

No. 24-5099 ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.  
FILED  
JUN 10 2024  
OFFICE OF THE CLERK

BRANDAN C. BELLAMY — PETITIONER  
(Your Name)

VS

CHANSE HOUGHTON, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

**PETITION FOR WRIT OF CERTIORARI**

Brandan C. Bellamy

(Your Name)

Algoa Correctional Center H.U. 8B-25-14  
8501 No More Victims Road

(Address)

Jefferson City, MO. 65101

(City, State, Zip Code)

N/A

(Phone Number)

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QUESTION(S) PRESENTED

1. Whether Petitioner should be given another chance to make another amended complaint.
2. Whether Respondents shall be held liable for violating Petitioner's Constitutional Rights and for participation in Malicious Prosecution of Petitioner.
3. Whether Respondents and additional Defendants should be held liable for violation of Petitioner's Hipaa Privacy Rights and other Privacy Laws.
4. Whether Petitioner's Lawsuit should be considered a Malicious Prosecution case or something else rather than a Wrongful Arrest case.
5. Whether the Court should reevaluate Petitioner's 1983 Lawsuit and allow it to move forward since Petitioner's pending charges that was argued in this Lawsuit has been Dismissed with Prosecution entering (Nolle Prosequi) 1 month after Petitioner's Lawsuit was Summarily Dismissed by the District Court on 09-18-23.
6. Whether Defendants Kelly Puckett, Wright Memorial Hospital, and Trenton Missouri Police Department should be SEVERED and DISMISSED from this case cosidering the fact that Petitioner misunderstood Judge FERNANDO J. GAITAN, JR's Order in Document 4 directing Plaintiff to file a superseding amended complaint due to deficiencies in his original complaint.

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[x] 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: **Respondents are Chanse Houghton, a Police Officer at Trenton Missouri Police Department in Trenton Missouri. Michael Allen Williams, a Police Officer at Trenton Missouri Police Department in Trenton, Missouri.** Additional Parties involved are **Prosecuting Attorney Kelly Puckett, Prosecutor for the State of Missouri in Trenton, Missouri located in Grundy County, Wright Memorial Hospital located at 191 Iowa Blvd. in Trenton, MO. 64683 and Trenton Police Department at 610 Main St. in Trenton, MO. 64683.**

## RELATED CASES

**BRANDAN CHARLES BELLAMY V. CHANSE HOUGHTON, et al Case No. 23-06093-CV-SJ-FJG-P, U.S. District Court for the Western District of Missouri. Order Document 4 entered 08-11-23 and Order Document 8 entered 09-18-23.**

**BRANDAN C. BELLAMY V. CHANSE HOUGHTON, et al, No.23-3358, U.S. Court of Appeals for the Eighth Circuit. Corrected Judgement entered Feb. 2, 2024 and Order entered March 13, 2024.**

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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 Bellamy v. Houghton, 2024 U.S. App.; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

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

reported at Bellamy v. Houghton, 2023 U.S. Dist.; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] 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

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was February 02, 2024.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: March 13, 2024, and a copy of the order denying rehearing appears at Appendix E.

An extension of time to file the petition for a writ of certiorari was granted to and including August 10, 2024 (date) on June 14, 2024 (date) in Application No. 23 A 1113.

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**

This case involves Amendment 4(IV) to the United States Constitution which states: The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This case involves Amendment 5 (V) to the United States Constitution which states: No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

This case involves Amendment 6 (VI) to the United States Constitution which states: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defense.

This case involves Amendment 8(VIII) to the United States Constitution which states: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Amendment 14(XIV) to the United States Constitution which states: All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. (Section 1).

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. (Section 5).

This Case involves 45 C.F.R. §164.512(f)(1)(ii)(A) which states: A court order or court-ordered warrant, or subpoena or summons issued by a judicial officer;

This case involves R.S.Mo §195.205 See Law 1

This case involves Restat 2d of Torts, §665(1) which states: The termination of the proceedings in favor of the accused at the instance of the private prosecutor who initiated them, or because of his failure to press the prosecution, is evidence of a lack of probable cause. See Law 2

This case involves Mo. Evidence Restated §503. See Law 3

This all is enforced by Title 42, Section 1983, United States Code: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, 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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

## STATEMENT OF THE CASE

On 10-7-22 Petitioner was arrested on Case#22AG-CR00241-01 in Grundy County Missouri for Prop Damage 1st Degree L/E or Relative; Assault 3rd Deg-Spec Victim; Resisting/Interfering with Arrest, Detention or Stop; and Peace Disturbance, Second or Subsequent Offenses. Said charges resulted in a #1 Laws Violation of Petitioner's Probation in Grundy County on Case #21AG-CR00237-01. The arrest was warrantless and lacked Probable Cause. The time of Arrest Petitioner was actually experiencing a Drug Overdose and medical assistance should of been obtained by the Trenton Police who knew Petitioner was incoherent. Rather than getting Petitioner medical assistance as ordered under R.S.Mo 195.205(4) Police arrested Petitioner and took him to Jail where they were met by Detention Officer Brandon Flowers who stated Petitioner "needed to be medically cleared before being released into their custody"! Trenton Police then took Petitioner to Wright Memorial Hospital where he was Diagnosed and treated. Police was provided with Petitioner's Hospital Report without a warrant in violation of 45 C.F.R §164.512(f)(1)(ii)(A) which was used against Petitioner on Case#21AG-CR00237-01 and resulted in a #6 Drugs Violation on Petitioner's Probation. On 10-12-23 Petitioner's Probation was Revoked over this Fruit of the Poisonous Tree Situation and as soon as Petitioner's Probation was Revoked Prosecutor Kelly Puckett Dismissed ALL charges on Case#22AG-CR00241-01 that resulted in Petitioner's #1 Laws Violation! This is better known as Malicious Prosecution! This is a Favorable Termination under Heck v. Humphrey, 512 U.S. 477! Mo.Evidence Restated §503 was Violated when Officers was given Petitioner's Hospital Report! Thompson v. Clark, 142 S. Ct. 1332 would also apply in Petitioner's 1983 Lawsuit! Petitioner is No Longer affected by Younger v. Harris, 401 U.S. 37(1971) because Petitioner no longer has pending proceedings!

### STATEMENT OF THE CASE

Additionally in Exhibit 1 the Courts will find proof of **MALICIOUS PROSECUTION**. **Petitioner** has decided to only seek monetary and punitive damages in this case rather than injunctive or declaratory relief. **Petitioner** does not know how to properly join defendants in this case and this is the reason **Defendants Kelly Puckett, Wright Memorial Hospital, and Trenton Police Department** was **SEVERED** and **DISMISSED** from this Case **Petitioner** totally misunderstood the Judge's ORDER in Document 4 APPENDIX B and still to this day doesn't fully understand how to do this Lawsuit and needs the assistance of Counsel! **Petitioner** has asked the Lower Courts for Assistance of Counsel and has been denied on every request! **Petitioner** wishes to sue Defendants in their Individual Capacity now rather than Official and Individual Capacities therefore **Petitioner** would need to do an Amended Complaint that is done Proper and according to ALL RULES which **Petitioner** does not fully know do to the fact that he is Pro Se. This is **Petitioner's** 1st time ever doing a 1983 Civil Suit and should be given every opportunity to Present his Case to the Court and receive the relief he deserves. This Court understands the importance of **Petitioner** needing the Assistance of Counsel since **Petitioner** is a inmate and can not present his claims to the Court Properly!

## REASONS FOR GRANTING THE PETITION

A. Rule 10(c) The United States Court of Appeals has decided an important question of Federal Law that has not been, but should be settled by this Court!

The United States Court of Appeals failed on upholding Petitioner's Constitutional Rights. Petitioner's 4th, 5th, 6th, 8th and 14th Constitutional Amendment Rights were Violated in this Case being argued. The United States Court of Appeals OVERLOOKED THE FACT that at the time they reviewed this case that Petitioner NO LONGER had any pending Court Proceedings which allowed the Courts to lift the *Younger v. Harris* abstention spoke of in Document 8 Appendix C. The United States Court of Appeals also OVERLOOKED the fact that Petitioner's pending charges spoke of in Document 8 Appendix C had been DISMISSED upon review of Petitioner's Lawsuit. Enclosed is Petitioner's proof of (Nolle Prosequi) on Charges argued in this case, see Appendix F Exhibit 1. Restat 2d of Torts, §665(1) is evidence of lack of Probable Cause is this Lawsuit, Appendix F Exhibit 3 paragraph 3 the Court will also find lack of Probable Cause to Arrest Petitioner in Trenton Police Departments Incident Report. This Court should grant this Petition and allow Petitioner a chance to do another Amended Complaint with the guidance of an Attorney because when Petitioner filed this Lawsuit he didn't even understand the difference between acting under Official Capacity and Individual Capacity which led to Petitioner making mistakes in his Superseding Amended Complaint Ordered in Document 4 Appendix B. This Court should Grant this Petition because the Respondents involved in this Lawsuit have blatant disregard for The Law of the Land, Respondents have violated not only Petitioner's Constitutional Rights but have Violated State and Federal Laws in this case! The Court should grant this Petition and give Petitioner a chance to fix his previous mistakes!

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brandon C. Bellamy

Date: 6-10-24

I Brandan C. Bellamy declare under penalty of perjury that a true copy of the Petition was deposited in the Internal Mail System in Algoa Correction Center on this 10th day of June 2024.

Brandan C. Bellamy

*Brandan Bellamy*  
6-10-24

in the year 2024  
this 10 day of June  
ADScribed and sworn to before me

*Christopher Marks*

CHRISTOPHER MARKS NOTARY PUBLIC - NOTARY SEAL STATE OF MISSOURI MY COMMISSION EXPIRES MAY 2, 2027 COLE COUNTY COMMISSION #14632295
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