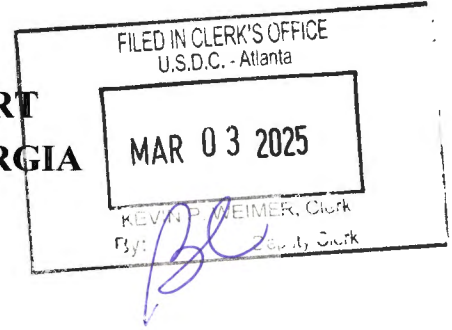


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION



FAZAIL AZIZAN,

Plaintiff,

v.

Alexander ~~Alex~~ Manning, Superior Court Judge for
Fulton County Court in her individual and
official capacity,

Samuel Saeid Johnson, an individual.

Defendants

CIVIL ACTION:

1:25-CV-1112

JURY TRIAL DEMAND

COMPLAINT

1. The plaintiff, Fazail Azizan, brings this civil action for declaratory and injunctive relief, compensatory and punitive damages, attorney fee, equitable remedy and costs, and alleges as follows:

The Parties

Plaintiff

2. Plaintiff, Fazail Azizan (hereinafter referred to as "Plaintiff") is a resident of Georgia. Plaintiff has been a civil right activist for over 20 years.

Defendants

Alexander
3. Defendant ~~Alex~~ Manning (“Manning”) is an individual, who is a Judicial Officer in the Family Division of the Superior Court of Fulton County. Upon information and publicly available data, Maning is a resident of Fulton County in Georgia. Maning has a history of being discharged from the United States Army. Failure to adapt to military standards has been mentioned as one of the reasons for her discharge. ([*Stonewall Bar Association Honors Judge Alex Manning - Atlanta Injury Lawyer Blog - November 2, 2018*](#))

4. Defendant Samuel Saeid Johnson (“Saeid”) is an attorney licensed to practice law in the State of Georgia. Saeid is the resident of Georgia.

JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant 42 U.S. Code § 1983, 42 U.S. Code § 1985. Venue is proper in this District pursuant to 28 U.S.C. § 1391 (b) and (c) because Defendants are located and conduct business in this District, the events or omissions giving rise to the claims herein occurred in this District.

FACTUAL ALLEGATIONS

6. On July 13, 2023, Plaintiff filed a Petition for temporary protective order against an individual with the name of Abbas Hajianbarzi in Fulton County Superior Court, case NO:(2023CV382656). The trial court initially scheduled the

hearing for July 31, 2023 but later rescheduled the hearing for August 24, 2023. The case was assigned to defendant Manning.

7. At the time of hearing on August 24, 2023, the case had been dismissed by operation of law, pursuant to OCGA 19-13-3 (c), which mandates that [a] trial court must assess the merits of petitioner's allegations within 30 days after the petition is filed." Given that 41 days had elapsed since the filing of Plaintiff's petition, Defendant Manning lacked jurisdiction and authority to enter any ruling on the merit of the case.

8. Despite this **clear absence of all jurisdictions**, Defendant Manning proceeded to issue an order on August 25, 2023, dismissing Plaintiff's TPO petition **with prejudice**. Defendant Saeid, who happened to be Deputy Sherriff for Fulton County knowingly colluded with Defendant Manning to continue proceedings in a case that had already been statutorily dismissed.



Samuel Johnson, Esq.
Personal Injury Litigation Attorney



Lieutenant Colonel
Fulton County Sheriff's Office · Part-time
Jan 2013 - Present · 12 yrs 3 mos
Atlanta, Georgia

- I held multiple responsibilities as a top-performing Deputy Sherriff for the county.
- ◆ I issued arrest warrants, civil documents, and temporary protective orders.
 - ◆ I dutifully appeared and testified in court for hearings and trials.
 - ◆ I completed effective searches and seizures of evidence for criminal prosecutions.
 - ◆ I efficiently performed as a member of the motorcycle and tactical units.

No judicial immunity -In (clear absence of all jurisdictions)

9. In complete absence of all jurisdictions, Defendant Manning not only dismissed Plaintiff's petition but also improperly granted Defendant Saeid's request for attorney's fees, awarding \$3,000 in favor of Defendant Saeid without conducting an evidentiary separate hearing on attorney fee in order to give the plaintiff an opportunity to cross examine and question the attorney as to fairness of the fee. Judicial immunity cannot be applied to Defendant Maning. In determining whether an act was clearly outside a judge's jurisdiction for judicial immunity purposes, **the focus is not on whether the judge's specific act was proper or improper, but whether the judge had jurisdiction necessity to perform an act of that kind in the case.** See *Mireles v. Waco*, 502 US.9, 112 S. Ct, 286,289, 116L. ED.2d 9(1991). Plaintiff argues that Defendant Manning has acted in a **complete absence of all jurisdictions** and by doing so, plaintiff has been harmed.

CLEAR VIOLATION OF STATUTORY MANDATES

10. Defendant Saeid, representing the opposing party (Abbas Hajianbarzi), knowingly requested attorney's fees from Defendant Manning, despite being fully aware that the court lacked jurisdiction necessary to issue any ruling. Without hesitation or proper legal authority, Defendant Manning granted this request in direct contravention of OCGA § 19-13-3(c) and she continued to

preside over a case that automatically has been dismissed by law, violating plaintiff's constitutional right under the color of law. Presiding over a case after it has been statutorily dismissed under O.C.G.A. § 19-13-3(c) constitutes an act **in clear absence of jurisdiction**, resulting in the loss of judicial immunity thus Defendant Manning is not entitled to judicial immunity because she acted in the clear absence of all jurisdictions. She cannot enjoy immunity from the plaintiff's claim for damages.

11. Plaintiff, a victim of violence who sought legal protection, was not only denied the relief he requested but was further revictimized by an unlawful order requiring him to pay \$3,000 in attorney's fees to the legal representative of the perpetrator; thereby revictimizing plaintiff. Shocked by this miscarriage of justice, Plaintiff filed an Application for Discretionary Appeal with the Georgia Court of Appeals, which was subsequently granted. (See **Exhibit A**).

12. While the appeal was pending, Defendant Saeid ignored the supersedeas stay in effect, engaged in further unlawful conduct and continued the abuse of the process. On September 11, 2023, Defendant Saeid maliciously attempted to enforce the \$3,000 attorney's fees award by filing two improper pleadings:

1) “Notice to Take Videotaped Deposition of Fazail Azizan”, which provided Plaintiff with less than 24 hours’ notice to appear in person at Defendant Saeid’s law office (Samuel Johnson and Associates, 12600 Deerfield Parkway, Suite 425, Alpharetta, Georgia 30004) at 10:00 AM on September 12, 2023. (See **Exhibit B**).

2) A “Motion for Citation of Contempt”, requesting that Defendant Manning hold Plaintiff in Fulton County Jail until the \$3,000 in attorney’s fees were paid in full. (See **Exhibit C**).

13. These actions, taken while the case was on appeal, demonstrate a blatant abuse of judicial process and reckless disregard for plaintiff’s due process right. All these actions have been taken in complete absence of all jurisdictions.

14. The Court of Appeals granted Plaintiff’s Application for Discretionary Appeal, after which Plaintiff filed his appeal. Proceeding pro se, Plaintiff dedicated and devoted extensive time and effort to prepare a 40-page appellate brief in an attempt to overturn Defendant Manning’s unlawful judgment. (See **Exhibit D**).

15. Plaintiff was forced to navigate the appellate process solely due to Defendants’ abuse of process. As a direct result of Defendants’ misconduct, and abuse of process, Plaintiff incurred significant financial expenses, amounting to thousands of dollars, to challenge a judgment rendered in the clear absence of

jurisdiction. These unnecessary costs entirely would have been avoided had Defendants not improperly pursued proceedings in a case that had been statutorily dismissed by operation of law.

16. What should have been a straightforward TPO proceeding was unjustly transformed by Defendants into a protracted legal ordeal, causing Plaintiff undue hardship and emotional distress.

17. The personal integrity of those serving within the justice system is the cornerstone of ensuring that the government not only operates within its lawful boundaries but also ensuring people like plaintiffs have access to the court under the first amendment. Unfortunately, this integrity is becoming an increasingly scarce virtue. Alarming, some officials within the criminal justice system appear to be embracing a dangerous mindset — one where the belief that ‘the end justifies the means’ overrides their duty to uphold justice and the rule of law.”

18. Ultimately, the Court of Appeals ruled in Plaintiff’s favor, concluding that Defendant Manning **lacked the jurisdiction** to hear the case. The court vacated the entire judgment, including the improper award of attorney’s fees. (See **Exhibit E**). The act of the defendant Manning was without authority, jurisdiction and was void, 3 judges in the Court of appeal of Georgia, Hodges, Judge. Doyle, P. J., and Watkins, J., agreed with the plaintiff that defendant Manning had no

authority to hear the plaintiff's case and judgment which was rendered by her IS void.

The Present Suit for Damages Against Manning Under 42 U.S.C 1983 Violation of Eighth Amendment; Plaintiff Was Subjected to Cruel and Unusual Punishment.

COUNT FOR VIOLATION OF 8TH AMENDMENT (CRUEL AND UNUSUAL PUNISHMENT)

19. For the purposes of the present action against Defendant Manning for damages pursuant to 42 U.S.C. § 1983, Plaintiff asserts that Manning, with full knowledge of her lack of jurisdiction, acted in the clear absence of jurisdiction and thereby violated Plaintiff's constitutional rights. On August 25, 2023, Manning unlawfully issued an order in a case over which she had no jurisdiction, compelling Plaintiff to pay \$3,000 in attorney's fees to Defendant Saeid. Such actions were undertaken in violation of Plaintiff's civil rights, including substantive and procedural due process rights, as guaranteed under the Fourteenth Amendment to the United States Constitution. The plaintiff was subjected to a cruel and unusual punishment by defendants thus violating eight constitutional amendments.

20. Manning deliberately misrepresented jurisdictional facts to fabricate the appearance of authority, solely to issue orders contrary to law and in favor of Defendant Saeid. Such conduct demonstrates a willful and malicious violation of

Plaintiff's civil rights, executed without jurisdiction and with reckless disregard for Plaintiff's constitutional protections. Each Defendant has willfully and maliciously deprived Plaintiff of his constitutional rights under the United States Constitution. Defendants have engaged in a persistent and egregious pattern of civil rights violations with such frequency and impunity that they have developed a reckless disregard for the rule of law, operating under the belief that they are beyond accountability; they have developed an arrogance that they are above the law.

Plaintiff maintains a zero-tolerance policy for violations of civil rights and will not abide the perpetuation of such injustice. The plaintiff is committed to exhausting all available legal remedies and avenues to ensure that justice is served promptly and in accordance with the law. **The plaintiff asserts that he will diligently pursue all available legal remedies until justice is served against those responsible for violating his civil rights.; standing on the principle that “when injustice becomes law, resistance becomes duty.”.**



21. When a judge enters a courtroom without the jurisdictional key to the courtroom, the judge enters as an intruder in the night and has no judicial immunity for anything she does. Without jurisdiction, the Judge loses the immunity protection and is liable for anything she does, just as is the intruder.

COUNT FOR ABUSE OF PROCESS

22. Plaintiff would assert that the Defendants acted recklessly and with malice institute proceeding in clear absence of all jurisdictions with the aforesaid conduct resulting in damages to the Plaintiff as set out heretofore and/or hereinafter.

23. Defendant Saeid, a licensed attorney in the State of Georgia since 2010, knowingly and willfully colluded with Manning to proceed with a legal action despite full knowledge that the court lacked jurisdiction. As a direct and proximate result of this collusion, an illegal and void judgment — subsequently vacated by the Court of Appeals — was entered against Plaintiff. The Defendants' abuse of process caused Plaintiff significant harm, forcing him to endure substantial financial costs and emotional distress in seeking to overturn the unlawful judgment.

24. Defendant Saeid is similarly liable for his participation in the abuse of the process. Saeid knowingly filed a frivolous opposition brief in Plaintiff's appellate case (see **Exhibit F**), with malicious intent to harm Plaintiff and without legal justification or excuse. This filing, made in the clear absence of jurisdiction, constituted improper use of judicial process to oppress and harass Plaintiff. As a

result, Plaintiff was compelled to engage in time-consuming and costly litigation to halt Defendants' ongoing abuse of the judicial system.

COUNT FOR CIVIL CONSPIRACY

25. Plaintiff respectfully seeks monetary damages, including compensatory and punitive relief, for Defendants' violations of federal civil rights law, malicious abuse of process, and conspiracy to deprive Plaintiff of constitutional protections. The Defendants entered into a civil conspiracy with each other to wrongfully proceed in case they had no jurisdiction and imposed a monetary judgment against the plaintiff. These Defendants conspired to protect their own financial interests and to disregard the Plaintiff's rights to the detriment of the Plaintiff. The actions of these Defendants have occurred without any justification, in bad faith and in willful and deliberate interference with valid and viable claims. The acts of these Defendants are so willful, wanton and in total disregard of the rights of the Plaintiff, that the Plaintiff is entitled to an award of all actual damages, punitive damages, attorneys' fees and costs of the litigation.

26. Each DEFENDANT acted in a clear absence of all jurisdictions when they disregarded the explicit language of OCGA 19-13-3 (e).

27. Defendants Saeid and Manning intentionally misused judicial procedure to achieve an outcome they knew was legally unattainable, turning the legal process into a tool for harassment and financial harm against the plaintiff.

28. The deliberate pursuit of proceedings despite clear lack of jurisdiction, coupled with the imposition of monetary penalties, illustrates a malicious abuse of process intended to oppress and injure the plaintiff.

COUNT FOR VIOLATION OF FEDERAL DUE PROCESS, EQUAL PROTECTION, CIVIL RIGHTS LAWS UNDER 42 U.S.C. Section 1983 and 28 U.S.C. Section 1343 et al

29. Defendants Saeid and Maning conspired to deprive plaintiff of his constitutional right and violating plaintiff's due process rights (Fifth and Fourteenth Amendments), by issuing a monetary judgment in a case where the Court lacked jurisdiction. The deliberate exercise of judicial power in clear absence of jurisdiction amounts to abuse of state authority that directly harmed plaintiff's constitutional right to be free from unlawful government interference with property and personal liberty. The monetary judgment, issued without legal authority, constitutes an unlawful taking violating Plaintiff's right to retain property absent lawful adjudication. The plaintiff was denied equal protection under the law and violation of equal protection clause of the fourteenth amendment.

**INJUNCTION PROHIBITING FUTURE CONDUCT OF A SIMILAR
CHARACTER, KIND OR NATURE**

30. The Plaintiff is entitled to, and hereby requests, an injunction prohibiting the Defendants from committing conduct of the like, kind, character and nature as that demonstrated and described in this complaint at any time in the future within the jurisdiction of the Fulton County, Georgia.

**COUNTS FOR DEFAMATION AND INVASION OF PRIVACY
(INJURIOUS FALSEHOOD)**

31. Defendants made false and misleading statements — including misrepresentations of the court’s jurisdiction — with the intent to harm Plaintiff’s interests and justify the issuance of an unlawful monetary judgment.

32. Defendant Manning falsely asserted judicial authority, and Defendants Saeid and Maning knowingly perpetuated this falsehood to secure an illegitimate and illegal judgment against Plaintiff.

33. These false assertions of jurisdiction and the resulting judgment caused tangible harm to Plaintiff, including financial loss, reputational damage, emotional distress, and unnecessary legal expenses.

34. Defendants acted with malice or reckless disregard for the truth, using falsehoods to manipulate judicial proceedings and unjustly punishing Plaintiff.

35. As a direct and proximate result of Defendants' falsehoods, Plaintiff suffered significant harm, including the burden of defending against void legal actions and the financial cost of appealing an illegitimate judgment.

**COUNT FOR VIOLATION OF ANTI-SLAPP STATUTE BY
RETLIATING AGAINST PLAINTIFF FOR EXERCISING HIS FIRST
AMENDMENT RIGHT TO SEEK REDRESS WITH THE COURT**

36. Defendants' action in issuing monetary sanctions and threatening incarceration during the appeals process interfered with plaintiff's right to petition the government for redress of grievances and violation of plaintiff's first amendment right. Such retaliatory conduct was intended to deter Plaintiff from pursuing lawful appeals and holding Defendants accountable.

RESERVATION OF RIGHTS

37. Plaintiff reserves the right to amend this complaint and pursue class action status.

JURY TRIAL DEMAND

38. Plaintiffs hereby demand a trial by the jury on all claims so triable.

Relief Requested

39. Plaintiff seeks the following relief from this Court:

A. `Declaratory Judgment: Declaring that Defendants acted without jurisdiction and violated Plaintiff’s constitutional and state law rights.

B. Compensatory Damages: Including actual damages for financial loss, emotional distress, and reputational harm. The Plaintiff demands judgment and compensatory damages as a result of intentional acts enumerated herein in an amount which is believed no less than \$2 million.

C. Punitive Damages: To punish Defendants for their willful misconduct and deter future abuse of judicial power.

D. Injunctive Relief: Prohibiting Defendants from engaging in further unlawful or retaliatory conduct.

E. Attorney’s Fees and Costs: Pursuant to 42 U.S.C. § 1988, for all reasonable legal expenses incurred.

F. Any Other Relief: As the Court deems just and equitable.

Respectfully submitted. This is March 3, 2025

/s/ Fazail Azizan
Fazail Azizan

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