

Docket Number **22-6175**

ORIGINAL

Supreme Court, U.S.
FILED

OCT 24 2022

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

NANCY ABBIE TALLENT

Petitioner,

v

POLICE OFFICER PHILLIP KNIGHT,
OAK RIDGE POLICE DEPARTMENT,
CITY OF OAK RIDGE, TENNESSEE
JAIL ADMINISTRATOR RICHARD PARKER,
SHERIFF RUSSELL BARKER, and
ANDERSON COUNTY, TENNESSEE

Respondents.

Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Sixth Circuit

Nancy Abbie Tallent
Pro Se Petitioner
223 Louisiana Avenue
Oak Ridge, Tennessee 37830
Tel: 865-722-2330
Email: nancytallent8@gmail.com

I. QUESTION PRESENTED

Where officers violated the Petitioner rights afforded by the Constitution of the United States, under 42 U.S. Code § 1983, after exhausting all known remedies for judicial deviations from the rules and bias so evident that no evidence whatsoever has been allowed to be entered into the court record, will the United States Supreme Court exercise its supervisory power as a last resort and intervene to allow this and subsequent pro se litigants the ability to enter evidence into the court record and the right to be heard which will allow any judge a basis upon which to rule?

II. Table of Contents

I. QUESTION PRESENTED	2
II. Table of Contents	3
III. Table of Authority	4
IV. PETITION FOR WRIT OF CERTIORARI	5
V. OPINIONS OF LOWER COURTS (appended)	5
<u>A.</u> <i>State v. Tallent, 7th Judicial District of Tennessee, C1C00061 and C1C00062</i> <i>Omnibus Order of December 14, 2021 Hearing.</i>	5
<u>B.</u> <i>Tallent v. Knight, et al, 3:20-cv-00527, Judgment, [Doc 103], US District Court,</i> <i>Eastern Tennessee, Knoxville.</i>	5
<u>C.</u> <i>Tallent v. Knight, US Sixth Circuit Court of Appeals, 22-5126, Order, [Doc 108]</i> <i>filed in closed case 3:20-cv-00527.</i>	5
VI. JURISDICTION	5
VII. CONSTITUTIONAL PROVISIONS INVOLVED	6
US Constitution Amendment IV:	6
US Constitution Amendment VI:	6
US Constitution Amendment VIII:	6
US Constitution Amendment XIV:	6
VIII. STATEMENT OF THE CASE	7
STATE COURT	7
DISTRICT COURT	8
IX. REASONS FOR GRANTING THE WRIT	9
X. CONCLUSION	10
XI. APPENDIX	12

III. Table of Authority

Cases

<u>Oregon v. Bradshaw</u> , 462 U.S. 1039 (1983).....	7
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Statutes

28 U.S.C. § 1257:	5
Tenn Code Ann § 10-7-506:.....	7

Constitutional Provisions

<u>US Constitution Amendment IV</u> :	6
<u>US Constitution Amendment VI</u> :	6
<u>US Constitution Amendment VIII</u> :	6
<u>US Constitution Amendment XIV</u> :.....	7

IV. PETITION FOR WRIT OF CERTIORARI

Petitioner, Nancy Abbie Tallent, respectfully requests this court for a writ of certiorari to review the decision by the Sixth Circuit Court of Appeals.¹

V. OPINIONS OF LOWER COURTS

Appended:

- A. State Court granting pauper status: Omnibus Order of December 14, 2021 Hearing, *State v. Tallent*, 7th Judicial District of Tennessee, C1C00061 and C1C00062..
- B. District Court denying Petitioner's claim with prejudice; granting summary judgment for defendants; pauper status declared moot. *Tallent v. Knight, et al*, 3:20-cv-00527, Judgment, [Doc 103], US District Court, Eastern Tennessee, Knoxville.
- C. Appellate Court denied Motion to Grant Appeal and Motions without reply from defendants. Included in this denial, the Appellate Court denied plaintiff's request to proceed in forma pauperis. This denial was filed in the closed district court case file as evidenced by the case number on the footer. *Tallent v. Knight*, US Sixth Circuit Court of Appeals, 22-5126, Order, [Doc 108] in 3:20-cv-00527.

VI. JURISDICTION

The Motion to Grant Appeal and Motions before the Sixth Circuit Court of Appeals was denied on or about September 7, 2022. This court has jurisdiction under 28 U.S.C § 1257 as Petitioner timely filed this Writ of Certiorari within 90 days of the Sixth Circuit Court of Appeal's judgment.

¹ Petitioner begs the Court's forgiveness for anything accidentally improperly prepared or submitted and relies on *Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

VII. CONSTITUTIONAL PROVISIONS INVOLVED

US Constitution Amendment IV:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

US Constitution Amendment VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

US Constitution Amendment VIII:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

US Constitution Amendment XIV:

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.

VIII. STATEMENT OF THE CASE

It has been established under Oregon v. Bradshaw, 462 U.S. 1039 (1983), that a person has the right to file a lawsuit when a person's rights have been deprived by a person acting under the color of law. The problem the Petitioner has encountered time after time is that the court itself continues the violations and that there does not appear to be a remedy for 1983 lawsuits filed by pro se, indigent litigants in the judicial system.

The rules, (specifically Rules 2.3, 2.6 and 2.15), set forth under the Code of Judicial Conduct have been repeatedly violated. Petitioner has exhausted all remedies including filing motions for recusal/disqualification that were denied as would be expected by a biased judge.

STATE COURT

As evidenced by the attached Omnibus Order as to December 14, 2021 Hearing, Judge Michael S. Pemberton violated rules under the Code of Judicial Conduct by entering an order that is contrary to the statutes governing laws in the state of Tennessee and accessing communication he should not be privy to. Judge Michael S. Pemberton entered an order that prevented the court clerks from issuing subpoenas to the Petitioner and then set trial on six (6) occasions. Hearings are not electronically or manually recorded verbatim per the Tennessee Rules of Criminal Procedure. Petitioner is denied access to public record (violation of Tennessee

Public Record Act, Tenn Code Ann §10-7-506) and the ability to file documents. Petitioner moved this court for an order to be allowed to have subpoenas issued under Rule 17 of the Tennessee Rules of Criminal Procedure which, to date, has not been granted. This is not an exhaustive list of the numerous violations against the Petitioner.

Petitioner has solid evidence that these cases have no probable cause nor admissible (legally-obtained) supporting evidence by the State of Tennessee to successfully prosecute these cases. Prosecutor Brandon Pelizzari will be committing crimes to prosecute these cases. Prosecutor Melissa Denny is already an accessory after the fact to felony theft with proof in prosecution's evidence turned over in discovery. It appears to the Petitioner that once you file a lawsuit then that gives the criminal court carte blanche permission to violate the defendant at will. What do they stand to lose? The lawsuit is already filed.

DISTRICT COURT

Petitioner filed a 1983 lawsuit alleging violations of rights afforded by the Constitution of the United States with the US District Court, Eastern District of Tennessee at Knoxville. Judge Thomas A. Varlan and Magistrate Bruce H. Guyton have allowed no evidence to be entered into the court record, and have heard no arguments. Therefore, the entirety for disposition of this case was procedural, albeit an aberration for any court not to rely on evidence.

After numerous documents had been filed, the court denied Petitioner's federal claim with prejudice and granted Summary Judgment to Defendants

without hearing one argument or allowing one piece of evidence to be entered into the record. Bias against the Petitioner is shockingly clear.

SIXTH CIRCUIT COURT OF APPEALS

Petitioner filed a brief as a basis for appeal with the Sixth Circuit Court of Appeals. Petitioner also filed to proceed in forma pauperis. The court did not answer in a timely manner. No reply briefs were submitted by defendants. A case manager, Julie Connor, gave legal advice² (without a license) to the Petitioner which appears to ensure this claim was denied. The Petitioner did not follow that advice but followed the Rules of Appellate Procedure.

Petitioner filed a Motion to Grant Appeal and Motions as her motions and brief are the only thing before the court. The Court denied this motion without evidence or argument. It is unknown on what this court based this decision on, other than bias against the Petitioner. Included in this motion was the right to proceed in forma pauperis which should be granted as it is already determined that the Petitioner is indigent by State Courts. This was denied on the basis the appeal was frivolous. There is no way for the court to determine if this case is frivolous as there is no evidence submitted or arguments allowed.

IX. REASONS FOR GRANTING THE WRIT

To address violations against this and subsequent pro se, indigent litigants who are not allowed to be heard; to sanction courts that blatantly disregard the Code of Conduct or Rules which by which their courts are governed; to implement new procedures to protect pro se litigants.

² See Appendix D

It is evident that all judges from state court forward have violated the Judicial Code of Conduct and/or regulatory rules regarding Petitioner's cases/claims. Petitioner has exhausted all available avenues to remedy these violations including contacting Federal Bureau of Investigation, Board of Professional Responsibility, Board of Judicial Conduct, Tennessee Supreme Court directly, Tennessee Attorney General, United States Attorney General, Office of the Administration of the Courts. There is no remedy afforded the Petitioner.

These violations should not occur in the United States Court System. But as an indigent, pro se litigant, it is clear the courts can and do violate litigants at will. There is no other remedy but to plea with the United States Supreme Court for help. The basis for this claim is violations of the Constitution of the United States of America. The violations have been continued in the court system to the point of absurdity. If the Supreme Court of the United States will not uphold the Constitution of the United States of America, in reality, the Constitution has no meaning. When We The People of the United States come to understand that, I fear catastrophic upheaval will ensue.

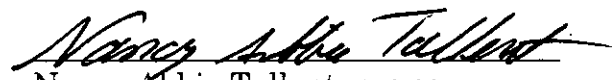
X. CONCLUSION

For the foregoing reasons, Petitioner Nancy Abbie Tallent requests this court issue a writ of certiorari to review the judgment of the Sixth Circuit Court of Appeals. Petitioner also wishes to plead with this court for endorsement of practices to be implemented to prevent these violations from occurring in the future.

If this case is remanded this back to District Court where violations have occurred, there is nothing stopping this court from committing more violations.

Petitioner swears under penalty of perjury that all foregoing statements are true and accurate to the best of Petitioner's belief and understanding at the time of submittal.

Submitted this the 22nd day of November, 2022



Nancy Abbie Tallent, pro se
223 Louisiana Ave
Oak Ridge, TN 37830
Nancytallent8@gmail.com
865-722-2330

CERTIFICATE OF SERVICE

In accordance with Rule 29 of the Supreme Court Rules, I hereby certify that a true and correct copy of the foregoing has been sent to the below-listed party(ies) in this matter via US Mail within 3 days, and/or Overnight mail, expedited mail service, facsimile, email, or by hand delivery to the following:

Caitlin Burchette
Taylor and Knight
800 S. Gay Street, St 600
Knoxville, TN 37929
cburchette@taylorknightlaw.com

Benjamin Lauderback
Watson, Roach, Batson & Lauderback, P.L.C.
P. O. Box 131
Knoxville, Tennessee 37901-0131
blauderback@watsonroach.com

This the 22nd day of November, 2022.



Nancy Abbie Tallent