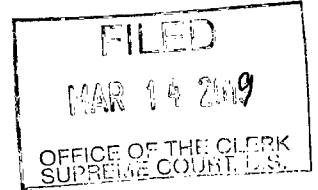


19 - 5324 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Roscoe Chambers — PETITIONER
(Your Name)

vs.

Kris Schmidts et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Seventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Roscoe Chambers ID#13495-030
(Your Name)

USP Lewisburg Special management unit
(Address)
P.O. Box 1000
Lewisburg Pennsylvania 17837
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

- 1) Whether the prison reform litigation act, three strike rule requires adjudication or speculation;
- 2) Whether the District Court or appeal court is permitted to charge you court fees without allowing you to proceed pursuant to section 1915(b)
- 3) Whether the PLRA provision allows lower courts to charge plaintiff \$900.00 for being maliciously prosecuted and falsely imprisoned.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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:

Terry Costello
200 E. Knox Street
Morrison, Illinois 61270

John L. Hauptman
200 E. Knox Street
Morrison, Illinois 61270

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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 C to the petition and is

☐ reported at Roscoe Chambers v Kris Schmidt 18-3309; 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☐ is unpublished.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 Roscoe Chambers v Kris Schmidt 3:18-cv-50242; 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☐ is unpublished.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 January 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: January 14, 2019, and a copy of the order denying rehearing appears at Appendix D.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including not applied (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

42 U.S.C. § 1983

28 U.S.C. § 1915(g)

The prison litigation Reform act
federal Rule of Civil Procedure 24(a)(5)

Venue

Abuse of Discretion

wrongful imprisonment

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Newlin v. Helman, 123 F.3d 429, 433 (7th cir 1997)
Baugh v. Taylor, 117 F.3d 197 (5th cir. 1997)
Roscoe Chambers v. Costello 3-16-0144, 2017 WL 1195999 (ZLL
App. Ct March 30, 2017)
Krieg v. Keeney 619 F. Appx 387, 389 (5th cir 2015)
El-Shaddai 833 F.3d at 1046
Roscoe Chambers vs Conards 4:13-CV-00186 JAJ
Roscoe Chambers v. Nicholas Sarcone 4:17-CV-00432-SMR-SBJ

STATUTES AND RULES

28 U.S.C. § 1915(a)(3)

28 U.S.C. § 1915(g)

Fed. R. App. P. 24(a)(3)

OTHER

STATEMENT OF THE CASE

Roscoe Chambers filed this civil complaint in the federal court for the Central District of Illinois because state officials in Whiteside County maliciously prosecuted me and improperly sentence me to prison and house arrest, the state court violated court rules to have the civil complaint improperly dismissed in state court for lack of Jurisdiction by the state appeals court, the Illinois Supreme Court refuse to respond, so I file the meritorious complaint in the federal court because the state court lacked Jurisdiction to dismiss the complaint as prejudice after I filed a timely notice of Appeal. The chief Judge Sara Darrow Improperly transferred the case to the Northern District of Illinois, because Judge Philip G. Reinhard must know the Defendants, the Judge immediately claim res judicata and PHRA 28 U.S.C. 1915(g) I explained to the court about the state court not having Jurisdiction to dismiss the case as prejudice because I filed a timely appeal and there was no delay of appeal notice on the state order dismissing the two defendants complaint, the district court still denied my civil complaint and is making me pay the \$400.00 dollar filing fee and the Appeals court is making me pay \$505.00 Appellate court fee for nothing, while the states Defendants go free for illegally imprisoning me, these Courts did not consider my rights or the merits of my false Imprisonment, or the provision of the PHRA.

REASONS FOR GRANTING THE PETITION

The provision of the Prison Litigation Reform act; Congress established a series of procedures relating to prisoner litigation in federal court, procedures designed to filter out bad claims and facilitate consideration of the good. The cases the District Court relied on cases in which the district courts has conflict of interest. In Chambers V. Conrad 2013-CV-0186 (S.D. Iowa) and Chambers V. Sarcone 4:17-CV-0432 (S.D. Iowa) In Conrad the Court was aware of the Defendants abuses, see Roscoe Chambers VS United States 3:12-CR-00071-SMR-TJS at 65, 68, 95, 97, the Plaintiff ask the Court to investigate the defendants actions the Court knew they was doing it to deny Chambers a fair trial, and In Sarcone the Attorney was acting under the Judge Stephanie M. Rose discretion to deny me a fair appeal, I am illegally sentence and convicted right now see document # 1 in United States VS Roscoe Chambers 3:12-CR-00071-SMR-TJS the criminal complaint and Affidavit attached was filed by a Davenport Iowa city police officer who do not have Jurisdiction to file or initiate a criminal complaint in the federal Court, The PLRA provision was formed to stop frivolous lawsuits, not turn away legitimate claims, The Court relied on cases that was dismissed not for lack of merits but from conflict of interest or abuse of discretion, this writ of certiorari is to address the Appeal courts and District Courts, speculation of the strike rule, the Court should have to state in the order or Judgment that the plaintiff has a strike

Reason for Granting the Petition

The only case the district court relied on that states Chambers had a strike for filing the civil Complaint is Roscoe Chambers v. Nicholas A Sarcone 4:17-cv-0432 (SD, IOWA) and the record clearly establishes that there is a conflict of Interest, The case concerning Conard is the same, the court record shows that Chambers repeatedly ask the court to investigate the defendants,

The Court must look at how these courts are finding the petitioner to be 3-striker under § 1915(g) the fifth circuit counts appellate court affirmance as a strike too, the ninth circuit don't; The fifth circuit has held that a appeal court affirmance of a district court dismissal counts as a strike, Compare Krieg v. Keeney 619 F. Appx 387, 389 (5th cir 2015) with ninth circuit El-shaddai 833 F.3d at 1046

The court must uniform the adjudication of the 3 strike rule, Courts must not be permitted to improperly grant Immunity,

The court must consider why Congress made the Prison Litigation Reform act, to filter out bad claims, filed by repetitive filers,

The court must also establish a proper appeals process. to evaluate the denial to proceed on Appeal In forma Pauperis the fifth circuit has Baugh v. Taylor 117 F.3d 197 (5th cir circuit 1997) the seventh has Newlin v. Helman, 123 F.3d 429 433 (7th cir 1997)

Reason for Granting the Petition

The district court was clearly reaching to dismiss this meriteous case; for one the chief Judge Sara Darrow should not have transferred the case to the Northern District of Illinois, because most of the litigation occurred a block from the central District of Illinois court house, The District court then claimed Improperly that Chambers did not provide adequate history of his PLRA statement whrch is not true, Chambers did not receive any strikes on the record from Conards or Sepanek and the other cases mention were filed to press criminal Charges not Sue, and were dismissed for lack of Jurisdiction.

The court must grant this certorari to separate the Lower Courts Speculations, and Established some form of Rule which would permit the lower court to state for the record that you the filer has a strike!

And the court must consider the petitioner did 18 months of Imprisonment and six months of house arrest, before the Illinois state appeals court over turned the case, and remanded to the trial court for further proceedings, then the trial court Just Dismissed the case not offering the Plaintiff a apology or any Compensation for hrs wrongful Imprisonment or lost of property.

Then violated court rules to sabotage the civil Complaint and have the Appeal improperly dismissed, now the Federal Court refuse to process the Complaint or appeal because Chambers life is not in immediate danger or he dont have the money right now!

The District Court initial review was not honest, the Court and Appeal Court denied Chambers a fair opportunity to be heard and the Court improperly denied Chambers meritorious civil complaint and is making Chambers pay \$400,00 dollars and \$500,00 dollars that's \$900,00 for being illegally sentence and falsely imprisoned! I believe the Court should correct this manifest In Justice, Does the PLRA provision permit this kind of act? And don't the Appeals Court suppose to have three Judges on its panel? there was only two in this case!

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roscoe Chambers

Date: March 13, 2019