

ORIGINAL

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24-1291

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SUPREME COURT, U.S.

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SUPREME COURT OF THE UNITED STATES

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ARIEL DALTON, BRICE SESSLER B/N/F ARIEL DALTON

*Petitioners,*

v.

CITY OF EDGEWOOD, EDGEWOOD POLICE DEPARTMENT, SHANE BRIGGS,  
BRIAN PETTY

*Respondents,*

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On Petition for a Writ of Certiorari to  
the Indiana Supreme Court

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**PETITION FOR A WRIT OF CERTIORARI**

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Ariel Dalton

/s/ Ariel Dalton

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JUN - 6 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## I. Question Presented

1. Does a trial court violate a plaintiff's due process rights by dismissing a case for inactivity when a trial date has already been set and the plaintiff has complied with all pretrial orders?
2. Did the Indiana Court of Appeals and Indiana Supreme Court err in affirming the dismissal of Ariel Dalton's case, contrary to Indiana case law and due process principles?

**Parties to the Proceeding:**

Petitioner: Ariel Dalton, Brice Sessler b/n/f Ariel Dalton

Respondents: Edgewood Police Department, Shane Biggs, Brian Petty, and the City of Edgewood, Indiana. All represented by Peter Jacob Hutson, #3763953, Two North Ninth Street, Noblesville, IN 46060

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**List of Proceedings:**

- Madison Circuit Court (Trial Court): Case No. 48C04-2211-CT-000168. The trial court dismissed the case for inactivity despite a trial date being set.
- Indiana Court of Appeals: Case No. 24A-CT-01369. The Court of Appeals affirmed the trial court's dismissal.
- Indiana Supreme Court: The Indiana Supreme Court denied transfer on April 24, 2025.

**Citations of Opinions and Orders:**

Madison Circuit Court: Dismissal order in Case No. 48C04-2211-CT-000168.

Indiana Court of Appeals: Decision in Case No. 24A-CT-01369.

Indiana Supreme Court: Denial of transfer on April 24, 2025.

**Basis for Jurisdiction:**

This Court has jurisdiction under 28 U.S.C. 1257(a), as the case involves a final judgment from a state court that raises a federal constitutional question regarding due process. The judgment of the Indiana Supreme Court was entered on April 24, 2025. This petition is timely filed within the 90-day period prescribed by Rule 13 of the Rules of the Supreme Court of the United States.

**Constitutional Provisions Involved:**

Fourteenth Amendment to the United States Constitution: no state shall deprive any person of life, liberty, or property, without due process of law. *Snell v. Chicago*, 152 U.S. 191, *Hallinger v. Davis*, 146 U.S. 314.

### **Statement of the Case:**

On November 16, 2020, Ariel Dalton was excessively tasered four times by Edgewood Police Officer Shane Biggs and maliciously charged with battery on a safety official, a charge that was later dismissed. In November 2022, Dalton filed a lawsuit against the Edgewood Police Department, Shane Biggs, Brian Petty, and the City of Edgewood. The trial court set a trial date for February 25, 2025, and issued pretrial orders requiring the filing of witness and exhibit lists. Dalton complied with these orders, as evidenced by a docket entry on November 17, 2022.

Despite Dalton's compliance and the trial date being set, the trial court dismissed the case for inactivity on motion from the appellees for "failure to prosecute". The motion filed by the appellees alleged inactivity despite there being a trial date already set. Ariel never received the motion or a notice of hearing as she tried to explain to the trial court, and provided proof from the USPS that there was a glitch with the system in regards to her receiving mail at her PO Box. Nevertheless, even with Ariel's absence from the hearing, there wasn't any merit to saying the case was not being prosecuted because a trial date was already set and all pretrial orders had been complied with. The Indiana Court of Appeals affirmed the dismissal saying

that Ariel did not comply with the pretrial order to provide the witness and exhibit list and therefore dismissal was warranted, however the witness and exhibit list was filed on November 17th, 2022. The Indiana Supreme Court denied transfer next. Dalton contends that the dismissal violated her due process rights and that the Indiana courts misapplied *Benton v. Moore*, which holds that dismissing a case for inactivity when a trial date is set violates due process.

**Argument/Reason to Grant Writ:**

The United States Supreme Court should grant certiorari to address the important constitutional question of whether a trial court violates due process by dismissing a case for inactivity when a trial date is set and the plaintiff has complied with pretrial orders. This case presents an opportunity to resolve an undecided question of law and to correct the Indiana courts' misapplication of due process principles.

**Due Process Violation:**

The dismissal of Dalton's case violated her due process rights under the Fourteenth Amendment. The trial court dismissed the case for inactivity despite the fact that a trial date was set and Dalton had complied with pretrial orders. This dismissal deprived Dalton of her right to have her case heard on the merits, a fundamental aspect of due process. The Indiana courts' actions are inconsistent with the principle that dismissal is a harsh sanction that should be reserved for extreme cases of delay or contumacious conduct § 7.04 Involuntary Dismissal.

**Conflict with Precedent:**

The Indiana courts' dismissal of Dalton's case directly conflicts with *Benton v. Moore*, which holds that dismissing a case for inactivity when a trial date is set violates due process. The trial court's dismissal and the appellate courts' affirmations ignored this binding precedent, resulting in a miscarriage of justice. Courts must enforce deadlines and procedural rules, but such enforcement must not come at the expense of fundamental due process rights.

**Abuse of Discretion:**

The trial court's dismissal constituted an abuse of discretion. Dalton complied with all pretrial orders, and the trial date was already set. There was no evidence of purposeful delay or contumacious conduct on Dalton's part. The Indiana courts' actions are inconsistent with the principle that dismissal should be a last resort when the litigant is not personally responsible for delays.

**Importance of Resolving the Federal Question:**

This case raises an important federal question regarding the limits of a trial court's discretion to dismiss a case for inactivity. The United States Supreme Court's intervention is necessary to establish clear guidance on this issue and to ensure that litigants' due process rights are protected.

**Conclusion:**

For the foregoing reasons, the petitioner respectfully requests that this Court grant the petition for a writ of certiorari to review the judgment of the Indiana Supreme

Court.



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