

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

FILED

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GARY WAYNE WRIGHT, II)
)
Plaintiff)
)
v.)
)
MARSHALL COUNTY, ALABAMA, et al.)
)
Defendant)

U.S. DISTRICT COURT
N.D. OF ALABAMA

Civil Case: 4:22-CV-00615-RDP

Claim of Unconstitutionality

PLAINTIFF RESPONSE TO ORDER (DOCUMENT # 11)

COMES NOW the Plaintiff, Gary Wayne Wright II (“Wright”), with his response to the Court Order (Document #11), and to present a brief status summary to the Court:

1. Wright is sincerely grateful for the detailed Order from this Court, and is very thankful for the assignment of this qualified and experienced judge and court staff. The following statements in this response are not any criticism of this Court specifically, but are of the denials of justice this case brings forth. Win or lose this litigation, it is important to the Plaintiff to at least submit all of the facts on the public record to the best of his abilities for future historians, and in the hopes of eventually improving the Federal Rules of Civil Procedure, especially

when it comes to achieving justice and preserving the rights and process for pro se parties in the future.

2. Before resorting to litigation, the Plaintiff exhausted every available remedy known to him, and even attempted to invent new ones (like the Writ to Cure notice). The Defendants received written and email notices, but gave no response. The Plaintiff then held a private meeting with the Marshall County Commission Chairman, and even presented his case to the Defendants during a public meeting of the County Commission. The Plaintiff will submit the video and text of that speech in a Brief to the Court he is preparing to file that provides the details of the 42 U.S.C. § 1985(3) conspiracy to deprive civil rights.

3. Because of the well-documented rampant public corruption in Alabama, it can be very difficult to find a local attorney willing to take on cases against the government. The Plaintiff requested the Court appoint pro bono publico legal counsel and was denied. There isn't a legal right to counsel in a civil case, but the Plaintiff thought it would be in the best public interests of justice and judicial efficiency to move this case as quickly as possible, and with minimum mistakes or delays.

4. When the Plaintiff proceeded Pro Se and In Forma Pauperis, he requested the Court have the United States Marshall Service provide legal proof of service of the Complaint and Summons and provided copies for each.

5. Time was of the essence, so he quickly crafted a combined Complaint, TRO, and PI to the best of his abilities. That was obviously a big mistake. He now understands that he didn't meet the FRCP requirements, and he understands why the Court denied the Order.

6. The Plaintiff is confident if had he had the assistance of an attorney, he could have prevailed on the facts and merits for a TRO and PI as outlined in the Order. The Picketing Resolution doesn't pass Constitutional muster, regardless of whether this Court uses Strict Scrutiny or not. However, the Defendants have so muddied the waters on the issue of forum for these two courthouses in question, that the Plaintiff will prepare a Response that should rebut whatever claim of forum the Defendants wish to make. The short answer is the forum is mixed, it's complicated, and it is intentionally designed to eliminate the ability to redress grievances of citizens against them by criminalizing voices of dissent who exercise their constitutional rights. The Plaintiff prays that this Court will consider not just the plain text of the Picketing Resolution, but also the facts of the conspiracy of how it was created, and its ultimate purpose and effect on several constitutional rights.

7. The one requirement of this Court's Order that an In Forma Pauperis Plaintiff can't be reasonably expected to comply with in a government case like this is FRCP Rule 65(c). What cost could the government possibly have in this

case that they didn't bring on themselves? The Defendant (a local government) blocked the Plaintiff's emails after he requested information (another violation of rights), and they are the party that made litigation the only alternative. That's not a criticism of this Court, but of the need for improved judicial access for those without wealth. The Plaintiff has not yet been able to determine the financial formula this or any other Court would use in this situation, but at this point a TRO/PI is moot. The Plaintiff will not be re-filing another request for TRO/PI for this and several other reasons.

8. Justice delayed is justice denied, and irreparable harm can not be remedied. History teaches us that it is much easier to create and defend a liberty, than to restore a right once it has been lost. At 10:10AM ET on Thursday, June 30th, 2022, the Supreme Court of the United States (SCOTUS) made the Plaintiff's Temporary Restraining Order (TRO) and Preliminary Injunction (PI) utterly moot. With SCOTUS now abandoning all legal logic or basic reasoning even between adjacent paragraphs of their own Opinions, the United States of America is by all measures a failed nation-state. SCOTUS is now acting as an unchecked super-legislature governed not by Justices or jurists, but by a majority of partisans wearing robes. No amount of protesting by the Plaintiff is going to restore the doctrine of stare decisis, or ever in his lifetime be able to restore what rights and

integrity has now been lost. That stench of government corruption is now permanent, and a bell can not be un-rung by protesting about it.

9. These facts make the TRO and PI moot to the Plaintiff, but they make this question and assurance of Constitutionality itself all the more important to pursue both in the interests of justice, and in preserving an accurate history of the facts for posterity.

10. To date, the Plaintiff hasn't received notice in PACER that the Defendants have been served with a summons by the Court via US Marshall, but he is already preparing a Response and a detailed Brief on the facts of the 42 U.S.C. § 1985(3) conspiracy. Plaintiff will also attempt to resolve as much as possible at the Rule 26(f) Conference if/when scheduled.

11. Because of the complexity of the case and his disabilities, Plaintiff will make his best effort to respond to all filings as quickly as possible, but he begs the Court's patience if a *Motion for an Extension of Time to File* becomes necessary.

12. Postal mail in the Plaintiff's rural area is unreliable, and so he must drive his filings from Arab to the federal courthouse in Huntsville, Alabama. The Plaintiff dares not corrupt the Court's docket by asking permission to file directly into ECF, but he may later attempt to craft a motion under FRCP 5(B)3B to request the Court allow electronic delivery via email with electronic signature to the

Court's Clerk to then be filed, if that would be considered permissible and a reasonable accommodation.

13. The Plaintiff has, and will continue to do everything in his power to eliminate any monetary costs to the Defendants, and to resolve as many as the issues as possible with a minimum intervention of this Court.

14. The Plaintiff suggests all meetings, and depositions if necessary, take place at the Marshall County Courthouse in Guntersville, Alabama. That location is convenient to the Plaintiff, and should require no travel and minimum effort for all of the Defendants.

Respectfully submitted this 1st day of July, 2022.



Gary Wayne Wright II

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Dated:

7/1/2022