

18-9145

No.:

Supreme Court, U.S.

FILED

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OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

JOHN PATRICK FLETCHER,

Petitioner

v.

INMATE BANK, ET AL,

Respondents

On Petition for Writ of Certiorari
to the United States Court of Appeals for the Tenth Circuit

PRO SE PETITION FOR WRIT OF CERTIORARI

John Patrick Fletcher
Proceeding Pro Se under 28 U.S.C. § 1654

John P. Fletcher #81478
B.V.C.F. East 1-S-12
P.O. Box 2017
Buena Vista, Colorado 81211

ORIGINAL

I. QUESTIONS PRESENTED FOR REVIEW

1. Whether the lower courts' failure/refusal to follow this Court's standard of review for *pro se* prisoner complaints under Fed. R. Civ. P. 8(a)(2) as held in *Erickson v. Pardus*, 551 U.S. 89 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) requires exercise of this Court's supervisory power.

II. LIST OF ALL PARTIES

A. Petitioner, *Pro Se*

2. John P. Fletcher #81478

B.V.C.F. East 1-S-12

P.O. Box 2017

Buena Vista, Colorado 81211

B. Respondents

Inmate Bank,

Controller,

Rick Raemisch,

Tanya Whitney, and

Unknown Prison Officials.

C. Counsel for All Respondents

3. Colorado Attorney General's Office

1300 Broadway, 10th Floor

Denver, Colorado 80203

III. CORPORATE DISCLOSURE STATEMENT

4. John Patrick Fletcher is not a publically-held corporation or other publicly-held entity.

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APPENDIX TO *PRO SE* PETITION FOR WRIT OF CERTIORARI

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Appendix D. 28 U.S.C. § 1915, Proceedings in forma pauperis (1 to 3)

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Material Essential to Understanding the Petition

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VI. CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS

5. The Order of Dismissal of the United States District Court for the District of Colorado is not reported; a copy is attached as Appendix A to this petition.
6. Order and Judgment of the United States Court of Appeals for the Tenth Circuit is not reported; a copy is attached as Appendix B to this petition.
7. Order denying rehearing of the United States Court of Appeals for the Tenth Circuit is not reported; a copy is attached as Appendix C to this petition.

VII. BASIS FOR JURISDICTION

A. Judgment of Order Sought To Be Reviewed

8. The judgment of the United States Court of Appeals for the Tenth Circuit was entered on February 12, 2019, (Appendix B).

B. Order Respecting Rehearing

9. An order denying a petition for rehearing was entered on March 12, 2019, (Appendix C).

C. Statutory Provisions Believed to Confer Jurisdiction

10. Jurisdiction is believed to be conferred under 28 U.S.C. § 1254(1).

VIII. CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES, AND REGULATIONS INVOLVED

11. Fed. R. Civ. P. 8, General Rules of Pleading.
12. 28 U.S.C. § 1915, Proceedings in forma pauperis.

IX. STATEMENT OF THE CASE

A. Facts Material to Consideration of the Questions Presented

13. Petitioner's *pro se* complaint alleged that the defendants in this case operate a banking entity called the "Inmate Bank".
14. This Inmate Bank operates outside of state and federal statute, outside of state and federal charter, as well as outside of any state and federal banking authority's consent, acknowledgment, or authorization.
15. Petitioner's *pro se* complaint alleged that the Inmate Bank:
 - a. forces all prisoner transactions to pass through its accounts – without the prisoner's signature authorization to do so;
 - b. earns interest off of the prisoner's monies without providing any just compensation for the use of the prisoner's monies;
 - c. forces micro-loans onto prisoners – outside of any known banking procedure – in order for impoverished prisoners to pay for legal copies;
 - d. takes an arbitrary 50% "Banker's Lien" off of the top of all deposits made into a prisoner's account to pay for the Inmate Bank's forced micro-loans (this being in addition to 20% for court costs, and another 20% for any child support, for up to 90% withholdings);
 - e. operates an unlicensed and unregulated collection agency for the State; outside of its State charter;
 - f. all while freely allowing unfettered viewing access to each prisoner's confidential financial banking records.

16. Raising the question: did the above facts asserted in Petitioner's *pro se* prisoner complaint "plead[] factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged"? *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

* * *

17. Because of the sheer number of individual sets of unlawful acts perpetrated by the Inmate Bank, and the other named defendants, against Petitioner, the resultant complaint ended up with twenty-six (26) claims being presented on thirteen (13) pages, Appendix F, pp. 8-21, (averaging 1/2 page per claim).
18. Which the lower courts ruled were "repetitive and not set forth in a short and concise manner", Appendix A, p. 3, ¶ middle, and "the action is dismissed without prejudice for failing to submit a Second Amended Complaint that complies with Fed. R. Civ. P. 8." Appendix A, p. 4, ¶ top.

B. Basis for Federal jurisdiction in the Court of First Instance

19. The district court had jurisdiction under 28 U.S.C. § 1331, Federal question; and the appellate court had jurisdiction under 28 U.S.C. 1291, Final decisions of district courts.

X. REASONS FOR ALLOWANCE OF THE WRIT

A. Exercise of the Court's Supervisory Power

20. This Court has already ruled in *Erickson v. Pardus*, 551 U.S. 89 (2007) against the same district judge¹ from the same circuit² for the same “departure from the liberal pleading standards set forth by Rule 8(a)(2)”, *idem* at 94.

B. Importance of the Question Presented

21. This case presents a question concerning fundamental fairness.

22. The question presented is of great public importance because it affects how *pro se* prisoner complaints are treated under Fed. R. Civ. P. 8(a)(2) on “initial screening” under 28 U.S.C. § 1915.

23. This issue’s importance is enhanced by the fact that the lower courts have seriously misinterpreted this Court’s standard of review for *pro se* prisoner complaints under Fed. R. Civ. P. 8(a)(2) on “initial screening” under 28 U.S.C. § 1915.

24. As such, the Court should correct his misinterpretation and make clear the standard of review which is to be used on *pro se* prisoner complaints under Fed. R. Civ. P. 8(a)(2) on “initial screening” under 28 U.S.C. § 1915.

¹ *Erickson v. Pardus*, 2006 U.S. Dist. LEXIS 13288 at 2, 2006 WL 650131 (D. Colo. 2006):

BY THE COURT:
Lewis T. Babcock, Chief Judge
DATED: March 13, 2006

² *Erickson v. Pardus*, 198 Fed. Appx. 694 (10th Cir., 2006)

XI. CONCLUSION

25. For the above reasons, certiorari should be granted in this case.

* * *

26. In the alternative – under Supreme Court Rule 16.1:

- a. issue a summary disposition on the merits, reversing the Tenth Circuit ruling; and
- b. remand this case for further proceedings.

27. Respectfully submitted this April 17, 2019.

Pro Se Petitioner's Original Signature: John P. Fletcher #81478

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