No. 22-7198 ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Richard Roy Blake — PETITIONER
(Your Name)

vs.

Liliane Hong, D. Burton, et. al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeals for the 10th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Richard Roy Blake
(Your Name)

3879 E. 120th Avenue #131
(Address)

Thornton, CO 80233
(City, State, Zip Code)

(720) 309-1281
(Phone Number)

QUESTION(S) PRESENTED

1.) Did the City of Northglenn, Colorado police department violate Petitioner's First Amendment rights to free speech and assembly on January 4, 2020 "under color of law" in violation of 42 US Code Section 1983 when they issued him a ticket and threatened him with arrest while he was engaged in a peaceful protest on the sidewalk adjacent to the Metropolitan Denver North Islamic Center?

2.) Did the City of Northglenn repeatedly violate Petitioner's 14th Amendment rights to due process and equal protection in prosecuting him under Northglenn ordinance 9-11, 16.5, arguing that instead of being an American citizen with Constitutional rights, (or even a human being) he was, in fact, an object obstructing a city thoroughfare.

3.) Is Northglenn Municipal Code 9-11,16.5 void for vagueness under 14th Amendment and overbroad under the First Amendment?

LIST OF PARTIES

[X] 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:

RELATED CASES

United States Supreme Court case # 21-6935

TABLE OF AUTHORITIES CITED

CASES PAGE NUMBER

STATUTES AND RULES

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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

[X] 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 _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

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

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[X] is unpublished.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

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 25, 2023.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: February 7, 2023, and a copy of the order denying rehearing appears at Appendix C.

[ ] 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

42 U.S. Code Section 1983 Every person who under color of any statute, ordinance, regulation, custom usage of any State or Territory or the District of Columbia. subjects, or causes to subject any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive capacity, injunctive relief shall not be granted unless a declaratory decree was issued.

U.S. Const, amend. L Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right to assemble, and to petition the government for a redress of grievances.

U.S. Const, amend XIV Section V All persons born or naturalized in the United States 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.

Northglenn Colorado Municipal Code Nuisance Ordinance Chapter Nine, General Offenses and Nuisance Control Article 9'11, 16.5: "It is unlawful for any person to willingly, maliciously, or recklessly place in any doorway or driveway not owned by him or under his lawful control or on any sidewalk, public highway, street or alley in the City any object which causes the obstruction thereof or any part thereof. Any violation of this section is a civil infraction punishable according to Section 1-1-10 (a) (3) of the Municipal Code as amended, or is a nuisance, punishable according to this Chapter or both. In no case shall a violation of this section be deemed to be punishable by jail time. The penalty set forth in Section 1-1-10 (a) (2) does not apply."

STATEMENT OF THE CASE

The facts in this case for 1983 relief from the City of Northglenn, Colorado's prosecution of Petitioner under "color of law," employing the pretense of enforcing sidewalk safety to deny Petitioner his First Amendment rights of free speech and assembly and defacto enforcing Shariah law prohibiting any criticism of Islam or Islamic institutions, stem from the same January 4, 2020 incident, as the previously presented to the Court.

In 2013 Petitioner became aware of, and began attending events which were advertised as "open houses" at the Metropolitan Denver North Islamic Center in Northglenn, Colorado. Petitioner did so out of concern for the human rights of Christian minorities in certain Islamic nations. For example, in Pakistan, Egypt and other Islamic nations many young Christian women are kidnapped, raped and forced to marry their captor and forced to convert to Islam. Where they are allowed Christian churches are often subject to terrorist attack. Christian minorities are also subjected to the same totalitarian laws that ordinary Muslims, especially Muslim women are subject to. Islamic law, which is enforced to differing degrees in Muslim majority nations, particularly Islamic republics and the Saudi and Persian Gulf monarchies.

Where Islamic law is the law of the land, if a woman claims to have been raped she must produce four male Muslim witnesses or she has, de facto, confessed to adultery, which leads to imprisonment in Pakistan and the death penalty in Afghanistan. Petitioner had hoped to find "moderate" or "reformist" Muslims, or as he preferred to call them "Muslims of good will" at the "open house." Unfortunately, Petitioner was to discover that the Islamic missionaries and mosque officials that Petitioner met at the "open houses" were far from moderate. At the first and second "open houses" the imam dismissed Petitioner's concern for Christian minorities as invalid and declared that they were an attempt to 'stir up trouble between Christians and Muslims.'

When they were being candid other Muslim missionaries were in agreement of the death penalty for apostasy (leaving Islam) and adultery, as well as rationalizing terrorist attacks as proportionate and valid responses to drone attacks. At that point Petitioner's motive for attending the "open houses" became to act as a truth squad to inform non-Muslim "open house" attendees of the mosque's true agenda and to warn them not to give out their contact information to the mosque. After Petitioner had attended nine "open house" events, the "open house" leader, Ihsan Riahi, decided that he could no longer tolerate Petitioner's presence and called the Northglenn police to have the Petitioner "trespassed."

Upon being "trespassed" Petitioner vowed to continue to warn non-Muslims by conducting a protest on the public sidewalk on the occasions of future "open houses." Petitioner was not to make every "open house" (always held on every first Saturday), but tried his best to do so as he it was his duty to do so. Those who witnessed Petitioner's protest varied widely. On a number of occasions he (and sometimes his family), were threatened. Petitioner reported

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Petitioner reported three of the threats to the Northglenn police, but did not report all both because the police response was unhelpful and veiled threats were likely not criminal offenses. Petitioner also felt that the Muslim missionaries and mosque officials would not go through with their threats as it would not want to do so in such close proximity to the mosque, would invalidate one of the goals of the

"open house," which was for the community at large not to see them as a threat.

In any event, Petitioner did take the precaution of telling others when he was on his way to protest and in check in following the protest as a precaution.

Others who witnessed the protest, including Muslims, had a more positive reaction. Young Muslims especially, quietly told Petitioner that they supported his protest and some told him that they either planned to leave Islam or would do so if their current circumstances were to change. Many, though not all, members of the larger community showed their support with a thumbs up or honk of their horn as they drove by. Others (much fewer in number) yelled at him and flipped him off. Ihsan Riahi, the "open house" leader was highly irritated by Petitioner's protest and called the Northglenn police virtually every time, usually making false accusations against Petitioner.

On all occasions prior to January 4, 2020, the police realized that the accusations were false and that Petitioner was entitled to protest pursuant to the First Amendment, however, Riahi was never cited for making a false police report. The toleration of Petitioner's protest began to wane following the mosque's employment of off-duty Northglenn Police officers as private security and traffic control, allowing mosque attendees to cross in the middle of Irma Avenue in what would otherwise be jaywalking, especially when political events were held at the mosque featuring Northglenn officials.

Although Petitioner was occasionally joined by others who shared his concerns,

however, Petitioner was the only protester present on the sidewalk in front of the mosque on January 4, 2020 when a white pick-up going south on Irma Drive stopped next to Petitioner.

The occupants of the pickup rolled down their window and asked Petitioner if they could speak to him. One of the accusations that Riahi had made previously was that Petitioner was interfering with traffic on a previous occasion when a car had stopped next to Petitioner on the sidewalk. Responding police officers, after reviewing the closed circuit video from the mosque's surveillance cameras decided that Petitioner had not committed any offense, requested that if a similar event should occur in the future Petitioner should ask the stopped vehicle to pull into a driveway immediately south of mosque property and converse with Petitioner there.

Petitioner did exactly as the previous responding officers had requested and the pickup drove to the designated driveway where he had a conversation with the occupants of the pickup and gave them leaflets. The pickup's occupants described themselves as mosque supporters and then drove off. Petitioner noticed Riahi apparently filming Petitioner's interaction with the pickup's occupants with his phone but was not concerned as he had done precisely what had been requested by previously responding officers.

Approximately 10 minutes later a Northglenn police car pulled into the mosque parking. Another police car arrived a few minutes later. After speaking with Riahi, the first responding officer walked over to the sidewalk and asked

Petitioner to come over to talk with him. The officer and Petitioner were the only people on the sidewalk. The first responding officer, Darren Burton,told Petitioner that he would be giving him a ticket based on the film Riahi had shot with his phone from a distance of approximately 200-300 feet. Incensed, Petitioner asked him to review the mosque's closed-circuit video of the incident as that camera was considerably closer, just as previous responding officers had done. Officer Burton refused to do so. Petitioner also told Officer Burton that his protest was protected the First Amendment and a ticket would violate his First and 14th Amendment rights.

Shortly thereafter the second responding officer, Liliane Hong, walked over to where we were standing and told Petitioner that he would be getting a ticket for blocking the sidewalk and that unless he left the area immediately he would be arrested.

Petitioner took the ticket and left the area vowing to fight this suppression of his First Amendment and 14th Amendment rights, which he asserted at that time. At no time during Petitioner's presence on the sidewalk that day were any other individuals present other than Petitioner and the two Northglenn officers. The occupants in the pickup truck never stepped on the sidewalk in front of the mosque. Incredibly, when Petitioner read the ticket, he found that he was being ticketed and threatened with arrest for allegedly violating Northglenn Municipal ordinance 9-11, 16.5 is entitled "Obstructing Streets and Sidewalks" and reads:

> "It is unlawful for any person to willingly, maliciously, or recklessly place in any doorway or driveway not owned by him or under his lawful control or on any sidewalk, public highway, street or alley in the City any object which causes the obstruction thereof or any part thereof.
>
> Any violation of this section is a civil infraction punishable according to Section 1-1-10 (a) (3) of the Municipal Code as amended, or is a nuisance, punishable according to this Chapter or both. In no case shall a violation of this section be deemed to be punishable by jail time.The penalty set forth in Section 1-1-10 (a) (2) does not apply."

Petitioner noted that the ordinance applied to placing objects on thoroughfares, not physically hindering traffic. Petitioner also noted that despite the fact that Officer Hong had, in fact, threatened him with arrest if he did not immediately leave the area, the ordinance declares that "In no case shall a violation of no this section be deemed punishable by jail time." Petitioner thought the City had a very weak case and would be surprised if the City could make the facts of the case line up with the ordinance. Officer Hong's threat to arrest Petitioner was noted on the printed ticket that she issued.

Whether or not Petitioner was confident that he would prevail in court, he would have pled "not guilty" in any event. Although Petitioner had been a civil paralegal in the past, he felt that he had a better chance a lawyer. However, as Petitioner is on a small fixed income, any lawyer he employed, it would have to be pro bono. The Pacific Justice Institute agreed to represent Petitioner through Matthew Park, esq., who filed a Motion for Summary Judgment to the Northglenn court March 24, 2020.

In the motion Mr. Park, under the caption "The Court Should Dismiss the Case as Citing Defendant for an Ordinance Violation, Northglenn Violated Defendant's First Amendment Rights," writes that:

> "Streets, sidewalks and parks, are considered without more, to be "public forums." U.S v. Kokinda, 497 U.S. 720, 742 (1990) (Brendan, J., dissenting) [quoting U.S. v Grace, 461 U.S. 171, 177 (1983). As public sidewalks are a "prototypical example of a traditional public forum, speech on public sidewalks receives the utmost protection under the First Amendment. Shenk v. Pro-Choice Network of New York, 519 U.S. 357, 377 (1997); see also Foti, 146 F.3d at 635 [quoting Frisby v. Schultz, 487 U.S. 474, 480 (1988)]
>
> Content based regulation of speech in a traditional public forum is subject to the highest scrutiny Foti, 146 F.3d at 635. For a county to to enforce a content-based regulation, "It must show that its regulation is necessary to serve a compelling state interest and that is narrowly drawn to achieve that end." Id. (emphasis added) [quoting Perry Educ. Assn. v Perry Local Educators Assn., 460 U.S. 37,45 (1983)]....
>
> Although county governments have "a strong interest in ensuring public safety and order [and] in promoting the free flow of traffic on public streets and sidewalks," merely asserting," merely asserting that interest is insufficient. Goodhue v County of Maui, 98 F. Supp. 3d 1133, 1143 (quoting Madsen v. Women's Health Ctr., 512 U.S. 753,768 (1994); see also Heffrom v. Intl. Society for Krisna Consciousness 452 U.S. 640 (1981). "The government show that the regulated communicative activity endangers that interest. Id.
>
> In this case the citation that the Northglenn Police Department, hereinafter NGPD, issued to Defendant indicates that Defendant violated Northglenn Nuisance Ordinance 9-11,16.5. That ordinance however, merely states that placing an object on doorway or driveway not owned by the person or any sidewalk, public highway, street or alley in the City would be unlawful.
>
> The officer in this case determined that Defendant standing on the sidewalk leading up to the Islamic Center was in violation of this ordinance. Defendant did not place any object on the sidewalk; he was merely standing and holding a sign. The officer's note

records the observation that Defendant's sign read "Islam Kills."

> The fact that Defendant was not engaged in activity remotely resembling placing any object on the sidewalk described in the ordinance yet the officer citing the Defendant of the violation clearly shows that the NGPD intended to silence Defendant's speech...."

Mr, Park's motion goes on to argue that "2. City of Northglenn's Nuisance Ordinance is Substantially Overbroad, and thus Invalid as Applied to Defendant." The motion was not granted.

Trial was held on October 9, 2020, 10 months after the incident, in order to accommodate Petitioner's attorney time to recover from surgery on his amputated leg and possible Covid. The case was assigned Northglenn Municipal Court case #CR-2020-05. Oddly, the trial was being held amidst Covid precautions and from pretrial discussion between the judge and city attorney indicating the City had already spent significant time and money on the case, and that the City had designated the trial as a priority.

Officer Burton did not attend the trial. Petitioner, Officer Hong and Ihsan Riahi testified. Petitioner's attorney did not ask to have prosecution witnesses, Hong and Riahi sequestered. Hong and Riahi testified that they had seen pedestrians and/or bicycles have to step in the street to avoid Petitioner. As no such thing had occurred, failure to sequester the prosecution witnesses lost any chance for the defense to ask prosecution witnesses to describe the pedestrians and/or bicycle riders. Petitioner felt that he had received ineffective

counsel because of this other occurrences during the trial.

Yet even in the event that pedestrians and/or bicycle riders needed to step or ride into the street to avoid Petitioner, the ordinance only outlaws the placement of objects. As no witness had made any mention of any object during testimony and cross-examination the Northglenn City Attorney invented the outrageous, insulting and obviously unconstitutional legal theory that Petitioner himself was the object in question. Cleverly waiving his opening argument, Mr. Ausmus, the Northglenn City Attorney made certain that his arguments would be the last that the three person jury would hear and give no chance for Petitioner's attorney to challenge. The transcript of the trial from page 250 line 22 through page 251 line 1 reads as follows:

> (Mr. Ausmus) "The fourth element is placed on any sidewalk public highway, street or alley any object. Now there's been a lot of discussion about what is this object, what is this? Nobody talked about the fact that Mr. Blake himself is an object."

Also during the trial the judge repeatedly made constitutionally suspect rulings against the introduction of any exculpatory documents and/or testimony. On page 149 lines 19-23 the prosecution objects to Petitioner's attorney's important and potentially exculpatory line of questioning to Petitioner:

> "Mr. Park: "So is it your testimony today that had the mosque wanted to look at the surveillance video, they could have done that with a police officer at any time on January 4th?
>
> Mr, Ausmus: Your honor I'm going to object. That's a leading question."
>
> From the trial transcript Page 149 lines 24 and 25 the Judge refused to allow

Petitioner to testify to the fact that the mosque had a closed-circuit surveillance system that could have given the responding officers a clearer view of the incident involving the white pickup and which might well have been exculpatory, sustain the City's objection with the inexplicable ruling:

> "The objection is sustained as to leading and it's also speculation and hearsay."

On page 132 line 9 of the trial transcript, the Judge sustained the prosecution's objection to Petitioner's attorney's questioning of Officer Hong concerning the fact that the mosque had been employing members of the Northglenn Police Department, which could have provided a clear motive, a financial motive, for false testimony on the part of a Northglenn officer, demonstrating the Court's animus towards Petitioner.

Further animus toward Petitioner's cause and violation of his 14th Amendment rights was demonstrated on page 88 lines 6-13 when the Court admits that Petitioner's attorney was not allowed sufficient time to conduct voir dire, but rather than redo voir dire, issue a jury instruction properly or declare a mistrial the Court simply noted the situation and proceeded:

> "The (Court) will reflect that if you had more time on voir dire you would have attempted to educated (sic) the jurors on what Islam is. I can imagine that the prosecution would have objected and we would have a different ruling about whether or not that was relevant for this trial. But there (sic) record will reflect that you feel because of the nature of voir dire, you weren't able to conduct voir dire in the way that you would like."

On page 169 lines 14-19 the Court seems to say that a mistrial ought to have

been declared and that only the many hours already committed to the case and the fact that the prosecution had not called for a mistrial stopped her from doing so

> "The Court:...So that would be actually the concern of the prosecution as far as not asking for a mistrial. We have invested hours into this case. I think we would probably get a mistrial based on the statements that were made and the record that is made at that point, but the City is not asking for that, just a limiting instruction."

There were numerous other instances of the Court's interference with Petitioners defense during the trial including the Court's blocking of admission of Officer Hong's notes and instructing the jury that the notes that they would not be allowed to examine would not have been exculpatory.

While the video taken from Riahi's phone showing the Petitioner's interaction showed the incident to have occurred precisely as Petitioner has indicated it was shot from such a distance that Petitioner had to be asked if the person standing next to the truck was, in fact, him. Riahi's narration of the video falsely asserted that Petitioner was blocking traffic but at no time is Petitioner standing in front of the truck. After Petitioner gestures towards the parking lot where previous Northglenn Police officers had asked him to send anyone who stopped in traffic to talk with him, the pickup drives off unhindered by Petitioner. In her testimony, however, Officer Hong declared that she would have ticketed Petitioner whether or not the pickup stopped on its own accord. But again, no object was identified.

Inexplicably the jury was not able see through the City's agenda and voted

to convict Petitioner on the ordinance violation. Petitioner's attorney turned down the opportunity to poll the jury in spite of believing that one of the three jurors was sympathetic to Petitioner. This is one of several instances that Petitioner believes he was provided with ineffective counsel. Petitioner believes this was largely caused by Petitioner's attorney's health situation and the surprise testimony of Riahi and Officer Hong that Petitioner's attorney rightly considered perjury.

Other instances of ineffective counsel occurred when Petitioner's attorney failed to object to Riahi's accusations, that had nothing to do with the placement of an obstructing object and was designed to prejudice the jury against Petitioner such as on Page 9 lines 6-13:

> (Riahi) "No. It's the same thing as always. Screaming and trying to tell our guests who are coming into the mosque whether they're in---trying to come in with their cars or if they stop in the middle of the parking lot and he shout at them, because is trespasser. He can't come into the mosque. But he shout at kids, at kids or our guests. You going to hell. Islam is this. Islam is that."

For the record Petitioner has never told anyone that they are going to hell as he believes that is an evil thing to say and not in his power to judge.

Following the conviction and despite the fact throughout the trial that Riahi and the prosecution took no note of Petitioner's protest and told the jury that the trial was solely about traffic safety the true agendas of Riahi and the City became evident in their post-trial pre-sentencing comments. On page 261 lines 1-4 Riahi is finally free to express his true grievance with Petitioner:

"Hi, your Honor. I just want to say that for the past six years, this gentleman has been coming to our mosque, harassing our guest, harassing our kids."

On page 263 lines 5-23 the prosecution petitions the Court to prohibit Petitioner from further protests at the mosque:

(Mr, Ausmus): "...And then as a matter of law based on what the Court heard today and knows about the situation, advise the Defendant as to whether his continued protesting there on the sidewalk that we've been discussing with the sign that he has, is or is not in your opinion, an obstruction. Because I am concerned that we will be back here in November on the first Saturday and having seen the evidence before the Court today, the size of the sidewalk, what I believe is required to be proved, that is impossible for somebody of Mr. Blake's size to hold a sign in the manner he was and not obstruct a portion of that highway. And I would like to diffuse the situation, not light it on fire based on what happened here today. So I think it would be helpful if the Court could give some instruction based on you have sat through today as to his continued picketing or protesting out there on the sidewalk that we were discussing in the manner that it was presented to the Court today."

Citing the costs of continuing their pro bono representation in the appeals process, Petitioner's attorney and Pacific Justice Institute withdrew from the case following the conviction of Petitioner, forcing Petitioner to appeal the case pro se.

Petitioner appealed his conviction to Adams District Court in Brighton, Colorado. Adams County assigned case # 20CV86.

Petitioner filed a Notice of Appeal and Designation of Record on October 30. 2020 with Adams District Court pro se. An Opening Brief was filed on November 17, 2020. An Amended Opening Brief was filed on February 5, 2021 when the transcript of the trial became available. An Answer Brief was filed on February 24, 2021. No Reply Brief was filed.

On June 23, 2021 Adams District Court affirmed Petitioner's conviction citing minor deficiencies in Petitioner's appeal including Petitioner's use of "reasonableness" as a standard of review although Adams County Public defenders use that standard frequently. Adams District Court also apparently assumed that it had been Petitioner's preference to file the case pro se. Adams District Court did not inform Petitioner of these deficiencies and allow him the chance to file an amended appeal.

On June 21, 2021 the court upheld the conviction which is attached as Appendix B. Petitioner then filed an application for a Writ of Certiorari with the Colorado Supreme Court, Colorado Supreme Court Case #: 2021SC559. The application was denied without comment on November 8, 2021, which is attached as Appendix A.

REASONS FOR GRANTING THE PETITION

"Those who make peaceful revolution impossible, make violent revolution inevitable."
President John F. Kennedy

Petitioner believes that this case presents an issue of importance beyond the particular facts and parties involved and is of great importance to the public. Petitioner believes that the precedent set by Northglenn's deliberate disregard and prosecution using pretense, unconstitutional legal theories and perjurious testimony of Petitioner endangers the very foundations of the First and Fourteenth Amendment and gives a foothold to a totalitarian ideology and its heinous political and social injunctions.

Petitioner still firmly believes in the Justice, Equity, Righteousness and Constitutional principles of his complaint and asks the Court to reconsider their decision for the specific reasons which follow:

In the footnote on page three of the Court's order the Court asserts that " We liberally construe Mr. Blake's (Plaintiff) pro se filings...." without presenting any persuasive evidence that it has actually done so.

Examples that the Court has specifically not done so are numerous. Plaintiff contends that the Court has failed in its duty to Plaintiff's right as a pro se litigant to have his f ilings interpreted "liberally." Pro se pleadings are to be liberally construed. See Martin v. Overton, 391 F.3d 710, 712 (6th Cir. 2004), citing Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); Herron v. Harrison, 203 F.3d 410, 414 (6th Cir. 2000) (pro se pleadings are held to "an especially liberal standard"); Fed.R.Civ.P. 8(f) ("All pleadings shall be so construed as to do substantial justice"). Plaintiff argues that the Courts must adhere to that notion, as in the August 27, 2010 US District Court for the Eastern District of Pennsylvania case Walthour, et. al. v. Gibson, et. al., No. 10-00682.

What justice does it serve to liberally interpret pro se filings? In the first place, the Founders did not intend to create a Brahmin caste that would call itself lawyers to have exclusive access to the court. Yet, as year follows year the stranglehold of the courts by lawyers only increases. Of course, there is no way in which the same could be quantified. Nevertheless, the pro se litigant is already going into a game that is stacked against him regardless of the righteousness of his cause.

The second reason that pro se filings should be interpreted liberally is that many average, as well as poorer Americans, did not have the means or the inclination to go to law school, and is thus overwhelmed by court rules which can easily run into the thousands of pages. The third is that although the Founders had not intended to create a Brahmin caste, licensed attorneys, constant access to the courts and familiarity with court systems and individuals to judges and other attorneys has created a defacto one.

Thus, the pro se litigant is facing even greater odds. The Bill of Rights, under the Equal Protection clause of the Fourteenth Amendment also demands that pro se filings be

The Bill of Rights, under the Equal Protection clause of the Fourteenth Amendment also demands that pro se filings be interpreted in the most liberal manner possible. Plaintiff contends that the Court has clearly failed in its duty to interpret his pro se filings liberally when it contends that Plaintiff has not stated a claim, and failed to allege overbreadth and void-for vagueness claims.

For example on page 5 of the Court's Order and Judgment the Court states that "Mr. Blake failed to allege a void-for-vagueness claim". In fact, Plaintiff has informed the Court that he "...contends that the ordinance is unconstitutional because it is both overbroad and void for vagueness...(Because of the term "any part," in Northglenn ordinance 9-11-16.5 which leaves the question of what size an object must be to cause obstruction of a Northglenn thoroughfare to Northglenn authorities discretion). Plaintiff has asked the Court (and never received an answer) to the questions "What would be the minimum size of an obstruction? An inch? A half inch? Would it even have to be visible?"

On page 5 of the Court's Order and Judgment the Court states that "We accept a true all well-pleaded factual allegations and view them in the light most favorable to the plaintiff." Clearly that has not been the case. For example, the Court has not viewed Plaintiff's allegation that he was cited and threatened with arrest for the sole purpose of depriving him of his First Amendment right to peaceful assembly "in the light most favorable to the plaintiff."

The Court has also failed to view Plaintiffs belief that the jury in his case made a mistake caused by the perjurious testimony of Officer Hong and Islamic "Outreach leader" Ihsan Riahi in the "light most favorable to the plaintiff," or, in fact, in any light whatsoever.

In the footnote on the first page of its Order and Judgment the Court also stated that it decided that "...unanimously that oral argument would not materially assist in the determination of this appeal..." Plaintiff contends that the complexities and extension history of this case (which really spans a seven year period) cannot be adequately adjudicated in the absence of oral arguments.

Further, it is the duty of the Court to be especially vigilant in cases involving the exercise of basic Constitutional rights. The statute under which Plaintiff filed his claim against Defendants, 42 USC 1983, was first passed during Reconstruction and during the Civil rights protest eras.

During Reconstruction it was mostly aimed at the Ku Klux Klan. During the Civil rights era it was asserted frequently when southern authorities would use some municipal ordinance for the purpose of shutting down a Civil rights event. Clearly it seems that depriving citizens of their Constitutional rights "under color of law," has occurred in the past, and Plaintiff asserts, his own First Amendment rights to free speech and peaceful assembly were violated under the "color of law, or even more accurately, pretense" of the use of the Northglenn ordinance.

As such Plaintiff does not believe that the Court can made to grasp all the nuances of this case minus oral arguments. Certainly, the Court needs to hear the Northglenn authorities rationalization for making the clearly unconstitutional claim that the Plaintiff himself was the object obstructing a Northglenn thoroughfare, instead of an American citizen with Constitutional rights. That subject alone ought to alert the Court or any rational observer that something is rotten in Northglenn and the subject needs to be addressed in oral arguments.

Further evidence that Northglenn motives in prosecuting Plaintiff were sinister and need to be examined in oral argument comes from the Adams County District Court's Order upholding Plaintiff's "criminal" conviction in Northglenn Municipal Court.

In the Adams County District Court's Order affirming Plaintiff's conviction in Northglenn Municipal Court, the Court notes that a recording was made of Plaintiff's conversation with and handing out of leaflets to the occupants of the white pickup truck that had served as the "probable cause" for the actions of the Northglenn police.

What is most curious is that the recording was never entered into evidence during the Northglenn trial, and suggests to Plaintiff that there were others besides Riahi and Northglenn officers Burton and Hong engaged in attempting to set up Plaintiff.

Further evidence that the motive for Northglenn's prosecution of Plaintiff came to light when the city passed an ordinance that criminalized First Amendment protected activity with 100 feet of any religious facility in the city. The fact that the ordinance was entirely aimed at the Plaintiff was made clear by an article in a local newspaper in an article dated July 1, 2021 entitled Northglenn Religious Buffer Zone Moves Forward (the link for which is below):

https://commercecitysentinel.com/stories/northglenn-religious-buffer-zone-moves-forward,379035

The fourth paragraph of the article reads: "The ordinance arose from an ongoing incident at Masjid Ikhlas, or the Metropolitan Denver North Islamic Center, in which a protester named Richard Roy Blake visited the mosque on and off for several years. Blake's protests involved handing out leaflets and holding up signs in the mosque's parking lot or on the walkway adjacent to the property."

The seventh paragraph of the article reads: "The religious buffer zone ordinance is directly a result of the situation at Masjid Ikhlas. Northglenn police have had to respond to protests at the mosque on several occasions. Hoffman didn't mention Blake or the mosque by name at the June 28 meeting, but the city attorney alluded to specific details with the case."

Other than the fact that after Plaintiff was "trespassed" he never held up signs or handed out leaflets in the mosque parking lot, the article is accurate, despite the fact that the newspaper chain had clearly indicated its hostility to Plaintiff in an article entitled "Unity Outlasts Division at Masjid Ikhlas Amidst Years of Protest," the link for which is below:

https://www.liamsadams.com/reporting/2021/4/15/unity-outlasts-division-at-masjid-ikhlas-amidst-years-of-protest

Plaintiff asks the Court to note that Shariah law, that is, the religious laws under which not only Muslims must follow, can be made to apply to non-Muslims. For example, Muslim women are forbidden to marry a non-Muslim although the same is not true for Muslim men. In Plaintiff's case, the mosque was clearly incensed by Plaintiff's protest of its "open house," and the Islamist ideology that the mosque was seeking to spread. In fact, Plaintiff's protests likely were considered "blasphemous," as Shariah law forbids any criticism of Islam or their prophet, a death penalty offense in Pakistan, Saudi Arabia and many other Islamic majority nations. Of course, critics of Islam cannot feel safe even in non-Islamic majority nations as Salman Rushdie, Theo Van Gogh and many others have discovered.

To what history may well regard as their great shame, the City of Northglenn through their police department and municipal government is actively enforcing defacto Islamic supremacy.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Richard Roy Boyd

Date: March 29, 2023