

No. 23-691

ORIGINAL

In The
Supreme Court of The United States

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Samuel Ghee
Petitioner
Vs.
COMCAST CABLE
COMMUNICATIONS, LLC.
Respondent

Magistrate Albert L. Norton,
personal capacity
Respondent

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the 11th Circuit

PETITION FOR A WRIT OF CERTIORARI

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Questions

The Georgia Constitution, section VII, paragraph VII, whether qualified or judicial immunity, does not immune willful misconduct and failure to preform duties, why isn't this a matter of state law in this case?

Your statement, "departing from the accepted and usual course of judicial proceedings," does it mean that a lower court can drift so far away from the require standards of a stare decisis rulings of a case, such as *Conspiracies Between Public Officials and Private Persons* the real Governing Principles laid out in *Adickes v. S. H. Kress & Co.*, 398 U.S. 144, 90 S. Ct., and undermindf these governing principles causing similar cases to be quickly dismiss?

Parties;

Samuel Ghee, Pro Se, Disable Veteran
Plaintiff

COMCAST CABLE COMMUNICATIONS, LLC,
Defendants

Magistrate Albert L. Norton, personal capacity,
Defendants

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Samuel Ghee respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the 11th Circuit.

OPINIONS BELOW

The 11th Circuit issued its panel decision on June 6, 2023. (App.1a). The district court of the Northern District of Georgia Atlanta Division issued its memorandum Opinion on August 10, 2022. (App.3a) Both opinions are unpublished.

JURISDICTION

The petition for rehearing en bane was denied on July 25, 2023. This Court's jurisdiction is invoked under 28 U.S.C. 1254(1).

STATUTORY PROVISIONS INVOLVED

Title §42 U.S.C. 1983, Fourteenth/Fifth amendment Due Process of law for the constitution United States of America.

Fourteenth/Fifth amendment Equal Protection under the laws of the constitution for the United States of America.

INTRODUCTION

In this petition the footnotes will point to most references that will be cited in the record directly to the 11th circuit Appendix and the Appendix attached to this petition.

STATEMENT OF THE CASE

This case is about a judicial official's misconduct, a magistrate who willfully give the judgement to respondent. Respondent who never attempted to return not one subpoena into to the clerk as required by Georgia subpoena statute §O.C.G.A. 24-13-26 (b)¹, By violating

¹ (See 11th circuit appendix Certified Copy, Ga. statute, Doc. 44-2).

Georgia subpoena statute, a new action was filed in the Northern District of Georgia Atlanta Division as a title §42 USC 1983, Conspiracy to Conspire with a private Party Under the Color of State law. A copy of the magistrate court judgement² and a copy of the docket sheet³. This is evidence that the subpoena statute is clearly being violated. The magistrate handing out judgements when the subpoena statute clearly states no continuances making the subpoena issue still in dispute. A certified copy of the magistrate court docket-sheet, (see footnote), showing respondent never turn in the subpoenas to the clerk. A certified copy of the judgment, (see footnote), clearly shows that the magistrate continued by giving a defendant a judgment though no resolution of four subpoenas. These documents were filed as supporting certified evidence attached as exhibits⁴.

The supporting evidence supports the plausibility standards a plaintiff must plead which was undermined by the courts. This evidence shows an example of the very factual content that allows a court to draw a reasonable inference that the defendant is liable for the misconduct alleged. *Id.* at 678 (alteration added) (citing *Twombly*, 550 U.S. at 556).

The district court and the 11th circuit in their opinions turned a blind eye to the collusion when all the evidence and circumstances in this case prove collusion. In their opinions they have twisted the whole outcome of the case away from the conduct of the parties to making the case being all about lawyers and bar cards.

Adickes v. S. H. Kress & Co., 398 U.S. 144, 90 S. Ct. 1598, 26 L. Ed. 2d 142 (1970), the "Conspiracies Between Public Officials and Private Persons have been the Governing Principles," first set forth the elements

² (See judgement, in 11th circuit appendix, certified copy of magistrate court judgement doc. 1-5 and 44-1)

³ (See 11th circuit appendix docket-sheet doc. 1-6).

⁴(See 11th circuit appendix exhibits attached, evidence affidavit doc. 1-1 and exhibits doc. 1-2 through doc. 1-7).

necessary for a section 1983 recovery at 150, 90 S. Ct. at 1604, all of which set the standard for a conspiracy claim.

In the complaint⁵, petitioner alleges the facts and circumstances in detail the conduct of the parties with attached evidentiary evidence and supporting affidavit⁶

No doubt the lower courts opinions have deviated too far from the precedents of the U.S. Supreme Court on section §1983 conspiracy claims. Mainly, the lower courts entire argument is overlooking the alleged serious conduct of the respondents. It proves in fact that this judicial officer violated Georgia subpoena statute⁷, under color of State law, and this deprived plaintiff of due process of a hearing on four subpoenas⁸ which is legislative law and not a judge's discretion. The proof is that the judgment⁹ given to respondent without addressing any subpoena issues. The docket sheet,¹⁰ is enough proof the defendant never tried to answer any of the subpoenas, yet wins the judgment. The documents were filed as proof to support that a conspiracy exists. The lower courts refuse to acknowledge and blindly looking for a plausible collusion between the respondents while overlooking the alleged conduct stated in both the claim and reply pleadings¹¹. An affidavit is the document that support the evidence of proof on file. Instead, they twisted the substance in the case as though the whole case is about lawyers and Bar Cards.

Some say to pick your battles wisely but too long of a wait they can become overlooked because many think of them being too small. From constant attacks being waged by public officials, it's a constant battle and seems to be getting worse. Having a prefect reputation, it is easy to

⁵ (See 11th circuit appendix doc.1, complaint, page 3-5)

⁶ (see 11th circuit appendix exhibits attached, evidence affidavit doc. 1-1)

⁷ (see 11th circuit Appendix subpoenas statute, doc. 1-3 and certified copy doc. 44-2)

⁸ (see 11th circuit Appendix subpoenas, doc.1-2,)

⁹ (see 11th circuit Appendix final judgement, doc. 1-5,).

¹⁰ (see 11th circuit Appendix copy of docket-sheet, doc.1-6),

¹¹ (See 11th circuit Appendix docket-sheet, doc. 9 through 9-2).

find yourself entangled in a bind of corrupt officials which one incident can set you. No matter how we think small corruption is, the people can no longer stand by and allow a continued war to be waged on the America people, families and communities. The system now has no regard for America life and we have to strike back.

1st Error

The district court's dismissal must be reversed unless "it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." "To survive a motion to dismiss [under Rule 12(b)(6)], a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Iqbal, 556 U.S. at 678 (alteration added) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)).

The district court's order/judgment¹² dismissed the complaint citing Northern District standards. In which it was argued in favor of the respondents who never directly challenged the elements of the complaint themselves in their motions to dismiss. The 11th circuit confirms in their opinion¹³ stating that the claim didn't show a plausible collusion between respondents,

The parties' motions¹⁴, never ever raising the issues about the elements, governing principles, of a title §42 USC 1983, Conspiracy claim. therefore, their motion is not about a 12(b)(6) defense to a title §42 USC 1983 Conspiracy claim. It was the judge who raised the argument for the defense and listed all of the elements in her order, page 12, attempting to challenge a title §42 USC 1983 Conspiracy claim. Now, the judge has become other than a neutral party to this case by challenging matters that respondents never raise. Under these

¹² (See in attached appendix and 11th circuit appendix doc.42-order, page 12),

¹³ (See in attached appendix 11th circuit opinion page 2).

¹⁴ (see 11th circuit appendix, 1st motion doc. 4 and doc. 4-1 and 2nd motion doc. 12 and 12-1),

conditions the respondents waivered their 12(b)(6) argument.

2nd Error

The lower courts refuse to acknowledge all of the circumstantial evidence in this case.

Here, *Adickes* had no knowledge of any communication between defendants of a conspiracy. The circumstance that helped satisfy this fact was "a meeting of the minds":

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Finally, Kress pointed to the statements in petitioner's own deposition that she had no knowledge of any communication between any Kress employee and any member of the Hattiesburg police, and was relying on circumstantial evidence to support her

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contention that there was an arrangement between Kress and the police.

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The existence or nonexistence of a conspiracy is essentially a factual issue that the jury, not the trial judge, should decide. *Adickes v. S. H. Kress & Co.*, 398 U.S.

The lower court is citing 11th circuit rulings because they don't want this information out and they don't want any clarity that will help police their corruption.

Therefore if these ruling are cited, the lower court will twist it to give the impression as though a pro se plaintiff doesn't know what he's presenting to the case.

3rd Error

A Motion for Recusal and a judicial complaint were filed they both were undermined, covered and trashed with no concerns about the serious judicial conduct. Petitioner's concern was that the requested financial record of the district court judge presiding over this case

interest in Blackrock Total Return Fund. Blackrock investments are the top 10 holders in Comcast stock, a party to this case. The question that was never answered, since Blackrock owned much of the stock in Comcast which is a party to this case, does this makes her interest in Blackrock a party to this case. This judge having an interest in Blackrock's fund, yet, evaded the issue as though it the issue was too tiny to be concern about. Blackrock owns the majority of stock in Comcast. This judge's reason for denying the motion to recusal¹⁵ was that by not participating as a manager of the stock that labels it a common stock which are not so common. The judge¹⁶ never answered about Blackrock being the majority stockholder making them owning the company Comcast, the party to this case. It can be assumed why the lower court want to twist the argument into confusion. A judicial complaint was filed and no response from the 11th circuit where it remains covered up.

REASONS FOR GRANTING THE PETITION

This judgement has so far departed from the accepted and usual course of judicial proceedings, it sanctions such a departure as to call for an exercise of this Court's supervisory power. This judgment conflicts with the standards of your stare decisis rulings on official conspiracy in *Adickes v. S. H. Kress & Co.*, 398 U.S. 144, 90 S. Ct. 1598, 26 L. Ed. 2d 142 (1970) to help keep corruption in check. This is a case to where the district court and the 11th circuit overruling a very important case of the U.S. Supreme Court's precedent in *Adickes v. S. H. Kress & Co.*, U.S. (1970), and said ruling must be summarily reversed by this court. This Supreme Court's pronouncements on questions of constitutionality are final and binding for all other courts and governmental authorities, whether state or federal.

¹⁵ (see in attached appendix and 11th circuit appendix doc.42-order, page 5 through 6).

¹⁶ (See 11th circuit appendix, civil case doc. Docket, doc. 31, motion for recusal a locked doc.)

The best-known power of the Supreme Court is judicial review, or the ability of the Court to declare a Legislative or Executive act in violation of the Constitution that is not found within the text of the Constitution itself. The Court established this doctrine in the case of *Marbury v. Madison*, (1803). As pro se no matter how facts are clearly presented in this case, the judiciary have blindly undermined and twisted it. It is a duty to present this case to your tribunal for full review to be compared with the entire judicial experience had.

The corrupt will completely foreclose on a pro se litigant who has the opportunity to go after corrupt judicial officials. *Harbury I* 233 F.3d at 609. See *Harbury III* 536 U.S. at 416, 122 S.Ct. 2179 "Conspiracy to Deny Plaintiffs' Constitutional Rights" and "Failure to Act to Prevent Denial of Plaintiffs' Constitutional Rights" *Id.*

Being a pro se litigant is really not a planned act, there's not enough lawyers who are willing to steps forward in politically corrupt cases. As so previously recorded, it is the main reason why such rulings are historically well established in our laws to be used to keep corrupt misconduct in check.

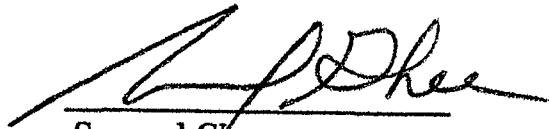
Mr. Justice Black also said.....tampering with the administration of justice as indisputably shown here involves far more than injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistent with the good order of society" *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944);

CONCLUSION

The attack is on public ignorance possessed with little or no power to fight back. Public officials thrive on certain groups in the public who they think inability to defend their rights, families, and communities. Evidently, by observing the deterioration over the years and seeing the outcome of what America have been reduced to today are apart of the lower courts undermining well establish

rulings that keep corrupt officials in check. This petition is to remind you that your rulings are in vain and being trashed disguised behind immunity to perpetuate public official's misconduct and corruption.

Executed this 16th day of October, 2023



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