

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Tommy Boone — PETITIONER
(Your Name)

Lori Davis vs.
Director, Tx. Dept. Cr. Jus. - C.I.D. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Texas Court of Criminal Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tommy Boone
(Your Name)

McConnell Unit, 3001 S. Emily Drive
(Address)

Beaville, Texas 78102
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Introduction

Assuming the Circuit Courts "Application" of the June 15, 1989 - Amended Parole Statute, in Texas, By the 71st Legislature, Strategically Dismantling the SAFE-KEEPING proviso of the 1987-Amended Law, is a Legitimate Application, FOR PURPOSE OF Questioning the Statutes Constitutionality:

QUESTION #1

Do Not the Consequences inherent in such a change violate Substantive Due Process since such an act could only be Motivated by a Bad Faith intent to Legitimize Indiscriminate withdrawals of Established Release Dates Under Guise of A Fair EXERCISE OF OFFICIAL Discretion ? * * * *

QUESTION #2. A.

Does the Statute Sec. 498.005, Gov't. Code Truly Authorize An Adjustment in the Practices - Abolishing them altogether - in their General Usages?

QUESTION #2. B.

Doesnt the Legislative Abolishment of "Restorations" Authority in Sec. 498.004, Gov. Code Violate Substantive Due Process Rendering the Law unconstitutional ?

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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OTHER

The page numbers here ARE
 numbered according to the 22 pages
 of the "Statement of Facts of the CASE"
 and not the pages of the petition itself

IN THE
SUPREME COURT OF THE UNITED STATES

①

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 _____ to the petition and is

- ☐ reported at _____; 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☐ is unpublished.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 _____ to the petition and is

- ☐ reported at _____; 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 A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the 176th Dist. Trial Court court appears at Appendix B to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

(2)

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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: _____, 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 _____ (date) on _____ (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 9/26/2018.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, 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 _____ (date) on _____ (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- ① The Doctrine of Substantive Due Process
- ② The Doctrine of Fundamental Fairness — "Fourteenth" Amend.
- ③

The 1987 Version of LAW on PAROLE IN TEXAS
By the 70TH Legislature eff. Sept. 1, 1987 codified
Article 42.18, Section 8, TX. Code CRIM. Procedure,

AND

The 1989 Version of LAW on PAROLE IN TEXAS
By the 71ST Legislature, eff. June 15, 1989.
- ⑤ Sections 498.002
498.004, and
498.005, Texas Government Code.
- ⑥

Acts-2009, 81ST Legislature, chapter 1251 (House Bill # 93)
Section 1, effective Sept. 1, 2009 (Sec. 498.004, TX. Gov. Code)
- ⑦ ARTICLE 11.07, Texas Code of Criminal Procedure

STATEMENT OF THE CASE

4

The Handwritten Statement
consists of 21 pages

(4)

Statement OF THE CASE

Although the Matter is old, having been Accomplished in CREEL vs. Keene, 928 F.2d 707 (5 Cir. 1991) it has At that time affected Thousands OF Texas Prisoners Aside From JAMES Duke CREEL himself, ALL The Thousands Similarly Situated. Because The Legality OF The Courts Action HAS APPARENTLY gone UNchecked, its Affect on Thousands continues to this day and The "CREEL" CASE has been recognized AS "precedential" Authority in This Circuit, to this Date. The Circuit Court Told CREEL [†]that (despite) [†]its "Exercise" which FOUND AN EXTRA MEASURE OF Authority in 8(e) That APpears to eviscerate The predictive Value in 8(a) OF All its "worth" in Maintaining AN Established PARole date under the 1987 Amendments, The Court had NO [†]

(+) Gilbertson, 993 F.2d 74 (1993)

(Need) to decide ⁺ whether Those 1987 Amendments had
 CREATED A protected Expectancy in AN ESTABLISHED
 PAROLE RELEASE DATE FOR SOME TEXAS PRISON-
ERS, FOR WE REJECT CREEL THE RELIEF HE SEEKS "BASED"
⁺ NOT ON THE Amendments legislative PAST ⁺ (The 1987 LAW) ⁺ but
 RATHER ON THEIR legislative FUTURE (The 1989 LAW). The
 Court SAID THAT TO THE extent CREEL harbored ANY Expectancy
 in RELEASE under The 1987 Amendments, That Expectancy
"ENDED" on JUNE 15, 1989, The Date The 11 ST Legislature, in
THE AFTERMATH OF "ALLEN", Amended Texas' PAROLE Statute
"REPLACING" MANDATORY Release language, SHALL RELEASE, with the
 DISCRETIONARY language, MAY RELEASE. CREEL'S Most Recent inter-
 view with PAROLE Authorities did not take place UNTIL MORE
THAN a YEAR AFTER The change in LAW, therefore he had NO
Right of expectancy in Those 1987 Amendments. SEE "Scales"

(+) Gilbertson, 993 F.2d 74 (1993)

Versus Mississippi State Parole Authority, 831 F.2d 565, "566" (5 Cir. 1987), cited as a "supporting" Authority For The Courts Analytical Aspects For These differential Terminologies in A [Due Process] context.

The interpretative Result is The United States Court of Appeals has Affirmatively Applied This 1989 Law with The "critical" change to CREEL, and MANY Thousands in Texas Prisons Similarly Situated. Essentially, For want OF A Better EXPLANATION, one could SAY That even if he had an "expectancy" in his 1987 VERSION OF PAROLE LAW, The Law itself changed BEFORE HE COULD "Benefit From it" ! See: Ex Parte Montgomery, 894 S.W.2d 324, 328-29, note 13: "Before he was "ELIGIBLE" (sic) to "BENEFIT" From his CLAIMED ENTITLEMENT." ^{HOWEVER} CONTRARIWISE, The Circuit Court [★] instead [★] rather declined to "Rest A Holding on The "AT ANY TIME" Analytical Examination; instead it "BASED" its Decision on The 1989 Law, itself, clearly. This was not simply AN "Additional Notation" !

(+) Gilbertson, 993 F.2d 74 (1993)

My position is That in Creel v. Keene, The Court specifically "Held" That ~~When~~ CREEL WAS Interviewed For PARole in his Most Recent encounter with PARole Authorities, Those State Authorities gave him The Established Tentative PARole Date SUBJECT TO CURRENT LAW, e.g. The "1989" Version, which had embraced This Critically differentiating legislative change ^{"KEY"} in Language. This very same SCENARIO Applies, Thus, to MANY Thousands OF Similarly situated Texas Prisoners — And "Continues" to Apply to date, some 27 YEARS Afterward. The 1989 change in This parole statute took effect on JUNE 15, 1989. My personal encounter with Texas PARole Authorities took place in October of 1990 And I WAS Given An Established Release Month of August 1991, which was taken AWAY [without Reasons] in MAY 1991. Thus, Like CREEL, The PARole Authorities give me my

5.

PARole Release Month under currently existing
LAW at the time of my ENCOUNTER, Beginning in
October of 1990, Some Fifteen Months AFTER The
1987 LAW had Already changed effective June 15, 1989.

* * * * *

I claim the 1989 change in existing LAW has "Forever"
Eliminated the legislative willingness to Recognize ones Confirmed
Liberty Interest inherent in these Established Release Dates,
once "protected" From whimsical and Arbitrary withdrawals!

though the Creel Court says that the PARole BOARD
 had said it had Received New INFORMATION, that CREEL, IF
Released, would constitute AN INCREASE in Likelihood of HARM to
The public. The PARole BOARD "chairperson" Testified CONTRARI-
wise. See: "JOHNSON II", 910 F.Supp. 1208, at footnote No. 46 "W.D.
 Tex. [AUSTIN] 1995" This underscores not only the inherent
Right MANIFEST in such A "DATE", But the REAL (Need) that it be
"Protected" From Arbitrary withdrawals, improperly.

I propose that the 1989 State of change
"continues" to present date! That there is "NO"
FAIRNESS, "NO" REASONABLENESS in the "SUBSTANCE"
of such a change ... such a strategic change in
the content of the SAFE keeping Proviso of the
Former LAW in those 1987 Amendments, CAN "only"
Be Motivated by Bad Faith Intent to permit these
Arbitrary and indiscriminate WITHDRAWALS of the
Established PAROLE DATES, under Guise of a "Legitimate"
Exercise of OFFICIAL DISCRETION. The 1989 change CAN
NOT possibly FURTHER some Legitimate GOVERNMENTAL
objective, AND so the enactment of such a change has
violated the Doctrine of substantive DUE PROCESS, AND
these Adverse Consequences essentially continue unchecked
these MANY YEARS LATER without some Type Recognition,
OR challenge in the Continuing Constitutionality of it All.

To the extent the Fifth Circuit has decided case
Law in "Williams" and "CREELE", 641 F.2d 274 [5 cir 1981]
 And 928 F.2d 707 [5 cir. 1991], which hold that TEXAS Pri-
soners have no protected "Liberty" Interest in Parole and
 thus CANNOT Mount A challenge Against Any state Parole
Review procedure, on either PROCEDURAL, OR Substantive
Due Process Grounds. Compare HeadNotes [9] and [10] At p. 300
 OF the Class-Action KNOWN AS "JOHNSON II" [JOHNSON V. RODRIGUEZ]
 110 F.3d 299 [5 cir 1997], I will try to (ANSWER) this Miscon-
ception, that it NOT interfere with my "challenge" to the Consti-
tutionality of TEXAS Parole LAW - [Statutorily] - on this Substan-
tive Due Process Approach. First of all, AS FOR TEXAS PRISON-
ERS, The Williams v. Briscoe case in the circuit Court
 Faced A Situation under FORMER LAW where The statute
 Permits The Parole Board to Make whats been characterized
 AS "MERE" Recommendations.

8.

The Circuit Court there simply stressed that
 the statute provided the GOVERNORS OFFICE the "power"
 to object to A Recommendation by Executive Veto.
 The problem then was NOT necessarily whether the
 statute "employed" this "LANGUAGE" OF A Mandatory char-
acter, that it might, under "Greenholtz", impute some
 Constitutional Expectation in A "MANIFEST" Liberty in-
terest in Actual Release on PAROLE. But, instead, we
 Needn't WORRIE OR FRET The "LANGUAGE" OF The statute
 perhaps Failed to AFFord, to lend us The FIRMNESS
OF AN entitlement to A FAVORABLE Decision FOR RELEASE.
FOR The "Recommendation" itself [is] All these things, ipso
Facto! It is A complete Decision one has been con-
 sidered And "Found" to SATISfy All statutory prerequisites
 AS A good RISK FOR Release TO PAROLE. The PAROLE BOARD
 Actually "Believe" [sic] All these essentials! they MUST!

In This Light, The Focus "shifts" to The Fact The MAN is not complaining He is entitled to A FAVORABLE Decision By The PAROLE Authority, BUT instead, He Already HAS This, and A "Recommendation" FOR RELEASE Coming FROM The Texas BOARD OF PARDONS AND PAROLES [is] ALL These Things, By ANY other NAME! It is This Determination by these PARTICULAR Authorities, themselves, which supplies The FIRM LIBERTY INTEREST IN ACTUAL RELEASE! This Being The TRUE CASE, There in "Williams" the problem is The Statute has "FAIL" To Recognize That Williams will HAVE ACQUIRED A MANIFEST LIBERTY INTEREST IN The "Recommendation", Alone. The statute's Failure has Render it unconstitutional by permitting The Governor This UNREGULATED Veto power OVER These Well-INFORMED Decisions Coming From The PAROLE Authorities.

NEXT, The Circuit Court in CREELE V. Keene, in The ANALYTICAL PROPOSAL THAT The Court HAS "Found"

that This EXTRA MEASURE OF Decision-MAKING Power
 in Section 8(e) That APPEARS TO "Negate" The SAFE-
 Keeping proviso OF 8(a) OF All its predictive VALUE
 At Maintaining AN established Release Month, Let us
 point out That This Supposed EXTRA MEASURE OF
 Authority is GEARED To providing The BOARD Ampl
TIME By which it must "MONITOR" AN individual's "progress"
 in the statute's program of MEASURABLE Institutional
"Progress", AS Required OF The individual by the BOARD,
 AS Set out in subsection(e) OF Section 8. This is a
 precise, PARTICULAR, Already taken into legislative consid-
eration, AS "evidenced" by the very "content" OF The Section
8(a)'s SAFE-keeping proviso, itself. In This Light, Then,
 the BOARD MAY REVISE A RELEASE Month ESTABLISHED UNDER
[This] subsection [sec. 8(e)] "AT ANY TIME", But (NOT) FOR
ANY "REASON" - The BOARD Deem proper! Section 8(a)'s Fact
-BASED MEASURE Controls OVER 8(e)'s Time-oriented MEASURE.

But That is not The end of The matter. For even
Before The PAROLE BOARD Might provide The individual
 The Established Tentative Release Month, The 1987
Amended LAW Also REQUIRES That upon the persons
entry into The prison DIVISION, That, within A "120"
Day period, The BOARD shall ^{*} AMASS A detailed Network
 OF VARIOUS Records upon which it will Base its decisions
 Respecting PAROLES, And that within The Same 120
Days period, ^{*} it shall provide the prisoner AN ESTABLISH-
ed Release Month, AND A program of MEASURABLE progress
suitd to the inmate, UNLESS to do so would be inappro-
priate ... etc., etc. ^{**} All Things Considered, We must view The
Texas prisoners Liberty Interest in Release to PAROLE A
 bit differently Than depicted by "Williams", "CREELE", and "JOHNSON"
II CLASS ACTION, Ante, at page seven 7 Above, and Lines 1-10.
 * * * * *

OK, The Next Statutory challenge made here is
 The so-called PRISON OVERCROWDING REVIEW PROVISION.

The Statute

IN 1987 the 70th Legislature enacted section 498.005, Tex. Gov't Code, A Stop Gap Prison "Overcrowding" Review Provision, A Measure Made PART of The "Texas Prison Management Act" to wit—

START

PART

A.

AT LEAST ANNUALLY, The Texas Board of Criminal Justice shall Review The Departments Rules Relating To RESTORATION OF FORFEITURES OF Good Conduct Time, The MANNER OF RECLASSIFICATIONS OF INMATES, AND The MANNER Additional Good Conduct Time Credits ARE AWARDED Retroactively To Those RECLASSIFIED.

PART

B.

THE BOARD shall Consider in its REVIEW WHETHER THE INMATE OVERCROWDING IN THE DEPARTMENT HAS DECREASED, AND Whether it is NECESSARY FOR PURPOSES OF DECREASING OVERCROWDING TO CLASSIFY INMATES According To Sec. 498.002, TO RESTORE Good Conduct Time under Sec. 498.004, OR TO AWARD Additional Credits Retroactively To INMATES THAT HAVE BEEN RECLASSIFIED

PART

C.

IF THE BOARD DETERMINES THAT OVERCROWDING HAS DECREASED, AND it is NOT NECESSARY TO RESTORE Good Conduct Time OR TO AWARD Additional Good Conduct Credits, it shall "Direct" The Department to "Discontinue" Those PRACTICES.

Stop

Section 498.005, Tx. Gov't Code, PRISON Overcrowding Review Provision
PART OF THE TEXAS PRISON MANAGEMENT ACT

It has been very difficult FOR ME TO FINALLY BE
 Able TO SEE INTO THE ESCAPADE AND THE WAY IT HAS
 ALL BEEN ASSISTED BY COURTS WHO "USE" THE REPORTERS
 AS A MEDIUM BY WHICH TO COMMUNICATE WITH OTHERS
 WHO MIGHT JOIN IN AND MANUFACTURE FEIGNED AND
 COLLUSIVE (PUBLISHED) OPINIONS INTENDED TO "FURTHER"
 THE MISREPRESENTATIONS OF FACT AND LAW AND
 THUS NURTURE AND REFINED IT ALL. BUT I WILL TRY TO
 ADDRESS IT TO THE BEST OF MY ABILITY. THE STATUTORY
 PROVISION IN SECTION 498.005⁺, TEXAS GOV'T CODE,
 DOES NOT AUTHORIZE THE TEXAS BOARD OF CRIMINAL
JUSTICE "(TBCJ)" AND THE INSTITUTIONAL DIVISION TO
 MAKE ANY "ADJUSTMENTS"⁺ TO EXISTING POLICY OR THE
PRACTICES DEPICTED IN THE CONTENT OF 498.005, E.G.
498.002⁺ AND 498.004⁺. BOTH OF THESE STATUTORY
 PROVISIONS HAVE THEIR OWN INDEPENDANT POLICY

(1) Hallmark 883 Sw2d 672; Montgomery 894 Sw2d 324; Hallmark 118 F.3d 1073.
 TURNER, 46 F.Supp2d 655.

Statements AND INSTITUTIONAL DIVISION PRACTICES which wholly INDEPENDANT-OF AND APART-FROM THE LEGISLATIVE PURPOSE OF OVER-CROWDING CONCERNS SEEN IN 498.005, ARE ENTIRELY GEARED TO REWARDING AND/OR TO PUNISHING THE "BEHAVIOR" OF PRISONERS. THIS statute in Section 498.002 is a CLASSIFI-CATIONS Related item which obviously REGULATES CLASSIFICATIONS STATUSES WHICH ARE USED TO ASSIGN INMATES TO PARTICULAR TIME-EARNING STATUSES. IN THE CONTEXT OF INSTITUTIONAL DISCIPLINARY SANCTIONS THE DISCIPLINARY HEARING OFFICER (DHO) WILL EMPLOY THE POWER OF "DEMOTION" TO A "LESSER" TIME-EARNING STATUS, AS A SANCTION FOR MIS-CONDUCT. THIS PROCESS MAY BE USED TO "DEMOTE" ONE AS MUCH AS TWO (2) STATUSES DOWNWARD AT A TIME. IF AN INMATE WERE ALREADY IN A CERTAIN

punitive Disciplinary (Time-Earning) STATUS

And were TAKEN ONCE MORE BEFORE A DHO on
 A DISCIPLINARY charge, and the prisoner were
 Already in Line "CLASS"-III STATUS, which is the
EXTREME, the LOWEST OF them - A NO TIME-EARN
STATUS. YOU SERVE TIME FLAT, DAY FOR DAY, LONG WAY!
 The DHO, if he FIND the PRISONER Guilty OF
 the charge, He COULD NOT Demote the PRISONER
 ANY LOWER than A Line 3 STATUS, the LOWEST OF
 them. Instead, the DHO will write "Remain Line 3"
 This will START the Time period ANew, Needing to go
A "YEAR" Disciplinary FREE Before CLASSIFICATION
 OFFICIALS consider PRISONER For A promotion BACK
 UPWARDS. The CLASSIFICATION process Also determines
 ones TREATMENT AND Job ASSIGNMENTS AND such-ASIDE
 From its use in Disciplinary SANCTIONS, it is Also
 used to "REWARD" Good Behavior. Next, Section 498.004

Is a Special Punitive Measure, as used in the Texas Prison System, it is a Method of Enhancing ones General Sanctions for Misconduct.

The ordinary measure is the "Demotion" process spoken of above, it EXACTS FROM the OFFENDERS Time Credits NOT YET AWARDED FOR Good Conduct.

Here, in Section 498.004 the DHO has the power to TAKE By "Forfeiture", Any PART of ones Total sum of "Accrued"^{*} Good Conduct Time Credits he has already BEEN AWARDED, and Accumulated over his years of INCARCERATION. The DHO is permitted to Forfeit Any "PART" of the Total sum or [ALL] OF the TOTAL SUM of them, for a "Single" Misconduct charge. This is an EXTREME punitive MEASURE employed to "ENHANCE" the Ordinary use of "Demotions". It is no ordinary punitive statute! The use of it was Originally Reduced in "Severity"

By the Authority of The Director of The prison system to MAKE RESTORATIONS OF Such Forfeitures. Prisoners had A Legitimate Right OF "^{*}expectation" that so long as the LAW "Authorized" such AN extreme SANction, to ENHANCE Ordinary Demotions, that The Directors power to MAKE "Restorations" will ~~Also~~ Continue! But to Continue such A MEASURE while Abolishing the Restorations process is EXTREME punitive OVERREACH! It CANNOT PASS Constitutional Muster! Such A LAW Violates The Doctrine of substantive Due Process.

* * * * *

Thus, if section 498.005 were to Authorize Adjustments in policy OF THE NATURE postulated By The TBCJ, to essentially Abolish The "practices" depicted By Reference to Sections 498.002 and 498.004 it would impact CONTRARY to 498.004, itself, And Also violate substantive Due Process Notions of Fairness.

Section 498.004, the special enhancement statute "continued to authorize the Director to make these restorations for a significant time after the TBCJ exceeded its authority by commanding the Department, on November 20, 1993 to wholly abolish any further restorations. For approximately ~~at least~~ two years, the law existing within section 498.004 continued to authorize restorations; until at least September 1, 1995. This is "because 498.005 is automatically-actively in use (within its special purpose) and as such, these practices were being employed in a special measure as tools to decrease overcrowding, system wide, upon the statutes effective date of implementation! Such that, it commands a pause in the continued use upon a periodic review subject to a particular determination. The statute thus calls

For a "Discontinuance" of the employment of them unless there be Determination to The effect their continuing use to DECREASE OVERCROWDING is WARRANTED. The Statute doesn't AUTHORIZE ANY Discontinuance in their GENERAL USAGES OR Applications OUTSIDE their Specially Authorized use to the "Avowed" purpose SERVED within Section 498.005, itself, e.g. To Reduce OVERCROWDING. These practices, in their GENERAL Usage in the PRISON MANAGEMENT Act is entirely GEARED toward CLASSIFICATIONS and Disciplinary Actions whereby they [BOTH] Act to REWARD AS WELL AS to PUNISH one's Conduct. AS SUCH they ARE Always employed without ANY PAUSES OR Discontinuances AT ALL. The only Time they ARE paused OR Temporary Discontinued in any MANNER is strictly AS employed in 498.005, Alone.

And So, The Statutory provision, 498.005 is Here
 "Using" These Two LAWS, 498.002 and 498.004, The
Departmental Policy Statements AND "Rules" OF Practice
 Developed VIA These Two LAWS. 498.005 is using These
 Practices (Then) outside The General use and Application
 OF Them. Upon Active implementation of 498.005, These
 Practices Automatically Assume Active employment All
 Throughout The prison system within the Specially Designated
Roles in 498.005. These Same Practices ARE Constantly in
 use Also All throughout the system But only in their General
USAGES to REWARD AND PUNISH → "Behaviors", AFORESAID, ANTE
 at pages 12 through 19. Section 498.005 merely Commands
 A Temporary Discontinuance, A PAUSE, in their Specially Desig-
NATED purpose within OVERTCROWDING Review Provision itself, Alone!
 The proffered Interpretation of the TBCJ, That it Authorizes these
 "Adjustments": Notably ABOLISHMENTS AS opposed to Adjustments. The
 Provision Here does NOT Authorize Adjustments to Policy or Practices!

See These cases, EX PARTE HALLMARK, EX PARTE MONTGOMERY, BOHANNAN V. TEXAS BOARD OF CRIMINAL JUSTICE, HALLMARK V. JOHNSON, SEE ALSO TURNER V. JOHNSON, 883 S.W.2d 672 (Tx. CR. App. 1994), 894 S.W.2d 324 (Tx. CR. App. 1995), 942 S.W.2d 113 (1997), 118 F.3d 1073 (5 Cir 1997), 46 F. Supp. 2d 655 (S.D. Tex. 1999), Respectively. All these cases elaborate on the statute, § 498.005". They ARE ORGANIZED in an Orderly MANNER.

"EVEN" when used within section 498.005"s Emergency overcrowding Review Provision, where these practices may Be employed in specially Limited MANNER Relative to ASSIST A DECREASE in OVERCROWDING, EVEN THEN ONES "Conduct" Record must be in order BEFORE AN INMATE MAY BENEFIT FROM their special use in 498.005. ONES INSTITUTIONAL Conduct Always matters where these Practices ARE CONCERNED.

I AM MISSING MORE THAN 4000 EARNED DAYZ Good Time Forfeited under 498.004.

REASONS FOR GRANTING THE PETITION

(25)

While I KNOW the "Application" of this 1989-Amended Law spoken of By the Court in CREELE 928 F.2d 707 (1991) WAS Feigned and collusive and is a "Subtle" [EX POST FACTO]-prohibited Application of the 1989 LAW, I ALSO KNOW it WAS intended to ELIMINATE [Altogether] the Application of the 1987 LAW to anyone else AT ALL anymore, By strategically ATTACKING the 1987 LAWS "SAFEKEEPING" Provision. That's ALL the 1989 Amendment sought to accomplish. And I have tried to Contest this in Both state AND Federal Courts in this Circuit FOR A VERY Long Time! SEVERAL TIMES. Accord the Recent "DISMISSAL" By U.S. Dist. Judge VANESSA GILMORE, the DISMISSAL and the THREE PAGE "Memorandum" in Support, Dated Nov. 1, 2018. Note please How Their Memorandum at p. 1 cites to Boone v. Quarterman C.A. No. H-07-2610, and [once again] at p. 2 of Memorandum cites to Boone vs. Quarterman AS 4:07-2610 (S.D. TX. 2008) AS HAVING BEEN "DENIED" FOR LACK OF JURISDICTION! There has Never once in any of my Fed. Hab. Corp. Actions Been A DENIAL of A CLAIM of any kind. They were Always Dismissed Improperly. The District Courts maintain proper Jurisdiction to Reassess my PRIOR DISMISSALS AN ERRONEOUS DISMISSAL is Distinguishable FROM A DENIAL of A CLAIM, I do not need Circuit Court Permission to File A Second OR Successive petition in a District Court. They

(26)

Simply Hope to Forever Dismiss my petitions under
Guise They ARE Second OR Successive And they ~~lack~~
Lack Jurisdiction to entertain them until A Circuit
Court GRANT me permission to do so. But I do
NOT seek to submit A Second OR Successive petition AT
All, But the SAME ONE They keep on Improperly
Dismissing, which They will NOT Address on the
Merits! I have Been in Prison over Forty Years
on A Burglary Case, They Have AN impressive Network
of Feigned and collusive case opinions constituting A substantial
Body of LAW - A Doctrine in (Both) EX POST FACTO LAW and
DUE PROCESS Unique to this Circuit Alone - at great
odds with that of the Supreme Court itself. Look at
TURNER V. JOHNSON, 46 F.Supp.2d 655 (S.D. TX. 1999) A great
MANY of these cases cited there are Feigned and collusive!
These Judges solicit others to join in and to participate to
Nurture and Refine these unique Doctrines of theirs! They use
The Publications to communicate with each other like
Police Radios [A PB] All Points-Bulletins. This is A New
WAVE "IRON CURTAIN". Quite Impressive!

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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NOTICE OF CASE FILING

Date Case filed: **October 26, 2018**

Style of Case: **Tommy Boone
v.
Lori Davis**

Case number: **4:18-cv-04074**

District Judge assigned: **Judge Vanessa D Gilmore**

Nature of Claim: **Habeas Corpus NOS 530**

Your case has been filed as a Petition for Writ of Habeas Corpus under 28 USC 2254 by a person in state custody.

*Please write or type the civil action number on the front of all letters and documents.
Address all mail to:*

**United States District Clerk's Office
P.O. Box 61010
Houston, TX 77208-1010**

The case will be handled in the ordinary course of the Court's work. Writing to the Court to ask about your case will only SLOW the process.

Date: October 26, 2018

David J. Bradley, Clerk

CONCLUSION

The petition for a writ of certiorari should be granted. Yes I Believe So.

Respectfully submitted,

Tommy Earl Boone, Jr.

Tommy EARL Boone, JR.

Date: _____