

ORIGINAL

No. 19-6516

Supreme Court, U.S.
FILED

OCT 17 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Ronald D. VETERO — PETITIONER
(Your Name)

THE CLERKS vs. JUDGES & JUSTICES
OF THE ALABAMA COURTS RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ronald D. VETERO, AIS# 195182, B-37
(Your Name)

ST. CLAIR CORRECTIONAL FACILITY
1000 St Clair Road

(Address)

Springville, ALABAMA 35146-
(City, State, Zip Code) 9790

N/A
(Phone Number)

QUESTION(S) PRESENTED

- I. Do indigent pro se prisoner litigants have a constitutional right to access to the courts, specifically, access to the prison law library, WESTLAW, other legal research, informational resources, furniture and adequate lighting, conditions and nonhostile environment conducive to reading and writing and performing essential litigation tasks, clerical supplies, photocopying and notarial services and postage to effectively prepare and file initial pleadings and present and argue subsequent pleadings, motions, discovery process, petitions, appeals and appellate briefs during the pendency of the case and until the conclusion of the case, all appeals and post-judgment motions and petitions?
- II. Is the "3-Strikes" penalty of 28 U.S.C. § 1915(g) an affirmative defense that must be pleaded by the defendant(s)? Or, may a trial judge invoke the affirmative defense on behalf of unserved potential defendant(s) and use the "screening" statute, § 1915A to investigate, sua sponte, deny and deprive the plaintiff of his right to illustrate his eligibility or to amend his Complaint?
- III. Does 28 U.S.C. § 1915(g) rescind "notice pleading" of Federal Rule of Civil Procedure and/or may a district court and appellate court require "heightened pleading" of facts and details of the prisoner's pleaded exemption from the "3-strikes" exclusionary rule and deny indigent prisoners in forma pauperis status and dismiss a meritorious Complaint that satisfies "notice pleading only" pursuant to Rule 8(a), Fed. R. Civ. P.?
- IV. May a United States Court of Appeals require an indigent prisoner litigant seeking to proceed in forma pauperis to iterate his demonstration that he is "under imminent danger of serious physical injur[ies]" and/or murder each and every time he files notice of appeal? motions? appeals? briefs? petitions for writ of mandamus? for rehearing and rehearing en banc? and of certiorari? in the same case?
- V. May a district court dismiss a Rule 60(b) motion to vacate judgment, Fed. R. Civ. P., without consideration, that seeks to amend a Complaint to add facts to

to comply with the court's "heightened pleading" requirement?

VI. Is it a conflict of interest and partiality and a violation of the Canons of Judicial Ethics and the statutes, 28 U.S.C. §§144 & 455, when judges who adjudicated a prisoner's "Petition for Review" of the prisoner's Judicial Complaints of their cohorts and co-conspirator appellate judges, then to rule on a motion in the same case which effected the Judicial Complaints against the miscreant judges and then to malign the prisoner's motion and punish and retaliate against him by implying his meritorious motion was frivolous and directing the Clerks of Court to refuse to file any future submissions by the prisoner, not to return them and dispose of them?

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:

Due to the premature truncation of this case and the discovery process, the petitioner cannot name all the clerks, judges and justices.

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STATUTES AND RULES

Title 28 U.S. Code
§ 144
§ 455
§ 1915(g)
§ 1915A

OTHER

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 _____; 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 D to the petition and is

☐ reported at _____; 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 July 1, 2019
May 8,

[] No petition for rehearing was timely filed in my case.

[✓] A timely ^{motion reconsideration} ~~petition~~ for ~~rehearing~~ Clerk dismiss July 22, 2019 was denied by the United States Court of Appeals on the following date: July 1, 2019, and a copy of the order denying rehearing appears at Appendix B.

[✓] ^{A motion to recall the mandate and reinstate the} ~~An extension of time to file the petition for a writ of certiorari was granted to and including~~ appeal ^{was} ~~(date) on~~ denied September (date) in Application No. A ber 27, 2019 appears at Appendix C.

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

United States Constitution

Amendment I the right of the people . . . to petition the Government for redress of grievances.

Amendment V No person shall . . . be deprived of life, liberty or property without due process of law

Amendment XIV nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction, the equal protection of the law.

United States Code

Title 28, U.S. Code § 1915(g) if a prisoner has on 3 or more prior occasions . . . brought an action or appeal . . . that was dismissed on the grounds it was frivolous or failed to state a claim, he may not be permitted in forma pauperis unless he is under imminent danger of serious physical injury.

STATEMENT OF THE CASE

Proceedings Below

Petitioner Ronald D. VETERO filed a Complaint against the Clerks, Judges and Justices of the Alabama courts who were approving or condoning the obstruction of VETERO's access to the courts and the punishment and retaliation against VETERO for his administrative grievances and judicial complaints by the Defendants, in the United States District Court for the Middle District of Alabama on October 5, 2017, seeking equitable relief only. VETERO was indigent with no assets nor income and, consequently, applied for leave to proceed in forma pauperis ("IFP"). The District Court before service of the Summons and Complaints sua sponte, investigated VETERO's litigation history, accused him of having "3 strike" that had been arbitrarily charged against his meritorious civil actions as frivolous or failing to state a viable claim, the ruled affirmatively on his findings, and denied VETERO IFP status. VETERO was at that time being denied access to the prison law library, by the administrators of the Alabama Department of Corrections ("ADOC") and the St. Clair Correctional Facility ("SCCCF") and deprived of WESTLAW and other legal research and informational aids and resources, adequate lighting, desk or table and chair or stool, nonhostile conditions and ambient conducive to reading, writing and studying, photocopying and notarial services, adequate clerical supplies and postage and timely mailing, to even minimally effectively prosecute his 81983 civil rights Complaint.

VETERO filed motions requesting orders to the Defendants and the ADOC/SCCCF administrators directing them to provide VETERO with the litigation essentials enumerated above so that he could oppose and object to the District Court's adverse advocacy, arguments and citations/quotations of case law which he was barred from reading and finding and citing/quoting his own. The District Court denied all of VETERO's numerous motions

and requests for IFP status and the indicated litigation essentials and forced VERERO to attempt to litigate in the blind — with no access to the prison law library, WESTLAW and other essential litigation tools, aids, resources and accoutrements and conditions since November 2016. The magistrate and district judge also refused to recuse themselves for their invidious anti-prisoner, pro se litigants, qua VERERO, discrimination, abuse, bigotry and maltreatment as manifested in their erroneous and unconscionable rulings depriving VERERO of his constitutional rights to meaningful and effective access to the courts to present and prove his obviously meritorious claims and civil rights action.

VERERO appealed these grossly erroneous denials and and malicious obstructions to the United States Court of Appeals for the Eleventh Circuit ("Eleventh Circuit") pursuant to the "collateral order doctrine", No. 17-15401 (11th Cir.). The Eleventh Circuit granted VERERO leave to appeal IFP but dismissed the appeal for lack of jurisdiction citing the inapplicability of the "collateral order doctrine."

VERERO filed a petition for a writ of mandamus, No. 18-11147 (11th Cir.), requesting orders to the District Court to grant VERERO's motions to accede the prison law library, WESTLAW and other litigation essentials and to grant VERERO IFP status. The petition was dismissed May 3, 2018, but the Eleventh Circuit did not notify VERERO of the dismissal until December 13, 2018, seven (7) months later depriving VERERO of his procedural right and opportunity to file post-judgment motions, petitions and a petition for Writ of Certiorari to the United States Supreme Court.

VERERO tried a different tack and vehicle. He filed motions for temporary restraining order ("TRO") and a hearing on preliminary injunction ("PI") against the Defendants ordering them to provide VERERO with access to the prison law library and litigation essentials described above. The Eleventh Circuit permitted VERERO to proceed IFP and Judge Stanley MARCUS, never even read the read the record on the interlocutory appeal, falsely

described VETERO as a Georgia prisoner, and falsely asserted that the interlocutory appeal was an appeal from a final judgment and dismissed the appeal because he said, "VETERO has not met [his] burden" of showing "that he is in imminent danger of serious physical injury," and, thus, was not eligible for IFP status. No. 18-11175 (11th Cir.).

When all these interlocutory petition/appeal attempts failed, the District Court erroneously renewed its February 2, 2018, falsely designated "Order" and "Final Judgment" on October 17, 2018. VETERO appealed that final judgment. VETERO filed a motion for reconsideration, November 5, 2018, which was denied November 7, 2018.

VETERO filed "Notice of Appeal and Motions" on November 29, 2018. No. 18-15061 (11th Cir.). Once again the Eleventh Circuit dismissed this appeal, January 8, 2019, but did not notify VETERO until April 6, 2019, nor send him a copy of the order until June 1, 2019, too late for VETERO to file post-judgment motions, petitions or a "Petition for the Writ of Certiorari" in the U.S. Supreme Court. Because of the Eleventh Circuit's refusal timely to notice VETERO of the unconscionable and erroneous dismissal, VETERO filed two motions (the clerks refused to file the first) to recall the mandate and reinstate the appeal, and also filed a Fed. R. Civ. P. 60(b) motion to vacate the final judgment and resume the case in the District Court. The District Court dismissed this collateral attack on the judgment and VETERO appealed. No. 19-10540. On May 8, 2019, Judge Charles WILSON "changed horses in the middle of the stream" — changed established, precedential rules in the middle of the case and against all case law. He denied VETERO IFP status because he was "(1) not (2) currently under imminent danger" for which no evidence was extant and was NOT the temporal metric for when the danger was (is) imminent. VETERO filed a motion for reconsideration of these gross errors which Judges Charles WILSON and Jill PRYOR denied July 1, 2019. VETERO filed another motion to recall the mandate and reinstate the appeal.

VETERO filed Judicial Complaints against all of the federal judges involved in the invidious anti-pro-se prisoner discrimination and abuse in this civil action, petitions and appeals. Eleventh Circuit Judges William PRYOR and [FNU]*

* FNU = First Name Unknown

NEWSOM, inter alios, denied VETERO's "Petition for Review" and read and approved the bigoted dismissals of his Judicial Complaints against all of these judges who are his co-conspirators. Then, in a conflict of interest and violations of the Canons of Judicial Ethics and statutes 28 U.S.C. §§ 144 & 455, retaliated against and punished VETERO for having the temerity to accuse and to expose these miscreant judges' corruption and bigotry by denying his motion to recall the mandate and reinstate the appeal and foreclosed any future attempts to challenge the gross fiasco and malfeasance and implying frivolous action by VETERO: "The Clerk is DIRECTED to accept no further filings from Appellant in this appeal, including any motion for reconsideration of this order.... the Clerk will not return Appellants unaccepted submissions to him.... is directed to discard any further submissions that are received from Appellant...." September 27, 2014.

Historical Narrative Facts

1. Beginning circa 2013-14, Warden Carter DAVENPORT destroyed the status quo ante and equanimity of the STCCF. He transferred out of the prison older, rule-abiding white inmates and imported young, black, violent gang members with lengthy sentences and misconduct records and invidious anti-white attitudes and beliefs of hate. Immediately, STCCF became a very violent prison and lack of personal safety and security of property. The Wardens and supervisors did not and perhaps could not stop or even control the beatings, stabbings/cuttings, murders, robberies, rapes, thefts, extortion and destruction of inmates' and State property. Two of VETERO's white friends, Joey WALDROP and Tim DUNCAN were murdered by blacks; Mark DUKE, Michael McGREGOR, Victor RUSSO and Stephen LINTON were stabbed nearly to death; many others were stabbed, beaten, robbed, raped, kidnapped, extorted and/or thieved. See Mark DUKE et al v. Jeff DUNN, et al., No 4:14-CV-1952-VEH (N.D. Ala.) VETERO who is 72 years old with osteo-arthritis, obesity, poor vision and hearing and receives daily medication for chronic hyperlipidemia, suffered numerous serious physical injuries, stab wounds, two concussions, a

poisoning, broken nose (3 times) and associated black eyes, broken, chipped and knocked-out teeth, blunt force cataracts, numerous abrasions, contusions and torn ligaments and tendons and the robbery, theft or destruction of his personal and legal property by black inmates.

2. While VETERO was suffering this racial discrimination, abuse and violence described in paragraph one, supra, the State trial (circuit) court sat on VETERO's pending civil rights actions seeking relief from the racial discrimination, abuse and violence and refused to permit VETERO to engage in essential discovery, to advance his cases to a conclusion, to grant him IFP status and to order the Defendant prison officials to provide VETERO with plenary access to the prison law library, WestLAW, and other litigation essentials, clerical supplies and benign conditions. The Alabama appellate courts approved these judicial delays and stagnation and denials of essential litigation accoutrements and IFP status, sine qua non litigation procedures and the deliberate stasis and thwarting of VETERO's diligent efforts to obtain relief and save his life, limb and property. See VETERO v. MERRIWEATHER et al., No. 03:CV-2015-0536 (Montgomery County Circuit Court), — So.3d — [No. 2150603] (Ala. Civ. App. Oct. 5, 2016); and VETERO v. Jeff DUNN et al., No. 03:CV-2017-055 (Mont'y Cnty. Cir. Ct.); Nos. 2160651, 2160668, 2170320, 2171019, 2171107, 2180600, 2180614 (Ala. Civ. App.); and Nos. 1160896, 1170101, 1170434, 1180174, 1180495, 1180567 (Ala.).

3. Because he was stymied in and by the Alabama courts, the clerks, judges and justices, see supra, he filed a §1983 civil rights action against the judicial personnel involved in the inertia and obstruction of his State civil actions for equitable relief in the United States District Court for the Middle District of Alabama. However, this court was no better than the State courts. The District Court denied VETERO IFP status even though he was clearly "under imminent danger of serious physical injur[ies]" and threat of murder to which VETERO gave general notice in his Complaint. The District Court denied that VETERO had a constitutional right of access to the prison law library, WestLAW and other legal research and informational aids and resources or to the other litigation essentials enumerated in the first

paragraph of this section, "Statement of the Case," contrary to the several Supreme Court decisions: Johnson v. Avery, Wolff v. McDonnell, Bounds v. Smith, Lewis v. Casey and Christopher v. Harbury. VETETO clearly notified the Defendants and the District Court in his Complaint, as demonstrated by the Court's comprehensive response, that he was exempt from the §1915(g) "3-strikes penalty pursuant to the "notice pleading only" rule of Federal Rule of Civil Procedure 8(a). When the district court dismissed the case for failure to meet the court's "heightened pleading" requirement of specific details of acts and events, VETETO tried to amend and supplement his Complaint with specifics and details of "imminent danger" and "serious physical injuries." The District Court denied all of these endeavors and VETETO filed a mandamus petition, two interlocutory order appeals and, lastly, appeals of final order and judgment and denial of a Rule 60(b) motion.

4. All of the appeals and petition were deceitfully evaded for spurious reasons. The Eleventh Circuit rejected VETETO's mandamus petition and interlocutory appeals of the District Court's refusal to order the Defendants to order VETETO's meaningful and effective access to the courts and to grant VETETO IFP status because (1) it did not meet the criteria of the "collateral order doctrine," (2) it did not meet the burden of "imminent danger," or (3) VETETO was not "under imminent danger" at the time he filed his appeal. Nos. 17-15401 (11th Cir.); 18-11147 (11th Cir.); 18-11175 (11th Cir.). The Eleventh Circuit ludicrously compared the interlocutory order denying VETETO effective access to the courts to a discovery order which is not an appealable "collateral order." No similarity is between the two orders. No 17-15401. The Eleventh Circuit never read nor considered the record below or recited facts when it refused to grant VETETO appellate IFP status and dismissed his meritorious mandamus petition. No. 18-11147. Then, it failed to notify VETETO of its dismissal until seven months later—too late for VETETO to oppose the erroneous decision, to file any post-judgment motions, petitions and a certiorari petition to the U.S. Supreme Court. No. 18-11147. The Eleventh Circuit never read the record nor the appeal of the interlocutory order denying VETETO's TRO/PI motion and misstated and created false facts when it dismissed the appeal. No. 18-11175 (11th Cir.). In each of these

appeals/petition, the record—the Complaint, amendments and supplements—a recited facts in the appeals clearly demonstrated that VETERO was, when he filed his Complaint, and continued to be “under imminent danger of serious physical injuries.” Despite VETERO’s specifics and detailed facts in his amendments and supplements, describing how he was in imminent danger, the serious injuries he had suffered and the persistent threats of further violence, robberies, rapes and murder, the Eleventh Circuit obstinately refused to grant VETERO IFP status. VETERO continued to suffer grievously. Likewise, the District Court continued to falsely assert that VETERO had not satisfied his evidentiary burden after each amendment, supplement and addition of details and specific facts of “imminent danger” and threats. Finally, the District Court entered a “Final Order and Judgment dismissing VETERO’s 1983 civil rights action. VETERO appealed. No 18-15061. This time VETERO submitted a surfeit of specific facts of his peril, “imminent danger” threats of violence and “serious physical injuries.” Nevertheless, a deputy clerk dismissed VETERO’s appeal, once again, without notifying him. The appeal was dismissed January 8, 2019, without consideration of VETERO’s explicit factual evidence and VETERO was notified of the dismissal, April 6, 2019, and received a copy of the dismissal, June 1, 2019, only after repeated demands — too late for any post-judgment motions, petitions and a Supreme Court certiorari petition. No 18-15061. VETERO tried to file a petition for writ of certiorari anyway explaining the circumstances in a mandamus petition, but the Clerk of Court rejected and returned the certiorari petition unfilled and denied the mandamus petition, No 18-9421 (U.S.S.Ct.). See “Letter,” April 19, 2019, U.S. Supreme Court Clerks; “Petition for Writ of Mandamus,” No 18-9421 (U.S.S.Ct.)

5. Due to the dysfunction or deliberate malfunction and abuse of process denying VETERO due process and equal protection of the law in denying/dismissing VETERO IFP status and his appeal and not timely notifying him, VETERO filed a Fed. R. Civ. P. 60(b) motion to vacate the judgment of the District Court seeking to reinstate his civil action.

The Rule 60(b) motion comprised, inter alia, a comprehensive account, giving specific facts and detailed events per the "heightened pleading" requirements irrefragably illustrating VETERO's "imminent danger," deadly threats and "serious physical injuries." The District Court refused to consider or include this teeming evidence of undisputed facts in its clearly erroneous and unconscionable decision to deny the motion giving feeble and vague concealed reasons. Thus, VETERO appealed again. No. 19-10540 (11th Cir.). This time, in the face of the abundant irrefutable factual evidence, the circuit judge defied all precedent establishing that the "imminent danger" must exist at the time the Complaint is filed and making unsupported false allegations which had NO record nor personal knowledge support, denied VETERO's IFP status because "appellant is not currently under imminent danger of serious physical injury." (emphasis added.)

6. Finally, worst of all, the same two circuit judges who arbitrarily denied/dismissed VETERO's "Petition for Review" of VETERO's Judicial Complaints against their corrupt co-conspirators without reason or explanation, William Pryor and [FNU] NEWSOM denied his "Motion to Recall the Mandate and Reinstate Appeal" and maligned VETERO's bona fide attempts and meritorious motion by "DIRECT[ING] the Clerk" "to accept no further filings from Appellant in this appeal.... The Clerk will not return Appellant's unaccepted submissions to him.... directed to discard any ~~further~~ future submissions... from Appellant...."

September 27, 2019, implying that VETERO's submissions were frivolous and harassing by citing Procup v. Strickland, 792 F.2d 1069, 1073 (11th Cir. 1986). This is a clear effort to discredit, punish and retaliate against VETERO for having the temerity to press his CORRECT point. This was a clear conflict of interest and violation of the Canons of Judicial Ethic and the statutes, 28 U.S.C §§ 144 & 455.

REASONS FOR GRANTING THE PETITION

For the reasons stated in the "Statement of the Case," supra, VETETO cannot support his legal theories and arguments with citations/quotations from "authorities of law." The facts and events largely speak for themselves to the clear denial of VETETO's constitutional and statutory rights — his right to meaningful and effective access to the courts, i.e., access to the prison law library, WESTLAW and other legal research and informational aids and resources, a desk or table and ~~chair or stool~~ and adequate lighting, heating/cooling/ventilation conducive to effective reading, studying and writing legal materials and documents, essential clerical supplies and postage, timely photocopying, notarial and franking services and mailing service and a nonhostile working environment — and his statutory right to proceed in forma pauperis ("IFP") in his 8/1983 civil rights action pursuant to 28 U.S.C. § 1915. First & Fourteenth Amendments to The United States Constitution ("right to petition the government for redress of grievances"; "right to due process of law"; "right to the equal protection of the law"); Johnson v. Avery, Wolff v. McDonnell, Bounds v. Smith, Lewis v. Casey, and Christopher v. Harbury. The State Defendants and trial and appellate courts refused to provide VETETO with the above litigation essentials and condoned or approved this unconstitutional deprivation compelling VETETO to seek relief in the Federal courts. The United States Supreme Court denied VETETO's "Petition for Writ of Habeas Corpus." The United States District Court and Eleventh Circuit Court of Appeals likewise refused to order the Defendants or courts to provide VETETO with the above litigation essentials, approved the unconstitutional deprivation completing the absolute and total execution of the "civil death penalty" against VETETO. VETETO v. DUNN, No. 18-6658 (U.S.); VETETO v. CLERKS, JUDGES, JUSTICES, (Rejected as Untimely) (U.S.); In re VETETO, No. 18-9421 (U.S.); VETETO v. The CLERKS, JUDGES and JUSTICES OF THE ALABAMA COURTS, No. 2:17-cv-689-WHA (M.D. Ala.); Nos. 17-15401, 17-11147, 18-11175, 18-15061 & 19-10540 (11th Cir).

All of these State, Federal and U.S. Supreme Court dismissals, denials and rejections of VERERO's diligent and meritorious endeavors to affirm and secure his constitutional and statutory rights resulted in the deliberate and malicious unprotected exposure to the violent attacks of the uncontrolled black gang members, the robbery and thefts of his personal and legal property and the invidious racial and anti-whistleblower discrimination, abuse, punishment and retaliation by the ADOC/STCCF administrators and employees and the consequent suffering of serious physical injuries, extortion, threats of rape and murder and loss of most inmate privileges.

Notably, the magistrate judge lied by omission and the district judge adopted the fraudulent quotation of a phrase in Bounds v. Smith altering it to say that an inmate does not have a constitutional right to a law library or an attorney.

The IFP statute, 28 U.S.C. § 1915, does not rescind the "notice pleading only" rule for pleading nor approve or require "heightened pleading" of the exemption from the "3-strikes" penalty of § 1915(g). The magistrate and district court judges both required that VERERO plead specific facts and provide detailed events demonstrating "imminent danger" and "serious physical injury in violation of clear Supreme Court holdings: Crawford-El v. Brittain, Leatherman v. Tarrant County N.I.C.U., and Sorensen v. Swierkiewicz (these are cited from memory).

Further, the "3-strikes" penalty is an "affirmative defense," the same as the exhaustion of administrative remedies requirement, to be pleaded by the Defendants. This will avert the corruption of impartiality of the bench acting in the capacity of an adversarial advocate investigating a pro se, indigent, prisoner's litigation history to determine IFP status in lieu of unserved potential defendants and then ruling on their own findings — a clear conflict of interest.

The interlocutory order denying VERERO IFP status clearly met the criteria of the "collateral order doctrine" for purposes of appeal. The Eleventh Circuit clearly erred in denying jurisdiction pursuant to this exception to the final

order requirement of 28 U.S.C. §1291. The district court order denying VETERO IFP status and requiring that he prepay the filing fee (which was impossible): (1) conclusively determined the disputed question, (2) resolved the sine qua non issue whether VETERO could proceed and was completely separate from the merits of his §1983 civil rights action, and (3), if VETERO paid the filing fee, any appeal of the IFP denial was moot, or, if VETERO refused or could not pay the filing fee, then the appellate court would deny jurisdiction, as the Eleventh Circuit did in this case. Cohen v. Beneficial Indus. Loan Co. (from memory).

VETERO's Complaint gave the Defendants adequate notice that he was "under imminent danger of serious physical injury" when he filed his Complaint. His subsequent motions, amendments, supplements and Rule 60(b) motion to vacate the judgment added specific facts and details that easily met or exceeded the court's heightened pleading requirement for pleading "imminent danger" and "serious physical injury" to VETERO. Still, the district court arbitrarily and fraudulently ruled without divulging how or why that VETERO had not satisfactorily demonstrated "imminent danger." The Eleventh Circuit clerks and judges dismissed VETERO's appeals and petition for lack of jurisdiction due to VETERO's failure to qualify for IFP status on appeal without reading or considering the record facts and details and ignoring VETERO's motions filed in the Eleventh Circuit. No. 19-10540. In this appeal, when the surfeit of undisputed facts could no longer be averted, Judge Charles WILSON switched horses in the middle of the stream and fraudulently defied stare decisis that the "imminent danger" must exist at the time the Complaint is (was) filed and instead arbitrarily extended the time(s) for demonstrated "imminent danger" to include when notice of appeal, appeals, appellate mandamus petitions and motions are filed without citing any authority for such an error. He denied VETERO leave to appeal IFP because VETERO was

"not currently under imminent danger..." when, in fact, VERETO was indisputably still in imminent danger and Judge WILSON did not know nor have any evidence nor information that even implied otherwise. This was gross, unconscionable error.

Finally, Eleventh Circuit Judges William PRYOR and [FNU] NEWSOM read VERETO's Judicial Complaints against their corrupt co-conspirators and, inter alios, arbitrarily denied VERETO's "Petition for Review" in this case and should have disqualified and recused themselves from adjudicating and submissions in this same case. However, in a clear conflict of interest and violations of the Canons of Judicial Ethics and the statutes 28 U.S.C. §§ 144 & 455, they exhibited their undisguised animus and bigotry against VERETO when they not only denied VERETO's "Motion to Recall the Mandate and Reinstate Appeal," but punished and retaliated against him for accusing his co-conspirator Judges of corruption by implying his motions were frivolous and harassing and maligning his bona fide attempts to correct the court's obvious errors and get fairness and justice by: "The Clerk is DIRECTED to accept no further filings from Appellant...including any motions for reconsideration of this order.... The Clerk will not return Appellant's unaccepted submissions to him.... Instead, the Clerk is directed to discard any future submissions ~~regarding this appeal~~ from this Appellant...." They cited/quoted Procup v. Strickland, 792 F.2d 1069, 1073-74 (11th Cir 1986).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald A. Vetto

Date: October 11, 2019

"I declare under penalty of perjury that I handed this copy of my "Petition for Writ of Certiorari" to the designated mail pick-up correctional officer in a properly addressed envelope for delivery to the prison mail clerk for franking and mailing this 11th day of October 2019. Executed on: October 11, 2019

Ronald A. Vetto

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Ronald D. VETETO — PETITIONER
(Your Name)

The CLERKS, JUDGES
VS. and JUSTICES OF THE
ALABAMA COURTS — RESPONDENT(S)

PROOF OF SERVICE

I, Ronald D. VETETO, do swear or declare that on this date, October 11, 20 19, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

The U.S. Court of Appeals, Eleventh Cir., 56 Forsyth St., ATLANTA, GA 30303
(The defendants have never been summoned nor served the
complaint and are not currently parties)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 20 19

Ronald D. Veteto
(Signature)