

24-7248 ORIGINAL

CASE NUMBER:

Supreme Court, U.S.
FILED

JAN 24 2025

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

TAMIKA SEAY

Petitioner,

Vs.

STATE, ET. AL.

Respondents,

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE UNITED STATES
ON APPEAL FROM THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
APPEAL NUMBER: 24-12721

PETITION FOR A WRIT OF CERTIORARI

Tamika Seay, Pro se
5609 Wynhall Drive
Peachtree Corners, Georgia 30071
Telephone: 678-733-5045
Email: tammy.seay@icloud.com

IV. QUESTIONS PRESENTED

1. What do the litigant and accused do when the state court and the appellant court says two different things?
2. Whether procedures the United States Government followed satisfy Due Process of Law under the Fifth and Fourteenth Amendment before it deprived Petitioner of life, liberty and property without due process of law, accused her of crime, deprived her of the right of notice, trial by jury, an attorney, the right to be free from self-incrimination and unlawful seizure?
3. Whether the United States Government violated Petitioner's Substantive Rights and fail to conform to the " Due Process Clause" under the Fifth and Fourteenth Amendment, Bill of Rights and Substantive Due Process to prevent the government's interference and unwarranted intrusion with fundamental rights including custody of her child and the right to trial by jury.
4. Whether error in this case meets the criteria of a " Plain Error" under FRCP Rule 52(b): the mistake must be clear, obvious, and affect the substantial rights of the Petitioner.
5. Did the state court effectively carry the decision of the Appellant Court(s) into effect?
6. Whether the United States Government had or has probable cause for the seizure of the Petitioners child?

7. Whether the United States Government had or has probable cause for the Conviction of the Petitioner?
8. Whether the state court served notice, summons and complaint upon Petitioner in this matter who judgment of conviction is entered against.

V. List of Parties

- 1.State of Georgia
- 2, United States Department of Justice
- 3.Ashley Stinson
- 4.Andrea David Vega
- 5.Robert V. Rodatus
6. Lisa James
7. Antresa Lumpkin-Knighten

Related Cases

- 1.In the Interest of [Redated Name], Gwinnett County Juvenile Court, Case Number; 18-1240-1, Date of Entry of Judgment/Conviction 10/31/2018, Date of Entry of Judgment/Conviction 11/04/2019.
2. In RE: Petition of Melvin Seay and Tamika Seay v. Gwinnett County Division of Family and Children Service for the adoption of [Redated Name], Superior Court of Gwinnett County, Adoption Case Number;18-184-2, New Case Number; 21-a-08124-2, Date of Entry of Judgment 04/26/2022.
- 3.Court of Appeals of the State of Georgia, Melvin Seay and Tamika Seay v . State of Georgia, Appeal Number: A20A1237, Date of Opinion 09/01/2020.
- 4.Supreme Court of Georgia, Case Number: S21C0265.

5. Tamika Seay vs. Gwinnett County Division of Family and Children Services, Gwinnett County Superior Court, Case Number: 21-A-08200-2, Date of Entry of Judgment 04/26/2022.

6. Tamika Seay vs, Ashley Stinson, Gwinnett County Superior Court, Case Number: 21-A-08188-2, Date of Entry of Judgment 02/15/2022.

7. Tamika Seay v. United States Department of Justice and Ashley Stinson, Gwinnett County Superior Court, Case Number: 22-A-O9937-2, Date of Entry of Judgment 03/20/2023.

8. Georgia Court of Appeals, Tamika Seay v. Ashley Stinson, Appeal Number: A22D0280, Date of Opinion 3/25/2022.

9. Supreme Court of Georgia, Case Number S22D0829, Date of Remittitur 04/25/2022.

10. United States District Court for the Northern District of Georgia
United States Court of Appeals for the Eleventh Circuit, Tamika Seay v. United States Department of Justice, Case Number: 1:22-cv-04922. Tamika Seay v. State of Georgia et al., 1: Case Number: 1:23-cv-01490. Tamika Seay v. Andrea David Vega, Case Number: 1:24-cv-3485 and 1:24-mi-0083. Tamika Seay v. Lisa James et al., Case Number: 1:cv-05232

VI. Table of Contents

I.	Motion For Leave of Proceed In Forma Pauperis- Rule 39.....	Attached
II.	Affidavit of Declaration in Support of Motion for Leave to Proceed In Form Pauperis.....	Attached
III.	Cover Page- Rule 34.....	Attached
IV.	Question(s) Presented.....	Attached
V.	List of Parties and Related Cases.....	Attached
VI.	Table of Contents.....	Attached
VII.	Index of the Appendices.....	Attached

VIII. Table of Authorities.....	Attached
IX. Opinions Below.....	Attached
X. Jurisdiction.....	Attached
XI. Constitutional and Statutory Provisions Involved.....	13,14
XII. Statement of the Case.....	15,16,17,18
1. Lack of Service of Original Summons and Complaint	
2. Adoption, Change of Placement, and Petition for Writ of Habeas Corpus and Emergency Motion for Return of Child Denied Based on Fraudulent Orders and Judgment Void for lack of Jurisdiction	
3. Remittitur Judgment Based on Fraud.	
4. Judgment based on fraud and misrepresentation of government actors playing their perspective roles.	
5. Trial court ignored decision of the Supreme Court when it did not carry remittitur into effect.	
6. Trial Court ignored the opinion of the Appellant Courts.	
7. Unresolved Motions	
8. Petitions decided by Magistrate Judge without party consent .	
9. Lack of Probable Cause.	
XIII. Reasons for Granting the Petition	18
A. To avoid Erroneous Judicial Violations of the Litigants and the Accused Constitutional Rights and Statutory Laws, This Court Should Promulgate Rules of Procedure for all the United States Courts	

and Litigants to follow when a fact of Error, Mistake or Oversight has been made by the State Appellant Courts. This Court Should reverse the criminal conviction against the Petitioner and for the state court to so find violates the very basic principle that a defendant is innocent until proven guilty. As such, the state court's decision is clearly in error. This case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court and presents this Court with an opportunity to set a standard in the face of judicial actions that violate the 5th and 14th Amendment Due Process rights of litigates. Absent intervention by this court, the Appellate Courts will work to undermine the carefully crafted procedural rights of litigants that this Court has spent over a century upholding.

“ The Federal Rules of Practice and Procedure govern the conduct of trials, appeals and cases under Title 11 of the United States Code. The system of federal rules began with the Rules Enabling Act of 1934 (28 U.S.C. § 2071-2077). The Act authorized the Supreme Court to promulgate rules of procedure, which have the force and effect of law.”

XIV. Conclusion.....	19
XV. Proof of Service.....	20

VII. Index of the Appendices

Appendix A Exhibit of Fact-Finding

Appendix B Court Opinion- United States District Court for the Northern District
Of Georgia

VIII. Table of Authorities

Constitutional Provisions

United States Constitution, Amendment XIV

The Law of Void Judgements and Decisions Supreme Court Decisions on Void Orders.

Rose v. Himely (1808) 4 Cranch 241, 2 L ed 608; Pennoyer v. Neff (1877) 95 US 714, 24 Led 565; Thompson v. Whitman (1873) 18 Wall 457, 21 L ed 897; Windsor v. McVeigh (1876) 93 US 274, 23 L ed 914; McDonald v. Mabee (1917) 243 US 90, 37 Sct 343, 61 L ed 608, "If a court grants relief, which under the circumstance it hasn't any authority to grant, its judgment is to that extent void." (1 Freeman on Judgments, 120c.) "A void judgment is no judgment at all and is without legal effect." (Jordon v. Gilligan, 500 F. 2d 701, 710 (6th Cir. 1974) "a court must vacate any judgment entered in excess of its jurisdiction." (Lubben v. Selective Service System Local Bd. No. 27, 453 F. 2d 645 (1st Cir. 1972). A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include Kalb v. Feuerstein (1940) 308 US 433, 60 S CT. 343, 84 Led 370. Federal judges issued orders permanently barring Stich from filing any papers in federal courts. After Judges Robert Jones and Edward Jellen corruptly seized and started to liquidate Stich assets, Judge Jones issued an unconstitutional order barring Stich from filing any objection to the seizure and liquidation. Void Orders Can Be Attacked At Any Time An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See Rose v. Himely (1808) 4 Cranch 241, 2 L ed 608; Pennoyer v. Neff (1877) 95 US 714, 24 Led 565; Thompson v. Whitman (1873) 18 Wall 457, 21 L ed 897; Windsor v. McVeigh (1876) 93 US 274, 23 L ed 914; McDonald v. Mabee (1917) 243 US 90, 37 Sct 343, 61 L ed 608, U.S. V. Holtzman, 762 F. 2d 720 (9th Cir. 1985).

Statutes

28 U.S.C.

Judgement is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. Fed. Rules Civ. Proc. Rule 60(b)(4), 28 U.S.C.A., Const. Amend. 5 Kiugh v. U.S., 620 F. Supp. 892 (D.S.C.1985).

§ 240.15c1-2 Fraud and misrepresentation.

- (a) The term manipulative, deceptive, or other fraudulent device or contrivance, as used in section 15(c)(1) of the Act (section 2, 52 Stat. 1075; 15 U.S.C. 78o(c)(1), is hereby defined to include any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.
- (b) The term manipulative, deceptive, or other fraudulent device or contrivance, as used in section 15(c)(1) of the Act, is hereby defined to include any untrue statement of a material fact and any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, which statement or omission is made with knowledge or reasonable grounds to believe that it is untrue or misleading.
- (c) The scope of this section shall not be limited by any specific definitions of the term "manipulative, deceptive, or other fraudulent device or contrivance" contained in other rules adopted pursuant to section 15(c)(1) of the act.
(Sec. 2 52 Stat. 1075; 15 U.S.C. 78o)

Cases

After four month limitation: "A judgment rendered may be opened after the four month limitation if it is shown that the judgment was obtained by fraud, in the absence of actual consent, or because of mutual mistake." *Richards v. Richards*, 78 Conn. App. 734, 739, 829 A.2d 60 (2003). (Emphasis added.) Section 52-212a does not abrogate the court's common law authority to open a judgment beyond the four month limitation upon a showing that the judgment was obtained by fraud, duress or mutual mistake. See *Nelson v. Charlesworth*, 82 Conn. App. 710, 713, 846 A.2d 923 (2004).

The common-law reasons for opening a judgment seek to preserve fairness and equity. (Internal quotation marks omitted.) *Bruno v. Bruno*, 146 Conn. App. 214, 230, 76 A.3d 725 (2013).

"To open a judgment pursuant to Practice Book § 17-43 (a) and General Statutes § 52-212 (a), the movant must make a two part showing that (1) a good defense existed at the time an adverse judgment was rendered; and (2) the defense was not at that time raised by reason of mistake, accident or other reasonable cause. ...The party moving to open a default judgment must not only allege, but also make a showing sufficient to satisfy the two-pronged test [governing the opening of default judgments].... The negligence of a party or his counsel is insufficient for purposes of § 52-212 to set aside a default judgment.... Finally, because the movant must satisfy both prongs of this analysis, failure to meet either prong is fatal to its motion."

(Internal quotation marks omitted.) *Little v. Mackeyboy Auto, LLC*, 142 Conn. App. 14, 18-19, 62 A.3d 1164 (2013). "Although.. § 52-212. normally limit[s] the authority [of the trial court] to open judgments to a four month period, [this statute does] not preclude the opening of a default judgment that is rendered without jurisdiction over a defendant.... As a matter of law, in the absence of jurisdiction over the parties, a judgment is void ab initio and is subject to both direct and collateral attack. ... A trial court's authority to open such judgments does not arise from ... § 52-212 (a) or Practice Book [§ 17-43] but from its inherent power to open a judgment rendered without jurisdiction. In other words, a court always has the inherent authority to open a default judgment, irrespective of the four month rule and the valid defense and good cause requirement in Practice Book § 17-43 and General Statutes § 52-212 (a), if the judgment was rendered without jurisdiction of the parties or of the subject matter." (Internal quotation marks omitted.) *Weinstein & Wisser, P.C. v. Cornelius*, 151 Conn. App. 174, 180-81, 94 A.3d 700 (2014). Applying the foregoing legal principles, the four month rule for filing a motion to open and vacate a judgment would not be applicable to a void judgment. If the defendant is correct that the procedural irregularities in obtaining the default judgment rendered that judgment void, then the court's determination that the defendant's motion was not timely filed would be erroneous. When appeal is taken from a void judgment, the appellate court must declare the judgment void, because the appellate court may not address the merits, it must set aside the trial court's judgment and dismiss the appeal. A void judgment may be attacked at any time by a person whose rights are affected.

See *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d 192,194 (Tex.App.-Houston [14th Dist.] 1994, no writ); see also *Evans v. C. Woods, Inc.*, No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.-Tyler Aug. 30, 1999, no pet. h.).

A Party Affected by VOID Judicial Action Need Not APPEAL. *State ex rel. Latty*, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." *Ex parte Spaulding*, 687 S.W.2d at 745 (Teague, J., concurring). If an appeal is taken, however, the appellate court may declare void any orders the trial court signed after it lost plenary power over the case, because a void judgment is a nullity from the beginning and is attended by none of the consequences of a valid judgment. Section 35-10-9: Sales contrary to article null and void. All sales of real estate, made under powers contained in mortgages or deeds of trust contrary to the provisions of this article, shall be null and void, notwithstanding any agreement or stipulation to the contrary. (Code 1907, §4134; Code 1923, §7849; Code 1940, T. 7, §561.). The Appellate Division, Second Department (*Kluge v Fugazy*, 145 AD2d 537, Their the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as

nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers. A Party Affected by VOID Judicial Action need not appeal. State ex rel. Latty, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J., concurring). 17 When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory, Omer. V. Shalala, 30 F.3d 1307 (Cob. 1994). This cannot be ignored its fact recorded! Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Cönst. Amend. 5 -Kiugh v. U.S., 620 F.Supp.Wash. 2009); In re Hwang, 396B.R. 757, 766-67 (Bankr. C.D. Cal. 2008).Federal Rule of Civil Procedure 17(a)(1) which requires that "[a]n action must be prosecuted in the name of the real party in interest. "See also, In re Jacobson, 402 B.R. 359, 365-66 (Bankr. W.D. Wash. 2009); In re Hwang, 396 B.R. 757,766-67 (Bankr. C.D. Cal. 2008). When appeal is taken from a void judgment, the appellate court must declare the judgment void, because the appellate court may not address the merits, it must set aside the trial court's judgment and dismiss the appeal. A void judgment may be attacked at any time by a person whose rights are affected. See El-Kareh v. Texas Alcoholic Beverage Comm'n, 874 S.W.2d 192, 194 (Tex. App.-Houston [14th Dist.] 1994, no writ); see also Evans v. C. Woods, Inc., No. 12-99-00153-CV,1999 WL 787399, at *1 (Tex. App.-Tyler Aug. 30, 1999, no pet. h.). A Party Affected by VOID Judicial Action need not appeal. State ex rd. Latty, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J., concurring). If an appeal is taken, however, the appellate court may declare void any orders the trial court signed after it lost plenary power over the case, because a void judgment is a nullity from the beginning and is attended by none of the consequences of a valid judgment. Section 6-9-180:Alcoholic Beverage Comm'n, 874 S.W.2d 192, 194 (Tex. App.--Houston [14th Dist.] 1994, no writ); see also Evans v. C. Woods, Inc., No. 12-99-00153-CV,1999 WL 787399, at *1 (Tex. App.--Tyler Aug. 30, 1999, no pet. h.). The law is well-settled that a void order or judgement is void even before reversal", VALLEY v. NORTHERN FIRE & MARINE INS. CO., 254 U.S. 348,41 S. Ct. 116 (1920) "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal." WILLIAMSON v. BERRY, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850).When rule providing for relief from void

judgments is applicable, relief is not discretionary matter, but is mandatory, Orner. V. Shalala, 30 F.3d 1307 (Cob.1994). Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28U.S.C.A., U.S.C.A. Const. Amend. 5 - Klugh v. U.S., 620 F.Supp. 892 (D.S.C.1985). 19 A void judgment is a nullity from the beginning and is attended by none of the consequences of a valid judgment. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J. ,concurring). The Court Has A Responsibility To Correct a Void Judgment: The statute of limitations does not apply to a suit in equity to vacate a void judgment. (Cadenasso v. Bank of Italy, p. 569; Estate of Pusey, 180 Cal. 368,374 [181 P. 648].) This rule holds as to all void judgments. In the other two cases cited, People v. Massengale and In re Sandel, the courts confirmed the judicial power and responsibility to correct void judgments. Section 6-9-180: Jury trial on issues of fact. If the motion or application is to enter satisfaction of a judgment under the Rules of Civil Procedure or to set aside the entry of satisfaction of a judgment, on request of either party, the issue of fact must be tried by a jury.(Code 1886, §2870; Code 1896, §3340; Code 1907, §4146; Code 1923, §7861; Code 1940, T. 7, §573.). When appeal is taken from a void judgment, the appellate court must declare the judgment void. Because the appellate court may not address the merits, it must set aside the trial court's judgment and dismiss the appeal. A void judgment may be attacked at any time by a person whose rights are affected. See El-Kareh v. Texas Alcoholic Beverage Comm'n, 874 S.W.2d 192, 194 (Tex. App.--Houston [14th Dist.] 1994, no writ); see also Evans v. C. Woods, Inc., No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex.App.--Tyler Aug. 30, 1999, no pet. h.). The law is well-settled that a void order or judgement is void even before reversal", VALLEY v. NORTHERN FIRE & MARINE INS. CO., 254 U.S. 348,41 S. Ct. 116 (1920) "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal." WILLIAMSON v. BERRY, 8 HOW. 945,540 12 L. Ed. 1170, 1189 (1850). FRCP Rule 60(b) provides that the court may relieve a party from a final judgment and sets forth the following six categories of reasons for which such relief may be granted: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly-discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59; (3) fraud, misrepresentation, or misconduct by an adverse party; (4) circumstances under which a judgment is void; (5) circumstances under which a judgment has been satisfied, released, or NA discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment

should have prospective application; or (6) any other reason justifying relief from the operation of the judgment. F.R.C.P. Rule 60(b)(I)-(b)(6). To be entitled to relief, the moving party must establish facts within one of the reasons enumerated in Rule 60(b). When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory, Orner. V. Shalala, 30 F.3d 1307 (Cob. 1994). Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. Const. Amend. 5 Kiugh v.U.S., 620 F.Supp. 892 (D.S.C. 1985). A void judgment is a nullity from the beginning and is attended by none of the consequences of a valid judgment. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights.' Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J.,concurring). The Court Has A Responsibility To Correct a Void Judgment: The statute of limitations does not apply to a suit in equity to vacate a void judgment. (Cadenasso v. Bank of Italy, p. 569; Estate of Pusey, 180 Cal. 368, 374 [181 P. 648].) This rule holds as to all void judgments. In the other two cases cited, People v. Massengale and In re Sandel, the courts confirmed the judicial power and responsibility to correct void judgments. Avoid judgment is nullity from the beginning as is attended by none of the consequences od a valid judgement. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." Ex parte Spaulding, 687 5.W. 2d at 745 (Teague, J., Concurring). When appeal is taken from a void judgment, the appellate court must declare the judgment void.

IX. Opinion Below

TAMIKA SEAY
v. STATE OF GEORGIA ET AL
(No. 24-12721)

Branch, Lagoa, and Abudu, Js. Argued October 24, 2024

Appeal from the United States District for the Northern District of Georgia

Per Curiam, The appeal is dismissed, sua sponte, for lack of jurisdiction.

X. Jurisdiction

Tamika Seay was charged with Cruelty To Children – 1st Degree in violation of Article 5 Section 16-5-70. Her petition for rehearing to the United States Court of Appeals was denied on December 18, 2024. Tamika Seay invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed Notice of intent to apply for writ of Certiorari within 10 days of the United States Court of Appeals judgment, and having timely filed this petition for writ of Certiorari within 90 days to include March 18, 2025.

XI. Constitutional and Statutory Provisions Involved

United States Constitution, Amendment XIV:

“All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of 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”.

United States Constitution, Amendment VII:

“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the

rules of the common law”.

United States Constitution, Amendment VI:

“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation: to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses of counsel for his defense”.

United States Constitution, Amendment V:

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger: nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”.

United States Constitution, Amendment IV:

“The rights of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be

seized". 28 U.S.C. 4 §1257 Judgment is a void judgment.

XII. Statement of Case

Appellant in the matter, have four cases in the United States District Court. After she filed her most recent complaint of Malicious Prosecution on August 6, 2024.(See: Records). Immediately afterwards the United States District Court entered an Order on August 12,2024 dismissed the action, denied as moot the pending application for leave to proceed in forma pauperis, and directs the clerk to close the "miscellaneous" action without creating a civil action.

The court actions are clearly a demonstration of *abuse and negligence*. (See: Records). Much like the unjust behavior of the trial courts in related matters the Appellant is all so familiar with. Appellant will show that her claim is of good faith, and she has a constitutional right to this action. The appellant will show the government actor - acting prosecutor Andrea David Vega and her coconspirators at the time were fully aware that the claims behind the charge she accused the Appellant of were false, not reasonably true and had an intentional wrongful purpose in being made because the allegations were without *any Probable Cause*. (See: Records). See: State Juvenile Court transcripts September 27, 2019 and October 16, 2018 (shows the date of October 16, 2019) that shows fake witnesses' testimony. Appellant shows this court there has been no convictions for any domestic issues and for the Trial Court to find violates the very basic principle that a defendant Is innocent until proven guilty. As such, the Court's decision is clearly in error. Where there is no conviction, the court cannot find that there is a

“tremendous history of domestic violence” Likewise, police calls do not equate to domestic violence. In other words, there is no competent evidence for the Trial Court to make this finding. As *New Evidence* which was Not considered by the trial court in rendering its adverse decision, Appellant provides to this Court: a) an Order for Nolle Prosequi filed on January 29, 2020 (See: Records) a Letter of Dismissal form the Gwinnett County District’s Attorney Office dated July 25, 2019. (See: Records). a Dismissal for want of Prosecution dated January 18, 2017 (See: Records). A Motion for Nolle Prosequi filed on December 5, 2001 (attached hereto as Appendix A). On October 16, 2018, the Juvenile Court erred when it failed to serve Appellant a Notice, Summons and Complaint in an unrelated matter where she is accused of criminal accusations filed by Andrea David Vega, who imposed and filed false charges on the petitioner who the judgement is entered against, this included the unlawful and traumatic *removal* of Petitioner’s grandson from home. Petitioner show there was no notice of change of placement. (See Records). On November 27, 2019, the Juvenile court erred when it failed to serve Petitioner Notice, of Adoption Hearing where again she was accused of the same accusations in the prior action, false criminal charges filed against the Appellant by Andrea David Vega, judgment was entered against her that include *denial* of Petitioner’s adoption. The Appellant was misled by the fraudulent representation of government actor’s malicious intent undermined deception and acts of fraud to believe the Juvenile Court had jurisdiction of her adoption and that the adoption was denied by the showing of fake court orders and warrantless investigations

(See: Records). After which, the Superior Court denied the petition under the discretion of a Magistrate Judge *without consent* of the Appellants.(See: Records). Appellant shows the court a “ *Proof of Service*”: was not filed with the court.

(See: Records). After four month limitation: "A judgment rendered may be opened after the four month limitation if it is shown that the judgment was obtained by fraud, in the absence of actual consent, or because of mutual mistake." Judgement is a void judgment if the court that renders judgment lack consent. (See: Records). See October 1, 2020, opinion of the Court of Appeals that finds the dependency actions is separate and distinct from the adoption action in that it involved different parties, including B.T.'s mother, and was assigned its own case number in a different court far and distinct from that of the Appellant and Adoption matter. Where the federal court attempted to dismiss the action as frivolous in its attempt to defer the malicious prosecution action as domestic relations such as a child-custody dispute to the state court. On *November 14, 2018*, the *attorney* for the Appellant filed a petition in Superior Court to adopt B.T. (See: Records). In the March 25, 2022, Court of Appeals Opinion where that court find the juvenile court entered an order removing B.T. from home. In the same case above, where an earlier opinion finds the dependency actions is separate and distinct from the adoption action in that it involved different parties, including B.T.'s mother, and was assigned its own case number in a different court far and distinct from that of the Appellant and Adoption matter. Shows *conflict* in decision but again it show the court lacks jurisdiction over the Appellant. That same opinion finds in November

2019, the Seay's filed a petition in Superior Court to adopt B.T. After which the Seay's petition for certiorari in the Supreme Court was denied. After remittitur returned the Superior Court erred when it failed to carry remittitur into effect. Shows fraud on the court. After four month limitation: "A judgment rendered may be opened after the four month limitation if it is shown that the judgment was obtained by fraud, in the absence of actual consent, or because of mutual mistake." This cannot be ignored its fact recorded! Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. (*See: Records*).

The United States v. Voorhees, 79 M.J.5. (an appellate court reviews prosecutorial misconduct and improper argument de novo, and where no objection is made, it reviews for plain error). Petitioner now ask this Court to review this case.

XIII. Reasons for Granding the Petition

To avoid Erroneous Judicial Violations of Litigants Constitutional Rights and Statutory Laws, This Court Should Promulgate Rules of Procedure for all the United States Courts and Litigants to follow when a fact of Error, Mistake or Oversight has been made by the State Appellant Courts. This Court Should reverse the criminal conviction against the Petitioner and for the state court to so find violates the very basic principle that a defendant is innocent until proven guilty. As such, the state court's decision is clearly in error.

This case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court and presents this Court with an opportunity to set a standard in the face

of judicial actions that violate the 5th and 14th Amendment Due Process rights of litigates. Absent intervention by this court, the Appellate Courts will work to undermine the carefully crafted procedural rights of litigants that this Court has spent over a century upholding.

XIII. Conclusion

For the foregoing reasons and good faith. Tamika Seay respectfully requests that this Court issue a Writ of Certiorari to Review the Judgment of the Juvenile Court of Gwinnett County State of Georgia, Superior Court of Gwinnett County State of Georgia, Court of Appeals of Georgia, Supreme Court of Georgia, United States District Court for the Northern District of Georgia, United States Court of Appeals for the Eleventh Circuit, Reverse the Judgment and Conviction dismissing the charges entirely.

Dated this 9th, day of May 2025.

Respectfully submitted by,

PETITIONER



Tamika Seay, Self- Represented
5609 Wynhall Drive
Peachtree Corners, Georgia 30071
Telephone: 678-733-5045
Email: tammy.seay@icloud.com