

24-7180

No. _____

FILED
APR 07 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Yolanda M. Williams — PETITIONER
(Your Name)

vs.

Austin Police Department — RESPONDENT(S)
(Austin Police Department)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals FOR THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Yolanda M. Williams
(Your Name)

P.O. Box 281
(Address)

Bellaire, Texas 77402
(City, State, Zip Code)

469-751-2478
(Phone Number)

QUESTION(S) PRESENTED

1. Did the Judges and of the U.S. District Court Western District of Texas, Austin Division and the Austin Police Officers deprive petitioner of her rights or privilege protected by the Constitution or laws of the United States?
2. Did the Judges of the U.S. District Court Western District of Texas, Austin Division fail to abide by the FRE Rule 103?
3. Did the Petitioner submit a timely correct original civil lawsuit complaint in the U.S. District Court Western District of Texas, Austin Division?

LIST OF PARTIES

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

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

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 01/06/25.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 01/06/25, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.
2

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Statutes

42 U.S.C.A. § 1983.

28U.S.C. § 1331

Tex. R. Civ. P. Rule 4, Rule 500.5

Tex. Civ. Prac. & Rem. Code: Section 83.001

Tex. Civ. Prac. & Rem. Code: 16003 (b)

Title 18 U.S.C., Section 242

STATEMENT OF THE CASE

In the United States District Court for the Western District of Texas Austin Division, Yolanda M. Williams is the petitioner and Austin Police Department is the defendant in cause #1:23-cv-01510-RP. In this matter: Writ for Certiorari, Yolanda M. Williams will be referred to by name or Petitioner. The Respondent (s) in this matter will be referred by name or Respondent.

On December 05,2021, the Petitioner was in the City of Austin, Texas for less than 60 days (about 2 months). Upon Police Officer Sneed and Officer Tomlin unlawfully took away the rights of Plaintiff Williams. The Officers had no probable cause to enter the women restroom of the Austin Bergstrom International Airport and ask the Petitioner to identify herself. Thus, the Petitioner asked the Police Officer's many times why she needed to identify herself and the Petitioner was addressed with excessive force. Petitioner's hands were forced behind her back. In which, Yolanda M. Williams informed the Officers she has a shoulder injury and other medical conditions before the excessive use of force. Thus, there was no reason or concrete evidence for the use of excessive force or to detain Yolanda M. Williams. Petitioner did not exhibit the actions that she was trying to commit suicide or inflict serious bodily injury to herself or any danger to herself, the public or the officers. Therefore, according to Tex. Civ. Prac. & Rem.Code: Section 83.001 - Civil Immunity is Null and Void and according to chapter 9 of the Penal Code. (**see appendix U**) Also, plaintiff was not using the ABIA for dwelling purposes.

Thus, on December 06, 2023, the Petitioner, Yolanda M. Williams filed a timely civil lawsuit against the Austin Police Department via the United States Postal Service. On December 06, 2023, the petition was timely stamped and mailed to the U. S. District Court for the Western District of Texas, Austin Division. In which, the U.S. District Court received and filed the petitioner civil lawsuit on December 11, 2023. (**see appendix F**) The petitioner filed the original

complaint in the U. S. District Court for the Western District of Texas, Austin Division. In which, she indicated the basic Jurisdiction as such;

- The Plaintiff, Yolanda M. Williams is domicile of Austin, Texas and the defendant(s) is a citizen of Austin, Texas which the United States District Court Western District of Texas Austin Division has Subject Matter Jurisdiction or the power to hear this case.

Thus, this cause arises out of a Federal Constitutional Law: Section 42 U.S.C. 1983.

- The amount in controversy is more than \$75,000 and within the jurisdictional limits of this court. AND the Cause of Action or what took place to warrant a legal remedy or solution;
- Violation of Plaintiff Constitutional Rights under Section 42 U.S.C. § 1983.
- Deprivation of Rights under the Color of Law under Title 18 U.S.C., Section 242.

The petitioner filed the complaint with the Informa pauperis (**see appendix E**) and the request for issuance of summons in a civil action and demand for trial by jury via USPS mail that was stamped on December 06, 2023. In which, the U.S. District Court received and scanned the documents on 12/11/2023. (**see appendix G**) Thus, Petitioner amended the original petition to simplify the original complaint for the Judges. (**see appendix H**).

On March 06, 2024, the United States District Judge Robert Pitman render a final judgment in case #1:23-cv-01510-RP adopting the U.S. Magistrate Judge Susan Hightower's report and recommendation concerning Petitioner's complaint pursuant to 28 U.S.C. § 1915(e). Thus, the dismissal of Yolanda M. Williams complaint with prejudice and declaring "...nothing remains to be resolve, the court render a final judgment pursuant to Federal Rule of Civil Procedure 58." (**see appendix D**).

The District Court Proceeding

On December 11, 2023, the petitioner complaint was assigned to Magistrate Judge Susan HighTower and entered on December 15, 2023. Thus, the Report and Recommendations of Magistrate Judge Susan Hightower was entered on January 05, 2024, and the case was no longer assigned to Magistrate Judge HighTower. Thus, the Magistrate Judge Hightower granted petitioner to proceed In Forma Pauperis and order that plaintiff complaint be filed without pre-payment subject to a later determination that the action should be dismissed if the allegation of poverty is untrue or the action is found frivolous or malicious pursuant to 28 U.S.C. § 1915 (e) (2). Also, recommended that the petitioner complaint be dismissed because the complaint was (1) frivolous or malicious, (2) fails to state a claim on which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). And that the petitioner complaint is barred by the statute of limitations. Thus, the Magistrate Judge Hightower Order granted petitioner Informa pauperis and Hightower recommendation was to have the District Court remove plaintiff lawsuit as frivolous under 28 U.S.C. §1915 (e) (2). And return the petitioner complaint to the docket of the Honorable District (see **appendix C**:

Document 5)

On March 05, 2024, the case was reassigned to Judge Robert Pittman and on March 06,2024 the order adopting Magistrate Judge Susan HighTower's Report and Recommendations was filed by Judge Pitman. Also, on March 06,2024, the final judgment was also entered. (see **appendix D)**

On June 06,2024, the petitioner filed a notice to appeal. (see **appendix M**) Thus, the petitioner never received communication to order transcript. On September 13,2024, plaintiff filed a request for court reporter's records of appeal and on December 12,2024 Notice of change of

address (see docket sheet). On January 28 ,2025, the USCA Judgment was entered (see appendix A document 28-1, 29, 31:1, 31:2, 31:3 and the mandate. (see appendix B Documents 28-2.

The Appellate Court Proceedings

After the final judgment on March 06,2024 and the gavel entry on May 05,2024 by the United States District Judge Robert Pitman, the petitioner filed a Notice of Appeal with the United States District Court for the Western District of Texas Austin Division. (see appendix L)

On June 14,2024, the United States Courts of Appeals Fifth Circuit Office of the Clerk docket the appeal and assigned a case number: 24-50487. July 17,2024 a signed Noticed of Appeal was enter. On July 24, 2024, the electronic record on appeal requested. On July 30,2024, Attorney Brandon J. Mickle filed a Notice of form for appearance. (see appendix O) The electronic record of appeal filed with admitted exhibits in the District Court. AND no video/audio exhibits on file in the District Court. (see appendix M) Thus, the petitioner issued a signed subpoena (s) by the United States District Court for the Western District of Texas Austin Division, in which, the court failed to enforce. (see appendix K) The petitioner is Informa pauperis and could not afford the fee for the video from the City of Austin record department for the video. A brief notice was issued to the petitioner on August 19, 2024. On October 07,2024 petitioner filed the brief and the record excerpts. (see appendix M &N). Thus, on October 30,2024 the respondent filed their brief (see appendix P). On November 26,2024, the briefing was completed. On January 06,2025, the U.S. of Appeals for the 5th Circuit filed an unpublished opinion dismissal affirming the District Court decision and the judgment. (see appendix A Document 31-1, 2, & 3) On January 28, 2025, the mandate was issued

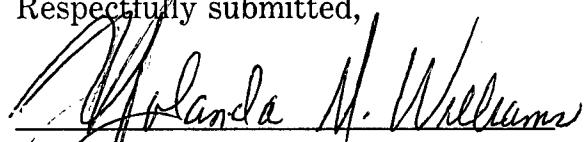
Reason For Granting Petition

This writ of certiorari should be granted because the petitioner filed a timely original petition (**see appendix A**). And the Respondent (s) failed to answer the complaint within 21 days. Also, because the Judges in this matter were biased in their decisions. In which abused their power. Thus, making their illegal actions appear legal. In accordance to Deprivation of Rights Under Color of Law: depriving petitioner of her rights or privilege protected by the Constitution or laws of the United States. Also, no concrete evidence to show the complaint was abusive or captions litigation or frivolous defined by section 1915 (e) (2)(b) or 28 U.S.C.1915 was used to warrant a dismissal in the petitioner's complaint. The Magistrate Judge and the Judge in the Western District Court failed to enforce the subpoena in the matter AND obtained the video of the incident that caused petitioner to file a lawsuit. Therefore, the petitioner's claim is not a Monell claim. The Judges in this matter failed to make a ruling in accordance with the Federal Rules of Evidence (FRE): In which, is adopted by this Court. Thus, the U.S. District Court Judges did not abide by FRE Rule 103: Courts should handle objections to evidence, ensuring that rulings are based on the evidence presented and not on speculations. In which, the subpoena evidence contains concrete evidence that is factual and verifiable to the petitioner's complaint. (**see appendix K**) Thus, the 5th Circuit Appeal Justice erred in their decision to affirm the District Court decisions. THUS, making a judgment on speculation. AND petitioner never filed an untimely original petition or an untimely amended petition. Thus, petitioner did not receive the Magistrate Judge HighTower Order and Recommendation until 02/12/2024. (**see appendix Q**) THEREFORE, according to Tex. Civ. Prac. & Rem. Code: 16003 (b): a person must bring a suit not later than two years after the day the cause of action occurs. (**see appendix V**) Thus, the incident occurred on December 05, 2021. In turn, the petitioner had until December 06,2023 to file a lawsuit. In turn, this case should be granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 04/06/25