

No. _____

Court Clerk

IN THE

SUPREME COURT OF THE UNITED STATES

Calvin Eugene Barnett, 1st 89599 P. S. PETITIONER
(Your Name)

vs.

Bacharach, Murphy, Moritz, Et Al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Calvin Eugene Barnett, 1st 89599 P. S.
(Your Name)

P.O. Box 91
(Address)

McAlester, Oklahoma, 74502
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

1. Does His State A Cognizable Section 1983 Claim? Cause of Action, And Claim, Stated Again-
st the Three (3) Appellees?
2. How Can Appellant Pay any Court Cost, When
the Three (3) Appellees have Not Payed the Appellant?
3. Why Wasn't Appellant Payed \$14,45 Per Month, under
Section-06 Classification O7-060107 as it states?
4. For Ten; (10) years, Why Wasn't Appellant Payed by the
Appellees?
5. Why wasn't Appellant (A-Notice; And A Hearing)
Concerning Appellant Monthly pay, At Pay Grade (4)?
6. Does Appellant have the Right for Discovery?
7. Does the Attorney General; or the Assistant's Attorney
General; have the Right to Delay any Summons, And
Fetters, for over Thirty (30) Days without Notifying
The Court, are the Appellant?

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:

Judge Ronald A. White,

Judge Steven P. Shreder,

Joe M. Allbaugh,

Terry Royal,

Jessica Smith,

Robert Raymer,

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APPENDIX D	<i>By Judge Tim Mills, Ruling: That on or Before July 7, 2017, Each of the Named Defendants,</i>
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TABLE OF AUTHORITIES CITED

CASES

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<u>Estelle v. Gamble</u> , 97 S.Ct. 285, 429 U.S. 97, (U.S. Tex. 1976) 3
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STATUTES AND RULES

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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 N/A; 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-C to the petition and is

[] reported at N/A; 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 D to the petition and is

[] reported at N/A; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the N/A court appears at Appendix D to the petition and is

[] reported at N/A; 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 October 22, 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: November 7th, 2018, and a copy of the order denying rehearing appears at Appendix B.

☐ 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.

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

Petitioner's Money is Property; and like other Property; is Protected By The Due Process Clauses, And the Takings Clauses of the Constitution. The Fifth and Fourteenth Amendments To The United States Constitution.

☒ For cases from **state courts**:

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

☐ 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 _____.

☐ 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.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment [I]: or prohibiting the free Exercise thereof; or Abridging the freedom of Speech, or of the Press; or the Right of the People Peaceably to Assemble, and to Petition the Government for a Redress of Grievances. Appendix E an F;

Amendment [V]: Nor be deprived of life, liberty, or Property, without Due Process of Law; Nor Shall Private Property be taken for Public Use, without just Compensation. Appendix E an F;

Amendment [VIII]: Nor Cruel, and Unusual Punishments Inflicted. Appendix E an F;

Amendment [XIV]: 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 Law; Appendix E an F;

Appellant has been Denied; Deprived; Under the Color of Law; Of the Statute; Ordinance; Regulation; and Custom; of his Rights. Maines v. Kerner; Estelle v. Gamble; Appendix E-F;

STATEMENT OF THE CASE

Appendix A; Cause Of Action; And Claim; Stated
Against Joe M. Allbaugh; Terry Royal; and Jessica
Smith;

Appendix B; Cause Of Action; And Claim; Stated
Against Joe M. Allbaugh; Terry Royal; and Jessica
Smith;

Appendix C; Cause Of Action; And Claim; Stated
Against Joe M. Allbaugh; Terry Royal; and Jessica
Smith;

Joe M. Allbaugh, Director of D.C., Terry Royal,
Warden Of Oklahoma State Penitentiary, McAlester,
Oklahoma., To My Knowledge, Jessica Smith, is the
Supervisor Over the Law Library; and the Mail
Room; Each one of the Three (3) Appellees, has
Clearly Step Out of his' and her Character; The
Appellant has been Denied; Deprived; Under the
Color of Law; Of The Statute; Ordinance;
Regulation; and Custom; of his "First;" "Fifth;"
"Eighth;" and The Fourteenth Amendment Rights;
97 S. Ct. 285, 429 U.S. 97 Estelle v. Gamble, U.S.

Tex. 1976) III [13] Against this backdrop, we now consider whether respondent's Complaint States a Cognizable Section 1983 Claim. The handwritten Pro Se document is to be Liberally Construed. As the Court unanimously held in Vaines v. Kerner, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972), a Pro Se Complaint, "However inartfully pleaded, Must be held to 'Less Stringent Standards than formal Pleadings Drafted by Lawyers,' and Can only be dismissed for Failure to State a Claim If it appears 'Beyond Doubt that the Plaintiff Can Prove No Set of Facts in Support of his Claim which would Entitle him to Relief.' Id., at 520-521, 92 S.Ct. at 596, Quoting Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957).

Appendix E; Three Appellees; Joe M. Allbaugh, Terry Royal, and Jessica Smith; are Not Entitled to Qualified Immunity; Because Appellant Rights Were Clearly Established By The Oklahoma Legislature; And By Green v. Johnson, 971 F.2d 1383 (10th Cir. 1992). At the time Appellant Was Denied the Right to Section-06 Classification of OP-060107 Page 11(R) Pay Grade; Grade 4-\$14.45 Per Month. (4-4461). The Appell-

ant has Been Denied of his First; Fifth; Eighth;
and The Fourteenth Amendment Rights; By the
Three (3) Appellees, and the Honorable Judges;
Honorable Bacharach; Honorable Murphy; Honorable
Moritz of Appendix A; and Appendix C; The
Honorable Judge Ronald A. White, All Court Cost;
Could have, and Should have been Pay in Full.
The Three (3) Appellees Have (Defrauded) the
Appellant Out of \$17,371.00 Seventeen Thousand,
Three Hundred, and Seventy One Dollars;
Without giving the Appellant A Notice, And
A Hearing Concerning his Monthly Pay;
At Pay Grade; Grade 4 - \$14.45 Per Month, for
Ten (10) years;

Appendix 7; 4. Adoption, or Enforcement of, or
Failure to adopt or enforce a law, whether valid,
or invalid, including, but not limited to, any
Statute, Charter Provision, Ordinance, Resolution,
Rule, Regulation, or written Policy.

13. Inspection powers, or Functions, including
Failure to Make an inspection, Review, or Approval,
or Making an Inadequat, Negligent Inspection,
Review, or Approval of any Property, Real, or
Personal, to Determine whether the Property
Complies with, or Violates Any Law, or

Contains a Hazard to Health, or Safety, or Fails to Conform to a Recognized Standard;

Appendix G; Order, For the reasons Stated in the Response Filed herein, Plaintiff's Motion for default judgment is denied, and the Petition herein is dismissed for failure to pay filing fees in accordance with Statutes. Providing that the Honorable Judges; Appendix A; and Appendix C; and The Three (3) Appellees Joe M. Allbaugh, Terry Royal, Jessica Smith, would have Given the Appellant a Hearing, Concerning his Monthly Pay Grade, Pay at \$14.45 Per-Month, Or Any Pay Grade; all Court Costs; Could have been Pay in full, and is very Possible, Appellant would be A Free Man to day.

Appellant is Asking the Honorable Judges, of The Supreme Court; of The United States; to Reverse, And Remand, This Case back to the United States Court of Appeals, For the Tenth Circuit, Office of The Clerk; With the instructions that Appellant Receive a Hearing; and for Discovery, To Prove All the Merits in his Case.

REASONS FOR GRANTING THE PETITION

1. Appellant has Stated; Cause Of Action; And Claim: Stated Against Joe M. Allbaugh, Terry Royal, Jessica Smith, Appellant Never Received a Hearing. Concerning his Monthly Pay Grade, \$14.45.
2. Appellant has been "Denied; Deprived; Under the Color of Law; of the Statute; Ordinance; Regulation; and Custom; of his First; Fifth; Eighth; and the Fourteenth Amendment Rights."
3. 97 S.Ct. 285, 429 U.S. 97 Estelle v. Gamble, (U. S. Tex. 1976); Haines v. Kerner, 404 U.S. 519, 92 S.Ct. 594, 30 L. Ed. 2d 652 (1972); Id., at 520-521, 92 S.Ct. at 596, Quoting, Conky v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L. Ed. 2d 80 (1957). Green v. Johnson, 977 F.2d 1383 (10th Cir. 1992) (Appendix F; 4.) (Appendix F) Why Wasn't Appellant Given a Time for Discovery, to prove his Merits, (Appendix A); (Appendix B); (Appendix C) has Violated Appellant Constitutional Rights

The Petition For A Writ Of Certiorari Should Be, And The Appellant Is Hoping That it will Be Granted; Under 91 S.Ct. 285, 429 U.S. 97, Estell v. Gamble, (U.S. Tex. 1976); Conley v. Gibson, 355 U.S. 41, 45-46 78 S.Ct. 99, 2 L.Ed.2d 80 (1957); Maines v. Kerner, 404 U.S. 519, 92 S.Ct. 594 30 L.Ed.2d 652 (1972); The Issue are, and Is of Public Importance, And Deserves Further Consideration In The Interest of Justice.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mr. Calvin Eugene Barnett, 11th 99599

Date: January/ 12019