

19-5054

No. \_\_\_\_\_

Supreme Court, U.S.  
FILED

MAY 06 2019

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IN THE

SUPREME COURT OF THE UNITED STATES

Jason Hendershott — PETITIONER  
(Your Name)

vs.

Kelly Strong, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals - Fifth Circuit

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

PETITION FOR WRIT OF CERTIORARI

ORIGINAL

Jason Hendershott <sup>TDCJ</sup> No. 1659369

(Your Name)

Alfred Unit, 2101 Fm 369 North

~~Connally Unit, 899 Fm 632~~

(Address)

Iowa Park, Texas 76367

~~Kenedy, Texas 78119-0000~~

(City, State, Zip Code)

Alfred  
940-855-7477 prison

~~NONE~~  
(Phone Number)

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QUESTION(S) PRESENTED

- (1) Should Hendershott, Jason be time-barred from filing a 2254 when he turned his 2254 over to prison Authorities to mail Feb. 2014 months before his deadline?
- (2) Did the U.S.D.C. violate Hendershott's Procedure Protection when the Court denied him to amend his original complaint?
- (3) Has harm, and a Denial of Access to Courts been violated when Defendants lost his Legal Materials a 2nd time from the original losing of his 2254?
- (4) Should Hendershott have been appointed counsel due to his mental illnesses to help him litigate and submit legal documents to the courts? Exhibits A-H  
(SEE)
- (5) Should the 5th circuit had allowed Hendershott to file an out of time rehearing? Appendix B through E  
(SEE)
- (6) Was Hendershott denied Access to Courts?  
see All Appendix's A-H
- (7) Does Hendershott have harm in his Criminal case?  
see All Appendix's A-H

## 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:

Respondent(s) counsel Mr. Trent Peroyea

- (1) Kelly Strong
- (2) C. Pansy
- (3) Dagel
- (4) J. Shelly
- (5) J. Rodriguez
- (6) Watson
- (7) V. Long
- (8) H. Ortiz

## TABLE OF CONTENTS

OPINIONS BELOW .....	1.
JURISDICTION.....	2.
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3.
STATEMENT OF THE CASE .....	4.
REASONS FOR GRANTING THE WRIT .....	5.
CONCLUSION.....	6.

## INDEX TO APPENDICES

APPENDIX A 3pgs Decision of U.S. Court of Appeals - 5<sup>th</sup> circuit

APPENDIX B 4pgs Petition for Panel Rehearing En Banc Reconsideration

APPENDIX C 1pg Letter March 20<sup>th</sup>, 2019 from 5<sup>th</sup> circuit U.S.C.A.

APPENDIX D 13pgs Motion for permission to file rehearing out of time

APPENDIX E 1pg Order on motion to file rehearing out of time

APPENDIX F 6pgs Copy of original complaint U.S.D.C.

Appendix G 7pgs Motion to append New Case law Supreme Court.

Appendix H.

8pgs U.S.D.C. memorandum on Dismissal

Appendix HA 1pg U.S.D.C. Final Judgement/opinion

# TABLE OF AUTHORITIES CITED

App. = Appendix pg#

## CASES (continued)

PAGE NUMBER

Artuz V. Bennett (U.S.)

App. A-2

Ali V. Higgs (5th cir.)

App. H-8

Burrell V. Newsome (5th cir.)

App. H-4

Brewer V. Wilkinson (5th cir.)

pg 4, App. A-2

Bieregu V. Reno (3rd cir.)

pg. 4

Bousley V. U.S.

App A-3

Baranowski V. Hart (5th cir.)

App A-3

Bounds V. Smith (U.S.)

App B-4, App H-7

Brown V. Taylor

App D-2, D-3

## STATUTES AND RULES (continued)

AEDPA

pg. 3, Apps B-7, H-2

F.B.A.P. 27

App. G-1

F.B.A.P. 21, 44

App. D-1

F.B.A.P. 39-41

Apps, B-1, C-1

Rule 35

Apps B-2, C-1, D-1

Rule 12(b)(6)

pg. 3

5th cir. Rule 21, 44

App. D-1

5th cir. R. 27

App G-1

5th cir. R. 39-41

App B-1

5th cir. R. 47.5

App A-1

Sup. ct. R. 13.1 west 1995

App H-2

## OTHER American Disability Act

pg. 3, pg. 4, App's D-4, D-10

Equal protection of Law

pg. 3, App D-8

mailbox Rule

pg. 3, ~~App D-8~~

procedural Error

pg. 3

Right to Due Process

pg. 3, pg 5, App. D-8

# Table of Authorities Cited

## Cases - continued

## Page Number

Crowder v. Sinyard (5th cir)	App H-7
Critchley v. Thaler (5th cir)	App B-2
Ex parte Gilbert Amezcuita (tx)	App D-7
Fisher v. Johnson (5th cir)	App. A-3
Flanagan v. Johnson (5th cir)	App. A-2
Faretta v. California (U.S.)	pg. 5, App. G-4
Gentile v. Bege (5th cir.)	App. A-3
Geiger v. Jowers (5th cir)	App. A-2
Greene v. WCI Holdings corp (2nd cir.)	pg. 4
Houston v. Lack (S. ct.)	pg. 4
Holland v. Florida (U.S.)	App. A-2
Hendershott v. State	App. H-1
Hardin v. Straub (U.S.)	App. H-4
Henthorn v. Swinson (5th cir.)	App H-6
Jackson v. Procunier (5th cir.)	App H-6
Johnson v. Avery (U.S.)	App H-5
Lemon v. Dugger (11th cir.)	pg. 4
Lewis v. Casey (U.S.)	App's, A-2, A-3, B-3, H-5, H-6
Lonchar (S. ct.)	App B-3
Lueck v. Wathen (U.S. D. C. TX),	App. D-5
Lavelle v. Listi (5th cir)	App H-4
McQuiggin v. Perkins (U.S.)	App. A-3
Moore v. Willis Indep Sch. Dist, (5th cir)	App. A-3
McCoy v. Louisiana (S. ct.)	App's G-2, G-3, G-5

## Table of Authorities cited

### Cases - Last

### Page Number

Mc Kaskle v. Wiggins (U.S.)	App G-4
O Bar v. Pinion (4th cir)	pg. 5
Piotrowski v. city of Houston (5th cir.)	App's, A-2, H-4
Roberts v. Cockrell (5th cir)	App. A-3
Route v. Blackburn	App. B-6
Richardson v. Mc Donnell (5th cir)	App. H-7
Sojourner T. v. Edwards (5th cir.)	App. A-3
Spotville v. Cain (5th cir)	App's B-2, B-3, D-3
Smith v. Bennett (Sct)	App B-6
Sokol (1969)	App. B-7
Strickland v. Washington (U.S.)	App G-4
Tanner vs. Yukins (6th cir)	pg. 3
Turner vs. U.S.	App B-4
U.S. v. Gonzalez-Lopez	App G-4
Waller v. Georgia (U.S.)	App G-4
Weaver (U.S.)	App's, G-4, G-5

# Statutes And Rules

## Page Number

TX. Civ. Pract. Rem. Code ANN. 16.003

App H-4

TX. Penal code 20.04

App D-6

11:07

App. D-13

28 U.S.C. 1254(1)

pg. 2

28 U.S.C. 1257(a)

pg. 2

28 U.S.C. 1654

pg. 5

28 U.S.C. 1915

Apps, A-1, H-8

28 USC 2244

Apps, A-2, H-2, H-3, H-4

28-2246

pg. 3, Apps, D-1, D-4

28-2247

pg. 3, Apps, D-1, D-4

§ 2254

Apps A-2, A-3, D-13, F-1, H-3

42 U.S.C. 1983

App-A-1

1st Amend.

pg. 3

5th Amend.

pg. 3

6th Amend.

pg. 3, pg 5 Apps, G-4, D-6, G-2, G-3

14th Amend.

pg. 3



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 Ace to the petition and is

☐ reported at N/A; 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 H+HA to the petition and is

☐ reported at N/A; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

☐ For cases from **state courts**:

United States District Court  
The opinion of the highest state court to review the merits appears at Appendix N/A to the petition and is

Appendix H+HA  
☐ reported at N/A; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

United States District Court/Houston Texas  
The opinion of the N/A court appears at Appendix N/A to the petition and is

Appendix H+HA  
☐ reported at N/A; 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 February 13, 2019.

☒ No petition for rehearing was timely filed in my case.

*\* This was beyond my control see Appendix*

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. NA A NA.

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 N/A.  
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. NA A NA.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

In the Statement of the case. American Disability act also Exhibits **A-I** Appendix's B, C. My 6<sup>th</sup> Amendment rights, right's to due process, the equal protection of the law, my right to have access to Courts is all set out in the appendices A through H. The AEDPA I should be granted 4 month's to file a 2254 due to the 2254 being turned over to prison guards in Feb. 2014 (never mailed) and my time barr date June 2014. Appendix B 28 § 2246, 28 § 2247. mailbox rule as a prison Inmate for court filings. 2254 statutes. Equitable tolling rights. My constitutional rights to have access to courts, were violated by prison guards. 1<sup>st</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Amendment rights my right in my criminal case to represent myself 6<sup>th</sup>. Prison staff not mailing my 2254 violated my 1<sup>st</sup> Amend right and constitutional right of access to courts. Procedural error for U.S.D.C. to <sup>not</sup> allow me to Amend my original complaint to overcome the deficiency concerning Long and Shelly defendants taking my 2254 in Feb. 2014 and never mailing it, when this is what it was turned over to them for as I had no other mean's to mail my mail (legal) at that time. The lower court's held me to high standards of an attorney when I have physical/mental disability's I should have been given counsel I believe under 28 § 1915.. Rule 12(B)(6) Amend my complaint. The district court and 5<sup>th</sup> circuit could have vacated then re-instated my case giving me X amount of time to file my 2254. TANNER vs. YUKINS 776 F.3d 434 (6<sup>th</sup> cir.). This is all I understand what to do, No other inmate help as usual.

## STATEMENT OF THE CASE

In Feb. 2014 Hendershott turned over to Long and Shelly, prison guards his 2254 writ which never made it to the court, because they never mailed it. Once Hendershott learned of this he started his 2254 over, but he was then placed into a mental Health Unit due to mental Health problems. (Exibits A-E) that Hendershott took med's due to his hearing voices, PTSD, and being Bipolar, which are all ADA disabilities. He was released from the mental Health Unit and returned to my Unit, Then in April 2014 after having surgery in March 2014 (Exibits A-I) which show facts of how much pain he was in that got worse and worse. Hendershott was in so much pain it was hard to even walk, move, much less concentrate on his legal work 2254. So he was going to be late trying to file a 2nd 2254 since Long and Shelly lost the 1st one, which by case law was deemed filed when I gave it to Long and Shelly to mail, as set out in the Appendix B, further in *Brewer v. Wilkinson*, 3 F3d 816 (5th cir.) *Lemon Dugger* 931, F2d 1465 (11th cir.), *Bieregu v. Reno*, 59 F3d 1445 (3rd cir.), *Greene v. WCI Holdings corp*, 136 F3d 313 (2nd cir.), *Houston v. Lack*, 487 US 266, 101 L Ed 2d 245, 108 Sct. 2379. So my 1st 2254 was deemed filed in Feb. 2014 before my time bar date of June/~~July~~ 2014. These defendants lost the only copies I had to prove my criminal case shouldnt carry 10 Life Sentences, 2 twenty yr. sentences. Then further denying me to file subsequent filings effectively and meaningfully. The 5th circuit misconstrued I said I was innocent, I tried to state that Texas painted a different picture in my criminal case. The two people whom say they were Kidnapped & raped where at a bon-fire party which my space pictures showed and using there cell-phones at the time they state all this occurred. I tried to represent myself at my criminal trial and was told no. I had a right to represent myself. See Appendix's for further case statement.

### REASONS FOR GRANTING THE PETITION

In the interest of Justice and the Public, This will allow Jason Hendershott to finally file his 2254 to reduce his time and bring the light into the public's eye of what really happened the night in his criminal conviction, and once again show then D.A. Anna Jimenez purposely withheld evidence in a 3rd case, which two have come to light already. Jimenez was charged with perjury in one case, If I could have amended my original complaint I may have been able to make it clearer to the court what took place. Further if a term of imprisonment can be shortened or modified by rights conveyed under state law, those rights cannot be denied without due process *Obar v. Pinion*, 953 F2d 74 (4th cir.), my due process rights were violated when Long and Shelly never mailed my mail, 2254. I can change/modify my sentence by 2254. I was charged with the lesser & greater offense, denied evidence by the State that could make any rational Jury member question the picture painted by the State, I was denied to represent myself by the Judge, my 6th Amendment right. 28 U.S.C. 1654 *Faretta v. California* 422 U.S. 806. The Documents defendant's lost still deny me A.T.C. today so I can show what's on record, with/what the State withheld, it knowingly used perjured testimony, and ineffective claims, and more. At the most I should have 2-20yrs in prison. So I pray this Court grant this Petition in our Lord's Name. Thank you for your time & God Bless you all. Case was affirmed. Argument's set out in Appendix's I wrote.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jason Hendershott

Date: ~~May 6<sup>th</sup>, 2019~~

Resubmitted June 19<sup>th</sup>, 2019