No. _____

ORIGINAL

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

HUONG GILMER GIACCIO — PETITIONER
(Your Name)

vs.

RAY DAVIS, ET, AL., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE 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

HUONG GILMER GIACCIO
(Your Name)

3719 KELLY BLVD
(Address)

CARROLLTON, TEXAS 75007
(City, State, Zip Code)

945-546-0934
(Phone Number)

QUESTIONS PRESENTED

1. **Whether the Fourth Amendment permits municipal code-enforcement officers to enter a private home without a warrant, consent, or judicial authorization, and then initiate enforcement based on that entry.**
2. **Whether the First and Fourteenth Amendments permit local officials to weaponize repeated unsupported citations against a homeowner who challenges official misconduct.**
3. **Whether federal courts must provide meaningful review under 42 U.S.C. § 1983 when a homeowner alleges warrantless entry, fabricated or unsupported code violations, and continuing civil-rights injury inflicted under color of state law.**

LIST OF PARTIES TO THE PROCEEDING

The parties to the proceeding below are:

- **Huong Gilmer Giaccio**, Plaintiff-Appellant and Petitioner;
- **Ray Davis**, Defendant-Appellee and Respondent;
- **Tim Rough**, Defendant-Appellee and Respondent; and

- **Hector Romero**, Defendant-Appellee and Respondent.

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TABLE OF AUTHORITIES

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OPINIONS BELOW

The order of the United States Court of Appeals for the Fifth Circuit denying rehearing in **No.**

25-11107 was entered on **March 20, 2026.**

The underlying federal civil-rights action arose from Petitioner's allegations that Carrollton code- enforcement officers unlawfully entered her private home, mailed repeated frivolous citations to her home, and violated her constitutional rights. Those allegations are set out in Petitioner's district-court filing in **No. 3:24-cv-02469-B-BW**.

JURISDICTION

The judgment and opinion of the United States Court of Appeals for the Fifth Circuit in **Case No. 25-11107** were entered on **March 6, 2026**. The United States Court of Appeals for the Fifth Circuit denied Petitioner's timely petition for rehearing on **March 20, 2026**. This Court has jurisdiction under **28 U.S.C. § 1254(1)**.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the following provisions:

U.S. Const. amend. I

"Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances."

U.S. Const. amend. IV

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. ..."

U.S. Const. amend. XIV, § 1

"No State shall ..... 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." **42 U.S.C. § 1983** Provides a cause of action against persons acting under color of state law who deprive another of rights secured by

the Constitution and laws of the United States.

42 U.S.C. § 1983

Provides a cause of action against persons acting under color of state law who deprive another of rights secured by the Constitution and laws of the United States.

INTRODUCTION

This petition asks whether local **code-enforcement officers** may do indirectly what the **Constitution** forbids directly: **enter a private home without lawful authority** and then burden the homeowner with **repeated unsupported enforcement** based on that intrusion.

Petitioner alleges that municipal code-enforcement officers entered her **private home** without a **warrant**, **consent**, or **judicial authorization**, and then mailed repeated **frivolous citations** to her residence and subjected her to ongoing **enforcement pressure** under color of law. She further alleges that the asserted violations lacked **reliable evidentiary support**, that official records later reflected a **passed reinspection** and **closure notation**, and that enforcement nonetheless continued through **citations**, **fines**, and related **coercive measures**.

This case concerns the **sanctity of the home**, the **constitutional limits** of local code enforcement, the use of **unsupported citations and fines** as **coercive state action**, and the duty of federal courts to provide **meaningful review** when a homeowner alleges ongoing **civil-rights violations**.

The questions presented are exceptionally important. They ask whether local officials may **invade the home**, rely on **unsupported allegations**, and continue imposing **repeated citations**, **financial penalties**, and **enforcement pressure** without effective federal correction.

This Court's review is warranted because the decision below leaves unresolved whether local officials may enter a home without lawful authority and then burden the homeowner with **repeated unsupported citations and fines** without **meaningful constitutional review**.

STATEMENT OF THE CASE

I. The warrantless home-entry and citation allegations

Petitioner alleged in federal court that Carrollton **code-enforcement officers**, including Respondents, unlawfully entered her **private home** on multiple occasions without **permission** or a **warrant**, including a specific incident on **December 14, 2022, at 9:21 a.m.**, which Petitioner alleged was captured by **security-camera evidence**.

According to the district-court filing, these actions constituted **unlawful entry**, **invasion of privacy**, **frivolous citations**, **false or unsupported allegations**, **improper investigation methods**, and **civil-rights violations** under color of state law.

Petitioner further alleged that after these entries, city officials mailed repeated **frivolous citations** to her home, including numerous **"No Building Permit"** citations tied to a **decorative curtain** in a room of the house, despite Petitioner's allegation that no construction requiring a permit had occurred. Petitioner also alleged unsupported **rental-related accusations**, including pressure to register her **private home** as a **rental property**, even though she asserted that she had never leased her entire home since purchasing it. Petitioner contended that these citations were **unsupported by evidence** and that, despite repeated requests for **discovery production**, she was not provided the alleged violation evidence.

In sum, Petitioner alleged:

- **illegal entry** and **violation of privacy**;
- **issuance of frivolous citations**;
- **harassment** and **unwarranted actions**;
- **false statements** and **perjury**;
- **false documentation**; and
- **improper investigation procedures**.

II. The Code-Enforcement Record

Record materials further support Petitioner's claim that the enforcement lacked a **reliable factual basis**. Code-enforcement records show that a reinspection on **December 14, 2022**, was marked **"Passed,"** with a notation that **"all violations had been corrected"** and that the **code-enforcement case will be closed due to compliance**.

Petitioner also filed materials showing that multiple sworn complaints asserted **"personal investigation"** or **"personal observation,"** while separate code-enforcement records reflected a **passed reinspection**, **closure due to compliance**, and later **mailing activity** directed to Petitioner's residence. Petitioner's preserved appellate record also framed the case as involving **warrantless entry**, more than **56 frivolous and duplicative citations**, **excessive fines**, **retaliatory enforcement**, and denial of **meaningful review**. Her Fifth Circuit brief summarized tables reflecting repeated charges, a passed reinspection on **December 14, 2022**, and later mailed citations despite that reinspection status.

Petitioner also submitted materials reflecting tension between **testimonial accounts** and **complaint documents**. Transcript materials indicate testimony that **Tim Rough** was not present at the offense scene, while an amended complaint stated that he **"personally investigated"** the offense on or about **December 8, 2022**, at **3719 Kelly Boulevard**. Petitioner repeatedly sought underlying **warrants**, **affidavits**, **officer notes**, **photographs**, **transcripts**, and **investigative records** to test the truthfulness and constitutional sufficiency of the City's actions.

III. Discovery, Record Completion, and Proceedings Below

Petitioner filed her federal **civil-rights action** in the United States District Court for the Northern District of Texas as **No. 3:24-cv-02469-B-BW**. The case later proceeded to the United States Court of Appeals for the Fifth Circuit as **No. 25-11107**. The Fifth Circuit denied rehearing on **March 20, 2026**. Petitioner now seeks this Court's review because the issues involve fundamental protections of the **home**, **retaliatory enforcement**, and the adequacy of federal review under **42 U.S.C. § 1983**.

Petitioner repeatedly sought production of the **core records** necessary to test the legality of the challenged enforcement, including **warrants** or **authorizations for home entry**, **photographs**, **officer notes**, **sworn complaints**, **transcripts**, **investigative materials**, and records supporting more than **54 criminal citations** and later **arrests**.

On **November 8, 2025**, Petitioner expressly preserved the **record-completion issue** in both courts by seeking a prompt Fifth Circuit ruling on withheld discovery, moving in district court to lift the discovery stay or allow limited discovery, and filing a formal appellate notice stating that unresolved discovery issues directly affected the **accuracy and completeness of the record** and the merits of her **§ 1983 claims**.

REASONS FOR GRANTING THE WRIT

IV. This Case Presents Fundamental Questions Concerning the Sanctity of the Home and Retaliatory Municipal Enforcement.

This Court has long recognized that the home occupies the highest level of constitutional protection. Petitioner's core claim is straightforward: local officials allegedly entered her private home without a warrant, consent, or judicial authorization, and then used that intrusion as the basis for continued enforcement. If true, that conduct strikes at the heart of the Fourth Amendment. This Court's review is warranted to reaffirm that administrative convenience, local code enforcement, and municipal investigation do not create an exception to the Constitution's protection of the home.

This case also presents an important question about retaliatory and coercive municipal enforcement. Petitioner alleges that after unlawful entry and after she challenged official conduct, local officials repeatedly mailed unsupported citations to her home, imposed substantial fines and costs, and continued enforcement despite the absence of reliable evidence and despite official records reflecting no violation or later compliance. She alleges not an isolated mistake, but a pattern: unlawful entry, unsupported accusations, repeated mailed citations, and escalating financial and enforcement pressure.

Those allegations raise serious questions under the First, Fourth, and Fourteenth Amendments. Repeated unsupported citations and excessive fines can function not merely as routine paperwork, but as coercive state action designed to burden, intimidate, and punish a homeowner for resisting or contesting official misconduct. This Court should grant review to address whether local governments may use citation volume, mailed enforcement, unsupported allegations, and financial penalties as tools of pressure against homeowners in the absence of constitutionally adequate process.

This Court's review is warranted because local governments should not be permitted to transform code-enforcement processes into instruments of retaliation insulated from meaningful constitutional scrutiny.

A. This case presents a fundamental Fourth Amendment question about the sanctity of the home.

This Court has long treated the home as the place where constitutional protection is at its apex. The home occupies the highest level of constitutional protection. Petitioner's core claim is straightforward:.: **local officials allegedly entered her private home without a warrant, consent, or judicial authorization, and then used that intrusion as a basis for continued enforcement.** If those allegations are true, the constitutional violation is not peripheral. It strikes at the heart of the **Fourth Amendment**. This Court's review is warranted to reaffirm that administrative convenience, local code enforcement, and municipal investigation do not create an exception to the Constitution's protection of the home.

If true, that conduct strikes at the heart of the **Fourth Amendment's protection of the home**. This case therefore presents a serious federal question of recurring importance: whether municipal code-enforcement officers may effectively circumvent the Constitution's warrant requirement and then build enforcement actions upon the fruits of unlawful entry. This Court's review is warranted because local administrative or code-enforcement activity cannot be permitted to erode the constitutional barrier protecting private homes from unauthorized government intrusion.

This case presents an important question about retaliatory, abusive municipal enforcement and coercive use of mailed frivolous citations, unsupported citations and fines.

Petitioner alleges repeated mailing of **unsupported frivolous citations to her home** after **unlawful entry** and after she **challenged official conduct**. Those allegations raise serious questions under the **First and Fourteenth Amendments**. Repeated unsupported citations can function not merely as paperwork, but as coercive government action designed to burden, intimidate, and punish a homeowner for resisting or contesting official misconduct. Petitioner alleges not one isolated mistake, but a pattern: unlawful entry, unsupported accusations, and repeated **mailing of frivolous citations to her home** after their **official reported document "no violation"**. She alleges dozens of citations tied to a decorative curtain and unproven rental-related claims, even though she contends there was no lawful evidentiary basis for those charges. That pattern raises significant **First and Fourteenth Amendment** concerns as well as **Fourth Amendment** concerns. Repeated citation practices, when unsupported by valid evidence and directed at a homeowner who is contesting government conduct, can operate as coercion, retaliation, and deprivation of due process. This Court should grant review to address whether **local governments may use citation volume, mailed enforcement, and repeated unsupported allegations as tools of pressure against homeowners** in the absence of constitutionally adequate process. Petitioner alleges repeated mailing of unsupported citations to her home after unlawful entry and after she challenged official conduct. She also submitted records reflecting numerous plea offers, warrant-related papers, and substantial fines and costs, together with her written challenge that the citations were improperly issued after unlawful entry and mailed without her knowledge.

Those allegations raise serious questions under the First and Fourteenth Amendments. Repeated unsupported citations and excessive fines can function as coercive state action designed to burden, intimidate, and punish a homeowner for contesting official misconduct.

This Court's review is warranted because local governments should not be permitted to transform code- enforcement processes into instruments of retaliation insulated from meaningful constitutional scrutiny.

B. The case raises an important federal-remedy question under 42 U.S.C. § 1983.

Section 1983 exists to provide a federal remedy when state or local officials, acting under color of law, violate constitutional rights. Petitioner alleged exactly that: warrantless entry, unsupported enforcement, false accusations, and ongoing injury inflicted by local officials acting under municipal authority. Petitioner raised civil-rights claims under **42 U.S.C. § 1983** based on illegal entry, privacy violations, frivolous citations, harassment, and false statements by officers acting under color of state law. **Yet the Fifth Circuit denied rehearing, leaving the judgment below in place. This Court's review is warranted to ensure that homeowners alleging invasion of the home and retaliatory local enforcement are not left without meaningful federal review.**

This Court's intervention is warranted where preserved claims involving the **home, warrantless entry**, and **retaliatory enforcement** do not receive meaningful corrective review. The issue is not merely whether Petitioner should win on the facts, but whether there remains an effective federal remedy when **local officers allegedly invade a private home and repeatedly cite the homeowner without constitutionally sufficient grounds.** Yet the Fifth Circuit denied rehearing, leaving in place the result below. This Court's review is warranted to ensure that homeowners alleging invasion of the home and retaliatory local enforcement are not left without meaningful federal review.

C. The issues presented are nationally important and recurring.

This case is not merely about local administration. It raises recurring questions about whether code-enforcement mechanisms can be used to intrude into the home, multiply unsupported charges, impose excessive financial pressure, and still evade meaningful constitutional correction. Petitioner's tables and records reflect a pattern of repeated and overlapping citations, including 23 citations associated

with the December 8, 2022 incident at **3719 Kelly Blvd** and 31 citations associated with the December 14, 2022 incident at **1513 Van Winkle**, with some related charges later marked not guilty.

These issues extend beyond one homeowner. They concern the constitutional line between lawful municipal regulation and unlawful state intrusion into the home.

Across the country, local governments increasingly rely on code-enforcement mechanisms that directly affect the privacy, use, and security of the home. This case presents recurring questions of broad importance:

- whether code officers may enter homes without constitutionally adequate authority;
- whether unsupported citation campaigns may be used against homeowners who resist or complain;
- whether federal courts provide real protection when such **conduct is challenged under § 1983.**

These are not narrow local disputes. They concern the **constitutional line between lawful municipal regulation and unlawful state intrusion into the home.**

This case implicates questions that recur nationally:

- the constitutional limits on municipal code-enforcement inspections and entries,
- the use of citations as coercive tools absent adequate evidence,
- the right of a homeowner to be free from retaliatory local enforcement,
- and the availability of meaningful federal judicial review when such constitutional harms are alleged.

These are not minor administrative disputes. They concern the relationship between citizens and **local government power in the most protected place under the Constitution: the home.**

D. This case is a suitable vehicle.

The questions presented are clean and federal. The allegations are specific. The constitutional theories are preserved in the pleadings. And the Fifth Circuit's rehearing denial on **March 20, 2026,**

makes this case procedurally ready for this Court's review.

V. The record reflects serious concerns about unsupported enforcement.

The record and preserved materials confirm that this case is not a routine local code dispute. Petitioner alleges that municipal officials entered her private home without lawful authority, issued citations without a sufficient investigation, relied on unsupported or inconsistent factual assertions, and continued enforcement despite the absence of reliable evidence of a true violation. Code-enforcement records reflect a passed reinspection and closure notation despite continued citation activity.

Petitioner also filed materials showing an apparent inconsistency between testimony that an officer was not present at the alleged offense scene and an amended complaint stating that the same officer personally investigated the offense, while Petitioner simultaneously sought production of warrants, affidavits, transcripts, photographs, and officer notes to test those assertions.

VI. Preserved audiovisual materials further confirm the constitutional injury.

Petitioner's preserved materials include audiovisual evidence and a district-court USB submission identifying videos, recordings, and documentation exhibits already tendered below. Those preserved materials further support Petitioner's allegations that local officials intruded into her private home, advanced disputed narratives about room use, occupancy, and alleged violations without reliable proof, and continued coercive enforcement against her and her family.

The decision below leaves the home — the place of highest constitutional protection — vulnerable to warrantless local intrusion and repeated unsupported enforcement without meaningful federal correction.

VII. Procedural obstruction further undermined meaningful review.

Petitioner's preserved materials further support her allegation that meaningful review was denied not only by unsupported enforcement, but also by procedural obstruction in the handling of those charges. Petitioner contends that objections to irrelevant or false evidence were cut off, that

defense efforts and compliance materials were not meaningfully heard, and that courtroom processes were used in a manner that prevented fair consideration of her constitutional claims.

Taken together, the allegations of unlawful entry, unsupported citations, and procedural obstruction present a concrete failure of constitutional protection that warrants this Court's review.

VIII. Warrantless arrest and escalating enforcement pressure heighten the federal importance of the case.

Petitioner's preserved materials further support her allegation that the challenged enforcement escalated beyond citations into arrest pressure, warrant threats, and physical seizure. Petitioner contends that local officials used the threat of warrants, jail, and repeated arrest to coerce compliance and silence her objections, even while she continued challenging the underlying enforcement actions.

This Court's review is warranted because unchecked local enforcement can threaten not only the privacy of the home, but also the liberty and bodily security of the person.

IX. Petitioner repeatedly sought the core records necessary for meaningful review.

Petitioner did not merely seek discovery in passing. She expressly and repeatedly informed both the Fifth Circuit and the district court that the missing warrants, transcripts, affidavits, investigative materials, and related records were necessary to complete the record and fairly review her constitutional claims. On November 8, 2025, she asked the Fifth Circuit for a prompt ruling or clarification on her pending discovery motion and moved in district court to lift the discovery stay or authorize limited discovery.

The decision below allowed constitutional claims to be adjudicated while the completeness of the record remained expressly disputed and formally preserved.

X. Excessive fines, repetitive citations, and disregard of law further confirm the need for federal review.

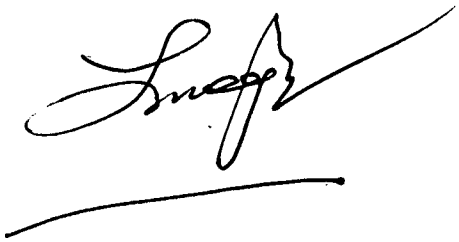
The record further supports Petitioner's allegation that local officials did not merely issue isolated citations, but pursued an excessive and repetitive enforcement campaign untethered to lawful process. Record materials include numerous amended plea offers reflecting substantial fines and costs, repeated citation numbers, warrant-related papers, and Petitioner's written complaints that the citations

were improperly issued after officials entered her home illegally and mailed the citations without her knowledge.

The decision below permits an alleged pattern of excessive citations and fines imposed without meaningful adherence to constitutional and legal safeguards.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.



Respectfully submitted,
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APPENDIX LIST

Appendix A – Fifth Circuit order denying rehearing in **Case No. 25-11107**, entered **March 20, 2026**.

Appendix B – Fifth Circuit judgment / opinion in **Case No. 25-11107**.

Appendix C – Relevant district-court order(s) from **No. 3:24-cv-02469-B-BW**.

Appendix D – Relevant excerpts from Petitioner's district-court filing alleging:

- repeated mailed frivolous citations,
- and request for injunctive relief.

Appendix E – Relevant code-enforcement records, including the passed reinspection / closure notation and related complaint materials.

Appendix F – Relevant discovery filings showing Petitioner's efforts to obtain warrants, affidavits, transcripts, officer notes, photographs, and supporting materials, violation evidence for over 54 frivolous citations issued date on December 8 and December 14, 2022.