beaumont, Texas, 77720
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- (1). Whether, The Law Suit Was Timely Barred Under Tennessee Code Annotated Section, 28-1-106 Statute Of Limitation, When Filed Two Years, Later, Of The May 11, 2019 Incident. When The Charges Occuring On May 11, 2019 Wasn't Invalidated Untill March, 19, 2021, by A Jurors Not Guilty Verdict?
- (2). Whether, Mr. Norton, Had To Invalidate The Entire Count's, To State A Claim Of Action For Malicious Prosecution Under Count (11) Of The Superseding Indictment, A Isolated Incident Occuring On May 11, 2019, That Was Acquitted By The Trial Jurors Not Guilty Verdict, On March 19, 2021?
- (3). Whether The Court Of Appeals Error, In Dismissing Mr. Norton's Appeals For Want Of Prosecution, Due To Mr. Norton's Incarceration, And Unable To Pay An Amount Of (\$505.00) Dollars?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [☒] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

CHRIS GILES AND GENE WATSON, JAMES WARD, EMILY SWOECKER,
S. DOUGLAS OVERBEY AND MAC HEAVENER III, "RESPONDANTS"

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at NORTON V. BARKER, No. 21-5893 (6th Cir 2022); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at NORTON V. BARKER, No. 2:19-cv-84 (E.D. Tenn. 2021); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 15, 2022.

☐ No petition for rehearing was timely filed in my case.

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth; Eighth; And Fourteenth; Amendments

HECK V. HUMPHREY, 512 U.S. 477, 114 S.Ct. 2364, 129
L.Ed.2d 383 (1994)

28 U.S.C. § 1915 AND TENNESSEE CODE ANNOTATED
SECTION, 28-1-106

STATEMENT OF CASE

IN REGARD TO THE "STATEMENT OF CASE": LAW-ENFORCEMENT RESPONDANTS, DAVID BARKER, AND CHRIS GILES, ON MAY 11, 2019 STAGED UP AT A MIM HARDWARE SITE, STALKING MR. NORTON'S PERSON, PLACE, AND THINGS, LOCATED AT 7205 SAINT CLAIR ROAD, IN WHITESBURG, TENNESSEE, WITHOUT PROBABLE CAUSE, IN VIOLATION OF MR. NORTON'S FOURTH (4TH) AMENDMENT RIGHTS.

AS MR. NORTON LEFT HIS HOME RIDING AS A PASSENGER IN JAMES WARD'S BLUE CHEVY TRUCK, OFFICERS BARKER AND GILES, IMMEDIATELY PURSUED THE TRUCK AND ATTEMPTED TO STOP THE TRUCK, TO CONDUCT A WARRANTLESS SEARCH,

AS IT STANDS THE OWNER AND DRIVER OF THE TRUCK, EVADED THE ATTEMPTED STOP, AND CAME TO A STOP ON SMITH TRAIL IN HAMBLIN COUNTY, TENNESSEE. UPON THE STOP MR. NORTON WAS MALICIOUSLY PLACED IN FEAR, AND MALICIOUSLY ASSAULTED WITH FIREARMS, AND A DEADLY WEAPON BY OFFICERS BARKER, GILES AND GENE WATSON,

AFTER BEING VIOLENTLY PULLED FROM THE TRUCK, AND SLAMED FACE FIRST TO THE GROUND, AND CUFFED, MR. NORTON'S WALLET WAS ILLEGALLY SEARCHED, AND ARRESTED FOR RESISTING ARREST AND POSSESSION OF A SCHEDULE III DRUG, FO-WIT (11) SUBOXONE STRIPS. WHICH WAS MR. NORTON'S VALID PRESCRIPTION, STATE WARRANT, # 185119.

FOLLOWING THE ILLEGAL CONDUCT AND FALSE ARREST, MR. NORTON WAS ISSUED ADDITIONAL CHARGES FOR (30) GRAMS OF METHAMPHETAMINE, (10.8) GRAMS OF MARIJUANA, SCALE'S AND BAGS, ALLEGEDLY SEIZED FROM THE CENTER CONSOLE OF WARD'S TRUCK. EVIDENCE THAT JAMES WARD CONFESSED TO AND TOOK RESPONSIBILITY TO ON MAY 28, 2019 IN THE SESSION COURT, OF HAMBLLEN COUNTY, TENNESSEE.

FOLLOWING, THE FALSE ARREST AND IMPRISONMENT ON MAY 11, 2019, THE CHARGES AND EVIDENCE GOVERNING THE STATE WARRANT #185119, WAS ALTERED AND FILED INTO A CONSPIRACY, AND AIDING AND ABETTING JAMES WARD, WITH INTENT TO DISTRIBUTE 5 GRAMS OR MORE OF METHAMPHETAMINE PURSUANT TO 21 U.S.C. § 846, 841(CA)(1), (b)(1)(B), AND 18 U.S.C. § 2, CITING *PINKERTON V. UNITED STATES*, 328 U.S. 640 (1946), SEE, *UNITED STATES V. NORTON*, NO. 2:19-CR-145 (E.D. TENN. 2021) [DOCS. 3 AND 250]. INDICTMENT, *Id.* IN [APPENDIX (A), (B)] OF THIS FILING.

IN ORDER TO PROSECUTE MR. NORTON, THE UNITED STATES CHARGED JAMES WARD, IN COUNTS (1), (12) AND (21) OF [DOC. 3] INDICTMENT. FOLLOWING THE ARREST OF JAMES WARD, ON SEPTEMBER 23, 2019, WARD CONFESSED AND PLEAD GUILTY TO TWO SEPARATE TRAFFIC STOPS, WHERE WARD WAS IN POSSESSION OF METHAMPHETAMINE ON JANUARY 5th, 2019 AND MAY 11, 2019, *Id.* IN [DOC. 3] COUNTS (12) AND (21) AND PLEAD GUILTY TO THE CONSPIRACY CHARGE, IN COUNT (1) OF [DOC. 3] INDICTMENT.

WARD'S CONFESSION AND guilty plead came approximately (5) months after his arrest, where WARD, provided A out-of-court statement and (10) months after the conspiracy had ended. That was in no sense in furtherance of the conspiracy and in no sense will James Ward's February, 2020 statement, or trial testimony of his confession or guilty plead support an arrest or conviction for conspiracy against Mr. Norton, as indicated in FISLUICK V. UNITED STATES, 329 U.S. 211, 217 (1946), and LEVINE V. UNITED STATES, 383 U.S. 265, 266-67 (1966).

In this matter, Mr. Norton, was barred, from filing his 42 U.S.C. § 1983 Civil Right Action, under HECK VS. HUMPHREY, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994), until Mr. Norton, had first invalidated the charges. Under "HECK'S", the opinion does not reveal, that Mr. Norton has to invalidate every count of an indictment, before, the filing of A 42 U.S.C. § 1983 Civil Right Action, or 42 U.S.C. § 1983 Civil Rights Violation does not put no statute limitation, in which Mr. Norton was required to bring his law-suit within one (1) year, of the day of the incident, when the charges on May 11, 2019 were pursued in a grand jury indictment, from May 11, 2019 till March 19, 2021, when the charge in Count (11)

BECAME INVALIDATED THROUGH THE TRIAL JURORS
NOT GUILTY VERDICT TO COUNT (11) OF (DOC. 250)
SUPERSEDING INDICTMENT.

IN THIS MATTER, MR. NORTON HAD TO PURSUE HIS
INNOCENTS THROUGH PREJURY TESTIMONY AND A
MALICIOUS PROSECUTION, PROSECUTED BY THE RESPONDANTS.

FOLLOWING THE NOT GUILTY VERDICT ON MARCH 19, 2021
MR. NORTON FILED HIS 42 U.S.C. § 1983 LAW-SUIT UPON
THE ACQUITTAL CONDUCT AND CHARGES AND CONSTITUTIONAL
VIOLATIONS THAT OCCURRED ON MAY 11, 2019 DURING A
TRAFFIC STOP THAT WAS ALTERED INTO GRAND JURY
INDICTMENTS [DOCS. 3 AND 250] IN U.S.V. NORTON,
NO. 2:19-CR-145 (E.D. TENN. 2021), AND MERGED INTO
A CONSPIRACY AND OTHER OFFENSES, THAT WAS TRIED
ON MARCH 16, 2021 THROUGH A MALICIOUS PROSECUTION AND
PREJURY TESTIMONY FABRICATED BY THE RESPONDANT'S
THROUGH JAMES WARD'S, FALSE STATEMENT AND PREJURY
TESTIMONY ON MARCH 18, 2021, IN THE DISTRICT COURT OF
GREENEVILLE, TENNESSEE. EVIDENCE THAT THE JURORS
AND TRIAL COURT DID NOT EXCEPT PRETRIAL OR DURING
TRIAL WHEN OFFERED UNDER PARAGRAPH (1) AND (2)
OF [DOC. 353] INTENT NOTICE, THAT WAS LIMITED BY
THE ORDER OF THE DISTRICT COURT JUDGE ON MARCH
15, 2021,

As it stands in this matter, Mr. Norton's complaints filed under 42 U.S.C. § 1983, was dismissed, by the Magistrate Judge, Wyrick, under (Appendix (B)) "Report and Recommendation" That Mr. Norton's claims were barred, under (Tenn. Code Ann. § 28-1-106) Statute of Limitation, because Mr. Norton did not file the (4th), (8th) and (14th) Amendment violations within a year of the incident that occurred on May 11, 2019, when the offenses and illegal conduct, and violations wasn't invalidated until March 19, 2021, by a trial jurors Not guilty verdicts under Count (II) of [Doc. 250] in U.S. vs. Norton, No. 2:19-cr-145 (E.D. Tenn. 2021). Mr. Norton, is not bound, by state laws Statute of Limitation, under 42 U.S.C. § 1983 for the invasion of his home and privacy right, violations occurring by the Respondants on May 11, 2019, and is not bound under the (8th) Amendment, for the Respondant's use of excessive use of force and cruel and unusual punishment, and illegal search and arrest and imprisonment occurring on May 11, 2019 through March 19, 2021, under false charges and a malicious prosecution, That the jurors acquitted on March 19, 2021. Further, was not bound under the Statute of Limitation, when the state warrant wasn't invalidated until July 16, 2021, following the jurors Not guilty verdict on March 19, 2021.

REASONS FOR GRANTING THE PETITION

1. In this matter The REASONS for granting Mr. NORTON's petition, IS the COURT'S DECISIONS ARE CONTRARY to this COURT'S DECISIONS IN HECK V. HUMPHREY, 512 U.S. 477 (1994) AND (4th) AND (8th) AND (14th) AMENDMENTS to the UNITED STATES CONSTITUTIONS. WHEN the facts REVEALS Mr. NORTON, timely filed his 42 U.S.C. § 1983 Complaint, AFTER the CHARGE WAS INVALIDATED IN both STATE AND FEDERAL COURTS ON MARCH 19, 2021, UNDER, U.S.V. NORTON, No. 2:19-CR-145 (E.D. TENN. 2021).
2. FURTHER THE REASONS for granting this petition, IS THERE NOTHING IN "HECKS", THAT REQUIRES MR. NORTON to INVALIDATE the ENTIRE INDICTMENT COUNTS to file his claim. MR. NORTON fully EXHAUSTED his CLAIMS pretrial AND during trial through A MALICIOUS PROSECUTION, AND PREJURY TESTIMONY to REACH A Not guilty VERDICT, PRESENTED by the GOVERNMENT (RESPONDANTS) THAT the JURORS did NOT EXCEPT WHEN REACHING THEIR Not guilty VERDICT, ON MARCH 19, 2021
3. FURTHER, the REASON for granting the petition, IS THE COURT of APPEALS ERROR IN DENYING MR. NORTON'S Application To file his APPEALS IN forma pauperis.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lynn Richard Norton

Date: Sept. 26, 2022