

No. _____

18-9472

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

REGINALD Donnell Rice

(Your Name)

— PETITIONER

FILED

MAY 16 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs.

CAREY A. COCKELL "et al."

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

REGINALD Donnell RICE

(Your Name)

McConnell-UNIT
3001 S. EMILY DRIVE

(Address)

BEEVILLE, TEXAS 78102

(City, State, Zip Code)

(361) 362-2300

(Phone Number)

QUESTION(S) PRESENTED

A UNITED STATES COURT OF APPEALS has decided an important question of Federal Law that has not been, but should be, settled by this COURT,

And has decided an important federal question in a way that conflicts with relevant decisions of this court.

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:

CAREY D. COCKELL

CARRIE WRIGHT

LAUREN DSTEEN

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

MOTION Federal Rule Civil Procedure 60(b)(6)

42 U.S.C. §1983

28 U.S.C. §1915

OTHER

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 _____; 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☒ is unpublished.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 A 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☒ is unpublished.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 _____ 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☐ is unpublished.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 _____ 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☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 3, 2019.

☒ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

- 2nd Amendment U.S.C. Violation Appendix A. 5-10
- 5th Amendment U.S.C. Violation Appendix A. 5-10
- 7th Amendment U.S.C. Violation Appendix A. 5-10
- 8th Amendment U.S.C. Violation Appendix A. 5-10
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STATEMENT OF THE CASE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS
 DALLAS DIVISION, ON OR ABOUT SEPTEMBER 2008, MAGISTRATE JUDGE ED KINKADE
 GRANTED A U.S.C. § 1915 TO PROCEED IN FORMA PAUPERIS IN THIS CASE
 BEFORE THIS COURT AND APPOINTED LAW FIRM PATTON AND BOGGS OF DALLAS, TEXAS AS
 APPOINTED COUNSEL TO REPRESENT PETITIONER, REGINALD DONELL RICE IN A WRONGFUL DEATH
 LAWSUIT AGAINST CAREY A. COCKELL, SUPERVISOR OF DALLAS CHILD PROTECTIVE SERVICES
 AND FOSTER CARE PARENTS, CARRIE WRIGHT AND LAUREN OSTEEN FOR NEGLIGENCE OF
 HIS DAUGHTER IDOLESHIA NICOLE KNIGHTEN. DALLAS CHILD PROTECTIVE SERVICES HAD SUIED
 REGINALD RICE OF HIS PARENTAL RIGHTS WITH THE DALLAS MUNICIPAL CIVIL COURT WITH
 A COURT CITATION. HOWEVER REGINALD RICES MOTHER MADE SEVERAL ATTEMPTS TO RECEIVE
 IDOLESHIA KNIGHTEN FROM DALLAS C.R.S. BUT WOULD NOT GIVE THE CHILD TO RICES
 MOTHER BECAUSE THE CHILD DID NOT LOOK LIKE A AFRICAN DESCENDANT. SO DALLAS
 C.R.S. DENIED CIVIL TEXAS FAMILY CODES § 263.000(D), PARENTAL RIGHTS AND PROCEDURE
 OF THE COURT, § 263.0021 (21) NOTICE OF THE HEARING (A) PRESENT EVIDENCE AND TO
 BE HEARD AT THE HEARING, INSTEAD THE C.R.S. GIVEN THE CHILD TO FOSTER
 PARENT: CARRIE WRIGHT AND MAS. WRIGHT GIVEN THE CHILD TO LAUREN OSTEEN
 WHILE WRIGHT RUN SOME ERRANDS AND WHILE IN THE CUSTODY OF MRS. OSTEEN,
 THE CHILD DIED. ATTORNEY FOR THE RESPONDENTS OFFERED THE PETITIONER RICE
 A SETTLEMENT FOR \$500.00 TO A \$1000.00 PER. THE FENDENT AND DECLINED THE OFFER.
 ATTORNEY'S PATTON AND BOGGS FOR PETITIONER RICE, HAD RICE TO DISMISS THE CASE
 IN THE DALLAS DIVISION AND RE-FILE IT IN THE EASTERN DISTRICT OF SHEPHERD
 DIVISION AND WITHIN 30 DAYS LATER, SHEPHERD DIVISION DISMISSED THE CASE JUNE 7,
 2010. PETITIONER, REGINALD RICE FILED MOTION FOR RULE 60(b) JAN. 17, 2019 UNDER
 EXTRA ORDINARY CIRCUMSTANCES AND IN FORMA PAUPERIS WAS FILED FOR MOTION RULE 60(b)
 TO BE REVIEWED, NOT FOR RE-FILE, THIS CASE WHICH WAS A MISINTERPRETATION
 THE MAGISTRATE BEHALF. HOWEVER, MAGISTRATE, IRMA CARRILLO RAMIREZ DENIED
 THE MOTION RULE 60(b) BECAUSE (1) "THREE-STRIKES" PROVISION AND (2) DID NOT
 PAY THE FILING FEE AND (3) EVENTUALLY RECOMMENDED THAT MY COMPLAINANT DOES
 NOT FIT THE STANDARD OF MOTION RULE 60(b) "CATCH-ALL" CLAUSE 60(b)(1)-(5)
 (b), ALSO DENIED PETITIONER RICE, IN FORMA PAUPERIS ON APPEAL. THE UNITED
 STATES COURT OF APPEALS FOR FIFTH CIRCUIT DEPUTY CLERK, DISMISSED MY
 APPEAL FOR WANT OF PROSECUTION, FAILED TO TIMELY PAY DOCKETING FEE, WHICH
 PETITIONER RICE, FILED AN IN FORMA PAUPERIS CONCERNING THE DOCKET FEE WHICH
 THE PANEL NEVER GOTTEN A CHANCE TO REVIEW RICES APPEAL, DOCUMENTS OR
 IN FORMA PAUPERIS TO PROCEED ON HIS APPEAL.

REASONS FOR GRANTING THE PETITION

RE GRANTING the petition, the court has granted 28 U.S.C. § 1915 to proceed in forma pauperis when this suit was initially filed and monies were taken from his inmate trust fund account concerning matter, so the Magistrate's ruling a denial because of not (1) paying the filing fee in the civil suit case CAREY A. ROCKELL, et al. is incorrect and error, also when this suit was initially filed (2) there were no previous filings of in forma pauperis to be barred from proceeding and barred under the "three-strikes" provision, also (3) Rule 60(b)(6) "a residual clause used to cover unforeseen contingencies, that is, it is a means for accomplishing, justice in exceptional circumstances" This case was never ruled on the merits and the movant did not have a fair opportunity to present his claims, and there are intervening equities that would make it inequitable to grant relief and other factors relevant to the justice of the judgment under attack. Attorney's for Petitioner Rice, Patton and Boggs never should of had Rice to re-file this suit in the Eastern Division of Sherman Texas when the suit was filed and granted in the Eastern Division of Dallas Texas where the constitutional violations occurred and the Eastern Division of Sherman Texas did not have jurisdiction to rule on and dismiss this case. The Magistrate ruling was in conflict U.S. Court of Appeals Fifth Circuit Federal Rule Civil Procedure 60(b)(6) and Fifth Circuit Deputy Clerk abused her discretion by not filing and presenting Petitioner's Rice, notice of appeal, in forma pauperis to proceed on appeal and his supporting documents before the court for a panel review and ruling. The United States Court of Appeals has decided an important question of federal law that has not been, but should be settled by this court or has decided an important federal question in a way that conflicts with relevant decisions of this court. The importance of this case not only to Petitioner Rice, but to others similarly situated and the ways the decision of the lower court in this case was erroneous.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Reginald Donell Rice

Date: May 13, 2019
