

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LEROY LAMONT WELLS — PETITIONER
(Your Name)

vs.

COLLETTE PETERS, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

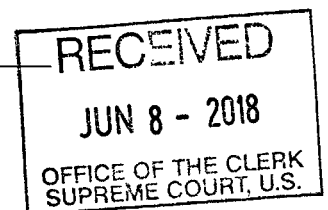
PETITION FOR WRIT OF CERTIORARI

LEROY LAMONT WELLS
(Your Name)

2500 Westgate
(Address)

Pendleton, Oregon 97801
(City, State, Zip Code)

MP
(Phone Number)



QUESTION(S) PRESENTED

1) In USCA9 No. 17-35696, Wells v. Peters, et al / Does ORDER Filed May 25, 2018 and ORDER Filed January 24, 2018 comply with Federal Rules of Appellate Procedure, Rule 32(d)?

2) Must the Court strike an unsigned paper that is ORDER denying Appellant's motion to proceed in forma pauperis Filed January 24, 2018, and ORDER Denying the pending motions to reinstate, to reconsider and for a stay of mandate, and motion for judicial notice and issuance of mandate forthwith Filed May 25, 2018 in USCA9 No. 17-35696, Wells v. Peters, et al.?

3) If Appellant in USCA9 No. 17-35696, Wells v. Peters, et al / timely complies with Clerk's ORDER to show cause with respect to motion to proceed in forma pauperis, may the clerk, notwithstanding compliance, dismiss the appeal for lack of prosecution?

4) Is Deputy Clerk Marc Eschro authorized by the Chief Judge or APPELLATE COMMISSIONER to issue ORDER DISMISSING USCA9 No. 17-35696 where Appellant Wells requested relief leave to proceed in forma pauperis where D.C. Judge Mosman Reversed such leave?

5) In Ninth Circuit Court, must Motion for leave to proceed in forma pauperis in civil cases be presented to two and three Judge panels?

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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APPENDIX A ORDER FILED APRIL 10 2018 DISMISSING
USCA9 No. 17-35696

APPENDIX B OPINION AND ORDER of the District Court
Pendleton, Division (D. OR) D.C. NO. 2:16-cv-01930-JE

APPENDIX C ORDER FILED MAY 25, 2018 DENYING MOTION
FOR RECONSIDERATION (unsigned Paper)

APPENDIX D ORDER FILED JAN 24 2018 DENYING MOTION TO
PROCEED INFORMA PAPERIS. (unsigned Paper)

APPENDIX E JUDGMENT DATED 10th day of August, 2017
DISMISSING D.C. NO. 2:16-cv-01930-JE without Prejudice.

APPENDIX F APPELLANTS RESPONSE TO ILANA HALLER PARKER
Deputy CLERK ORDER-STATEMENT OF FACTS Filed by
LEROY LAMONT WELLS (APPELLANT LEROY LAMONT WELLS Response
to Stephanie Zeller Deputy Clerk Order-statement of facts,
Served on 10/23/2017 at (OCT 24) in USCA9 NO. 17-35696
in connection with LEROY LAMONT WELLS specific written
objections to Appellees Response to Appellants statement
pursuant to show cause order, served on 11/09/2017 (OCT 26).

TABLE OF AUTHORITIES CITED

CASES

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at MP; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at MP; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix MP to the petition and is

☐ reported at MP; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the MP court appears at Appendix MP to the petition and is

☐ reported at MP; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was JANUARY 24, 2018.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: MAY 25, 2018, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was N/A.
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment 14. "No state shall... deprive any person of... liberty... without due process of law; nor deny any person within its jurisdiction the equal protection of laws"
UNITED STATES CONSTITUTION. III

FEDERAL RULES OF APPELLATE PROCEDURE RULE 32(d),
"Every Brief, Motion or other paper filed in this Court must be signed by the party filing the paper or, if the party is represented, by one of the parties attorneys."
III.

STATEMENT OF THE CASE

1983

The Petitioner is entitled to IFP status in 5 to gain injunctive relief. The Petitioner brings his Petition for certiorari for decisions of importance far beyond the particular facts and parties involved herein. Under the penalty of perjury pursuant to 18 U.S.C. 5.1621 and 28 U.S.C. 1746 the facts herein are true to the best of Petitioner Leroy Longant Wells belief. In historical context:

In Lane County Circuit Court Case No. 201404943, Oregon Court of Appeals, Appeal No. A157450, State of Oregon v. Leroy Longant Wells, the trial court ordered Mistrial on 04/29/2014, prior to opening statements, and discharged the 04/25/2014 empaneled and sworn in jury from service, following trial counsel David Seydack's successful motion for mistrial and showing of prejudice to the defense uncontested by D.A. Sarah M. Saberi. Notwithstanding the order Mistrial/Discharge of Jury, a judgment was rendered on July 18, 2014, and entered into Register of Actions on July 21, 2014. On October 29, 2014, the Oregon Court of Appeals, in Appeal No. A157450, the Court on its own motion determined the trial court lacked personal jurisdiction to enter the judgment that Appeal A157450 was taken, vacated that judgment, and vacated written judgment of conviction and sentence entered on 04/21/2014, and terminated that appeal. ~~the case follows;~~

As of October 29, 2014, Petitioner is a former

defender in Lane County Circuit Court Case No. 201404943.

The Appellant was never released from custody in Lane

County Circuit Court Case No. 201404943 and continues

to be imprisoned by virtue of the vacated judgment

dated July 18, 2014. In order to secure liberty, the

Petitioner has filed a minimum of eight state Petitions

for Habeas Corpus in Multnomah County Circuit Court, in

Vale, Oregon. All were dismissed based on purported

judgment dated November 18, 2014 and the appeal taken

from that purported judgment in Lane County Circuit

Court Case No. 201404943, Oregon Court of Appeals, Appeal

No. A158412. Appeal No. A158412 is taken from the

same judgment vacated less than 21 days earlier. The

Judgment dated November 18, 2014 in Lane County Circuit

Court Case No. 201404943/A158412 is not Authorized by

Honorable Mustafa T. Kasubhai. The vacated judgment

dated 07/18/2014 is incapable of being rectified, confirmed

or enforced in the manner of Lane County Circuit Court

Case No. 201404943, Oregon Court of Appeals, Appeal No.

A158412. Therefore the Petitioner filed Federal

Petition for writ of Habeas Corpus, and §1983 to secure

his Release from unconstitutional imprisonment.

To this date all cases have been dismissed.

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Due to being denied state and Federal Habeas Relief, following being denied an opportunity to defend against criminal charges in Lane Co. Cir. Ct. Case No. 201404943 due to Order mistrial based on Prejudice to the defense, and being denied an appeal in Oregon Court of Appeals, Appeal No. A157450, the Petitioner's last resort for Relief from unconstitutional imprisonment is U.S. D.C Case No. (S) 2:16-cv-01930-JE and 6:17-cv-01370-JE. The Petitioner filed Rebuttal of Presumption of Probable Cause in USCA9 No. 17-35696, and Motion for Release.

The Petitioner's criminal trial was terminated without a determination on the merits on 04/29/14, no new trial was ordered, and no trial took place. As of 10/29/2019 the Petitioner has not been in custody as the result of a conviction and is not sentenced for a crime, and is not awaiting charges. Thereby all dismissed §1983's cited by Honorable Mosman, and Magistrate Judge Telders and 9th Circuit Clerk STEPHANIE ZELLER do not count as strikes against Petitioner for purpose of U.S.C. §1915(g).

Thus the Petitioner is entitled to proceed in forma pauperis in 9th Circuit Court Case No. 17-35696 and D.C. Case No. 2:16-cv-01930-JE. On August 29, 2017, Deputy Clerk Filed Time schedule Order Requiring filings to be pursuant to

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FRAP 32(d). for ALL parties. FRAP 32(d) Requires that ORDERS DATED JAN 24 2018 and MAY 25 2018 in USCA9 No. 17-35696 be signed by the party filing it. FRCP 11 (a) Signature Requires unsigned papers to be stricken.

Pursuant to General Order USCA NINTH CIRCUIT, GEN. ORD. 6.3. (g)(1)(ii) motions for leave to proceed in forma pauperis can only be disposed by regularly scheduled motions Panel made up of two or three judges. The Chief Judge did not authorize Deputy Clerk MARC Eshoo to issue ORDER DISMISSING USCA9 No. 17-35696 for failure to prosecute, and the Deputy Clerk erred in a manner that is not harmless when he dismissed the case for failure to prosecute notwithstanding the Petitioners full, and timely compliance with October 18, 2017 ORDER to show Cause Re: IFP status. 11/

REASONS FOR GRANTING THE PETITION

The Petitioner is entitled to IFP status.

The entire judicial processes integrity is at stake which affects all Americans. In all of totality of this case, Oregon Courts and Oregon Department of Justice has seized on American Citizen absent probable cause on 11/18/14 for purpose of sentencing in a case where there is no conviction, and no judicial determination of probable cause, no trial, and subsequent prolonged confinement absent probable cause; in furtherance, the Oregon Federal and state courts have deprived the Petitioner of Am. 14 Right to Due Process of law in every case cited by Oregon D.C. Judge with Rubber stamp dismissals of Petitions for Writ of Habeas Relief and Injunctive Relief in all dismissed § 1983 Actions filed by Petitioner after the conviction was vacated which initially confined the Appellant, notwithstanding, The Ninth Circuit in *Page v. Torrey*, 201 F3d 1136 (2000) holds that, "only individuals who at the time seek to file their civil actions, are defined as a result of being accused of, convicted of or sentenced for (a) criminal offenses are 'prisoners' with definition of 28 U.S.C. 1915(g). (see all cited cases*). Clerks cannot be allowed to usurp Judge's Motion Panels as stated herein. 11/

06/07/18
/s/Leroy Lamont Wells
2500 Westgate
Pendleton, Oregon 97801
Pro Se



SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

WASHINGTON, D.C. 20543-0001

Leroy Lamont Wells,
Appellant,

RE: 9th Cir. No.17-36029
9th Cir. No.17-35696

v.

CLARIFICATION OF JAILHOUSE
LAWYERING ON BEHALF OF ANY
PERSON IN OREGON D.O.C

ELLEN F. ROSENBLUM, et al,
Appellees.

Dear SUPREME COURT; and Counsel for Defendant-Appellees,

The Petitioner has previously submitted correspondence to third-parties regarding his absolute cease and desist of assisting any person in the capacity of a so-called "Jail House Lawyer" as recognized by the Esteemed Legal Organization National Lawyer's Guild, and the Courts. The basis for Petitioner's decision was Oregon Department of Justice's refusal to settle the civil matters informally and it's absolute refusal to recognize

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the potential precedent that would be set in the event of a judgment against the Defendant-Appellees, and the Petitioner does not seek to aid any convicted sex offender, murderer to pick-pocket. The charges matter. A large part of Petitioner's decision was his being threatened, oppressed, disrespected, segregated, assaulted and openly hunted by the State. Backing off assisting others seemed to give brief reprieves from attack. The Petitioner sent correspondence to Oregon D.O.C's Director Collette Peters, Oregon Attorney General Ellen F. Rosenblum, Inmate Communications to Eastern Oregon Corrections staff, and to third-parties renouncing Petitioner's further assistance of others. The Petitioner hereby respectfully corrects his error and clarifies his position and hereby rescinds his earlier position.

The Petitioner cannot withstand the attacks on personal, political and constitutional levels perpetrated by the State of Oregon against uninformed, misinformed, and disadvantaged individuals incarcerated in violations of Oregon Revised Statute 133.110 Issuance. "If an information or a complaint has been filed with the magistrate, and the magistrate is satisfied that there is probable cause to believe that the person has committed the crime specified in the information or complaint, the magistrate shall issue a warrant of arrest." In relevant part, and Rule 8 Process A. PROCESS "All process authorized to be issued by any court or officer thereof shall run in the name of the State of Oregon and be signed by the officer issuing the same, and if such process is

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issued by a clerk of court, the seal of office of such clerk shall be affixed to such process.” In relevant part, and Rule 9 Service and Filing of Pleadings and Other Papers

C. FILING; PROOF OF SERVICE “Except as provided by section D of this rule, all papers required to be served upon a party by section A of this rule shall be filed with the court within a reasonable time after service. Except as otherwise provided in Rule 7 and Rule 8, proof of service of all papers required or permitted to be served may be by written acknowledgment of service, by affidavit or declaration of the person making service, or by certificate of an attorney. Such proof of service may be made upon the papers served or as a separate document attached to the papers. Where service is made by telephonic facsimile communication device or e-mail, proof of service shall be made by affidavit or declaration of the person making service, or by certificate of an attorney or sheriff. Attached to such affidavit, declaration, or certificate shall be the printed confirmation of receipt of the message generated by the transmitting machine, if facsimile communication is used. If service is made by e-mail under section G of this rule, the person making service must certify that he or she received confirmation that the message was received, either by return e-mail, automatically generated message, telephonic facsimile, or orally.” In relevant part, and E. FILING WITH THE COURT

DEFINED “The filing of pleadings and other documents with the court as required by these rules shall be made by filing them with the clerk of the court or the person

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exercising the duties of that office. The clerk or the person exercising the duties of that office shall endorse upon such pleading or document the time of day, the day of the month, the month, and the year. The clerk or person exercising the duties of that office is not required to receive for filing any document unless the name of the court, the title of the cause and the document, the names of the parties, and the attorney for the party requesting filing, if there be one, are legibly endorsed on the front of the document, nor unless the contents thereof are legible.,” and AMENDMENT 14 Section 1. [Citizens of the United States.] “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” In relevant part, which deprivations are not harmless. The denial of Due Process and issuance of Process pursuant to ORS 133.110, which process is described in 131.005(14) General definitions. “Warrant of arrest † means a process of a court, directing a peace officer to arrest a defendant and to bring the defendant before the court for the purpose of arraignment upon an accusatory instrument filed therewith by which a criminal action against the defendant has been commenced.,” causes any judgment rendered upon a conviction void. Until a trial court

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issues Process pursuant to ORS 133.110, in Oregon, and service of process is proper (the first primary requirement of acquiring personal jurisdiction over a defendant), the trial court has no power to render a judgment against a defendant, and if the judge renders judgment against a defendant without first acquiring jurisdiction over the defendant, the judgment is void, and is no judgment. TERM: void judgment. TEXT: "A judgment which in legal effect is no judgment; a judgment under which no rights are acquired or divested; a judgment which neither binds nor bars anyone. *Stafford v Gallope*, 123 NC 19, 21, 31 SE 265. A judgment which because of want of jurisdiction is entitled to no respect whatever but may be entirely disregarded or declared inoperative by any court in which effect is sought to be given to it. 30A Am J Rev ed Judgm ¶ 45. A judgment which is an absolute nullity, so that its invalidity may be asserted upon either direct or collateral attack by any person whose rights are affected, at any time and at any place."

Therefore the Petitioner will assist any person who's rights are affected in this manner in the united fight against mass incarceration of American citizens and to prevent seizures of persons absent judicial determination of probable cause. The Petitioner is a respected member of NLG our newest staff, Kimmie David - Office Manager NLG National Office has received Petitioner's pleas for assistance in his own instance of suffering these very deprivations in the above matters, inter alia. The fact that these deprivations named herein are prior to arraignment in criminal matters, a defendant is not constitutionally,

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legally or lawfully brought under the adjudicative process of the criminal court, and is therefore innocent. Thank you for your attention in this matter. Please, if any take exception to Petitioner's decision to limit his assistance to the specific issues herein, please contact the Petitioner. Oregon has a problem. America has a problem if one person is allowed to be seized absent probable cause for the purpose of arraignment in a criminal matter. Respectfully.

06/07/18

/s/Leroy Lamont Wells

2500 Westgate

Pendleton, Oregon 97801

Pro Se



CLARIFICATION SUPREME COURT Leroy Lamont Wells

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

15/ Leno/Larson Wells 15/2

Date: May 30, 2018