

No. \_\_\_\_

In the Supreme Court of the United States

David T. Johnson, Petitioner

v.

URVASHI FOSTER, et al., Respondents

---

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE U.S. COURT OF APPEALS FOR THE  
ELEVENTH CIRCUIT

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APPENDIX

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David T. Johnson  
Pro Se  
896 Lower Lumpkin Road  
Georgetown, GA 39854  
Email: djohnson53@yahoo.com  
Voicemail: (609) 914 – 2634

---

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

Scott S. Harris  
Clerk of the Court  
(202) 479-3017

February 8, 2024

Mr. David Timothy Johnson, Sr.  
896 Lower Lumpkin Rd.  
Georgetown, GA 39854

Re: David Timothy Johnson, Sr.  
v. Urvashi Foster, et al.  
Application No. 23A736

Dear Mr. Johnson:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Thomas, who on February 8, 2024, extended the time to and including March 12, 2024.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

Lisa  
Case Analyst

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

February 08, 2024

David Timothy Johnson Sr.  
896 LOWER LUMPKIN RD  
GEORGETOWN, GA 39854

Appeal Number: 23-10452-CC  
Case Style: David Johnson, Sr. v. Urvashi Foster, et  
al  
District Court Docket No: 4:21-cv-00219-CDL

**NO ACTION / DEFICIENCY NOTICE**

Notice of receipt: Motion to stay mandate as to  
Appellant David Timothy Johnson, Sr.. NO  
ACTION WILL BE TAKEN because this case is  
closed, and the mandate has already issued.

**No deadlines will be extended** as a result of your  
deficient filing.

**ACTION REQUIRED**

For motions for reconsideration or petitions for  
rehearing that are not permitted, no action is

required or permitted. Your filing will not be considered.

For mistaken filings, to have your document considered, **you must file the document in the correct court.**

For all other deficiencies, to have your document considered, **you must refile the entire document** after all the deficiencies identified above have been corrected and **you must include** any required items identified above **along with** the refiled document. No action will be taken if you only provide the missing items without refileing your entire document.

Please note that any filing submitted out of time must be accompanied by an appropriate motion, i.e., a motion to file out of time, a motion to reinstate if the case has been dismissed, and/or a motion to recall the mandate if the mandate has issued.

**Clerk's Office Phone Numbers**

General Information: 404-335-6100

AttorneyAdmissions: 404-335-6122

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543.0001

February 7, 2024

David Johnson  
896 Lower Lumpkin Rd.  
Georgetown, GA 39854

RE: Notice and Motions  
Johnson v. Foster, et al.; USCA11 No.23-10452

Dear Mr. Johnson

In reply to your letter or submission, received February 5, 2024, I regret to inform you that the Court is unable to assist you in the matter you present.

The Rules of this Court make no provision for this combined filing.

Your application for an extension of time has been docketed from another submission (see the enclosed docket for that application).

As to your application for a stay/injunction, you must first seek relief from the United States Court of Appeals for the Eleventh Circuit. If you have already sought relief before the lower court, but that court has yet to rule, it would be legally premature for this Court to entertain an application for the same relief. This Court is without jurisdiction to entertain

A - 5

an application for a stay/injunction without an order  
from a circuit court. 28 USC 2101(f).

Your papers are herewith returned.

Sincerely,  
Scott Harris, Clerk  
By:

Lisa Nesbitt  
(202) 479-3038

Enclosures

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

**NOTIFICATION LIST**

Mr. David Timothy Johnson, Sr.  
896 Lower Lumpkin Rd.  
Georgetown, GA 39854

Clerk  
United States Court of Appeals for the Eleventh  
Circuit  
56 Forsyth Street, N.W.  
Atlanta, GA 30303

No.23A736

Title: David Timothy Johnson, Sr., Applicant  
v.  
Urvashi Foster, et al.

Docketed: February 7, 2024  
Lower Ct: United States Court of Appeals for the  
Eleventh Circuit  
Case Numbers: (23-10452)

**DATE PROCEEDINGS AND ORDERS**

Feb 02 2024 Application (234736) to extend the time  
to file a petition for a writ of certiorari from  
February 11, 2024 to April 11, 2024, submitted to  
Justice Thomas.

**Main Document**

NAME	ADDRESS	PHONE
------	---------	-------

Attorneys for Petitioner

David Timothy Johnson Sr. 896 Lower Lumpkin Rd.  
Georgetown, GA 39854

(609) 914-2634

djohnson53@yahoo.com

Party name: David Johnson

David T. Johnson, Pro Se, Plaintiff – Appellant  
Motion to Stay Mandate to file  
Petition for Certiorari in U.S. Supreme Court  
11th Circuit No. 23-10452-CC  
U.S. District Court 4:21 CV-00219-CDL

United States Court of Appeals for the Eleventh  
Circuit  
Elbert Parr Tuttle Court of Appeals Building  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

United States District Court  
Middle District of Georgia  
Columbus Division

David T. Johnson  
Plaintiff, Docket Number 23-10452-CC  
Case No. 421-cv-00219-CDL

-v- Notice and Motions  
Rule 40 Veterans Status  
Rule 41 Stay Mandate  
Rule 50 Vacate Judgments  
Reinstate Appeals  
Extension of Time - Certiorari  
United States Supreme Court

URVASHI FOSTER, et al.  
Defendants.

### **Introduction**

Comes Now, Plaintiff David T. Johnson, 100% total  
and permanent disabled American veteran, ask

leave to proceed as a veteran pursuant to Supreme Court Rule 40, when eligible Veteran, Seaman, and Military Cases; Rule 50 set aside, vacate or

1 of 60

RECEIVED  
FEB - 5 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

USCA11 Case: 23-10452 Document: 53-2  
Date Filed: 01/05/2024

In the  
United States Court of Appeals  
For the Eleventh Circuit

---

No. 23 - 10452

---

David Timothy Johnson, Sr.,  
Plaintiff - Appellant,  
*versus*

URVASHI FOSTER,  
an individual,  
BILLIE JOE FOSTER,  
an individual,  
DEPUTY BROOKS,  
Badge # 203, Georgetown-Quitman County  
Sheriff Department, an individual,  
GOD AND GOD ALONE LLC,  
a limited liability corporation,  
MAGISTRATE COURT OF GEORGETOWN-  
QUITMAN COUNTY, et al.,  
Defendants-Appellees.

---

Appeal from the United States District Court  
for the Middle District of Georgia  
D.C. Docket No. 4:21-cv-00219-CDL

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USCA11 Case: 23-10452 Document: 53-2

Date Filed: 01/05/2024

**JUDGMENT**

It is hereby ordered, adjudged, and decreed that the opinion issued on this date in this appeal is entered as the judgment of this Court.

Entered: November 13, 2023

For the Court: DAVID J. SMITH, Clerk of Court

ISSUED AS MANDATE: January 5, 2024

UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT  
ELBERT PARR TUTTI"E COURT OF APPEALS  
BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

January 05,2024

Clerk - Middle District of Georgia  
U.S. District Court  
120 12TH ST  
COLUMBUS, GA 31902

Appeal Number: 23-10452-CC  
Case Style: David Johnson, Sr. v. Urvashi Foster, et al  
District Court Docket No: 4:21-cv-00219-CDL

A copy of this letter, and the judgment form if noted above, but not a copy of the court's decision, is also being forwarded to counsel and pro se parties. A copy of the court's decision was previously forwarded to counsel and pro se parties on the date it was issued.

The enclosed copy of the judgment is hereby issued as mandate of the court. The court's opinion was previously provided on the date of issuance.

Clerk's Office Phone Numbers

General Information: 404-335-6100

Case Administration: 404-335-6135

CM/ECF Help Desk: 404-335-6125

Attorney Admissions: 404-335-6122

Capital Cases: 404-335-6200

Cases Set for Oral Argument: 404-335-6141

Enclosure(s)

MDT-I Letter Issuing Mandate

USCA11 Case: 23-10452 Document: 50-1  
Date Filed: 11/13/2023

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

---

No.23-10452  
Non-Argument Calendar

---

DAVID TIMOTHY JOHNSON SR.,  
Plaintiff-Appellant,

*versus*

URVASHI FOSTER,  
an individual,  
BILLIE JOE FOSTER,  
an individual,  
DEPUTY BROOKS,  
Badge # 203, Georgetown-Quitman County  
Sheriff Department, an individual,  
GOD AND GOD ALONE LLC,  
a limited liability corporation,  
MAGTSTRATE COURT OF GEORGETOWN-  
QUITMAN COUNTY, et al.,

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Middle District of Georgia  
D.C. Docket No. 4:21-cv-00219-CDL

---

Before JORDAN, LAGOA, and BRASHER,  
Circuit Judges.

PER CURIAM:

David Johnson, proceeding pro se, appeals the district court's dismissal of his complaint and denial of his two Rule 60 motions to vacate. The district court gave him a chance to file an amended complaint and instructions for how to cure his pleading deficiencies, but his amended complaint still fell short of the pleading requirements in federal court. For the reasons explained below, the district court was well within its discretion to dismiss his complaint with prejudice and Johnson has abandoned any challenge to the denial of his motions to vacate. We affirm.

I.

Johnson sued multiple private and government actors over what appears to be a landlord-tenant lawsuit in state court. He alleges he was mistreated by a state magistrate judge and

discriminated against based on his race, sex, religion, age, and disability. The defendants moved to dismiss the complaint and the district court held that Johnson's complaint was a shotgun pleading that failed to comply with Federal Rules of Civil Procedure 8(a)(2) and 10(b). The district court instructed Johnson how to cure his pleading deficiencies and gave him twenty-eight days to file an amended complaint.

Johnson failed to cure those deficiencies, and the district court dismissed Johnson's amended complaint because it again determined it was a shotgun pleading that violated Rules 8(a)(2) and 10(b). It held that (1) the allegations were conclusory vague, and contained immaterial facts that were not connected to a specific cause of action, (2) the amended complaint failed to separate each cause of action into a different count and treated the defendants as a collective unit for the majority of the claims, and (a) Johnson made no effort to clearly assert each claim, supported by allegations, against each defendant.

Johnson then filed two motions to vacate that judgment under Rule 60 due to his neglect, the district court's lack of instructions to cure his pleading deficiencies, his health problems, and the defendants' fraud, misrepresentation, and misconduct. The district court denied both motions because there was no excusable neglect, it previously provided sufficient instructions to cure his pleading

deficiencies, it accommodated his health problems by allowing him additional time for some filings, and he failed to identify any fraud, misconduct, or misrepresentation. He timely appealed.

Page: 4 of 6

USCA11 Case: 23-10452 Document:50-1  
Date Filed: 11/13/2023

Opinion of the Court

We review dismissals of a complaint because it is a shotgun pleading for abuse of discretion. *Barmapov v. Amnial*, 986 F3d 1321, 1324 (11<sup>th</sup> Cir. 2021). We also review a district court's denial of a Rule 60 motion for abuse of discretion. *Am. Bankers Inc. Co. v. Nw. Nat'l Ins. Co.*, 198 F.3d 1332, 1338 (11th Cir. 1999). While we read briefs filed by *pro se* litigants liberally, a *pro se* litigant is still "subject to the relevant law and rules of court, including the Federal Rules of Civil Procedure ." *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989).

III.

The district court did not abuse its discretion when it dismissed Johnson's amended complaint as a shotgun pleading. A shotgun pleading fails "to give the defendant adequate notice of the claims against them and the grounds upon which each claim rests." *Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1323 (11th Cir. 2015). Shotgun pleadings "waste scarce judicial resources, inexorably broaden

the scope of discovery, wreak havoc on appellate court dockets, and undermine the public's respect for the courts." *Vibe Micro Inc. v Shabanets*, 878 F.3d 1291, 1295 (11th Cir. 2018).

Characteristics of shotgun pleadings include (1) containing "multiple counts where each count adopts the allegations of all preceding counts," (2) being "replete with conclusory vague, and immaterial facts not obviously connected to any particular cause of

23-10452      Opinion of the Court      Page: 5 of 6

action," (3) failing to separate "into a different count each cause of action or claim for relief," and (a) asserting "multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against." *Weiland*, 792 F.3rd at 1321-23. Further, Rule 8(a)(2) requires a complaint to include a short and plain statement entitling the plaintiff to relief, and Rule 10(b) requires a complaint to state claims in separate, numbered paragraphs. We require district courts to allow a litigant one chance to remedy a shotgun pleading. *Vibe*, 878 F.3d at 1295. If a plaintiff fails to correct their deficient pleading after that notice, the district court is well within its discretion to dismiss the case. *Id.*

Johnson has failed to establish the district court abused its discretion when it held that his amended complaint was a shotgun pleading. Johnson stated no facts to support his claims, failed

to separate his claims into distinct counts, and treated all of the defendants as a collective unit for the majority of the claims. Plus, the district court had already given Johnson instructions on how, to cure his pleading deficiencies and twenty-eight days to do so. A district court has the discretion to dismiss a complaint as a shotgun pleading, especially after notifying the plaintiff of the deficiencies and giving him an opportunity to cure them. *Id* The district court did not abuse that discretion here.

IV.

We need not address the district court's order denying Johnson's motions to vacate because Johnson has abandoned any

USCA11 Case: 23-10452 Document:50-1  
Date Filed: 11/13/2023 Page:6 of 6

Opinion of the Court 23-10452

challenge to that order on appeal. To avoid abandonment, a party must plainly identify the issues or claims that they seek to raise on appeal. *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680-81 (11th Cir. 2014). A party abandons a claim on appeal when he fails to “plainly and prominently raise it, for instance by devoting a discrete section of his argument to those claims.” *Id.* at 681. We construe a pro se litigant’s briefs liberally, but an issue not briefed on appeal by a pro se litigant is

deemed abandoned. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008).

Johnson's brief does not mention Rule 60 and makes no argument as to why the district court abused its discretion in denying his two motions to vacate. Even construing his brief liberally, we cannot find that he briefed the issue on appeal. Thus, we need not address the merits of the district court's denial of his motions to vacate.

V.

For the reasons stated above, we **AFFIRM**.

United States District Court  
for the Middle District of Georgia  
Columbus Division

David T Johnson  
Plaintiff(s)

-v-

Urvashi Foster, et al. "see attached"  
Defendants

Appeal No. 23-10452-CC  
Case No. 4:21-CV-0029-C-DL

Jury Trial: Yes

SECOND AMENDED COMPLAINT FOR A CIVIL  
CASE

74 pages – 30 Causes of Action – Bivens style

First Cause of Action

The Plaintiff complains, and alleges:

1. That this is an action against defendants Housing and Urban Development (HUD) – Fair Housing and Equal Opportunity (FHEO), a

government agency, for acts or omissions, under color of law, committed by HUD – FHEO investigator – officials, against plaintiff.

7 of 74  
Second Cause of Action

The plaintiff complains, and alleges that defendant Urvashi Foster, "assaulted" the plaintiff. *Mitchell v Mitchell*, 45 Minn. 50; see also *Brzezinski v. Tierney*, 60 Conn. 55

Third Cause of Action

The plaintiff complains, and alleges:

I. That this is a legal action against defendant, Urvashi Foster, for a trespass act done by her against the will of plaintiff.

II. That defendant, Urvashi Foster, owes duty to treat plaintiff with respect and decency.

III. That plaintiff suffered retaliation; severe illness; racial prejudice; discrimination; and mistreatment, committed by defendant,

11of 74

Julia Floyd. Clerk. Magistrate Court of Quitman County. GA 39854  
Matthew William Bridges – mbridges@law.gov  
Rebecca Fendley. Clerk, Superior Court of Quitman County GA 39854

Isabel Stovall, Chief Appraiser, Quitman County  
Assessor's Office, 111 Main Street, Georgetown, GA  
39854

United States Department of Housing and Urban  
Development

XYZ - jointly and severally

Plaintiff is retired total and permanent disabled American veteran. Severe emotional physical distress, illness, threats, declining eyesight, and pain and suffering prevent me from working on this case for lengths at a time. This disclosure is made without the benefit of any discovery that was denied, below. Plaintiff reserves the right to amend its disclosures to add additional witnesses, documents, audio recordings, computation of damages calculations as a result of request to amend complaint, discovery or other factors.

Date: September 6, 2023

---

David T. Johnson

Pro Se

Georgetown. GA 39854

Email: djohnson53@yahoo.com

Voice Mail: 609) 914-2634

Order of the Court

Appeal from the United States District Court  
for the Middle District of Georgia  
D.C. Docket No. 4:21-cv-00219-CDL

Before WILSON and BRANCH, Circuit Judges.

BY THE COURT:

Appellant's filing titled "Objection to Orders," which is construed as a motion for reconsideration of this Court's June 28, 2023 and August 4, 2023 orders, is DENIED.

USCA11 Case: 23-10452 Document: 49  
Date Filed: 08/04/2023 Page: 2 of 2

**Order of the Court**

Appeal from the United States District Court  
for the Middle District of Georgia  
D.C. Docket No. 4:21-cv-00219-CDL

**ORDER:**

Any relief sought in Appellant's "Notice and Motion" is DENIED.

s/ Elizabeth L. Branch  
UNITED STATES CIRCUIT JUDGE

USCA11 Case: 23-10452 Document: 41  
Date Filed: 06/28/2023 Page: 2 of 2

Order of the Court

Appeal from the United States District Court  
for the Middle District of Georgia  
D.C. Docket No. 4:21-cv-00219-CDL

ORDER:

Appellees Deputy Brooks, Patrick Bagwell,  
Magistrate Court of Georgetown-Quitman County  
and Superior Court of Georgetown-Quitman  
County's motion for leave to file supplemental  
appendix out of time is GRANTED.

/s/ Charles R. Wilson  
UNITED STATES CIRCUIT JUDGE

MAR 20 2023 and MAR 27 2023  
RECEIVED  
CLERK

ATLANTA GEORGIA

No. 23-10452-CC

United States Court of Appeals for the Eleventh  
Circuit

David T. Johnson  
Plaintiff-Appellants,  
v.

Urvashi Foster, et al.

Defendants -Appellees.

On appeal from the United States District Court  
For the Middle District of Georgia  
No. 4:21-cv-00219, Judge Clay D. Land

---

Appellants' Opening Brief

---

David T. Johnson, Pro Se, Plaintiffs-Appellants  
896 Lower Lumpkin Road  
Georgetown, GA 39854  
Email: djohnson53@yahoo.com

Voice-mail: (609) 914-2634  
General Docket  
United States Court of Appeals for the Eleventh  
Circuit

Docketed: 02/08/2023

Court of Appeals Docket #: 23-10452  
Nature of Suit: 2443 Civil Rights Accommodations  
David Johnson, Sr. v. Urvashi Foster, et al  
Appeal From: Middle District of Georgia  
Fee Status: Fee Paid

Case Type Information:

- 1) U.S. Civil
- 2) U.S. Defendant - Non PLRA
- 3) -

Originating Court Information :

District: 113G-4 : 4:21-cv-00219-CDL  
Civil Proceeding: Clay D. Land, U.S. District Judge  
Date Filed: 12/27/2021  
Date NOA Filed:  
02/08/2023

3/11/23 7:12 AM                    23-10452 Summary

02/08/2023 1 CIVIL APPEAL DOCKETED.  
Notice of appeal filed by Appellant David Timothy  
Johnson, Sr. on 02/08/2023. Fee Status: Fee Paid. No  
hearings to be transcribed. The appellant's brief is  
due on or before 03/20/2023. The appendix is  
due no later than 7 days from the filing of the  
appellant's brief. Awaiting Appellant's Certificate of

Interested Persons due on or before 02/28/2023 as to Appellant David Timothy Johnson Sr.. Awaiting Appellee's Certificate of Interested Persons due on or before 03/14/2023 as to Appellees Billie Joe Foster and Urvashi Foster. [Entered: 02/14/2023 04:25 PM]

02/21/2023 2 APPEARANCE of Counsel Form filed by Raleigh W. Rollins for Bradley Brooks, Judge Patrick C. Bagwell, Julia Floyd, Rebecca Fendley and BJ Foster. [23-10452] (ECF: Raleigh Rollins) [Entered: 02/21/2023 11:47 AM]

02/21/2023 3 APPEARANCE of Counsel Form filed by H. Thomas Shaw for Bradley Brooks, Judge Patrick C. Bagwell, Julia Floyd, Rebecca Fendley and BJFoster. [23-10452] (ECF: Henry Shaw) [Entered:02/21/2023 11:53AM]

02/27/2023 4 APPEARANCE of Counsel Form filed by Matthew W. Bridges for Judge Henry L. Balkcom, IV. [23-10452] – [Edited 02/27/2023 by JC] (ECF: Matthew Bridges)[Entered: 02/27/2023 04:00 PM]

02/28/2023 5 APPEARANCE of Counsel Form filed by Barbara A. Marschalk for Urvashi Foster, Billie Joe Foster and God and God Alone, LLC 123-104521(ECF: Barbara Marschalk) [Entered: 02/28/2023 12:38 PM]

03/01/2023 6 Appellant's Certificate of Interested Persons and Corporate Disclosure Statement filed by Appellant David Timothy Johnson, Sr.. [Entered: 03/06/2023 09:35AM]

03/01/2023 7 TRANSCRIPT INFORMATION form filed by Party David Timothy Johnson, Sr.. No hearings. [Entered: 03/06/2023 09:38 AM]

12/28/22, 12:52 PM CM/ECF LIVE· GAMD

Responses/Replies/Other

4:21-cv-00219-CDL JOHNSON v. FOSTER, et al.  
CASE CLOSED  
on 11/30/2022

NOMDL, PRO SE

U.S. District Court [LIVE AREA]

Middle District of Georgia

Notice of Electronic Filing

The following transaction was entered by BRIDGES, MATTHEW on 12/28/2022 at 12:51 PM EST and filed on 12/28/2022

Case Name: JOHNSON v. FOSTER, et al.

Case Number: 4:21-cv-00219-CDL

Filer: BAGMAN

WARNING: CASE CLOSED on 11/30/2022

Document Number: 48

Docket Text:

RESPONSE filed by BAGMAN re [45] MOTION to Vacate [43] Judgment, [44] MOTION for Extension of Time to Complete Discovery MOTION for Order to Show Cause (BRIDGES, MATTHEW)

4:21-cv-00219-CDL Notice has been electronically mailed to:

HENRY THOMAS SHAW  
tshaw@alexandervann.com,  
mclanton@alexandervann.com

MATTHEWANANNINGA nanningam@deflaw.com,  
dulcieb@deflaw.com, reynoldsr@deflaw.com

MATTHEW WILLIAM BRIDGES  
mbridges@law.ga.gov, 04CRmail@law.ga.gov,  
lhale@law.ga.gov, rchalmers@law.ga.gov, treid@law.  
ga. gov

4:21-cv-00219-CDL On this date, a copy of this document, including any attachments, has been mailed by United States Postal Service to any non CM/ECF participants as indicated below::

DAVID TIMOTHY JOHNSON, SR  
PO Box 494  
Georgetown, GA 39854

The following document(s) are associated with this transaction:

Document description:Main Document  
Original filename:n/a  
Electronic document Stamp:

USCA11 Case: 23-10452 Document: 8  
Date Filed. 03/14/2023  
No.23-10452-CC

DEFENDANT/APPELLEE'S CERTIFICATE OF  
INTERESTED PERSONS

Christopher M. Carr  
*Attorney General of Georgia*  
Loretta Pinkston-Pope  
*Deputy Attorney General*  
Roger Chalmers  
*Senior Assistant Attorney General*  
Matthew W. Bridges  
*Assistant Attorney General*  
Office of the Georgia  
Attorney General  
40 Capitol Square, SW  
Atlanta, Georgia 30334  
(404) 488-3836  
mbridges@law.ga.gov

Page: 2 of 5

CERTIFICATE OF INTERESTED PERSONS AND  
CORPORATE DISCLOSURE STATEMENT

Undersigned counsel for Defendant/Appellee  
Judge Henry L. Balkcom, IV, pursuant to Eleventh  
Circuit Rules 26.1-1 and 26.1-2, hereby certifies that  
the following persons and entities may have an  
interest in the outcome of this case:

Bagwell, Judge Patrick C., Defendant/Appellee;

Balkcom, Judge Henry IV, Defendant/Appellee;

Bridges Matthew W. Assistant Attorney General,  
attorney for Defendant/Appellee Judge Henry L.  
Balkcom, IV;

Brooks, Bradley, Defendant/Appellee ;

Carr, Christopher M., Attorney General of Georgia,  
attorney for

Defendant/Appellee Judge Henry Balkcom, IV;

Chalmers, Roger A., Senior Assistant Attorney  
General, attorney for

Defendant/Appellee Judge Henry Balkcom, IV;

Fendley, Rebecca, Defendant/Appellee, Clerk of the  
Magistrate Court of Quitman County, Georgia;

Floyd, Julie, Defendant/Appellee, Clerk of the  
Superior Court of Quitman County, Georgia;

Foster, Billie Joe, Defendant/Appellee;

Page: 3 of 5

Foster, Urvashi, Defendant/Appellee;

God and God Alone, LLC, Defendant/Appellee;

Johnson, David, Sr., Plaintiff/Appellant;  
Land, Clay D., U.S. District Court Judge;  
Marschalk, Barbara A., attorney for  
Defendants/Appellees Billie Joe Foster,  
Urvashi Foster and God and God Alone, LLC,  
Nanniga, Matthew, trial attorney for  
Defendants/Appellees Billie Joe Foster,  
God and God Alone, LLC and Urvashi Foster;  
Pinkston-Pope, Loretta, Deputy Attorney General,  
attorney for  
Defendant/Appellee Judge Henry L. Balkcom, IV;  
Rollins, Raleigh W., attorney for  
Defendants/Appellees Bradley Brooks,  
Judge Patrick C. Bagwell, Julie Floyd, Rebecca  
Fendley and Billie Joe Foster;  
Shaw, Thomas Henry, attorney for  
Defendants/Appellees, Bradley Brooks,  
Judge Patrick C. Bagwell, Julia Floyd,

Rebecca Fendley and Billie Joe Foster;

United States Department of Housing and Urban  
Development,

Defendants/Appellees ; and

X,Y,Z, Defendants/Appellees

Page: 4 of 5

/s/ Matthew W. Bridges 081101  
Matthew W. Bridges

A - 37  
U.S. District Court [LIVE AREAI  
  
Middle District of Georgia

Notice of Electronic Filing

The following transaction was entered on 12/29/2022  
at 9:40 AM EST and filed on 12/29/2022

**Case Name:** JOHNSON v. FOSTER, et al.

**Case Number:** 4:21-cv-00219-CDL

**Filer:**

**WARNING: CASE CLOSED on 11/30/2022**

**Document Number:** 49 (No document attached)

**Docket Text:**

This is a text only entry; no document issued.

ORDER finding as moot [47] Motion for Extension of  
Time to File RESPONSE re [47] MOTION for  
Extension of Time to File RESPONSE as to [44]  
MOTION for Extension of Time to Complete  
Discovery MOTION for Order to Show Cause.  
Ordered by US DISTRICT JUDGE  
CLAY D LAND on 12/29/2022 (blm)

Other Documents

4:21-cv-00219-CDL JOHNSON v. FOSTER, et al.  
**CASE CLOSED** on 11/30/2022

NOMDL, PRO SE

U.S. District Court [LIVE AREA]  
Middle District of Georgia

Notice of Electronic Filing

The following transaction was entered by BRIDGES, MATTHEW on 12/27/2022 at 9:47 AM EST and filed on 12/27/2022

**Case Name:** JOHNSON v. FOSTER, et al.

**Case Number:** 4:21-cv-00219-CDL

**Filer:** BAGMAN

**WARNING: CASE CLOSED on 11/30/2022**

Document Number: 46

Docket Text:

Request for Local Rule 6.2 Clerks Extension re [44]  
MOTION for Extension of Time to Complete  
Discovery MOTION for Order to Show Cause by  
BAGMAN (BRIDGES, MATTHEW)

4:21-cv-00219-CDL Notice has been electronically  
mailed to:

HENRY THOMAS SHAW [shaw@alexandervann.com](mailto:shaw@alexandervann.com),  
[mclanton@alexandenrann.com](mailto:mclanton@alexandenrann.com)

MATTHEW A NANNINGA nanningarn@deflawcom,  
dulcieb@deflaw.cor.r'r, reynoldsr@deflaw.com

MATTHEW WILLIAM BRIDGE,S  
mbridges@law.ga.gov, 04CRmail@law.ga.gov,  
lhale@law.ga.gov, rch almers@law. ga. gov,  
treid@law. ga. gov

4:21-cv-00219-CDL On this date, a copy of this  
document, including any attachments, has been  
mailed by  
United States Postal Service to any non CM/ECF  
participants as indicated below::

DAVID TIMOTHY JOHNSON, SR  
PO Box 494  
Georgetown, GA 39854

The following document(s) are associated with this  
transaction:

Georgia Department of Law  
40 Capitol Square SW  
Atlanta, Georgia 30334-1300

CHRISTOPHER M. CARR      [www.law.ga.gov](http://www.law.ga.gov)  
ATTORNEY GENERAL      (404) 458-3600

Writer's Direct Dial:  
404-458-3536  
Fax 404-651-5304  
Email: [mbridges@law.ga.gov](mailto:mbridges@law.ga.gov)

December 27, 2022  
Mr. David W. Bunt  
Clerk of Court  
United States District Court  
Middle District of Georgia

RE: David T. Johnson v. (Jrvashi Foster, et al.  
Middle District of Georgia, Columbus Division  
Civil Action File No.: 4:21-cv-00219-CDL

Dear Mr. Bunt:

Pursuant to the Local Rules and the instructions received in a phone call with the Clerk's Office today, I am writing to request a fourteen (14) day extension permitted by Local Rule 6.2 to file my response brief to Plaintiff's Motion for Order to Show Cause, Rule 60 Motion, Motion to Extend Time of Discovery, and Request for Judicial Notice (Doc.44). My response brief is due January 4, 2023,

and I am requesting an extension until January 18,  
2023.

Thank you for your consideration

Sincerely,  
s/ Matthew W. Bridges  
MATTHEW W. BRIDGES  
Assistant Attorney General  
Counsel for Judge Henry L. Balkcom IV

MWB

cc: David T. Johnson (via U.S. Mail)  
Henry T. Shaw (via CM/ECF)  
Matthew Nanninga (via CM/ECF)

**Motions**

4:21-cv-00219-CDL JOHNSON v.  
FOSTER, et al. CASE CLOSED  
on 11/30/2022

NOMDL, PRO SE

U.S. District Court [LIVE AREA]

Middle District of Georgia

**Notice of Electronic Filing**

The following transaction was entered by BRIDGES, MATTHEW on 12/27/2022 at 6:26 PM EST and filed on 12/27/2022

**Case Name:** JOHNSON v. FOSTER, et al.

**Case Number:** 4:21-cv-00219-CDL

**Filer:** BAGMAN

**WARNING: CASE CLOSED on 11/30/2022**

**Document Number:** 47

**Docket Text:**

**MOTION for Extension of Time to File RESPONSE as to [44] MOTION for Extension of Time to Complete Discovery**  
**MOTION for Order to Show Cause by BAGMAN filed by MATTHEW WILLIAM BRIDGES. (Attachments: # (1) Proposed Order Proposed Order to extend response time to Plaintiff's doc. 44)(BRIDGES, MATTHEW)**

**4:21-cv-00219-CDL Notice has been electronically mailed to:**

HENRY THOMAS SHAW  
tshaw@alexandervann.com,  
mclanton@alexandervann.com

MATTHEW A NANNINGA nanningam@deflaw.com,  
dulcieb@deflaw.com, reynoldsr@deflaw.com

MATTHEW WILLIAM BRIDGES  
mbridges@law.ga.gov, 04CRmail@lawga.gov,  
lhale@law.ga.gov,  
rchalm ers@law. ga.gov, treid@law.ga. gov

**4:21-cv-00219-CDL** On this date, a copy of this  
document, including any attachments, has been  
mailed by United States Postal Service to any non  
CM/ECF participants as indicated below::

DAVID TIMOTHY JOHNSON, SR  
PO Box 494  
Georgetown, GA 39854

The following document(s) are associated with this  
transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp :**

**Document description:**Proposed Order Proposed  
Order to extend response time to Plaintiff's doc. 44

Activity in Case 4:21-cv-00219-CDL JOHNSON v.  
FOSTER, et al. Motion for Extension of Time to  
Complete Discovery

From: cmechelpdesk@gamd.uscourts.gov

To: cmechelpdesk@gamd.uscourts.gov

Date: Thursday, December 15, 2022 at 12:02 PM  
EST

This is an automatic e-mail message generated by  
the CM/ECF system. Please DO NOT RESPOND to  
this e-mail because the mail box is unattended.

\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial  
Conference of the United States policy permits  
attorneys of record and parties in a case (including  
pro se litigants) to receive one free electronic copy of  
all documents filed electronically, if receipt is  
required by law or directed by the filer. PACER  
access fees apply to all other users. To avoid later  
charges, download a copy of each document during  
this first viewing. However, if the referenced  
document is a transcript, the free copy and 30 page  
limit do not apply.

U.S. District Court [LIVE AREA]

Middle District of Georgia

**Notice of Electronic Filing**

The following transaction was entered on 12/15/2022  
at 12:02 PM EST and filed on 12/15/2022

**Case Name:** JOHNSON v. FOSTER, et al.

**Case Number:** 4:21-cv-00219-CDL

**Filer:** DAVID TIMOTHY JOHNSON, SR

**WARNING: CASE CLOSED on 11/30/2022**

**Document Number:** 44

**Docket Text**

**MOTION for Order to Show Cause, Motion for Judgment, Motion for Extension of Time to Complete Discovery and Request for Judicial Notice - Filed by DAVID TIMOTHY JOHNSON, SR.(tlp)**

**4:21-cv-00219-CDL Notice has been electronically mailed to:**

MATTHEW A NANNINGA nanningam@deflaw.com, dulcieb@deflaw.com, reynoldsr@deflaw.com

HENRY THOMAS SHAW  
tshaw@alexandervann.com,  
mclanton@alexandervann.com

MATTHEW WILLIAM BRIDGES  
mbridges@law.ga.gov 04CRmail@law.ga.gov,  
lhale@law.ga.gov, rchalmers@law.ga.gov,  
treid@law.ga.gov

**4:21-cv-00219-CDL** On this date, a copy of this document including any attachments, has been mailed by United States Postal Service to any non CM/ECF participants as indicated below::

DAVID TIMOTHY JOHNSON, SR  
PO Box 494  
Georgetown, GA 39854

The following document(s) are associated with this transaction:

Document description: Main Document  
Original filename:n/a  
Electronic document Stamp:

David T. Johnson, Plaintiff Pro Se  
Order to Show Cause/Rule 60 Motion  
Request for Judicial Notice  
Case 4:21-cv-00219-CDL

UNITED STATES DISTRICT COURT  
Middle District of Georgia  
Columbus Division

David T. Johnson Case No.421-cv-00219-CDL  
Plaintiff,  
Motions  
-v- Order to Show Cause

URVASHI FOSTE& et al.,  
Defendants.

Rule 60 Motion  
Extend Time of Discovery  
Request for Judicial Notice  
Jury Trial: Yes

1. Comes Now, Plaintiff David T. Johnson pursuant to Rule 60 timely file Motion to Vacate Judgment Order within fourteen (14) days and asks this Honorable Court to set aside the order or withdraw its decision of November 30,2022, on the grounds of Mistake; Surprise; Excusable Neglect or irregularity in obtaining the Judgment Order; Inadvertence; Illness of Party; defendants, severally and jointly, Fraud, Misrepresentation or other

Misconduct of an adverse party for not being candid with this court; and other reason justifying relief from the operation of the judgment. Other relevant legal authority is shown in brackets, below.

1 of 42

Certified Mail 7021 0350 0001 9103 6264  
December 15, 2022

**Certificate of Service**

I certify that I am mailing or hand carrying a copy of this Motion to Show Cause, dated December 13, 2022, to Clerk of U.S. District Court, Middle Georgia, 120 12th, Street, Columbus, GA 31901. A copy of this Motion to Show Cause shall be served on all parties. If an opposing party is represented by an attorney, the service shall be made upon the attorney.

Attorney General of Georgia  
40 Capitol Square SW  
Atlanta, GA 30334

Travis C Hargrove, The Finley Firm, P.C.  
200 13th Street  
Columbus, GA 30901

Matthew William Bridges  
40 Capitol Square SW  
Atlanta, GA 30334

Henry Thomas Shaw  
41 I Gordon Avenue  
Thomasville, GA 31792

1 of 5

William Allred  
Barrickman, Allred & Young, LLC  
5775 Glenridge Drive, NE Suite E100  
Atlanta, GA 30328

Clerk, U.S. District Court  
Middle Georgia  
120 12th Street  
Columbus, GA 31901

U. S. Department of Housing and Urban  
Development  
Region IV  
Fair Housing and Equal Opportunity  
Five Points Plaza  
40 Marietta Street  
16ft Floor  
Atlanta, GA 30303-2806

Date: December 15, 2022

---

David T. Johnson, Pro Se  
896 Lower Lumpkin Road  
Georgetown, GA 39854

**Rule 5.1.** Constitutional Challenge to a Statute –  
Notice, Certification, and Intervention

(a) NOTICE BY A PARTY. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly:

(1) file a notice of constitutional question stating the question and identifying the paper that raises it, if:

2 of 5

(A) a federal statute is questioned and the parties do not include the United States, one of its agencies, or one of its officers or employees in an official capacity; or

(B) a state statute is questioned and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity; and

(2) serve the notice and paper on the Attorney General of the United States if a federal statute is questioned – or on the state attorney general if a state statute is questioned – either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.

(b) CERTIFICATION BY THE COURT. The court must, under 28 U.S.C. § 2403, certify to the appropriate attorney general that a statute has been questioned.

(c) INTERVENTION; FINAL DECISION ON THE MERITS. Unless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier. Before the time to intervene expires, the court may reject the constitutional challenge, but may not enter a final judgment holding the statute unconstitutional.

3 of 5

(d) NO FORFEITURE. A party's failure to file and serve the notice, or the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

4 of 5

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

DAVID TIMOTHY JOHNSON SR.,  
Plaintiff,

v.

Case No. 4:21-cv-219 (CDL)

URVASHI FOSTER, et al.,  
Defendants.

JUDGMENT

Pursuant to this Court's Order dated November 30, 2022, and for the reasons stated therein, JUDGMENT is hereby entered in favor of Defendants. Plaintiff shall recover nothing of Defendants. Defendants shall also recover costs of this action.

This 30th day of November 2022.

David W. Bunt, Clerk  
s/ Timothy L. Frost, Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

DAVID T. JOHNSON,  
Plaintiff,  
VS  
CASE NO. 4:27-CY-279 (CDL)

URVASHI FOSTER, et al.,  
Defendants.

ORDER

After being provided with an opportunity to cure his deficient Complaint, Plaintiff still apparently misunderstands the rules that apply to pleading a claim in federal court. Those rules are not complicated. Under Federal Rule of Civil Procedure B (a) (2), a complaint must include "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. B (a) (2). Rule 10 (b) requires a party to "state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances." Fed. R. Civ. P. 10(b). The Court may dismiss a complaint that violates either of these rules as a shotgun pleading. *Barmapov v. Amuial*, 986 F.3d 1321, 1324 (11th Cir. 2021) (further defining shotgun pleading categories). Pro se Plaintiff David Johnson's original complaint constituted a shotgun pleading, so the Court ordered him "to file an amended and restated complaint that specifies: (1) what causes of action are asserted against each defendant, (2) which

factual allegations form the basis of each claim against each defendant, and (3) the legal theory upon which he asserts liability against each defendant." Order 2-3, ECF No. 20.

Johnson's amended complaint remains deficient. First, it "is 'replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action.'" Barmapov 986 E.3d at 1325 (quoting Weiland v. Palm Beach Cnty, Sheriff's Off., 792 E.3d 1313, 1322 (11th Cir. 2015). Johnson alleges that he "suffered" discrimination "based upon religion, [his] race sex, religion, age, and physical limitation," but he states no facts supporting those accusations. Am. Compl. 8, ECF No. 23<sup>1</sup>. Nor does he allege how he was subjected to retaliation and disability discrimination.

Second, the amended complaint "does not separate 'each cause of action or claim for relief into a different count.'" Barmapov, 986 F.3d at 1325 (quoting Weiland, 792 E.3d at 1323). Johnson generally alleges that he brings this action "for violations of 5th, 13th, and 14th amendments to the United States Constitution" and Georgia anti – discrimination statutes, but he fails to separate these claims and others into distinct counts. Am. Compl. at 4.

Third, Johnson asserts "multiple claims against multiple defendants without specifying

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<sup>1</sup> The amended complaint uses non – sequential page numbers, so when the Court cites the amended complaint it specifically cites the page number in ECF No. 23.

CLAY D. LAND  
U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA

which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against. *Barmapov*, 986 F.3d at 1325 (internal quotation marks omitted) (quoting *Weiland*, 192 F.3d at 1323). Instead, the amended complaint, like the original complaint, treats the defendants collectively for most of the claims. Johnson does not even attempt to clearly assert each claim, supported by specific allegation, against particular defendants.

The Court understands that Johnson is not a lawyer. But he nevertheless must comply with the rules, which in this case are not complicated. His amended complaint still does not “give the defendants adequate notice of the claims against them and the grounds upon which each claim rests.” *Weiland*, 792 F.3d at 1323. Having squandered the opportunity to cure the deficiencies, Plaintiff does not deserve another chance, which would likely prove futile. See *Barmapov*, 986 F.3d at 1326. Accordingly, the Court grants Defendants’ motions to dismiss Johnson’s amended complaint (ECF Nos. 28, 31, & 33).

IT IS SO ORDERED, this 30th day of November , 2022.

S/Clay D Land

Activity in Case 4:21-00219-CDL JOHNSON v.  
FOSTER, et al. Order on Motion for Extension of  
Time to Amend

U.S. District Court [LIVE AREA]

Middle District of Georgia

Notice of Electronic Filing

The following transaction was entered on 9/12/2022  
at 11:13 AM EDT and filed on 9/12/2022

Case Name: JOHNSON v. FOSTER, et al.

Docket Text:

This is a text only entry; no document issued.  
ORDER granting [21] Motion for Extension of Time  
to Amend [21] MOTION for Extension of Time to  
Amend [20] Order on Motion for Judgment on the  
Pleadings,, Order on Motion to Dismiss Complaint,,,  
[26] MOTION for Leave to File Excess Pages for  
Defendants' Memorandum in Support of Motion to  
Dismiss Amended Complaint ; granting [26] Motion  
for Leave to File Excess Pages. Plaintiff claims that  
he missed the deadline to file his amended complaint  
because of illness. The Court finds that Plaintiffs  
tardy amended complaint shall be deemed timely  
and is now the operative complaint in this action.  
Defendants shall file any renewed motions to  
dismiss the amended complaint within 21 days of  
today's order. Ordered by US DISTRICT JUDGE  
CLAY D LAND on 9/12/2022 (blm)

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

DAVID T. JOHNSON,  
Plaintiff,

vs. CASE NO. 4:21-CV-219 (CDL)

URVASHI FOSTER, et al.,  
Defendants.

ORDER

Under Federal Rule of Civil Procedure 8 (a) (2), a complaint must include "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). Under Rule 10(b), a "party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances." Fed. R. Civ. P. 10(b). A complaint that violates either of these rules may be dismissed as a shotgun pleading. *Barmapov v. Amuial*, 986 F.3d 1321, 1324 (11th Cir. 2021) (further defining shotgun pleading categories) .

Pro se plaintiff David Johnson's complaint suffers from several shotgun pleading deficiencies. First, "each count adopts the allegations of all preceding counts, causing each successive count to carry all that came before and the last count to be a combination of the entire complaint." *Id.* at 1324 – 25 (quoting *Weiland v. Palm Beach Cnty. Sheriff's*

Off., 792 F.3d 1313, 1321 (11th Cir. 2015)). Second, Johnson's complaint is "replete with conclusory, vague, and immaterial facts not obviously connected to any particular cause of action." *Id.* at 1325 (quoting *Weiland*, 792 F. 3d at 1322). For example, the complaint leaves many intentionally blank spaces and fails to describe relevant facts while including other extraneous allegations that do not support any of his causes of action. Third, Johnson asserts "multiple claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions, or which of the defendants the claim is brought against." *Id.* (quoting *Weiland*, 792 F.3d at 1323). The complaint does not clearly direct each count against particular defendants, often treats the defendants collectively, and confuses defendants with similar names or positions. In short, it's a mess.

"When a litigant files a shotgun pleading ... and fails to request leave to amend, a district court must sua sponte give him one chance to replead before dismissing his case with prejudice on non – merits shotgun pleading grounds" *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1296 (11th Cir. 2018); see also *Fields v. Conrad*, 2022 WL 291359, at \*4 (11th Cir. Feb. 1, 2022) (per curiam) (applying this rule to and affirming the dismissal of a pro se plaintiff 's shotgun pleading). Thus, the Court orders Johnson to file an amended and restated complaint that specifies: (1) what causes of action are asserted against each defendant,

(2) which factual allegations form the basis of each claim against each defendant, and (3) the legal theory upon which he asserts liability against each defendant. The amended and restated complaint shall be filed within 28 days of this order. Failure to comply with this order within that time will result in the dismissal of this action. Defendants' pending motions to dismiss (ECF Nos. 12 & 16) and motion for judgment on the pleadings (ECF No. 18) are terminated as moot but may be refiled if Johnson fails to comply with this order.

IT IS SO ORDERED, this 21st day of July, 2022.

S/Clay D. Land  
CLAY D. LAND  
U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA

U.S. District Court [LIVE AREA]  
Middle District of Georgia

Notice of Electronic Filing

The following transaction was entered on 7/11/2023  
at 1:02 PM EDT and filed on 7/11/2023

Case Name: JOHNSON v. FOSTER, et al.

Case Number: 4:27-cv-00219-CDL

Filer:

WARNING: CASE CLOSED on 11/30/2022

Document Number: 62 (No document attached)

Docket Text:

This is a text only entry; no document issued.

ORDER terminating [60] Motion to Amend/Correct.

Plaintiff filed a notice of appeal in this action and  
the case has not been remanded to this Court.

Accordingly, Plaintiffs motions for relief in this  
Court are premature and are terminated. Ordered  
by US DISTRICT JUDGE CLAY D LAND on  
7/11/2023 (blm)

4:21-cv-00219-CDL Notice has been electronically  
mailed to:

MATTHEW A NANNINGA [nanningam@deflaw.com](mailto:nanningam@deflaw.com),  
[dulcieb@deflaw.com](mailto:dulcieb@deflaw.com), [reynoldsr@deflaw.com](mailto:reynoldsr@deflaw.com)

HENRY THOMAS SHAW  
[tshaw@alexandervann.com](mailto:tshaw@alexandervann.com),  
[mclanton@alexandervann.com](mailto:mclanton@alexandervann.com)

MATTHEW WILLIAM BRIDGES  
mbridges@law.ga.gov, 04CRmail@law.ga.gov,  
lhale@law.ga.gov, rchalmers@law.ga.gov, treid@law.  
ga.gov

4:21-cv-00219-CDL On this date, a copy of this  
document, including any attachments, has  
been mailed by United States Postal Service to any  
non CM/ECF participants as indicated  
below::

DAVID TIMOTHY JOHNSON, SR  
896 LOWER LUMPKIN RD  
Georgetown, GA 39854

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

DAVID T. JOHNSON,  
Plaintiff,  
vs.  
CASE NO. 4:21-CV-219 (CDL)

URVASHI FOSTER, et al.,  
Defendants.

ORDER

Several Defendants have filed motions to dismiss, one Defendant has filed a motion to stay discovery and scheduling deadlines until those motions to dismiss have been decided, and Plaintiff has not yet served Defendant United States Department of Housing and Urban Development. The motion to stay (ECF No. 11) is granted. This stay does not affect Plaintiff's duty to serve the Defendant United States Department of Housing and Urban Development.

Plaintiff filed this action on December 27, 2021. More than 90 days have passed, and Plaintiff has not filed a proof of service showing that Defendant United States Department of Housing and Urban Development has been served with a copy

of the summons and complaint. Under Federal Rule of Civil Procedure 4 (m), if a defendant is not served within 90 days after the complaint is filed, the court, after notice to the plaintiff, must dismiss the action without prejudice against the defendants or order that service be made within a specified time. Accordingly, Plaintiff is ordered to serve Defendant United States Department of Housing and Urban Development in accordance with the Federal Rules of Civil Procedure by April 22, 2022, and to file proof of that service by April 29, 2022. Failure to do so will result in the dismissal of Plaintiff's complaint against Defendant United States Department of Housing and Urban Development without prejudice.

IT IS SO ORDERED, this 4th day of April, 2022.

S/Clay D. Land  
CLAY D. LAND  
U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA

David T. Johnson,

XYZ

Plaintiff(s)

vs.

Case No. 4:21-cv-219(CDL)

Urvashi Foster, an individual;  
Billy Joe Foster, an individual;  
Deputy Brooks, Badge #203,  
Georgetown – Quitman County Sheriff Department  
An individual;  
God and God Alone LLC, a limited liability  
corporation;  
Magistrate Court, Georgetown – Quitman County  
Judge Bagman, individual;  
Superior Court, Georgetown – Quitman County;  
U.S. Department of Housing and Urban  
Development; and  
X, Y, Z; jointly and severally.

Defendants.

David T. Johnson  
PO Box 494  
896 Lower Lumpkin Road  
Georgetown, GA 39854  
Voicemail: 609 913 – 2634  
Email: [djohnson53@yahoo.com](mailto:djohnson53@yahoo.com)

Complaint and Demand For Jury Trial

The Attorney General shall be entitled to be heard in any such action, and the court where such action is filed may enter an action upon the Attorney General. In any action brought under this Code section the Attorney General shall be served by certified or registered mail or statutory overnight delivery with a copy of the initial complaint and any amended complaint within 20 days of the filing of such complaint.

Page 28 of 29

Date: December 27, 2021

---

David T. Johnson  
Pro Se  
Georgetown, GA

Magistrate Court of Quitman County Georgia

Notice of Appeal

Filed 9 – 21 – 2020  
Holly Albie  
Clerk of the Magistrate Court  
Quitman County, Georgia

Urvashi Foster – Commons at Georgetown – God  
and God Alone, LLC, et al.  
40 Jacqueline Dr., PO Box 760  
Georgetown, GA 39854  
Plaintiff,

vs.

David T. Johnson  
174 Commons Way, Unit 122  
Georgetown, GA 39854  
Defendant.

Dispossessory Cases

The judgment of the dispossessory case  
appealed herein was entered on the 16th day of  
September 2020. This appeal MUST BE filed within  
seven (7) days of the date of judgment set forth  
above.

Prejudiced and racist, court rules current at  
that time, for payment of rent, not in dispute, into

registry of the court, was not followed by the judge,  
to extort money from defendant.

Date: September 21, 2020

---

David T. Johnson  
Pro Se  
Georgetown, GA

JUDGMENT GRANTING WRIT OF POSSESSION

After hearing evidence, and the Court having determined that the Defendant is guilty of violating the apartment rules. The Plaintiff is entitled to the issuance of a Writ of Possession in the above – styled matter;

IT IS HEREBY ORDERED AND ADJUDGED that a Writ of Possession issue placing plaintiff in peaceful and quiet possession of those premises known as; 174 Commons Way Unit 122 Georgetown, Ga 39854 provided, however, issuance of the Writ of Possession be, and is hereby stayed for a period of seven (7) days from September 15, 2020.

**Defendant(s) shall vacate premises by September 22, 2020 at 12:00 AM or will be removed by the Plaintiff.**

This 16th day of September, 2020.

---

Patrick C. Bagwell  
Magistrate Judge  
By Appointment

Magistrate Court of Quitman County Georgia

Dispossessory Answer

Urvashi Foster – Commons at Georgetown – God and God Alone, LLC, et al.

40 Jacqueline Dr., PO Box 760  
Georgetown, GA 39854

Plaintiff,

vs.

David T. Johnson  
174 Commons Way, Unit 122  
Georgetown, GA 39854

Counterclaim

Defendant.

Landlord terminated my lease without a valid reason. Perpetual lease can only be terminated by lessee absent material breach fabricated by Urvashi Foster.

I do not owe any rent to my landlord.

Landlord failed to repair the property. This failure has lowered its value ...

Undated inspection report performed by Urvashi Foster on or about 7-3-2022, not May 2020 indicated on inspection form. See attorney letter for actual date of inspection.

Hot water heater leaks. Ceiling dropped in living room. Old paint never replaced in nearly 7 years.

Counterclaim – Retaliation – FHEO Case Number 04 – 20 – 9008 – 8, Conciliation Agreement immediately materially breached by Urvashi Foster. Complaint Submitted.

Amount of damages to be provided. Jury trial is requested for claims/charges so triable.

---

David T. Johnson, Pro Se  
Georgetown, GA 39854

Filed 8/25/2020  
Julia Floyd, Clerk of the Magistrate Court  
Quitman County, Georgia

### **36.1. Lack of Jurisdiction Over Counterclaim**

Where the defendant asserts a legally sufficient counterclaim in good faith which is beyond the jurisdiction of the magistrate court but the entire case is within the jurisdiction of another Georgia court, the court shall transfer the case to a court with jurisdiction over the counterclaim. Where the parties agree on a transferee court with jurisdiction over the counterclaim, the court shall transfer the case to that court. Otherwise, the court shall select a proper court to which to transfer the case.

### **Rule 37. Amendments**

Amendments to pleadings in the magistrate court may be filed without leave of court. If the court finds that the opposite party is surprised and not prepared to go forward due to the lateness of 66 notice of the amendment despite due diligence, the court shall continue the case. When the amending party has been negligent or dilatory in filing an amendment, the court may condition consideration of the amendment upon the payment of all or part of the costs to the opposing party attributable to the continuance of the case. The amending party may then elect to proceed immediately to trial in the magistrate court without consideration of the amendment or agree to pay the costs assessed by the court. Upon failure to pay those costs, the court may

impose a default judgment or may hear the case on the merits and assess those costs as part of the final judgment. Amendments filed at or prior to the hearing in the magistrate court shall be part of the pleadings upon de novo appeal even where such amendment was not considered in the magistrate court.