

Tiwanda Lovelace

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Las Vegas, NV ~~██████████~~

Clerk of Court
U.S. Court of Appeals for the 11th Circuit
56 Forsyth St., N.W.
Atlanta, Georgia 30303

November 12, 2015

Re: JUDICIAL MISCONDUCT PETITION for Judicial Complaint No's 11-15-90101 through 11-15-90104...

Please consider this as a cover letter for the above mentioned Misconduct Petition. I have compiled a (5) five page request which references the Chief Judges Order that ruled that the said complaint 'lacked evidence...' In this petition, I have listed the names of supporting documents that were included with and referenced throughout COM - Complaint of Misconduct. These items were listed as COM page numbers, with brief explanations and highlights.

Please review this petition and the COM because this was definitely not lacking in evidence to support the many allegations. I would like to humbly request to meet with the Committee directly so that I may explain each allegation and show misconduct and compare the Complaint that I submitted with the Complaint that the Chief Judge was provided.

Thank you,

Tiwanda Lovelace

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JUDICIAL MISCONDUCT PETITION

I hereby petition the judicial council for review of the Chief judge's decision regarding the **Judicial Complaint No's 11-15-90101 through 11-15-90104...** which consisted of 82+ pages. The COM included 70+ pages of documents which supported and substantiated each allegations. Each page of attachments were referenced within the Complaint and were highlighted with explanation demonstrating misconduct. The majority of the attached evidence was taken directly from Courts dockets and also retained by Pltf's. from the actual court case - Northern GA Docket # 1:03-CV-00925 /JTC / 1:03-CV-00925-WSD. I am requesting this appeal because one of the main reasons for filing the initial complaint was due to the previous editing, mislabeling, hindering and withholding of my filings by the Court and it's clerks. Something is amiss because to state that there is 'lack of evidence' is incorrect. Here is a detailed list of documents that Pltf. provided with **COM** (Supporting Docs: 77 pages, #'s 8-82):

- **COM-Page(s) #11-12:** Background and Summary of Complaint. (2 pages). **COM-Page(s) #14-19:** Copy of Pacer Docket List of Entries/Items (6 pages).
- **COM-Page(s) #19:** Copy of 1st page of COMPLAINT, initially filed March 11, 2003. After (9) nine months, ALLOWED TO PROCEED. See Docket Item #2 Section I - page(s) 1, 2 and Section II - page 2. See Docket # 4 – Order: Mag. Judge Alan J. Baverman GRANTED affidavit to proceed in forma pauperis on April 4, 2003 (advising to submit filings in triplicate).
- **COM-Page(s) #20-25:** A Copy of **ORDER**, Hon. Judge Camp advised,

“...To sufficiently plead a § 1983 claim against a local government entity, a Pltf.. must allege...AND... A local government entity “can be found liable under § 1983 only where the [entity] itself causes the constitutional violation at issue.” AND when referencing Lovelace, the Judge added, “Pltf. has adequately stated claims upon which relief can be granted, and her claims have an arguable basis in law and fact.”

Refer to Docket Item #7, page 6, 7 & 8 (6 pages- 1, 6-10). ...Yet; part of the reason given by COA Judges was '...case was dismissed was 'failure to state a claim.' After Judges were switched. After the case was conveniently reassigned to Hon. Judge William S. Duffey, suddenly the initials kt (I assume was Kahn, Thomas) were 'handling' ALL of the motions, pleadings and my filings (that

laid mislabeled and dormant until such time they could then be mentioned then disregarded).

COM-Page(s) #26-28; #29-31: Printout of Docket list Item #7: Order shows Clerks had duty to process service (3 pages). Per Court's Docket, Service was processed initially and fully by Clerk. Copies of Pltf's. completed service forms to Courts Clerk on February 17, 2004 AND Original Summons shows mailed/issued March 16, 2004 shows signed and processed by clerk. Summons signed and submitted. Printout of Docket List showing Service (3 pages). **COM-Page(s) #32-33**Copies of BOTH; the Initial signed USM-285 and the 2nd USM-285 unsigned, and initiated by Courts Clerks (2 pages). Also included, **COM-Page(s) #34:** Copies of Certified Mail Receipts demonstrating filings and motions were sent in triplicate to Courts Clerks. Reference for Docket Items #8, 11-12. (1 page). Reference Docket Items #11, 12 Section II – page 3: Motion(s): Request for Entry of Default Due to Def. Failure to Answer And Request for Summary Judgment dated April 23, 2004 Amended Motion for Summary Judgment w/ Supporting Docs. to Support Genuine Issue for Trial filed May 6, 2004 (1st 6 pages only –7 pages not included in this Complaint -Pg(s) #45-50).

- **Copies of both** Motion(s) for Correction and Notice of Error: COM-Page(s) #35-37: Docket #5: 1st Motion dated April 15, 2003 – regarding Clerks removal, editing of or manipulating Pltf's.s filings (3 pages – #1, 5 & 7). THE COURT HAD KNOWLEDGE BUT DID NOT ACT!
- **COM-Page(s) #38-50:** Docket #5: 2nd Motion dated July 27, 2004 –Regarding Clerks withholding, manipulating, delaying and mislabeling Motions (13 pages – includes 1st 6 pages of Amended Motion dated May 6, 2004).
- **COM-Page(s) #51-52:** Copy of Docket Notation between and under # 13 - #14: shows only Item 11 (filed April 23, 2004) was submitted to newly assigned Judge Duffey on JULY 15, 2004...CLEARLY, withholding Item 12-Amended Motion (filed May 6, 2004). (2 pages).
- **COM-Page(s) #53-54:** Copy of Docket Notation on System showing Item 12-Amended Motion (filed May 6, 2004) mislabeled (2 pages).
- **COM-Page(s) #55-56:** Docket item #11-2: Clerks sent, Notice to respond to Summary

Judgment allocating Def's. time for response is (20) twenty days... (2 pages).

- **COM-Page(s) #57:** A copy of Docket notation which is manipulated to reflect that Pltf's. executed a second Summons when the Courts processed this... on its own. This entry also confirms Def's. repeatedly were allowed to ignore deadlines. (1 page).

- **COM-Page(s) #58:** Docket Notation under # 13 - # 14: Case Reassigned to Judge William S. Duffey on July 15, 20014 - After Pltf's. Req. for Summary Judgment (sent in triplicate) (1 pg).

- **COM-Page(s) #59-61:** Docket # 17: Def's. ANSWER finally filed August 14, 2004 (1-3 pages) and Response to Pltf's.s Request for Entry of 12 Default (4 pages 1-4).

- **COM-Page(s) #62-65:** Docket # 24 & #25: Judge William S Duffey - Order of Dismissal shows favor and willfully delayed out of an illicit motive and in order to assist the Def. who are a governmental entity, evade accountability. I am sure that both Complaints dismissals and my father being convicted of and serving a life sentence for murdering a police officer, Stanley Rapaski w/ Cass Czerwinski is not a coincidence.

- **COM-Page(s) #66:** See Docket Entries #15-21: Clerk Initials (kt) were *'handling'* ALL of the motions, pleadings and my filings (that laid mislabeled and dormant (1 page).

- **COM-Page(s) #67-69:** Partial copy of Docket #33: The Judges COA incorrectly stated, 'claim was filed *only* under 42 U.S.C. 1983' and added that it was 'dismissed for 'failure to state a claim' but 'this' was not applicable. They never questioned whether Clerks duty to provide Service of Summons on IFP and Pro Se case or that the initial Judge ruled 'Def. -Police) CAN be suable.'

- **COM-Page(s) #70:** A Copy of Recent background search reflecting inaccurate information, charges and on March 8, 2014, Georgia government site displayed a photo of a black male listed as being Pltf. (1 page) AND **COM-Page(s) #71:** A copy of a letter referencing the use of an illegally obtained warrant to take housing and employment for decades from Pltf's. (1 page).

- **COM-Page(s) #72-77:** A partial copy of Docket # 20 - Pltf's. Memorandum in Opposition of Def's. Motion to Dismiss (1st 6 pages). Clearly, referring to Docket, Order & Motions Corrections.

The COA clerk that accepted the Complaint of Misconduct did not provide proper stamp

and did not assign a docket number at time of filing (as required by courts rules). After I submitted the required number of bound filings, the executive clerk requested unbound copies. On the same day that Pltf's. provided the additional unbound copy, a copy of the first page of the COM was requested. This copy included the assigned docket number and court stamp; yet, the stamp and first page of COM was completely different from the initial submission of the COM. The ruling advised that the Complaint "is based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred or that a disability exist..."

As the ruling on the Complaint of Misconduct summarized the Complaint, there was no reference to Docket #9 -10 shows Service WAS processed timely. There was no the issue of Service and how the Court Order designated Clerks had duty to process service (AND THEY DID) but Courts allowed Def's. to blame Pltf's.. I supplied a copy of the signed, initial Service forms that court's docket showed were previously processed. I supplied a copy of this secondary Service forms that were processed without Pltf's.'s signature. Although the initial Judge had declared that Def's. can be a suable entity AND designated the duty of Service to the Clerks, the Courts took it upon themselves to re-process service on the Def's. without my signature but referenced Pltf., Tiwanda Lovelace as the one performing service.

Def's. were allowed an additional 4 months to file an Answer. The docs. that was provided demonstrated that even after the Courts designated Clerks sent a document entitled, Notice To Respond To Summary Judgment; to both the defendant and Pltf's. dated 04-26-2004 advising the standard 20 days for Defendant to file Answer; yet, Answer was filed in 08-27-2004. Court allowed Def's. additional time while delaying and withholding Pltf's. filing. The docket item #13 shows def. falsely alleging that Re-Service was actually not processed by Pltf's.; however, it was a manipulation by the Courts to deliberately infer and create issue of Service although PACER docket item # clearly shows Clerks did process initially. The difference between the stamp provided by COA's Clerk upon initial submission of COM and the lack of following procedure by not properly assigning a docket number for the COM at time of

submission...raises further questions regarding misconduct and the handling of complaints.

I am sure that both Complaints dismissals and my father being convicted of and serving a life sentence for murdering a police officer, Stanley Rapaski w/ Cass Czerwinski is not a coincidence.

I would like to request a conference so that I may review and compare the Complaint that was use for the ruling which declared 'lacked sufficient evidence' and '...without more' because a preponderance of evidence was submitted to support each allegation. Previously the Courts deliberately ignored, disregard and withhold information crucial to Pltf's allegations...It's not impossible that some information may have also been ignored, disregarded and withheld which lead to the Ruling stating the COM 'lacked sufficient evidence' or was 'without more...'

In conclusion, from the Chief Judge's Ruling and based on each Complaint stems from Courts refusal to recognize the highlighted, supporting documents and/or is not receiving all of the submitted questionable supporting documents; which substantiates each allegation. I would like to humbly request to meet with the Committee directly so that I may explain each allegation and show misconduct, compare the Complaint submitted with the Complaint that the Chief Judge was provided. Each act alleged, leads to a substantial and widespread lowering of the public's confidence in courts; especially, when evidence is ignored. Plaintiff has suffered continued opposition from many governmental agencies who has 'under color of law' taken housing and gainful employment. Pltf. has been refused legal representation and is being deliberately deprived my opportunity for justice by the Courts Judges, Clerks (as shown in COM pgs. 8-82). The behavior of the Court not only condoned the Def. actions BUT facilitated the violation of and deprivation rights...*which continues today*. Plaintiff has been subject to years of unnatural opposition, persecution, invasion of privacy, mail tampering, etc... due to both state/governmental entities willful deliberate neglect; thus, obstructing justice. I appeal to the Judicial Council for consideration in recognizing Courts accountability for misconduct .

Thank you for your consideration,

Tiwanda Lovelace