

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID LOUIS WHITEHEAD

Petitioner,

v.

USCA5 No. 17-30631

NETFLIX INC, 1-5; et al.,

Respondents.

On Petition For A Writ of Certiorari
To The United States Court of Appeals
For The Fifth Circuit

APPENDIX EXHIBITS SUPPORTING
PETITION FOR WRIT OF CERTIORARI

David Louis Whitehead
David Louis Whitehead

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The following documents is attached exhibits and description of documents supporting petition for Writ of Certiorari:

- Appendix. A, USCA 5th Circuit Order filed 8/14/2017 signed by Circuit Judge W. Eugene Davis denying relief requesting to by-pass Circuit Court on issue of subpoena relating to Chief Judge Dee D. Drell.
- Appendix. A 1, USCA 5th Circuit Order filed 8/25/2017 signed by Circuit Panel Judges Davis, Clement and Owen on IFP.
- Appendix. A 2, USCA 5th Circuit Order filed 10/16 2017 signed by Circuit Judges Davis, Clement, and Owen denying relief requesting DOJ's seizure of the alleged stolen copyright materials of the petitioner, denying to unseal Department of Justice's investigation based on criminal referral of Chief Mary J. Mudrick, denying to order Netflix to state whether appellant's 30 film proposals submitted by Attorney Allan Pesnell was solicited, recusal of the Circuit Judicial panel and denying to determine whether District Court Judge Dee D. Drell should have complied with court ordered subpoena. The Court failed to rule on reconsideration to by-pass Appellate Process which was denied by Judge Davis.
- Appendix. A2b, Appeal Dismissed dated 10/16/2017.
- Appendix. A3, USDC WD. LA., Memorandum Order filed 3/28/2017 signed by Judge Drell dismissing case.
- Appendix. A-4, USDC WD. LA., Order filed 6/29/2017

signed by Judge Drell, denying recusal of District Court
Judge Drell, denying unsealing the federal investigation,
to stay case, and other forms of relief.

- Appendix. A-5, USDC WD. LA, Order filed 5/2/2017
signed by Judge Drell, denying motion to set aside the
Memorandum Order filed by David Whitehead.
- Appendix. A-6, USDC WD. LA, Order filed 12/4/2017
signed by Magistrate Perez Montes relating to IFP.
- Exhibit No. 1, USDC WD. LA, Order in re: Whitehead
v. Parish of Caddo, 17 CR 00306 signed by Judge Drell
on recusal matters of both cases including Whitehead v.
Netflix, 17cv225.

Petitioner reserve the right to supplement his appendix and
petition briefs.



David Louis Whitehead
1906 Scott St.
Bossier, Louisiana 71111

Date: July 3, 2018

App. A.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-30631

DAVID LOUIS WHITEHEAD,

Plaintiff – Appellant

v.

NETFLIX; JOHN DOE #1-5,

Defendants – Appellees

Appeal from the United States District Court for the
Western District of Louisiana, Alexandria

ORDER

IT IS ORDERED that Appellant's motion to stay the
District Court and Circuit Court's proceeding on IFP and
allow the appellant to bypass the Circuit Court and directly
petition the United States Supreme Court on this case is
DENIED.

/s/
W. Eugene Davis
United States Circuit Judge

App. A-1

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 17-30631

DAVID LOUIS WHITEHEAD,

Plaintiff-Appellant

v.

NETFLIX; JOHN DOE #1-5,

Defendants-Appellees

Appeal from the United States District Court for the
Western District of Louisiana, Alexandria

Before DAVIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:

A member of this panel previously denied Appellant's motion to stay the District Court proceedings on IFP and allow the Appellant to bypass the Circuit Court and directly petition the United States Supreme Court. The panel has considered Appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED.

App. A-2

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 17-30631

DAVID LOUIS WHITEHEAD,

Plaintiff-Appellant

v.

NETFLIX; JOHN DOE #1-5,

Defendants-Appellees

Appeal from the United States District Court for the
Western District of Louisiana, Alexandria

Before DAVIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:

IT IS ORDERED that the Appellant's motion to compel
the Department of Justice to seize copyrighted works and
unseal evidence based on copyrights relating to the alleged
infringement and investigation is DENIED.

IT IS FURTHER ORDERED that the Appellant's motion to unseal the Federal Investigation involving over 100 judges relating to the massive theft of the appellant's copyrights and referral by the U.S. Attorney's Office for the Western District of Louisiana is DENIED.

IT IS FURTHER ORDERED that the Appellant's motion to order Netflix Inc. to state whether appellant's 30 film proposals submitted by Attorney Alan Pesnell was solicited is DENIED.

IT IS FURTHER ORDERED that the Appellant's motion to determine whether District Court Judge Dee D. Drell should have complied with court ordered subpoena is DENIED.

IT IS FURTHER ORDERED that the Appellant's motion to recuse Judges Priscilla R. Owen and Edith Brown Clement from the panel is DENIED.

App. A-2b

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 17-30631

DAVID LOUIS WHITEHEAD,
Plaintiff-Appellant

v.

NETFLIX; JOHN DOE #1-5,
Defendants-Appellees

Appeal from the United States District Court for the
Western District of Louisiana, Alexandria

CLERK'S OFFICE:

Under 5th Cir. R. 42.3, the appeal is dismissed as of October 16, 2017, for want of prosecution. The appellant failed to timely pay the filing fee.

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

/S/ Connie C Brown
By: _____
Connie Brown, Deputy Clerk,
ENTERED AT THE DIRECTION OF THE COURT

App. A-3

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

DAVID LOUIS WHITEHEAD CIVIL ACTION No. 1:17-cv-225
(SANCTIONED/BARRED) JUDGE DRELL
VERSUS MAG. JUDGE PEREZ-MONTES

NETFLIX, ET AL.

MEMORANDUM ORDER

Before the court is a Complaint filed on January 31, 2017, by pro se plaintiff, David Louis Whitehead ("Plaintiff"). Plaintiff's names as defendants Netflix and John Does 1 through 5. Plaintiff seeks to file an "anti-trust and fraud case against Defendants." This Court previously ordered the Clerk to not accept any future filings of any kind from Plaintiff unless the filing is first presented to a district judge and the judge has specifically ordered in writing that the pleading may be filed. (See Whitehead v. White & Case, LLP, et al., 5:12-cv-399.) Plaintiff requests permission to file this current suit.

Plaintiff requests that this Court "allow a practicing attorney to file his case with leave of the court," attaching a letter from attorney Alan Pesnell who apparently represented Plaintiff to defendant Netflix to entice Netflix to produce Plaintiff's ideas for several movies. (Attorney Pesnell has not filed for Plaintiff in this current suit.). Plaintiff also provided exhibits that show he sent a letter to the Federal Trade Commission regarding the "alleged antitrust violations

of Netflix.” Plaintiff’s current suit resembles other suits filed around the country and in this Court in which he brought claims against numerous movies production companies, actors in movies and various other entertainment-oriented contending that these defendants committed “conspiracy and due process violations to steal the plaintiff’s copyright works, and prohibit the plaintiff from pursuing his copyright and discrimination claims in court, in violation of due process of law.” See Whitehead v. White & Case, L L P, et al, 5:12-cv-399. This Court entered a Judgment in the previous case which was dismissed for failure to state a claim on which relief may be granted. In that same Judgment, the Court sanctioned Plaintiff, ordering the Clerk of Court “to decline any civil complaint filed by David Louis Whitehead unless the complaint has been presented first to a district judge of this court and the judge has specifically authorized in writing that the complaint may be filed.” Record Document #45, Whitehead v. White & Case, 5:12-cv-399. In this same case filed on appeal, the Fifth Circuit Court of Appeals also warned Plaintiff of filing repetitive or frivolous filings which could result in sanctions. David Whitehead v. White & Case, L.L.P., et al, No. 14-31224 (5th Cir.), January 8, 2016. A second warning was later issued by this Court in that same case, barring Plaintiff from filing any proceedings without first seeking this Court’s approval. Record Document #148, Whitehead v. White & Case, 5:12-cv-399.

This Court has also more recently sanctioned Plaintiff again in Whitehead v. FedEx, 10-cv-1120, ordering him to pay a monetary sanction in the amount of \$100.00 to the Clerk of Court. The Clerk was again “directed not to accept any additional filings from Plaintiff until the sanction is paid unless Plaintiff first obtains leave of Court.” (See Record Document, #68)

Plaintiff’s current complaint appears to present the same issues as in the previous suit filed in this court and in other courts across this country concerning allegations against movie production companies and similar companies. This court has authority to dismiss a suit that is duplicative of another federal court suit as part of general power to administer its docket unless there are special circumstances to favor the second suit. Cambridge Toxicology Group, Inc. v. Exnicios, 495 F.3d 169, 178 (5th Cir. 2007). In this case, Plaintiff’s current complaint appears to be a duplicate of Plaintiff’s prior frivolous suit in this Court and in other courts across this country and should be dismissed.

ACCORDINGLY,

IT IS ORDERED that the Complaint filed David Louis Whitehead on January 31, 2017, be and is hereby STRICKEN FROM THE RECORD and this case CLOSED.

IT IS FURTHER ORDERED that the Clerk of Court shall accept no further filings of any kind from David Louis Whitehead until the monetary sanction of \$100.00 imposed in Case No. 10cv-1120 is paid in full.

Alexandria, Louisiana, this 28th day of March, 2017.

/S/

DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

App. A-4

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

DAVID LOUIS WHITEHEAD CIVIL ACTION No. 1:17-cv-0225
(SANCTIONED/BARRED) JUDGE DRELL
VERSUS MAG. JUDGE PEREZ-MONTES

NETFLIX, ET AL.

ORDER

On June 17, 18 and 27, 2017, *pro se* plaintiff, David Louis Whitehead (“Plaintiff”) filed several motions including Motions to Stay, for Recusal, to Unseal and for Reconsideration of Stricken Motions. (Record Documents 21, 23, 24, 26, 27 and 32). On June 23, 2017, Plaintiff also filed an “Emergency Motion to Deny IFP Application Due to Admitted Error and Incomplete Record Data, Leave to Correct Mistakes” and an “Amended Emergency Motion to Withdraw his Emergency Motion to Deny IFP Application Due to Admitted Error and Incomplete Record Data” which both seem to concern his appeal. (Record Documents 29 and 30).

A Memorandum Order was entered closing this case on March 28, 2017. (Record Document 3) Plaintiff filed a Notice of Appeal and Motion to Proceed *In Forma Pauperis* on appeal but he moved to withdraw his appeal which was granted by the Fifth Circuit Court of Appeals by Mandate issued on June 21, 2017. (Record Document 28) However, just last week, Plaintiff filed the two Emergency Motions

concerning his IFP on appeal. (Record Documents 29 and 30) These motions are moot now that the appeal has been dismissed. Plaintiff also files a Motion for the Court to reconsider the striking of Documents 17, 18, and 19. This Court denies the Motion to Reconsider.

Even though this case is closed, Plaintiff continues to file other miscellaneous motions to stay, for recusal and to unseal. Because this case is closed, no more documents except those regarding the appeal may be filed in it. Plaintiff has been warned repeatedly in other cases that if he continued to file frivolous motions, his ban on filing new civil suits may be extended to the filing of motions and other submissions in his existing cases. (See Case No. 10-cv-1120, Record Document 68) Plaintiff is therefore warned that making any future filings in this closed case (except regarding the appeal) will result in the pleadings being docketed for administrative purposes only.

ACCORDINGLY,

IT IS ORDERED that the Motion to Stay, Motion for Recusal, Amended Motion for Recusal, Motion to Unseal, Amended Motion to Unseal and Motion for Reconsideration (Record Documents 21, 23, 24, 26, 27 and 32) filed by David Louis Whitehead are DENIED.

IT IS FURTHER ORDERED that the “Emergency Motion to Deny IFP Application Due to Admitted Error and Incomplete Record Data” and “Amended Emergency Motion to Withdraw his Emergency Motion to Deny IFP Application Due to Admitted Error and Incomplete Record data” (Record Documents 29 and 30) are DENIED AS MOOT.

IT IS ALSO ORDERED that the Clerk of Court shall accept no additional filings from David Louis Whitehead until the monetary sanction of \$100.00 imposed in Case No. 10-cv-1120 is paid in full.

IT IS FURTHER ORDERED that any future pleadings attempted to be filed in this case will result in the filing being docketed for administrative purposes only. This case is closed and remains closed.

THUS DONE AND SIGNED in Alexandria, Louisiana,
this 29th, day of June, 2017.

/S/

DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

App. A-5

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

DAVID LOUIS WHITEHEAD CIVIL ACTION No. 1:17-cv-00225
(SANCTIONED/BARRED) JUDGE DRELL
VERSUS MAGISTRATE JUDGE PEREZ-MONTES
NETFLIX, ET AL.

ORDER

This case was filed by pro se plaintiff, David Louis Whitehead, and closed by Memorandum Order on March 28, 2017. Whitehead now files an Amended Complaint and Motion to Set Aside the Memorandum Order. As already noted in the Memorandum Order which closed this case, Whitehead's Amended Complaint appears to present the same issues as in the previous suits filed in this court and in other court's across this country and should be dismissed.

ACCORDINGLY,

IT IS ORDERED that the Motion to Set Aside the Memorandum Order filed by David Louis Whitehead be Denied. This case remain closed.

IT IS FURTHER ORDERED that the Clerk not accept any more filings of any kind from David Louis Whitehead until he pays the monetary sanction imposed on him in Case No. 10-cv-1120.

Alexandria, Louisiana, this 2nd day of May 2017.

/S/

DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

App. A-6

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

DAVID LOUIS WHITEHEAD CIVIL ACTION No. 1:17-cv-225
(SANCTIONED/BARRED) JUDGE DRELL
VERSUS MAG. JUDGE PEREZ-MONTES
NETFLIX, ET AL.

ORDER

Whitehead's Motion to Proceed *in Forma Pauperis* on Appeal (Doc. 12) is DENIED as moot. Whitehead voluntarily dismissed the appeal (Doc. 28).

THUS DONE AND SIGNED in chambers in Alexandriz, Louisiana on this 4th day of December 2017.

/S/

Joseph H.L. Perez-Montes
United States Magistrate Judge

EX-1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

DAVID LOUIS WHITEHEAD CIVIL ACTION No. 1:17-CR-00306
(SANCTIONED/BARRED) JUDGE DRELL
-VS- MAGISTRATE JUDGE PEREZ-MONTES
NETFLIX, ET AL.

ORDER

The motion by Mr. Whitehead for recusal of the undersigned is Denied. (Doc. 12). The undersigned Chief Judge has NO interest in, is not related to, and has no conflict of interest concerning Travelers Insurance Company nor in the so called "Hollywood studios and lenders."

Mr. Whitehead is hereby WARNED that future false or malicious misrepresentation concerning the undersigned may result in sanctions and/or contempt of court. His "Affidavit" (Doc. 12-1) contains multiple misrepresentations and false accusations.¹

SIGNED on this 2nd day of May, 2017 at Alexandria, Louisiana.

/S/
DEE D. DRELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

¹ Decision by this judge is appropriate. See *The Chitimacha Tribe of Louisiana v. Harry L. Laws Co. Inc.*, 690 F.2d 1157 (5th Cir. 1982),

United States v. Jordan, 49 F.3d 152 (5th Cir. 1995), and Laird v. Tatum, 409 U.S. 823 (1972).