

18-8735

ORIGINAL

MR. DAVID MEYERS #1039777  
WALLENS RIDGE STATE PRISON  
P.O. Box 759  
BIG STONE GAP, VA 24219

RK13

CLERK SCOTT HARRIS

JUNE 6<sup>th</sup> 2019

Supreme Court of United States  
Washington, DC 20543

|                                                                    |
|--------------------------------------------------------------------|
| Supreme Court, U.S.<br>FILED<br>JUN 06 2019<br>OFFICE OF THE CLERK |
|--------------------------------------------------------------------|

RE: PETITIONER IS Submitting Petition For Rehearing, Exhibits A, B, C, Certificate, Certificate of Service, Affidavit OR Declaration IN Support OF Motion For Leave To Proceed IN FORMA PAUPERIS, Imminent Danger Supplemental Pleadings, Exhibits!

DEAR CLERK SCOTT HARRIS, AND THIS HONORABLE COURT,

I hope that you AND everyone of the Clerks, AND Supreme Court Justices AND Court Personnel ARE in the best of health, AND NOT SICK, OR SUFFERING, AND THAT you in the best of spirit.

CLERK SCOTT HARRIS, please file the Above Petition For Rehearing, AND Papers with the Court. Sir, I know that some of the older COURT CLERK STAFF-COURT don't Really CARE IF I'm MURDERED, OR being NOT treated FOR my CANCER! They have been "denying me Access" to this Court FOR the last 20 YEARS. Whatever you, OR Court Staff dislikes me About me? "I Apologize" FOR whatever Reason that y'all dislike me, AND "God Bless All OF You", AND HAVE A Nice Day. "I Love All OF You", AND "PRAY God Blesses Each OF You". Love Ya!  
Yours Truly, David Meyers DAVID MEYERS

IN THE SUPREME COURT OF THE UNITED STATES  
DAVID MEYERS

JUNE 6<sup>th</sup>, 2019

VS.

1 OF 11 PAGES

U.S. POSTAL SERVICE, W. SWINNEY, ET AL.

PETITION FOR REHEARING OF CLERK SCOTT HARRIS  
AND THIS HONORABLE COURT DISMISSING THIS  
WRIT OF CERTIORARI ON LOWER COURTS PROCEDURAL  
ERROR AND INTRINSIC FRAUD-PERJURY-FRAUD  
ON THE COURT THAT PLAINTIFF IS NOT IN IMMINENT  
DANGER TO PROVIDE JUDICIAL RELIEF OF PROTECTIVE  
CUSTODY STATUS, AND HOUSING FOR PLAINTIFF'S SAFETY.

Comes Now, The Petitioner, DAVID MEYERS, Submitting  
To This Honorable Court, A Petition For Rehearing  
Of This Case Number 18-8735 WRIT OF CERTIORARI,  
OF CLERK SCOTT HARRIS, AND THIS HONORABLE COURT'S  
DISMISSING AND DENYING THIS WRIT OF CERTIORARI  
ON LOWER COURT, AND U.S. COURT OF APPEALS FOR THE  
FOURTH CIRCUIT PROCEDURAL ERROR, AND INTRINSIC  
FRAUD-PERJURY-FRAUD ON THE COURT THAT PLAINTIFF  
IS NOT IN IMMINENT DANGER TO PROVIDE JUDICIAL  
RELIEF OF PROTECTIVE CUSTODY STATUS AND PROTECTIVE  
CUSTODY HOUSING FOR PLAINTIFF'S SAFETY FROM INMATES  
WHO WANT TO MURDER PETITIONER DUE TO A \$50,000.00  
MURDER FOR HIRE BOUNTY REWARD THAT DRUG LORD

Ground #1,

2 OF 11 PAGES

MAURICE RIVES IS ADVERTISING AND PUBLICIZING TO THE INMATES IN RED ONION STATE PRISON, WALLERS RIDGE STATE PRISON, AND VIRGINIA DEPARTMENT OF CORRECTIONS TO PREVENT PETITIONER DAVID MEYERS FROM TESTIFYING BEFORE A FEDERAL GRAND JURY ON DRUG LORD MAURICE RIVES AND HIS ORGANIZED CRIME FAMILY MASS MURDERS, ILLEGAL DRUG AND ARMS TRAFFICKING IN VIRGINIA AND INMATES IN THE RED ONION STATE PRISON PROTECTIVE CUSTODY UNIT ATTEMPTS TO RAPE AND MURDER PETITIONER IN THE PROTECTIVE CUSTODY UNIT AND DEFENDANT WALTER SWINEY'S AND D.C. STALLARD'S FAILURE TO PROTECT ME, AND UNLAWFULLY REMOVING ME FROM MY FEDERAL COURT ORDER IN SEALED CIVIL ACTION NUMBER 7:16 CV 573 FILED IN THE U.S. DISTRICT COURT ROANOKE DIVISION ORDERED ME TO BE TRANSFERRED TO RED ONION STATE PRISON PROTECTIVE CUSTODY UNIT ON 03/03/2017 FOR MY SAFETY DUE TO INMATE KAJ MULLINS STABBING ME IN MY LEFT EYE WITH A KNIFE AND BEATING NEAR DEATH WITH A COMBINATION LOCK, AND THE DEFENDANTS UNITED STATES POSTAL SERVICE ALLOWING DEFENDANT W. SWINEY AND OTHER PRISON DEFENDANTS TO OBSTRUCT THE UNITED STATES MAILS IN VIOLATION OF TITLE 18 USCA SECTION 242, AND KNOWINGLY ALLOW THE DEFENDANTS IN CIVIL ACTION NUMBER 7:18 CV 29 TO COMMIT MAIL FRAUD, AND RACKETEERING ACTIVITIES BY COUNTERFEIT MAIL POSTAGE LOGS

: GROUND #2, AND FALSIFIED LEGAL MAIL LOANS THAT PETITIONER DID NOT AUTHORIZE THE DEFENDANTS F. STANLEY, S. BLENC, A. CLEVINGER KILGORE, AND S. DOTSON TO REMOVE FROM MY ACCOUNT, NOR ALTER LEGAL MAIL POSTAGE FORMS FOR UNTRUTHFUL AMOUNTS IN THIS SECTION 1983 CLAIMS, AND FOR SERIOUS PHYSICAL INJURIES RECEIVED BY PETITIONER AS RETALIATION FOR BEING ASSIGNED TO THE RED ONION STATE PRISON PROTECTIVE CUSTODY UNIT, SUCH AS OFFICER EDWARD GWINN, AND ANOTHER PRISON GUARD<sup>"</sup> STRANGLING<sup>"</sup> PLAINTIFF<sup>"</sup>, WHILE HE WAS HANDCUFFED FROM BEHIND, YELLING<sup>"</sup> NIGGER SAY I CAN'T BREATHE<sup>"</sup>, SAY I CAN'T BREATHE NIGGER<sup>"</sup>!, INJURING MY NECK, HEAD, AND BACK, AND STRANGLING ME UNTIL I LOSS CONSCIOUSNESS, AND PRISON GUARD EDWARD GWINN AFTERWARDS POURING "180 DEGREE GREASE" ONTO MY FACE<sup>"</sup> BURNING MY FACE<sup>"</sup>, BECAUSE I'M A CRIPPLED<sup>"</sup>, HANDICAPPED<sup>"</sup>, PHYSICALLY DISABLED<sup>"</sup>, VISUALLY IMPAIRED INMATE<sup>"</sup>, WHO THE PC-UNIT INMATES, AND PRISON GUARDS SEXUALLY ABUSED DAILY, BECAUSE OF MY PHYSICAL DISABILITIES, AND VISUAL IMPAIREDNESS. I THE PETITIONER BASE THIS PETITION FOR REHEARING ON THE FOLLOWING ARGUMENT.

### ARGUMENT

PETITIONER DAVID MEYERS, CLAIMS 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, AND 14 IN THIS SECTION 1983 ACTION WAS DISMISSED BY U.S. JUDGE JAMES JONES WITH INTRINSIC FRAUD - PERJURY - FRAUD ON THE COURT

4 OF 11 PAGES

TO DENY PETITIONER THE ABILITY TO OBTAIN MONETARY (MONETARY DAMAGES) FOR THE SERIOUS INJURIES CAUSED BY THE DEFENDANTS. DUE TO THIS INTRINSIC FRAUD BY U.S. JUDGE JONES THAT THESE CLAIMS WERE NOT IMMINENT DANGER CLAIMS AS FAR AS THE DATES THEY OCCURRED AND THE DATE ON THE 1983 CIVIL ACTION AS THE FILING DATE. FROM JANUARY 2017 UNTIL JANUARY 2018 PETITIONER MAILED CLERK JULIA C. DUDLEY 6 SECTION 1983 CIVIL ACTIONS ON THESE CLAIMS. CLERK DUDLEY AND U.S. DISTRICT COURT ROANOKE DIVISION REFUSED TO RECEIPT AND DOCKET THE 6 1983 CIVIL ACTIONS. ADDITIONAL CIVIL ACTIONS WERE MAILED WHICH DEFENDANTS W. SWINEY, J. FANNIN, J. BENTLEY INTERCEPTED AND DESTROYED. PETITIONER CONTACTED THE DIRECTOR OF THE U.S. POSTAL SERVICE BY SENDING HIM 30 LETTERS IN 2017 AND 25 LETTERS IN 2018 FOR THE POSTMASTER GENERAL AND U.S. POSTAL SERVICE TO CONDUCT INVESTIGATIONS ON THE PRISON EMPLOYEES OBSTRUCTION OF THE OUTGOING UNITED STATES MAILED. THE DIRECTOR, AND U.S. POSTAL SERVICE HEADQUARTERS IN WASHINGTON, DC, REFUSED TO RESPOND AND CONDUCT INVESTIGATIONS OR CEASE THE PRISON EMPLOYEES MAIL FRAUD, RACKETEERING ACTIVITIES AND OBSTRUCTION OF THE U.S. MAIL. U.S. JUDGE JONES FALSELY ALLEGE ON ONE CLAIM HE WOULD RECOGNIZE WAS DEFENDANT SWINEY AND STALLARD'S FAILURE TO PROTECT ME AND ALLOWING THE PC-INMATES SEXUAL ABUSE ME AND MAKE DEATH THREATS TO KILL ME.

5 OF 11 PAGES

U.S. MAGISTRATE PAMELA SARGENT CONDUCTED EVIDENTIARY HEARING ON CLAIM<sup>#</sup> 4, AND FROM THE EXTENSIVE AMOUNT OF EVIDENCE PETITIONER PRESENTED, FILED IN HER REPORT AND RECOMMENDATION PETITIONER WAS IN IMMINENT DANGER, AND COULD PROCEED WITHOUT PREPAYING COST AND DEFENDANT SWINEY AND RED OXION STATE PRISON OFFICIALS CALLED U.S. JUDGE JAMES JONES FALSELY ALLEGED TO HIM THAT I REFUSED TO GO BACK TO THE PROTECTIVE CUSTODY UNIT ON 09/04/2018 AFTER INMATE TAMAR THOMPSON MADE DEATH THREATS TO MURDER ME AND SEXUALLY ABUSED ME AGAIN ON 08/26/2018 AND 08/27/2018 IN THE PROTECTIVE CUSTODY UNIT. U.S. JUDGE JAMES JONES DISMISSED THE ACTION BASED ON DEFENDANT SWINEY HAVING PRISON GUARD D. BAKER FILE A FALSE INFRACTION ON ME FOR REFUSING TO RETURN TO THE PC-UNIT AND HAD ME TRANSFERRED TO WALLENS RIDGE STATE PRISON WHERE OVER 200 INMATES ARE MAKING DEATH THREATS TO ME DAILY TO MURDER ME FOR BEING A FBI INFORMANT. PETITIONER FILED AN APPEAL TO WRONGFUL REMOVAL FROM PROTECTIVE CUSTODY ASSIGNMENT FOR MY SAFETY AND PROCEDURAL ERROR ON THE U.S. DISTRICT COURT FAILURE TO SEND ME A COPY OF THE U.S. MAGISTRATE JUDGE SARGENT'S REPORT AND RECOMMENDATION PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE RULE 72, AND APPEAL OF U.S. JUDGE JONES DISMISSAL OF CLAIM NUMBERS 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, AND 14. THE U.S. COURT OF APPEALS FOR THE FOURTH CIRCUIT WERE MAILED EXHAUSTED GRIEVANCES AND APPEALS, AND SEVERAL DOCUMENTS OF COLORABLE SHOWING AND SUFFICIENT EVIDENCE ASSERTING

6 OF 11 PAGES

My Claims OF BEING IN Imminent Danger. The Circuit Judges NIEMEYER, MOTZ, AND KING Committed Further INTRINSIC FRAUD AND PERJURY THAT I WAS NOT IN Imminent Danger AND Dismissed Appeal No. 18-7523. FOR THE RECORD, PETITIONER ADVISES THIS HONORABLE COURT THAT EXIBITS OF THE TORE UP AND DAMAGED SECTION 1983 CASE NUMBER 7:18CV29 WAS SENT AS EVIDENCE TO THE U.S. COURT OF APPEALS FOR THE 4<sup>TH</sup> CIRCUIT TO SHOW PROOF OF U.S. CLERK JULIA DUDLEY AND U.S. POSTAL SERVICES MALVERSATION IN DEPRIVING ME OF MY CONSTITUTION RIGHTS TO ALLOW CIVIL ACTION NUMBER 7:18CV29 AND CIVIL ACTION No. 7:18CV51 TO BE ORIGINALLY FILED AS ONE SECTION 1983 ACTION. CLERK DUDLEY TORE THE ENVELOPE CONTAIN THE SECTION 1983 ACTION IN HALF AND RETURNED HALF OF THE ENVELOPES CONTENTS TO ME, WHICH I RETURNED TO HER THAT GO WITH ACTION No. 7:18CV29. CLERK DUDLEY FILED THE RETURNED PAPERS AS ACTION No. 7:18CV51 AND ACCUSED THE U.S. POSTAL SERVICE OF DAMAGING THE SECTION 1983 PAPERS. A WRIT OF CERTIORARI WAS FILED IN THIS HONORABLE COURT AND NOTICE TO OPPOSING COUNSEL FORMS WERE MAILED TO WALTER SWINEY'S ATTORNEYS ATTORNEY GENERAL MARK HERRING, ASSISTANT ATTORNEY GENERALS RICHARD VORHIS, AND ANN WHITE, COUNSEL'S SOLICITOR GENERAL OF U.S., NOEL FRANCISCO, JEFFERSON SESSIONS U.S. ATTORNEY GENERAL, AND U.S. ATTORNEY THOMAS CULLEN. SOLICITOR GENERAL OF U.S., NOEL FRANCISCO,

7 OF 11 PAGES

ON 05-10-2019 FILED A WAIVER STATING THE GOVERNMENT  
HEREBY WAIVES IT'S RIGHT TO FILE A RESPONSE TO THE  
PETITION. PETITIONER DID NOT DISMISS U.S. POSTAL SERVICE  
FROM BEING A DEFENDANT IN THIS ACTION. PETITIONER SIMPLY  
DREW A LINE THRU U.S. POSTAL SERVICE ON PETITIONER'S  
PLEADINGS TO INDICATE TO THIS HONORABLE COURT THAT NO  
COUNSEL HAD ACCEPTED REPRESENTATION ON BEHALF OF THE  
U.S. POSTAL SERVICE. CLERK SCOTT HARRIS AND SOLICITOR  
GENERAL NOEL FRANCISCO WRONGFULLY CAPTIONED THIS CASE  
A CASE NAME DAVID MEYERS VS. WALTER SWINEY. PETITIONER  
DID NOT FILE A WAIVER DISMISSING THE U.S. POSTAL SERVICE  
AS A DEFENDANT, AND ASSISTANT ATTORNEY GENERALS  
RICHARD VORHIS, AND ANN WHITE REFUSED TO FILE A RESPONSE  
ON BEHALF OF DEFENDANTS, W. SWINEY, D.C. STALLARD AND  
THE REMAINING PRISON EMPLOYEE DEFENDANTS. CLERK  
SCOTT HARRIS ON JUNE 3<sup>RD</sup>, 2019 FILED A INTRINSIC  
FRAUD - PERJURY - FRAUD ON THE COURT ORDER DENYING WRIT  
OF CERTIORARI TO PREJUDICE PETITIONER FROM BEING  
GRANTED CERTIORARI ON PROCEDURAL ERRORS OF THE  
LOWER COURT AND PETITIONER'S ADMISSION TO THE BAR  
AND TRANSPORT ORDER TO GIVE ORAL ARGUMENT. IN  
GOOD FAITH PURSUANT TO RULE 44 OF THE SUPREME  
COURT RULES PETITIONER BRINGS THIS PETITION FOR  
REHEARING FOR THIS HONORABLE COURT TO EXERCISE  
IT'S JURISDICTION AND GRANT PETITION FOR REHEARING  
AND PETITION FOR CERTIORARI BASED ON PETITIONER'S

8 OF 11 PAGES

INABILITY TO CONTROL EFFECTS OF OPPOSING COUNSELS  
INEFFECTIVE ASSISTANCE OF COUNSEL ON BEHALF OF  
"U.S. POSTAL SERVICE, DEFENDANT SWINEY AND THE OTHER  
DEFENDANTS. CLERK SCOTT HARRIS IS NOT ASSIGNED  
COUNSEL FOR THE DEFENDANTS AND DENYING CERTIORARI  
IN BAD FAITH DUE TO SOLICITOR GENERAL'S AND AAG -  
RICHARD VORHIS AND ANN WHITE INEFFECTIVE ASSISTANCE  
OF COUNSEL IN GIVING A RESPONSE ON BEHALF OF THE  
DEFENDANTS CONSTITUTES MALVERSATION BY CLERK  
CLERK SCOTT HARRIS AND THE CLERK'S OFFICE. THIS  
WRIT OF CERTIORARI PROPERLY OUTLINES PROCEDURAL  
ERROR BY THE LOWER COURT AND APPELLATE COURT.  
TITLE 28 USCA SECTION 1915 ALLOWS A PRISONER TO  
PRODUCE SCINTILLA OF EVIDENCE OF IMMINENT DANGER  
TO PROCEED ON HIS CIVIL ACTION. TITLE 28 USCA SECTION  
1915 STATES NO PRISONER SHALL BE DENIED TO FILE A CIVIL  
ACTION BASED ON HIS INABILITY TO PAY THE FULL FILING FEE.  
THE U.S. APPELLATE COURT HERE, DENIED ME TO APPEAL  
CIVIL ACTION NUMBER 7:18CV29 AND COMMITTED INTRINSIC  
FRAUD - PERJURY - FRAUD ON THE COURT IN RENDERING  
IT'S JUDGMENT TO MALICIOUSLY DISMISS APPEAL NO. 18-1523  
TO DEPRIVE PETITIONER OF HIS CONSTITUTION RIGHTS TO  
APPEAL ACTION NO. 7:18CV29 BASED ON U.S. JUDGE JAMES  
JONES INTRINSIC FRAUD - PERJURY - FRAUD ON THE COURT  
THAT I AM NOT IN IMMINENT DANGER AT WALLENS RIDGE  
STATE PRISON WHEN I AM. CLERK SCOTT HARRIS AND

9 OF 11 PAGES

THIS HONORABLE COURT CAN'T BE COMPURGATORS AND DENY THE FACIAL VALIDITY OF U.S. MAGISTRATE JUDGE PAMELA SARGENT'S REPORT AND RECOMMENDATION REPORT THAT PETITIONER WAS AND IS IN IMMINENT DANGER, AND THE APPEAL NO. 18-7523 RECORD OF EXHAUSTED GRIEVANCES, AFFIDAVITS, PLRA FILED FORM AND DOCUMENTS FILED IN THE U.S. COURT OF APPEALS FOR THE 4<sup>TH</sup> CIRCUIT THAT SHOW PETITIONER IS IN IMMINENT DANGER AND WAS IN IMMINENT DANGER AT THE TIME HE FILED NOTICE OF APPEAL APPEAL NO. 18-7523 AND THIS WRIT OF CERTIORARI. IT IS THIS HONORABLE COURT'S JURISDICTION AS WELL JURISPRUDENCE TO GIVE DISSENT AND JOIN IN DISSENT ON LOWER COURT'S ABUSE OF DISCRETION OF TITLE 28 USCA SECTION 1915 BECAUSE THE U.S. CONGRESS DID NOT MENTION THAT A NEXUS MUST BE FACIAL IN A PRISONER'S IMMINENT DANGER CLAIMS. THE U.S. CONGRESS ON STATED THAT GRIEVANCES MUST BE EXHAUSTED. SO THEREFORE THE PETITIONER MOVES THIS COURT TO RECALL OF JUDGMENT OF CLERK SCOTT HARRIS DENYING CERTIORARI WITH MALVERSATION TO PREVENT THIS HONORABLE COURT'S DISSENT AND OPINION ON TITLE 28 USCA SECTION 1915 AND REVIEW THE U.S. COURT OF APPEALS 4<sup>TH</sup> CIRCUIT DOCKET AND PETITIONER'S ATTACHED EXHIBITS TO DECIDE ON WHETHER PETITIONER WAS IN IMMINENT DANGER FROM TIME HE WAS WRONGFULLY REMOVED FROM PROTECTIVE CUSTODY UNIT, AND AT THE TIME HE FILED HIS NOTICE OF APPEAL AND WRIT OF CERTIORARI, AS WELL AS THE DISMISSAL OF CLAIM #1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, AND 14

10 OF 11 PAGES

2017, To Due To Clerk Julia Dudley's Malversation In Refusing To Receipt And Docket The Section 1983 Civil Actions I Sent To Her From JAN JANUARY 2018 ~~UNIT (UNIT)~~ AND U.S. JUDGE JONES INTRINSIC FRAUD - PERJURY - FRAUD ON THE COURT THAT THESE CLAIMS ARE NOT IMMINENT DANGER CLAIMS. THIS COURT'S JURISDICTION IS ENFORCED BY 42 U.S.C.A., SECTION 1983, SEE GILDAY VS. BOONE (1981, CA1 MASS) 657 F2d1. THIS HONORABLE COURT HAS JURISDICTION IN IT'S COURT'S DECISIONS TO STATE A CONSTITUTIONAL CLAIM UNDER "BOUNDS" FOR THE DENIAL OF THE RIGHT OF ACCESS TO THE COURTS, A PRISONER MUST (1) IDENTIFY A POLICY, OR PRACTICE THAT DENIES INMATES MEANINGFUL ACCESS TO THE COURTS AND (2) ALLEGE THAT THE SPECIFIC POLICY, OR PRACTICE ACTUALLY HINDERED HIM FROM PURSUING A LEGAL CLAIM. GASKINS VS. DICKHAUT 962 F.Supp. 2d 336 (D.MASS 2013). INMATES HAVE A CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS, WHICH INCLUDES THE RIGHT OF INDIGENT INMATES TO FREE POSTAGE TO MAIL CERTAIN LEGAL DOCUMENTS. U.S.C.A. CONST. AMEND. 14, SEE, GASKINS VS. DICKHAUT, 861 F.Supp. 2d 223 (D.MASS. 2012). REQUIREMENT OF IMMINENT DANGER CLAIMS, SEE CIARPAGLINI VS. SAINI, 352 F.3d 328, 330-31 (7th CIR. 2003). GIBBS VS. CROSS 160 F.3d 962, 964 (3d CIR. 1998). COLORABLE SHOWINGS OF IMMINENT DANGER. SEE, JACKSON VS. JACKSON, 2009 WL-1587830, 1 (11th CIR 2009). IN LEWIS VS. SULLIVAN 279 F.3d 526, 531 (7th CIR. 2002) STATING THAT THE EXCEPTION APPLIES (WHEN A THREAT OR PRISON CONDITION IS REAL AND PROXIMATE, AND WHEN THE POTENTIAL CONSE-

11 OF 11 PAGES

- QUENCE IS A SERIOUS PHYSICAL INJURY. PETITIONER'S EXHIBITS REFLECT THAT I HAVE BEEN IN IMMINENT DANGER SINCE U.S. MAGISTRATE JUDGE PAMELA SARGENT FILED HER REPORT RECOMMENDATION REPORT THAT I PROCEED WITH THIS CIVIL ACTION AND U.S. JUDGE JAMES JONES INTRINSIC FRAUD-PERJURY-FRAUD ON THE COURT MALICIOUS DISMISSAL OF CIVIL ACTION NO. 7:18CV29 KNOWING DEPENDANT SWINEY AND THE DEPENDANTS WERE TRANSFERRING ME TO WALLENS RIDGE STATE PRISON WHERE I HAVE SEVERAL HUNDRED INMATE ENEMIES WHO ARE WAITING TO MURDER ME WHEN THEY HAVE CONTACT WITH ME.

### CONCLUSION

PETITIONER DAVID MEYERS UNDERSTANDS CLERK SCOTT HARRIS AND THIS HONORABLE COURT WANT TO EXERCISE HANDS OFF DOCTRINE - LARRY'S ABSTENTION BECAUSE THIS CASE ARISES IN VIRGINIA U.S. DISTRICT COURT ROANOKE DIVISION, AND THE VIRGINIA U.S. COURT OF APPEALS 4TH CIRCUIT. BUT VIRGINIA'S OWN STATE LAWS PURSUANT TO CODE OF VIRGINIA SECTION 8.01-680 WHEN JUDGMENT OF TRIAL COURT NOT TO BE SET ASIDE UNLESS PLAINLY WRONG STATES IN CIVIL, OR CRIMINAL CASES IF THE JUDGMENT IS PLAINLY WRONG THE JUDGMENT MUST BE SET ASIDE. U.S. MAGISTRATE JUDGE SARGENT'S REPORT AND RECOMMENDATION STATED DAVID MEYERS WAS IN IMMINENT DANGER. WHEREFORE PETITIONER PRAYS THAT PETITION BE GRANTED AND THE HONORABLE COURT JOIN IN DISSENT ON TITLE 28 USCA SECTION 1915. RESPECTFULLY. DAVID MEYERS DAVID MEYERS