

No. 25-57

In The
Supreme Court of the United States

EDWARD RONNY ARNOLD,
Petitioner,
v.

ALLSTATE INSURANCE COMPANY,
Respondent.

On Petition for Writ of Certiorari
to the United States Court of Appeals
for the Sixth Circuit

**BRIEF OF RESPONDENT
ALLSTATE INSURANCE COMPANY**

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QUESTION PRESENTED

Whether the Court should grant the Petition for a Writ of Certiorari, where the Court of Appeals affirmed the District Court's dismissal of the Petitioner's claim for failure to state a claim, where the Petitioner alleged "federal question" jurisdiction but failed to allege facts establishing any "state action" on the part of the Respondent, Allstate Insurance Company, and now states "Questions Presented" which seek to raise issues unrelated to the basis upon which the Petitioners' claims were dismissed for failure to state a claim.

PARTIES TO THE PROCEEDINGS

The caption of the case in this Court contains the names of all parties to these proceedings.¹

¹ The underlying claim relates to a three-car automobile accident that occurred on October 23, 2019. The initial lawsuits filed in Tennessee State Court named the at-fault driver, Deborah Malchow (now deceased), and her underinsured/uninsured motorist carrier, Allstate Insurance Company, as Defendants, filed as Davidson County Circuit Case Nos. 19C-3007 and 20C-2199, which claims remain pending in Tennessee State Court. When the state court made procedural rulings which the Petitioner felt were in error, the Petitioner filed a new state court lawsuit, Davidson County Circuit Court Case No. 22C-2097. When the new state court lawsuit was dismissed, Petitioner filed a new lawsuit in Federal Court, MDTN Case No. 3:23-cv- 1244, alleging "federal question" jurisdiction seeking to have the Federal District Court and now the US Supreme Court overturn rulings by the state court on procedural and discovery issues. Each time a Federal Court dismissed the Petitioner's claims for lack of "federal question" jurisdiction, the Petitioner filed new Federal Court lawsuits, MDTN Case Nos. 3:23-cv-1374, 3:24-cv-720, and then 3:24- cv-943. Each of these lawsuits relate to the same 3-car automobile accident that occurred on October 23, 2019, and each of these lawsuits have been dismissed at the Federal District Court level, and are currently pending as US Supreme Court Case No. 25-57 and Sixth Circuit Court of Appeals Nos. 25-5250, 25-5292, and 25-5390.

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28 U.S.C. § 1441	1
42 U.S.C. § 1983	1, 3, 4, 5

I. STATEMENT OF JURISDICTION²

The Sixth Circuit Court of Appeals issued an Order affirming the District Court's dismissal of the Petitioner's claims on March 21, 2025, followed by a mandate issued on April 14, 2025. Petitioner timely filed his petition for writ of certiorari.

Relating to subject matter jurisdiction, Petitioner alleges "federal question" jurisdiction under the United States Constitution Amendment XIV and pursuant to 42 U.S.C. § 1983.

Petitioner further alleges:

The district court had subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this case was moved to federal court by plaintiff pursuant to 28 U.S.C. § 1441 and Plaintiffs' claims arise under federal law.

(Appellant Brief, Statement of Jurisdiction, p. 3). This is an erroneous assertion by Appellant/Plaintiff. This lawsuit was filed in federal court as an original lawsuit, and was not "moved to federal court by plaintiff pursuant to 28 U.S.C. § 1441." (See, Complaint, RE 1, Page ID## 1-11). None of the three "Questions Presented" by the Petitioner raises any "federal question."

² Citations to the record on appeal are stated herein as "Name/Description of Document, RE____, Page ID #____".

In summary, Petitioner alleges "federal question" jurisdiction. As explained in greater detail below, the Complaint filed by the Plaintiff/Appellant did not raise any "federal question" and was properly dismissed by the District Court and that dismissal was properly affirmed by the Sixth Circuit Court of Appeals.

II. STATEMENT OF THE CASE

Petitioner filed a Complaint for a Civil Case ("the Complaint") on November 27, 2023, alleging "Federal Question" jurisdiction, based on allegations that the Defendant/Appellee violated U.S. Const. amend. XIV, § 1. (Complaint, RE 1, Page ID ##1-11). On January 17, 2024, the Defendant/Appellee filed a Motion to Dismiss for Failure to State a Claim or Alternatively for Summary Judgment. (Motion to Dismiss, RE 13, Page ID ##93-96).

On April 4, 2024, the Magistrate Judge issued a Report and Recommendation, recommending that the Motion to Dismiss be denied but that the Complaint be dismissed without prejudice for lack of subject-matter jurisdiction based on *Rooker-Feldman*. (Report and Recommendation, RE 15, Page ID ##166-178). On July 10, 2024, the District Court issued an Order ("Final Order") rejecting the recommendations contained in the Report and Recommendation, and instead granting the Motion to Dismiss on the basis that the Complaint fails to state a claim for which relief may be granted. (Final Order, RE 22, Page ID #249).

On July 30, 2024, Plaintiff timely filed a Notice of

Appeal relating to the Final Order. (Notice of Appeal, RE 25, Page ID #259).

III. SUMMARY OF ARGUMENT

Plaintiff/Appellant is seeking to have a Federal Court review and overturn certain State Court rulings relating to procedural and discovery issues. The District Court granted the Defendant/Appellee's motion to dismiss, finding that the Plaintiff/Appellant's Complaint failed to state a claim upon which relief may be granted due to the failure to allege a "federal question." The District Court properly found that the statutory requirement of action "under color of law" or "state action", prerequisites for a claim under the Fourteenth Amendment and a claim under § 1983, have not been satisfied. Furthermore, said issues having already been litigated in State Court, and affirmed on appeal by the State Court of Appeals, are precluded from being relitigated in Federal Court.

IV. ARGUMENT

A. Summary of Relevant Facts.

The Complaint alleges that during the course of State Court proceedings, the State Court committed various errors. The Complaint alleges "that the Defendant/Appellee was granted a motion to include documents/affidavits that were not available to Plaintiff/Appellant". (Complaint, RE 1, Page ID #5). The Complaint alleges that the State Court "granted the Defendant, Allstate Insurance Company, six (6)

protective orders preventing the deposition by notice of deposition, deposition by subpoena, subpoena to court of Allstate Insurance claim agents who had contact with the policy holder " (Complaint, RE 1, Page ID #6). The Complaint alleges that on August 18, 2023, the Plaintiff/Appellant filed an appeal to the Tennessee Court of Appeals relating to these issues, docketed as Case No. M2023-01201-COA-R3-CV. (Complaint, RE 1, Page ID #7). The Complaint alleges that on September 11, 2023 the Tennessee Court of Appeals dismissed the appeal. (*Id.*) The Complaint alleges that on November 20, 2023, the Tennessee Supreme Court denied the Plaintiff/Appellant's application for permission to appeal. (*Id.*).

The Complaint alleges "Federal Question" jurisdiction, seeking review by the Federal District Court of the various State Court orders. (See Complaint, RE 1, Page ID #3).

B. The District Court Correctly Dismissed the Complaint.

Plaintiff/Appellant alleges "Federal Question" jurisdiction, alleging a violation of "U.S. Const. amend XIV, § 1", and specifically 42 USC § 1983 which provides a cause of action against "[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State" deprives someone of a federal constitutional or statutory right. "As its text makes clear, this provision protects against acts attributable to a State, not those of a private person." *Lindke v. Freed*, 601 U.S. 187, 194-95 (2024). "This

limit tracks that of the Fourteenth Amendment, which obligates States to honor the constitutional rights that § 1983 protects." (*Id.*). "The statutory requirement of action 'under color of state law' and the 'state action' requirement of the Fourteenth Amendment are identical." *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 929 (1982).

The District Court correctly stated the applicable law as follows:

The acts of a private party may be deemed state action only if the "conduct causing the deprivation of a federal right may be fairly attributable to the state." *Revis v. Meldrum*, 489 F.3d 273, 289 (6th Cir. 2007) (quoting *Lugar*, 457 U.S. at 937). This determination involves a two-part inquiry. "First, the deprivation in question must be caused by the exercise of some right or privilege created by the State or by a rule of conduct imposed by the state or by a person for whom the State is responsible." *Id.* (quoting *Lugar*, 457 U.S. at 937). And second, "the party charged with the deprivation must be a person who may fairly be said to be a state actor." *Id.* (quoting *Lugar*, 457 U.S. at 937). The plaintiff bears the burden of pleading facts that would establish that the defendant was a "state actor." *See Nugent v. Spectrum Juvenile Justice Servs.*, 72 F.4th 135, 140 (6th Cir. 2023).

(District Court Memorandum, RE 21, Page ID #246).

In this case, Plaintiff/Appellant has not alleged facts that would suggest that Defendant/Appellee was a state actor, either as Plaintiff/Appellant's insurer or as a litigant in state court, under any of the three tests articulated by this Court for determining whether a private party may be treated as a state actor. Plaintiff/Appellant has not alleged that Defendant/Appellee exercised powers that are "traditionally exclusively reserved to the state," for purposes of the "public function" test. Plaintiff/Appellant does not allege that the state exercised coercive power of any kind over Allstate, for purposes of the "state compulsion" test. Furthermore, Plaintiff/Appellant does not allege that there is any type of "close nexus" or "pervasive entwinement" between Defendant/Appellee and the state of Tennessee that would warrant considering Defendant/Appellee's actions to be those of the state.

C. Additional Grounds Exist For Dismissal of the Complaint.

As the District Court noted "there are many other doctrines that would likely apply here, including the law of preclusion." (Memorandum, RE 21, Page ID #245). As the Plaintiff/Appellant notes in the Complaint, the issues sought to be litigated in Federal Court by the Plaintiff/Appellant have already been fully litigated in the State Court.

The State Trial Court made certain rulings

relating to discovery and procedural matters. The Plaintiff/Appellant appealed those rulings to the Tennessee Court of Appeals, and the Trial Court rulings were affirmed by the Court of Appeals. The Plaintiff/Appellant sought permission to appeal the Court of Appeals ruling to the Tennessee Supreme Court, and the Tennessee Supreme Court denied the Plaintiff/Appellants application for permission to appeal. Having fully litigated these issues in State Court, the Plaintiff/Appellant may not now relitigate those same issues in Federal Court. Therefore, the District Court properly dismissed the Complaint.

V. CONCLUSION

For the reasons stated herein, the Plaintiff/Appellant's appeal should be dismissed. Defendant/Appellee hereby requests that this Court deny the Petitioner's request for a writ of certiorari, and that all costs relating to this appeal be taxed to Petitioner.

Respectfully submitted,

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August 14, 2025 By: /s/ Cyrus L. Booker
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