No. _____

In The

Supreme Court of the United States

William Harris,

Petitioner,

v.

City of Kent, et al.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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I. QUESTIONS PRESENTED

With clear precedents having been established by federal Appellate Courts, the U.S. Supreme Court, and the U.S. Constitution regarding when a 4th Amendment stop is justified and this case having numerous, genuine disputes of material facts, as described in the Federal Rules of Civil Procedure (FRCP), was Petitioner entitled to have his case heard by finders of fact, at trial, in the District Court?

In issuing a decision that, Petitioner alleges, directly overruled numerous prior panel precedents of the federal Appellate Courts, to include at least three Ninth Circuit existing law decisions (two en banc), the Doctrine of Stare Deciscis regarding precedents of the U.S. Supreme Court, as well as the 4th and 14th Amendments to the U.S. Constitution, did a three-judge panel of the Ninth Circuit err in affirming the dismissal of Petitioners case by the District Court?

Does the three-judge mandate of the Ninth Circuit, entered in this case, have the force of law?

PARTIES TO THE PROCEEDING

Petitioner William L Harris

Respondents The City of Kent, Washington; The City of Kent, Washington Police Department; Jacob Reed, in his official capacity as a City of Kent Police Officer, Jason Nixon, in his official capacity as a City of Kent Police Officer; Jones, Lang, LaSalle, Inc. (JLL); and Curt Thornburg, in his official capacity as a JLL property manager.

RELATED PROCEEDINGS

William Harris v. City of Kent et al., No. 22-35346 U.S. Court of Appeals for the Ninth Circuit. Mandate entered January 02, 2024

William Harris v. City of Kent et al., No. 22-35346 U.S. Court of Appeals for the Ninth Circuit panel denying Motion to Vacate or any additional filings. Order entered December 22nd 2023

William Harris v. City of Kent et al., No. 22-35346 U.S. Court of Appeals for the Ninth Circuit panel denying timely filed Petition for Rehearing (en banc). Order entered December 12th 2023

William Harris v. City of Kent et al., No. 22-35346 U.S. Court of Appeals for the Ninth Circuit. Memorandum entered October 13, 2023

Appendix E. William Harris v. City of Kent et al., No. 2:20-cv-01045-RSM U.S. District Court for the Western District of Washington. Order Granting Dismissal entered March 29, 2022

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IV. Petition for Writ Of Certiorari

William Harris, a natural born, United States citizen, honorably discharged, military veteran, former federal law enforcement officer, former federal criminal investigator, former National Security Program Manager within the United States Department of Defense, respectfully petitions this court for a Writ of Certiorari to review and reverse the judgement of a three-judge panel of the United States Court of Appeals for the Ninth Circuit.

V. Opinions Below

The decision by a panel of the Ninth Circuit Court of Appeals denying Mr. Harris's timely Petition for Rehearing En banc is dated December 12, 2023. It is noted a vote to engage in en banc review of the panel's decision was unanimously rejected by every other eligible Ninth Circuit judge in favor of existing law, a result which favored Petitioner Harris. The denial order is attached in the Appendix ("App.") at C.

VI. Jurisdiction

Mr. Harris's petition seeks review of the order dated October 13, 2023 for which a timely rehearing was denied on December 12, 2023 by the Ninth Circuit Court of Appeals in case No. 22-35346. Mr. Harris invokes this Court's jurisdiction under Article III, Section I, of the United States Constitution, having timely filed this petition for a Writ of Certiorari within

ninety days of the Ninth Circuit Court of Appeals denial of the Petition for Rehearing, and after being extended, based upon a finding of "Good Cause " by this Court. The order is attached at App. D.

VII. Constitutional Provisions Involved

United States Constitution, Amendment IV:

> 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 Warrant shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

United States Constitution, Amendment XIV:

> 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 it's jurisdiction the equal protection of the laws.

VIII. Statement of the Case

On Sunday morning, December 15, 2019 Petitioner William Harris was stopped, threatened under color of law, subjected to physical use of force resulting in injury, defamed, arrested, incarcerated, and aggressively prosecuted over many months for attempting to charge his phone at a publically available, unrestricted, outdoor, electrical, outlet, in a local shopping center. Less than 48 hours earlier Harris had been notified, by family members, that his younger brother had just been diagnosed with an aggressive, stage four, form of cancer and was attempting medical treatment to extend his life. Petitioner had been attempting to maintain a full charge on his cell phone in order to monitor any developments, support his brother, and console other family members through the devastating news. Since the standard, outdoor, outlet at the shopping center had no posted restrictions Harris attempted to recharge his cell phone while he caught a nap. Upon finding the outlet had no power and exhausted from grief associated with both his brother's critical diagnosis, along with other recent losses of loved ones, Harris used blankets he kept in his vehicle to sleep. Harris had blankets for himself and kept others safely stored to occasionally aid victims of emergency incidents if Harris happened upon the scene prior to the arrival of emergency personnel. Drivers in this country are routinely advised to travel with an emergency kit composed of supplies, to include blankets and other life saving items, especially in winter. A former first responder, and military veteran, Harris had attended survival training taught by U.S. Special Forces and knows basic, life saving, emergency steps which dictate keeping victims warm and as

comfortable as possible until medical care arrives. He had also worked alongside elite, counterterrorism/ counter narcotics, units overseas while an undercover investigator, on behalf of United States servicemen and women, their families, all citizens of the United States, and it's NATO allies. Harris was used to and had no issues with sleeping, in his secured vehicle, using the blankets in his car and with using fresh spare blankets to assist emergency victims. One of the victims Harris once assisted, in the City of Kent, was a gunshot victim of an attempted murder. In that same case, Harris later worked with county prosecutors by testifying in the trial of the individual shooter, who was convicted of the crime. Additionally, Harris served as a state certified caregiver to his terminally ill, late domestic partner, along with being on the recruitment team working to bring in other caregivers. He also served as a union representative and senior trainer of drivers who transported disabled and elderly members of the community. Part of his emergency kit supplies included the electrical cord Harris attempted to use to recharge his phone, which he carried in case a power source was available and nearby in an emergency. Harris believed anyone would consider monitoring his brother's critical diagnosis an emergency. In communities across the country we have all witnessed, or are the actual individuals, sleeping, eating, surfing the internet, reading books, in essence living our lives as we wait at Electric Vehicle (EV) charging stations, with hardwired connector cords protruding from the vehicles. Cords protruding from every part of vehicles at commercial establishments and in residential driveways is now part of life. JLL, a global property management conglomerate is heavily

invested in EV technology. As a municipal jurisdiction the City of Kent has agreements with businesses using EV technology in parking lots across the city. Despite a discovery request the City of Kent has yet to divulge how much of their city fleet, including police vehicles, is currently based upon or being converted to EV cord technology. Without explanation the Respondents argued, and the Ninth Circuit panel found that the sighting by a police officer of the virtually universal, innocuous, activity, involving cords protruding from a vehicle, now provides reasonable suspicion to label these individuals "suspected criminals", eligible to be stopped and arrested, despite constitutional protections. Petitioner submits this is a landmark departure from previous findings of the United States Constitution, precedents of this Court, and of the full Ninth Circuit Court of Appeals. At no time have Respondents arguments, or the Ninth Circuit panel decision, articulated what made the sole observation of Harris's use of a cord protruding from his vehicle any different from the many millions of other Americans, including the Respondents, who engage in this innocent activity. Harris submits this specific labeling of him as engaged in criminal activity for a common activity employed by many, and promoted by the Respondents, to be a clear violation of the United States Constitution's XIV Amendment. Harris's argument before the District Court was that this conduct was not evidence of any criminal activity. Prior to changing their positions in discovery, Respondents argued a vehicle engaging in electrical charging activity was evidence of criminal activity. The FRCP makes clear that when there are genuine disputes involving issues of legitimate credibility the

case must be heard at trial. While initially failing to activate their body-worn cameras during the planning and discussions surrounding the impending stop (which is in itself an administrative violation in many police departments) Kent officers Jacob Reed and Jason Nixon claimed they observed three vehicles in a JLL parking lot supposedly presenting such a danger as to warrant immediate action involving tactical arrest procedures for "crimes in progress". The full Ninth Circuit makes clear, in a very plain language ruling, that such innocuous, observations by police officers, in and of themselves, in no way justify a police stop under the 4th Amendment at *United States v. Montero-Camargo*, with *Ichiyasu* included by reference. Harris was awakened that December 15, 2019 morning by Kent Police officers Jacob Reed and Jason Nixon banging loudly on his vehicle and ordering him to either immediately exit his vehicle or the windows would be broken out and he would be physically removed by force. In a show of force, one of the officers, identified as Jacob Reed, is seen on police body-cam forcefully extending a metal, collapsible, baton ready to break out the car windows while screaming at Harris. Research of public records and media sources during this period indicated Kent city leaders had meetings and were expressing concerns regarding city police officers stopping individuals under questionable circumstances on the streets or in their vehicles resulting in very violent incidents that led to a series of complaints against the city, grievous injuries, at least one death, violent chokehold arrests, lawsuits, and settlements. An unending series of city council meetings with the Chief of Police frustrated all as the incidents kept occurring and included various

officers making very derogatory remarks about the violence they were inflicting against various groups of the Kent community. In one encounter a group of approximately five or six officers, with K-9 police dogs, stopped and surrounded an individual wanted on a minor warrant. They proceeded to beat him so severely that he suffered permanent, head, and other bodily, injuries requiring immediate hospitalization.

In another the Chief of Police, Rafael Padilla, informed alarmed members of the city council that as long as an individual had enough open airway to utter the words "I can't breathe " Padilla did not consider his officers use of chokeholds too violent. Some members of the city council were so alarmed with the Chief's testimony that he was called back before the council afterwards and asked to clarify his prior remarks. Later, a young man was shot and killed by Kent officers in a case starting with expired plates. Finally, a group of Kent police officers became so upset by the lack of city action to address what they viewed as a totally out of control police department, lacking in any accountability, they went directly to the press with accounts regarding the conduct of Assistant Chief of Police Derek Kammerzell. Kammerzell had formerly been patrol chief and was reluctantly terminated after an independent investigation found Kammerzell was not credible and had engaged in conduct justifying his employment termination. The City of Kent mayor and Chief of Police had initially attempted to give Kammerzell two weeks of vacation time and retraining but an intense firestorm of local, national, and international outrage caused Kammerzell's dismissal

while he did receive a large settlement package. Upon exiting his vehicle, while under threat of violence, Kent police officers Reed and Nixon took hold of Petitioners hands, twisting them behind his back, and executing a "pain compliance escort hold" on the veteran prior to placing him in handcuffs and under arrest. Harris, while still barefoot on the cold winter pavement and in gym clothes, was falsely told by the primary arresting officer, Jacob Reed, that in the State of Washington, any use of a electrical cord, by anyone, for any reason, including appearing to charge a vehicle, is a criminal offense, unless the outlet is personally owned by the using individual or each user has the express consent from the owner of the outlet, every time a cord is used. The officers claimed their guess was that Harris had not received any such "authorization" from the owners or managers of the property prior to being stopped so he was being arrested. They added that in addition since Harris had not exited his vehicle fast enough he was also being charged with obstruction of an investigation, in addition to "stealing electricity". Harris immediately told the officers he had been asleep, had never heard of such a "law", and was attempting to deal with a series of deaths and illnesses of loved ones.

Harris relayed that if a supervisor or another senior officer would respond to the scene the matter could be easily resolved. Petitioner's request was denied over the phone by a City of Kent Police Supervisor identified as Sergeant Tom Clark. Harris later reached out to the State of Washington Attorney General's Office to find there is no such "state law" as needing to

find the owner each time someone used an electrical outlet or face arrest. In discovery Reed acknowledged the officers never reached out to the property owner prior to the 4th Amendment stop and arrest of Harris, and had no idea who Harris might have consulted. The evidence made clear Reed and Nixon were basing all of their actions on what they believed or a " hunch", as outlawed by the U.S. Supreme Court in *Terry v. Ohio*, 392 U.S. 1, 30 (1968). Reed and the city also admitted in discovery they knew there was no such criminal offense as misuse of an electrical connector based upon everyday use of but it was simply a "suggestion" that users consult with owners prior to use. Reed and Jason Nixon had claimed, in their federal declarations, Harris's use of the regular outlet without some type of "authorization "constituted a "police emergency", "crime in progress",that had put officer lives and the public at risk. As part of discovery the Respondents acknowledged they had simply "met up", with no urgency, in the mall parking lot adjacent to their patrol station on the JLL property. In his police report and subsequent declaration submitted to U.S. District Court Jacob Reed claimed that based upon his "training and experience" he had a hunch Harris was engaged in an "emergency crime in progress " by using what Reed claimed were "hardwired" electrical connections running to his vehicle. Reed claimed this "emergency " of an individual possibly using an cord outlet caused him and Nixon to have to take immediate action to protect other officers and the general public.

Petitioner submits none of it was true and a trial would reveal the officers knew it was not true when the statements were made. In *U.S. v. Cortez*, 449 U.S. 441, 418 (1981), this Court made clear that while training and experience are important an officer may not use either as factors in deciding whether to initiate a 4th Amendment, investigative, stop. The totality of circumstances presented nothing other than a vehicle legally at an electrical platform and the officers claims of "experience and training". To this day, there not ever being a single indication of any criminal activity required under the analysis required by the Ninth Circuit to justify any 4th Amendment stop. Harris was advised he was being taken to jail but, in the middle of winter, the risk of allowing him re-entry back into his vehicle was so great that he was being denied any supervised access inside the vehicle to retrieve some warm clothing to put over his gym clothing or even to retrieve and put on a pair of shoes. Harris was led barefoot to a police vehicle across the cold pavement.

The officers were dressed in warm boots and jackets and other warm weather gear. During the entire encounter the officers were in nearly constant contact with supervisor Sergeant Clark. In *Terry v. Ohio* the United States Supreme Court held that a law enforcement officer must be able to articulate something beyond a mere "hunch" that criminal activity was afoot. In the *People of the Territory of Guam v. Ichiyasu*, 838 F.2d 353, 355 (9th Cir. 1988) and *United States v. Montero-Camargo* (en banc), 208 F.3d 1122 (9th Cir. 1999), the Ninth Circuit Court of Appeals held that a police officer's observation of a sole

innocuous, observation, by itself, does not serve as justification to initiate a 4th Amendment investigative stop. In recognition of U.S. Supreme Court precedent and the 4th Amendment to the U.S. Constitution, the Ninth Circuit three-judge, *Ichiyasu*, panel and later *Montero-Camargo* (en banc) panels required the officers be able to articulate circumstances beyond any hunch that criminal activity is afoot. The Ninth Circuit en banc found that law enforcement officers must be able to articulate factors causing a reasonable individual to believe criminal activity was present. Those prior panel precedents have now been overruled. Petitioner submits to this Court that even if the officers had not run afoul of *Terry v. Ohio* and been engaged in a lawful 4th Amendment stop they failed the objective reasonableness standard set forth by the Court in *Graham v. Connor,* 490 U.S. 386, 394-397 (1989). Having already run Petitioners license plates, noted no unusual activity from Thornburg, and determined there were no outstanding issues or any criminal activity afoot, the treatment of Harris violated the Courts language in the *Connor* ruling. As determined in *U.S. v. Sokolow,* 490 U.S. 1, 7 (1989) respondents never cited a single factor, other than supposed "training and experience" suggesting use of a standard outlet as indicative of criminal activity. By this time the officers had an individual barely clothed, standing injured and shoeless in the middle of a parking lot, in the middle of winter, while being denied any access to warmer clothing, and being accused of a crime that did not even exist. Reed and Nixon were now in clear violation of *Connor's* objective reasonableness standards. After being given his bag full of prescription medications for the trip to jail

Harris was secured in the police vehicle. Harris who is a diabetic, as was the Petitioner in *Graham v. Connor*, then began to experience more discomfort and gradual swelling in his hands where the officers had engaged in the "pain compliance hold".

Reed made his first contact with JLL regarding this incident, with whom the City of Kent had other business/financial arrangements in place. Reed spoke with JLL manager Curt Thornburg and advised him that they had caught a thief "stealing electricity" on the JLL property and sought assurances JLL would press charges, assist in the prosecution of Harris and in what appears to be an episode of gratuitous cruelty, suggested arrangements be made to tow Harris's vehicle in the dead of winter, which contained his clothing and shoes, all of his work related items, emergency items, and was his sole source of transportation. At any trial the evidence would show that despite having a corporate legal department and unlimited access to outside counsel JLL Corporation failed to perform required due diligence before they placed a very troubled armed agency on their property in direct contact with members of the general public. The agency's own leaders were being advised public concerns about the increasingly violent conduct of those individuals. Any reasonable individual could have expected an eventual, questionable, violent encounter, involving city police officers because they were occurring all over the city if JLL had bothered to look. Upon creating a police substation JLL failed to provide any training of it's own managers on how to deal with possibly violent police encounters involving

it's customers. Harris happened to be a frequent customer of stores in the shopping center.

JLL also failed to establish any protocols to monitor and mitigate such conduct. Petitioner submits JLL assumed substantial premises liability through gross negligence for the actions of the City of Kent police officers on December 15, 2019. When Thornburg immediately agreed to defame Harris, at the insistence of Jacob Reed, it was done by way of the grossly negligent actions of JLL Corporation having no procedures directing Thornburg on a response. Petitioner submits this did not excuse Thornburg's act of directly omitting the truth, which cleared Harris of any of the bogus, unlawful, accusations being made by Reed. At no point did Reed seek to establish reasonable suspicion or probable cause for the unlawful stop by asking Thornburg if there had been any prior conversations between Harris and JLL. Thornburg declared as soon as he ended the call with Reed he immediately called his maintenance vendor that Sunday morning to make arrangements to completely remove the outlet. Sometime later Harris obtained the manufacturer's specifications for the lighting system connected to the light pole where the outlet was based. The specifications revealed the lighting system contained an automatic "kill" switch from dawn to dusk everyday, as a cost saving feature, during which no power was transmitted to the outlet during the daylight hours. This fact would be an area of extensive testimony at any trial. In his declaration Thornburg stated as JLL property manager he inspected the property almost daily and was very

aware of virtually everything about the property. Petitioner submits Curt Thornburgh defamed Harris in order to cover up his own failure to keep the outlet up to city code and because his employer provided no guidance on how to handle the situation. JLL, an out of state corporation, and it's managerial employee made knowingly false statements and gave false assurances about Petitioner to law enforcement with the clear knowledge that they were subjecting him to harm through the criminal justice system in order to protect their own business interests, thus meeting *Rosenblatt v. Baer*, 383 U.S. 75 (1966). The JLL actions amounted to gross negligence, defamation, and intentional infliction of emotional distress. Harris is intent on holding them liable for damages. When Curt Thornburg assured Jacob Reed that JLL would assist the City of Kent in prosecuting Harris he was well aware it was physically impossible for Harris to have received anything of value and that his statements were untrue. In the patrol car Harris was now experiencing noticeable pain and swelling in his hands where the officers had applied the "pain compliance escort hold" and asked Reed for assistance. Reed, having no formal medical training beyond first aid was aware Harris was on various medications advised Harris to simply adjust his seating position to alleviate the pain and swelling as they would soon be at the jail. Reed was smiling and waving around so Harris simply dealt with the additional pain with no medical assistance. The panel found that since Harris did not repeatedly advise the officer that he was in continuous pain he suffered no harm. Harris was then incarcerated and aggressively prosecuted for months. Despite acknowledging they knew the charged "crime"

was non-existent the City of Kent filed a bench warrant against Petitioner Harris after they failed to notify him that city court operations had resumed during the Covid-19 pandemic. In March 2022 United States Chief Judge Ricardo S. Martinez signed a memorandum affirming the decision of Magistrate Judge Theresa L Fricke who found the actions in stopping, threatening, engaging in the use of force, arresting, and incarcerating Harris for having a cord running to his vehicle from a mall electrical platform at a shopping mall were justified and his case was dismissed with prejudice, despite an imminent trial date and admission of the arresting officer and his employer that they were fully aware, all along, Harris had not been engaged in any criminal activity. A copy of the District Court decision is included at App. E. Early in the litigation process City of Kent lead counsel, Mr Geoff Grindeland, proposed that the parties focus any trial on defendants Jacob Reed and Jason Nixon and the events of Sunday, December 15, 2019. Mr. Grindeland conveyed he could not guarantee any city leaders, or even Reed and Nixon, would voluntarily agree to testify at any trial and if compelled to appear as witnesses the individuals discussed whether 5th Amendment rights might be asserted. Harris advised Mr. Grindeland that extensive evidence had been uncovered indicating senior City of Kent executive branch officials, many senior police managers, as well as those on the City of Kent City Council were very aware that numbers of Kent police officers were engaging in very questionable and very violent interactions with members of the community and did nothing more than try to keep the issues quiet from the general public. Chief of Police

Padilla reportedly even called the head of the police union asking that member officers stop making such violent threats against members of the public as it was causing public relations issues for the city. Petitioner advised Mr. Grindeland, who represented the city in at least one of the more egregiously violent prior incidents, that Harris rejected any proposal to assign all of the responsibility for the police culture to Reed and Nixon and would be calling numerous City of Kent officials to testify at any trial in order to prove Harris's case. Mr Grindeland then became upset with Harris. Unbeknownst to Harris, Grindeland then improperly interfered in the case by proceeding to reach out directly to the chambers of the Magistrate Judge overseeing the case, which was later set to be heard by senior United States District Chief Judge Ricardo S. Martinez. Petitioner was not made aware of or a participant in any of these meeting(s) regarding his case and was shocked when, Petitioner submits, Magistrate Judge Theresa L Fricke overruled the full Ninth Circuit, the United States Supreme Court, and the U.S. Constitution in finding that a police officer never having articulated reasonable suspicion but having acknowledged they were well aware there was no criminal activity afoot, nevertheless, was found to have engaged in a lawful 4th Amendment investigative stop involving threats, a use of force, arrest, and incarceration, of an innocent American citizen.

On October 13,2023 a three-judge panel of the Ninth Circuit affirmed the District Court decision overruling the U.S. Constitution, the U.S. Supreme Court, and the Ninth Circuit when finding that simple electrical

cords protruding from Harris's vehicle at a mall charging facility provided sufficient justification to believe he was engaged in criminal activity. Petitioners Appellate brief references the discovery admissions by the officers that they knew use of the cord was not criminal activity. The panel decision is offered at App D. In *Miller v. Gammie,* 335 F.3d 889 (9th Cir. 2003)(en banc) the Ninth Circuit ruled that a three-judge panel may only overrule existing U.S. Supreme Court precedents or Ninth Circuit en banc decisions when there are intervening U.S. Supreme Court and Ninth Circuit en banc rulings. There were no intervening decisions prior to the three-judge panel ruling. Petitioner Harris filed a Motion to Vacate the panel decision based on *Miller v. Gammie,* the other Ninth Circuit panel precedents, combined with the unanimous rejection of the panel decision by the full Ninth Circuit. Petitioners motion was denied. The issuance of the mandate is at App. A. The panel issued no clarifications regarding conflict with prior precedents and existing law. The decision regarding the Motion to Vacate is at App. B.

IX. REASONS FOR GRANTING THE WRIT

The decision finding the conduct of the officers engaging in 4th Amendment stops, which were unlawfully based solely upon hunches, guesses, beliefs, experience, and training, along with knowingly false claims about state law overturns key aspects of the 4th Amendment to the U.S. Constitution and overrules decades of precedent established by this Court, banning such stops, as well as the prior panel

decisions of the Ninth Circuit U.S. Court of Appeals. The panel's mandate has effectively sanctioned the authority for law enforcement to now stop, engage in the use of force, and arrest anyone in the Ninth Circuit whose vehicle happens to be at an electrical platform with cords running to and protruding from the vehicle. This potentially affects millions of American citizens and up-ends the U.S. Constitution.

X. CONCLUSION

Initially, in their U.S. District Court filings Respondents claimed that Petitioner Harris's involvement in criminal activity was his own fault and therefore Harris was to blame for his being stopped, arrested, and incarcerated on December 15, 2019. Respondents added that any resulting injuries he might have sustained from the officers having to take him into custody were equally his responsibility. Faced with the prospect that Harris could easily prove, at trial, Kent police officers Jacob Reed and Jason Nixon knew beforehand, while they had their body-worn cameras turned off, they were about to engage in activity that was deemed unlawful the Respondents moved on to a claim of qualified immunity. Faced with the decisions of this Court that public officials, including police officers, who violate clearly established constitutional protections waive qualified immunity the Respondents moved on to a proposal seeking to assign full and sole responsibility to the two police patrol officers. Faced with mountains of uncovered evidence showing that senior city executives, the Chief of Police and an Assistant Chief

of Police, along with those on the city council, were all aware of the problems and chose to do nothing Harris rejected the City of Kent's proposal. The City of Kent then abandoned all local and federal rule prohibitions by solely going directly to the judge administering the case with desperate pleas to delay and ultimately deny justice.

Years of work, by the District Court and all parties, preparing for an imminently scheduled May 15, 2022 trial were then scuttled when the District Court judge overruled the highest Court in the land and the United States Constitution. Scuttling any trial has been the entire purpose for Respondents. Faced with the prospect that Petitioner was filing this Writ the City of Kent has shown an open hostility to the Rule of law. The City of Kent discussed claiming that if the fault of the three-judge panel was an error in issuing a decision and misapplication of a properly stated rule of law then the case should not be reviewed by the U.S. Supreme Court. Harris replied his Writ was based upon circuit conflict, which is amongst the top priorities for review under Rule 10, and the Court would have found "good cause" to extend the filing deadline. The City of Kent then turned their ire towards the U.S. Supreme Court. Upon learning the Court had found good cause to extend the filing of the petition Mr. Grindeland advised the parties that the City of Kent would now be taking action against the Court itself. Mr. Grindeland further advised Harris that if he undertook any unspecified, "substantive", efforts to comply with the guidance provided by the Court in preparation for the filing of his Writ

application he too might be subject to legal actions. Mr. Grindeland and JLL counsel, Mr. Latendresse requested they be provided advance copies of anything being filed with this Court. Petitioner rejected all such statements and advised the parties that as per the federal rules service would be made to all parties concurrent with a filing before the U.S. Supreme Court. Just days ago, City of Kent lead counsel Mr Grindeland reissued a prior communication to all of the parties that the City of Kent maintains Petitioner's treatment at the hands of City of Kent police officers was considered "routine " by the city and there is no need for the decisions of the City of Kent to be reviewed by the U.S. Supreme Court. Petitioner submits such sentiment displays both a willful disregard for and hostility towards the constitutional protections enjoyed by all Americans, as well as a disdain for the constitutional role of the Court in reviewing how the laws are applied. It was this state of mind which lead Kent police officers to believe they had authority to invent the pretextual infractions which were used to threaten and physically force Harris from his vehicle, under color of law, whereupon he suffered bodily injury. So far the Respondents have attempted to blame Petitioner Harris, qualified immunity laws, two lower level police patrol officers, the three-judge Ninth Circuit panel, and finally, the U.S. Supreme Court issuance of an extension as the basis for the events that have gotten us to this point. The City of Kent power brokers fashion themselves as a sort of imperial, quasi-sovereign, jurisdiction not bound by federal or state law. Stepping up and accepting full responsibility to follow the laws has simply not been part of their behavior patterns.

Petitioner submits both the City of Kent and JLL were complicit in a violation of 4th Amendment protections, grossly negligent in knowing (and responsible for knowing) City of Kent police officers were engaging in violent acts and expressing animus towards certain groups well before the officers were permanently placed on JLL property. No due diligence, mandatory protocols, or oversight was performed. Anyone who places individuals with violent histories on their property with no pre-screening and no monitoring is liable. JLL is no different from any other property owner who allows armed individuals, experiencing widely reported violent episodes, free reign on private property and then facilitates such conduct when asked. Despite numerous, easily available, red flag, warnings to include public accounts of questionable shootings, beatings, chokehold arrests, and inflammatory comments, JLL failed to undertake even the most basic inquiries or precautions to make sure members of the general public were not put at risk of violent confrontations when they based a group of armed individuals permanently on JLL property. JLL incurred a substantial premises liability with what amounted to gross negligence. Various Kent police officers, during this period, were expressing desires and actually engaging in violent confrontations with groups within the community. This conduct became so prevalent that the Chief of Police, very quietly, reached out to officer union representatives, behind the scenes, requesting they ask officers to please tone it down, instead of doing his job as a leader and holding individuals accountable.

In another reported incident that the City council discussed with the Kent police chief an individual was body-slammed to the ground after being stopped by a Kent police officer and asking the officer to simply see and treat him as a "human being". The involved officer later acknowledged that numbers of Kent Police Department officers were treating certain groups within the community by a much more aggressive standard because these groups were not as "respectful" to Kent police officers as certain other groups and thus, according to the Kent officer, they did not deserve better treatment.

As a result of his continued inquiries, Harris intends additional FRCP Rule 15 adjustments to his claims. Additionally, Petitioner respectfully submits his access to the scheduled trial of May 15, 2022 was improperly interfered with by the City of Kent and asks that a penalty in the amount of 500.00 per day, retroactive to May 16, 2022 (with the exceptions of weekends and federal holidays) and ending on the first day of any future trial date, be assessed against the City of Kent and immediately payable to Harris. Petitioner submits this disgorgement of ill-gotten savings be based upon the knowingly unethical conduct of the City of Kent and deserves the Court's attention and sanction. Very aware that they faced a potential loss and award at trial the City of Kent knowingly and willfully violated local and FRCP rules after Harris refused to go along with a scheme to hobble his case by excluding all of the city higher ups and decision makers, who were very well aware of policing problems, from the litigation. None of the Respondents have disputed the facts of

this case or recognized the law. For four and a half years they have simply attempted to use their greatly superior legal and financial advantages to engage in a vexatious effort to exhaust petitioner's determination to find justice. Respondents have voiced no qualms about sitting on their hands while a decision affecting the rule of law and the constitutional protections of every U.S. citizen was given mandate, however, there has been extreme displeasure voiced at the U.S. Supreme Courts issuance of an extension to potentially review this matter. Respondents have presented themselves as being above the rule of law and not to be questioned by this or any other Court of law.

Petitioner is fully aware that when the interests of United States citizens, collectively, are argued before the Courts the United States Department of Justice always has an interest in the case. Accordingly, Petitioner has sent, by third party delivery, a full three copies of this filing to the United States Solicitor General's Office under the United States Department of Justice, along with the mandated three copies being sent to each of the parties. While not a direct party to the case the United States Government has the sole authority to outright argue the case or file a brief on behalf of all Americans constitutional protections before the Courts, as well as to enforce federal civil rights laws. For his part, Petitioner William Harris respectfully asks the Supreme Court of the United States to swiftly and decisively review and reverse the decision of the three-judge panel. Petitioner respectfully asks that the Court end any further litigation on the merits of this case and rule in

Petitioners favor. Petitioner also respectfully asks the Court rule on any decision regarding a civil money penalty and any remand decision regarding a trial on compensatory and punitive damages. The United States Constitution, the United States Supreme Court, and the full Ninth Circuit have been clear, in very plain language, with regards to stopping individuals not suspected of engaging in any criminal activity and placing them under arrest.

The fact that Respondents have been so brazen as to readily admit that when they engaged in such conduct they were well aware their actions were unlawful is a direct challenge to our legal system. The American people have come to understand and expect the laws apply even to those who refuse to accept the legal decisions with which they disagree. Forcing knowingly innocent, barely clothed, individuals out into the elements while denying their requests for proper attire, denying medical aid, using legal instruments such as warrants to harass knowingly innocent individuals are tactics not even allowed in theaters of war. Respondents now lashing out and threatening to engage in unwarranted legal actions against the judicial process instead of accepting their responsibilities and demonstrating a fidelity to the Rule of law, only subverts justice. Respondents refuse to recognize the mandates of this Court or to negotiate, in good faith, in the resolution of these issues while claiming there should be no lawful review of their conduct. Petitioner fervently submits the decisions of this Court and the United States Constitution cannot be overturned or overruled by lower Court mandate.

DATED this August 19th, 2024

Respectfully submitted,

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