

IN THE  
**SUPREME COURT OF THE UNITED STATES**

**CLIFFORD C. ABSHIRE, III**

**NO. 18-9486**

**VERSUS**

**LOUISIANA DEPARTMENT OF  
PUBLIC SAFETY AND CORRECTIONS**

**APPLICATION FOR RECONSIDERATION**

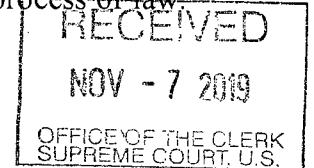
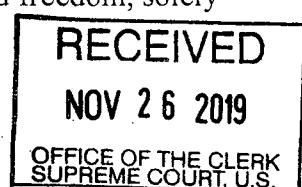
**NOW COMES**, Plaintiff/Petitioner, Clifford C. Abshire, III, who respectfully moves this Honorable Court, to grant him a rehearing, or otherwise reconsider their denial of his Writ Application that was denied without opinion on October 7, 2019. In support hereof, the Plaintiff submits the following to wit:

**1.**

Failure of the Court to reconsider this matter will cause irreparable harm to both the Plaintiff and all other offenders who are forced to appear before an arbitrary and capricious disciplinary board. Currently, the disciplinary board is authorized to impose penalties that preclude review of the report by any court, regardless of jurisdiction. The Defendants stretch this Court's findings in *Sandin v Conner*, beyond constitution bounds under the protection of "officer credibility" which often leads to offenders being denied parole opportunities, "good time" release opportunities, work release opportunities, etc. In short, the Defendants "hide" under the Court's findings in *Sandin* to strip an offender of every constitutionally protected freedom, solely on the sanction that is imposed.

**2.**

Failure of the Court to reconsider the matter would undermine the intentions of the Founding Fathers in their pursuit of protection of personal property without due process of law



Namely, the Defendants will continue to be able to impose the sanction of restitution without invoking a liberty interest, except in cases where the payment exceeds an “invisible line” of protection. There is nothing to suggest that the Founding Fathers in their declaration of freedom from an unjust ruler, set any monetary amount on in invocation of any constitutional freedoms. Had the Founding Fathers done so, the Constitution of the United States as written then, and today, would do nothing to protect the lower class of people and those living in poverty.

3.

Failure of the Court to reconsider the matter will grant the Defendants a “free pass” to continue to abuse an otherwise constitutionally protected liberty interest that was established by this Court in *Wolff v McDonald*. To permit the Defendants the opportunity to operate under an unguided system of rules and regulations would not only completely undermine the underlying principles for rehabilitation, it often fuels anger and disgust for law enforcement that presumably lead to recidivism.

4.

Failure of the Court to reconsider the matter would place the rulings of the inferior District, Appellate, and Supreme Court of the States, as well as the Federal District and Appellate Courts in jeopardy due to the application of, and similar nature of arguments and assertions of the Plaintiff in his application which was submitted.

5.

Failure of the Court to reconsider the matter will strip the taxpayers who are burdened with having to pay the increasing cost of confinement of their constitutionally protected interest in these matters. This principle was defined and articulated by the U.S. Sixth Circuit, in *Perry v McGinnis*, when determining that disciplinary hearings are matters of public interest due to the

fact that the hearing officers decision could cause the offender, such as the case of the Plaintiff, to remain in prison longer due to an alleged violation of facility rules.

**6.**

Attached hereto is an original copy of some transcripts that the Plaintiff only recently came into possession of. These transcripts can and will offer to the Court an idea of how the Defendants are stretching this Court's rulings to the point where due process becomes a thing of the past.

**WHEREFORE**, the Plaintiff prays that after due consideration, the Court will reconsider this matter, and at the very least permit the Plaintiff an opportunity to present oral argument via audio/video feed from his facility. The purpose of this hearing would be to permit the introduction of evidence and testimony that will demonstrate that the granting of his writ application will be a matter of public interest, and at the very least put a lid on the Defendant's unconstitutional application of this court's interpretation of the United States Constitution.

Date: October 30, 2019

Respectfully Submitted,

CLIFFORD C. ABSHIRE, III, No. 439164  
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Clifford C. Abshire, III

**Additional material  
from this filing is  
available in the  
Clerk's Office.**