

24-5846

ORIGINAL

UNITED STATES SUPREME COURT

Supreme Court, U.S.  
FILED

OCT - 9 2024

OFFICE OF THE CLERK

ANDREY L. BRIDGES, Petitioner-Appellant,

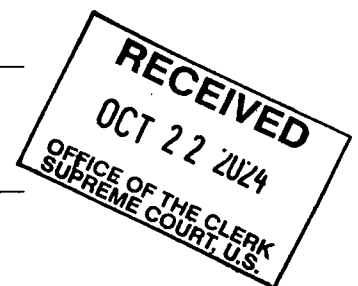
v.

PATRICIA BLACKMON, et al, Respondent-Appellees

Term ~~OCTOBER~~ Year of 2024

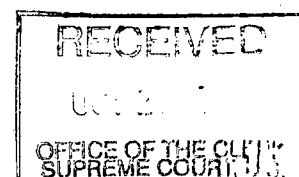
ON PETITION FOR APPEAL FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI



*Andrey L. Bridges*, in propria persona <sup>A.B.</sup>

P.O. Box 4501,  
Lima, Ohio 45801



## QUESTION[S] PRESENTED

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1. Whether this court should resolve the longstanding conflict among the right to sue officials in their individual or official capacity, where the official uses their entity under the arm of the government to stop a citizen from invoking his personal right of the First Fifth, and Fourteenth Amendment of the United States Constitution?
2. Where a litigant presents a civil suit under §1983 and states a claim that he is injured and deprived of; First, Fifth, and Fourteenth Amendment, and has shown the injury, did he also state within the injury the injunction relief, and presented that a declaratory decree was violated without necessarily elaborating?
3. Whether court(s) unreasonably applies Section 28 U.S.C. §1915(e) to deprive significance rights to access the courts of Section 42 USCS § 1983?
4. Where a Government in their official and or individual capacity; acts within Jurisdiction, yet still deprive a citizen his personal civil rights, is the official fully in protection of the Eleventh Amendment, and immune from suit, and free from correcting the deprivation? and if not or so where would correction lay?
5. Where a Government Official fails their duty to protect its Citizens of his Federal Constitution, and Civil Rights; even though the citizen shows serious structural and substantive procedural deprivations caused by the official, do that citizen stand the right to state a claim worth hearing under §1983 against that government official in their "official or individual capacity?

## THE LIST OF ALL PARTIES TO THE PROCEEDINGS

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The Parties to the proceeding in which is asked to be reviewed are: Andrey L. Bridges Petitioner-Appellant, at Allen Correctional Institution, P.O. Box 4501, Lima, Ohio 45801,

Cuyahoga County Officials, Mary J. Boyle, Frank D. Celebrezze, Jr., Eileen T. Gallagher, Sean C. Gallagher, Eileen A. Gallagher, Kathleen A. Keough, Mary Eileen Kilbane, Anita Laster Mays, Emanuella D. Groves; Patricia A. Blackmon, Tim McCormack, Melody J. Stewart; 1 lakeside Avenue, Cleveland, Ohio 44113 Appellee

Ohio Attorney General Dave Yost; and his assistant attorney generals, 150 E. Gray Street 16<sup>th</sup>, Floor, Columbus, Ohio 43215 Appellee

Cuyahoga County Prosecutor Michael O'Malley; and Cuyahoga County Common Pleas Court Judge Holly L. Gallagher: 1200 Ontario Street, Cleveland, Ohio 44113 Appellee(s)

Patricia A. Gaughan, of the Northern District of the Eastern Division, at: 801 West Superior Avenue, Room 161, Cleveland, Ohio 44113, Appellee

Circuit Judges: For the Sixth Circuit Court of Appeals, Batchelder, Thapar, Davis, McKeague, and Clerk Kelly L. Stephans, 100 East 5<sup>th</sup> Street, Cincinnati, Ohio 45202 Appellee.

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3. All Court filings and opinions of the United States District Court for the Northern District of Ohio, Eastern Division CASE Number. 1:23 CV 1481,
4. All Court filings and opinions of the United States Court of Appeals for the Sixth Circuit Case Number. 23-3911,

**CITATATIONS OF OFFICIAL AND UNOFFICIAL ENTERED IN THE CASE**

**OPINIONS BELOW ATTACHED AS FOLLOWS**

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◆

State v. Bridges, 101942, and 101938 .....	4, “See Appendix
State v. Bridges Case No. CR-13-574201, March 30 <sup>th</sup> , 2023 .....	4 “See Appendix
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***All filings of stated cases are under review to show the deprivations of civil rights.***

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## STATEMENT OF JUDICIAL BASIS FOR JURISDICTION

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*This case is entered in this court, showing that this particular case is of such imperative public importance as to justify deviation from normal practice and to require immediate determination in this court.*

Where Persons who are denied rights guaranteed to them under federal law may vindicate these rights in appropriate cases by various remedies in federal courts, such as direct review by *United States Supreme Court*, obtaining injunction or habeas corpus, bringing suit for damages under *42 USCS § 1983*, or invoking criminal sanctions under 18 USC §§ 241, 242. *Greenwood v. Peacock*, 384 U.S. 808, 86 S. Ct. 1800, 16 L. Ed. 2d 944, 1966 U.S. LEXIS 2811 (1966).

Appellant filed the original action in the Northern District of the Eastern Division of Case No. 1:23-cv-1481 in which in forma pauperis was granted, the district court denied the civil case on October 23, 2023. Appellant appealed that ordered to the Sixth Circuit Court of appeals in Case No. 23-3911. On May 8<sup>th</sup>, 2024, the Sixth Circuit dismissed Appellant in forma pauperis, and dismissed the case. Appellant then filed an en banc and rehearing of that order, Appellant not knowing if the en banc and rehearing was ever filed had made an attempt to file to this court on July 16, 2024 this writ, the clerk of this court sent back this filing to be corrected, appellant now appeals with all corrections made and of the last order from September 25, 2024.

**Appellant invokes this court jurisdiction by Section 28 U.S.C.A. 1254(1), and by having filed the appeal and petition for writ of certiorari within 90 days, of Section 1257(3).** Appellant-petitioner request this “Honorable Supreme Court” and its Justice(s), to review by writ of certiorari a final judgment rendered by the highest state court in which a decision could be had. **Jurisdiction is conferred upon this court.**

## CONSTITUTIONAL PROVISIONS

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### *Civil Rights Act (42 USCS § 1983).*

Giving right of action against person who, under color of state law, custom, or usage, subjects another to deprivation of any rights, privileges, or immunities secured by Federal Constitution, has several purposes: (1) it overrides certain kinds of state laws; (2) it provides remedy where state law is inadequate; and (3) it provides federal remedy where state remedy, though adequate in theory, is not available in practice.

### *Section 28 U.S.C. §1915(e).*

Dismiss in forma pauperis for failure to state claim.

### *United States Constitution First Amendment Article I.*

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 of the people peaceably to assemble, *and to petition the Government for redress of grievances.*

### *United States Constitution Fifth Amendment.*

No person shall be held to answer for a capital or otherwise infamous crime, unless on 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 be compelled in any criminal case to be 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.

### *United States Constitution Fourteenth Amendment.*

*Section I:* All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the state 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 or liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws,

### *United States Constitution Fourteenth Amendment.*

*Section 5.* The Congress shall have power to enforce, by appropriate legislation the provision of this article.

## INTRODUCTION AND STATEMENT

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### GREAT PUBLIC AND OFFICIAL INTEREST:

This case will aid, and enforce clear issues of legal rights, that involve public concern of all United States "Citizens", including "Government Officials"; and "Judges" detailing; where and when shall appropriate relief be had to determine all appropriate concerns, and all seriousness of ones protected liberty, as well as allowing all "American(s)" the dignity of protections of the United States Constitution, and full right(s) of the United States Constitution, in a clear 'sound "manner of law, which necessarily involves availability of 42 USCS § 1983.

This matter comes requesting this "Honorable Court", / "Honorable Justice(s)" to determine where can legal rights be tendered to be litigated, where citizens are deprived constitutional rights, and constitutional protections, [where it's the officials who deprives the protection of the United States Constitution, and then save themselves under the Eleventh Amendment, leaving citizens left with no recourse of law, thereby leaving harmful and danger deprivations on the lesser].

*There can never be a right, without a right that can be had, as well as their can never be Due Process and Equal Protection, without; the guarantees of the United States Constitution. (quoting appellant as his own).*

In this case, Andrey L. Bridges is a true Citizen of the United States, who stands before this "Honorable Court "and its "Honorable Justice(s)", fighting for his rights against "WOLVES" of the Ohio legal system, *who uses their "official" capacity under*

*ORC. § 2921.01, "BY", Interfering with Civil Rights of ORC. Ann § 2921.45, Abuse of Power, and; Dereliction of Duty of ORC Ann § 2921.44, Perjury of ORC. Ann § 2921.11, Obstruction of Justice of ORC. Ann § 2921.32, Obstructing Official Business of ORC. Ann § 2921.31, Using Sham Legal Process of ORC. Ann § 2921.52, Attempt of ORC. Ann § 2923.02, Tampering with Records of ORC. Ann § 2921.12 "See appendix "A through D.*

All defendants have deprived and denied appellant any right(s) that the United States Constitution gives, "**MAINLY**" - the First, Fifth, and Fourteenth Amendment of the United States Constitution, and Due Process and Equal Protection of the Laws of the United States Constitution, and same Constitutional Rights of the State of Ohio Constitution, all which the United States Constitution and this "Honorable Court" and it's "Honorable Jutice[s]" forbids any person who acts in these ways.

## **CASE AND FACTS**

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### **Procedural History:**

This started back on October 9, 2013, when appellant moved to remove his counsels because they told him they don't have a defense, or will provide one. Hollie L. Gallagher denied that request "See" Trial transcript at 9-28, of Case No. Cr-13-574201, of Cuyahoga Common Pleas Court.

*Appellant was also deprived to raise the right to appeal the ineffective assistance of counsel claim.* When appellant asked if he can appeal the denied request by Hollie L. Gallagher, she said NO!

Then! On the day of trial, On October 28, 2013; trial attorneys requested for an investigator to investigate and prepare a defense against the State of Ohio case, presenting in the motion *that an investigator will prepare them for trial, and give their client (appellant) a defense, without one; they will not have a (defense).*

**Hollie L. Gallagher ignored the motion**, and so trial went on, appellant was convicted sentenced with no defense, for murder, gross abuse of corpse, tampering with evidence to serve 18 years to life with a slim chance of ever getting out of a prison.

*Breaking this case down to relevance.* While appellant appeal was pending appellant requested records from the prosecutor, trial attorneys, and the detectives.

Amongst those filings, although all different filings, was a statement that someone other than appellant did this crime. **"See" attached documents. This documents also supports Appellant position of his suit.**

With those, appellant attempted to file a post-conviction, under **Ohio Revised Code § 2953.23**, Hollie L. Gallagher denied it, and did not send appellant a copy of her finding of fact and conclusion of law, nor endorsed the finding of fact **As provided by Ohio Civ.58. And App R. 4, and App. R.9.** *This was done to make sure appellant cannot appeal her decisions, or to allow appellant to submit the new evidence that proves that no jury would have found him guilty absent the manifest, miscarriage, and due process violations.*

Appellant then got a rubber stamp off lexis Nexus and tried to appeal it, “See” *State v. Bridges, 101942, and 101938. Of the Eighth Appellate District Court of Cuyahoga County, Ohio.*

At that same time Bridges moved the judge to transfer the record to the appeal court, instead Hollie L. Gallagher, told the prosecutor to respond, the prosecutor never responded, and *Mary J. Boyle, and Frank D. Celebrezze, Jr.; su sponte dismissed the appeal at appellant cost for not filing the record, although as shown, appellant attempted and did all he could*, by sending the notice to the clerk and its court reporter. A copy of the Cuyahoga Court docket filings in *State v. Andrey L. Bridges*, Case No. Cr-13-574201, of Cuyahoga Common Pleas court online docket view dated September 17, 2014, does show such.

This left the finding of fact and conclusion of law to sit and gave appellant no way to argue against it, and from that point, Appellant is deprived Due process of law.

As time went on, appellant was resilient to get his due process rights, all this is seen in Cuyahoga County Common Pleas Court, Case No. CR-13-574201, *March 30<sup>th</sup>, 2023*, which was appealed to the Ohio Supreme Court in *Case No. 2023-0595* which was declined on *June 20<sup>th</sup> 2023*; and on and around 2020-2024 all case files of Case No. CR-13-574201. *Where this suit stemmed from.*

**So to bring this Honorable Court to the parties, why they are involved and why this case is present in this “Honorable Court”:**

*At all times stated Eileen T. Gallagher, Sean C. Gallagher, Eileen A. Gallagher, maybe related to Hollie L. Gallagher, and Kathleen A. Keough, Mary Eileen Kilbane,*

*Anita Laster Mays, Emanuella D. Groves; Patricia A. Blackmon, Tim McCormack, Melody J. Stewart; are the ones that appellant asked to review Hollie L. Gallagher orders against him. When appellant tried to present a certified conflict within his case that is in the Eighth District Court of appeals, these defendants, stopped appellant from doing such by placing unlawful procedural hurdles, to stop appellant from presenting a clear deprivation of accessing the courts.*

*Example: of conflicts:*

*In State v. Bridges, 2015-Ohio-1447, Appellant raised in his 26(b), on direct appeal, Bridges claims his appellate counsel should have also raised the following arguments on appeal: that there was an actual conflict between himself and his trial counsel, that trial counsel failed to secure needed experts,*

**That court held many of the foregoing arguments require reference to material that is outside the trial court record and would be improper for appellate counsel to raise in the direct appeal** “see” at [\*P13], Appellate counsel could not have successfully raised any of these arguments in the direct appeal because they would require speculation or consideration of evidence that is outside of the record. And stated that appellant has not shown ineffective assistance of counsel or a claim worth reopening the appeal. “See” Lexus Nexis case State v. Bridges, 2015-Ohio-1447,

That court also went outside the guidelines of Ohio 26(b) to deprive appellant a right to procedural Due Process, to ignore the newly discovered evidence.

## HOW SO:

**The Statue of Ohio 26(b) holds:** The determination that a genuine issue of ineffective assistance of appellate counsel exists is not a determination of ineffective assistance of appellate counsel. Under App.R. 26(B), the determination whether appellate counsel was deficient and prejudiced the applicant is to be made after the appeal has been reopened and the parties are afforded the opportunity to have counsel, transmit the necessary record, and substantively brief the issues, App.R. 26(B)(6) through (9). To prevail, the applicant will still have to establish that ineffective assistance of appellate counsel undermined at least one meritorious direct-appeal issue. And courts of appeals are in the best position to recognize whether a person has received deficient representation from appellate counsel and whether he has also been prejudiced by that deficient representation

In appellant case, however, the court of appeals jumped the analytical gun by requiring under App.R. 26(B)(5) not just a genuine issue of ineffective assistance of appellate counsel but proof positive of ineffective assistance of appellate counsel. Contrary to the appellate court's determination, appellant application to reopen his appeal showed a genuine issue of ineffective assistance of appellate counsel warranting a reopening of the appeal pursuant to App.R. 26(B)(5).

A similar case can be found in “see *Lexis Nexus*” of *State v. Leyh*, 166 Ohio St. 3d 365, these respondents deprived appellant the same equal protection of the law being they ruled differently to appellant attempt to raise his arguments, “see also”



Common Pleas court online docket of, State of Ohio v. Andrey L. Bridges of the 8th Dist. Cuyahoga No. 100805 , by protecting their own.

## **But wait it does not stop there!!!!**

Now this court is about to be shown why, *Kathleen A. Keough, Mary Eileen Kilbane, Anita Laster Mays, Emanuella D. Groves; Patricia A. Blackmon, Tim McCormack, Melody J. Stewart; became part of the deprivation of appellant rights.*

*State v. Bridges*, 2016-Ohio-7298 Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County October 13, 2016, Released; October 13, 2016, Journalized under Nos.103634, and 104506, On August 29, 2016, that court sua sponte consolidated appellant appeals in Appeal Nos.103634 and 104506.

By Eileen A. Gallagher, Frank Daniel Celebrezze, III, and Emanuella D. Groves, and Opinion by: Eileen A. Gallagher. In this case appellant raised:

- (1) Appellant's right to have effective assistance of counsel during trial was violated. (2) Appellant was prejudiced when his actual/factual innocence was on the face of the record. (3) The trial court erred when it denied the defendant's Motion for Appointment of Private Investigator, thus depriving him of his right to a fair trial and due process guaranteed under the Sixth and Fourteenth Amendments to the United States Constitution, Article I, Section[s] 10 and 16 of the Ohio Constitution

## **But Wait!! Appellant points out!!!!**

In *State v. Bridges*, 2015-Ohio-1447, Appellant raised in his 26(b), on direct appeal, the same argument, Bridges claims his appellate counsel should have also

raised the following arguments on appeal: that there was an actual conflict between himself and his trial counsel, that trial counsel failed to secure needed experts, (that evidence do clears appellant). The appellees denied appellant reopening and held these arguments are outside the record and should be raised on post-conviction.

However, in appellant post-conviction claim appellant raised in State v. Bridges, 2016-Ohio-7298, consolidated cases, 103634 and 104506, [in relevant part] that court held at [\*P26]:

Contrary to appellant position, however, the basis of his ineffective assistance of counsel claims and his contention that the trial court erred in failing to rule on his motion to appoint a private investigator do not rely on evidence outside the record — nor has Bridges produced evidence outside the record to suggest otherwise. Whether defense counsel was ineffective for failing to file certain pretrial motions, or whether the trial court committed a legal error in failing to appoint a private investigator, are issues that were capable of review without consideration of evidence outside the record.

Therefore, such claims should have been raised on direct appeal. Then said ("Any ineffective assistance claim relating to matters contained within the record should be brought through a direct appeal.").

Bridges presents; no matter which way he tried to file the ineffective assistance of counsel, rather in direct appeal or post-conviction; he is being deprived such right.

“Appellees” for sure are depriving “Appellant” a right to access the courts, then holding him res judicata, so he cannot proceed any further.

**SO WHY ALL THE DUE PROCESS AND EQUAL PROTECTION OF THE LAW, DEPRIVATIONS:** This Honorable Court, is about to be shown why! and a further look into this deprivation suit will explain and show the reason Appellant is in front of you, and he questions, where can Appellant go for fair redress and access to the courts?

*Without filing a 1983 suit for deprivation to access the courts, appellant have nowhere else to go, and by that he has no Constitutional rights even being an United States Citizen.*

**Ok moving along, and looking further to why Appellant is here:**

*On July 23<sup>rd</sup>, 2014 appellant filed a post-conviction, under Case Number Cr-13-574201, of Cuyahoga county Common Pleas Court in Ohio.*

*On July 29, 2014 Hollie l. Gallagher denied the petition, following that, appellant moved for a finding of fact and conclusion of law.*

*On September 2<sup>nd</sup>, 2014 Hollie l. Gallagher issued her findings, and filed it on September 8, 2014.*

*On sometime or between September 8<sup>th</sup>, and 9<sup>th</sup>, of 2014 while appellant was researching some cases on Lexus Nexis, appellant saw Hollie l. Gallgher finding of fact and conclusion of law which he did not receive.*

*On September 12<sup>th</sup> & 16, of 2014, appellant filed a notice of appeal, and requested to the court reporter to send a copy of the record to the case numbers, No. 14-101942,*

*and 101938. Under the notice of appeal, to the Hollie l. Gallagher, whom instead told the prosecutor, to respond by 10-14-2014.*

*On (October 1st, 2014) the Appellees dismissed appellant appeal on the faults of Hollie L. Gallagher and Michael O'Malley of the Cuyahoga County Common Pleas Court.*

*On October 31<sup>st</sup>., 2014 the trial court denied appellant motion to court reporter to send the record to the appeals court because the appeal was dismissed on their fault.*

**Between those times and after Appellant been trying to address and to have fair recourse in proceedings. And now up to this date:**

On December 6<sup>th</sup>, 2021, Appellant through research and applicable standing, of Ohio Civil Rule 58(B), which holds:

- That when a court signs a judgement, the court shall endorse thereon a direction to the Clerk to serve upon all parties not in default for failure to appear notice of the judgement and its date of entry upon the journal. Within three days of entering the judgement upon the journal, the Clerk shall serve the parties in a manner prescribed, and note the service in the appearance docket, and that is when the service is complete.

The Ohio law specifically holds: The failure of the Clerk to serve notice does not affect the validity of the judgement or the running of the time for appeal except as provided in App. R. 4(A).

*Appellant had presented these facts to all Respondent(s)-Appellee(s) Cuyahoga County Officials, Mary J. Boyle, Frank D. Celebrezze, Jr., Eileen T. Gallagher, Sean*

*C. Gallagher, Eileen A. Gallagher, Kathleen A. Keough, Mary Eileen Kilbane, Anita Laster Mays, Emanuella D. Groves; Patricia A. Blackmon, Tim McCormack, Melody J. Stewart; Ohio Attorney General Dave Yost; Cuyahoga County Prosecutor Michael O'Malley; and Cuyahoga County Common Pleas Court Judge Holly L. Gallagher; and they still ignored him.*

So being that the Clerk, because of Hollie L. Gallagher not sending appellant the entry, appellant went to extreme measures to rubber stamp the judgment off Lexis so he could have the right to appeal.

However, the Respondents-Appellees, no matter what in protecting their own, under abuse of power, sham legal process, deliberately stopped every attempt appellant could have had, and did have; from allowing appellant from moving forward in substantive, and substantial procedural proceedings.

And the only avenue appellant could do, was to go back to the beginning, where he was initially deprived, as held by Civil Rule 58(A) that requires the court to sign the entry and give notice to the clerk.

Then appellant found that these same respondents, stated that a rubber stamp is not sufficient to make it a final appealable order: (decided under former analogous section) in another case, "See" In re Mitchell, 93 Ohio App. 3d 153, 637 N.E.2d 989, 1994 Ohio App. LEXIS 350 (1994). Also in In re E.S., -- Ohio App. 3d --, 2020- Ohio 4405, -- N.E.2d --, 2020 Ohio App. LEXIS 3297 (Sept. 11, 2020). From within Ohio court and where appellant is at, that Ohio court stated that; being the trial court never endorsed upon the adjudicatory and dispositional judgment entries that

required direction to the clerk to serve upon all the parties notice of the judgment and its date of entry upon the journal pursuant to the statute; nor indication that the person was ever served with notice, the time for filing a notice of appeal never began to run because the trial court failed to comply with the statute.

Again stated in Ohio See” Watley v. Coval, -- Ohio App. 3d --, 2004 Ohio 1734, -- N.E. 2d --, 2004 Ohio App. LEXIS 1547 (Apr. 6, 2004), where the prison officials in the inmate's civil action against them asserted that the inmate's appeal had to be dismissed due to the inmate's failure to comply with the time limitations under App.R. 4(A), the claim failed, as, pursuant to Civ.R. 58 and App.R. 4(A), the limitations period was tolled until the inmate was notified of the decision; the trial court failed to properly address the copy of the decision and entry sent to the inmate, thereby causing the postal service to return the envelope to the court.

Stated again in Ohio of similar case of State ex rel. Hughes v. Celeste, 67 Ohio St. 3d 429, 1993 Ohio 214, 619 N.E.2d 412, 1993 Ohio LEXIS 1867 (1993).

Appellant had presented this fact to all appellees(s), arguing that Appellate Rule 4(A) tolls the time for filing a notice of appeal only if service is not made within the three-day period of Civ.R. 58(B): (decided under former analogous section). And Appellant argued he still have his right to access the courts and of his appeal right.

The defendants ignored a correct certified conflict and stricken appellant so he cannot go further. “See state of Ohio v. Bridges, Case No. CA-23-112920, and State of Ohio v. Bridges Case no. CA-22-111833 ECF filing of Cuyahoga County Clerk of Ohio Court online docket.

So why all this deprivation on one man?

A. APPLICABLE STANDING:

Appellant has a protected interest of protections under the United States Fourteenth Amendment of Sec. 1.[Citizens of the United 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. Fourteenth Amendment is to be construed liberally, to carry out purposes of its framers. Strauder v. West Virginia, 100 U.S. 303, 25 L. Ed. 664, 1879 U.S. LEXIS 1830 (1880).

The Fourteenth Amendment does not create protected interests, *but if one is found to exist by reason of some independent source, Fourteenth Amendment protects it.* “See” Palmer v. Board of Education, 603 F.2d 1271, 22 Empl. Prac. Dec. (CCH) ¶ 30693, 21 Fair Empl. Prac. Cas. (BNA) 1075, 1979 U.S. App. LEXIS 12513 (7th Cir. 1979), cert. denied, 444 U.S. 1026, 100 S. Ct. 689, 62 L. Ed. 2d 659, 22 Empl. Prac. Dec. (CCH) ¶ 30694, 21 Fair Empl. Prac. Cas. (BNA) 1139, 1980 U.S. LEXIS 417 (1980).

The Fourteenth Amendment safeguards fundamental rights of persons and of property against arbitrary and oppressive state action. Thomas Cusack Co. v.

Chicago, 242 U.S. 526, 37 S. Ct. 190, 61 L. Ed. 472, 1917 U.S. LEXIS 2171 (1917); Mason v. Hitchcock, 108 F.2d 134, 1939 U.S. App. LEXIS 2515 (1st Cir. 1939); Henrys v. Raboin, 395 Ill. 118, 69 N.E.2d 491, 1946 Ill. LEXIS 428 (Ill. 1946). The State may not, by any of its agencies, disregard prohibitions of Fourteenth Amendment, Georgia Power Co. v. City of Decatur, 281 U.S. 505, 50 S. Ct. 369, 74 L. Ed. 999, 1930 U.S. LEXIS 720 (1930).

Therefore, by all means appellant sought his United States Constitutional rights and yet; no legal remedies or rights given to him by the ones that sworn an oath to protect against such actions. But themselves has went past their oath, and duties using their official capacity to deprive this single man standing in this Honorable Court.

On November 29, 2021 and November 30, 2021, appellant filed to all respondent's his deprivations and moved for the respondents et al, to remove those deprivations. Between and after those dates defendants responded, and on July 28, 2023 appellant filed his complaint.

So appellant pressed the issue of his deprivation under 42 U.S.C. § 1983, in the Northern District of (Ohio), Case No. 1:23-cv-1481, the District Court order is misplaced by holding appellant was time bared by the statute of limitations, and dismissed his complaint holding respondents are under the Eleventh Amendment, "See appendix A.



Appellant appealed to United States Court of Appeals for the Sixth Circuit Case No. 23-3911, through in forma pauperis of Section 28 U.S.C. §1915, the court dismissed the appeal stating appellant could not move forward.

**Reason why appellant stands before this court raising real controversy**

**Question[s] before this court:**

1. Whether this court should resolve the longstanding conflict among the right to sue officials in their individual or official capacity, where the official uses their entity under the arm of the government to stop a citizen from invoking his personal right of the First Fifth, and Fourteenth Amendment of the United States Constitution?
2. Where a litigant presents a civil suit under §1983 and states a claim that he is injured and deprived of; First, Fifth, and Fourteenth Amendment, and has shown the injury, did he also state within the injury the injunction relief, and presented that a declaratory decree was violated without necessarily elaborating?
3. Whether court(s) unreasonably applies Section 28 U.S.C. §1915(e) to deprive significance rights to access the courts of Section 42 USCS § 1983?
4. Where a Government in their official and or individual capacity; acts within Jurisdiction, yet still deprive a citizen his personal civil rights, is the official fully in protection of the Eleventh Amendment, and immune from suit, and free from correcting the deprivation? and if not or so where would correction lay?
5. Where a Government Official fails their duty to protect its Citizens of his Federal Constitution, and Civil Rights; even though the citizen shows serious structural and substantive procedural deprivations caused by the official, do that citizen stand the right to state a claim worth hearing under §1983 against that government official in their “official or individual capacity?

**A. Relevant argument(s) for all questions and reason for granting writ:**



Of CL. 2 supreme law, this constitution, and the laws of the United States which shall be made in pursuant thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding- (say that to say);

In Moreland v. New York, 298 U.S. 587, 56. S. Ct 918, 80; this "Honorable Court" stated that Federal; statues are binding on State Courts.

In People ex rel. Leach v. Baldwin, 341 111, 604 174 N.E. 51 1930 III Lexis Nexus 913 (III 1930) stated the construction of statues of the United States Supreme Court is controlling on all courts of Union whether State or Federal.

**B. There is great inconsistency within Federal Circuits in treatment on these issues.**

Appellant argues that, this case involves an issue of exceptional importance because the order conflicts with precedent in this circuit and other circuits, and Fourteenth Amendment where in Orick v. Banzinger, (S.D. Ohio) 945 F. Supp. 1084 held interference with or deprivation of First Amendment right to access the courts is actionable under 1983, which also held the right to redress grievance, and abuse of power is bound to deprivation of Civil Rights under 18 USCS § 401(1) *which makes a stated claim, which can be submitted under substantive and or procedural*

due process “See” Myers v. Delaware County, 2008 U.S. Lexus 90608, 2008 WL 4862512.

Appellant also argues that this case is also of exceptional importance being the fact that the order analysis is plain error and contradicts the same court holdings in Greene v. Reeves, 80 F.3d 1101, 1104 (6<sup>th</sup> Cir. 1996) also Harlow v. Fitzgerald, 457 U.S. 800 818, 73 L.Ed 2d 396, 102 S.Ct. 2727 (1982) quoting Depiero v. City of Macedonia, 180 F. 3d 770, holding government officials are protected from being sued, but if their actions did violate clearly established statutory constitutional rights and knew they were doing it can be sued. And Appellees are responsible and the order deprive the right to redress.

C. The orders stating that the respondent(s) being officials are under the Eleventh Amendment to appellant claims also conflicts with: 42 USCS § 1983, which gives remedy—action at law, suit in equity, or other proper proceeding for redress—to parties deprived of constitutional rights, privileges, and immunities by official’s abuse of his position, as stated in Monroe v. Pape, 365 U.S. 167, 81 S. Ct. 473, 5 L. Ed. 2d 492, 1961 U.S. LEXIS 1687 (1961), and, Carter v. Carlson, 447 F.2d 358, 144 U.S. App. D.C. 388, 1971 U.S. App. LEXIS 8776 (D.C. Cir. 1971), overruled in part, Monell v. Dep’t of Soc. Servs., 436 U.S. 658, 98 S. Ct. 2018, 56 L. Ed. 2d 611, 16 Empl. Prac. Dec. (CCH) ¶ 8345, 17 Fair Empl. Prac. Cas. (BNA) 873, 1978 U.S. LEXIS 100 (1978), abrogated

in part, *Mitchell v. City of Chicago*, 2010 U.S. Dist. LEXIS 46968 (N.D. Ill. May 13, 2010).

Persons who are denied rights guaranteed to them under federal law may vindicate these rights in appropriate cases by various remedies in federal courts, such as direct review by *United States Supreme Court*, obtaining injunction or habeas corpus, bringing suit for damages under 42 USCS § 1983, or invoking criminal sanctions under 18 USC §§ 241, 242. *Greenwood v. Peacock*, 384 U.S. 808, 86 S. Ct. 1800, 16 L. Ed. 2d 944, 1966 U.S. LEXIS 2811 (1966).

42 USCS § 1983, which authorizes redress for violations of constitutional and statutory rights, is not itself source of substantive rights, but rather method for vindicating Federal rights elsewhere conferred by those parts of United States Constitution and Federal statutes that it describes. *Baker v. McCollan*, 443 U.S. 137, 99 S. Ct. 2689, 61 L. Ed. 2d 433, 1979 U.S. LEXIS 141 (1979).

***So when and where can appellant raise his injury with impartial standing when every attempt he comes the door shuts.***

Especially when the law states in order to state claim for deprivation of rights under 42 USCS § 1983, plaintiff must show that (1) conduct complained of was committed by person acting under color of law; (2) defendants' conduct in fact deprived them of rights, privileges or immunities secured by Constitution or laws of United States; (3) defendants' conduct caused deprivation of federal constitutional rights; and (4) defendants' conduct must have been intentional, grossly negligent, or

must have amounted to reckless or callous indifference to constitutional rights of others. Neris v. Vivoni, 249 F. Supp. 2d 146, 2003 U.S. Dist. LEXIS 3620 (D.P.R. 2003).

Another look, [at this] would be held in Section 1983; which basically seeks to (1) deter state actors from using badge of their authority to deprive individuals of their federally guaranteed rights, and (2) provide related relief. “See” Richardson v. McKnight, 521 U.S. 399, 117 S. Ct. 2100, 138 L. Ed. 2d 540, 11 Fla. L. Weekly Fed. S 64, 97 Cal. Daily Op. Service 4813, 97 D.A.R. 7889, 70 Empl. Prac. Dec. (CCH) ¶ 44784, 1997 U.S. LEXIS 3866 (1997), Moore v. LaSalle Corr., Inc., 2020 U.S. Dist. LEXIS 203240 (W.D. La. Oct. 30, 2020).

42 USCS § 1983 is also designed to provide means of redress for past violations of civil rights, Tyler v. Lark, 472 F.2d 1077, 1973 U.S. App. LEXIS 12021 (8th Cir.), cert. denied, 414 U.S. 864, 94 S. Ct. 114, 38 L. Ed. 2d 84, 1973 U.S. LEXIS 784 (1973).

#### **D. ALL DECISIONS BELOW DEPARTS FROM ESTABLISHED PRINCIPALS OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW:**

The lower court held that all of the defendants are immune from suits for damages, that arise from decisions they made in the course of presiding over a case as long as they were acting as judges, not civilians, when they committed the actions and as long as the court over which they presided had jurisdiction over the type of case in

which the decisions were made, "citing" Mireles v. Waco, 502 U.S. 9, 9, 112 S. Ct. 286, 116 L. Ed. 2d 9 (1991); Barnes v. Winchell, 105 F.3d 1111, 1115 (6th Cir. 1997).

The order misapplied 1983 statute, and falsely stated the claims in this case are based on decisions the judges rendered while presiding over appellant's criminal case and his appeals, and the courts had subject matter jurisdiction over criminal cases and appeals of criminal convictions. Judges Patricia A. Blackmon, Mary J. Boyle, Frank D. Celebrezze, Jr., Eileen T. Gallagher, Sean C. Gallagher, Eileen A. Gallagher, Kathleen A. Keough, Mary Eileen Kilbane, Anita Laster Mays, Tim McCormack, Melody J. Stewart, Emanuella D. Groves, and Holly Gallagher are absolutely immune from suits for damages. *"They are not!!!"*

But that's not what 42 USCS § 1983 demonstrates and allow citizens that are deprived of rights, Appellant argument is: there is no fair or impartial standings of recourse of law between deprived citizens against acting officials, and given, Article III limitation of United States Supreme Court's jurisdiction; to "cases and controversies," it is only where rights, in themselves appropriate subjects of judicial cognizance, are being, or about to be, affected prejudicially that Supreme Court or members thereof can take judicial action, Barthuli v. Board of Trustees, 434 U.S. 1337, 98 S. Ct. 21, 54 L. Ed. 2d 52, 1977 U.S. LEXIS 4371 (1977).

The purpose of the Fifth Amendment is not which Amendment dominates, but the question is to each constitutional violations is presented "See" United States v. James Daniel Good Real prop, 510 U.S. 43 114 S. Ct. 492 126 L. Ed 2d 490.

Appellant raised the Fifth Amendment violations, the lower court looked past his claims, and what was presented and held matters outside the petition and determined to close the case under immunity.

The Supremacy Clause; prevents states from immunizing entities or individuals alleged to have violated federal law from civil rights actions, "see' **Wade v. Pittsburgh**, 765 F. 2d 405, 1985.

Under the Fifth Section of the Fourteenth Amendment, it guarantees Equal protections, equal rights, "see also, **Tennessee v. Lane**, 541 U.S. 509, holding a deprivation state failed to provide access to the courts is a deprivation of ones right, (*paraphrasing in part*), constituted a valid exercise of congress authority, and held regardless if state could be subjected to immunity, failing to provide access is a fundamental right this is govern by the Fourteenth Amendment to the United states Constitution.

So when Appellant raised that respondent Hollie L. Gallagher held the record so the appeal court could dismiss his appeal, denied him the right to appeal his claims, then when appellant attempted to try to appeal, the other respondents held appellant to the fault of Hollie L. Gallagher.

In **McCauley v. Georgia**, 466 Fed, Appx. 832 2012, held a state court were not entitled to immunity were the court denied access to the courts.

**Especially;** when Hollie L. Gallagher, did not follow the duties of her position, to deny appellant there also stopped appellant from impartial hearings showing that the person was alive after appellant was said to have did murder, that someone other

than appellant did the crime, and that when submitting the conflict to Respondents as shown in appellant 26 (b) and post-conviction, respondents unlawfully and did not follow any statute to prevent him from issuing the conflict, “See appendix C & D”.

### REASON FOR GRANTING THE WRIT AND CONCLUSION

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This case will clear issues of legal rights, that involve public concern of all United States “Citizens”, including “Government Officials”; and “Judges” detailing; where and when shall appropriate relief be had to determine appropriate concerns, and seriousness of ones protected liberty, and protection of dignity of ones right(s) of the United States Constitution, and this unusual case is present requesting this “Honorable Court”, and “Honorable Justice(s)” to determine where can legal rights be litigated, when citizens are deprived constitutional rights, and cannot redress those deprivations, being officials are protected under the Eleventh Amendment, and citizens are left with no recourse of law.

These issues presented, are of importance, of legal rights, and public concern. for those, this “respective court” and “justice(s)” are respectfully requested to grant the within writ and reverse the judgment of the lower court or whatever this court deems appropriate. also, Under Article III, appellant has standing, being still today appellant have a right worth giving. “His Constitutional Rights”.

Respectfully, Submitted,

*Andrey L. Bridges* #B -

*End .*



## CERTIFICATE OF SERVICE

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I, Andrey Bridges, certify that a copy of this **Writ of Certiorari** was placed in Allen Correctional Mail Box On 10-9-24 and was sent to all defendants under the captions of the original complaint, and to their respective attorneys and the Ohio Attorney General Dave Yost and or his Assistant Attorney General at: 30 East Broad Street 23<sup>rd</sup> Floor, Columbus, Ohio 43215, by first Class mail Pre- Paid by Using the United States Postal service.

**A copy was also sent to all adjoined parties of said case.**

Respectfully, Submitted,

*Andrey L. Bridges* *AB*

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