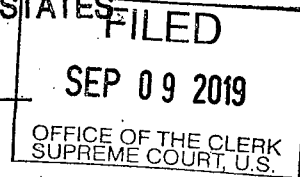


No. _____

19-6047

IN THE

SUPREME COURT OF THE UNITED STATES



Happy Stomping Bear
(Your Name)

— PETITIONER

vs.

Brown et al

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

8th Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Happy Stomping Bear
(Your Name)

PO Box 1630
(Address)

Malvern AR 72104
(City, State, Zip Code)

472-238-1903 (mom)
(Phone Number)

QUESTION(S) PRESENTED

I was told by the court to amend my complaint. Mrs. Robinson separated me from my legal work. I wrote two letters to the court informing them of this. I amended my complaint but it was shortly after the time I was given. I could not amend on time only because the defendants took and withheld my legal work from me. My amended complaint was not filed due to its untimeliness.

1) Was the taking of my legal work a violation of my access to the courts?

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:

Mr. Brown

Ms. Robinson

Unknown person (John/Jane Doe #1)

Gloria Thompson

Unknown person (John/Jane Doe #2)

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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 A to the petition and is

☒ reported at 2019 WL 3026978; 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☒ is unpublished.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 2018 WL 6183276; 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☒ is unpublished.~~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☐ is unpublished.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 19 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: June 10 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 _____ (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

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for redress of grievances.

STATEMENT OF THE CASE

- 1) On 4-18-16 I filed Ward v. Kelley 16-cv-00119-KGB (doc #2)
- 2) I was informed that my claim was deficient, that I had too many defendants and too many claims that to the court was not related. I was told to amend my complaint or it would be dismissed. (doc #7 & 8)
- 3) I go to the hole, Robinson would not allow me to take my legal work to the hole even though I informed her of my active case. I ask Brown, who was later in control over my property, if I could get my legal work I informed him of my active case and the dead line.
- 4) I wrote the court a letter informing the court that my legal work was separated from me and due to this I could not amend my complaint. (doc #10 & 15) I asked for an attorney stating ADC had took my legal work (doc #11)
- 5) After getting out of the hole and getting my legal work back, I filed my amended and supplemented complaint (doc #16) it was not accepted due to its untimeliness.
- 6) A year goes by and I've heard nothing, I filed defaults and etc during this year. But then I filed a Mandamus so the court dismissed my case (doc #25)
- 7) I changed my name to Happy Mystik Rainbow StompingBear.
- 8) I filed StompingBear v. Brown 18-cv-00281-JM (doc #2)
- 9) My claim was dismissed before the defendants were served (doc #4)
- 10) I appealed to the 8th Cir. (doc #9)
- 11) On 7-17-19 my rehearing was denied.

It goes like this, I was unable to do what the court told me to do because Robinson and Brown took and kept my legal work from me at a time when it was imperative that I have it. I even told the court this... that's another matter.

The court says I don't have actual injury because my claim wasn't dismissed because I didn't amend but because my claim was deficient. My claim was all messed up but if I would of been able to amend, my claim would of been saved, so I say, if I would of been able to amend my claim it would not of been dismissed. If it wasn't for the actions of Robinson and Brown I would of had my legal work, I would of filed my amended complaint in a timely manner, it would of been excepted and by now maybe even settled.

But instead I had to refile pay all these extra filing fees and the violation I was suing over continues to this day.

REASONS FOR GRANTING THE PETITION

- 1.) All these other circuits say things like "It follows logically that the allegation of intentional of the right of the access to the courts states a cause of action under §1983" *Simmons v. Dickhaut* 804 F.2d 182, 183 (1st Cir 1986). "Prison officials may not deny or obstruct an inmate's access to the courts" *Wright v. Newsome* 795 F.2d 964, 968 (11th Cir 1986). "Confiscation of legal materials from prisoners constitutes unreasonable interference with access to courts" *Carter v. Hutto* 781 F.2d 1028, 1032 (4th Cir. 1986). "The Second Circuit has stated that the denial of access to legal documents prepared by a prison inmate constitutes a violation of the constitutional right to meaningful access to the courts. Plaintiff alleges that he has been deprived of his legal papers and that this deprivation has left him unable to amend his complaint in another action as directed by this court. This court finds this allegation to state a claim for relief under section 1983" *Williams v. ICC Committee* 812 F.Supp. 1029, 1033 (N.D. Cal 1992). "The taking of a prisoner's legal papers states a claim under 42 U.S.C. § 1983 or 1985 if the taking results in interference of the prisoner's constitutional right of the access to the courts" *Sigafus v. Brown* 416 F.2d 105 (7th Cir 1969).
- 2.) Rule 10 says if I can show how the court I was in decided an important question that conflicts with other courts, as well as it being far departed from accepted and usual course of proceeding, your court may decide the matter. Please do, as the court I was in decided my case far off and conflicting with everyone else.
- 3.) I was given an order by the court to amend my complaint. I could not follow this order due to Robinson and Brown's actions of taking and withholding my legal material. Those two interfered with my access to the court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Happy StomangBear

Date: 9-7-19