

US Supreme Court of The United States
of America

Eddie Scott

Plaintiff-Appellant

V.

Honorable Timothy J Corrigan (Chief Judge)

Defendant-Appellee

24 - 6721

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Supreme Court, U.S.
FILED

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Appeal Court: Case No: 24-12308

Lower Tribunal: Case No: 5:24-CV-00139

Emergency Writ of Mandamus

US 11th Circuit Court of Appeals

Middle District of Florida

District Court of Middle District Florida

Ocala Division

Eddie Scott

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Table of Contents

I.	Table Of Contents.....
II.	Table of Citations.....
III.	Introduction.....
IV.	Statement of facts.....
V.	Nature of the relief sought.....
VI.	Argument.....
VII.	Petitioner has no other remedy.....
VIII.	Conclusion.....
IX.	Certificate of service.....

US Supreme Court of The United States
of America

Table of Citations

Cases

The US Supreme Court Conley V. Gibson (1957)	
Lingle V. Dion, 776 So. 2d 1073, 1078(Fla. 4 th . DCA (2001)	
The US Supreme Court Thompson V. Clark ET AL (2022)	
The US Supreme Court Younger V. Harris, 401 U.S 37(1971)	
The US Supreme Court Bell ATL Crop V. Twombly (2007)	

Judge Constitutional duties and oath

28 US Code 453 Oaths of justices and judges.....	
28 US Code 455 Disqualification of justice, judge, or magistrate judge.....	

Constitutional rights

First Amendment.....	
Fourteen Amendment.....	

US Supreme Court of The United States
of America

INTRODUCTION

Eddie Scott petitions for a writ of mandamus directing the Honorable Timothy J Corrigan to fulfill his duties as the chief judge of the middle district of Florida. The question presented is whether the chief judge can keep a case closed even after the plaintiff overcame the younger doctrine by being acquitted after a state trial on 8/1/2024 and now that the state proceedings are over and have ended. The Chief Judge still says that I satisfied none of the grounds for relief under rule 60(b), although the state proceedings are over, and the state case ended in my favor. Timothy J Corrigan is now a semi-retired senior judge. The Writ of Mandamus was sent to the 11th Circuit U.S Court of Appeals but has been delayed and ignored according to rule 41 mandate which gives the court 90 days to answer, which they have not, I'm not asking for an extension, and justice delayed is justice denied. Notice to appeal to the U.S Supreme Court issued to the 11th Circuit Court of Appeals 12/10/2024.

Jurisdiction

28 U.S Code 1651 Writs the Supreme Court and all courts established by the Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

State of the Facts

I filed a complaint with the federal court in Ocala Florida on March 19, 2024 seeking relief from a state case. I clearly showed the honorable court that my constitutional rights were willfully being violated, I also showed the federal court in Ocala that I was in custody unlawfully by showing the court substantial evidence on record with presenting federal law 5 US 7062(E). Judge Magistrate Phillip Lammens took the complaint under review and told me to amend it stating that I failed to state a claim because of the Younger V. Harris case law. I amended the complaint and filed habeas corpus 2241 before the state trial showing that I had exhausted all of my state remedies. Understanding the Younger Doctrine prohibits the federal court from interfering with state proceedings, I put in a habeas corpus but afterward, the magistrate judge put in a recommendation that my case be dismissed. However, I have a constitutional right to file a habeas corpus 2241 because I was in pretrial detention, and the fact it's a federal question, Chief Judge Timothy J Corrigan overruled my amended complaint over the Younger V. Harris and failed to state a claim. I wrote the Honorable Supreme Court a writ of certiorari. I showed the Florida Supreme Court the same complaint with evidence and the Honorable Court agreed and issued a habeas corpus on my behalf.

US Supreme Court of The United States
of America

On August 1, 2024, because the habeas corpus was still in process, I was taken to trial by the State of Florida in which I represented myself as Pro-SE without counsel or a public defender. I successfully represented myself at trial and was acquitted of all charges against me and the case was closed. Because the state proceedings were over and the case ended in my favor, I motioned to have the case reopened so I could file my claim for the damages I have received by my constitutional rights being violated. After I showed the federal court in Ocala Florida evidence to prove the state proceedings were over and that the case ended in my favor, The Chief judge said that I still failed to get relief under the Younger V. Harris even when I showed him that the case was over, and I was acquitted.

The nature of the relief sought.

The relief sought is a writ of mandamus directing the Honorable Chief Judge, now a senior judge, to reopen my case that was dismissed without prejudice for the Younger V. Harris and failure to state a claim, for the fact that I was acquitted of all charges at a jury trial 8/1/2024. I will ask the Honorable U.S. Supreme Court to issue a peremptory mandamus to the trial court so I can exercise my constitutional rights given by law.

Argument

The Younger Doctrine under Younger holds that federal courts should abstain from pending cases in state proceedings. Younger V. Harris 401 U.S 37(1971). The issue comes in showing proof and evidence that my case is closed and has ended in favor of myself. With the case being closed and the case ending in my favor why would I not be able to have relief? With the state proceedings being over it would prove that I won't be asking the court to interfere or join any state proceedings. The Chief Judge said I didn't meet with relief knowing that my state case was closed and also knowing that I was acquitted. The case was closed, and I was acquitted, which ended all state proceedings, the Younger Doctrine would be discharged because I overcame why the case was dismissed without prejudice. The US Supreme Court ruled in a 6-3 ruling in Thompson V. Clark (2022) that a plaintiff suing for unconstitutional imprisonment under the favorable termination rule was not required to provide an affirmative indication of innocence. Instead, the plaintiff only needed to show that the prosecution ended without a conviction.

The plaintiff of false charges needs only to show that his prosecution ended without a conviction" in order to sue. I presented the Honorable Chief Judge with proof that my case ended with me not being convicted and that I was acquitted, but still, the Chief Judge said that I failed to get relief. This was also new evidence that my state case ended after the Honorable Chief Judge dismissed my federal case without prejudice. The US Supreme Court Conley V. Gibson (1957) ruled that "a complaint should not be dismissed for failure to state a claim unless it appears beyond that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." I presented the Chief Judge with the paperwork showing that my state case was closed, also providing him with evidence that the state case ended in my favor with the plaintiff being acquitted. With proving with facts that the case closed, showing proof that the state case ended without conviction, and with me being acquitted, I still did not meet the relief according to the chief judge under the Younger Doctrine.

US Supreme Court of The United States
of America

Lingle V. Dion, 776 So. 2d 1073,1078(Fla.4th. DCA 2001) holds "All litigants, whether represented by an attorney or proceeding pro-se, are afforded equal access to the courts, and are entitled to a just and fair proceeding. I have not been given just and fair proceedings at all, the federal court in Ocala did not allow me to file my habeas corpus 2241 yet The Supreme Court of Florida did with me showing them exactly what I presented to the federal court in Ocala. Even after my federal case was dismissed without prejudice due to the Younger Doctrine, I presented the Chief Judge with proof that the state proceedings were over with and the case ended with favoring myself with me being acquitted, still, the Chief Judge said I don't meet the relief to have the case reopened, although with the state proceedings ending without a conviction and was new evidence the Chief Judge is still stating that I don't meet the relief.

The US Supreme Court Bell ATL Crop V. Twombly (2007) ruled that there must be sufficient facts in a complaint to state a claim to relief that is plausible on its face to avoid dismissal for failing to state a claim. I have shown both the former chief judge Timothy J Corrigan and the Honorable Appeals Court of the 11th Circuit plausible evidence by submitting the jury trial paperwork that shows I was acquitted 8/1/24 and the court case docket that shows the case is now closed with ending and my favor.

Petitioner has no other remedy.

28 US Code 453 oaths of justices and judges states that a judge solemnly swear (or affirm) that I will administer justice without respect to persons and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as under the Constitution and laws of the United States. So, help me, God. I have no choice but to think about this matter as if bias and prejudice have a part in the fact that the Chief Judge, even after seeing that the state proceedings are over and with the state case ending in my favor, even after seeing proof of evidence will say that is not enough to overcome the Younger Doctrine? I had a complainant on Magistrate Judge Phillip Lammens because of the prejudice and bias I had to face while dealing with my state case from the city of Ocala and the fact he put in the recommendation to have my case dismissed even after I amended it to exercise my right to file a Habeas corpus. 28 US Code 455 a judge should disqualify himself in any proceeding in which his impartiality might reasonably be questioned. Because of the respected office of The Honorable Chief Judge over the trial courts, I have no other remedy but to reach out to a highly well-respected Court of a higher authority to get justice. I have informed the US Court of Appeals of this issue, and they received my writ of mandamus in filed it on 9/9/24. According to federal law 28 US 2266, the court of appeals must act on the petition of writ of mandamus no later than 30 days after the filing of the petition, but the Honorable Court has not acted on the writ. Even after 90 days, I reached out to the Honorable Court again this time with a motion for resolution which the court received on 10/28/24 well beyond the 30 days according to 28 US 2266, but the court still has not acted on the writ or the motion which they have both filed. Due to the respected office of the former chief judge Timothy J Corrigan, now senior judge and the highly well-respected court US Court of Appeals 11th Circuit I have no other remedy but to reach out to the Honorable US Supreme Court for justice. On 9/9/2024 I sent this petition to the 11th U.S. Circuit Court of Appeals, I sent in in Forma Pauperis showing my Chase bank account closed with a negative balance, with a CIP form. I also sent in a motion for resolution with a CIP form revived 10.28/2024 and a letter to the court received 11/21/2024 with another CIP form following rule 26.1(a) in good faith. I have exhausted all of my remedies and have no choice but to petition the U.S. Supreme Court for justice, because I have a right to have equal protection under the law.

US Supreme Court of The United States
of America

Conclusion

As a citizen of the United States of America, I have the right to sue when my constitutional rights have been violated. (First Amendment). I have overcome the Younger Doctrine with my state case being closed and with me being acquitted. With the case ending without conviction, I have the right to sue (Thompson V. Clark ET AL) US Supreme Court 2022. I have suffered damages like defamation of character, false imprisonment, emotional distress, and malicious prosecution, which gives me the right to petition the Government for redress of grievance" including a right of court access. I can't work and have been unable to make an income for the past 18 months, I'm homeless and unable to make a living due to the false allegations I faced within the state case. I deserve to be treated fairly when representing myself Pro-Se (Lingle V. Dion 776 So. 2d 1073, 1078 Fla. DCA (2001). I deserve "EQUAL JUSTICE UNDER LAW" (Fourteenth Amendment). With the above facts, I will pray that the Honorable US Supreme Court solves this request in my favor so I can try to pick up the pieces of what's left of my life.

Certificate of service

I certify that a copy has been furnished to Chief Judge Timothy J Corrigan, 300 North Hogan Street Jacksonville, Florida 32202 on 9/3/2024 and also to The US Court of Appeals for the 11th Circuit 56 Forsyth St., N.W. Atlanta, Georgia 30303 9/3/2024.

Eddie Scott

I declare (or certify, verify, or state under penalty of perjury that the foregoing is true and correct. Executed on 12/10/2024. Signature Eddie Scott. 28 USC 1746.