

No. _____

**In The
Supreme Court of the United States**

RICHARD LEAKE and MICHAEL DEAN,
Petitioners,

v.

JAMES T. DRINKARD, In his personal capacity and official capacity as Assistant City Administrator of the City of Alpharetta, Georgia; JIM GLIVIN, In his personal capacity and official capacity as Mayor of the City of Alpharetta; DONALD F. MITCHELL, In his personal capacity and official capacity as Mayor Pro Tem of the City of Alpharetta; JASON BINDER, In his personal capacity and official capacity as a member of the City Council of the City of Alpharetta; BEN BURNETT, In his personal capacity and official capacity as a member of the City Council of the City of Alpharetta; JOHN HIPES, In his personal capacity and official capacity as a member of the City Council of the City of Alpharetta; DAN MERKEL, In his personal capacity and official capacity as a member of the City Council of the City of Alpharetta; KAREN RICHARD, In her personal capacity and official capacity as a member of the City Council of the City of Alpharetta; and THE CITY OF ALPHARETTA, GEORGIA, a municipal corporation,
Respondents.

**On Petition For Writ Of Certiorari To The United
States Court Of Appeals For The Eleventh Circuit**

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the District Court and Eleventh Circuit Court of Appeals erred when applying the “Government Speech” doctrine to limit the speech of private citizens and organizations participating in government sponsored parades on the basis of flags which such participants wish to display in an objective historical context, which occur on public streets and are open to all participants that have submitted proper applications, in violation of the First Amendment to the United States Constitution.
2. Whether the District Court and Eleventh Circuit Court of Appeals impermissibly expanded the “Government Speech” doctrine to limit the use of historic flags upon which the local government has imposed a particular meaning, and which can be used to ban any symbol the government wishes to restrict thereafter in violation of the First Amendment to the United States Constitution.

**LIST OF PARTIES TO THE
PROCEEDINGS IN THE COURT BELOW**

The caption of the case in this court contains the names of all of the parties to the proceedings in the United States Court of Appeals for the Eleventh Circuit.

STATEMENT OF RELATED CASES

1. *Richard Leake, et al. v. James T. Drinkard, et al.*; United States District Court for the Northern District of Georgia (1:19-cv-03463-WMR); judgment granting Defendants' motion for summary judgment entered on June 26, 2020.

2. *Richard Leake, et al. v. James T. Drinkard, et al.*; United States Court of Appeals for the Eleventh Circuit (20-13868); judgment affirming the judgment of the district court entered on September 28, 2021.

There are no other related cases.

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A. The District Court and the Circuit Court of Appeals failed to take into account the factors enunciated in <i>Walker v. Texas Division, Sons of Confederate Veterans, Inc.</i> for determining whether action of the City of Alpharetta constituted government speech, and such failure caused those courts to ignore <i>in toto</i> the constitutional doctrine which provides blanket protection for the speech which Petitioners sought to communicate.....	8
B. The streets of Alpharetta, Georgia constitute a public forum, and a parade conducted upon such streets is a protected exercise of freedom of speech guaranteed by the First Amendment; and the city cannot discriminate among speakers based upon the content of their expression.....	16
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