26-5969 ORIGINAL

No.

FILED
MAY 17 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

JOSHUA COLEMAN - PETITIONER

VS.

KONRAD ZIEGLER, ET AL, - RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

JOSHUA COLEMAN II
~~T03043~~
PRO SE PLAINTIFF
P.O. Box 666
1717 UNDERWOOD DR.
TROY, GA 30753

QUESTION(S) PRESENTED

1. SHOULD A COURT-APPOINTED ATTORNEY EMPLOYED UNDER STATE STATUTE AS A STATE EMPLOYEE BE CLASSIFIED AS A STATE ACTOR FOR PURPOSES OF A CLAIM UNDER 42 USC 1983?

   SUGGESTED ANSWER:
   YES. DUE TO HIS OFFICIAL CAPACITY, STATE STATUTE AND SOVEREIGNTY OF THE STATES.

2. IS A FEDERAL EXCLUSION OF COURT-APPOINTED ATTORNEYS AND PUBLIC DEFENDERS AS STATE ACTORS A VIOLATION OF RULES OF COMITY / THE SOVEREIGNTY OF THE STATES?

   SUGGESTED ANSWER:
   YES.

3. DOES A DISTRICT COURT LOSE JURISDICTION WHEN A TIMELY FILING DID NOT RECEIVE A FULL REVIEW?
   NO. UPON RECOGNITION OF A TIMELY FILING THEY SHOULD GIVE FULL DE NOVO REVIEW.

4. HOW DOES THE PRISON MAILBOX RULE APPLY WHEN THERE ARE ALLEGATIONS AND EVIDENCE OF PRISON OFFICIAL MAIL INTERFERENCE AND A FILING IS DEEMED UNTIMELY AT NO FAULT OF THE PRISONER?

   SUGGESTED ANSWER:
   THE FILING SHOULD BE DEEMED TIMELY.

5. IS THE 28 USC 1746 PROVISION ADEQUATE WHEN A TIMELY PRO SE FILING CAN STILL BE DEEMED UNTIMELY?

   SUGGESTED ANSWER:
   YES. THE PRISON MAILBOX RULE SHOULD BE ENFORCED AND IMPROVED.

6. WHAT IS MY REMEDY TO CHALLENGE THE DEPRIVATION OF MY FEDERAL CONSTITUTIONAL RIGHTS BY A STATE EMPLOYED ATTORNEY?

   SUGGESTED ANSWER:
   IT MUST AND SHOULD BE UNDER 42 USC 1983.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

1.) KONRAD ZIEGLER
2.) STEPHANIE ADREAN
3.) VICTOR REYNOLDS
4.) MARY STALEY
5.) ARTHUR FLUDGER

RELATED CASES

1.) COLEMAN V STATE, INDICTMENT NO. 17CO23, OF COBB COUNTY SUPERIOR COURT, JUDGMENT ENTERED: FEBRUARY 17, 2017.

2.) COLEMAN V ZIEGLER, ET AL., CIVIL CASE NO. 1:25-CV-06318-WMR, OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA [redacted] ATLANTA DIVISION, JUDGMENT ENTERED: DECEMBER 22, 2025

3.) COLEMAN V ZIEGLER, ET AL., APPEAL NO. 26-10166-J, OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT, JUDGMENT ENTERED: FEBRUARY 17, 2026

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HOUSTON v LACK, 487 U.S. 266, 276 (1988) . . . . . .
LUGAR v EDMONDSON OIL CO., 457 U.S. 922, 936-37 (1982) . .
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STATUTES AND RULES

28 USC 1746 . . . . . .
42 USC 1983 . . . . . .
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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[✓] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[✓] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was FEBRUARY 17, 2026.

[✓] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1) U.S. CONSTITUTIONAL AMENDMENTS V, ~~X~~IV (5TH & 14TH)
2) 28 USC 1746
3) 42 USC 1983
4) O.C.G.A. 17-12-30(a)
5) O.C.G.A. 45-20-2
6) FEDERAL RULE OF APPELLATE PROCEDURE 4(a)(1)
7) ABA STANDARDS FOR CRIMINAL JUSTICE 4-3.9 (2ND ED. 1980)

STATEMENT OF THE CASE

ON 10/15/2025 PLAINTIFF JOSHUA COLEMAN RECEIVED A RESPONSE FROM THE SUPREME COURT OF GEORGIA'S CLERK NOTIFYING HIM THAT HIS PETITION FOR A WAIT OF CERTIORARI WAS DENIED ON 3/19/2024 AND THAT HIS ATTORNEY HAS RECEIVED ALL NOTICES AND FILINGS IN THE CASE.

ON 10/18/2025 JOSHUA COLEMAN FILED AN OBJECTION TO THE FINAL REPORT AND RECOMMENDATION. THIS REPORT WAS FILED TIMELY BY HANDING IT OVER TO A PRISON OFFICIAL FIRST-CLASS POSTAGE PREPAID WITH A DECLARATION IN ACCORDANCE WITH 28 USC 1746 AND FEDERAL RULE OF APPELLATE PROCEDURE 4(c)(1) AND HOUSTON v LACK, 487 U.S. 266, 276 (1988).

ON 12/20/2025 JOSHUA COLEMAN FILED A SECOND AMENDED COMPLAINT ALONG WITH A MOTION TO AMEND.

ON 12/22/2025 THIS CASE WAS DISMISSED WITHOUT PREJUDICE BY DISTRICT JUDGE WILLIAM M. RAY II.

ON 1/6/2026 JOSHUA COLEMAN FILED A NOTICE OF APPEAL.

ON 1/20/2026 JOSHUA COLEMAN'S OBJECTION TO THE FINAL REPORT AND RECOMMENDATION WAS OVERRULED AS UNTIMELY AND HIS MOTION TO AMEND THE COMPLAINT WAS DENIED FOR LACK OF JURISDICTION BY DISTRICT JUDGE WILLIAM M. RAY II.

ON 2/2/2026 JOSHUA COLEMAN FILED THE C.I.P., CERTIFICATE (NO TRANSCRIPTS), IFP, MOTION FOR APPOINTMENT OF COUNSEL AND GDC INMATE ACCOUNT STATEMENT.

ON 3/25/2026 JOSHUA COLEMAN FILED A BRIEF, MOTION TO REINSTATE/MOTION TO RECALL THE MANDATE, MOTION FOR APPOINTMENT OF COUNSEL, AND C.I.P. PURSUANT OF NOTICE FROM THE ELEVENTH CIRCUIT FILED 2/24/2026 AND, 3/6/2026, THE LAST BEING SIGNED BY JOSHUA COLEMAN ON 3/25/2026 ALSO FILED CERTIFICATES (NO TRANSCRIPTS) AND MOTION FOR RELIEF TO THE DISTRICT COURT.

ON 2/17/2026 THE ELEVENTH CIRCUIT DISMISSED FOR WANT OF PROSECUTION BECAUSE THE APPELLANT, JOSHUA COLEMAN, FAILED TO PAY THE FILING AND DOCKETING FEES (OR FILE A MOTION IN THE DISTRICT COURT FOR RELIEF FROM THE OBLIGATION TO PAY IN ADVANCE THE FULL FEE) TO THE DISTRICT COURT AND FAILED TO COMPLY WITH THE RULES ON CERTIFICATES OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENTS WITHIN THE TIMES FIXED BY THE RULES.

Reasons For Granting The Petition

Argument

Joshua Coleman's Objection to the Final Report and Recommendation identifying Konrad Ziegler ~~[illegible]~~ as a state actor was not addressed in the 12/22/2025 dismissal of Joshua Coleman's complaints by the District Judge (see Stokes v Singleton, 952 F2d 1567, 1576/11th Cir. 1992) "If a party files a timely objection and specific objection to a finding or recommendation by a magistrate judge, the district judge must conduct a de novo review with respect to that factual issue.") Therefore, the district judge's decision is in violation of this due process principle set forth by the Eleventh Circuit, as it does not reflect a de novo review of the material issues put forth. (see exhibits 1-2)

A material issue at hand in this appeal is whether Konrad Ziegler was identified as a state actor by Joshua Coleman for purposes of a claim under 42 USC 1983.

On 11/21/2025 U.S. Magistrate Judge Catherine M. Salinas as stated granted Coleman's 42 USC 1983 complaint for the purpose of dismissal in her Final Report and Recommendation. In this same report the Magistrate Judge stated that Arthur Fudger and Konrad Ziegler are not appropriate defendants in a 1983 action going on to say that I failed to state a claim because, "I must allege that a person acting under color of state law deprived me of a federal right, and the decision that, these were appointed by the state court is also insufficient by itself to transform them into state actors." McDowd v Bradford Cnty., 750 F. App'x 816, 819/11th Cir. 2018)

On 12/12/2025 Joshua Coleman filed his Objection to the Final Report and Recommendation citing a Georgia Statute, O.C.G.A. 17-12-30(a) which identifies court appointed attorneys as state employees, the equivalent of recognizing them as a state actor. It reads: "All state and personnel employed by the circuit public defenders pursuant to this article shall be employees of the executive branch of state government and shall be in the unclassified service as defined by code section 45-20-2." In support of this see Holmes v Lyons, 360 U.S 593, 79 SCT 1331, 3 LED 2d 1454 (1959), "The very nature of a ruling or privilege requires reference to the law of the sovereign creating it for a definition of it's nature and scope." Therefore, the state of Georgia has declared their court appointed attorneys, including Konrad Ziegler, as state actors by way of his employment through the circuit defender's office under O.C.G.A 17-12-30(a).

Joshua Coleman's Objection was timely filed on 12/12/2025 by handing it over to a prison official first class postage prepaid with a declaration in accordance with 28 USC 1746 and Federal Rule of Appellate Procedure 4(c)(1) and Houston v Lack, 487 US 266, 276 (1988). (see exhibit B)

ON 12/22/2025 THIS CASE WAS DISMISSED WITHOUT PREJUDICE BY DISTRICT JUDGE WILLIAM M. RAY II BECAUSE AS HE STATED, "COLEMAN ALLEGED NO FACTS DEMONSTRATING THAT HIS APPELLATE ATTORNEY, ZIEGLER IS A STATE ACTOR.

THE AFOREMENTIONED DECISION FAILS FOR MULTIPLE REASONS:

1.) THE DISTRICT JUDGE WAS SUPPOSED TO CONDUCT A DE NOVO REVIEW WHICH OBVIOUSLY COULD NOT HAVE OCCURRED SINCE MY ARGUMENT IN MY OBJECTION TO THE REPORT AND RECOMMENDATION WAS NOT REFLECTED IN THE DISTRICT JUDGE'S DECISION AT ALL.

2.) THE GIST OF MY ALLEGATION IS THAT KONRAD ZIEGLER AT THE OUTSET MALICIOUSLY SOUGHT TO DEPRIVE ME OF MY CONSTITUTIONAL RIGHT TO AN ATTORNEY AND DUE PROCESS, HAD BECOME A MAGISTRATE JUDGE OF COBB COUNTY WHICH IS POSSIBLY A CONFLICT OF INTEREST, AND PROVING WHETHER HE WAS DOING SO IN CONSPIRACY WITH OTHERS OR OUT OF DUTY TO OTHERS CANNOT BE PROVEN WITHOUT DISCOVERY AND A JURY TRIAL (MY CLAIM OF MALICIOUSNESS STEMS FROM HIS COMMENTS, ATTITUDE AND ACTIONS TO MY CLAIM OF HEBRAIC DESCENT).

3.) THE WORK OF "PUBLIC" DEFENDERS AND "COURT" APPOINTED ATTORNEYS ARE NOT REGARDED AS STATE ACTION AS HELD BY THE U.S. SUPREME COURT ACCORDING TO POLK COUNTY v DODSON, 454 US 312, 102 SCT 445, 70 LED 2d 509 AND THIS IS A DECISION THAT SHOULD BE OVERTURNED.

4.) KONRAD ZIEGLER ABUSED HIS AUTHORITY.

IN MY ORIGINAL COMPLAINT FILED SEPTEMBER 28, 2025 THE ESSENCE OF MY COMPLAINT WAS THAT KONRAD ZIEGLER ABUSED HIS AUTHORITY BY MALICIOUSLY SEEKING TO FLAW MY APPEAL AFTER LEARNING OF MY CLAIM TO HEBRAIC DESCENT AND THAT HE DID SO BECOMING APART OF A CONSPIRACY ALREADY EXISTENT AMONG THE COBB COUNTY DISTRICT ATTORNEY'S OFFICE, ATTORNEYS BEING APPOINTED BY COBB COUNTY AND COBB COUNTY JUDGES TO DEPRIVE CRIMINAL DEFENDENTS (SPECIFICALLY MYSELF) WITHIN THE COBB COUNTY JUDICIAL CIRCUIT OF THEIR CONSTITUTIONAL RIGHTS TO DUE PROCESS AND TO AN ATTORNEY.

EXCERPTS FROM MY STATEMENT OF CLAIM WITHIN MY ORIGINAL COMPLAINT READ:

AFTER [redacted] STATING THAT HE COULD NOT HELP ME BECAUSE OF MY HERITAGE/RIGHTFUL DESCENDANT [redacted] OF LOST TRIBES OF ISRAEL)

3.) KONRAD ZIEGLER PURPOSEFULLY FLAWED MY APPEAL BY IGNORING MY ADVICE ON HOW TO PERFECT MY APPEAL.

4.) KONRAD ZIEGLER PURPOSEFULLY FLAWED MY APPEAL BY NOT INVESTIGATING MERITORIOUS ISSUES I BROUGHT TO HIS ATTENTION.

5.) ARTHUR FLIDGER, ASSISTANT D.A. STEPHANIE ANDREWS, D.A. VICTOR REYNOLDS AND JUDGE MARY STALEY ENGAGED IN A CONSPIRACY TO SABOTAGE MY TRIAL.

6.) TRIAL JUDGE MARY STALEY DID NOT OUTSIDE OF HER JUDICIAL DUTIES AND IMMUNITY WHEN SHE ENGAGED IN EMBRACERY AND BROUGHT THE JURY "A LOVELY LUNCH" AND KONRAD ZIEGLER ENGAGED IN PURPOSEFULLY DENYING ME MY RIGHT TO AN ATTORNEY AND LEGAL MALPRACTICE WHEN HE DID NOT INVESTIGATE AND RAISE THE ISSUE AS I REQUESTED.

7.) KONRAD ZIEGLER PURPOSEFULLY FLAWED MY APPEAL WHEN HE WOULD NOT INVESTIGATE AND RAISE MY GROUND OF SUBORNATION OF PERJURY AGAINST THE ASSISTANT DISTRICT ATTORNEY STEPHANIE ANDREWS WHOM THREATENED, BRIBED AND/OR FORCED THE VICTIM TO STATE THAT HE SEEN A SILVER HANDGUN IN ORDER TO OBTAIN A CONVICTION FOR GROUNDS IN THE INDICTMENT, WHILE KNOWING THE VICTIM WAS LYING.

8.) KONRAD ZIEGLER PURPOSEFULLY FLAWED MY APPEAL BY NOT INVESTIGATING AND RAISING THE GROUND THAT THE HEAD D.A. VICTOR REYNOLDS HAD ENGAGED IN PROSECUTORIAL MISCONDUCT WHEN HE WENT OUTSIDE OF HIS JOB DUTY AND IMMUNITY WHEN HE ENSURED HE WOULD HAVE JURORS SEATED WHOM HE BECAME ACQUAINTED WITH AND INFLUENCED TO ALWAYS VOTE GUILTY.

9.) KONRAD ZIEGLER PURPOSEFULLY FLAWED MY APPEAL BY NOT INVESTIGATING AND RAISING A GROUND THAT MY COURT APPOINTED ATTORNEY ARTHUR FLIDGER WAS PAID BY THE DISTRICT ATTORNEY'S OFFICE TO FLAW MY DEFENSE.

10.) DISTRICT ATTORNEY VICTOR REYNOLDS PURPOSEFULLY FLAWED MY DEFENSE WHEN HE ENSURED JURORS WOULD BE IN MY PANELED JURY THAT HE HAD INFLUENCED TO ONLY VOTE GUILTY.

11.) JUDGE MARY STALEY PURPOSEFULLY FLAWED MY DEFENSE WHEN SHE SHOWED DEEP SEATED ANTAGONISM THROUGHOUT TRIAL AND THEN WENT OUTSIDE OF HER JOB DUTY AND IMMUNITY WHEN SHE BROUGHT THE JURORS "GIFTS," "A LOVELY LUNCH" AND A RECESS (TIME TO CATCH UP ON PERSONAL MATTERS).

12.) DISTRICT ATTORNEY VICTOR REYNOLDS PURPOSEFULLY AND UNLAWFULLY FLAWED MY DEFENSE WHEN HE ENGAGED IN A PRACTICE OF FUNDING COURT APPOINTED CRIMINAL DEFENSE ATTORNEYS IN ORDER TO SABOTAGE THE DEFENSE OF CRIMINAL CASE DEFENDANTS.

13.) ARTHUR FLIDGER PURPOSEFULLY AND UNLAWFULLY FLAWED MY DEFENSE WHILE BEING FUNDED BY DISTRICT ATTORNEY VICTOR REYNOLDS TO SABOTAGE MY TRIAL.

EXCERPTS FROM MY STATEMENT OF CLAIM WITHIN MY FIRST "AMENDED COMPLAINT" ~~FILED~~ ON OCTOBER 18, 2025 READ:

1.) ATTORNEY KONRAD ZIEGLER DENIED NOTICE TO HIS LEGAL CLIENT, PLAINTIFF JOSHUA COLEMAN, OF HIS PETITION FOR CERTIORARI BEING DENIED WHICH HAS CAUSED THE PLAINTIFF A SEVERE DEPRIVATION OF TIME IN WHICH TO FILE HIS FEDERAL HABEAS CORPUS PETITION.

ON OCTOBER 15, 2025 I RECEIVED A RESPONSE FROM THE SUPREME COURT OF GEORGIA'S CLERK NOTIFYING ME THAT MY PETITION FOR A WRIT OF CERTIORARI WAS DENIED ON 03/19/2024 AND THAT MY ATTORNEY HAD RECEIVED ALL NOTICES AND FILINGS IN THIS CASE.

[BELOW ARE SCRATCHED OUT EXCERPTS LIGHTLY LEGIBLE]

THE ATTORNEY, KONRAD ZIEGLER HAS MADE HIS CLIENT THE [illegible] JOSHUA COLEMAN, AWARE OF HIS BLATANT ... THE PLAINTIFF'S POST-CONVICTION REMEDIAL PROCESSES WHEN IN ATTORNEY-CLIENT PRIVILEGED MEETING MR. ZIEGLER RESPONDED, "THIS IS WHY I CAN'T HELP YOU," WHEN JOSHUA COLEMAN REFERENCE TO HIS HERITAGE AS BEING A TRUE DESCENDANT OF ISRAEL AS A TRUE REMNANT OF THE "LOST TRIBES OF ISRAEL."

SINCE THIS COMMENT, KONRAD ZIEGLER ..., PLAINTIFF UNAWARE OF IMPORTANT DEVELOPMENTS (I.E. HEARING DATES & DECISIONS) IN AN EFFORT TO PURPOSEFULLY FLAW HIS POST-CONVICTION REMEDIAL PROCESS; DIRECT APPEAL AND HABEAS CORPUS.

IT IS ESTABLISHED THAT A COURT APPOINTED ATTORNEY MAY NOT BE REGARDED AS A STATE ACTOR BY PERFORMANCE OF TRADITIONAL FUNCTIONS BUT THEY MAY BE CONSIDERED AS OPERATING UNDER COLOR OF LAW FOR PURPOSES OF § 1983 IF THEY ARE IN CONSPIRACY WITH STATE ACTORS OR ABUSE THE AUTHORITY GIVEN THEM BY THE STATE.

THE RULE, THE COURT ASSERTS, IS AS FOLLOWS: "PRIVATE PERSONS, JOINTLY ENGAGED WITH STATE OFFICIALS IN THE PROHIBITED ACTION, ARE ACTING UNDER COLOR OF LAW FOR PURPOSES OF THE STATUTE. TO ACT UNDER COLOR OF LAW DOES NOT REQUIRE THAT THE ACCUSED BE AN OFFICER OF THE STATE. IT IS ENOUGH THAT HE IS A WILLFUL PARTICIPANT IN A JOINT ACTIVITY WITH THE STATE OR IT'S AGENTS." (SEE LUGAR v EDMONSON OIL CO., 457 U.S. 922, 936-37 (1982) ANTE AT 941, QUOTING ADICKES v S.H. KRESS & CO. SUPRA AT 152, 90 SCT at 1605 IN TURN QUOTING UNITED STATES v PRICE, 383 U.S. 787, 794, 86 SCT 1152, 1156, 16 LED 2d 267 (1966) SEE ALSO DENNIS v SPARKS, 449 U.S. 24, 101 SCT 183, 66 LED 2d 185 (1980) "WE HELD THAT PRIVATE PARTIES ACTED UNDER COLOR OF LAW WHEN CORRUPTLY CONSPIRING WITH A STATE JUDGE IN A JOINT SCHEME TO DEFRAUD." TOLAN v COTTON, 467 U.S. 914, 919-20 (1984) "APPOINTED COUNSEL MAY HAVE ACTED UNDER COLOR OF STATE LAW WHEN HE CONSPIRED WITH STATE OFFICIALS TO DEPRIVE CLIENT OF CONSTITUTIONAL RIGHTS." BALLARD v WALL, 413 F3d 510, 519 (5TH CIR. 2005) "PRIVATE ATTORNEYS ACTED UNDER COLOR OF STATE LAW IF CONSPIRED WITH JUDGE OR IF JUDGE SIGNIFICANTLY AIDED ATTORNEYS IN ATTEMPTS TO COLLECT MONEY FROM PLAINTIFF.")

MISUSE OF POWER, POSSESSED BY VIRTUE OF STATE LAW AND MADE POSSIBLE ONLY BECAUSE THE WRONGDOER IS CLOTHED WITH THE AUTHORITY OF STATE LAW IS ACTION TAKEN UNDER COLOR OF STATE LAW," AS PER UNITED STATES v CLASSIC, 313 U.S. 299, 61 SCT 1031, 85 LED 1368 (1941). EX PARTE VIRGINIA, 100 U.S. 339, 346, 25 LED 676; HOME TELEPHONE & TELEGRAPH CO. v LOS ANGELES, 227 U.S. 278, 287, ET SEQ., 33 SCT 312, 314, 57 LED 510; HAGUE v C.I.O., 307 US 496, 507, 519, 59 SCT 954, 960, 965, 83 LED 1423; C.F. Id., 3C CIR., 101 F2d 774, 790.

TO ITERATE UPON THIS POINT, SEE "UNITED STATES V DILLON, 532 F3D 379 (5TH CIR. 2008)"...INITIALLY MET DILLON THROUGH HIS POSITION AS AN ACA. THEY CAME TO HIS OFFICE BECAUSE THEY BELIEVED HIS POSITION AS AN ACA ENABLED HIM TO HELP THEM WITH THEIR LEGAL PROBLEMS... AND DILLON MISLED CARABY INTO BELIEVING HER MARIJUANA CHARGE WAS PENDING AND THAT HE COULD HAVE IT DISMISSED." KONRAD ZIEGLER INFORMED ME THAT HE HAD BEGUN LOOKING AS A MAGISTRATE JUDGE WITHIN COBB AND THAT MY CASE MIGHT NOT MAKE IT TO THE COURT OF APPEALS WHICH CAUSED ME TO FULLY ASSERT MY FILED MOTION FOR SUBSTITUTION OF COUNSEL AT MY MOTION FOR NEW TRIAL HEARING DESPITE HIS REFUSAL TO RAISE ISSUES AND, SO FORTH (SEE UNITED STATES V TARPLEY, 945 F2D 806, 807-08 (5TH CIR. 1991) "CENTRAL TO THE OUTCOME OF THE CASE WAS THAT TARPLEY CLAIMED TO HAVE SPECIAL AUTHORITY BECAUSE HE WAS AN OFFICER OF THE LAW, USED HIS SERVICE WEAPON, WAS AIDED BY A FELLOW OFFICER, AND RAN THE VICTIM OUT OF TOWN IN HIS SQUAD CAR. Id at 809. BECAUSE OF THESE ACTIONS THIS COURT HELD THAT AN "AIR OF OFFICIAL AUTHORITY PERVADED THE ENTIRE INCIDENT." SEE ALSO UNITED STATES V CALISEY, 185 F3D 407, 415-16 (5TH CIR. 1999) "IN ORDER TO CARRY OUT THE MURDER, OFFICER DAVIS HELD A MEETING WITH HIS CO-CONSPIRATORS AT THE POLICE STATION, USED ~~HIS~~ HIS POLICE CAR TO SHOW THE CO-CONSPIRATORS WHERE TO FIND THE VICTIM COMMUNICATED WITH THE CO-CONSPIRATORS VIA HIS POLICE RADIO, SECURED THE COOPERATION OF HIS ACCOMPLICES BY ASSURANCE OF POLICE PROTECTION AND PLANNED TO USE HIS OFFICIAL AUTHORITY TO COVER UP THE MURDER AT THE CRIME SCENE. Id at 415. THIS COURT HELD THAT DAVIS WAS UNIQUELY ABLE TO DO THESE THINGS BECAUSE OF HIS POSITION AS A POLICE OFFICER, SO THERE WAS A SUFFICIENT NEXUS BETWEEN HIS USE AND ABUSE OF THE POWER CONFERRED ON HIM BY LAW..." DOE V SMITH, 470 F3D 331, 340 (7TH CIR. 2006) "PUBLIC SCHOOL DEAN ACTED UNDER COLOR OF STATE LAW WHEN ARRESTING STUDENT BECAUSE USED AUTHORITY ~~AS~~ DEAN TO GAIN ACCESS TO STUDENT.")

IN WEST V ATKINS, 487 US 42, 49-54 (1988) IT WAS HELD..."(a) THUS, A STATE EMPLOYEE GENERALLY ACTS UNDER COLOR OF STATE LAW WHEN, WHILE PERFORMING IN HIS OFFICIAL CAPACITY OR EXERCISING HIS OFFICIAL RESPONSIBILITIES, HE ABUSES THE POSITION GIVEN TO HIM BY THE STATE. POLK COUNTY V DODSON, 454 US 312, 102 SCT 445, 70 LED 2D 509, DISTINGUISHED; PP. 49-50. ALSO HELD; (c) RESPONDENT'S CONDUCT IN TREATING PETITIONER IS FAIRLY ATTRIBUTABLE TO THE STATE. THE STATE HAS AN OBLIGATION UNDER THE EIGHTH AMENDMENT AND STATE LAW TO PROVIDE ADEQUATE MEDICAL CARE TO THOSE WHOM IT HAS INCARCERATED." DISTINGUISHED TO THE FACTS IN THE PRESENT CASE IT COULD BE SAID THAT THE STATE HAS AN OBLIGATION UNDER THE SIXTH AMENDMENT TO PROVIDE EFFECTIVE ASSISTANCE OF COUNSEL TO THOSE WHOM IT HAS INCARCERATED. THE COURT RECOGNIZED IN ESTELLE: "AN INMATE MUST RELY ON PRISON AUTHORITIES TO TREAT HIS MEDICAL NEEDS; IF AUTHORITIES FAIL TO DO SO, THOSE NEEDS WILL NOT BE MET." 429 U.S. at 103, 97 SCT at 290. IN LIGHT OF THIS, THE COURT HELD THAT THE STATE HAS A CONSTITUTIONAL OBLIGATION, UNDER THE EIGTH AMENDMENT, TO PROVIDE ADEQUATE MEDICAL CARE TO THOSE WHICH IT HAS INCARCERATED. Id at 104, 97 SCT at 291.

"IF DOCTOR ATKINS MISUSED HIS POWER BY DEMONSTRATING DELIBERATE INDIFFERENCE TO WEST'S SERIOUS MEDICAL NEEDS, THE RESULTANT DEPRIVATION WAS CAUSED, IN THE SENSE RELEVANT FOR STATE ACTION INQUIRY, BY THE STATE'S EXERCISE OF IT'S RIGHT TO PUNISH WEST BY INCARCERATION AND TO DENY HIM A VENUE INDEPENDENT OF THE STATE TO OBTAIN MEDICAL CARE." INDIGENTS HAVE NO VENUE INDEPENDENT OF THE STATE, AS THEY ARE INCAPACITATED BY THEIR INCARCERATION FROM WAGES TO AFFORD COUNSEL, TO OBTAIN LEGAL SERVICES AND THEREFORE MUST BE PROVIDED LEGAL SERVICE BY WAY OF THE STATE AND THE STATE SHOULD BE ACCOUNTABLE FOR THE QUALITY OF SERVICES PROVIDED.

INDEED, POLK COUNTY V DODSON, 454 U.S. 312, 102 SCT 445, 70 LED 2d 509 (1981) AN IDD HOLDING BY THE COURT OF APPEALS, IS THE ONLY CASE IN WHICH THIS COURT HAS DETERMINED THAT A PERSON WHO IS EMPLOYED BY THE STATE AND WHO IS SUED UNDER § 1983 FOR ABUSING HIS POSITION IN THE PERFORMANCE OF HIS ASSIGNED TASKS WAS NOT ACTING UNDER COLOR OF STATE LAW. THE COURT HELD THAT A PUBLIC DEFENDER DOES NOT ~~HELD~~ ACT UNDER COLOR OF STATE LAW WHEN PERFORMING A LAWYER'S TRADITIONAL FUNCTIONS AS COUNSEL TO A DEFENDANT IN A CRIMINAL PROCEEDING." 454 U.S at 325, 102 SCT at 453. IN THIS CAPACITY THE COURT NOTED, A PUBLIC DEFENDER DIFFERS FROM THE TYPICAL GOVERNMENT EMPLOYEE AND STATE ACTOR. WHILE PERFORMING HIS DUTIES, THE PUBLIC DEFENDER ~~RETAINS~~ ALSO THE ~~ESSENTIAL~~ ATTRIBUTES OF A PRIVATE ATTORNEY, INCLUDING, MOST IMPORTANTLY, HIS "PROFESSIONAL INDEPENDENCE" WHICH THE STATE IS CONSTITUTIONALLY OBLIGED TO RESPECT." Id at 321-322, 102 SCT at 451. SEE WEST V ATKINS, 487 U.S. 42, 108 SCT 2250, 101 LED 2d 40 (1988). COURT APPOINTED ATTORNEYS AND PUBLIC DEFENDERS DO NOT OPERATE IN "DIRECT" REPRESENTATION OF THE STATE (I.E. POLICE OFFICERS, DISTRICT ATTORNEYS, STATE BOARD OF EDUCATION) BUT IN REPRESENTATION OF PRIVATE INTERESTS AND SO THEY ARE NOT DEEMED STATE ACTORS. THEIR APPOINTMENT IS AN "INDIRECT" REPRESENTATION OF STATE INTERESTS AND THEREFORE THEY SHOULD BE IDENTIFIED AS STATE ACTORS. KONRAD ZIEGLER WAS NOT PERFORMING A PRIVATE FUNCTION. HIS FUNCTION CAME BY WAY OF THE STATE AS A PROVISION TO THE PUBLIC, A STATE INTEREST. ALSO, HIS DUTY TO PROVIDE ME TIMELY NOTICE WAS NOT A PRIVATE ACTION, BUT AN OFFICIAL DUTY.

IF I CALLED A POLICE OFFICER TO CATCH A ROBBER, IS HE PRIVATELY SERVING MY INTERESTS? IS HE NOT STILL EMPLOYED BY THE STATE? IS A PUBLIC DEFENDER OR COURT APPOINTED ATTORNEY PRIVATELY SERVING MY INTERESTS? IS HE NOT STILL EMPLOYED BY THE COUNTY, HENCE, THE STATE? IS HE NOT SERVING THE STATE'S INTEREST UNDER THE STATE CONSTITUTION TO ENSURE I HAVE COUNSEL?

IN POLK COUNTY V DODSON, 454 US 312, 102 SCT 445, 70 LED 2d 509 (1981) IT WAS HELD: "A PUBLIC DEFENDER IS NOT AMENABLE TO ADMINISTRATIVE DIRECTION IN THE SAME SENSE AS OTHER STATE EMPLOYEES. AND EQUALLY IMPORTANT, IT IS THE STATE'S CONSTITUTIONAL OBLIGATION TO RESPECT THE PROFESSIONAL INDEPENDENCE OF THE PUBLIC DEFENDERS WHOM IT ENGAGES." YET, ALL STATE BAR ATTORNEYS ARE AMENABLE TO ADMINISTRATIVE DIRECTION AND MUST ADHERE TO THE STATE BAR RULES OF PROFESSIONAL CONDUCT OR MEET DISCIPLINE THAT RANGES FROM A VERBAL REPRIMAND TO DISBARMENT AND/OR INCARCERATION.

BY WAY OF THE STATE AND FEDERAL CONSTITUTIONS A PUBLIC DEFENDER OWES

A DUTY OF UNDIVIDED LOYALTY TO HIS CLIENT, (SEE POLK COUNTY V DODSON, 454 U.S. 312, 102 SCT 445, 70 LED 2d 509 (1981). YET, HOW IS THIS ANY DIFFERENT FROM A POLICE OFFICER WHOM IS UNDER DUTY BY WAY OF THE STATE TO SERVE AND PROTECT IT'S CITIZENS. THERE IS NO MATERIAL DIFFERENCE UPON THIS POINT AND THEREFORE TO CLASSIFY AN ATTORNEY, WHOM BY STATE STATUTE IS EMPLOYED BY THE STATE AS NOT BEING A STATE ACTOR IS UNCONSTITUTIONAL AND IN VIOLATION OF THE RULES OF COMITY OR SOVEREIGNTY OF THE STATES.

HOW IS A PRISON PHYSICIAN WHOM ARE WIDELY RECOGNIZED AS STATE ACTORS ANY DIFFERENT FROM A PUBLIC DEFENDER OR COURT APPOINTED ATTORNEY EMPLOYED BY THE STATE. IN POLK COUNTY V DODSON, 454 U.S. 312, 102 SCT 445, 70 LED 2d 509 (1981) THE COURT STATED, "IN UNITED STATES V CLASSIC, 313 U.S. 299, 326, 61 SCT 1031, 1043, 85 LED 1368 (1941), THIS COURT HELD THAT A PERSON ACTS UNDER COLOR OF STATE LAW ONLY WHEN EXERCISING POWER "POSSESSED BY VIRTUE OF STATE LAW AND MADE POSSIBLE ONLY BECAUSE THE WRONGDOER IS CLOTHED WITH THE AUTHORITY OF STATE LAW." IN POLK, IT ALSO STATED, "IN THIS CASE THE DEFENDER ADVOCATE FOR POLK COUNTY ASSIGNED MARTHA SHEPPARD TO REPRESENT RUSSELL DODSON IN THE APPEAL OF HIS CRIMINAL CONVICTION. THIS ASSIGNMENT ENTAILED FUNCTIONS AND OBLIGATIONS IN NO WAY ~~DIFFERENT~~ DEPENDENT ON STATE AUTHORITY." THIS ANALYSIS IS OUTRIGHT WRONG. THE PUBLIC DEFENDER'S EMPLOYMENT CAME ONLY BY AUTHORITY OF THE STATE AS THE LAWYER WAS STATED TO HAVE BEEN "ASSIGNED" REPRESENTATION OF THE CLIENT BY NONE OTHER THAN THE DEFENDER ADVOCATE OF POLK COUNTY.

IN POLK COUNTY V DODSON, THE COURT WENT ON FURTHER TO SAY, "FROM THE MOMENT OF HER APPOINTMENT, SHEPPARD BECAME DODSON'S LAWYER, AND DODSON BECAME SHEPPARD'S CLIENT. EXCEPT FOR HER SOURCE OF PAYMENT, THEIR RELATIONSHIP BECAME THAT IDENTICAL TO THAT EXISTING BETWEEN ANY OTHER LAWYER AND CLIENT." ONCE A LAWYER HAS UNDERTAKEN THE REPRESENTATION OF AN ACCUSED, THE DUTIES AND OBLIGATIONS ARE THE SAME WHETHER THE LAWYER IS PRIVATELY RETAINED, APPOINTED OR SERVING IN A LEGAL AID OR DEFENDER PROGRAM." ABA STANDARDS FOR CRIMINAL JUSTICE 4-3.9 (2D ED. 1980)." YET, THIS ANALYSIS IS NO DIFFERENT IN THE SCENARIO OF A PRISON PHYSICIAN OWING A DUTY TO HIS MEDICAL CLIENT SO AGAIN IT FAILS TO DEPRIVE A STATE EMPLOYED ATTORNEY FROM HIS ROLE AS A STATE ACTOR.

ALSO, THE COURT'S POSITION IN POLK COUNTY V DODSON OF A COURT APPOINTED ATTORNEY OR A PUBLIC DEFENDER OPPOSING REPRESENTATIVES OF THE STATE IN ADVERSARIAL ~~PROCEEDINGS~~ TESTING IS ALSO A FUNCTION THAT SERVES THE STATE IN UPHOLDING IT'S AND THE FEDERAL CONSTITUTION. AGAIN, A PRISON DOCTOR MAY HEAL A PATIENT DAMAGED BY STATE ACTORS, BUT THIS FUNCTION DOES NOT NECESSARILY DIMINISH THE PRISON[illegible]'S ROLE AS A STATE ACTOR.

PUBLIC DEFENDERS AND COURT APPOINTED ATTORNEYS ALSO SERVE AND PROTECT THE INTERESTS OF THEIR WARDS JUST AS WELL AS THEIR CLIENTS. THEY PROTECT THE INTEREST OF ~~THE STATE~~ THEIR WARDS, THE STATE, BY ENSURING EFFICIENCY IN THE COURT'S MANAGEMENT OF THEIR DOCKET AND BY PROVIDING A CONSTITUTIONAL STANDARD OF COUNSEL. BESIDES MAKING MOST FUNCTIONS OF LITIGATION EFFICIENT, THEY ALSO END MOST OF THEIR CASES WITH GUILTY, NOLO OR ALFORD PLEAS.

IT IS MY ARGUMENT THAT IT IS THE STATE'S INTENTION TO UPHOLD IT'S AND THE FEDERAL CONSTITUTION THAT MAKES COURT APPOINTED ATTORNEYS AND PUBLIC DEFENDERS ROLE AN ADVERSARIAL ONE, THOUGH THEY BE STATE ACTORS REFUTING THE OPINIONS THAT DIFFER.

TO CALL A "PUBLIC" DEFENDER'S ROLE "PRIVATE" IS A STRETCHED OUT CONTRADICTION OF TITLE. THEY ARE AUTHORIZED UNDER THE COLOR OF STATE LAW TO PROVIDE A SERVICE TO THE PUBLIC AS A MEANS OF THE STATE UPHOLDING IT'S AND THE FEDERAL CONSTITUTION'S OBLIGATIONS TO ENSURE EVERY MAN HAS COUNSEL AND DUE PROCESS AMONGST MANY OF THEIR OTHER RIGHTS UPHELD AND PROTECTED.

THE ATTORNEY GENERAL STATES THAT, IF THE ACTS OR OMISSIONS OF A PROSECUTING ATTORNEY "HAVE THE EFFECT OF WITHHOLDING FROM A DEFENDANT THE NOTICE WHICH MUST BE ACCORDED HIM UNDER THE DUE PROCESS CLAUSE OR IF THEY HAVE THE EFFECT OF PREVENTING A DEFENDANT FROM PRESENTING SUCH EVIDENCE AS HE POSSESSES IN DEFENSE OF THE ACCUSATION AGAINST HIM, THEN SUCH ACTS OR OMISSIONS OF THE PROSECUTING ATTORNEY MAY REGARDED AS RESULTING IN A DENIAL OF DUE PROCESS (SEE MOONEY V HOLOHAN, 294 US 103 55 SCT 340, 79 LED 791). THIS SAME STANDARD SHOULD APPLY TO COURT APPOINTED ATTORNEYS AND PUBLIC DEFENDERS IF NOT ALL ATTORNEYS AND THERE SHOULD EXIST A FORUM, 1983, TO CHALLENGE THE DEPRIVATION OF THESE RIGHTS BY THESE ENTITIES.

CRIMINAL COUNSEL'S PROFESSIONAL AND ETHICAL OBLIGATIONS REQUIRE HIM TO ACT IN A ROLE INDEPENDENT OF AND IN OPPOSITION TO THE STATE. Id at 318-319, 320, 120 SCT at 450. THE COURT ACCORDINGLY CONCLUDED THAT WHEN REPRESENTING AN INDIGENT DEFENDANT IN A STATE CRIMINAL PROCEEDING, THE PUBLIC DEFENDER DOES NOT ACT UNDER COLOR OF STATE LAW FOR PURPOSES OF 1983 BECAUSE HE "IS NOT ACTING ON BEHALF OF THE STATE; HE IS THE STATE'S ADVERSARY (SEE POLK V DODSON, ANOTHER PROBLEM WITH THIS ANALYZATION IS CONSIDERING THE PUBLIC DEFENDER'S ROLE AS "THE STATE'S ADVERSARY." WOULD THE STATE TRULY PAY SOMEONE TO BE IT'S ADVERSARY? IF THE STATE'S ROLE IS TRULY TO PROTECT THE PUBLIC ENCOMPASSING THE RIGHTS OF THE CITIZENRY AND (THE NOTION THAT, "NO INNOCENT SHALL SUFFER. NO GUILTY SHALL RUN FREE," THEN A PUBLIC DEFENDER'S ROLE IS NOT TRULY AN ADVERSARIAL ONE, BUT A COMPONENT OF BALANCE TO ENSURE A JUST OUTCOME IN THE LITIGATORY PROCESS. THOUGH HE IS NOT CONCERNED WITH THE TITLE AS A REPRESENTATIVE OF THE STATE, HE IS A REPRESENTATIVE OF THE INTERESTS OF THE STATE AND THEREFORE IS A STATE ACTOR. THIS ROLE IN PROTECTING THE CITIZEN'S INTEREST OF JUSTICE ARE ESSENTIALLY WHY ALL [illegible] ARE REVIEWED AS "OFFICERS OF THE COURT."

IF THE STATE APPOINTED THE ATTORNEY UNDER THEIR EMPLOY BY STATE STATUTE, IT CAN ONLY BE JUST THAT THE STATE BE HELD LIABLE FOR HIS ACTIONS THAT ARE AGAINST THE STATE AND FEDERAL CONSTITUTION. KONRAD ZIEGLER HAD BEEN APPOINTED AS BEING EMPLOYED BY THE STATE UNDER GEORGIA STATUTE, HAD BECOME A COBB COUNTY MAGISTRATE JUDGE, TOLD ME DUE TO HIS POSITION MY CASE MIGHT NOT MAKE IT TO THE GEORGIA COURT OF APPEALS, RUTHLESSLY DEFENDED THE JUDGE AND PROSECUTOR WHOM I INSISTED TO FILE GROUNDS AGAINST AFTER EXPRESSING DEEP DISDAIN TOWARD MY AFFIRMATION OF BEING OF "HEBRAIC" DESCENT AND HIS COMMENTS AND ACTIONS WERE EVIDENCE OF A CONSPIRACY TO DEPRIVE ME OF COUNSEL AND DUE PROCESS.

CONCLUSION

THIS COURT SHOULD REVERSE FOR JOSHUA COLEMAN TO BE GRANTED LEAVE TO AMEND AND/OR KONRAD ZIEGLER SHOULD BE SERVED PROCESS. ADDITIONALLY, BECAUSE POLK v DODSON IS THE ONLY CASE IN WHICH THE U.S. SUPREME HAS DETERMINED THAT A PUBLIC DEFENDER DOES NOT ACT UNDER COLOR OF STATE LAW WHEN PERFORMING A LAWYER'S TRADITIONAL FUNCTIONS AS COUNSEL TO A DEFENDANT IN A CRIMINAL PROCEEDING, POLK SHOULD BE OVERRULED AND THE § 1983 RIGHT OF ACTION SHOULD BE PRESERVED FOR VIOLATIONS OF DEFENDANT'S CONSTITUTIONAL RIGHTS BY A STATE EMPLOYEE.

RESPECTFULLY SUBMITTED,

JOSHUA COLEMAN
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MARCH 26, 2026

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 26-10166-J

JOSHUA COLEMAN,

Plaintiff - Appellant,

versus

ATTORNEY KONRAD ZIEGLER,
ASST. DIS. AT. STEPHANIE ADREAN,
DIS. AT. VICTOR REYNOLDS,
JUDGE MARY STALEY,
ATTORNEY ARTHUR FUDGER, et al.,

Defendants - Appellees.

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

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the Appellant Joshua Coleman failed to pay the filing and docketing fees (or file a motion in the district court for relief from the obligation to pay in advance the full fee) to the district court and failed to comply with the rules on Certificates of Interested Persons and Corporate Disclosure Statements within the time fixed by the rules.

Effective February 17, 2026.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION

"Appendix A."