United States district court — middle district for Tennessee, civil division

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Plaintiff

V.

William Orange, *et al*

Defendants

Case no. 3:22-cv-00911
Judge Waverly Crenshaw
Magistrate judge
Barbara D. Holmes

Jury trial demanded

Brief in support of motion for review of nondispositive order of magistrate judge

Table of contents

SUMMARY: Dismissal is wrong. Constitutionally guaranteed rights cannot be abrogated, with timeliness claims no bar in case of ongoing material harm and corrupt custom.

I. False imprisonment claim in equity

Complaint's equitable claims under constitution 5
Court sidesteps equity claims 7
False imprisonment policy of AOC 8
False imprisonment policy of city 9
Right to attend conference (AOC harms) 11
Right to be arrested under a warrant, with probable cause (Orange, city harms) 12
Right to relief for 2 continuing illegal imprisonments 12

II. False arrest claim at law

Citation law requires pre-adjudication booking 14

Citation = prolonged custodial arrest = harm 20

Citation nonjudicial, not sufficient charging instrument 21

False arrest twice over is ongoing deprivation 23

III. Prejudicial court rules

Pro ses denied electronic filing 24

Interlocutory appeal notice 26

Relief requested 26

EXHIBITS (1) city of Franklin booking notice (2) Jail booking report (3) Expungement

Brief in support

Plaintiff objects to the court's recommendation to dismiss as the magistrate's brief contains factual inaccuracies which substantially misrepresents and miscolors the nature of the complaint, thereby completely disregarding the aggrieved party's claims and petition for equitable relief. The dismissal recommendation disregards petitioners' claims of false imprisonment. The harm of false imprisonment and deprivation of rights is continual and ongoing to this very moment should the court fail in its duty to uphold justice in protecting the constitutional civil liberties by granting further judicial review and oral arguments in support of the petitioner's complaint for relief and redress of grievances.

Given the ongoing conspiracy and continuing irreparable harms imposed by agents of two branches of government acting in collusion to deprive a member of the press of his rights, the court cannot avert its gaze or close its eyes so as to ignore the equity grievances secured by the U.S. constitution. Were this court to dismiss and ignore realtor's petition and complaint for redress of grievances absent further judicial review, it would effectively be consenting to the arbitrary and capricious whims of state actors who have single-handedly attempted to subvert,

repudiate, and overthrow of both federal and state constitutional protections by the mere stroke of a pen.

Plaintiff asserts that the dismissal recommendation makes an incorrect assertion as to the effective arrest date and/or actual delivery of the complaint to the court. Expungment and jail intake paperwork evince an effective arrest date of Nov. 11, 2021, rather than Nov. 6, 2021, which would negate the proposal's claim of untimely filing.

False imprisonment is an *unwarranted rights obstruction not requiring seizure.* [1] Relator asserts that he is covering the Tennessee judicial conference on Nov. 6th, 2021 as a matter of right under both U.S. and state constitutions. Plaintiff asserts that he is unconstitutionally deprived of his civil liberties without warrant or probable cause and that the state has erected a statutory scheme of general warrants whereby due process protections regarding arrests and judicial review prior to booking and processing are eviscerated. Plaintiff demonstrates that he is seized without warrant and not delivered into the hands of the state until Nov. 11, 2021, at which point he remains deprived of his liberties without judicial review until Dec. 14, 2021, contrary to law.

The deprivation of constitutional rights and civil liberties suffered under color of law at the hands of state officers, employees, agents and of private individuals continues to persist in the form of irreparable harms to the public through the ongoing repudiation of constitutionally protected press rights under the pretense and veneer of a "judicial security" specifically forbidden by Tenn. const. art. 11 sect. 16 and the federal 1st amendment.

This suit relies on the 1st amendment (press rights); 4th amendment (no "unreasonable *** seizures"); 5th amendment ("No person shall *** be deprived of life, liberty, or property without

[1] "Underlying the legal recourse available for false imprisonment is that no right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his or her own person, **free from all restraint or interference** of others, unless by clear and unquestionable authority of law. No person, by the show of violence, has the right to put another in fear and thereby **force another to leave a place where they have a right to be** [plaintiff's home], and no person may forcefully prevent another person from **leaving a place the person has a right to leave.**"

35 C.J.S. False Imprisonment § 1 (emphasis added)

due process of law"); the 9th amendment (no government can "deny or disparage" an unenumerated right); and the 10th amendment (powers not delegated to the United States "reserved to the states respectively, or to the people"). This case invokes U.S. const. art. III, sect. 1, authority of the federal court to handle not just matters at law, but also "justice" (equity).

Relator objects to the claim that the complaint is "untimely" under 42 U.S.C. § 1983. The *pro se* petition is sent to the court in good-faith via certified U.S. mail Nov. 5, 2022, (see doc. 28) with the statutory deadline being Nov. 11, 2022, date of arrest and jail booking. The clerk enters the complaint in the docket Nov. 9, 2022, clearly a timely filing for the purpose of tolling time. False imprisonment against protected and protectable federal interests and rights continues through booking date Nov. 11, 2021, under an unconstitutional T.C.A. § 40-7-118.

Plaintiff objects to ongoing false imprisonment by non-physical obstruction of the fundamental press member rights without warrant under color, which harm is admitted, or not denied, by respondent pleadings.

T.C.A. § 40-7-118(d)(6) requires that officer Orange take plaintiff to a magistrate immediately upon demand following a warrantless arrest. Plaintiff enjoys the constitutional right not to be imprisoned or held to account for any crime except by presentment, indictment, impeachment [2] or by *judicial* finding of probable cause under the U.S. 4th and 5th amendments and under Tenn. const. Art. 1 sect. 8 . Booking an innocent man under an unconstitutional statute is a continuing material harm of false imprisonment and false arrest, and the booking date rebuts the proposal's timestamp-based dismissal.

False imprisonment is an unwarranted rights obstruction that doesn't require one be dragged from an auditorium. *Being denied access is the false imprisonment.* As petitioner awaits this relief, he herein defends the complaint's distinct two counts from mistreatment.

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[2] Tenn. const. art. 1, sect. 14. "That no person shall be put to answer any criminal charge but by presentment, indictment or impeachment." See Also, "No person can be committed to prison for any criminal matter until examination thereof is first had before some magistrate" *Tenn. Code Ann.* § 40-5-103.

I. False imprisonment count

Complaint's equitable demands under constitution

Equitable claims may be hard to see except in an U.S. const. art. III court. The complaint is a "combined action," a "petition to the [g]overnment for redress of grievances" (doc No. 1, p. 3, PageID # 3). The combination is *at law* for damages, and *in equity* for proper financial restoration and for permanent injunction for continuing relief of plaintiff and those Tennessee citizens and other men and women in like station. It cites the 1st amendment to the U.S. constitution applicable to the states and defendants, via the 14th amendment, and claims the court's power and protection that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State 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."

Federal law at 42 U.S.C. §§ 1983 & 1985 is a statutory mechanism by which members of the abused public can reach protection and redress under constitutional government, at law and also in equity, from "deprivation of any rights, privileges, or immunities" by state actors such as the AOC defendants and city defendants.

Prior to attending the Tennessee judicial conference Nov. 6, 2021, plaintiff provides notice to Page of his plans to exercise his 1st amendment and Tenn. const. Art. 1 sect. 19, press rights by covering the conference. He demands they give him a safe space in which to exercise his rights. The notice provided to Page is exhibit No. 4 in plaintiff's answer to Orange's motion to dismiss.[3] "[H]e attends by constitutional right of the press and its appurtenant public uses or purposes. The meeting of government employees, on property under contract with the state for payment, deals with topics that affect the public and taxpayer interest, the convocation among judges who 'draft suitable legislation and submit its recommendations to the general assembly,' Tenn. Code Ann. § 17-3-107" (doc. No. 1, p. 5, PageID # 5).

[3] "Memorial, remonstrance & petition invoking administrative authority to access AOC conference" is sent to defendant Page certified U.S. mail on or about Oct. 18, 2021, briefing him on his lack of authority to bar the public from judicial conference. (Doc. No. 37, p. 20, PageID #: 241)

"Page is in charge of the conference and fails to provide protected space for members of the public such as plaintiff, and so interferes without a warrant upon the protected constitutionally guaranteed press rights of plaintiff, in coordination with others" (doc. No. 1, p. 11, PageID # 11).

The complaint traces a sequence of events that comprise the common law tort of false imprisonment, citing 11 sets of facts in sequence that constitute a false imprisonment event. (1) One policy threat is illicit secrecy that imprisons relator outside each and every of the six conferences held annually by AOC that he has right to cover today as reporter. (2) The other is the general warrants scam forbidden by law, and operating nonstop in Franklin.

Plaintiff's analysis of continuing lawbreaking and irreparable harm by city defendants is the basis for equitable relief demands to be free from false imprisonment and corruption.

> City's agent Orange does not, and cannot, accuse plaintiff of having caused a 'public offense,' one that has a threatening, violent, menacing, riotous, affray-like face, a harm visible to the human eye in the nature of a 'breach of the peace threatened,' or while he is enjoying a protected fundamental right or liberty interest. Defendant city's misrepresentation of the law voids the statute, co-opts license under color of law, allowing, under color, its agents to make all arrests without a warrant, in breach of Tenn. const. Art.1, sect. 7, regarding warrants and arrest, evading the lawful constraints placed upon the defendants by the general assembly's grant of warrant exceptions at T.C.A. § 40-7-103

(doc. No. 1, p. 9, PageID # 9).

To be free to cover the next Tennessee judicial conference, plaintiff serves a public interest by demanding injunction in equity for continuing highhanded wrongdoing. "To prevent similar wrongs against himself intending to cover any Tennessee judicial conference, plaintiff demands, that the judicial branch's Feb. 1, 2022, policy, No. 3.04, 'Subject: Attendance at AOC Conferences,' created in response to plaintiff's Nov. 6, 2021, arrest, be ruled unconstitutional, null and void, and that defendants be commanded, or any subsequent authority, to halt abuses like those complained of in this case" (doc. No. 33, p. 4, PageID # 197). Against the city,

similarly, he demands relief of himself — and eventually the citizenry statewide, by service of injunction upon Franklin and like parties (doc. No. 1, p. 13, PageID # 13).

Court sidesteps equity claims in false imprisonment

AOC and city defendants don't answer the complaint, but respond facially on procedural grounds, the main one being timely filing. The magistrate's proposal to dismiss goes along with this herd. It unjustly seeks to pretermit the equity claims of ongoing false imprisonment harms under the constitution. "The Court finds that Plaintiff's failure to file a timely complaint bars him from seeking relief under Section 1983 on the claims that he asserts" (doc. No. 52, p. 14 PageID # 338).

Again, "false imprisonment is an unwarranted obstruction of rights not requiring physical contact or seizure." The court claims no authority to halt the nonphysical deprivation of the protected interests claimed in the complaint, ongoing since Nov. 6, 2021. The false imprisonment count is distinct and separate from false arrest. Plaintiff objects to the court's conflating them and to see the act of physical arrest as the only harm of which the lawsuit complains. [4]

Undisputed facts upon the claim of false imprisonment are:

a. The relator/plaintiff possesses the right to be free from the unwarranted deprivation of protected fundamental rights, such as press and free speech.

b. From Nov. 6, 2021, through Dec. 14, 2021, and to this day, defendants Orange and city of Franklin deprive plaintiff of protected fundamental rights without warrant or probable cause when by law he can be subject to jailing only under warrant, adjudication, presentment or indictment.

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[4] Says the proposal: "Finally, Plaintiff's Fourth Amendment claim for false arrest and false imprisonment accrued on the day that he was arrested given that he was released that day shortly after his arrest and was not further detained or held in custody. *Dibrell*, 984 F.3d at 1162 ("[The torts of false arrest and false imprisonment], which again challenge a detention without legal process, accrue at the earlier of two dates. They accrue when the false imprisonment ends with the plaintiff's release. Or, if the plaintiff remains **detained**, they alternatively accrue when the false imprisonment ends with the issuance of legal process - when, for example, the plaintiff **is brought before a magistrate**" (Doc. No. 52, page 10, PageID #: 334).

Exactly. In instant case, release occurs Dec. 14, 2021, when magistrate (general sessions court) finds that no criminal trespass occurs, that no probable cause exists, that defendants' imprisonment and arrest of relator has no legal basis or substance.

c. From Nov. 6, 2021, to the present, defendants Page and Crawford keep a false imprisonment and false arrest wall around the conference, in violation of the Tenn. const. Art. 1 sect. 19; the open meetings act at T.C.A. § 8-44-101; the federal 1st amendment; the federal 4th amendment; and the leading Tennessee case Dorrier v. Dark, 537 S.W.2d 888 (Tenn. 1976).

d. On Dec. 14, 2021, judge M.T. Taylor, duly presiding over Williamson County sessions court criminal division, confirms in lawful judgment defendants have no probable cause to imprison plaintiff.

e. Defendants at AOC and the city do not comply with longstanding well established law, hence persist with a false imprisonment abrogating plaintiff's rights to come and go at liberty, to AOC conferences, and in the host city of Franklin and other municipal bodies of like standing.

Defendants seek the court's protection, sanction, and approval to continue their obstruction of fundamental protected liberties without warrant, under color of law, color of authority, color of office and color of right. The court's proposal gives license to continue acts depriving plaintiff and people of like station of their rights, and to *infringe upon them in continuing policies, practices and customs* subject to relief demanded in the complaint and presented to the court as twin petitions for permanent injunction (docs. No. 31, 34).

False imprisonment policy of AOC

For their part, state officers, agents, and AOC employees conspire to deprive plaintiff of his press rights to falsely imprison the plaintiff by way of a carefully crafted campaign of legal misrepresentations, solicitation of trespass, and the unethical and immoral puppeteering of unwary and unsophisticated hotel staff as well as local police officers through the improper influence and intimidation of public authority figures. In the present case, plaintiff enjoys a constitutionally protected right to attend the conference as said body is empowered by law to make public policy recommendations to another public body (the legislature).

The subsequently minted AOC Education Attendance Policy 3.04 unconstitutionally encroaches upon Plaintiff's 1st, 4th, 5th, 9th, and 10th amendment rights as well as the declared rights of Tenn. Const. art I sect. 19 and art. 11 sect. 16 by unlawfully imprisoning and preventing the plaintiff from the free exercise of his liberties under the false pretense and optics of "judicial security." But for the right of revolution through the taking up of arms and hostilities; or the

immediate intervention of the honorable court, the citizens of Tennessee have no other meaningful way of compelling the "high powers" and other state actors to respect and observe the limitations placed upon them by the U.S. and Tennessee constitutions. AOC education policy 3.04 repudiates the declared rights of Tennesseeans expressly reserved to them by 9th and 10th amendments. Furthermore, this policy reflects most vividly the ongoing systemic oppression and deprivation of rights by certain officers, agents, and employees of the state, acting under color, to falsely imprison the citizenry through the creation and promulgation of unconstitutional policies originating with the "high powers we have delegated" contrary to constitutional limitations placed upon them. (doc. No. 48).

As declared in the complaint, defendants take no less than 11 steps to deny the exercise and enjoyment of the plaintiff's constitutionally protected liberty interests. "Page is in charge of the conference and fails to provide protected space for members of the public such as plaintiff, and so interferes without a warrant upon the protected constitutionally guaranteed press rights of plaintiff, in coordination with others" (doc. No. 1, p. 8, PageID # 8). The proposed dismissal ignores the continuing harm aspects of the lawsuit and, if granted, unjustly perpetuates the unconstitutional harms by officers, agents and employees of two areas of government who are constitutionally forbidden from transgressing or violating the provisions of Tenn. const. art 11, sect. 16 "on any pretense whatever."

False imprisonment policy of city

The facts described in the complaint, as evidenced by officer Orange's bodycam, shows a journalist quietly standing upon his rights. He refuses to leave the conference, at which he has taken a seat. Orange, AOC's Crawford and Atrium manager Hegwood conspire and agree to have the hotel staff "trespass" plaintiff from the meeting space. The Orange bodycam shows this conspiracy meeting starting at -50. (See detail doc. No. 37, pp. 9-14, PageID ## 230-235).

Plaintiff enters the publicly procured meeting space under authority of an express constitutional right, having also provided sufficient notice to all defendants that he is a member of the press intent on observing a judicial proceeding in which he had no intention of leaving. Without consulting counsel or petitioning a nearby judge or magistrate to obtain an arrest warrant, Orange

arrests plaintiff on his own authority without probable cause. Officer Orange eventually places plaintiff under arrest, who demands immediately to be taken before a magistrate four times (Orange bodycam at -27.) [5] Orange presses the plaintiff, cuffed and strapped to an ambulance gurney, to sign and accept a release citation rather than taking him to the magistrate upon demand as required by T.C.A. § 40-7-118(d)(6). Plaintiff reluctantly signs the citation under duress of continued false imprisonment, thereby winning the immediate release from immediate physical custody of the officer. As a condition precedent to the custodial "release" from his physical restraints, plaintiff is ordered not to return to the judicial conference and is thereby continually imprisoned and deprived of his liberty interest in returning to a publicly procured meeting space at the Atrium Hospitality property where he otherwise holds a constitutional right to be as press member. Under duress and threat of continued warrantless abduction, plaintiff is forced to yield the enjoyment of constitutionally protected press rights in exchange for safe passage home without further molestation or interference of city employees acting under color of law, color of office, color of authority and color of right.

This process violates the U.S. 5th amendment that "no person shall be held to answer *** nor be deprived of life, liberty, or property, without due process of law" and T.C.A. § 40-7-103 requiring warrant, and Tenn. const. art. 1, sect. 7 ("general warrants *** are dangerous to liberty and ought not be granted." (See brief doc. No. 32, petition for injunction doc. No. 31; affidavit & motion for summary judgment, doc. No. 48; brief in support, doc. No. 49.)

Under defendants' custom and usage, plaintiff is imprisoned and deprived of his liberty to examine the proceedings of a branch or officer of government as secured to him under both U.S. and Tennessee constitutions. While technically "freed" from the physical restraint and custody of officer Orange, plaintiff asserts that he nonetheless remained deprived of liberty and held under non-custodial arrest from Nov. 6, 2021 through Nov. 11th, 2021 and continuing until Dec 14, 2021 wherein relator is not free to come and go as he pleases. The plaintiff's "complete and

[5] From the bodycam. TULIS: "I'm here to see the magistrate. I have a right to see the magistrate. *** Are we going to the magistrate? ***. " ORANGE: "Eventually," TULIS: "I have a right to see the magistrate before booking. Before booking I have a right to see a magistrate." -27

present cause of action" under *Dibrell v. City of Knoxville, Tennessee*, 984 F.3d 1156, 1162 (6th Cir. 2021) lasts *at least through* his second arrest at the jail Nov. 11, 2021. Plaintiff contends it lasts until Dec. 14, 2021, when plaintiff has a first interview with a magistrate in sessions court.

Right to attend conference (AOC harms)

Plaintiff asserts that he enjoys an express inviolate constitutional right to cover judicial conferences without injury, interference, deprivation, or transgression by state officers, agents, or employees. Plaintiff also asserts that he maintained the right to be free from warrantless arrest absent probable cause, whether instigated by AOC, hotel staff, or city defendants. Williamson County sessions court's dismissal of the criminal trespassing charges at T.C.A. § 39-14-405 evinces the plaintiff's right to engage in constitutionally protected activities in publicly-procured venues. Plaintiff asserts that one or more public servants did knowingly and actively plot and conspire to deprive him of his civil liberties by soliciting a false criminal trespassing charge from hotel management in retaliation thereof whereby Atrium Hospitality LP is to be the pretended "aggrieved party complainant" demanding that the plaintiff be removed. Said individuals, thereby, act in their personal capacity as private citizens without lawful delegated authority or a reasonable basis of good-faith belief. A conspiracy to deprive civil liberties can be readily proven through emails and conversations captured via officer bodycam.

The physical seizure and arrest is a single act of false imprisonment in a wider and more insidious false imprisonment narrative describing customs alleged in the complaint. The court does not address the general warrants scheme, nor Page's abuse of discretion as overseer of AOC to subsequently craft a "policy" to to add an air of legitimacy to his retaliatory actions.

The court looks at the case narrowly through at-law damages claims through 42 U.S.C. §§ 1983 1985, unjustly ignoring the complaint facts, taken true by defendants in their facial defense, and denying relief from his arrest and AOC policy No. 3.04, "Subject: Attendance at AOC Conferences." The complaint demands relief from *persevering and unrelenting irreparable harm in continuing wrongful conduct in equity*, denied as having the urgency it is due under equity principles.

Right to be arrested under warrant, probable cause (city harms)

Just as AOC is intent on continuing unconstitutional usages, so respondent city doubles down in continuing abrogation of law. In seeking to deflect relator's demand for injunctive relief under the constitution, it insists that without its *prima facie* system of outlawed general warrants, it will suffer police inefficiencies that will endanger the public (doc No. 40, p. 6 PageID # 261).

Where the dismissal recommendation court speaks improperly by ignoring the lawsuit's false imprisonment claims, the equity relief's stopping the ongoing infringement cannot be further denied by the court, if not the at-law relief as well. The nature of the complained-of deprivation, a continuum beginning Nov. 6, 2021, through today, solves the court's timeliness objection..

Right to relief for 2 continuing illegal imprisonments

In sum, false imprisonment is obstruction or deprivation of a fundamental protected interest without warrant or probable cause. It is the detention or restraint of one against his will, the unlawfulness of such detention or restraint being done under color of state or federal law. Equity claims surrounding the false imprisonment count do not fail to be timely under the U.S. constitution, pursuant to art. III jurisprudence, insisting justice be done, requiring protection before admitted unwarranted deprivation. The harm of false imprisonment in this case is continuous today, despite the magistrate's brief. [6]

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[6] The court's reference to "malicious prosecution" is inapplicable and prejudicial if intends to suggest plaintiff is adding that as a count to be proven. The complaint claims two torts — false imprisonment and false arrest. Malicious prosecution is not an element to encumber either claim. The complaint does **not prosecute** malicious prosecution for purposes of relief. The court's recommendation cites Johnson v. City of Cincinnati,
310 F.3d 484, 492-93 (6th Cir. 2002) and implies that the case can be dismissed because its facts do not "constitute a deprivation of liberty for a malicious prosecution claim." (doc No. 52, p. 14, PageID # 338).

It refers to prosecution of the criminal case as "malicious" because it is a case without probable cause, (doc. No. 1, p. 7, PageID # 7), and to indicate the continuing control and unwarranted intention of officer Orange despite clearly established law to the contrary, to punish relator for exercising his clearly established protected fundamental rights and interests as is the defendant practice and custom for general warrants, admitted in answer against petition for injunction (doc. No. 40, Page 6, PageID # 261).

The proposed dismissal fails to acknowledge or address the art. III pertinent claims. Instead, it seeks to place equitable claims in the realm of administrative law claims, which is patently absurd. Relator asks if the magistrate represents a court of art. III competency, and if so, how? The court of appeals for the federal circuit acknowledges nationwide art. III jurisdiction and power with qualified judges. The district court does not.

II. False arrest count

Plaintiff's false arrest claims are, like those of the count above, premised on constitutionally secured legal guarantees above, incorporated here by reference.

The proposal misstates the sequence of events, implying that defendant Orange takes the aggrieved before a magistrate (plaintiff "was taken" for booking). Booking occurs days later. "Plaintiff alleges that Orange gave him a summons for committing criminal trespass in violation of Tenn. Code § 39-14-405, a Class C misdemeanor, required that he sign the citation, and refused to take Plaintiff before a state magistrate. Plaintiff alleges that **he was taken to the Williamson County Jail for 'booking,'** but he does not allege that he **was held at the jail after being booked**. He alleges that he was required to return to Franklin from Hamilton County on December 14, 2021, for a hearing in the General Session Court, at which time the charge was dismissed upon a finding that no probable cause existed" (doc. No. 52, p. 3, PageID # 327) (emphasis added).

In brief, plaintiff is unconstitutionally compelled to make a separate trip to Williamson County for booking and processing prior to his first judicial encounter. On Dec. 14, 2021, complainant appears before a Williamson County sessions court judge who determines the arrest is without probable cause whereupon the accused is released from arrest and fully restored in his liberties. Dismissal of T.C.A. §39-14-405 criminal trespass charges against plaintiff shows relator makes no mistake to insist upon his rights in the Atrium Hospitality hotel auditorium to attend the open-to-the-public conference as a matter of right.

The dismissal proposal wrongly insinuates that the "arrest" ends when relator is uncuffed and ordered to leave the property. Plaintiff objects to this reasoning and asserts to the contrary that the "arrest," imprisonment, and deprivation of his liberties does not actually cease until the adjudication of "no probable cause" is determined by a neutral and detached magistrate at which point Tulis is fully released and emancipated from custody being only then fully restored in panoply of his rights and liberties as a free man. (doc. No. 52, p. 14, PageID # 338)

The undisputed facts upon the claim of false arrest are:

a. The relator/plaintiff possesses the right to be free from the unwarranted deprivation of protected fundamental rights, such as press and free speech.

b. On Nov. 6, 2021, defendants Orange and city of Franklin falsely arrest plaintiff under pretense, in retaliation for his exercise of a constitutionally protected liberty; thereby depriving him of a protected fundamental right without warrant or probable cause when, by law, he could only be subjected to jailing and booking upon: a duly executed arrest warrant, adjudication, presentment, or indictment.

c. From Nov. 6, 2021, to the present day, defendants Page and Crawford maintain a false arrest wall protective of the Tennessee judicial conference, in violation of the Tenn. const. Art. 1 sect. 19; Tenn. const. Art. XI sect. 16; the Tennessee open meetings act at T.C.A. § 8-44-101; the federal 1st amendment; the federal 4th amendment; and the seminal Tennessee case of Dorrier v. Dark, 537 S.W.2d 888 (Tenn. 1976).

d. From Nov. 6, 2021, through Dec. 14, 2021, the hearing date, plaintiff is under false arrest personally of defendant Orange, as he is not under authority of any judicial order, finding or determination.

e. On Dec. 14, 2021, judge M.T. Taylor, duly presiding over Williamson County sessions court criminal division, confirms in a lawful judgment defendants had no probable cause to arrest plaintiff.

f. Defendants at AOC and the city do not comply with longstanding well established law, hence persist with a continuing policy of false arrest abrogating plaintiff's rights to come and go at liberty, to AOC conferences.

Citation law 'requires' pre-adjudication booking

Plaintiff is booked Nov. 11, 2021, under T.C.A. § 40-7-118 that requires him to appear at the county jail for booking. Tennessee public policy favors citation over arrest in the interest of judicial efficiency, economics, improving public safety and reserving jail space for criminals. In

misdemeanor cases such as this one,[7] "issuance of a citation in lieu of arrest" brings "cost savings and increased public safety by allowing the use of jail space for dangerous individuals and/or felons" and "[keeps] officers on patrol" Tenn. Code Ann. § 40-7-118. Such law unconstitutionally infringes upon his due process rights.

The citation allows a person under arrest to be physically uncuffed and released, or to not be touched by the officer and to be allowed to depart. This signature "in lieu of continued custody" saves the officer from the duty of taking the misdemeanor defendant "before a magistrate" at the jail.

> A peace officer who has arrested a person for the commission of a misdemeanor committed in the peace officer's presence *** shall issue a citation to the arrested person to appear in court **in lieu of the continued custody** and the **taking of the arrested person before a magistrate.** If the peace officer is serving an arrest warrant or capias issued by a magistrate for the commission of a misdemeanor, it is in the discretion of the issuing magistrate whether the person is to be arrested and taken into custody or arrested and issued a citation in accordance with this section in lieu of continued custody.

Tenn. Code Ann. § 40-7-118(b)(1) (emphasis added)

Booking is an involuntary and compelled act under Tennessee law. By signing a citation, an accused unwittingly enters an "[agreement]" to yield a constitutional right, that being his liberty to not be imprisoned apart from a seizure OK'd by a magistrate or judge:

> (f) By accepting the citation, the defendant **agrees to appear** at the arresting law enforcement agency prior to trial to be **booked and processed**. Failure to so appear is a Class A **misdemeanor.**
>
> (g) If the person cited fails to appear in court on the date and time specified or fails to appear for booking and processing prior to the person's court date, the court shall issue a bench warrant for the person's arrest.

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[7] Tennessee government's full rationale for citations:

"[T]he general assembly finds that the issuance of a citation in lieu of arrest of the suspected misdemeanant will result in cost savings and increased public safety by allowing the use of jail space for dangerous individuals and/or felons and by keeping officers on patrol. Accordingly, the general assembly encourages all law enforcement agencies to so utilize misdemeanor citations and to encourage their personnel to use those citations when reasonable and according to law." Tenn. Code Ann. § 40-7-118(h)(2).

Tenn. Code Ann. § 40-7-118 (emphasis added)

An accused is not adequately informed, nor given notice, that he is yielding a constitutional right by signing his name upon the face of the citation. He is not asked to waive a right, nor asked to give consent to doing so. Pursuant to above, the plaintiff "agrees" to appear — under threat of "a Class A misdemeanor" charge — at the "arresting law enforcement agency" or, if instructed by the officer, at the jail. Defendant Orange's employer does not run a jail. Williamson County sheriff's department runs the county jail.

Defendant's "agreement" could arguably be construed as the giving of consent. However, the agreement in this case is between an armed police officer violating 40-7-103, and appears not in view of contract law analysis of a bargain or agreement. In this cause, plaintiff is under a warrantless and false arrest, in violation of the law and demands an arrest warrant prior to his arrest and then, subsequently, demands to be taken immediately before a magistrate.

The law appears open-ended as to when "[p]rior to trial" occurs. Does that mean the plaintiff could've entered jail for booking *after* his Dec. 14, 2021, probable cause hearing in sessions court? Not according to Orange and city of Franklin. It means *prior to a criminal defendant's upcoming court date* which may or may not be an actual trial. Defendant Orange gives plaintiff a written notice ordering him to appear for booking and processing prior to adjudication.

> You have been charged with a state criminal offense and have received a citation in lieu of an arrest warrant. By accepting the citation, you agree to appear at the Williamson County Criminal Justice Center for booking and processing **prior to your scheduled court date** ***. Failure to appear for such booking and processing is a separate criminal offense. [bold in original]

Franklin Police Department Misdemeanor Citation Booking and Processing Notice **EXHIBIT No. 1**

Once the offender signs the citation, the officer **"shall *** release the cited person from custody"** Tenn. Code Ann. § 40-7-118(e)(1)(C) (emphasis added). A second penalty in the

citation law attaches to failure to appear in court. That is an arrestable crime with jail up to 364 days.

> (j) Any person who intentionally, knowingly or willfully fails to appear in court on the date and time specified on the citation *** commits a Class A misdemeanor, regardless of the disposition of the charge for which the person was originally arrested. Proof that the defendant failed to appear when required constitutes prima facie evidence that the failure to appear is willful.

Tenn. Code Ann. § 40-7-118

The problem for defendants Orange and City of Franklin in the citation proceedings is that state law forbids the peace officer from issuing a citation to a person insisting on the right for immediate adjudication before a neutral and detached judge or magistrate.

> No citation shall be issued under this section if *** The person **demands to be taken immediately** before a magistrate or refuses to sign the citation.

T.C.A. § 40-7-118(d)(6) (emphasis added)

This ban on issuing a citation arises from a duty on the officer to "determine" that he cannot issue one and must take the person to a magistrate.

> (k) Whenever an officer makes a **physical arrest** for a misdemeanor and the officer determines that a citation cannot be issued because of one (1) of the seven (7) reasons enumerated in subsection (d), [see immediately above] the officer shall note the reason for not issuing a citation on the arrest ticket. An officer who, on the basis of facts reasonably known or reasonably believed to exist, determines that a citation cannot be issued because of one (1) of the seven (7) reasons enumerated in subsection (d) **shall not be subject to civil or criminal liability for false arrest, false imprisonment or unlawful detention.**

Tenn. Code Ann. § 40-7-118 (emphasis added)

Orange violates T.C.A. § 40-7-103, by not obtaining a warrant for a misdemeanor offense that is not a public offense. Furthermore, officer Orange holds an affirmative duty to deliver the plaintiff immediately into the hands of a magistrate, as requested. Officer Orange is standing in an auditorium full of qualified magistrates, any of whom could have issued a proper warrant at

the time in question pursuant with (T.C.A. § 40-5-102).[8] Additionally, officer Orange could have taken the accused immediately before a Williamson County judicial commissioner to protect himself and the city from claims for "civil or criminal liability for false arrest, false imprisonment or unlawful detention," pursuant with T.C.A. § 40-7-118(k).

This case is a civics class lesson on how abrogation of one law prompts abrogation of other laws downstream. If officers run an illegal general warrants scheme, as city of Franklin admits and defends, as targeted by this lawsuit, their departments and a permissive Tennessee legislature will need a pressure escape valve to deal with an arrest glut. That is the unconstitutional citation scheme. General warrants bring overpolicing; overpolicing requires a spreading out of the adjudicative process. If the jail is too crowded, let's delay the finding of probable cause to the sessions court at a "probable cause" hearing. What by law *must be done before arrest (the arrest warrant)*, now is done ***later*** – after false imprisonment and false arrest occur in this case, as no doubt in thousands of others. Adjudication is now *ex post facto*, looking backward to justify the officer's action rather than a process before seizure to force him or her to justify a proposed arrest before the officer puts a finger on the citizen or person. Plaintiff details for the court elsewhere the public protections that require keeping the warrant requirement, and restoring warrants once again into general use in Tennessee.

Citations reduce a municipality's economic pressures and resource management pressures. The efficiencies come at a cost of respect for constitutionally guaranteed, God-given, unalienable and inherent rights, and grief to the citizenry in their federally protected rights. The cite-and-release laws permit municipalities to profiteer handsomely off the backs of the citizenry absent due process of law. Indeed, the system abrogates and repudiates constitutional due process.

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[8] Magistrates in the conference room see no aberration from what they understand to be the arrest law in the Tenn. const. Art. 1, sect. 7, and in T.C.A. § 40-7-103, which lets officers make warrantless arrests on the spot for "public offenses" or "a breach of the peace threatened in the officer's presence." Warrantless arrest for a misdemeanor that is not a public offense is the norm, constituting a system of general warrant this roomful of judicial department public servants accept. Their applause at reporter's being involuntarily rolled out of the conference room shows the depth of their depravity and indifference to administering constitutional government.

The mandatory pre-adjudication imposition of "booking and processing" is unconstitutional on its face. The system in Tennessee improperly subjects otherwise law-abiding citizens to the scorn, ridicule, defamation and humiliation of hearsay accusations being leveled in a public forum prior to judicial review or a finding of probable cause for an arrest. Furthermore, these same "innocent until proven guilty" individuals are unconstitutionally subjected to the anxiety and concern due to unresolved criminal charges absent a finding of probable cause. The citation system allows for booking before a "judicial finding of probable cause" before "notice of the charge which must be answered" State v. Utley, 956 S.W.2d 489, 494.

A citation has the effect of a civil notice, but the law requires judicial notice of a probable cause determination *before jailing or incarceration.* Jailing of plaintiff is an injury. Jailing is an undeserved punishment for an innocent man arrested without probable cause. Plaintiff is not a flight risk, he is not a danger to himself or the public, he is not convicted of any crime, booked and processed into jail as though he were; this type of abuse has a chilling effect on those who might otherwise wish to freely exercise their constitutional rights and liberties, especially when done in retaliation for just such exercises. ***Having to go to jail for even 60 seconds is involuntary servitude***. Under Tennessee's system, the release hour, day or month is in the hands of men, not in the hands of law. In primitive rural areas in the South, or in California, people are locked in jail without cause or relief. [9]

The booking-before-adjudication process at T.C.A. § 40-7-118 is repugnant to both U.S. and Tennessee constitutions, and plaintiff hereby ***challenges its constitutionality*** as he is thereby injured on Nov. 11, 2021.

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[9] "DeAndre Davis has been waiting 651 days in a Sacramento County jail. Charged with the murder of a 21-year-old man shot during a robbery in 2019, he hasn't been tried and he hasn't been sentenced — and he hasn't even had a preliminary hearing to decide if there's enough evidence to take him to trial." Robert Lewis, "Waiting for justice," March 31, 2021, https://calmatters.org/justice/2021/03/waiting-for-justice/

See also a Reuters investigation about sick, addicted people trapped in county jails, "Dying Inside; The Hidden Crisis in America's Jails," a further headline, "Why 4,998 died in U.S. jails without getting their day in court," Oct. 16, 2020. https://www.reuters.com/investigates/special-report/usa-jails-deaths/

Citation = prolonged custodial arrest = harm

As a matter of law, plaintiff remained under the personal custody and "arrest" of defendants Orange and City of Franklin through the Dec 14th, 2021 probable cause hearing in sessions court. Because plaintiff is not actually "released" by a magistrate until Dec. 14, 2021 (the probable cause hearing date), the harms of false arrest, false imprisonment, and deprivation of civil liberties continued through that date.

Even if the Tennessee "cite-and-release" statute were deemed to be constitutional, provisions requiring pre-booking confinement for intake processing would constitute an extra-judicial civil injury accruing as a continuing harm as demonstrated by the Williamson County Corrections Booking Report, given plaintiff by defendant Orange. **EXHIBIT No. 2.**

The arrest and booking report refers to "misdemeanor detainee" "confined date" and "released date" — these being Nov. 11, 2021. Williamson County is the "confinement facility" and Nov. 11, 2021, is the "confined date/time." Danielle Cohen is "releasing officer" and Joseph Degati, among various roles, is "fingerprint officer." The day plaintiff enters the lockup is "incident date" and "arrest date/time." Entry into the jail is given as an "arrest" and a "confinement." Plaintiff's subsequent automobile trips to Franklin — 157 miles one way — are coercive and actionable as continuing harm. Significantly, the judicially signed expungement order of the case indicates the actual "date of arrest" as occurring on Nov. 11, 2021 rather than Nov. 6, 2021 as alleged in the magistrate's proposed dismissal. **EXHIBIT No. 3** (See doc. No. 24-1, p 4, PageID # 132).

The proposed dismissal incompletely asserts that plaintiff "was released that day shortly after his arrest and was not further detained or held in custody" and thusly that plaintiff's harm accrues on that day (doc No. 52, Page ID # 334). The magistrate's position goes on to wrongly assert that the ending of Orange's physical custody equates to the end of the seizure and arrest of plaintiff's person and liberties; however, plaintiff asserts that the seizure and arrest continue until he is fully emancipated and released by Judge M.T. Taylor with a finding of "no probable cause" of the arrest. Until that point of adjudication, plaintiff is not free to come and go as he pleases in the full exercise of his liberties. "We have held that a Fourth Amendment seizure 'continues throughout

the time the person remains in the custody of the arresting officers,' McDowell v. Rogers, 863 F.2d 1302, 1306 (6th Cir.1988), but we have not yet addressed whether the seizure could continue past this point." Johnson v. City of Cincinnati, 310 F.3d 484, 492 (6th Cir. 2002).

This citation in the proposal does not bear on instant case, and plaintiff objects. A citation in lieu of continued arrest ends defendant Orange's *physical* custody of plaintiff, however the citation does not bring an end to the *non-custodial arrest* of his person or the deprivation of his liberties.

Citation nonjudicial, not a sufficient charging instrument

"Because an arrest warrant may or may not issue upon the affidavit of complaint, the 'affidavit of complaint will not necessarily provide a defendant with notice that he is being charged with an offense, and an affidavit of complaint, with nothing more to provide a defendant with notice, is not a charging instrument.'" State v. McCloud, 310 S.W.3d 851, 860 (Tenn. Crim. App. 2009). "Having found that the State must charge a defendant with the offense, we note that the trial court in the instant case determined that the affidavit of complaint was itself the charging instrument, noting that "the affidavit of complaint was filed in this court jacket. It's filed. It's part of our court system." The appellant argued to the trial court that the affidavit of complaint, standing alone, did not provide him with formal notice that he was being charged with the offense. We agree." State v. Gastineau, No. W2004-02428-CCA-R3CD, 2005 WL 3447678, at *3 (Tenn. Crim. App. Dec. 14, 2005). "[T]he preliminary hearing must proceed on some sort of warrant or formal charge lodged against the defendant. Rule 5(a) further supplies support for this requirement. That rule covers two possible situations: first, in cases in which a defendant is arrested upon a warrant, he is to be taken to the nearest appropriate magistrate "from which the warrant for arrest issued" in order to enter his initial plea and for appropriate disposition under Rules 5(b) and (c); and second, in those situations where an arrest has taken place without a warrant, the defendant is to be brought before the magistrate so that an affidavit of complaint can be filed against him or her." State v. Best, 614 S.W.2d 791, 794 (Tenn. 1981)

The Orange "state of Tennessee uniform citation" standing alone is at best hearsay, but has no adjudicative authority. It is sworn, but only as to the accuracy of the copy and the alleged facts. (doc. No. 37, p. 17, PageID # 238). The claims thereon had not been put to the test before a

magistrate, required to "examine" the allegations and put them to writing. "Before ruling on a request for a warrant, the magistrate or clerk may *examine under oath the complainant* and any *witnesses* the complainant produces." "Before ruling on a request for a warrant, the magistrate or clerk may examine under oath the complainant and any witnesses the complainant produces," Tenn. R. Crim. P. 4 (emphasis added).

"No person can be committed to prison for any criminal matter until examination thereof is first had before some magistrate" Tenn. Code Ann. § 40-5-103. No affidavit of complaint exists in this case to have sufficiently "committed" the plaintiff to prison or jail. No one has sworn particulars of a crime before an unbiased, neutral judge, which act by law must occur before seizure, no less so than if the plaintiff were a piece of contraband or evidence sought and seized under a search warrant.

The magistrate's recommendation denies that plaintiff's arrest is ongoing until heard by a neutral and detached trier of fact capable of making a probable cause determination, plaintiff objects.

The speedy trial act seeks to reduce pretrial incarceration and harm, promising "to protect the accused against oppressive pretrial incarceration, the anxiety and concern due to unresolved criminal charges, and the risk that evidence will be lost or memories diminished" State v. Utley, 956 S.W.2d 489, 492 (Tenn. 1997). The speedy trial trigger is "formal indictment or information or else the actual restraint imposed by arrest and holding to answer a criminal charge. *** Until this event [arrest] occurs, a citizen suffers no restraints on his liberty and is not the subject of public accusations" State v. Utley at 492. Speedy trial claims are not raised in this case, however the trigger of arrest that restrains liberty and subjects the accused to public accusation is. The law recognizes the status of an arrestee of being under lien or shadow of arrest with his rights encumbered no differently than having a cloud upon the title to property .

In this case, the plaintiff was encumbered by arrest to include booking and processing without having faced a formal accusation. The speedy trial rights start with indictment or arrest. State v. Wood 924 S.W.2D 342, 345 (Tennessee 1996). Speedy trial rights are invoked against "oppressive pre-trial incarceration and the reduction of anxiety and concern caused by

unresolved charges." The continued noncustodial arrest in this case is a continued harm on three levels. (1) It is a false arrest and false imprisonment lacking probable cause. (2) It is such a breach done without a warrant, in violation of T.C.A. § 40-7-103, a due process violation. And, (3), the citation "agreement" forces the plaintiff to ***accept the injury of jailing and booking prior to adjudication*** coercively, on grounds he presumptuously "agreed" to it under § 40-7-118(f). By signing the release citation, accused citizens are arguably duped into the waiver of constitutional rights without being placed on notice that any such waiver exists or is being waived knowingly, intentionally, and intelligently. "[C]onstitutional rights may be relinquished only by a valid written waiver. See Rule 5(c)(2), Tenn.R.Crim.P." State v. Morgan, 598 S.W.2d 796, 797 (Tenn. Crim. App. 1979).

False arrest twice over is ongoing deprivation

The constitutional authorities and the ongoing deprivation of the protected interests should prohibit dismissal for the false arrest claimed, as enumerated in the filings, for the equity relief demanded and those at law, including a jury trial for any facts shown disputed, and separately, so as not to render the constitutional protections a nullity, for the false imprisonment claimed warranting immediate equity relief as demanded or as the court sees fit pursuant to applicable equity principles.

III. Prejudicial court rules

FRCP Rule 3 governs commencement of an action, "A civil action is commenced by filing a complaint with the court." Plaintiff in mailing his paper complaint Nov. 5, 2022, by certified U.S. mail relies on the justness of U.S. supreme court Rule 26 on timely filing that says

> A document is timely filed if it is received by the Clerk in paper form within the time specified for filing; or if it is sent to the Clerk through the United States Postal Service by first-class mail (including express or priority mail), postage prepaid, and bears a postmark, other than a commercial postage meter label, showing that the document was mailed on or before the last day for filing.

The mailbox rule justly avoids problems connected with statutory deadlines falling on weekends or holiday; a certified mailpiece of a paper complaint, indeed, under Rule 5, satisfactorily is "filed by ***delivering*** it *** to the clerk" (emphasis added). That's what plaintiff does that Saturday. He timely "filed" by "delivering" the complaint mailpiece to the honest government service of the USPS to affect his intent.

The FRCP Rule 5(d)(2) uses the word "delivering," a gerund, rather than the noun "delivery." This word choice is not an accident. It conveys to the public a clear meaning. Use of the verb in a gerund form implies that the U.S. mail is acceptable for filing a complaint under a statute of limitation. *Delivering* is a verb in the progressive tense (*The online shop is delivering* [is in the process of delivering] *the book to the student*). Whether viewed as a gerund (a verb converted into a noun) or a progressive verb, the usage implies action involving two points on a map. Point A is the place where the mailpiece enters the mail system. Point Z is the last step in a time-and-space process bringing the envelope to the court clerk.

When the mailpiece arrives at the court, the noun "delivery" applies to the fact accomplished of its receipt. "**DELIVERY.** The act by which the res or substance thereof is placed within the actual or constructive possession or control of another." *Black's Law Dictionary,* Rev. 4th ed. The noun *delivery* is clearly the end result or **consummation** of the process of delivering.

In instant case, obedient plaintiff files by *"delivering it* *** to the clerk" Nov. 5, 2022, a Saturday, when he puts the complaint into the certified mail stream of the U.S. government mail monopoly. His intent is to comply with the statute of limitations, secure his rights and affect timely delivery. The clerk's desk is the end point of that process of delivering — Point Z. She is in constructive possession of the complaint as of Nov. 5, 2022.

Pro ses denied electronic filing

The court doesn't let *pro se* litigants open PACER accounts and file electronically. It allows licensed attorneys electronic filing, giving this class of petitioners an advantage. The court stands on rules prejudicial to *pro ses*, which term often describes people such as plaintiff, who is *in*

persona propria. The court penalizes plaintiff and denies him justice and relief by operation of a structural bias that favors licensed lawyers in good standing.

An attorney has 56 hours' advantage over plaintiff. (That's the time between 4 p.m. Friday through midnight Sunday, 48 hours plus 8 more after that.) With electronic filing denied to *pro se* litigants, the licensed attorney files up till 11:59 p.m. Sunday Nov. 6, 2022, and makes deadline.

But wait. Plaintiff lives two hours from Nashville. He can get there by car by 4 p.m. Friday to meet the clerk and file. If he can't make the trip for poverty or any other ordinary reason, he must a day earlier go to a FedEx or the U.S. postal service branch and send his paperwork via next-day delivery. That means he must cross his *pro se* t's and dot his i's Thursday before these mailers close their doors. If he uses USPS, closing at 4:30 in Soddy-Daisy, that's a **79½-hour disadvantage** for his cause as against that of an attorney with e-filing privileges.

The 6th circuit doesn't discriminate against *pro ses,* now requiring them to file electronically. Tennessee does not discriminate against "self-represented parties" who may e-file upon registration with the court system, TN R S CT Rule 46, giving *pro se* appellants equal standing with attorneys. "Any document e-filed by 11:59 p.m. at the clerk's local time in the grand division in which the appeal lies shall be deemed to be filed on that date, so long as it is accepted by the clerk upon review" TN R S CT Rule 46.

The court proposal says plaintiff "sat on his rights," a mischaracterization of relator's person and the events leading up to the complaint, and says this is a "significant mistake" (doc. No. 52 Page 11, PageID # 335). To plaintiff's surprise, more than 50 lawyers rejected his case, citing plaintiff's poverty or unprofitability of civil rights actions. No doubt at least one shrank from a case involving a man whose lofty judicial office they dare not offend.

Lawyers have a **79½-hour advantage** over plaintiff in "filing" a complaint. Plaintiff hereby challenges the justice, equity, probity of a federal court system that allows gains and benefits for professional and monied classes of litigants while leaving the poor *pro se* in the lurch with less advantage than prison inmates protected by the "mailbox rule."

The clerk has constructive possession of the complaint Saturday Nov. 5, 2022, a day before the statutory deadline of Nov. 11, 2022, given the relator's intent. The clerk gets the package Tuesday, USPS tracking indicates, and files it Wednesday. Such delays are outside plaintiff's control.

Plaintiff asks, all else failing, the *court waive its reading of the rule* as this case is of high public interest and raises three compelling issues for review. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" Miranda v. Arizona, 384 U.S. 436, 491, 86 S. Ct. 1602, 1636, 16 L. Ed. 2d 694 (1966).

Interlocutory appeal notice

Relator gives notice, if denied, he will in 10 days under 28 U.S.C. § 1292(b) apply to the court of appeals for leave to file interlocutory appeal against the uneven playing field afforded lawyers that give an attorney as much as a 79½ hour advantage over a *pro se* petitioner, violating plaintiff's 14th amendment equal protection rights to access the courts.

Relief requested

1. That the court recognize plaintiff's equity claims for false imprisonment are not time barred, and should be received by the court as properly identifying irreparable and continuing harms to relator for which the court is empowered by this suit to give relief.
2. That the court recognize the false imprisonment and injury to relator continue even after the initial Nov. 6, 2021, arrest date by defendant Orange. He is under Orange's personal custody until he goes to the Williamson County jail Nov. 11, 2021, at which time he is in the jailer's custody until released from the jail. Jail paperwork describes the visit as an arrest.
3. That neither arrest is lawful, that neither arrest is based on a probable cause determined by a judge, hence a continuing harm to relator, the second not merely a continued ill effect from an original violation.

5. That the court declare the lawsuit viable and actionable, despite disagreement with relator over timely filing under the statute of limitations for a § 1983 action, which limitation in no way affects the primary substance of this case, one of high public interest seeking protections denied the public in Tennessee for an unknown duration, at least for decades.
6. If § 1983 damages claims at law in this lawsuit do not survive the court's review of the magistrate's recommendation, plaintiff asks the court to justly accept non-timebound equity claims and allow them to be litigated.

The court errs in denying relief on alleged grounds of (1) no continuing harm, and (2) cause untimely filed in equitable matters, which harms are irreparable and ongoing. At-law claims may be time-barred, but this case is in the public interest. Plaintiff stands on his and the public's rights for adjudication of continuing, ongoing and significant breaches against law against the rights of plaintiff and all people in like situation by AOC actors and city of Franklin actors.

He objects to the court's recommended treatment, demands it be ditched in the interest of justice, urges defendants' motions to dismiss be denied, and that the court use the empowerment of this lawsuit and bring multiform relief to relator and all those of like station.

Respectfully submitted,

David Jonathan Tulis

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