

The United States Supreme Court

19-6779

Petition For WRIT OF ERROR FOR the
Fifth Circuit Court OF APPEALS

Mitchell Stevens 78189
(vs)

DARREL VANNOY WARDEN ET AL.

ORIGINAL

U.S.D.C. NO 14-204

FILED - RLB

Petition FOR WRIT OF ERROR

FILED

SEP 23 2019

OFFICE OF THE CLERK
SUPREME COURT U.S.

Now into this honorable court comes the Petitioner
Mitchell Stevens 78189, petitioning this court for a writ
of error on this matter which began in the United
States District court middle district of Louisiana, and
with honorable Judge, John W de Gravelles and Richard
L Bougious Magistrate Judge presiding, then moved
to the United States Fifth Circuit Court of Appeals
with honorable Circuit Judges Higginbotham, South
wick, and Willet presiding:

The Petitioner would correct the factual errors made
by the district court by way of misrepresentation of facts
and the appeals court by way of overlooking of facts,
because these acts of injustice led to an unjust ruling
which cause petitioner a great miscarriage of justice

QUESTIONS PRESENTED

- (1) Did the district court misrepresent the facts
- (2) Did the district court have jurisdiction to hear this matter
- (3) Did the Appeals court overlook important facts and by doing so deny the petitioner access to the court, which is a right of considerable constitutional significance

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Parties of Interest

- (1) Darrel Vannoy (warden) LSP (2) Troy Poret (warden) (3) unknown Dupont (warden) (4) Orville Lemartineer warden (5) unknown Cruz Col (6) unknown Robinson (Col) (7) Chad Mansinnet (warden) (8) Chad Orbra (Lt Col) (9) Shelton Seales (major) (10) William Rosso (Capt) (11) Magon Shipley (class off) (12) unknown Fairchild class off. (13) unknown Pigeon (Lt) (14) unknown Boudroux (arg) (15) Sherwood Port R.N. (16) Melanie Barton RN (17) Amy Zembraucher RN (18) James LaBlanc (sec) (19) all who contacted me since 2009

Table of Authority

- (1) KUFERMAN vs CONSOLIDATED RESEARCH & MFG CORP
459 F.2d. 1972 (A-2 (NY 1972))
- (2) ATLAS GLASS CO v HARTFORD) EMPIRE CO 997,322
US 238 (US PA 1944)
- (3) NAMI vs FAUER 82 F.3d 63,65 (3d Cir 1996)
- (4) Gibbs (vs) ROMAN C A3 (PA 1997)
- (5) JONES vs BOCK 127 S Ct 910, 599, 199, (US 2007)

CONSTITUTIONAL AND STATUTORY PROVISION

SECTION (1) ONE AND SECTION (5) FIVE OF THE (14th)
FOURTEENTH AMENDMENT.

Statutes

Louisiana Revised Statutes 15:831 + 15:860

42 USCA

24, 28 USCA

Rules

6086, 179045 D23 18 USC (1956)

Decision below

The decision of the United States Fifth Circuit Court of Appeals 19-30063 as record is attached as Appendix A-1 a copy of the panel's rehearing decision is attached as Exhibits A-2 and there is no copy of the district court decision is attached because it was sent to the appeals court and I had no copy

Juris dictioN

The Judgment of the district court was entered in June 2019, The Judgment of the court of appeals was entered August 5 2019 and the decision of the panel rehearing was entered Sep ~~2019~~ 3rd 2019 There fore Jurisdiction is now conferred to this court by 28 USC 1251(1)

Statutory and Constitutional provisions provided

This case involve a depriving of constitution - al rights guaranteed by the constitution which is protected by the Federal Courts and made applicable by section (1) one and (5) five of the constitution of the United States

SECTION (1) NO STATE SHALL MAKE A LAW OR ENFORCE ANY LAWS THAT ABRIDGE THE IMMUNITIES OR PRIVILEGES OF CITIZENS OF THE UNITED STATES NOR SHALL ANY STATE DEPRIVE ANY CITIZEN OF LIFE LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW, NOR DENY ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF LAW.

SECTION 5 SAYS) THE CONGRESS SHALL HAVE POWER TO ENFORCE BY APPROPRIATE LEGISLATION THE PROVISION OF THIS ARTICLE AND ENFORCE BY TITLE 42 SECTION 1983 UNITED STATES CODE EVERY PERSON WHO UNDER COLOR OF STATE LAW OR ANY STATUTE ORDINANCE OR REGULATION CUSTOM OR USAGE OF ANY STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA SUBJECTS OR CAUSES TO BE SUBJECTED ANY CITIZEN OF THE UNITED STATES OR OTHER PERSONS WITHIN THE JURISDICTION THEREOF TO THE DEPRIVATION OF ANY RIGHTS PRIVILEGES OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAW, SHALL BE LIABLE TO THE PARTY INJURED IN AN ACTION AT LAW, SUIT IN EQUITY OR OTHER PROPER PROCEEDING FOR REDRESS.

Back Ground

This matter began with the Petitioner Filing Suit, AGAINST state official in their official capacity and individual capacities, for monetary damages, INJECTION Relief, and declaration Judgment, this suit was filed after exhausting all remedies with the AGENCY IN 2013, CLAIMING that since 2002 the named DEFENDANTS has been FORCING him to Submit to INJECTION which is AGAINST his will because it is AGAINST his Faith, the petitioner allege that this force began with INTIMIDATION, but IN 2013 when he REFUSE this Intimidation Escalated to THREATS, DISCIPLINARY REPORTS, CONFINEMENT multiple disciplinary hearing, ILLEGAL SENTENCING, FULL BODY RESTRAINT, PHYSICAL FORCE by ARM TWISTING AND CHOKE HOLD. AND IT WAS MADE KNOWN that this would be the method used EVERY time I REFUSE IN the Future. the petitioner CLAIMED that these DEFENDANTS WAS AND IS NOT legally AUTHORIZED to FORCE these INJECTIONS OR NO ONE, the consistently REFUSE to IDENTIFY themselves, the substance they use OR ANY LAW that AUTHORIZED their ACTION. The district court ruled that because my complaint state that MS. BARTON told me that she was AUTHORIZED by LAW for her ACTION AND I MYSELF

SAID the DEFENDANTS WAS AUTHORIZED BY POLICY FOR THEIR ACTIONS. HE FOUND THAT THE DEFENDANTS WAS IMMUNE FROM SUIT BECAUSE THEY WERE FULFILLING AN COMPELLING INTEREST. THEREFORE THE COURT DISMISSED THIS ACTION AS FRIVOLUS FOR FAILURE TO STATE A CLAIM IN WHICH RELIEF CAN BE GRANTED. AND THE COURT ALSO DECLINE SUPPLEMENTAL JURISDICTION.

I THEN FILED AN APPEAL WITH THE FIFTH CIRCUIT COURT OF APPEAL CLAIMING THAT THE DISTRICT COURT RULING WAS PREMATURE. THAT COURT DISMISSED THE MATTER AS FRIVOLUS STATING PROMATURITY WAS NOT AN ISSUE FOR APPEAL THEREFORE THEY ISSUED ME TWO STRIKES. I THEN FILED FOR CERTIORARI IN THIS COURT AND WAS DENIED.

THE MATTER THAT IS NOW BEFORE THE COURT

I FILED FOR RELIEF FROM JUDGEMENT IN THE DISTRICT COURT UNDER RULE (60B6) (179045 D3) AND FEDERAL RULE 24.28 USCA RULES OF CIVIL PROCEDURE. I CLAIMED THAT BECAUSE THE JUDGE BASED HIS RULING NOT ON ESTABLISHED LAWS OR POLICIES OR PREVIOUS COURT RULINGS BUT ON NON EXISTING FACTS OF MY COMPLAINT, HE COMMITTED AN INJUSTICE BECAUSE HE MISREPRESENTED THE FACTS. THE COURT DENIED THE SAID MOTION VIA TEXT MESSAGE STATING THAT THIS MATTER WAS CLOSED IN THEIR COURT AND THE DATE THAT IT WAS CLOSED I GUESS THEY MEANT THEY NO LONGER HAS JURISDICTION

There fore I Filed a timely motion to Appeal and motion to Appeal IN FORMA PAUPERIS and a motion to Appeal UNDER the IMMINENT DANGER EXCEPTION with the district court which was denied AND CERTIFIED IN BAD FAITH FOR the SAME REASONS as the dismissal of the 602 motion

I then challenge the CERTIFICATION OF the court by SENDING a motion to Appeal I.F.P. and a motion to Appeal under the IMMINENT DANGER EXCEPTION along with a WRIT OF REVIEW to the Appeal court. the court Ruled that because I have three strikes and I did NOT show that I WAS UNDER IMMINENT DANGER at the time of FILING my Petition PRESENTED NO NON FRIVOLUS ISSUES FOR Appeal.

I then Filed FOR PANEL REVIEW, CITING that the Appeal court considered my CLAIMS OF OBSERVABLE INJURIES, and Ruled that because I did NOT PROVE their ACTUAL EXISTENCE OR that their cause was because of these INJUNCTIONS they were merely CONCLUSIONARY. Never the less they overlooked and did NOT CONSIDER the part of the Petition that was clearly labeled IMMINENT THREAT. FOR THREE (3) REASONS (1) THESE INJUNCTIONS BY FORCE IS CONTINUOUS because they are ACTUAL (2) because neither court could identify the substance, OR ANY LAW OF AUTHORITY.

(3) AND the DEFENDANTS did not name the substance they used, ANY LAW of Authority, AND IN their A.R.P. RESPONSES, which IS the ONLY ANSWER that they gave to ANY ONE they DENIED their ACTIONS, which IS EVIDENCE IN ITSELF something IS WRONG with these INJECTIONS.

ARGUMENT IN FAVOR OF GRANTING WRIT

(1) INJUSTICE by MISREPRESENTATION OF FACTS) The district COURT Judge Ruled that my COMPLAINT SAID that MS. BARTON SAID that she WAS AUTHORIZED by LAW for her ACTION AND I MYSELF SAID the DEFENDANTS WAS AUTHORIZED by POLICY for their ACTION.

(Argument 1) I ARGUE that my COMPLAINT NEVER SAID ANY SUCH THING, AND to VERIFY that, A REVIEW OF my COMPLAINT ITSELF, AND the COPY OF MS. BARTON'S DISCIPLINARY REPORT, the A.R.P. RESPONSES, A.R.P. RELIEF REQUESTED AND State LAW 15:831 & WRS 15:860 AND the AMERICAN JURISPRUDENCE OF LAWS which I submit with this petition absent my complaint, these documents VERIFY NOT I OR my COMPLAINT, NOR the DEFENDANTS NOR the LAW OR AMERICAN JURISPRUDENCE OF LAWS, AGREE with the FACTS the Judge SAYS WAS IN my COMPLAINT the ONLY ONE SAYS the DEFENDANTS had AUTHORITY was the Judge. THEREFORE I ARGUE that the Judge IS AN OFFICER OF the COURT AND AS AN OFFICER OF the

Court, there fore his loyalty IS to the court, and there IS a need or shall I SAY DEMAND FOR INTEGRITY and honest deal- IN the court, and when he DEPART FROM that STANDARD he PER- PERTRATE A FRAUD OR INJUSTICE UPON the court WITHIN the SAVING CLAUSE OF RULES GOVERNING RELIEF FROM JUDGEMENT OR ORDER. 28 U.S.C.A. KUFERMAN v CONSOLIDATED RESEARCH & MFG CORP 459 F.2d 1972 CA 2 (NY 1972). There fore BY the Judge MISREPRESENTING the FACTS, he DEPARTED FROM that STANDARD.

(2) The district court REFUSAL to hear this matter citing that IT WAS closed IN IT'S court.

ARGUMENT (2) The court ERRORED IN IT'S REASONING BASED ON the FACT OF IT'S PREVIOUS RULING, AND I SAY FACT BECAUSE the court cited NO Rule OR Authority OF LAW (A) Rule 60^B AND D³ ALLOWS RELIEF FROM A FINAL JUDGEMENT and neither has a time BARRIER FOR INJUSTICE (B) SUPREME COURT RULING, the SUPREME COURT Ruled, IN 245 Ct. 997, 322 US 238 HAZEL ATLAS GLASS CO v HARTFORD EMERALD CO US PA 1944, that the GENERAL Rule IN Federal courts both TRIAL and APPELLATE that JUDGEMENT will NOT be SET ASIDE after term at which they were FINALLY ENTERED, IS SUBJECT to CERTAIN EXCEPTION ONE OF which after discovered FRAUD WARRANTS RELIEF AGAINST a JUDGEMENT REGARDLESS OF the term at which IT WAS FINALLY ENTERED

SINCE I COULD NOT FIND A CASE AGAINST a JUDGE and A JUDGE dose NOT commit FRAUD but INJUSTICE, NEVER THE LESS MISREPRESENTING the FACTS IS A FRAUDULENT ACT SO this Rule must apply

both UNCOMMON AND UNUSUAL THAT MAKES IT A CLAIM OF CERTAIN EXCEPTION.

(I) • THE APPEAL COURT

THE COURT OF APPEALS COMMITTED ERRORS IN FACT
BY OVERLOOKING IMPORTANT FACTS

(1) The court ruled that my claims that was listed AS OBSERVABLE INJURY AND UNOBSERVABLE INJURY WAS CONCLUSIONARY because I did not ~~obser~~ prove that they exist or that they were caused by these INJECTIONS there FOR I HAVE PRESENTED NO NON FRIVIOUS ISSUE to the court.

(ARGUMENT) I ARGUE THAT IT IS NOT THAT I PRESENTED NO NON FRIVIOUS ISSUE to the court, but the court simply IGNORED the NON FRIVIOUS FACTS PRESENTED. I PRESENTED

(3) three important claims to the court and labeled them IMMINENT THREAT (1) the first being that the district court NOR the appeals court could name the substance that I have been AND continue to be INJECTED with, OR ANY LAW that authorize the DEFENDANTS ACTIONS, NOR VERIFY the SAFETY OF these INJECTIONS. (2) That these INJECTIONS ARE CONTINUOUS FROM year to year, SINCE FILING the COMPLAINT I HAVE INJECTED SIX (6) TIMES there FOR the FILING FOR INJECTION PROVES THAT this threat IS EVER GOING. (3) The DEFENDANTS REFUSE to NAME the substance they INJECT me with, by FORCE OR ANY LAW OR policy which authorize thier ACTIONS

They REFUSE to VERIFY that these INJECTIONS ARE harmless, and they DENY INJECTING me by FORCE, which IS EVIDENCE IN ITS SELF that SOMETHING IS WRONG with these INJECTIONS, there FOR the threat REMAIN FOR EVER PRESENT be FOR me OF being USED AS a guinea pig, OR INJECTED with TAUNTED SYRUM OR with a SLOW WORKING LONG term CAUSE OF CANCER. these OR FACTS that the court OVERLOOKED AND IF they would have been CONSIDERED, that AS A FACT(1) I stated that the DEFENDANTS threatened to PHYSICALLY FORCE me to SUBMIT to these INJECTIONS(2) that IN 2013 these THREATS WAS CARRIED OUT(3) that this ACTIVITY would CONTINUE UNTIL I die, SHOW a REACTION to the INJECTION OR IS RELEASED. The appeals COURT ERRED AS a MATTER OF LAW, because the three STRIKE Rule has a STANDARD FOR COURTS TO FOLLOW N.M. vs FARMER 82 F.3d 6365, (3d CIR 1994) states that UNDER liberal Pleading rules the COURT should CONSTRUCT COMPLAINT IN FAVOR OF COMPLAINANT, Credit must be GIVEN to all ALLEGATION IN the COMPLAINT, Credit WAS NOT GIVEN to all ALLEGATIONS simply because the COURT ERRED IN FACTS BY NOT CONSIDERING all the FACTS, there FOR I ARGUE that IN ACCORD with Gibbs vs ROMAN C.A.3 (PA. 1997) I did SATISFY the IMMINENT DANGER THRESHOLD.

CONCLUSION

IN JONES vs BOK 127 S. Ct. 910, 599, 1996 US 2007 SAID that the SUPREME COURT REMAINS COMMITTED to (GARRANTING) that (ALL) PRISONERS COMPLAINTS AGAINST

their custodians alleging illegal conduct are fairly handled according to law. And by doing so the PLRA has enacted certain rules to protect the system from abuse, such as frivolous and/or malicious filing, or for failure to state a claim or suing defendants for monetary damages who is immune from suit. And if a prisoner receive three strikes he is barred from filing suit unless he is under imminent danger. And to determine the factors, that no matter the temptation of state-manship or policy making might so wisely suggest, the judges job is to construe the statute not to make it better, he must not read into by way of creation, but instead remain by duty of restraint and humility of function. Remembering, he is merely the interpreter of another's command. Because this matter has been by justices such as misrepresenting the facts in the district court and overlooking facts in the appeals court therefore the petitioner has suffered a miscarriage of justice, therefore I pray this court would correct these errors of facts, in the interest of justice and justice require.

I hereby certify that a copy of this petition was given to classification to be mailed to the United States Supreme Court this 19 day of Sept. 2019.

I also certify all documents sent are true copies and all statements of facts are true.

Mitchell Stevens 78189

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