

No. _____

19-5945

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Timothy Eugene Sampson
(Your Name)

— PETITIONER

FILED

AUG 26 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

VS.

Cathy M. Barrett, Wayne County Clerk

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES SIXTH CIRCUIT COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

Timothy Eugene Sampson AOC # 492307
(Your Name)

CHIPPewa CORRECTIONAL FACILITY
4269 W. M-80
(Address)

Exeter, Michigan 49784
(City, State, Zip Code)

(906) 495-2275
(Phone Number)

NO:

IN THE

SUPREME COURT OF THE UNITED STATES

TIMOTHY EUGENE SAMPSON,

PETITIONER,

VS

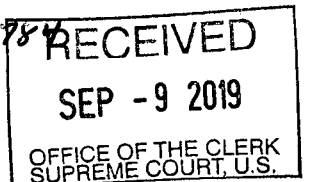
Cathy M. Bonetti, Wayne County Clerk, and
Margaret M. VanHouten, Third Circuit Court Judge,
Kim Worthy Wayne County Prosecutor, JASON WILLIAMS
MARY MARGARET CASEY, UNKNOWN WAYNE COUNTY CLERK, THE
THE COUNTY OF WAYNE COUNTY MICHIGAN, COURT TRANSCRIPTION
JANE DOE, JONATHAN B.D. SIMONY ATTORNEY, JAMES HARRISON
WAYNE COUNTY PROSECUTOR, PATRICIA S. FIESARD AND THIRD CIRCUIT
COURT JUDGE, and (3) UNKNOWN WAYNE COUNTY OFFICIALS, et al
Sued jointly and severally and as municipal corporations

RESPONDENT (S).

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES SIXTH CIRCUIT -
COURT OF APPEALS

PETITIONER FOR WRIT OF CERTIORARI

TIMOTHY EUGENE SAMPSON PETITIONER # 492307 PROK
CHAPMAN CONVENTIONAL FACILITY 4264 W. M-80
KIRCHESIDE, MICHIGAN 49784
(406) 495-2275.



- I. The District Court erred in dismissing the complaint to HECK bar and 4
Holding PROSE litigants to Heighten Pleading Standard, where Plaintiff Sampson
met F.R.C.P. 8(a)(2)(3), and the United States Sixth Circuit Court of Appeals
erred not vacating the District Court's orders, granting En Banc, that this Court
can grant a writ of Certiorari?
- II. Did the District Court error in recharacterized the PROSE complaint, by its dis- 6
missal Applying a clearly erroneous standard of review to HECK bar, and where
the United States Sixth Circuit Court of Appeals erred not vacating and remanding the
District Court's orders, granting En Banc, that this Court can grant a writ of Certiorari?
- III. Did the District Court make a "Plain Error", Plain Error in Law, Plain Error in Judgment that 8
requires the complaint be REINSTATED, or be allowed to be amended or fixed to facts or dis-
missed without prejudice, until after the pending writ of Habeas Corpus in case NO: 18-CV-
10020 Sampson v. Husted, where the United States Sixth Circuit Court of Appeals erred in not grant-
ing En Banc, vacating and remanding the case, where this Court can grant a writ of Certiorari?
- IV. The District Court erred by not dismissing "without prejudice" all PROSE state law claims 10
where HECK, does not even apply in state courts, or third party claims, the United States Sixth
Circuit Court of Appeals erred in not vacating and remanding the District Court's orders, where this
Court can grant a writ of Certiorari?
- V. The Plaintiff Timothy Eugene Sampson has a fundamental due process and equal protection 12
right to access the courts, transcripts, where HECK, bar does not apply, or to money damages,
the District Court and United States Sixth Circuit Court of Appeals errors are plain errors, errors
in law requiring a remand, where this Court can grant a writ of Certiorari?
- IV. Relief requested 15

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:

Timothy EUGENE Sampson PETITIONER

VS

Cathy M. Barrett Wayne County Clerk, ETAL
MARAHET M. VANHOOTEN, Third Circuit Court Judge,
Kim Worthing Wayne County PROSECUTOR, JASON WILLIAMS,
MARY MARGARET CASEY, UNKNOWN WAYNE COUNTY CLERK T.W.,
the County of Wayne County Michigan, Court Transcriber
JANE DOE, JONATHAN B.O. Simon Attorney, James J. Harrison
Wayne County PROSECUTOR, Patricia S. Fries and Third Circuit
Court Judge, and (3) UNKNOWN WAYNE COUNTY OFFICIALS, ETAL
Sued jointly and severally, and as municipal corporation

DEFENDANTS.

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[ix]

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 E, F to the petition and is

☒ reported at 917 F.3d 880 (2019) (6/19/2019); 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 B to the petition and is

☒ reported at 917 F.3d 880 (6/19/2019); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**: N/A

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 ~~MAY~~ MARCH 10, 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: MAY 28, 2019, and a copy of the order denying rehearing appears at Appendix F.

☐ 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**: N/A

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).

STATEMENT OF THE CASE

ON JUNE 28, 2018 PETITIONER SAMPSON FILED A FEDERAL CIVIL RIGHT COMPLAINT 42 U.S.C. § 1983 IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION CASE NO: 2:18-CV-12106 ELF NO'S 1-4.

ON JULY 19, 2018 THE DISTRICT COURT OF MICHIGAN HONORABLE U.S. DISTRICT COURT JUDGE SEAN F. LOX ISSUED A (5) FIVE PAGE ORDER SUMMARILY DISMISSING CASE BASED ON A (1) HALK BARRED CLAIMS, (2) FAILURE TO STATE A CLAIM PURSUANT 28 U.S.C. § 1915 (A) (b) (3) (C).
SEE EXHIBIT APPENDIX - A SEE ALSO ELF NO'S 5 AND 6.

ON JULY 30, 2018 PETITIONER SAMPSON FILED (2) PROSE PLEADINGS: (1) A MOTION FOR IMMEDIATE RECONSIDERATION (MTPs 1-17), AND (2) A BRIEF IN SUPPORT FOR THE MOTION FOR IMMEDIATE RECONSIDERATION (BTPs 1-10).

ON AUGUST 31, 2018 RECHARACTERIZED THE PROSE PLAINTIFF SAMPSON'S "RECONSIDERATION MOTION AS A NOTICE OF APPEAL" IN ERROR, NEVER EVEN ANSWERING IT BEFORE AUGUST 31, 2018. SEE APPENDIX B DOL. NO: 12. AND ELF DOL. NO: 14

ON AUGUST 9, 2018 THE UNITED STATES SIXTH CIRCUIT COURT OF APPEAL CLERK MR. DAVID J. WEAVER, AND CASE MANAGER BRYANT L. COUTLER AT (513) 564-7013 NOTIFIED THE PLAINTIFF SAMPSON THAT THE UNITED STATES DISTRICT COURT OF MICHIGAN FOR THE EASTERN DISTRICT SOUTHERN DIVISION HONORABLE JUDGE SEAN F. LOX HAD ERRORED FILING SUCH REMOTE NOTICE RECHARACTERIZING PROSE PLAINTIFF SAMPSON'S MOTION FOR IMMEDIATE RECONSIDERATION AND.

Brief in support as a "Notice of Appeal to the United States Sixth Circuit Court of Appeals that they would hold in Abeyance" see Appendix C Sixth Circuit Court of Appeals case no: 18-1900.

On September 21, 2018 ELF Doc. No. 17 United States District Court for the Eastern District of Michigan Honorable U.S. District Court Judge Sean F. Cox entered a (2) two page order denying pro se litigant Sampson's motion for reconsideration [AKT. 7], in ELF Doc. No. 17. See Appendix D

On October 2, 2018 pro se litigant Sampson sought a timely properly filed Notice of Appeal to the United States Sixth Circuit Court of Appeals for En Banc Total Panel, to rule on his HEAR and issue a mandate on the (5) five questions presented.

On March 6, 2019 the United States Sixth Circuit Court of Appeals issued the mandate recommended for full-text publication in case no: 18-1900, Sampson v. Barnett, 917 F.3d 880 (6th Cir 2019). And Judgment before Honorable Norris, Sutton, and Cook, Circuit Court Judge, (6) six pages for ~~EXT~~ Appendix E without requested En Banc LE FRAP. 35

On March 18, 2019 pro se litigant Sampson requested [ALL] United States Sixth Circuit Court of Appeals again Circuit Judges for rehearing and En Banc pursuant to: F.R. A.P. 35 that was denied by the same Circuit Court Judges Norris, Sutton, and Cook see Appendix F

The decision by the United States Sixth Circuit Court of Appeals offends the First, Fifth and Fourteenth Amendment rights to petition the courts, and government to redress.

Argument I

The District Court erred in dismissing the Complaint to Heck, bar and holding prose litigant to heightened pleading standard, where Plaintiff Sampson met F.R.C.P. 8(a)(2)(3), and the United States Sixth Circuit Court of Appeals erred not vacating the district court's order, granting Enbarc, that this court can grant a writ of Certiorari?

Plaintiff Sampson invokes this court to review in denovo his Federal Constitutional Claims to facts of prose litigant's pleadings, less stringent than those drafted by trained attorneys. Hamer v. Kerner, 404 U.S. 514: 92 S.Ct. 594 (1972). And as this court has stated in Fed. R. Civ. P. 8(a)(2)(3) Ashcroft v. Iqbal, 556 U.S. 662: 124 S.Ct. 1937 (2009).

This court can also review in denovo Plaintiff Sampson claims that the lower court error is a plain error under F.R. Civ. P. 52(a)(6), and abuse of discretion. Anderson v. City of Bessemer, 470 U.S. 564: 103 S.Ct. 1504 (1985). (abuse of discretion): Turner v. United States, 520 U.S. 461: 117 S.Ct. 1644 (1997), and to higher pleading standard prohibited in Leatherman v. Tarrant County Narcotic Intelligence and Coordination Unit, 507 U.S. 163: 113 S.Ct. 1163 (1993). See also Appendix's B and F. Specifically.

DISCUSSION

The Plaintiff Sampson has a fundamental due process and equal protection right to access the courts. Bounds v. Smith, 430 U.S. 817, 822 S.Ct. 1491 -

1494-1495 (1977), and to present adequate opportunity to present com-

plaint claims (1) to Criminal Appeals, (2) challenge prison conditions, (3) filing

Habeas Corpus Petitions, and (4) filing civil actions. Lewis v. Casey, 518 U.S. 343, 350-

351; 116 S.Ct. 8174 (1996). "[T]he District Court erred by failing to hold the filed

complaint less stringent than those drafted by trained lawyers. Haines v. Kerner,

508 F.2d 514 at 520-521; Enck v. Bardsley, 550 U.S. 84, 92; 127 S.Ct. at 2200

" (2009); Ashcroft v. Iqbal, 556 U.S. 662, 124 S.Ct. 937 at 950-951 (2009).

" [T]his Court has held under R.R. Civ. R. 52(a)(6) an abuse of discretion and plain error

requires a judgment and often be vacated and remanded. Anderson, 470 U.S. 544

at 573; 103 S.Ct. 1504; Tolman v. U.S., 520 U.S. 461 at 466-467; 117 S.Ct.

1644. The Sixth Circuit Court of Appeals order and judgment to affirm

the Holt bar in Appendix's B and F specifically and A, C-E. The district

court erred by holding a more rigorous to a heightened pleading standard. That is

prohibited by this Court's decision in Leatherman, 507 U.S. 163-165; 113

S.Ct. 1160, where the facts of a complaint must be averred in the light most

favorable to the plaintiff. Jackson v. Schoen, 416 U.S. 332, 336; 94 S.Ct.

1083 (1974); Christensen v. Hargrove, 536 U.S. 403, 405; 122 S.Ct. 2044 (2002). See

Also Enck v. Bardsley, 550 U.S. 84, 94; 127 S.Ct. 2044 (2002). This

Court can grant a remand and vacate the lower court's order, and this will fix

Argument II

Did the District Court error in recharacterized the habeas complaint, by its dismissal applying a clearly erroneous standard of review to Holt bar, and where the United States Sixth Circuit Court of Appeals entered not vacating and remanding the District Court's orders, granting habeas, that this Court can grant a writ of certiorari?

Plaintiff Sampson moves this Court to review in remand his habeas litigant's constitutional claims to not recharacterized his pleadings as this Court ruled on in Castro v. United States, 540 U.S. 375; 124 S.Ct. 786 (2003). see Exhibit Appendix B and E, specifically and Appendix's A, C-E too.

Discussion

Plaintiff Sampson contends that the District Court abused its discretion. Anderson v. City of Bremen, 470 U.S. 564 at 573; 103 S.Ct. 1504, and that Holt barred procedural claims, and access to the court claims that this Court granted writs of certiorari in Wilbert v. DeLoach, 544 U.S. 74; 125 S.Ct. 1242 (2005) (challenging procedures). Holt has no bar. see also Skinner v. Switzer, 131 S.Ct. 1289; 179 L.Ed.2d 733 (2011) in Lewis v. Casey, 518 U.S. 343, 351-356, 371-372; 116 S.Ct. 2174, 2181 (1996) (a prisoner has a fundamental due process and equal protection right to access the court to challenge (1) criminal appeals, (2) prison conditions, (3) filing habeas corpus petitions, and (4) to file civil actions. the District Court erred, and contrary with the United States

SIXTH CIRCUIT COURT OF APPEAL FOR FAILING TO VACATE THE ORDER AFFIRMING THE HECK BAR.
AND NOT GRANTING ENHANCE PURSUANT TO: F.R.A.P. 35(a)² see Appendix's B and F Specifically
and Appendix A, C-E ALSO these errors were "plain errors" F.R. Civ.P. 5214(b), Anderson
Supra 470 U.S. 504, at 573: JOHNSON v. UNITED STATES, Supra 520 U.S. 461, 466-467;
117 S.Ct. 1844; citing UNITED STATES v. OLANO, 507 U.S. 725, 730-733; 113 S.Ct. 1720 (1993)).
IN CASTRO v. UNITED STATES, Supra 540 U.S. 375, at 382-383; 124 S.Ct. 786, this Court
HAS held that: "Courts may NOT regularize a pro se litigant's pleadings, and if they
do so, they must warn the pro se litigant of the consequences, and allow him to withdraw
his pleadings." Id. at 382-383. This Court can grant this writ of certiorari, and a remand.
The District Court error, the Sixth Circuit Court of Appeals never address, even in its issuing of
the Mandate, that the United States Sixth Circuit Court of Appeals in its own opinion has
never been confronted with this issue. Sampson v. Garrett, 917 F.3d 880 (6th Cir. 2019), However
even other circuits have held NO Heck bar. Platter v. City of Philadelphia, 512 F.3d 135, 136-139 (Money Damage Claims); Phillip v. Huss, 477 F.3d 1070, 1081-1082 (4th Cir. 2007), NO Heck
bar on 1st Am. Claims. Wilson v. Whitson, 535 F.3d 262, 263, 367 (4th Cir. 2005) (same) Laborit v. Harty
710 F.3d 979, 978 (6th Cir. 2013), awards claims Meredith v. New York, 750 F.3d 101 (2nd Cir. 2014).

NOTE 1: United States Sixth Circuit Court of Appeals erred in not granting an enhance pursuant
to F.R.A.P. 35(a) to maintain circuit court uniformity of its own law, and other circuits
Thaddeus-X v. Bladder, 175 F.3d 378 (6th Cir. 1999) (enhance), NO Heck bar to third party
claims Howard v. Cleveland Clinic Found., 759 F.3d 601, at 616 (6th Cir. 2014), 1st Am. Claims
NO Heck bar King v. Maywood, 852 F.3d 508, 572, 579 (6th Cir. 2017).

Argument III

Did the District Court make a "plain error", plain error in law, plain error in judgment that requires the complaint be reinstated, or be allowed to be amended or fixed to facts or dismissed without prejudice, until after the pending writ of Habeas Corpus in case no: 18-CV-10070 Sampson v. Horton, where the United States Sixth Circuit Court of Appeal entered in not granting En Banc, vacating and remanding the case where this court can grant this writ of territorial?

The Plaintiff Sampson moves this court to these plain errors pursuant to: F.R.C.P. 52(a)(6), United States v. Olano, 507 U.S. 725, 113 S.Ct. 1770 (1993), and the lower courts Abuse of Discretion, Anderson v. City of Bessemer, Ala., 470 U.S. 564 at 573, 105 S.Ct. 1504 (1985)

This court can also review a Prisoners fundamental Constitution rights to due process, and Equal protection rights to access to the courts, Bowdell v. Smith, 430 U.S. 817, 97 S.Ct. 1491 (1977), and the court failure to follow the fundamental standards that all these pleadings must be held less stringent than those drafted by trained lawyers, Haris v. Karam, 404 U.S. 514, 94 S.Ct. 544 (1972). see Appendix's A, B, F, and C-D and E)

Discussion

The Plaintiff Sampson has a fundamental guaranteed due process and Equal protection right to access the courts. Bowdell v. Smith, supra 430 U.S. 817, at 822 VN7-8, 97 S.Ct. 1491, 1494-1495 (collections of cases, and state courts must provide court transcripts). Lewis v. Casey, supra 518 U.S. 343, at 351-354, 371-372, 116 S.Ct. 2174 (1996) (to have

Adequate opportunity to present claims of violations of fundamental constitutional rights in court.) (Same): Shaw v. Murphy, 532 U.S. 223, 231; 121 S.Ct. 1475 at 1480 (2001); Hudson v. Palmer, 468 U.S. 517, 547; 104 S.Ct. 3194, 3211 (1984) (Ac Heck), post Heck Shaw, supra MLB v. SUT, 519 U.S. 102, 133; 117 S.Ct. 555, 572 (1996); lowi supra 343, 351-356, 371-373; Arthur v. Dunn, 137 S.Ct. 1521-1522; 148 LEd 2d 251 (2017) All citing Bornfeld v. Smith, 430 U.S. 871, 822; 97 S.Ct. 1491, 1494-1495 (1977); Heck v. Humphrey 512 U.S. 477; 114 S.Ct. 2304 (1994), has never barred aliens to court claims. See also First Amendment Retaliation Claims: Lozman v. City of Riviera Beach, 138 S.Ct. 1945, at 1957, 201 LEd 2d 342 (2018), see also Hartman v. Moore, 547 U.S. 250, 259; 126 S.Ct. 1645; 164 LEd 2d 441 (2009). (All no Heck bar); (Same) Muhammad v. Close, 540 U.S. 744, 751, 755; 124 S.Ct. 1303, 1304, 1306; 158 LEd 2d 32, 36, 35 (2004) (No Heck bar). No Heck bar on DNA testing Wade v. Brady, 460 F.Supp 2d 226 at 244 (D. Mass. 2006), Aliens to courts, testing on knife. McKittlen v. Brown, 565 F.Supp 2d 440, 446 (E.D. Tex. 2008). State courts must provide transcripts, Christopher v. Harbury, supra 536 U.S. at 403, 405; 122 S.Ct. 2179, 2180; 153 LEd 2d 413 (2002); Johnson v. California, 543 U.S. 444, at 510, 530-531; 125 S.Ct. 1141, 1144, 1161 (2005), or to petition the courts and government Woodford v. Ngo, 548 U.S. 81, 172; 124 S.Ct. 2378, 2404; 165 LEd 2d 368, 398 (2006) Citing Bill Johnson's Restaurants Inc. v. NLRB, 461 U.S. 731, 741; 103 S.Ct. 2161 (1983), the Court of Appeals granted of the Sixth Circuit warrants this writ of certiorari and remand on a dismissal without prejudice due to the pending habeas corpus. Shannon v. Howard, 5-2018-cv-10020.

Argument IV

the district court erred by not dismissing "without prejudice" all state law claims, where Heck, does not even apply to state courts, or third party claims, the United States Sixth Circuit Court of Appeals erred in not vacating and remanding the district court orders, where this court can grant a writ of Certiorari?

Plaintiff Jampson moves this court to review his state and federal constitutional claims to his NO Heck bar claims. U.S. Court. App. 1, v. KING: Mich. Court. 1963 App 1 §§ 1, 2, 3, 4, 5, 17. Heck v. Humphrey, 512 U.S. 477: 114 S.Ct. 2364 (1994), and where a district court, or appellate court abuses its discretion. Anderson v. City of Glenview, Ill., 570 U.S. 564: 105 S.Ct. 1504 (1985), see also F.R. Civ. P. 52(a)(6). Explaining "Plain Error" United States v. Diario, 507 U.S. 725: 113 S.Ct. 1770 (1993).

Michigan state Constitutional law that a prisoner has a fundamental due process and equal protection right to access the courts. Hall v. Hall, 123 Mich. App. 757: 391 N.W.2d. 206 (1983) (A prisoner has a fundamental due process and equal protection right to access the courts), no Heck bar to Michigan Elliot Landon's Civil Rights Act, Meigs, 37, 7101 et seq. 37, 2202. Robinson v. Doffett, 462 Mich. 434, 472 (2000). Odum v. Wayne Co., 482 Mich. 454 (2003). See Exhibit Appendix's B and F Specifically and A, C-E also.

Discussion

Plaintiff Jampson contends that the United States District Court erred in dismissing his complaint that Heck bars even state law, and third party claims, and 1st, 5th

And 14th AMs Claims, because the United States Sixth Circuit Court of Appeals has
Already address and ruled on these issues. King v. Haywood, supra 852 F.3d 568, 572, 574
(6th Ky 2017) (first amendment claims); Muhammad v. Close, 798 F.3d 864, 877 (6th Cir 2016)
Thaddeus-X v. Blalock, supra 175 F.3d 378, 381; J. P. T. v. T., 434 F.3d 500, 501 (6th Cir 2010)
Ohio 2005). Third party claims NO Heck bar. Howard, supra 759 F.3d 601, 616, state
law civil rights claims, Moldovan v. City of Warren, 573 F.3d 309, 326-327, 331 (6th Cir 2019).
Other circuits have held the same NO Heck bar. Phillips v. Hurst, supra 477 F.3d 107, 108-109
(9th Cir 2017) (lost in preparing and filing suit), vacated and remanded on other grounds Hurst v.
Phillips, 555 U.S. 1150; 124 S.Ct. 1036 (2004), nominal crimes NO Heck bar. McIntyre's Elliot
Land Civil Rights Act the NO Heck bar Moldovan, 573 F.3d 309, 326-327, 331. Robinson v. Detroit, supra
462 Mich. 434, 442; Odum v. Wayne County, supra 482 Mich. 459-469; Moldovan v. Warren,
supra 573 F.3d 309, 326-327, 331. NO Heck bar also applies under 5th and 14th AMs. See
Wilkinson v. Austin, 545 U.S. 209, 221; 125 S.Ct. 2384 (2005). The district court and
United States Sixth Circuit Court of Appeals failed to follow their own procedures, laws
and ethical rules causing irreparable harm pursuant to: F.R.A.P. 35(4), Thaddeus-X
v. Blalock, supra 175 F.3d 378, 382; (en banc); Adkins v. Wadsworth 554 F.3d 650-651 (6th Cir
2008) (en banc) (spoliation of evidence); Marshall v. City of Farmington Hills, 578 Fed. Appx.
516, 529 (6th Cir 2009) (proceedings involved a question of exceptional importance), and to also
maintain uniformity of court decisions Int'l Union v. ELMCO, 872 F.3d 388, 392
(6th Cir 2017), this court can grant a writ of certiorari, vacating the order, and remand this case
back for an evidentiary hearing, en banc. 11.

Argument v

The Plaintiff Timothy Eugene Sampson has a Fundamental Due Process and Equal Protection Right to access the courts, transcripts, where Heck bar does not apply, as to money damages, the District Court and United States Sixth Circuit Court of Appeal errors are "plain error, ~~plain~~ errors in law requiring a remand, where this court can grant a writ of certiorari?

Plaintiff Sampson's moves this court to review his constitutional rights to the court's claims and to petition the court, Lewis v. Casey, 518 U.S. 343, 351-355: 116 S.Ct. 2174 (1996), and transcripts citing Bounds v. Smith, 430 U.S. 817 at 822 DNN 7-8: 97 S.Ct. 1491 at 1494-1495 (1977) (collection of cases).

this court can also review in order to Plaintiff Sampson's right to be free from such errors eg. "Mervin v. United States v. Olson", 507 U.S. 725: 113 S.Ct. 1770 (1993). See also Appendix G and F, also A, C-E too.

Discussion

The Plaintiff Sampson has a Fundamental Due Process and equal protection right to access the courts, Lewis v. Casey, supra 518 U.S. 343, 351-356: 116 S.Ct. 2174: citing Bounds v. Smith, 430 U.S. 817, 822 ATNN 7-8: 97 S.Ct. 1491, at 1494-1495 (1977) (collection of cases where the state courts must provide transcripts): this court has held this in MLB v. SLT, supra 514 U.S. 102: 117 S.Ct. 555 (1996) (state courts must provide full transcripts to an indigent defendant pursuing an appeal): (same): Johnson v. California, 543 U.S. 444, 510-

At 530-531: 125 S.Ct. 1141 at 1149, 1161 (2005) (State courts must provide transparency),
In Bill Johnson Restaurants Inc. v. NLRB, *supra* 461 U.S. 731, 741: 103 S.Ct. 216 (1983), this
Court stated: "The right to access the court is an aspect of the First Amendment, right to
petition the government to redress through grievances" ^{cited} in Woodford v. Ngo, *supra* 548
U.S. 81, 122: 126 S.Ct. 2378, 2404 (also citing Lewis v. Casey, 518 U.S. 343, 351-355, 371:
116 S.Ct. 2174 (1996)). "[T]here has never been a Holt bar to a alien to court claim
or retaliation claim that has been affirmed consistently or at all in multiple circuits
where this court is being petitioned to settle such an exceptional questions that
has not been settled the lower appellate courts. 28 U.S.C. § 2101 (a) (2) (g) allows
this court to grant this petition for writ of certiorari, and remand this case
back to the United States Sixth Circuit Court of Appeals, to vacate the affirming of
a Holt bar that does not apply to this case on the procedures, court rules that the district
court and United States Sixth Circuit did not follow. Hollingsworth v. Perry, 558 U.S. 183,
189: 130 S.Ct. 2105 (2010) ("If courts are required that others follow regular procedures,
courts must do so as well"). *Id.* at 199, 207-208.

In conclusion the petitioner Timothy Eugene Sampson moves this court to grant
this writ for certiorari, reviewing all above pleadings liberal. Haines v. Kerner,
supra 404 U.S. 519, 520-521: Brinkow v. Ardus, *supra* 551 U.S. 89, 94: Aselomoff
v. Ighar, *supra* 556 U.S. 642: 124 S.Ct. 1937 at 1950-1951.

REASONS FOR GRANTING THE PETITION

THIS COURT HAS JUDICIAL DISCRETION, AND JURISDICTION TO GRANT A WRIT OF HABEAS CORPUS. THE PETITIONER TIMOTHY EUGENE SAMSON PRO SE LITIGANT PRESENT

(5) FIVE COMPELLING QUESTIONS AND REASONS THIS COURT CAN CONSIDER;

(4) THE UNITED STATES SIXTH CIRCUIT COURT OF APPEAL HAS ENTERED A DECISION IN CONFLICT WITH THE DECISION IN ITS OWN CIRCUIT, AND OF ANOTHER UNITED STATES COURT OF APPEALS ON THE SAME IMPORTANT MATTER; HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN THE WAY THAT CONFLICTS WITH A DECISION OF THIS UNITED STATES SUPREME COURT, AND HAS SO FAR DEPARTED FROM THE ACCEPTED AND UNUSUAL COURSE OF JUDICIAL PROCEEDINGS, OR SANCTIONED SUCH A DEPARTURE BY A LOWER COURT, AS TO CALL FOR AN EXERCISE OF THIS COURT'S SUPERVISORY POWER. SEE ALSO 28 U.S.C. § 8101 (a) ET SEQ. 28 U.S.C. § 1651 (a), ALSO SEE RULE 11.

ALSO CAN GRANT THE APPOINTMENT FOR COUNSEL TO PRO SE LITIGANT, PURSUANT TO: 28 U.S.C. § 1915 (e) (1), AND 18 U.S.C. § 3006 (A) ET SEQ. ALSO SEE RULE 9.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Timothy Eugene Sampson

Date: August 26, 2019