

19-6929

ORIGINAL

FILED

NOV 13 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Steven D Lisle JR — PETITIONER
(Your Name)

vs.

James Diercks — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals For The 7th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Steven D Lisle JR
(Your Name)

Dixon Corr Center 2600 N Brinton Ave
(Address)

Dixon Illinois 61021
(City, State, Zip Code)

N-A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether Petitioner Was Denied Access To The Courts
2. Whether Petitioner Notice of Appeal Was In Good Faith
3. Whether The United States District Court And 7th Circuit Court of Appeals Deprived Petitioner of His Future Income In A Fraudulent Manner

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:

James Diercks) Luitenet Best) Jacqueline Lashbrook)
Frank Eovaldi) Kevin Murray) Orange Crush) Dunbar)
Dunn Menard Correctional employees at Menard Correctional Center

RELATED CASES

Newlin v Helman, 123 F.3d 429, 433 (7th Cir 1987)
page ... 6

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	4-7
CONCLUSION.....	7

INDEX TO APPENDICES

APPENDIX A ~~Order~~ Order

APPENDIX B ~~Order~~

~~Order~~ Final order

APPENDIX C

Order

APPENDIX D

mandate

APPENDIX E

Pocket Text

APPENDIX F

PLA Fee

Appendix G memorandum

Appendix H Docket Text

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Miller v. Hardy, 497 Fed Appx 618, 2012 U.S. App. Lexis 39823, 248 L. Ed. 2d 300, 4 And 6-7

Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000) . 5 . 6

Ayoubi v. Dant, 640 F. Appx 524, 528 (7th Cir. 2016) . 5

Donelson v. Hardy No. 18-2739, 2019 WL 2949473 at (7th Cir. July 9, 2019) . 5

Walker, 216 F.3d at 632

. 5

Yickwo v. Hopkins, 118 U.S. 356, 37 C. 1886 . 4

McCarthy v. Madigan, 503 U.S. 140, 153, 112 S. Ct. 1081 (1992) . 4

Christopher v. Harbury 536 U.S. 403, 415 n.12, 122 S.Ct. 2179 (2002) . 4

STATUTES AND RULES

28 U.S.C. § 191.6 (c)(1) . 6

28 U.S.C. § 1915(b) . 6

Fed. R. App. P. 24(a)(3)(A) . 5

Circuit Rule 3(b) . 6

OTHER

U.S.C. 1, 5, 14, 8th Amendments . 4

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-D and F 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 E and G-H 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 August 29, 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: September 9, 2019, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

1, 5, 14, 8th Amendments of the USC Page 4

28 USC § 1915(b)(1) 6

28 USC § 1915C(b) 6

FedR App P 24 Con (32CA) 5

Circuit Rule 36 6

STATEMENT OF THE CASE

The Petitioners Complaint Alleged That The Defendants Used Excessive Force To Take His DNA. During Later Proceedings Defendants Filed A Motion For Sanctions Against Petitioner Dismissing His Entire Complaint With Prejudice. Petitioner then Filed A Notice of Appeal. The District Court And 7th Circuit Stated Petitioners Appeal As Indigent Prisoner Was In Bad Faith. The 7th Circuit Then Ordered Petitioner To Pay The \$505 Filing Fee. Without Allowing Petitioner Access To The Court or Hearing His Appeal.

Basis For Federal Jurisdiction

This case raises a question of Interpretation of The Due Process And Equal Protection And First, Fifth, Fourteenth, Eighth Amendments To The USC. The District Court Had Jurisdiction Under The General Federal Question Jurisdiction Conferred By 28 USC 1331

Reasons For Granting The Writ

A. Whether Petitioner Was Denied Access To The Courts

1. Because A Prisoner Ordinarily Is Divested of The Privilege To Vote, The Right To File A Court Action Might Be Said To Be His Remaining Most Fundamental Political Right Because Preservative of All Rights McCarthy v Madigan, 503 US 140, 153, 112 S.Ct. 1081 (1992) quoting Yickwo v Hopkins, 118 US 356, 370 (1886) Petitioner States He Has The Right To Have Access To The Courts By The Privileges And Immunities Clause of Article IV of The Constitution The First Amendment Petition clause, The Fifth Amendment Due Process Clause, And The Fourteenth Amendment Equal Protection And Due Process Clauses, Christopher v Harbury, 1536 US 403, 415 n. 12 1225 Ct. 2179 (2002) The 7th Circuit Was Aware That Petitioner Is A Indigent Prisoner. And With This Knowledge The 7th Circuit Still Required Petitioner To Pay The Entire \$505 Filing Fee With In 14 Days See Appendix A Petitioner Could Not Pay The Entire \$505 Filing Fee Because of Being A Indigent Prisoner The 7th Circuit Still Went On To Force The District Court To Collect The \$505 Filing Fee Through Collection Payments From Petitioner. The 7th Circuit Errored By Denying To Review Petitioner Appeal Arguments In His memorandum See Appendix A-B. Where The 7th Circuit Is Going To Collect The \$505 Filing Fee From Petitioner The 7th Circuit Could Have Afforded Petitioner His Constitutional Rights of Having Access To The Courts See Miller v Hardy, 497 Fed Appx 618 2012 US Appx 1524023, 24623

B. Whether Petitioner Notice of Appeal was In Good Faith

1. Petitioner Was Allowed To Proceed Informa Pauperis In His Complaint During The Proceedings of A Motion For Sanctions Filed By The Defendants The Court Granted Defendants Motion For Sanctions Dismissing Petitioner Complaint See Appendix G. Under Rule FedRAppP24(c)(3)(A) A Party who was Permitted To Proceed Informa Pauperis In The District Court Action May Proceed IFP. On Appeal With out Further Authorization Unless The District Court Certifies That The Appeal Is Not Taken In Good Faith An Appeal Is Taken In Good Faith IF It Seeks Review of An Issue That Is Not Clearly Frivolous Meaning That A Reasonable Person Could Suppose It To Have At Least Some Legal Merit, Walker, 216 F3d at 632 Citing Leev Clinton, 209 F3d 1025, 1026 (7th Cir 2000) As Petitioner Stated He was originally Allowed To Proceed Informa Pauperis In The District Court Though The District Court Dismissed Petitioner Complaint Based on Defendants Filed Motion For Sanctions. The District Court Erred By Granting Defendants Motion For Sanctions Where Petitioner was Prevented By The Defendants From Filing A Response To Defendants Motion For sanctions. Under Law A Petitioner Has The Right To Respond To Defendants motion See Ayoubiv Dart, 640 F. Appx 524, 528 (7th Cir 2016) Petitioner Further Argued That He Should Have Been Granted The opportunity To An Evidentiary Hearing in regards to His Motion For Sanctions Do To The Fact That Petitioner Who was under Custody of defendants who Initially Prevented Him From Responding To Defendants Motion For Sanctions. Petitioner In His Memorandum Filed With His Appeal was In Good Faith And Raised Genuine Issues As Petitioner Asserted He Has The Right To Respond To A Defendants Filed Motion In Petitioner Case He was Prevented From That opportunity To Respond To Defendants motion For Sanctions Therefore Petitioner Appeal Issues was In Good Faith See Donelson v Hardy, No 18-2739 2019 WL 2949473 at 3 (7th Cir July 9, 2020)

1. Whether The United States District Court And 7th Circuit Court Of Appeals Deprived Petitioner Of His Future Income In A Fraudulent Manner

6

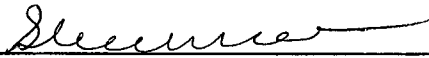
Conclusion

- A. The 7th Circuit Review Petitioner Appeal Issues And Continue To Collect The \$505 Filing Fee Payments Through collection payments
- B. Petitioner Should Be Granted To Proceed In forma Pauperis Where His Appeal Issues Are In Good Faith And Granted Review Of His Issues In The 7th Circuit
- C. The 7th Circuit Shall Review Petitioner Appellate Issues And Collect The \$505 Appellate Filing Fees AS In Miller v Hardy, 497 Fed Appx 618 2012 vs Applexis 24823 24823

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 11-31-19