22-610

No. 19A899

SUPREME COURT OF THE UNITED STATES

Warren Taylor,
Petitioner,
vs.
Augusta-Richmond County Consolidated
Commissioners et al,
Respondent.

On Petition for a Writ of Certiorari to
The United States Court of Appeals
For the Eleventh Circuit

Petition for Writ of Certiorari

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I. QUESTIONS PRESENTED

1. Does *Congress* give this *Court* the authority under *28 U.S.C. 1292(e)* to review the *Fourteenth Amendment mandates* under the *case or controversy* jurisdiction which *"contains three elements"* showing the plaintiff/appellant has suffered: *(a)* an injury in fact; *(b)* a causal connection between the injury; *and the defendants' conduct complained of in the district court nugatory [restricted-incorrect docket entry] 12/16/2014*?

2. Can this Court review a state's solicitor general's 1 day late filing of warrant and arrest is all but the plainly incompetent or one who is kwowing violating federal law that establish a constitutional violation and that the constitutional violation "clearly established," is the denial to qualified immunity at the motion to dismiss stage?

3. Can this *Court* review the *public's interest jurisdiction* within the *two (2) years statute of limitation of a timely fashion* notice of complaint *"zone of interest,"* after the district court has ordered an extension of five (5) days time dated *01/09/2019* under *F.R.A.P. Rule 2* which gives the court of appeals the power, for *"good cause shown,"* for taking the appeal by permission under *28 U.S.C. 1292(b)* and/or *F.R.A.P. Rule 5 et seq.*?

4. Can this *Court rehear* multiple appeals under the *district court order dated 03/06/2017 granting the defendants motion to withdraw as attorney for F.R.C.P. Rule 41 et seq. decision*, seeking to resolve allegations of restricted court docket facts in the original petition in the *interest of the public's* due process of law rights that was determined with the district court *nugatory* discovery evidence for the Federal Circuit jurisdiction. *F.R.A.P. Rule 3(c)*?

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1.

Petition for writ of Certiorari

Warrantless arrest at home 10:00 PM of a *"safety-net" disabled, 1 day* prior to the state's solicitor general's filed signature by the clerk that resulted into *14 days intentional irreparable* detention. Offers no qualified immunity protection from suit "all but the plainly incompetent or one who is knowingly violating the federal law."

The petitioner, respectfully petitions this Court for a writ of certiorari to review the qualified immunity jurisdiction of the appellate court.

Opinions Below

The opinion and judgment issued *12/02/2019* by the eleventh circuit court of appeals, *"per curiam." "Warren Taylor appeals the denial of the motions that he filed after the district court dismissed his complaint and closed his case." "We affirmed that dismissal. Taylor v. Taylor, No. 15-11751 (11th Cir. Oct. 7, 2015)."*

Order: issued *01/17/2020, "The petition(s) for rehearing are denied and no judge in regular active service on the Court having requested that the court be polled, [8986119-1][Entered:01/17/2020]."*

Order: issued *01/24/2020, "The motion of the appellant for stay of issuance of the mandate pending petition for writ of certiorari is denied [8990463-2][Entered: 01/24/2020]."*

Mandate: issued *01/27/2020* as to appellant Warren Adam Taylor. (11th Cir. Case#: 19-11087)

Extension of filing certiorari *GRANTED* by U.S. Supreme Court as to Appellant Warren Adam Taylor. *[Entered: 02/18/2020, 04:15 PM]*

(ORDER LIST: 589 U.S.)

ORDER: issued *Thursday, March 19, 2020, "IT IS ORDERED that the deadline to file any petition for writ of certiorari due on or after the date of this order is extended to 150 days from the date of the*

lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. See Rule 13.1 and 13.3."

The petitioner, Warren Adam Taylor, respectfully asked a prayer for the petition to this Court for a writ of certiorari. To review the above rehearing issued 01/17/2020 of the ordered mandate issued on *01/27/2020* with a *150 days* extension of time ending *June 15, 2020 at 5:00 PM.*

Jurisdiction

The Court jurisdiction is invoked under *28 U.S.C. 1254(1).* The Supreme Court may prescribe rules, in accordance with *section 2072 of this title,* to provide for an appeal of an interlocutory decision to the court of appeals that is not otherwise provided for under *subsection 28 U.S.C. 1292 et seq., (a), (b), (c), or (d).* Incidental to the civil proceeding already commenced and pending. *Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949).*

4.

Constitutional Provisions Involved

United States Constitution Amendment Fourteenth:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The United States Court of Appeals for the Eleventh Circuit review *de novo* grant of an immunity defense. *McCullough v. Finley, 907 F.3d 1324, 1330 (11th Cir. 2018).* When that grant comes on a summary judgment motion, summary judgment is not appropriate unless "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." *Chapman v. Procter & Gamble Distrib., LLC, 766 F.3d 1296, 1312 (11th Cir. 2014) (quoting Fed. R.*

Civ. P. 56(a)) (internal quotation marks omitted). "The mere existence of a scintilla of evidence" *"nugatory"* cannot suffice to create a genuine issue of material fact. *Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 252 (1986).* Rather, the nonmoving party must present enough evidence to allow a jury to reasonably find in its favor.

Third, The United States Court of Appeals for the Eleventh Circuit on *December 2, 2019*, stated "Warren Taylor appeals the denial of the motions that he filed after the district court dismissed his complaint and closed his case. We affirmed that dismissal. *Taylor v. Taylor, No. 15-11751 (11th Cir. Oct. 7, 2015)."*

My prayer begins with jurisdiction. Generally, parties may not immediately appeal intermediate orders with which they disagree. Instead, they must usually await the lower court's final

disposition of the case. *See Hudson v. Hall, 231 F.3d 1289, 1293* (11th Cir. 2000). But as with just about every rule, exceptions exist. The one applicable here allows interlocutory appeal of a district court's denial of qualified immunity, since where it applies, that defense entitles the holder to immunity from not just liability, but from the lawsuit altogether. *Sebastian v. Ortiz, 918 F.3d 1301 (11th Cir. 2019).*

Further, the petitioner prays this Court may sua sponte exercise pendent appellate jurisdiction to review orders that lack a valid interlocutory basis if they are connected to the states' solicitor general that "inextricably intertwined with an appealable decision...." *Id. at 1294* (internal quotation marks omitted). This Court is wary of parties' attempts to "*piggy-back*" on permissible interlocutory appeals where the issue along for the ride is not tightly tied

tightly tied to the qualified-immunity appeal. *Swint v. Chambers Cty. Comm'n, 514 U.S. 35, 49-50 (1995) ("[A] rule loosely allowing pendent appellate jurisdiction would encourage parties to parlay...collateral orders into multi-issue interlocutory appeal tickets."); see also Leslie v. Hancock Bd. of Educ., 720 F.3d 1338, 1344-45 (11th Cir. 2013).*

Warren Taylor's appeal of the district court's denial of qualified immunity is reviewable as of right. And the petitioner prays this Court sua sponte exercise Its discretion to review the defendants/appellees appellate court brief of the district court's ruling on false imprisonment and malicious prosecution, as that claim, is inextricably bound up in Warren Taylor's appeals on the search-and-seizure claims. Indeed, part of Warren Taylor's appeal turns on whether Warren Taylor's warrantless arrest at his

home in his pajamas resulting into *14* days of detention of a disabled "safety-net" recipient requiring badly needed pain medications in violation of the *Fourth Amendment*, and the defendants/appellees appellate brief filed in the court of appeals depends on that question.

Statement of the Case

Qualified immunity applies to police officers partly because the law recognizes that they do an important and necessary---but sometimes dangerous---job on the public's behalf. An officer's duties often requires his or her to rely on imperfect information to make snap judgments that can sometimes be the difference between life and death. *See, e.g., Graham v. Conner, 490 U.S. 386, 396-97 (1989).* But those snap judgments must be reasonable to fall within qualified immunity ambit. *See id at 396; see also Saunders v. Duke, 766 F.3d*

1262 (11th Cir. 2014). So when this Court considers whether an officer is entitled to qualified immunity, the Court has balanced "the need to hold [officers] accountable when they exercise power irresponsibly and the need to shield [them] from harassment, distraction, and liability when they perform their duties reasonably." *Pearson v. Callahan, 555 U.S. 223, 231 (2009).*

Qualified immunity shields from liability "all but the plainly incompetent or one who is knowingly violating the federal law." *Lee v. Ferraro, 284 F.3d 1188, 1194 (11th Cir. 2002) (citation and quotation marks omitted). But it does not extend to an officer who "knew or reasonably should have known that the action he took within his or her sphere of official responsibility would violate the constitutional rights of the [plaintiff]." Harlow v. Fitzgerald, 457 U.S. 800, 815 (1982) (internal*

quotation marks omitted and alteration in original).

To invoke qualified immunity, *28 U.S.C. 1367* Augusta-Richmond County Consolidated Commissioners, et al., in their official capacity, as a corporation in the State of Georgia under *28 U.S.C. 1332(c)*, a corporation is, of course, also a citizen of "the State where it has its principal place of business." The county under *28 U.S.C. 1343(4). Section 1343 (4)*: grants jurisdiction to federal district courts to hear any civil action "commenced by any person...[t]o recover damages or to secure equitable or other relief under *any Act of Congress* providing for the protection of civil rights... " and the *Declaratory Judgment Act of 1934, and Sec. 1983* are, the petitioner says, such an *"Act of Congress." Its justification lies in consideration of judicial economy and fairness to litigants. Moor et al v. County of Alameda et al, 411 U.S. 693 (1973).*

2013). The term *"discretionary authority" "include[s] all actions of a government official that (1)* were undertaken pursuant to the performance of his or her duties, and *(2)* were within the scope of his or her authority." *Jordan v. Doe, 38 F.3d 1559, 1566 (11th Cir. 1994) (internal quotation marks omitted).* Here, the petitioner Warren Taylor alleged Augusta-Richmond County Consolidated Commissioners, et al has satisfied this requirement, as the deputies performed the intentional warrantless search and seizure and false imprisonment of a disabled *"safety-net"* recipient for *14* days of detention after a plea of not guilty in county court and jury trial demand was prayed for while on duty as a police officer and/or sheriff deputy conducting investigative functions during the normal employment course. *Willingham v. Loughnan, 261 F.3d 1178, 1187 (11th Cir. 2001), vacated 537 U.S. 801, 123 S. Ct. 68, (2002).*

12.

The petitioner alleged this case involves an *irreparable injury of false imprisonment and malicious prosecution with restraints of liberty caused by an excessive bail bond* on a *local "safety-net" residence* recipient protected by the *Congress* with these *Acts*: *"Americans with Disability Act of 1991; Civil Rights Act Amended 42 USCA 1983; Declaratory Judgment Act of 1934; Social Security Act of 1935; and Rehabilitation Act of 1973* against warrantless arrest performed by the Richmond County, Georgia sheriff's department employees under the authority of solicitor general, of GA. in Augusta-Richmond County et al., in their official capacity to administer the State of Georgia powers and authority to use state laws to maintain and control the public rights through its employees duties of state laws to provide equal protection to the residence in Richmond County, Georgia under

Kellie K. McIntyre, solicitor general of state court did intentionally late file the warrant on January 11, 2013. Saucier v. Katz, 533 U.S. 194, 201 (2001); Hope v. Pelzer. 536 U.S. 730, 122 S. Ct. 2508 (2002). The petitioner states a claim on the facts of the case and controversy *"zone of interest"* three (3) elements of the Complaint filed *December 1, 2014* within: (*1*) the two (2) years statute of limitations *"zone of interest"* that: (*2*) the harm alleged is the law enforcement officer(s) lack of handicap health care training did cause impending irreparable injuries when they denied degenerative joints disease C-2 medication pain relievers as well as irreparable mental suffering when they denied high blood pressure emergency room hospital treatment; (*3*) the false imprisonment started on *January 10, 2013* at the home in his pajamas and after the plea of not guilty was delayed *144* hours. *First malicious prosecution* ended *January 24, 2013*

in county court. It continued by *"dead docket"* for *one (1) year as malicious prosecution probationary period without a jury trial demand,* beginning *April 8, 2013* and ending *May 22, 2014* and filed by the county clerk on *June 11, 2014*, which shows a sufficient causal connection between the *GA.* state court's *solicitor general's late filed warrant date of 01/11/2013* and the plaintiff's irreparable multiple injuries suffered due to the lack of detention facility care on 01/10/2013 requiring C-2 medications for the joint disease pain during the *14* days managed by the employees of Augusta-Richmond County Commissioners et al, in their official capacity as well as managed by employees employment practices during normal working hours of employment that is sworn to upholding the State of Georgia laws within Richmond County. Plaintiff proves he is entitled to both the county court

of Richmond; the state court of Georgia and the district court *nugatory* discovery evidence at a jury trial of his peers before he is found guilty of any crime alleged by the Augusta-Richmond County Commissioners et al, in their official capacity on the behalf of their sheriff duties employment and their sheriff performance of persons of warrantless seizure at the *"safety-net's"* home on his front lawn in his pajamas which resulted into the normal course employment for the Richmond County et al regular hours of employment as well as their maintaining and releasing of alleged criminals from the Richmond County sheriff's jail of my detention ending *January 24, 2013.* Prior to my *"dead docket"* order issued on *April 8, 2013* in the county court of Richmond in the State of Georgia resulting in "*false imprisonment.*" Furthermore, the State of Georgia, et al, did issue a *"dead docket"*

order on *April 8, 2013*, resulting in dismissal of all charges on *June 11, 2014; but the solicitor general's warrant was signed late in the GA. state court on January 11, 2013,* resulting into intentional discriminatory *"dead docket" and/or "malicious prosecution" of constitutional* rights without a hearing for jury trial with discovery evidence establishing a crime had ever been committed in Richmond County, Georgia; Or setting forth a *"public danger"* need for any restraint of his liberty with a *"cash only" three thousand ($3,000) dollars* bond under a habeas corpus alleged criminal act without receiving his prayer for jury trial demand and/or final judgment by the courts', rather than the courts' unreviewable *"zone of interest," "in the public interest"* that is *prayed to the United States of America, et al. Constitution's* due process of law. *28 U.S.C. 1391(b)(2).* All of the unlawful actions

and practices alleged herein were committed in Richmond County, State of Georgia and within the Southern District of Georgia federal district court. *Fourteenth Amendment. Hawk v. Olson, 326 U.S. 271 (1945); 324 U.S. 839 (petition for certiorari and response. Reversed and remanded).*

1. Direct Appeal

The United States Court of Appeals for the Eleventh Circuit as a Federal Circuit has exclusive jurisdiction of an appeal from an interlocutory order or decree described in subsection (*c*)(*1*)(*a*) or (*b*) of this section in any case over which the court would have jurisdiction of an appeal under *Section 1295* of this title; and when the claim is founded upon the *Act of Congress. Declaratory Judgment Act of June 14, 1934, 48 Stat. 955.*

This petition for writ of certiorari involves the right of the district court to deal with papers and

documents in the possession of the district court's other officers of the court and subject to its authority and any other relief deen fair and justifiable as a legal remedy equitable relief. In particular, the whole court docket record to prepare adequate discovery for jury trial. The petitioner believes. The *"nugatory"* irreparable court record provide is a violation of his Constitution's *Fourteenth Amendment* rights based upon the district court clerk's filing *"[restricted-incorrect docket entry meant for different case] re-set deadline: compliance (filing by petitioner of motion for discovery and evidentiary hearing) due by 1/15/2015. (jah)(Entered: 12/16/2014)"* was recognized in *Twining v. New Jersey, 211 U.S. 78 (1908). The papers wrongfully seized should be turned over to the plaintiff. Weeks v. United States, 232 U.S. 383 (1914).*

19.

Article III of the Constitution limits the subject-matter jurisdiction of federal courts to *"Cases" and "Controversies." U.S. Const. Art. III, sec. 2, Clapper v. Amnesty Int'l USA, 568 U.S. 398, 401 (2013)(internal quotation marks omitted). "To have a case or controversy, a litigant must establish that he has standing," Weeks v. United States, 232 U.S. (1914).* Wherefore, the petitioner states "the *Declaratory Judgment Act is a pleading in the petition, and it is alleged that the plaintiff/appellant "have no other adequate remedy at law or equity," and that in order to guide and protect the plaintiff/appellant from nugatory discovery uncertainty and insecurity a declaratory judgment and ancillary relief should be granted by this Court." Sumner, administratrix, et al. v. Davis et al., 88 S.E.2d 392, (211 Ga. 702) (Ga. 1955). (please find, herein, district court docket order "[restricted-incorrect docket entry meant for*

different case]" "nugatory") filed: 12/16/2014. " .

Further, to have a case or controversy, a litigant must establish that he has standing, which requires proof of *three elements. (please find, Question Presented: no. 1") United States v. Amodeo, 916 F.3d 967, 971 (11th Cir. 2019).* The litigant must prove *(1) an injury in fact that (2) is fairly traceable to the challenged action of the defendant and (3) is likely to be redressed by a favorable decision. Lujan v. Defs. of Wildlife, 504 U.S. 555, 560-61 (1992).*

Due to the fact the plaintiff filed his complaint within the two (2) years statute of limitation "zone of interest." The Petitioner seeks prospective relief to prevent any irreparable future injuries, because the threatened injuries are *"certainly impending." Clapper v. Amnesty Int'l USA, 568 U.S. 398, 401 (2019)(internal quotation marks omitted); and Association of Data Processing Services*

Organizations, Inc. v. Camp, 397 U.S. 150 (1970). Because the petitioner Warren Taylor has established he did give fair notice *December 1, 2014.* The defendants/appellees, in their official capacity, on the behalf of their employed law enforcement must demonstrate that the investigating officers acted within the scope of his or her discretionary authority. Warren Taylor believes.he did demonstrate that qualified immunity is inappropriate. *See Sec. IV.* Warren Taylor has shown two (2) things. *First,* he demonstrated that, when viewed in the light most favorable to him, a material question of fact exists about whether the investigating officers/deputies violated Warren Taylor's constitutional right to be free from the use of search and seizure at his home in his pajamas at 10:00 PM with warrantless arrest *01/10/2013* and the *GA. solicitor general's warrant*

not signed until 01/11/2013 a day later. And *second,* Warren Taylor did show that his right was *"clearly established...in light of the specific context of the case, not as a broad general proposition with nolle prosequi final judgment filed on 06/11/2014 within six months on two separate occasions by U.S. Postal Service first class certified mailing; and within the 2 year statute of limitations [,]"* at the time of Warren Taylor's *Fourteenth Amendment violation 01/10/2013,* so as to have provided fair notice to the defendants/appellees that his U.S. Constitution[s] *Fourth Amendment* action violated Warren Taylor's rights on *December 1, 2014* to file a complaint in federal court under the qualified immunity Constitution[s} *Fourteenth Amendment; Americans with Disabilities Act of 1991; Civil Rights Act of 1871; Declaratory Judgment Act of 1934; Rehabilitation Act of 1973. and the Social.*

Security Act of 1935. Saucier v. Katz, 233 U.S. 194, 201 (2001), overruled in part on other grounds by Pearson, 555 U.S. 223; Perez v. Suszcynski, 809 F.3d 1213, 1218 (11th Cir. 2016). For these purposes, *"clearly"* established law consists of holding of this Supreme Court, the Eleventh Circuit, or the highest court of Georgia, where the warrantless search and seizure of a "person" occurred at home at 10:00 PM in pajamas becomes a "knowingly" intentional violation of Constitution right. *See Jenkins v. Talladega City Bd. of Educ., 115 F.3d 821, 826 n.4 (11th Cir. 1997)(En banc).* The petitioner prays this Court divides Its analysis into three parts. In the petitioner's Section IV., by considering whether material issues of fact remain about whether investigating officers/deputies *"person"* warrantless search and seizure arrest at home violated Warren Taylor's *Fourth Amendment*

rights. The petitioner believes and concludes that they do, and ask this Court to analyze in Section V. whether, when It views the facts in the light most favorable to Warren Taylor, the law clearly forbade the officers/deputies actions at the time Warren Taylor undertook them. And finally, in Section VI., the petitioner prays this Court will consider whether Georgia's immunity analog bars the Augusta-Richmond County Consolidated Commissioners, et al., in their official capacity employees/officers/deputies responsible for enforcing laws actions as a corporation doing business in the State of Georgia as a municipality do provide all disabled *"safety-net"* recipients equal protection with search and seizure state laws. The petitioner prays this Court concludes that genuine issues of material fact with *nugatory* evidence should not have prevented the district

court's de novo jurisdiction over *"persons"* with disabilities whether search and seizure was constitutional or unconstitutional for pretrial discovery between parties. And jurisdiction should have been left-up to federal laws on the *"whole"* discovery evidence docket record of both plaintiff and/or defendants material facts to the complaint as a matter of law.

This Court can measure search and seizure claims under the *Fourth Amendment* under an objective-reasonableness standard. *See Brosseau v. Haugen, 543 U.S. 194, 197 (2004)(citing Tennessee v. Garner, 471 U.S. 1 (1985) and Graham, 490 U.S. 386).* That standard requires us to ask "whether the officer's conduct [wa]s objectively reasonable in light of the facts confronting the officer." *Vinyard v. Wilson, 311 F.3d 1340, 1347 (11th Cir. 2002).* In making this determination, the Court must be

careful not to Monday-morning quarterback but instead to judge "[t]he 'reasonableness' of a particular use of force...from the perspective of a reasonable officer on the scene." *Graham, 490 U.S. at 396.*

When an officer permissibly makes an warrantless arrest or investigatory stop, he may use "some degree of physical coercion or threat thereof to effect it." To determine whether an officer's force was unreasonable, this Court has considered (1) the severity of the crime; (2) whether the individual "pose[d] an immediate threat to the safety of the officers or others"; (3) whether the individual "actively resist[ed] arrest or attempt[ed] to evade arrest by flight." *Graham, 490 U.S. at 396.* This Court should also consider (4) the need for force to be applied; (5) the amount of force applied in light of the nature of the need; and (6) the severity of the

injury. *Lee, 284 F.3d at 1197-98 (citations omitted); See also Sebastian v. Ortiz, 918 F.3d 1301, 1308 (11th Cir. 2019).*

But in a case where an officer uses "gratuitous and excessive force against a suspect who is under control, not resisting, and obeying commands," *Sebastian, 918 F.3d at 1308 (citation and quotation marks omitted),* this Court has repeatedly ruled with the Eleventh Circuit that the officer violated the *Fourth Amendment* and is denied qualified immunity," (clean up). *See, e.g., Stephens v. DeGiovanni, 852 F.3d 1298, 1326 (11th Cir. 2017) (no qualified immunity where "forceful chest blows" and "throwing [Stephens] against the car-door jamb" were "unnecessary for a complaint, nonaggressive arrestee"); Lee, 284 F.3d at 1198 (police officer used excessive force when he slammed the plaintiff's head onto the hood of her car while*

she was handcuffed, not posing a threat to the officer, and not posing a flight risk); Slicker v. Jackson, 215 F.3d 1225, 1233 (11th Cir. 2000)(officers' force was excessive where they kicked a handcuffed and non-resisting defendant in the ribs and beat his head on the ground).

Constructing the facts in the light most favorable to Warren Taylor's and relying, as the Court must, on his version of the encounter where it is not contradicted by the warrantless "person" search and seizure arrest at 10:00 PM at home in his pajamas, the petitioner prays this Court will conclude that a jury could reasonably find that Warren Taylor was not resisting when the defendants/appellees investigating officer/deputies forcefully took him as a disabled *"person" "safety-net"* recipient unable to bend his leg in back of the police cruiser in handcuffs and that the

investigating officers/deputies' force was both gratuitous and excessive to a disabled.

Under Warren Taylor's version of the facts, Taylor never did anything suspicious; he was at home 10:00 PM at night and met the investigating officers/deputies outside his home limping up his driveway in his pajamas to find out why there where four (4) police cruisers in front of his home when the investigating officers/deputies encountered him. Taylor did not speak threatening or understand why four (4) police cruisers were parked in front of his home, but the investigating officers/deputies recognized his disability as fact. So when they gave him commands, he fully understood them. Yet Taylor did his best to cooperate with the investigating officers/deputies and obey their commands, by displaying State of Georgia drivers license id, pointing to his

residence, stating his address, and trying to show them where he has been for the last 6 hours as he was on the lawn in his pajamas limping in its direction. *Salomon v. Central of Ga. R. Co., 141 SE2d 424, (220 Ga. 671(1), (Ga. 1965)*

When the investigating officers/deputies took hold of Taylor, under this version of the facts, Taylor made no movements of resistance. Nor did he otherwise interfere with the investigating officers/deputies when they frisked his pajamas. But upon Taylor's shifting weight from one side of his body's hip and left knee to the right side, the investigating officers/deputies nonetheless applied great force in a manner that ensured that Taylor is in law enforcement custody, since the investigating officers/deputies were holding Taylor's hands behind his back at the time.

Because a reasonably minded jury could reasonably find that Taylor was not resisting, it could

evidence on the fewer than all the defendants/appellees summary-judgment *nugatory* docket record. None is persuasive without discovery. See, *Bank of America Corp. v. Miami, 137 S. Ct. 1296, 197 L. Ed. 2d 678 (2017).*

Here, it is undisputed that Taylor's pre-existing condition multiplied the harm to the "seriousness and permanence" of Warren Taylor's injuries and the unusual warrantless alacrity and the *14* days imprisonment and the malicious prosecution will reverberate from the defendants/appellees briefless appellate record from being characterized as *de minimis. See, e.g., DeGiovanni, 852 F.3d at 1327 ("[T]he amount of force used by Deputy DeGiovanni in arresting Stephens, which caused his severe and permanent injuries, documented by treating physicians, foreclosed any de minimis argument by Deputy DeGiovanni.")* As a result, qualified immunity on this basis is unwarranted.

See Saunders v. Duke, 766 F.3d 1262 1269 (11th Cir. 2014). Because Warren Taylor's injuries were significant, severe, and will be felt for a lifetime---even after discounting the pre-existing condition---Taylor has established enough to survive summary judgment.

The law had clearly established that Taylor's *"nolle prosequi" 14 days* imprisonment of a disabled *"safety-net"* recipient and the *"dead docket" six (6) years probationary* malicious prosecution was unconstitutional. The Federal Circuits have explained that to meet this standard, a plaintiff must demonstrate that precedent "developed in such a concrete and factually defined context" made it "obvious to all reasonable state government actors, in the defendant's place, in their official capacity that what they trained employees to. perform during their course of employment as

injured in an action at law, suit in equity, or other proper proceeding for redress.' *179 Rev. Stat., Comp. Stat. 1913, Sec. 3932; Charles E. Myers and A. Claude Kalmey, Plffs. In Err. v. John B. Anderson, 238 U.S. 368 (1915); Harlow v. Fitzgerald, 457 U.S. 800, 815 (1982)(internal quotation marks omitted and alteration in original); See, Lee v. Ferraro, 284 F.3d 1188, 1194 (11th Cir. 2002).*

The Eleventh Circuit describes the burden- shifting framework for describing whether state-agent immunity applies, *Hill v. Cundiff, 797 F.3d 948, 980-81 (11th Cir. 2015).*

Under this framework, the officer *must* demonstrate that the plaintiff's claims "arise from a function that would entitle [the officer] to immunity." *Giambrone v. Douglas, 874 So. 2d 1046, 1052 (Ala. 2003); Coffin v. United States, 156 U.S. 432 (1895)(judgment reversed and case remand).*

36.

The petitioner claims that *O.C.G.A. 16-5-90 et seq.*, and *O.C.G.A. 69-308 et seq.*, as applied at the federal level establishes purposeful or intentional discrimination as shown, herein, violates the *Fourteenth Amendment of the United States Constitution; and Art. I, Sec. I, Par. I of the Georgia Constitution, "Bill of Rights," "Life, Liberty, and Property: "No person shall be deprived of life liberty, or property except by due process of law."" Whitus v. Georgia, 385 U. S. 545 (87 SC 643, 17 LE2d 599) (1967); Stephens v. State of Georgia, 456 SE2d 560, (265 Ga. 356) (Ga. 1995).*

United States Constitution Amendment Fourteenth:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or

immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Miranda v. Arizona, 384 U.S. 436, 88 S. Ct. 1602, 16 L. Ed. 2d 694, (1966).

More Definite Statement In Support of Fair Notice Claim *O.C.G.A. 69-308 et seq.* of *Ga. Bill of Rights.*

A. warrantless seize at home January 10, 2013;

B. arraignment, no counsel, January 16, 2013;

C. arraignment, plead not guilty 01/16/2013;

D. imprisonment ended January 24, 2013;

E. order transfer to dead docket April 8, 2013;

F. *restraining order not in effect 04/19/2013;*

G. claim notice # 3346 dated October 17, 2013;

H. order adjudged nolle prosequi June 11, 2014;

I. summons and complaint served 12/01/2014;

J. claim notice # 4077 dated December 4, 2014;

K. civil action CV114-231 fee paid 2014 DEC 11;

L. bill of rights filed 2014 DEC 11;

M. magistrate judge order 2014 DEC 16; *and*

N. district judge order n.2, 2015 JAN 29;

"n.2...Plaintiff's motion for default judgment appears to argue that because process began on December 11, 2014, Defendants had only 21 days from that date to file responsive pleadings. The Court is unaware of what Plaintiff means by "process began on 12/11/2014."

Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), a defendant must serve an answer within 21 days of "being served with summons and complaint[.]" As such, 21 day-clock did not begin to run until Defendants were served."

The petitioner establishes in his above *item I.* The fact the defendants did acknowledge being served with civil action *CV 114-231 notice VIA CERTIFIED MAIL #7006 2150 0005 1942 4077 on*

December 4, 2014 to the plaintiff's district court a civil action filed *December 1, 2014* incorporated with summons and complaint served around *December 2, 2014 claim for damages against Augusta, Georgia, signed by Augusta Law Department.*

The petitioner believes the defendants 21 days clock expired *December 23, 2014. Edwards v. Arizona, 451 U.S. 477, 486, n. 9 (1981).*

REASONS FOR GRANTING THE WRIT

To avoid erroneous deprivations of right to due process of law rights. *Willingham v. Loughnan, 261 F.3d 1178, 1187 (11th Cir. 2001), vacated 537 U.S. 801, 123 S.Ct. 68, 154 L.Ed.2d 2 (2002).* I ask for a prayer? To be reviewed by this Court on the *whole. district court docket record,* so, to reverse and remand back to the lower court with jurisdiction without the *nugatory* discovery evidence used in

the district court interlocutory de novo decision. *Chisholm v. Georgia, 2 U.S. 419 (1793)(" to establish justice").*

Conclusion

For the foregoing reasons, the petitioner Warren Adam Taylor respectfully prays his requests that this Court issue a writ of certiorari to review the rehearing (en banc) judgment and opinion of the United States Court of Appeals Eleventh Circuit.

Dated this Monday, 8th day of June 2020.

Respectfully submitted,

Warren Adam Taylor
2587 Taft Avenue, Unit 2327
Malate, Manila
Brgy. 719, Zone 78
Philippines 1004
(950)405-8945 contact no.
unrepresented attorney for the petitioner
Friend of the Court

1.

The Clerk will report action under this paragraph to the Court as instructed See *Rule 13.1 and 13.3 of (ORDER LIST: 589 U.S.) dated: Thursday, March 19, 2020.*

Pursuant to 28 U.S.C. 1746. I Do swear under the penalty of perjury that I am a unrepresented attorney/petitioner seeking a writ of certiorari in the Supreme Court of the United States, noting probable jurisdiction invoked under 28 U.S.C. 1254(1), or postponing consideration of jurisdiction, shall file 1 copy of a joint appendix, prepared as required by *Rule 33.1.* The petitioner or appellant shall serve 1 copy of the joint appendix on each of the other parties to the proceeding as required by *Rule 29.*

Thanking the Supreme Court of the United States

Clerk for the professional courtesy of extending the 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing 01/17/2020.

Dated: June 08, 2020.

Delivery by UPS International Express.

Respectfully submitted by *Friend of the Court;*

Warren Adam Taylor,
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Malate, Manila
Brgy. 719, Zone 78
Philippines 1004
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unrepresented attorney for the petitioner

DOCUMENT LISTED IN SUPPORT OF MOTION

Dated: June 08, 2020.

Delivery by UPS International

Respectfully Submitted by *Friend of the Court*

Warren Adam Taylor, unrepresented attorney
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NOTARIZED CORPORATE DISCLOSURE

STATEMENT IN COMPLIANCE WITH RULE 29.6

This petition for writ of certiorari in this Court.

Involves the State of Georgia, et al., municipality,

Augusta Richmond County et al in their official

capacity, as the identified parent corporation and

listing any publicly held company that owns 10% or

more of the corporation's stock prepared under *Rule*

33.1 to the Clerk of the Court 1 single document

less than 9,000 words for a petition for writ of

Certiorari because it contains 7660 words.

Dated: June 08, 2020.

Delivery by UPS International.

Respectfully Submitted by *Friend of the Court;*

Warren Adam Taylor, unrepresented attorney
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SPECIAL NOTIFICATION Rule 29..4(c)

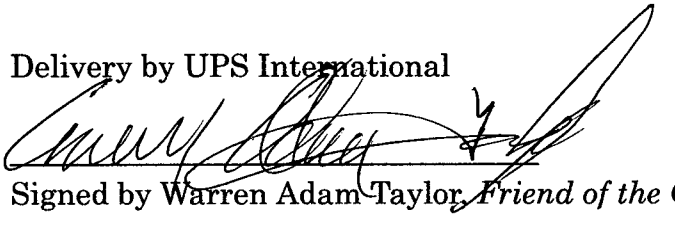
The initial document filed with the Clerk granting the motion recites that 28 U.S.C. 2403(b) may apply and shall be served on the Attorney General of the State of Georgia. The lower federal district court did state the Nature of Suit: 950 Constitutional - State that was within the Georgia CPA Rule 56(c) and/or FRCP Rule 56 ten (10) days advance notice of a federal complaint dated 12/01/2014. Filing Fee paid on 12/11/2014: four hundred dollars ($400), Receipt No. AUG017481. In such a proceeding from any court of the United States, as defined by 28 U.S.C. 451. Yes, certified.

PROOF OF SERVICE *Rule 29.5(c)*

I, Warren Adam Taylor do solemnly swear under the penalty of perjury that a notarized affidavit in compliance with 28 U.S.C. 1746 et seq., reciting the facts and circumstances of service. By UPS International Express commercial carrier are in accordance with the appropriate paragraph or paragraphs of this Rule. On all parties concerned.

Dated: June 08, 2020.

Delivery by UPS International



Signed by Warren Adam Taylor, *Friend of the Court*

PROOF OF SERVICE NOTIFICATION LIST

Supreme Court of the United States, Attention: Clerk of the Court. 1 First Street, N.E., Washington, DC 20543, Phone #: (202)479-3011

PROOF OF SERVICE NOTIFICATION LIST

Augusta-Richmond County, et al., in their official capacity, Respondent, % City of Augusta Law Department, Attorney of record, Jody Mae Smitherman, 535 Greene Street, Bldg. 3000, Augusta, Georgia 30901, Phone #: (706)842-5550

Augusta-Richmond County, et al., in their official capacity, Respondent, % Randolph Frails, PC, 211 Pleasant Home Road, Suite A-1, Augusta, Georgia 30907, Phone #: (706)855-6715

J. Patrick Claiborne, PC, 3527 Wheeler Road, Suite 403, Augusta, Georgia 30909, Phone #: (706)722-8224

State of Georgia, et al., Attention: Samuel Scott Olens, Attorney General of Georgia, 40 Capitol Sq., SW, Atlanta, Georgia 30334, Phone #: (404)656-3300

Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530-0001, Phone #: (202)514-2203

Wendell E. Johnston, Jr., PC, % Gwendolyn B. Taylor, 235 Davis Road, Augusta, Georgia 30907, Phone #: (706)860-1952

Wendell E. Johnston, Jr., PC, % Gwendolyn B. Taylor/Gregory J. Gelpi, PC, 235 Davis Road, Augusta, Georgia 30907, Phone #: (706)860-1952

Edward J. Tarver, U.S. Attorney
Firm: 912-652-442, 22 Barnard St., Ste. 300,
Savannah, Georgia 31401, Phone #: (912)652-4422

U.S. Acting Attorney, Attention: James D. Durham,
22 Barnard St., Ste. 300, Savannah, Georgia 31401,
(912)652-4422

Dated: June 08, 2020.

Delivery by UPS International Express.

Respectfully Submitted by *Friend of the Court;*

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