

25-5231

Case Number

ORIGINAL

At the Supreme Court for the United States of America

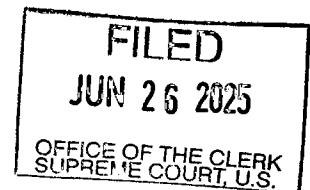
Joseph-allen Davis

Petitioner,

v.

OM SRP LLC.

Respondent



**On petition for a Writ of Certiorari to**

The Supreme Court of Ohio

Calling: Joseph-allen Davis  
(Directly aggrieved by the Judgment(s))  
*Petitioner for this matter*  
In care of:  
2650 Cleveland Avenue Northwest  
Canton, Ohio 44711

## QUESTIONS PRESENTED

Whether the Due Process Clause of the Fourteenth Amendment is violated when a state court judge, previously disciplined for ex parte communication, engages in similar conduct in a pending matter, becomes the subject of a disciplinary complaint from a litigant in that case, and remains on the case despite a potential suspension and personal financial liability.

Whether a state appellate court's refusal to substantively adjudicate a clearly presented federal constitutional claim, despite its inclusion in the record, constitutes an evasion of federal review in violation of due process under *Douglas v. California* and permits certiorari under *Cox Broadcasting Corp. v. Cohn*.

### 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:

Briana Ashley Harris (alleged Defendant)

OMSRP LLC (alleged Plaintiff)

Joseph Allen Davis (directly harmed by the rulings below and treated as the petitioner in the courts below)

## **PARTIES TO THE PROCEEDING**

~~The Parties to the proceedings are listed on the Cover Page.~~

## **OPINIONS BELOW**

The Ohio Fifth District court of appeals' decision is connected and cited as 2024-Ohio-6124.

The Ohio Supreme Court's denial of jurisdiction, entered on April 29th, 2025, is connected and based on Rule 7.08 of the Rules of Practice.

## **JURISDICTION**

This Court has jurisdiction under 28 U.S.C. § 1257(a). Petitioner's federal due process claim was preserved and squarely presented to the Ohio Court of Appeals, which affirmed the trial court's judgment. Although the appellate court did not engage with the federal constitutional issue, it briefly referenced due process only in summary acknowledgment that the issue was raised. This action does not insulate the judgment from review. Under *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975), and *Douglas v. California*, 372 U.S. 353 (1963), the failure of a state court to adjudicate a properly presented federal claim either (1) constitutes an implicit rejection or (2) is itself a constitutional violation, allowing review by this Court.

This case remains justiciable. Although the judgment has been enforced, collateral consequences persist; public judgment recordation, the impact on our reputation, and possible res judicata in future litigation. See *Spencer v. Kemna*, 523 U.S. 1 (1998).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Amendment V to the Constitution for the United States of America, Amendment XIV, § 1 to the Constitution for the United States of America, and 28 U.S.C. § 1257(a)

## STATEMENT OF THE CASE

We, Joseph-allen Davis (Father, Benefactor, Petitioner, et cetera), were alleged to be an Occupant in connection with a civil proceeding at the Massillon, Ohio Municipal Court. Briana Harris was named in the state court proceedings, but each court below has ruled upon documentation for which we prepared. We also suffered collateral damage from the judgment(s) at hand.

This matter is involving a Judge previously disciplined for improper ex parte contact (see *Disciplinary Counsel v. Elum*, 148 Ohio St.3d 606, 2016-Ohio-8256 ¶ 16). During this case, Judge Edward Joseph Elum made an ex parte call to us, stating that no further filings would be accepted. This followed notice that the Respondent may have engaged in retaliatory conduct. On March 18th, 2022 we filed a complaint with the Ohio Office of Disciplinary Counsel (ODC) regarding this renewed ex parte act. Despite this, and his exposure to disciplinary risk and personal financial liability, the Judge refused to recuse and entered judgment in favor of Respondents in April 2022. Ten (10) months later, in a separate matter involving the same Judge and disciplinary complaint, the entire bench recused themselves due to the very same disciplinary complaint.

In post-judgment filings and appellate briefing, we specifically raised federal constitutional claims under *Tumey v. Ohio*, *Caperton v. A.T. Massey*, and *Rippo v. Baker*, including the structural and procedural due process issues created by the judges' conflict of interest and

evidentiary suppression.

The Ohio court of appeals issued a decision that acknowledged the presence of a due process claim solely in reference to the issues raised on appeal, without addressing the substance of the constitutional argument or applying relevant federal law. No analysis or reasoning was offered regarding the constitutional violation alleged.

The court of appeals gave perfunctory treatment to the constitutional argument presented due to mootness and timeliness even though “Ohio recognizes an exception to the mootness doctrine for cases which present a debatable constitutional question or a matter of great public or general interest.” Tschantz, 57 Ohio St.3d at 133.” *Olentangy Commons Owner, L.L.C. v. Fawley*, 2023-Ohio-4039

The following quotes from the appellate brief demonstrate that the constitutional claims were clearly and specifically raised as they were in the trial court:

- “The trial court erred because the proceedings … lacked a constitutionally protected element of due process; an impartial trier of fact.”
- “It is clear that a judge with “a direct, personal, substantial, pecuniary interest” in a case may not preside over that case. *Tumey v. Ohio*, 273 U.S. 510, 523 (1927)” *Williams v. Penn*. 579 U.S. \_\_\_\_ (2016); Roberts, C.J. dissenting.

Despite this clear presentation, the appellate court declined to engage the federal due process claim in any substantive manner. The mere acknowledgment of its existence, without analysis or resolution, constitutes either a silent rejection of the federal issue or a due process violation under *Douglas*.

## **REASONS FOR GRANTING THE WRIT**

### **1. This Case Presents Both Structural and Procedural Due Process Violations**

The trial judges' conduct; ex parte suppression of filings and refusal to recuse under disciplinary threat, violated foundational due process requirements under *Mathews v. Eldridge*, 424 U.S. 319 (1976), *Tumey*, and *Caperton. Rippo v. Baker*, 580 U.S. 285 (2017), emphasized that judicial recusal is constitutionally required where an objective risk of bias is present, regardless of actual intent.

### **2. The State Court's Evasion of Federal Issues Triggers *Cox* and *Douglas***

Where a state court refers only in passing to a raised federal constitutional claim, without adjudicating it, the Supreme Court retains jurisdiction to review either (1) the implied rejection of the claim (*Cox*) or (2) the state's failure to provide a meaningful opportunity for review (*Douglas*). The appellate court's refusal to evaluate petitioner's due process claim, despite its centrality to the record and argument, invokes both doctrines.

### **3. The Constitutional Question Is Recurring and Nationally Important**

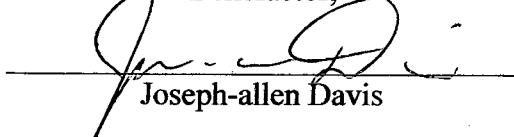
Judicial conflicts arising from real-time disciplinary risk and retaliatory complaints are increasing. This case highlights the absence of a clear constitutional standard for mandatory recusal when structural conflicts and procedural denials converge. Federal guidance is needed to preserve public confidence in judicial impartiality and litigant fairness.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

We verify, under the Laws of the Supreme Creator(s) of the Universe, all herein is true and correct and we will aver in open court.

Benefactor,



Joseph-allen Davis

Care of address:  
(General Delivery)  
2650 Cleveland Avenue Northwest  
Canton, Ohio 44711

Electronic mail in care of:  
[josephofshawanwa@yahoo.com](mailto:josephofshawanwa@yahoo.com)

Alleged day: June 20th, 2025

*Edited and dispatched again:*  
*July 22nd, 2025*

#### **Notice of Dispatch**

This petition for a Writ of Certiorari and the connected documents have been dispatched to Thomas E. Hartnett, 4505 Stephan Circle Northwest, Suite 101, Canton, Ohio 44718, Counsel for the Respondent in the trial court

