COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

February 6, 2015

To: Mr. Charles E. Thompson, 1254 Third Street, Macon, Georgia 31201
Docket Number: A15D0166 Style:Charles E. Thompson v. Robert Reichert, et al.

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.

2. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☐ No Certificate of Service accompanied your document(s). Rule 6 You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☑ **We cannot process your documents because they were submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).**

A15D0166. Charles Thompson v. Robert Reichert, et al. was granted on December 15, 2014.

16. ☐ **Other:**

For Additional information, please go to the Court's website at: www.gaappeals.us

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

CHARLES E. THOMPSON, PLAINTIFF

V.

ROBERT REICHERT ET AL,
DEFENDANTS.

12-CV-58359
CIVIL ACTION NO.

("RESPONSE TO COURT'S 1-27-15 ORDER")

PLAINTIFF SO NAMED ABOVE COMES FORWARD AND MAKE THIS HIS RESPONSE TO THE COURT 1-27-2015 ORDER, AND SHOW THE FOLLOWING IN SUPPORT THEREOF:

1) THE COURT'S 1-27-2015 ORDER IS EXTREMELY UNCONSTITUTIONAL WHEREBY SUCH ACTION AMOUNTS TO A GROSS MISCARRIAGE OF JUSTICE WHEREBY SUCH ACTION IS PROVEN ON THE FACE OF THE RECORDS AND AS SUCH THE ACTS OF THE COURT HAVE CLEARLY DENIED PLAINTIFF HIS CONSTITUTIONAL RIGHTS OF ACCESS TO THE COURTS. JUST LIKE THE COURT DID

is doing which is a violation of my Rights under the 1st amendment to the U.S. Constitution whereby which gives me the Rights as a U.S. citizen to be able to petition the government for Redress of Grievances.

The unconstitutional ORDER Reads as such: your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the ORDER granting, denying or dismissing the motion for Reconsideration Rule 3.0(i) and 3.1(i).

which I believe may amount to a miscarriage of justice because plaintiff followed the instructions from the court in it's 1-9-2015 ORDER or case status Report which plaintiff have attached hereto which is all that a pro se litigant can do especially if he did not have a copy of the court Rules at the time because the status Report or court ORDER clearly held that it was also sending plaintiff a copy of the court Rules and went on the briefing schedule and that order is dated 1-9-2015.

(3) (Ex)

Plaintiff have attached hereto label as exhibit A is an order OR case status Report dated 1-9-2015 well within the 30 day deadline of Rules 30(E) and 31(E) of the Court Rules and at that time I followed the instructions of the Court by writing for it to mail Plaintiff a Briefing Schedule as the ORDER OR Status Report Required.

see Exhibit A it hold: Case Status - Application Granted: Discretionary Application A15D0166, was granted by this Court on December 15, 2014.

The Notice of Appeal must be filed with the trial Court and not with the Court of Appeals of Georgia. see O.C.G.A. 5-6-37. Once the trial Court Clerk has received and filed the notice of appeal, the trial Court Clerk will prepare a copy of the Record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to Counsel for parties or directly to the parties if the parties Representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior Court. id. And this same order un-

(4) (VB)

der: Court Rules it holds: A copy of the Rules of the Court of Appeals of Georgia has been enclosed for your Review. Id.

And plaintiff follows these 1-9-15 Court instructions to the letter literally which is all he has to go by because as the 1-9-15 Order proves I had just received a copy of the Court Rules and the Court cannot expect no more of a pro se indigent litigant before the Courts as are laid down by the Court's case law.

The 1-9-15 Order instructed me and informed me that a Notice of Appeal had to be filed with the trial court and not with the Court of Appeals of Georgia. See OCGA 5-6-37 id which I had already done back on 12-19-2014 check records and see for yourself. And that Order holds further . . . . . once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the briefing sch-edule . . . is mailed to counsel for the parties or direct to the parties if the parties are representing themselves. Id. See Exhibit A. And now it is 130-15 and the Court still have not mailed me the Briefing schedule put yet when I mailed my Brief into the Court it held that my Brief is untimely which it is it is not my fault but it is the fault of the Court. The Court cannot hold that my Brief is untimely if it have not sent me a Briefing schedule which

may or will include a time deadline. While I was waiting for the Court's briefing schedule did now prove the wise thing by not waiting for no briefing schedule and so, as it is, I presented my brief to court 1-22-2015, within 30 days after the 1-9-15 order or status report albeit, Rule 4(1)(6) holds, Responses to motions shall be made as soon as possible since the Court grants all actions on motions quickly. There is no 10 day rule for Time to Respond to Motions-it. This Records proves that Due Diligence is shown by Plaintiff in following the instructions from the Court, Plaintiff have a right to depend on the orders and procedures the court outlines to him as a Pro se litigant because he did not have a copy of the Court Rules which means in this case all I can be expected as a pro se litigant to do is to follow closely the orders and procedures as laid down in the Court's status report, exhibit A and even if I would have had a copy of the Rules I still must depend on the Court to properly enforce the Rules and as such in the end I would have to stand bide by the Court's interpretation of its Rules. Right? Therefore when the Court gives an outline of the case to all parties and especially like it did in this case 1-9-15 order with specific instructions outlining when to submit Briefs after the case was docketed and it is obvious that on 1-9-2015 when the Court made its case status report because the Record shows that

(6)
at that time the case had not been docketed on I-9-15.
As proof that I-9-15 case status Report had in section 4:
Case status-Pending-The above Referenced appeal is in
your name before this Court. The appeal was docketed
in the _____ Term and a decision must be rend-
ered by the Court by the end of the _____ Term
which ends on _____. Id. At this evidence on Record,
before the Court proves plaintiff's instant case was not
docketed I-9-15 because there was no Notations for it
docketing in the Court's case status Report Exhibit A
Provisions for notations to be made verifying that
the case has been docketed those provisions are
not filled out they are left ~~blanked~~ blank as pro-
vended above by the I-9-15 status Report of the case. And
as I-9-15 status Report had: Once the Notice of Appeal
is docketed - - - - - , a Docketing Notice with the
Briefing schedule - - - - - is mailed to Counse for
the parties or directly to the parties, if the parties
are Representing themselves. Id. (see Exhibit A I-9-15 Re-
port). And as such plaintiffs Right now still waiting for
the Court to mail him the Briefing schedule. The Court
still have not mailed me a copy of a Briefing schedule
with a timely outlined procedure which is the
duty of the Court especially in light of it's own Inst-
ructions in its I-9-15 status Report Exhibit A as
Mentioned supra, all the blanks for the verifications
that the case has been docketed is left Blank ~~and~~
which prove the case was not docketed I-9-15.

And since I knew the case had not been docketed I reasonably relied on the decision of the court and knew that I was expecting the briefing schedule after the case was docketed which is common sense in court terms. And although I am a pro se litigant any lawyer in my position would be on alert for a briefing schedule to arrive in the mail from the clerk of court right? It's nothing more than ministerial duties carried out by the office of the clerk because he knows that once the case is docketed the court is going to send him a detailed outline of all the procedures he must use in order to have his brief accepted by the clerk for proper filing and all deadlines and are warned by the court at that time that if he fail to comply with said procedures will subject his case for a dismissal. Whereby we see that no litigant can properly litigate his case without this kind of leadership from the clerk of court because I believe it is she who made that decision concerning this case that my brief is untimely and we can clearly see that up to this point it is impossible for my brief to had been untimely because even now I am waiting for my briefing schedule 7-7-2015 which it takes about this long

for a litigant to receive his Briefing Schedule which is the most important document a ~~lawyer~~ lawyer will receive prior to the trial of the case on its merits which means the entire case should and most often times either won the case or whatever but the entire case is based on the brief. There are cases where counsel may have 30 or 40 cases in court and he may do just exactly what I did in this instant case and send in premature pleadings to the Court and ask the Court to hold it in abeyance until the Briefing Schedules are posted by the Court. It had to be omissions take done by the Clerk of Court because there are no Judge signature or no other signature on this 127-20 order returning the case to me without filing it. So, it don't show who did it but at the top heading of that 127 order holds: Court of Appeals of Georgia, Document Return Notice for Application. And I don't believe this form was made to apply to some one on direct appeal once his application have been granted. I may be wrong but the fact that this denial of my right to proceed in this Court was done by some body who work for the ~~Judge~~ Court presumably but since no body signed off on this note it makes it an unconstitutional document made at the whim of the Court

As proof of this fact I have that letter this Return document attached hereto labeled as Exhibit B. Nobody knows who marked my Brief back to me in the clerk's office and consider the totality of the circumstances in this one particular clearly proves that this appeals Court office of the clerk is operating with a furtive mind with the furtive mind of the court below and no one can think any difference since the court below denied my claims and I appealed this case to this very court wherein it found that the court below erred by dismissing my claims for failure to allege an action. Now I am receiving the same type treatment here. My case was marked back to me without anyone deciding the merits of my case yet and it have been sent back to me again from this court for reasons not applicable to the directions and instructions that the court gave me to follow in Exhibit A. I believe the decision of the court is the most important thing that is involved in this one particular case especially so since I am pro se and did not have a copy of the courts rules therefore it was crucial for me to follow the court's instructions given me in the court's 1-9-2015 status report Exhibit A because other instructions is all I had to follow because the records will show that over a [illegible] year's time I made [illegible] requests

for Copies of the Court Rules, check Records and see for your self; Any Reasonable, logical or Rational person who is PRO SE who was in my position would have done the same thing that I did which would have to stay safe and if he had a very extremely meritorious case like I have against these Defendants I am not going to allow a Chance to come in where I miss a deadline or something and the Defendants win this great case on a Tech where the law strucky for this because in a situation similar to this all Court in Georgia favor being stricken on the merits if you are PRO SE or a Lawyer which the Courts should See Infra.

And Many Lawyer in any case in the United States can do at this stage of these Proceedings is wait on his Briefing Schedule from the Court in order to have his Brief properly filed in the Court based on the Court's Briefing Schedule. (Common-Sense?) But the Clerk of Court for some back in the Clerk's office mailed my Brief back to me where it was clearly designated "Brief of Plaintiff" prior to it sending me a Briefing Schedule which is unconstitutional in light of the Court's Local Rules or case status Report which contained exclusive instructions for filing Briefs which Plaintiff was led to believe that all was left for me to do was prepare my Brief ahead of time so when they did mail me the Briefing Schedule I

would have the most part of the Brief done and which would enable me to meet any deadlines in the Briefing schedule but I got through with my Brief on 1-22-2015 and I mailed it in to the Court at that time thinking as a Pro Se litigant that that was all left for me to do was Now at this stage was to submit my Brief to the Court albeit the Court had not made me a copy of its Briefing schedule, so all I was doing was trying to be sure that my case get tried on it's merits because this case Records proves that I have been trying to get this case tried on it's merits for 5 years and each time I submit a Brief to the Court it have been returned to me un-decided. Check Records and see for yourself I sent over 5 Briefs to the Court and since 4-2014 the date of the incident no Court seems as though they are deliberately denying my rights under the 1st, 5th and 14th amendments to the U.S Const.

The clerk of Court did not have authority to mail my Brief back like some body did when they knew or should have known that the Court had not at that time made it's Briefing schedule and the clerk should have held my Brief in abeyance until the Briefing schedule was filed on record. There is a set no Briefing schedule in the Records because I have not received a copy of the Court's Briefing schedule which I was promised to me by the Court in it's 1-9-15 order which held: once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a docketing notice with the Brief

ing Schedule. . . Mailed to Counsel. . . OR directly to the parties, if the parties are representing themselves

16. And as of now I am still waiting on the clerk to mail me a Briefing Schedule according to the Court's Status Report Exhibit A. I have yet to receive the Court's Briefing Schedule which is not unusual but what is unconstitutional is the fact that the clerk denied my Brief as untimely where there had not been a Briefing Schedule established by the Court. Check records and see for yourself that at the time I was sent the clerk denied my Brief as untimely there was no Briefing Schedule presented to me prior to the Court's 12 IS decision in which the clerk denied my cases Brief as untimely. And in any event she did not file my Brief as a pro se litigant according to the circumstances of the case. When she seen that there was no Briefing Schedule in the record she should've known not to mail me a Schedule that I could not have been untimely and if she denied it on the Court Rules, she knew or should know that the Rules of the Court is the deciding factor in any scenario in Court and what the Court decides is the law until the decision is overturned on appeal. So if the instruction from the Court and its activities is binding unless the case is overturned on appeal, what I am trying to prove is the fact that not a Court's order outweighs the Court Rules because the Court must consider the Court Rules and interpret them and enforce them in all its decisions. So, when the Court

cause they have properly considered all the controlling laws that is applicable to the case in chief. Therefore, in this instant case I did the right thing by relying on the Court's 1-9-2015 status report exhibit A because it was the final say on all issues of the case. The court's decision is 100% binding on all parties who are parties of the case. The order of a court is final almost in all affairs and functions, which is what I've immediately followed in this instant case which is a sound court order in terms as defined in Black's law which holds order. A written direction or command delivered by a court or judge, see Black's law Dict. page 1206, 9th Edition, copyright 2009. In this case a judge did not deliver the written directions or commands but it was the court clerk or some other court personnel because the written directions and commands are unsigned but above and beyond that fact is the crucial fact that it is a court order delivered by the court right and plaintiff did the proper and for most thing which any lawyer would've done was to abide by the court order by following its directions and commands which I did do. And a court order has unchallenged preeminence super ior over all other proceedings and acts of a particular lies leading up to the court's decision and therefore the wise thing any litigant can do is first and foremost is to follow his instructions delivered by the court which I did do. Therefore whoever it was that marked

consider the court's 1-9-15 order prior to mailing me the copy of Exhibit B which said my case brief was untimely because if they had they would not have considered my brief as untimely because it was submitted within 10 days of the 1-9-15 court order. Not counting the first day of 1-9-15 but instead counting from 1-10-15 to 1-22-15 is 12 days where I get a 3 day grace period which means I had until 1-23-15 to get my brief to the court for purposes of review with or without a briefing schedule. There are incidents that occurrs in this very court shows where this court never issues a briefing schedule but yet it decides the merits of that case because I have done it myself in the course of litigating a case. Check records and see for yourself. There are cases in your files that was decided and this court never sent me briefing schedule and as proof of this fact when I submitted all my briefs to this court on both my applications for appeal I didn't ever receive a briefing schedule from this court but all cases was decided on their merits. Check case Thompson v. Reichert, 318 Ga.App. 23, 733 S.E.2d 34 (2015) where this court never seen the a record of the case where this court received any kind trial court's decision and I never received see a briefing schedule at all. Check records and see. A lot of trained lawyer had 10 cases a month to try he is not all the times wait for the briefing schedules but when the preliminary proceedings are over and it is ever the next best thing and trial time to submit briefs the next best thing and trial lawyer would do from that point on was to try to im m-

ediately get the Brief(s) to the court because the lawyer knows
There will be a mandated deadline coming with the
Briefing schedule, so in order to beat the deadlines in
a Briefing schedule allows it so parties know that the
sooner it is to get the Brief in the court after it reaches
the Briefing stage the better it will be for the case which
is what I did. And even if my Brief was premature as it
seems, the court record clearly shows my Brief was un
timely especially so in the light of the fact that this
very court have not as of yet mark one copy of a Brie
fing schedule as promised in its 1-9 Order. Check Rec
ords and see for yourself but yet the court held that my
case was untimely for as you might guess the clerk
mailed my Brief back to me without stamping it filed
or if she or she had to send it back to me for any reason
at all it should've been because the Brief was prem-
ature. Nobody has marked out the Briefing schedules
to the parties but it is unconstitutional for this court to
send me an Order on 1-15 promising that they was going
to send me a Briefing schedule which had not arrived
at that time and at this same court 12 days later receiving
my Brief in the mail and that same court refused to file my
Brief because it says it's untimely which is ridiculous.
That same court did not follow its own 1-9 Order
which promised the Briefing schedules to all parties.
This court did not consider its own Orders in the
case before it mailed me exhibit B, the 1-15 Order.
Something is wrong with this picture here

by the court. It is a clear example of a miscarriage of justice if I ever seen such a thing. This is it a gross miscarriage of justice and I now come forward and ask the chief clerk or a judge to decide this matter for the court. Because this is a very unusual affair where the clerk defaulted on their duty by not following their own 1-9-15 order before they made a very hasty decision in this case and that 12-7-15 order must be reversed and I'll just wait for this court to abide by its 1-9-15 order which promised the briefing schedules and then submit my brief again at that time but I believe a gross injustice took place as I described it supra. It don't make any sense at all for the court to send me an order commanding me to wait on a briefing schedule that they was going to send me on 1-9-15 but on 12-7-15 this same court made an order that my brief was untimely where in this court never sent the briefing schedules to the parties to start the clock ticking towards the deadlines in a this or in any case. The only way a brief can be untimely is when the litigants don't follow the time as outlined in the briefing schedule. That's why they have a briefing schedule which is used as a mandated procedure to ensure the court that there won't be long inordinate delays during the pre-trial stages of the case and most court calendars are extremely crowded so when I got the green light to present my a brief which I been trying to present for over

5 years, I immediately jumped at the opportunity to present my Brief because I had litigated the case on many occasions before, and I got through with my Brief ~~ahead~~ ahead of the Briefing schedule SO I thought I was doing the Best thing really by sending it in to the court without the Briefing schedule because a lot of lawyers choose this course as long as you have the Green light ~~to~~ so you ~~can~~ can present Briefs OR if a litigant's case is in an Briefing stage that means now is time for me to present my Brief and if I mail my Brief in to the court during the Briefing stages or ahead of the Briefing schedules which don't mean ever that my Brief was untimely. At most it would be premature which is the opposite of untimeliness and Therefore the court must reverse the 12-15 Order which held my Brief as untimely.

Here is what I am faced with now in this case: Plaintiff have attached hereto labeled as Exhibit C, is a copy of this Court's Order Notifying me that on 12-15-2014 this court granted my application to Appeal dated: 12-15-14 And Exhibit A was mailed to me on 1-9-15 informing me that a Briefing schedule was to be mailed to me by the court. Since I knew I was in the Briefing stages of my case at that time I followed the Docket's Requirements and Guidelines of this very

(10)

court (which I'll prove infra). I took every precaution to try to follow the court rules which I was able to do so. I had been working on this one Brief for 5 years and it didn't take long for me to put my Brief together because for years I studied this case so I was well familiar with the essential elements of the case, so, I mailed my Brief to this court 1-22-2015, counting the 30 days I had my Brief submitted against the court's 10-30 14 decision in a very timely manner. But on 1-27-2015 the Court returned by mailing my Brief back to me said it was not timely which amounts to a miscarriage of justice because the clerk disregarded her own orders to me on 1-9-2015. And this is what the Georgia law holds on this process which this clerk supposed to had worked as a court ~~officer~~ employee but she didn't and therefore, this case is ripe for 42 U.S.C. 1983 because the clerk is liable because this is the law that controls this one particular court's stats on this subject. This court's policy or custom: In Mitchell v. Cancer Care point, Inc, 683 S.E.2d 93 (2009) held: Note 1. According to the trial court's order dismissing Mitchell's appeal, Mitchell filed a premature notice of appeal on June 16, 2008. [A] premature notice of appeal is treated as ~~effective~~ effective upon the filing of the order or judgment appealed, and thus Mitchell's notice of appeal was effective on July 21, 2008, the date the trial

(9)
Court's order granting summary judgment was entered
See Also In the Interest of J.A.D., 261 Ga.App. 603, 598 S.E.
2d 849 (2004). And this case law controls this matter.
Therefore the clerk of court had a duty to hold my Brief
~~until~~ until the Briefing schedules was made and
when the Briefing schedule arrived then my Brief
was supposed to be considered as filed on the
date the court issues the Briefing ~~sch~~ sched-
ules. Mitchell v. cancer care point, INC. 683 S.E.2d, note
1; In the Interest of J.A.D., 598 S.E.2d 849, this law
clearly proves that the clerk duty to her duty as
a clerk. This same court clerk mailed their 1-9-
2015 decision to me informing me about the Briefing
schedule. See, Exhibit A, but prior to the court iss-
uing the Briefing schedules, I did just like Mitchell
683 S.E.2d 923 did. I mailed my Brief prematurely
to the court and like in Mitchell which describes
the customs of the court and polices of this court.
The clerk had a duty to hold my Brief until the
Briefing schedules was on record and then it was the
duty of the court to file my Brief ~~on~~ at the
time the Briefing schedules are on record. Id. see
Mitchell v. cancer care point, INC. 683 S.E.2d 923
at Note 1. Now part of the kicker of the whole
things this, This court issued me a notification
that they was to send a Briefing schedule in the
future, ~~to~~ see Exhibit A, and while I was waiting
~~for~~ for the Briefing schedules to get on the record

I did like Mitchell did. I mailed my Brief into the Court prior to the Court's issuing out the Briefing Schedules. I submitted my Brief on 1-22-15, about some 9 days later after I got the 1-9-15 Order that a Briefing Schedule was on its way. Now this same Court that mailed me the information about the Coming of a Briefing Schedule on 1-9-15 is the same Court now even though there is still no Briefing Schedule on Record of this same Court now some 18 days later Counting from 1-9-15, on 1-27-15 the Court sent me Exhibit B Claiming that I can't file my Brief because it was untimely. That is a kicker in this case. I mentioned Supra. This is the kicker. There is no way it makes any sense in this case. The Court issued me information about a Briefing Schedule was Coming later on. Now this Court mailed me later 1-27-15 Order Claiming my Brief was untimely. At the time they still have not issued us it's a Briefing Schedule but now this same Court on 1-27-15, held my Brief was untimely but there is no Briefing Schedules in the Records that can tell the time deadlines. But now this one clerk in this Court on 1-9-15 who mailed information about The Briefing Schedules, but some 18 days later she mailed me exhibit B, Informing me that my Brief was untimely. Which is impossible for it to be untimely because as of now the Court have not mailed me Briefing Schedules as of yet. How can this clerk or Court Overlook its own Record that contained Exhibit A. It is obvious that something is wrong with

the Acts of the Court. It seems as though the Court did it
intentionally because they knew there was no
Briefing Schedules in the Record or they did not check
their Records before they held my Case untimely. The
Court did not do their job. This appeals Court
who made the 1-9-15 Order was the same Court who
is 18 days later on 1-27-15 the Court then ruled untimely.

Generally speaking this whole affair is uncon-
stitutional because it was that 1-9-15 Order which started the Briefing Period. But the Big Kicker is The same Court who promised the Briefing Schedules, is the same Court 18 days later when I went on the Briefing Schedules on 1-22-15. I submitted my Brief for filing prematurely before the Briefing Schedules arrived, but the Court held my Brief untimely on 1-27-15. How can this Court make such Clerical errors which are common simple errors bring me to the point that this affair could be an overt act of Conspiracy. It is not logical for the same Court that made the 1-9-15 Order about the Briefing Schedules and some 18 days after I submitted my Brief on 1-22-15, that same Court Clerk on 1-27-15 who knew that the Briefing Schedules had not been posted by the Court is the one who made Exhibit B claiming my Brief was untimely which is an error, and that is per se Kicker in this instant case. It don't make sense that they did not check their Records or they did it intentionally. As such it is the Clerk's actions on their duties. Accordingly it is the Clerk's actions of this Appeals Court held in dring to the case law of this Appeals Court held in Mitchell v. Caller cake point, LLC, 683 S.E.2d 193 at Note 1.

As shown in Mitchell's supra, 683 S.E.2d 903 ~~that~~
this Court held Mitchell's premature Notice of Appeal until after the case was over then this Clerk of Court sua sponte (on its own) docketed Mitchell's Notice of Appeal for him ~~on~~ on the first day of the appeal period. Id. That is the exact identical thing that took place in this instant case. To wit:

I mailed my Brief to this Court prior to the start of the Briefing period and this same Court who heard Mitchell's Notice of Appeal until the proper time for it's filing. Right. That is also what the clerk was obligated to do in this instant case because that is the law which controls the activities of this Court but she did not. She mailed my Brief back to me holding that it was untimely where the Brief-ing period like in Mitchell's case had not even begun to run. And it still haven't started as of yet but sure enough the Court held that my Brief was untimely. I can't believe that any competent Court would dare do such a thing as this. Somebody gonna say that my Brief is untimely when the Briefing period have not even started yet. And beside those facts my Brief was timely according to my response to that ILG-15 Order that I made because I submitted my Brief 1-22-15 even though the Briefing period at that time had not started to run and at that time

of Motus in Rights was waiting on the Briefing schedules which have yet to arrive but this Court did not follow its own case laws. It mail my Brief back to me claiming it was untimely; she did not give me the same treatment that she gave Mitchell in Mitchell v. Cancer Care point Inc, 635 F. 2d 923, and this is why I say that it is a gross miscarriage of justice. Therefore on the face of this Record prove that this Court have outright discriminated against me. It seems as though this Court is also trying to keep from deciding the merits of my allegations just like the Court below did which I can prove according to the totality of the circumstances in the Court below conduct and by the Conduct of this Court which is all shown on the face of these Records. Any cautious or prudent person would agree that these acts done by these Courts amounts to a gross miscarriage of justice. Especially so since I have an obvious meritorious case, which can be seen on the face of these pleadings and through out these pleadings which covers a period of 5 years. This Court have clearly violated my rights under the Equal Protection clauses of the 14th and 5th amends. to U.S. Const which denied my rights according to the 1st amend. to U.S. Const. This facts are verified by the face of the Records which proves that the clerk seen these facts because most of them appear on the face of this Record and therefore as I've claimed all along that she intentionally discriminated against me using a further

ruling system which violated the court laws as they are established in Mitchell v. Cancer Care Point, Inc., 683 S.E. 2d 93. Which facts are obvious. See also In the interest of J.A.D., 267 Ga. App. 603, 596 S.E. 2d 692 (2004). The clerk is liable.

This court was authorized to hold my BRief for the best interest of justice because this it has inherent authority to do so by itself which it did not do in this case like it did in Mitchell's, but rather, this court abused its inherent authority by mailing my BRief back to me holding that it is untimely. That clerk was supposed to had held my premature BRief until the applicable BRief period began to run on the first day of the BRief-ing period when she received the BRiefing Suspended but she was then and there at that time filed my BRief for me just like she did in Mitchell's case. See also DeKalb County v. Adams, 529 S.E. 2d 600, 272 Ga. 901 (2000) the Supreme Court held: Courts have the inherent authority to take action necessary to discharge their duties efficiently and completely. See id. 272 Ga. 901 (2000). Reconsideration denied. But this court in this instant case used its inherent authority to violate its own case laws. Something very unjust about this affair. The clerk was supposed to use her inherent authority to hold my BRief until the BRiefing period began. In re DeKalb County Court house Fire Sprinkler Cases, 454 S.E. 2d 96, 265 Ga. 96 (1995) held. It is only in aid of the fulfillment of judicial functions that courts possess inherent authority. In this instant case this court

used it's inherent authority to disrupt the judicial
Functions of this court which is shown on the face of
this record. Which's what happened in this instant case
and I am going to have to mail my Brief back to this
Court along with this response and I am going
to inform the Clerk to hold it until the Briefing begins and
then file it for like the Court procedural Requires you to
do as part of the Court. The Court held, The term Court re-
fers to the entire court and not to the judge or judges
of the Court. See Tabar v. Superior Court of Cobb County,
264 Ga. 180, 181, 442 S.E. 2d 454 (1994); see also Cobb County
v. Campbell, 350 S.E. 2d 466.

Georgia constitution, 1983, art. I, sec. I, para. XII was to de-
fine and protect the Right of an individual to self-Representa-
tion in the Courts of this State, see Nelms v. Georgian Man
or condominium Ass'n, 253 Ga. 410, 321 S.E. 2d 330 (1984).
In this instant case Plaintiff's rights have not been pro-
tected at all, starting from the beginning of the case in
the lower court until now which is evidenced in these
Records. The Court held: Exercise of Right of Access sub-
jects one to Court's power to control proceedings. One
having Exercised one's inherent Right of access and having
pleaded one's case, in person or by attorney or both, subjects
the person to the inherent power of the court to control
its proceedings, see Bronfield v. Liggett & Myers, Inc., 230
Ga. 784, 198 S.E. 2d 849 (1973). Therefore Plaintiff had no other
choice but to depend on the Court's inherent power
Right to Come into Court because if the Clerk Can't do her job
oversteps her boundaries like she did in this instant
there is nothing I can do about it until I she remit the

pleading back to me. Any litigant must depend on the clerk of court to perform her duties as part of the job of the Court. There was no other remedy available for me to use to assure my Brief was properly filed. In the Georgia Supreme Court and U.S. Supreme Court held: Reliance upon court's inherent power is inappropriate and unnecessary where specific remedies exist. See Matter of Inquiry Concerning a Judge No. 94-70, 454 S.E.2d 780, 265 Ga. 326, reargument denied, cert. denied O'Neal v. Judicial Qualification Com'n of Georgia, 116 S.Ct. 176, 516 U.S. 1003, 133 L.Ed.2d 454. And in this instant case plaintiff had no other remedy available for him to use to try to get my Brief properly filed other than giving it to this court. And I hope this court will abide by its own case laws this time and if there is no Briefing schedule hold my Brief in abeyance as I asked before until the court issues me a Briefing schedule and then on the first day of the Briefing schedule please file my Brief. It is not untimely but rather it is a premature Brief. In the case: Davalos v. Perdue, 215 Ga. App. 27, 449 S.E.2d 861, 862-863 (1994) held: Further, all Rules and Regulations relating to pleading, practice and procedure shall be liberally construed so as to administer justice. O.C.G.A. 15-10-44(b). Pro se pleadings are held to less stringent standards than pleadings that are drafted by lawyers. See Thompson v. Long, 201 Ga. App. 480, 481(1), 411 S.E.2d 322 (quoting supra Davalos v. Perdue, 449 S.E.2d at 862-863). In Wilson v. McNeely, 307 Ga. App. 876, 880, 705 S.E.2d 879, 880 (2011) held: As a matter of public policy Georgia courts generally strive to resolve legal dis-

putes on the merits, rather than on the punctilious enforcement of procedural rules and, therefore, may ~~[illegible]~~ defer to a litigant's pro se status. Riley v. Dept of Revenue, 293 Ga. App. 656, 657, 673 S.E.2d 49 (2008); Davis v. Lugenbeel, 283 Ga. App. 642, 645, 642 S.E.2d 337 (2007); ~~[illegible]~~ Advoc v. Phillips, 269 Ga. App. 583, 584(1), 604 S.E.2d 633 (2004) (quoting Wilson v. McNeely, 307 Ga. App. 876, 705 S.E.2d 894). It wasn't that the clerk was a little careless but she did the polar opposite of what the case call for her to. She went completely out of this Court's jurisdictions which is obvious according to this Court case laws. Wilson ~~[illegible]~~ contends the trial court failed to show him deference as a pro se litigant but, rather, held him to higher standard of courtroom procedure than it would have applied to a ~~[illegible]~~ seasoned lawyer id. at 307 Ga. App. 876. And that's the way it is in this instant case. This Court is clearly holding my case to a higher courtroom standard than it does to a seasoned lawyer. Plaintiff have attached hereto, label as Exhibit D, is another example showing where she mail my pleadings back to me 11-13-2014.

Conclusion

Tell me what happened here please! The Court still haven't issued us a Briefing ~~[illegible]~~ schedule but the Court held my Brief as untimed and mailed it back to me. Can you please see fit to file my Brief for me like you did for Mitch[illegible]

[illegible] 2015 [illegible] Thompson