

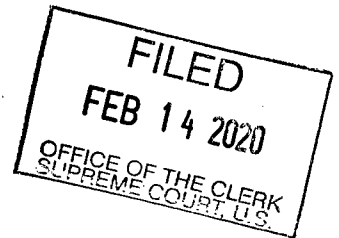
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

DOUGLAS JACKSON
PETITIONER,

19-7702

No.
HON.



V

LEAH BERGAN ET AL.,
RESPONDENTS.

PETITION FOR WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BY: DOUGLAS JACKSON
IN PRO SE

#748757

BARAGA CORRECTIONAL FACILITY

13924 WADAGA ROAD

BARAGA, MICHIGAN 49908

IN THE
SUPREME COURT OF THE UNITED STATES

DOUGLAS JACKSON
PETITIONER,

No. 19-
HON.

V

LEAH BERGAN ET AL.,
RESPONDENTS.

PETITION FOR WRIT OF CERTIORARI

QUESTIONS PRESENTED

- I. WHETHER THE U.S. COURT OF APPEALS AND U.S. DISTRICT COURT DECISIONS CONFLICT WITH THE FORMULATION DESCRIBING RETALIATION CLAIMS WITHIN THE U.S. CIRCUIT COURTS.
- II. WHETHER THE U.S. COURT OF APPEALS AND U.S. DISTRICT COURT DECISIONS CONFLICT WITH THE U.S. SUPREME COURT'S DECISIONS REGARDING ILLITERATE INDIGENT SEGREGATED PRO SE INMATES' ACCESS OF THE COURTS.
- III. WHETHER DEFENDANT LEAH BERGAN, INTERFERED WITH PETITIONER'S ACCESS OF THE COURT DURING THE APPEAL STAGE OF THE PROCEEDINGS BY HER MISCONDUCT.
- IV. WHETHER THE U.S. DISTRICT COURT CREATED AN EQUAL PROTECTION RIGHTS ISSUE ITSELF BY ITS RULING.

- V. WHETHER THE DISTRICT COURT INTENTIONALLY ABUSED ITS DISCRETION DURING ITS SCREENING BY GOING OUTSIDE THE RECORD AT THE PLEADING STAGE OF THE PROCEEDING THEREBY GIVING THE APPEARANCE OF BIAS.
- VI. WHETHER THE DISTRICT COURT INTENTIONALLY ABUSED ITS DISCRETION BY DEEMING THE PRO SE LITIGANT'S INITIAL MOTION FOR INJUNCTIVE RELIEF AS A 42 U.S.C. § 1983 COMPLAINT.
- VII. WHETHER THE DISTRICT COURT INTENTIONALLY ABUSED ITS DISCRETION BY CONSTRUING PETITIONER'S PRO SE MOTION FOR CONSIDERATION AS A MOTION TO ALTER OR AMEND JUDGMENT UNDER RULE 59(e).

LIST OF PARTIES

LAW LIBRARIAN LEAH BEREAN
DEFENDANT - APPELLEE

LES PARISH, WARDEN
DEFENDANT - APPELLEE

DIRECTOR OF MICHIGAN DEPARTMENT
OF CORRECTIONS HEIDI E. WASHINGTON
DEFENDANT - APPELLEE

TABLE OF CONTENTS

OPINIONS BELOW

JURISDICTION

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

REASONS FOR GRANTING THE WRIT

CONCLUSION

INDEX TO APPENDIES

APPENDIX A

DISTRICT COURT'S JANUARY 22, 2019 OPINION

DISTRICT COURT'S MARCH 19, 2019 OPINION AND JUDGMENT

DISTRICT COURT'S MAY 14, 2019 ORDER DENYING RECONSIDERATION

UNITED STATES COURT OF APPEALS NOVEMBER 19, 2019 ORDER

UNITED STATES COURT OF APPEALS DECEMBER 18, 2019 ORDER

APPENDIX B

JUNE 8, 2018 NOTICE TO BEREAN

JUNE 12, 2018 NOTICE TO BEREAN

JUNE 22, 2018 LETTER TO BEREAN

JUNE 27, 2018 LETTER TO BEREAN

JULY 2, 2018 NOTICE TO DEPUTY WARDEN

JULY 3, 2018 BEREAN MEMORANDUM

INDEX TO APPENDIES CONT.

JULY 5, 2018 NOTICE TO BEREAN
JULY 5, 2018 NOTICE TO DEPUTY WARDEN
JULY 11, 2018 MEMORANDUM (BEREAN)
JULY 23, 2018 NOTICE TO BEREAN
JULY 25, 2018 BEREAN MEMORANDUM
AUGUST 16, 2018 LETTER TO BEREAN
AUGUST 27, 2018 LETTER TO WARDEN PARISH
AUGUST 30, 2018 BEREAN MEMORANDUM
AUGUST 31, 2018 LETTER TO BEREAN
AUGUST 31, 2018 NOTICE TO BEREAN
AUGUST 31, 2018 COMPLAINT TO WARDEN PARISH
SEPTEMBER 5, 2018 NOTICE TO PARISH/BEREAN

APPENDIX C

MDOC POLICY DIRECTIVE 05.03.116 "PRISONERS' ACCESS TO THE COURT.

APPENDIX D

APRIL 2, 2019 BEREAN MEMORANDUM
SEPTEMBER 16, 2019 KEMP MEMORANDUM.

APPENDIX E

AUGUST 13, ²⁰¹⁹ AFFIDAVIT OF MICHAEL POWELL INMATE # 484234
AUGUST 13, ²⁰¹⁹ AFFIDAVIT OF RYAN DEVILLE INMATE # 846050
AUGUST 19, 2019 AFFIDAVIT OF MICHAEL POWELL INMATE # 484234

APPENDIX F

APRIL 2, 2019 BEREAN MEMORANDUM
APRIL 15, 2019 AFFIDAVIT OF ANDRE COLEMAN INMATE # 969447
MARCH 12, 2019 AFFIDAVIT OF WILLIAM BRYANT INMATE # 182685
FEBRUARY 22, 2019 NOTICE TO BEREAN
MARCH 25, 2019 LETTER TO WARDEN PARISH
MARCH 28, ²⁰¹⁹ NOTICE TO BEREAN
MARCH 28, 2019 NOTICE TO MDOC DIRECTOR HEIDI WASHINGTON
APRIL 4, 2019 COMPLAINT TO WARDEN PARISH
APRIL 12, 2019 COMPLAINT TO WARDEN PARISH
JUNE 8, 2018 NOTICE TO BEREAN
JUNE 12, 2018 NOTICE TO BEREAN
JUNE 22, 2018 LETTER TO BEREAN
JUNE 22, 2018 BEREAN MEMORANDUM
JUNE 27, 2018 LETTER TO BEREAN
JULY 2, 2018 NOTICE TO DEPUTY WARDEN BALL
JULY 5, 2018 NOTICE TO DEPUTY WARDEN BALL
JULY 5, 2018 NOTICE TO BEREAN
JULY 23, 2018 NOTICE TO BEREAN
AUGUST 16, 2018 LETTER TO BEREAN
AUGUST 27, 2018 LETTER TO WARDEN PARISH
AUGUST 31, 2018 BEREAN MEMORANDUM

AUGUST 31, 2018 COMPLAINT TO WARDEN PARISH
AUGUST 31, 2018 NOTICE TO BEREAN
AUGUST 31, 2018 LETTER TO BEREAN
SEPTEMBER 3, 2018 COMPLAINT TO WARDEN PARISH
SEPTEMBER 4, 2018 DECLARATION OF A. BROWN INMATE # 367627
SEPTEMBER 4, 2018 DECLARATION OF GORDON DAVIS INMATE # 171158
SEPTEMBER 5, 2018 COMPLAINT TO WARDEN PARISH
SEPTEMBER 5, 2018 NOTICE TO BEREAN
SEPTEMBER 10, 2018 COMPLAINT TO PARISH
SEPTEMBER 11, 2018 COMPLAINT TO PARISH

INDEX TO APPENDICES CONT.

APPENDIX F CONT.

SEPTEMBER 18, 2018 NOTICE TO BEREAN
SEPTEMBER 19, 2018 LETTER TO BEREAN
SEPTEMBER 20, 2018 NOTICE TO BEREAN
OCTOBER 4, 2018 NOTICE TO BEREAN
OCTOBER 17, 2018 NOTICE TO BEREAN
OCTOBER 19, 2018 COMPLAINT TO WARDEN PARISH
OCTOBER 25, 2018 ADMINISTRATIVE ASSISTANT MEMORANDUM
NOVEMBER 2, 2018 NOTICE TO BEREAN
NOVEMBER 5, 2018 NOTICE TO BEREAN
NOVEMBER 12, 2018 NOTICE TO BEREAN
MAY 1, 2018 MICHIGAN SUPREME COURT (MSC) ORDER (PEOPLE V. JACKSON, No. 156683)
JUNE 21, 2018 BARAGA CIRCUIT COURT ORDER (JACKSON v. MDOC, No. 16-6663-AA)
FEBRUARY 13, 2019 U.S. DISTRICT COURT ORDER (JACKSON v. FELICIANO, No. 2:17-cv-77)
MARCH 5, 2019 U.S. DISTRICT COURT ORDER (JACKSON v. BASTIAN, No. 2:18-cv-16)
MARCH 12, 2019 MICHIGAN COURT OF APPEALS (COA) ORDER (IN RE JACKSON, No. 339724)
MARCH 12, 2019 COA ORDER (PEOPLE V. JACKSON, No. 342075)
OCTOBER 19, 2018 AFFIDAVIT OF DOUGLAS JACKSON
SAMPLE OF SMALL PRINT MATERIALS BEREAN PROVIDED PETITIONER WITH
VARIOUS HEALTH CARE REQUEST AND RESPONSES.

APPENDIX G

JULY 23, 2018 NOTICE OF INTENT TO CONDUCT AN ADMINISTRATIVE HEARING (NOI)
JULY 19, 2018 LEGAL PHOTOCOPY DISBURSEMENT AUTHORIZATION FORM (CSJ-602)
JULY 23, 2018 N.O.I
JULY 19, 2018 DISBURSEMENT AUTHORIZATION FORM (CAR-893).

INDEX TO APPENDICES CONT.

APPENDIX H

COMPLAINT

AFFIDAVIT OF DOUGLAS JACKSON IN SUPPORT OF COMPLAINT

TABLE OF AUTHORITIES CITED

CASES

THADDEUS-X V. BLATTER, 175 F3D 378 (6TH CIR. 1999)
WILLIAMS V. BROWMAN, 981 F2D 901 (6TH CIR. 1992)
ESTELLE V. GAMBLE, 429 US 97 (1976)
LEWIS V. CASEY, 518 US 343 (1996)
BOUNDS V. SMITH, 430 US 817 (1977)
HERRON V. HARRISON, 203 F3D 410 (6TH CIR. 2000)
CARTER V. DOLCE, 647 F. SUPP. 2D 826 (E.D. MICH. 2009)
CTR. FOR BIO-ETHICAL REFORM. INC. V. CITY OF SPRINGBORO, 477 F3D 807 (2009)
HOLZEMER V. CITY OF MEMPHIS, 621 F3D 512 (6TH CIR. 2010)
BART V. TELFORD, 677 F2D 622 (7TH CIR. 1982)
GRIFFIN V. BERGHUIS, No. 11-14876, 2016 U.S. DIST. LEXIS 39421 (E.D. MICH. 2016)
SIGGERS-EL V. BARLOW, 412 F3D 693 (6TH CIR. 2005)
IQBAL V. HASTY, 490 F3D 143 (2ND CIR. 2007)
JOHNSON V. AVERY, 393 US 483 (1969)
WOLFF V. McDONNELL, 418 US 539 (1974)
KNOP V. JOHNSON, 977 F2D 996 (6TH CIR. 1992)
ROSS V. MOFFITT, 417 US 600
TURNER V. SAFLEY, 482 US 78 (1987)
CHRISTOPHER V. HARBURY, 536 US 403 (2002)
LUNJAN V. DEFENDERS OF WILDLIFE

STATUTES AND RULES

28 U.S.C. § 2244(d)(1)
FED. R. CIV. PROC. 60(b)(3)
FED. R. CIV. PROC. 8(a)(2)
W.D. MICH. LCIVR 5.6 (a)

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

PETITIONER RESPECTFULLY ENTREATS 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 UNPUBLISHED.

THE OPINION OF THE UNITED STATES DISTRICT COURT APPEARS
AT APPENDIX A TO THE PETITION AND IS UNPUBLISHED.

JURISDICTION

THE DATE ON WHICH THE UNITED STATES COURT OF APPEALS
DECIDED MY CASE WAS NOVEMBER 19, 2019. A TIMELY PETITION
FOR REHEARING WAS DENIED BY THE UNITED STATES COURT OF
APPEALS ON THE FOLLOWING DATE: DECEMBER 18, 2019, AND A
COPY OF THE ORDER DENYING REHEARING APPEARS AT APPENDIX A.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FIRST AMENDMENT

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 A REDRESS OF GRIEVANCES.

FOURTEENTH AMENDMENT

ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES AND SUBJECT TO THE JURISDICTION THERE OF, ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; 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 LAWS.

STATEMENT OF THE CASE

AT ALL TIMES RELEVANT TO THIS ACTION, DOUGLAS JACKSON (HEREINAFTER "PETITIONER"), WAS INCARCERATED IN THE OAKS CORRECTIONAL FACILITY (ECF) IN MANISTEE, MICHIGAN. PETITIONER HAD ARRIVED AT ECF ON MAY 31, 2018. THE NAMED DEFENDANTS BEGAN AN ENTIRE CAMPAIGN OF RETALIATORY HARASSMENT, AND ON SEPTEMBER 14, 2018, ACTING PRO SE, FILED A MOTION FOR INJUNCTIVE RELIEF AGAINST ALL DEFENDANTS. NEARLY TWO MONTHS LATER PETITIONER, ACTING PRO SE, FILED A CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983, WHICH WAS DOCKETED AS AN AMENDED COMPLAINT OVER PETITIONER'S INSTRUCTIONS TO THE COURT AND HIS OBJECTIONS TO THE CONTRARY.

DURING ITS INITIAL SCREENING THE DISTRICT COURT DISMISSED 11 OF THE 14 NAMED DEFENDANTS WITHOUT PREJUDICE. ALLEGING CLAIMS AGAINST THEM WERE MISJOINED. ON MARCH 19, 2019, DURING ITS SECOND SCREENING THE DISTRICT COURT DISMISSED THE REMAINDER OF THE COMPLAINT WITH PREJUDICE FOR FAILURE TO STATE A CLAIM. ON APRIL 1, 2019, THE DISTRICT COURT FILED PETITIONER'S PRO SE MOTION FOR RECONSIDERATION, ECF No. 23, WHICH WAS DENIED ON MAY 14, 2019. ON MAY 23, 2019, PETITIONER FILED NOTICE OF APPEAL.

ON MAY 24, 2019, PETITIONER FILED NOTICE OF APPEAL IN THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT (U.S. COA). ON NOVEMBER 19, 2019, THE U.S. COA AFFIRMED THE JUDGMENT OF THE DISTRICT COURT. PETITIONER'S MOTION FOR REHEARING WAS DENIED DECEMBER 18, 2019. THE U.S. COA ISSUED A MANDATE ON DECEMBER 26, 2019. CERTIORARI REQUESTED.

ARGUMENT I

THE U.S. COURT OF APPEALS AND U.S. DISTRICT COURT DECISIONS CONFLICT WITH THE FORMULATION DESCRIBING RETALIATION CLAIMS WITHIN THE U.S. CIRCUIT COURTS.

THIS CASE PRESENTS A CONFLICT WITH THE U.S. COA FOR THE SIXTH CIRCUITS OWN DECISION IN THADDEUS -X V. BLATTER, 175 F.3D 378, 394 (6TH CIR. 1999) (EN BANK). A PRIMA FACIE CASE FOR FIRST AMENDMENT RETALIATION ENTAILS THREE ELEMENTS: (1) THE PLAINTIFF PARTICIPATED IN CONSTITUTIONAL-PROTECTED ACTIVITY; (2) THE DEFENDANT TOOK AN ADVERSE ACTION AGAINST THE PLAINTIFF "LIKELY TO CHILL A PERSON OF ORDINARY FIRMNESS" FROM ENGAGING IN THE PROTECTED CONDUCT; AND (3) THERE IS A CAUSAL CONNECTION BETWEEN ELEMENTS ONE AND TWO - THAT IS, "THAT THE ADVERSE ACTION WAS MOTIVATED AT LEAST IN PART BY THE PLAINTIFF'S PROTECTED CONDUCT." THADDEUS -X V. BLATTER, SUPRA, ID.

a.

PROTECTED CONDUCT

PETITIONER'S VERIFIED COMPLAINT AND AFFIDAVIT, HAS FORCE AND EFFECT FOR EVIDENTIARY PURPOSES. SEE WILLIAMS V. BROWMAN, 981 F.2D 901, 905 (6TH CIR. 1992); 28 U.S.C. § 1746. MOREOVER, A PRO SE COMPLAINT MUST BE HELD TO LESS STRINGENT STANDARDS THAN FORMAL PLEADINGS DRAFTED BY LAWYERS. ESTELLE V. GAMBLE, 429 U.S. 97, 106 (1976). IN HIS COMPLAINT PETITIONER STATED ON MAY 31, 2018, I ARRIVED AT ICF AFTER BEING TRANSFERRED FROM IONIA CORRECTIONAL FACILITY (ICF)..., WHERE I WAS ALSO BEING DEPRIVED OF MY CONSTITUTIONAL RIGHT TO ACCESS THE COURTS. ON APRIL 26, 2018, PETITIONER HAD FILED JACKSON V. POWELL, ET AL., U.S. DISTRICT COURT CASE No. 1:18-CV-00466, AGAINST THE ICF PRISON OFFICIALS. ECF No. 1.

ON FEBRUARY 5, 2018, PETITIONER FILED JACKSON V. KOKKO ET AL., U.S. DISTRICT COURT CASE No. 2:18-CV-00015, AGAINST BARAGA CORRECTIONAL FACILITY PRISON OFFICIALS. ECF No. 1. ON FEBRUARY 14, 2018, PETITIONER FILED JACKSON V. CORONADO ET AL., U.S. DISTRICT COURT CASE No. 2:18-CV-00019. ECF No. 1. ON FEBRUARY 8, 2018, PETITIONER FILED JACKSON V. BASTIAN, U.S. DISTRICT COURT CASE No. 2:18-CV-00016. ECF. No. 1. ALL OF THESE CIVIL RIGHTS COMPLAINTS ARE AGAINST MICHIGAN PRISON OFFICIALS.

IN THE BASTIAN CASE THE COURT ORDERED SERVICE ON JUNE 5, 2018. ECF No. 5. IN THE CORONADO ET AL, CASE THE COURT ORDERED SERVICE ON JUNE 14, 2018. ECF No. 6. IN THE KOKKO ET AL, CASE THE COURT ORDERED SERVICE ON JUNE 19, 2018. ECF No. 13. DEFENDANT LEAH BEREAN, MADE THE COPIES. IT IS WELL ESTABLISHED THAT PRISONERS HAVE A CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS. THADDEUS-X, SUPRA, 175 F3D AT 391 CITING LEWIS V. CASEY, 518 U.S. 343 (1996); BOUNDS V. SMITH, 430 U.S. 817, 821-24 (1977).

PETITIONER'S COMPLAINT ALSO SHOWS THAT HE PROPERLY FILED GRIEVANCE # ECF/2018/06/1390/286, AGAINST BEREAN. A PRISONER HAS AN UNDISPUTED RIGHT TO FILE GRIEVANCES AGAINST PRISON OFFICIALS ON HIS OWN BEHALF. SEE HERRON V. HARRISON, 203 F3D 410, 415 (6TH CIR. 2000), THE RIGHT TO FILE GRIEVANCES ENCOMPASS THREATENING TO FILE A GRIEVANCE. CARTER V. DOLCE, 647 F.SUPP.2D 826. 834 (E.D. MICH. 2009). THE ILLITERATE INDIGENT PRO SE LITIGANT WAS ENGAGED IN PROTECTED CONDUCT.

b. ADVERSE ACTION

IN THE FIRST AMENDMENT CONTEXT, AN ACTION IS "ADVERSE" IF IT WOULD CHILL OR SILENCE A PERSON OF ORDINARY FIRMNESS FROM EXERCISING THE RIGHT AT STAKE. CTR. FOR BIO-ETHICAL REFORM. INC. V. CITY OF SPRINGBORO, 477 F3D 807, 822 (6TH CIR. 2007) (CITING THADDEUS-X 175 F3D AT 397). THE LEVEL OF HARASSMENT NEEDED TO SATISFY THIS STANDARD IS NOT STRINGENT, HOLZEMER V. CITY OF MEMPHIS, 621 F3D 512, 524 (6TH CIR. 2010), AN ENTIRE CAMPAIGN OF HARASSMENT IS ACTIONABLE BECAUSE IT MAY BE SUBSTANTIAL IN GROSS. THADDEUS-X, 175 F3D AT 398 QUOTING BART V. TELFORD, 677 F2D 622, 625 (7TH CIR. 1982).

VARIOUS NEGATIVE CONSEQUENCES A PLAINTIFF PLEADS MAY AMOUNT TO ADVERSE ACTION WHEN CONSIDERED IN THE AGGREGATE. GRIFFIN V. BERGHUIS, No. 11-14876, 2016 U.S. DIST. LEXIS 39421, 2016 WL 1165826, AT *6 (E.D. MICH. 2016) ("THE INDIVIDUAL INCIDENTS SUFFERED BY PLAINTIFF ARE SUFFICIENT TO CONSTITUTE ADVERSE ACTION WHEN CONSIDERED IN THE AGGREGATE").

ON JUNE 22, 2018, DEFENDANT BEREAN TOLD APPELLANT: "I'VE MADE COPIES OF YOUR COMPLAINT, BUT DON'T EXPECT TO RECEIVE ASSISTANCE FROM ME OR MY LEGAL WRITERS AS LONG AS YOU FILE SUITS AGAINST DEPARTMENT EMPLOYEES." APPELLANT TOLD BEREAN THAT'S NOT HER BUSINESS, HIS LEGAL AFFAIRS. BEREAN REPLIED: "THE GRIEVANCE THAT YOU WROTE AGAINST ME IS MY BUSINESS. YOU'LL GET NO HELP FROM US." AS EVIDENCE OF BEREAN'S RETALIATORY ACTS APPELLANT SUBMITTED AN JUNE 8, 2018 NOTARIZED NOTICE; A JUNE 12, 2018 NOTICE; AND JUNE 22, 2018 NOTARIZED LETTER, TO THE DISTRICT AND U.S. COA, AS THEY ACCOMPANIED HIS COMPLAINT AGAINST BEREAN. (REVIEW 6/8/18; 6/12/18; 6/22/18 DOCUMENTS, ATTACHED AS EXHIBIT/APPENDIX B)

THE DOCUMENTS IN APPENDIX B DEMONSTRATE BEREAN'S ACTUAL REFUSAL TO PROVIDE APPELLANT HELP AT A TIME WHEN HE WAS PREVENTED FROM PHYSICALLY ATTENDING THE LAW LIBRARY, AND IDENTIFY THE PLEADINGS THAT HE NEEDED HELP WITH. APPELLANT'S COMPLAINT ALSO REVEALS THAT ON JUNE 26, 2018, HE ASKED BEREAN WHEN WOULD SHE PROVIDE HIM WITH THE REQUIRED LEGAL WRITER ASSISTANCE FOR PREPARATION OF LEGAL DOCUMENTS SO THAT HE COULD MEET FILING DEADLINES. SEE APPENDIX B. BEREAN TOLD PETITIONER - APPELLANT: "YOU'VE GOT SOME NERVE. YOU FILED LAW SUITS AGAINST PRISON STAFF AND GRIEVANCES AGAINST ME. YOUR INTAKE FILE (LEGAL WRITER INTAKE COMPUTER FILE.) WAS RIGHT ABOUT YOU, GO SIT DOWN JACKSON. YOU HAVE MY ANSWER, BUT YOU MAY NOT LIKE IT."

ON JUNE 27, 2018, APPELLANT ADDRESSED A LETTER TO BEREAN INFORMING HER OF HIS FILING DEADLINE AND THAT LIBRARY ASSISTANT COLE, WAS ALSO AWARE OF THE DEADLINE. (REVIEW 6/27/18 LETTER, ATTACHED AS EXHIBIT B) ON JUNE 29, 2018, PETITIONER PROPERLY FILED GRIEVANCE # ECF/2018/07/1540/28B, AGAINST BEREAN FOR VIOLATING HIS CONSTITUTIONAL RIGHTS. BY JULY 3, 2018, BEREAN STILL HAD NOT PROVIDED PETITIONER WITH LEGAL WRITER HELP DISPIE HIS REQUEST.

ON JULY 2, 2018, HE ALERTED DEPUTY WARDEN BALL, AND IDENTIFIED THE PLEADINGS PETITIONER NEEDED HELP PREPARING IN A NOTARIZED NOTICE ADDRESSED TO BALL (DEFENDANT). (REVIEW 7/2/18 LETTER, AT APPENDIX B)

IN A MEMORANDUM DATED JULY 3, 2018, STATING: 1) THE LW PROGRAM WILL NEED TO KNOW THE BASIS OF YOUR REASON FOR WANTING THE COURT TO RECONSIDER ITS DECISION. THIS WAS WITH REGARD TO THE U.S. SUPREME COURT'S JUNE 4, 2018 ORDER. CLEARLY BY THE TIME BEREAN'S JUNE 21, 2018 MEMO WAS SENT OUT THE FILING DEADLINE HAD PASTED. (ACTUAL INJURY) REVIEW SUPREME COURT RULE 44.

2) WITH RESPECT TO A FEDERAL HABEAS CORPUS FOLLOWING THE MICHIGAN SUPREME COURT'S MAY 1, 2018, ORDER UNDER CASE No. 156683, PEOPLE V. DOUGLAS JACKSON. BEREAN ALLEGED THAT WAYNE COUNTY CIRCUIT COURT CASE No. 09-003770-01-FC DID NOT EXIST. PETITIONER WAS NEVER ABLE TO PREPARE OR FILE THE FEDERAL PETITION. (ACTUAL INJURY) REVIEW 28 U.S.C. § 2244 (d)(1). (REVIEW 7/3/18 MEMO, ATTACHED AS APPENDIX B)

ON JULY 5, 2018, PETITIONER RESPONDED TO BEREAN'S JULY 3, 2018 MEMO AND PROVIDED DEPUTY BALL NOTICE (REVIEW BOTH 7/5/18 DOCUMENTS AT APPENDIX B) ON JULY 11, 2018, AGAIN BEREAN SENT PETITIONER A MEMORANDUM REPEATING HER ERRONEOUS REMARKS IN HER JULY 3, 2018 MEMO. (REVIEW 7/11/18 MEMO, AT APPENDIX B)

PETITIONER COMPLAINT STATES THAT ON JULY 19, 2018, BEREAN

REFUSED TO MAKE COPIES OF DOCUMENTS NEEDED TO APPEAL CLASS II MISCONDUCT HEARING REPORT DECISIONS. WHEN HE ATTEMPTED TO RESOLVE THE ISSUE WITH BEREAN SHE TOLD PETITIONER: "WRITE ANOTHER GRIEVANCE." PETITIONER SAID BEREAN RETALIATED AGAINST HE WHEN HE REFUSED TO SIGN HIS NAME ON A PHOTOCOPY AUTHORIZATION FORM ON JULY 19, 2018 BY TELLING PRISON GUARDS THAT HE HAD A PAPER OF HERS, WHICH HE DID NOT. HIS CELL WAS SEARCHED, BUT NO PAPER WAS FOUND.

ON JULY 20, 2018, PETITIONER PROPERLY FILED GRIEVANCE # ECF/213/67/1710/14F, AGAINST BEREAN PROVIDING HER NOTICE OF THE CONSTITUTIONAL VIOLATION. PETITIONER SAID HE RECEIVED A CANARY COPY OF A LEGAL PHOTOCOPY DISBURSEMENT FORM (CSJ-602) DATED JULY 19, 2018, AND A DISBURSEMENT FORM (CAR-893). BOTH FORMS STATE PETITIONER REFUSED TO SIGN. HOWEVER HE SAID THAT HE DID NOT REFUSE TO SIGN BECAUSE HE WAS UNAWARE OF THE FALSIFIED FORMS AND HE DID NOT REQUEST COPIES OR GIVE THE INFORMATION ON EITHER FORM. PETITIONER'S ACCOUNT WAS CHARGED \$ 2.56. THE COMPLAINT STATES, BEREAN ATTEMPTED TO GET ME TO SIGN THE WHITE AND PINK COPIES OF THE CSJ-602 AND A COPY OF THE CAR-893, THREATENING TO WRITE A NOTICE OF INTENT (N.O.I) TO CONDUCT AN ADMINISTRATIVE HEARING. (NO HEARING WAS CONDUCTED). ON JULY 26, 2018, I PROPERLY FILED GRIEVANCE # ECF/2018/07/1781/17Z, AGAINST BEREAN. ON SEPTEMBER 11, 2018, I RECEIVED THE N.O.I, DATED JULY 23, 2018. REVIEW COMPLAINT PAR. 8-16. ON JULY 23, 2018 PETITIONER PROVIDED BEREAN A NOTARIZED NOTICE REQUESTING LEGAL WRITER HELP PREPARING LEGAL PAPERS. ON JULY 25, 2018, BEREAN DENIED THE REQUEST IN A MEMO. (REVIEW 7/23/18 NOTICE AND 7/25/18 MEMO, ATTACHED AT APPENDIX B)

PARAGRAPH 17 OF THE COMPLAINT REVEALS THAT ON AUGUST 16, 2018, DEFENDANT BEREAN PREVENTED APPELLANT FROM PREPARING A MEANINGFUL MOTION FOR RECONSIDERATION OF THE U.S DISTRICT

COURT'S AUGUST 6, 2018 ORDER IN JACKSON V. POWELL ET AL., CASE No. 1:18-cv-466, AND A RESPONSE TO A MOTION FOR SUMMARY JUDGMENT IN JACKSON V. FELICIANO ET AL., CASE No. 2:17-cv-77. PETITIONER PROVIDED BEREAN WITH A NOTARIZED LETTER IDENTIFYING THE THE CASES AND WHAT THE LEGAL WRITER SAID. (EMPHASIS ADDED) PETITIONER ADDRESSED A LETTER DATED AUGUST 27, 2018 TO THE WARDEN EXPLAINING THE SAME. (REVIEW 8/16/18 AND 8/27/18 LETTERS, AT APPENDIX B) THE FELICIANO CASE WAS DISMISSED. (ACTUAL INJURY)

ON AUGUST 31, 2018, ACCORDING TO THE COMPLAINT, BEREAN ISSUED PETITIONER AN AUGUST 30, 2018 MEMO STATING THAT HE WOULD BE RESTRICTED FROM THE LAW LIBRARY IF HE WAS FOUND GUILTY OF TWO DUPLICATE CLASS II MINOR MISCONDUCT REPORTS THAT RESULTED FROM AN INCIDENT INSIDE THE LIBRARY. A HEARING WAS CONDUCTED IN ACCORD WITH MICHIGAN DEPARTMENT OF CORRECTIONS (MDOC) POLICY DIRECTIVE (PD) 03.03.105 "PRISONER DISCIPLINE". THE HEARING OFFICER'S IMPOSED SANCTIONS DID NOT INCLUDE A BAN FROM THE LIBRARY. HOWEVER, WITHOUT AUTHORITY, BEREAN BANNED PETITIONER FROM ACCESS TO THE LAW LIBRARY. ON AUGUST 31, 2018, PETITIONER REQUESTED BEREAN TO PROVIDE HIM WITH ASSISTANCE PREPARING AND FILING FOR INJUNCTIVE RELIEF RELATING TO THE 60-DAY BAR FROM THE LIBRARY (SEE JACKSON V. BEREAN ET AL., CASE No. 1:18-cv-01075, ECF No. 1) AND HELP PREPARING AND FILING A NOTICE OF APPEAL FROM THE DISTRICT COURT'S AUGUST 13, 2018 ORDER IN JACKSON V. KOKKO, CASE No. 2:18-cv-00015. BOTH REQUEST WERE DENIED. (CAUSING ACTUAL INJURY) (REVIEW 8/30/18 MEMO AND 8/31/18 LETTER, AT APPENDIX B) PETITIONER'S AUGUST 31, 2018 NOTICE ADDRESSED TO BEREAN, AND COMPLAINT ADDRESSED TO WARDEN PARISH, ARE ALSO AT APPENDIX B FOR REVIEW.

PETITIONER'S VERIFIED COMPLAINT WITH ITS ATTACHED AFFIDAVIT IN SUPPORT EXPLAINS IN MORE DETAIL THE VARIOUS CASES WITH WHICH BEREAN REFUSED TO PROVIDE HELP TO PETITIONER DUE TO HIS CIVIL ACTIONS AGAINST PRISON OFFICIALS, AND GRIEVANCES AGAINST

LAW LIBRAIRIAN BEREN. A COURT CAN CONSIDER NOT JUST THE INDIVIDUAL ACTION OF A DEFENDANT, BUT THE REASONABLY FORE-SEEABLE CONSEQUENCES OF THAT ACTION. SIGGERS-EL V. BARLOW, 412 F3D 643, 702 (6TH CIR. 2005). IN THIS PRESENT CASE, IT IS BEREN'S OWN VERBAL REMARKS TOWARD THE PETITIONER AND HER SUBSEQUENT ACTIONS WHICH DEMONSTRATE THE ELEMENT OF ADVERSITY. AND BEREN'S ADVERSE ACTION INQUIRY IS A QUESTION OF FACT FOR THE JURY BECAUSE THEY ARE NOT SO DE MINIMIS. HOWEVER, HER REMARKS AND CLOSE IN TIME DENIALS WITHOUT LEGITIMATE PENOLOGICAL INTERESTS, AND SELF-IMPOSED SANCTION UPON PETITIONER WOULD DETER A PERSON OF ORDINARY FIRMNESS FROM CONTINUING TO FILE CIVIL RIGHTS ACTIONS AGAINST PRISON OFFICIALS AND GRIEVANCES AGAINST BEREN.

HENCE, THIS WAS NOT A CONTEXT REQUIRING A PLEADER TO AMPLIFY HIS CLAIM AGAINST BEREN WITH MORE FACTUAL ALLEGATIONS TO RENDER THE CLAIMS PLAUSIBLE. SEE IQBAL V. HASTY, 490 F3D 143, 157 (2ND CIR. 2007). IN PARAGRAPH 7 OF HIS COMPLAINT PETITIONER CITES MDOC PD 05.03.116 "PRISONERS' ACCESS TO THE COURTS" § A, WHICH STATES IN RELEVANT PART, "NO RETALIATION MAY BE TAKEN AGAINST A PRISONER WHO HAS FILED A LAWSUIT OR IS PURSUING LITIGATION." BECAUSE PETITIONER DOES NOT HAVE A HIGH SCHOOL DIPLOMA OR GENERAL EQUIVALENCY DIPLOMA, PD 05.03.116 MANDATES AND OBLIGATED BEREN TO PROVIDE HIM WITH LEGAL WRITER PROGRAM SERVICES IN ORDER FOR HIM TO HAVE ACCESS OF THE COURT'S IN A MANNER WHERE THE UNDERLYING CAUSE OF ACTION IS DESCRIBED IN HIS MOTION FOR INJUNCTIVE RELIEF (WHICH THE DISTRICT COURT CONSTRUED AS PETITIONER'S ORIGINAL COMPLAINT, ECF No. 15 N.1 PAGE 10. 359) AND ITS LOST REMEDY SUFFICIENT TO GIVE FAIR NOTICE TO BEREN. BEREN'S RETALIATION PREVENTED PETITIONER FROM HAVING AN ADEQUATE OPPORTUNITY TO PRESENT HIS CLAIMS, IN THE ABOVE MENTIONED ACTIONS, FAIRLY TO THE COURTS RATHER THAN MEANINGLESS RITUALS INCAPABLE OF MAKING IT PAST THE DISTRICT COURT'S SCREENING OR DEFENDANTS' MOTIONS FOR SUMMARY

JUDGMENTS. MOREOVER, BEREAN COULD NOT HERSELF IMPOSE A 30-DAY OR 60-DAY RESTRICTION UPON PETITIONER'S LAW LIBRARY PRIVILEGES BECAUSE SHE WAS NOT THE HEARING OFFICER. THE DISTRICT COURT READ INTO PD 05.03.115 "LAW LIBRARIES," WHAT IS NOT THERE OR PART OF THE RECORD BEFORE THE COURT; PETITIONER DID NOT AUTHORIZE BEREAN TO REMOVE ANY FUNDS FROM HIS ACCOUNT, OR CREATE A DEBT. PETITIONER COMPLAINT (PAR. 16) STATES THAT HE DID NOT RECEIVE THE NOTICE OF INTENT TO CONDUCT AN ADMINISTRATIVE HEARING UNTIL SEPTEMBER 11, 2018 AND THAT NO HEARING WAS EVER HELD. THEREBY, BEREAN ALSO DEPRIVED PETITIONER HIS DUE PROCESS RIGHTS.

IN THIS REGARD AGAIN THE DISTRICT COURT READS INTO PETITIONER'S COMPLAINT WHAT IS NOT THERE. THE COURT SAYS, "FOLLOWING A HEARING ON BOTH NOTICES, THE FUNDS WERE ORDERED TO BE DISBURSED FROM PLAINTIFF'S ACCOUNT." ; (b) "PLAINTIFF HAD NO INHERENT RIGHT TO REFUSE TO PAY FOR COPIES HE RECEIVED." PETITIONER PRESENTED NOTHING TO THE DISTRICT COURT INDICATING THAT HE RECEIVED THOSE COPIES.

C.

CAUSAL CONNECTION

ON JUNE 22, 2018, BEREAN MADE HER FIRST VERBAL REMARK. SEE PAR. 12 OF COMPLAINT; ON JUNE 26, 2018, BEREAN MADE HER SECOND STATEMENTS; SEE PAR. 13 OF COMPLAINT; ON JULY 3, 2018, BEREAN ALLEGED THAT THE MICHIGAN SUPREME COURT STATED THAT WAYNE COUNTY CIRCUIT COURT CASE No. 09-003770-FC DOES NOT EXIST. SEE 7/3/18 BEREAN MEMO, AT APPENDIX B; ON JULY 19, 2018, BEREAN MADE HER THIRD REMARK. SEE PAR. 14 OF COMPLAINT;

ON JULY 19, 2018, BEREAN, KNOWING FULL WELL THAT PETITIONER DID NOT HAVE ANYTHING THAT BELONGED TO HER MALICIOUSLY HAD HIS CELL SEARCHED WHEN PETITIONER REFUSED TO AUTHORIZE FUNDS

TO BE REMOVED FROM HIS ACCOUNT/CREAT A DEBT FOR COPIES BEREAN ALLEGEDLY MADE. SEE PAR. 14, 16 OF COMPLAINT.

THIS IS BEREAN'S ADVERSE ACTIONS, TO NAME A FEW, THAT WERE MOTIVATED BY PETITIONER FILING CIVIL RIGHTS ACTIONS AGAINST MDOC PRISON OFFICIALS, AND GRIEVANCES AGAINST BEREAN. DEFENDANT BEREAN HAS NOT REFUTED THESE FACTS. THE PETITIONER DID MORE THAN SIMPLY ALLEGIE RETALIATION: VERIFIED COMPLAINT WITH AFFIDAVIT IN SUPPORT, ATTACHMENTS WHICH PUT FORWARD A NUMBER OF SPECIFIC, NONCONCLUSORY ALLEGATIONS AND EVIDENCE TO WITHSTAND THE DISTRICT COURT'S SCREENING.

ARGUMENT

II. THE U.S. COURT OF APPEALS AND U.S. DISTRICT COURT DECISIONS CONFLICT WITH THE U.S. SUPREME COURT'S DECISIONS REGARDING ILLITERATE INDIGENT SEGREGATED PRO SE INMATES' ACCESS OF THE COURTS.

THIS CASE PRESENTS A CONFLICT WITH THIS COURT'S DECISIONS IN JOHNSON V. AVERY, 393 US 483 (1969); WOLFF V. MCDONNELL, 418 US 539 (1974); BOUNDS V. SMITH, 430 US 817 (1977); KNOP V. JOHNSON, 977 F2D 996 (6TH CIR. 1992); AND LEWIS V. CASEY, 518 US 343 (1996). IN THE PRESENT CASE DEFENDANT-RESPONDENT BEREAN, WAS AWARE THAT PETITIONER WAS ILLITERATE AND CONFINED IN SEGREGATION. THEREFORE, PRIOR TO MID FEBRUARY, 2019, BEREAN ALLOWED THE LEGAL WRITER TO ASSIST PETITIONER PREPARE SOME (NOTALL) OF HIS REQUESTED PLEADINGS, BUT THEREAFTER (MID FEBRUARY) BEREAN STOPPED ALL ASSISTANCE FROM THE LEGAL WRITER PROGRAM, AND LEGAL REFERENCE MATERIAL THAT PETITIONER WOULD REQUEST.

PETITIONER'S VERIFIED COMPLAINT AND ACCOMPANYING AFFIDAVIT STATES: "I AM UNTRAINED IN THE LAW AND DUE TO

MY EIGHTH GRADE EDUCATION I AM ILLITERATE. I AM NOT ELOQUENT IN EXPRESSION." PARAGRAPH 8, OF THE COMPLAINT STATES: "IN 1988 THE HONORABLE JUDGE RICHARD A. ENSLEN, ISSUED A FINAL OPINION AND ORDER ... DIRECTING MDOC TO CONTRACT WITH A NON-PROFIT CORPORATION FOR PROVIDING PARALEGAL ASSISTANCE TO PRISONERS; REQUIRING THE HIRING OF AN ATTORNEY TO FUNCTION AS A PROGRAM DIRECTOR...."

AT SOME TIME THEREAFTER THE MICHIGAN DEPARTMENT OF CORRECTIONS (MDOC) IMPLEMENTED POLICY DIRECTIVE (PD) 05.03.116 "PRISONERS' ACCESS TO THE COURTS." UNDER THE HEADING, "LEGAL WRITER PROGRAM," SECTION 5. STATES IN PART, "THE LEGAL WRITER PROGRAM PROVIDES ELIGIBLE PRISONERS IN CORRECTIONAL FACILITIES ADMISITION (CFA) INSTITUTIONS WITH LEGAL ASSISTANCE ON MATTERS RELATING TO THEIR CRIMINAL CONVICTION OR CONDITIONS OF CONFINEMENT. ONLY PRISONERS NOT REPRESENTED BY COUNSEL WHO ARE UNABLE TO EFFECTIVELY HELP THEMSELVES BY USING THE LAW LIBRARY OR OTHER AVAILABLE LEGAL RESOURCES ARE ELIGIBLE TO RECEIVE LEGAL WRITER PROGRAM SERVICES."

AT ALL RELEVANT TIMES PETITIONER WAS NOT REPRESENTED BY COUNSEL AND DENIED PHYSICAL ACCESS TO THE LAW LIBRARY; (2) THE MDOC DESTROYED ITS HARDCOVER PUBLICATIONS OF LEGAL MATERIALS; (3) IN 2014, DEFENDANT WASHINGTON, IMPLEMENTED AN ON-LINE ELECTRONIC LAW LIBRARY SYSTEM WHERE A COMPUTER IS REQUIRED AND PETITIONER DID NOT HAVE. REVIEW PARAGRAPH 24. OF THE COMPLAINT; AND (4) THE PAGING SYSTEM, BY WHICH A PRISONER WHO IS DENIED DIREKT ACCESS (LIKE PETITIONER) TO THE LAW LIBRARY IS ALLOWED TO REQUEST THAT LEGAL MATERIALS BE BROUGHT TO HIS CELL, CAN ONLY BE USED IF PRISONERS KNOW THE TITLE OF THE CASE AUTHORITY, THE VOLUME AND PAGE NUMBER. THEN THERE IS THE ISSUE OF HOUSING UNIT PRISON GUARDS WHO RETALIATE BY NOT GIVEN PRISONER THEIR REQUESTED

LEGAL MATERIALS. REVIEW PARAGRAPHS 25-27 OF THE COMPLAINT. HENCE, PETITIONER'S CIVIL RIGHTS COMPLAINT DEMONSTRATED THAT HE WAS UNABLE TO EFFECTIVELY HELP HIMSELF BY USING THE LAW LIBRARY OR OTHER AVAILABLE LEGAL RESOURCES.

SECTION T. OF PD 05.03.116 PROVIDES IN PART, "A PRISONER IS ELIGIBLE TO RECEIVE LEGAL WRITER PROGRAM SERVICES IF THEY MEET ANY OF THE FOLLOWING CRITERIA:

1. DOES NOT HAVE A VERIFIED GED OR HIGH SCHOOL DIPLOMA. (EMPHASIS IN ORIGINAL) THIS INDIGENT PETITIONER DOES NOT HAVE A GED OR HIGH SCHOOL DIPLOMA. HENCE, THERE IS NO LEGITIMATE PENOLOGICAL INTEREST FOR BEREAN, PARISH, AND WASHINGTON'S REFUSAL TO PROVIDE THE CLEARLY REQUIRED LEGAL WRITER PROGRAM ASSISTANCE SO THAT PETITIONER'S ACCESS OF THE COURTS WOULD BE MEANINGFUL. BOUNDS v. SMITH, SUPRA, 430 US AT 823 ("MEANINGFUL ACCESS' TO THE COURTS IS THE TOUCHSTONE") (QUOTING ROSS v. MOFFITT, 417 US 600, 611 (1974).

THUS, THE DISTRICT COURT, AND COURT OF APPEALS WHOLLY IGNORED THE FACT THAT BEREAN'S ACTION IN THAT REGARD WAS ARBITRARY AND CAPRICIOUS. (REVIEW PD 05.03.116, AT APPENDIX C) THEREFORE, THE QUESTION THEN BECOMES NOT WHETHER THE INDIGENT ILLITERATE PRISONER FILED OR PREPARED THE UNSUCCESSFUL MEANINGLESS PLEADINGS IDENTIFIED BY THE DISTRICT COURT [ECF No. 20 PAGEID. 408-409], BUT WHETHER AS AN ACTIVE CLIENT OF THE LEGAL WRITER PROGRAM AT THE TIME THE REQUEST WAS MADE BEFORE SUCH PREPARATIONS AND FILINGS, BEREAN WAS REQUIRED TO PROVIDE LEGAL WRITER PROGRAM SERVICE THROUGH PRISONERS AT OAKS CORRECTIONAL FACILITY (ECF) WHO HAD SUCCESSFULLY COMPLETED THE LEGAL WRITER TRAINING PROGRAM AND WAS ASSIGNED BY ECF AS PETITIONER'S LEGAL WRITER. SURELY SUCH A TRAINED PRISONER WOULD

HAVE KNOWN TO STATE THE UNDERLYING CAUSE OF ACTION AND ITS LOST REMEDY ; (2) WHAT THE LAW WAS IN ORDER TO DETERMINE WHETHER A COLORABLE CLAIM EXISTED.

THE DISTRICT COURT PREVENTED BERAN FROM EXPLAINING WHY SHE REFUSED TO PROVIDE LEGAL WRITER SERVICE. IN JOHNSON V. AVERY, SUPRA, 393 US AT 487, THIS COURT SAID, "THE STATE AND ITS OFFICERS MAY NOT ABRIDGE OR IMPAIR PETITIONER'S RIGHT TO APPLY TO A FEDERAL COURT FOR A WRIT OF HABEAS CORPUS. ID. HERE, BERAN ABRIDGED OR IMPAIRED PETITIONER'S RIGHT OF ACCESS TO THE COURTS, THEREBY IMPINGING ON HIS FIRST AND FOURTEENTH AMENDMENT RIGHTS. IN TURNER V. SAFFLEY, 482 US 78, 89 (1987) THIS COURT HELD THAT "A PRISON REGULATION THAT IMPINGES ON INMATES' CONSTITUTIONAL RIGHTS ... IS VAID IF IT IS REASONABLY RELATED TO LEGITIMATE PENOLOGICAL INTERESTS."

IN PETIONER'S CASE THE COURT WAS UNABLE TO FAIRLY EVALUATE THE CONSTITUTIONAL REASONABLENESS OF BERAN'S ACTION BECAUSE SHE WAS NOT REQUIRED TO ANSWER FOR HER IMPINGEMENT UPON THE PETITIONER'S CONSTITUTIONAL RIGHTS. GERMANE, IS BERAN'S RETALIATORY VERBAL STATEMENTS TOWARD PETITIONER AS SHOWN ABOVE IN ARGUMENT I. THE COURT OF APPEALS IN ITS NOVEMBER 19, 2019 ORDER STATED, "ALTHOUGH JACKSON HAS PROVIDED ... LIST OF LITIGATION THAT WAS ALLEGEDLY HAMPERED BECAUSE OF ... DENIAL OF A LEGAL WRITER OR LACK OF ACCESS TO THE LIBRARY, HE HAS FAILED TO DEMONSTRATE THAT HE SUFFERED AN ACTUAL INJURY BECAUSE HE FAILED TO DESCRIBE HIS UNDERLYING CLAIMS OR TO ASSEET THEIR NON-FRIVOLITY."

HOWEVER, THE COMPLAINT STATED THAT PETITIONER WAS TOTALLY OR FUNCTIONALLY ILLITERATE, WHOSE EDUCATIONAL ATTAINMENTS ARE SLIGHT, AND LEGAL KNOWLEDGE INTELLIGENCE IS LIMITED. THE COMPLAINT FURTHER STATED THAT HE HAS PROBLEMS ARTICULATING.

PARAGRAPH 5, OF THE COMPLAINT STATES, DEFENDANTS (BEREAN) ARE NOT CONFORMING TO CONSTITUTIONAL MINIMA WITHOUT A VALID REASONABLY RELATED LEGITIMATE PENOLOGICAL INTEREST. PARAGRAPH 6., OF THE COMPLAINT STATES, I AM BEING DEPRIVED OF THOSE FIRST, EIGHTH, AND FOURTEENTH AMENDMENT RIGHTS BEREAN, ARE DEPRIVING ME THE TOOLS ... TO ATTACK MY SENTENCES ... AND CHALLENGE CONDITIONS OF MY CONFINEMENT BY PREVENTING AND/OR INTERFERING WITH NONFRIVOLOUS CLAIMS IN THE FOLLOWING ACTIONS. PARAGRAPH 6(A) IDENTIFY THE ACTIONS WITH NONFRIVOLOUS CLAIMS. REVIEW PARAGRAPHS 9, AND 10., ALSO. THE PETITIONER DID ASSERT HIS LITIGATIONS NON-FRIVOLITY.

IN WOLFE V. MCDONNELL, 418 US 539, 579, THIS COURT SAID THE RIGHT OF ACCESS TO THE COURTS, UPON WHICH EVERY WAS PREMISED, IS FOUNDED IN THE DUE PROCESS CLAUSE AND ASSURES THAT NO PERSON WILL BE DENIED THE OPPORTUNITY TO PRESENT TO THE JUDICIARY ALLEGATIONS CONCERNING VIOLATIONS OF FUNDAMENTAL CONSTITUTIONAL RIGHTS. HENCE, IT IS BEREAN'S INTENTIONAL REFUSAL TO ALLOW THE LEGAL WRITER TO ASSIST PETITIONER PREPARE HIS CIVIL RIGHTS COMPLAINT, AND RELATED APPEAL WHILE HE WAS IN ISOLATED SEGREGATION IS WHAT CAUSED THE ILLITERATE SEGREGATION PETITIONER FROM DESCRIBING HIS UNDERLYING CLAIMS. (EMPHASIS ADDED)

BEREAN INTENTIONALLY REFUSED TO COMPLY WITH THE CONSTITUTIONAL STANDARDS MADATED IN BOUNDS V. SMITH, SUPRA 430 US AT 828. (WE HOLD... THAT THE FUNDAMENTAL CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS REQUIRES PRISON AUTHORITIES TO ASSIST INMATES IN THE PREPARATION AND FILING OF MEANINGFUL LEGAL PAPERS BY PROVIDING PRISONERS WITH ... ADEQUATE ASSISTANCE FROM PERSONS TRAINED IN THE LAW.) IN PETITIONER'S CASE IT IS APPARENT THAT THERE IS AN ACTUAL CASE OR CONTROVERSY PURSUANT TO

TO ARTICLE III OF THE UNITED STATES CONSTITUTION, HOWEVER DO TO THE BOUNDS VIOLATION. I.E., DENIAL OF ASSISTANCE FROM PERSONS TRAINED IN THE LAW RAISING HIS CLAIMS IN THE FIRST INSTANCE, PETITIONER SIMPLY WAS UNAWARE THAT HE WAS REQUIRED TO DESCRIBE ALL OF HIS UNDERLYING CLAIMS, DUE TO HIS LACK OF LEGAL KNOWLEDGE, ILLITERACY, AND ISOLATED SEGREGATION. AT THE TIME PRIOR TO PREPARING AND FILING HIS CIVIL COMPLAINT HE HAD NO KNOWLEDGE, APPREHENSION OR COMPREHENSION OF "CHRISTOPHER V. HARBURY, 536 US 403 (2002). BEREAN, INTENTIONALLY REFUSED TO PROTECT PETITIONER'S RIGHT TO ACCESS TO THE COURTS BY DEPRIVING HIM ALTERNATIVE SOURCES OF LEGAL KNOWLEDGE. SEE BOUNDS, SUPRA, 430 US AT 817.

IN FACT JOHNSON WAS UNANIMOUSLY EXTENDED TO COVER ASSISTANCE IN CIVIL RIGHTS ACTIONS, SUCH AS THIS, IN WOLFF V. MCDONNELL, SUPRA. SIMILARLY, BECAUSE PETITIONER WAS UNABLE TO TO DESCRIBE, OR AWARE THAT HE MUST DESCRIBE HIS UNDERLYING CLAIMS, HIS CONSTITUTIONAL RIGHT TO HELP, REQUIRED AT LEAST ALLOWING ASSISTANCE FROM HIS LITERATE FELLOW LEGAL WRITER CONVICTED FELONS. THE QUESTION THEN BECOMES, WHETHER THE ACCESS RIGHTS OF THE INDIGENT, ILLITERATE, ISOLATED SEGREGATED PRO SE PETITIONER WERE VIOLATED WITHOUT ADEQUATE JUSTIFICATION. PETITIONER, WAS ACTUALLY AN ACTIVE CLIENT OF THE LEGAL WRITER PROGRAM. BEREAN, JUST DEPRIVED HIM ASSISTANCE FROM SUCH PROGRAM PREPARING AND FILING THE CIVIL RIGHTS COMPLAINT AT ISSUE BECAUSE BEREAN IS IDENTIFIED AS A DEFENDANT. THUS, 'THE LOWER COURTS' JUDGMENTS ARE UNREASONABLE BECAUSE THEY CONFLICT WITH JOHNSON, SUPRA, AND WOLFF, SUPRA. THE DISTRICT COURT ADMITTED GOING OUTSIDE THE RECORD FOR ITS FINDING THAT BEREAN DID NOT HAVE TO PROVIDE PETITIONER HELP PREPARING THE DOCUMENTS IN ISSUE. ECF No. 27 PAGE 10. 464. THE COURT SAID: 1) PLAINTIFF IS A PROLIFIC FILER OF GRIEVANCES; 2) BEREAN WAS ENTITLED TO ISSUE AN UNRESTRICTED LIBRARY BAN; 3) FOLLOWING A HEARING ON THE N.O.I. ETC..., NO EVIDENCE IN RECORD TO SUPPORT THE DISTRICT COURT'S REASONING.

ARGUMENT III

DEFENDANT LEAH BEREAN, INTERFERED WITH PETITIONER'S ACCESS OF THE COURT DURING THE APPEAL STAGE OF THE PROCEEDINGS BY HER MISCONDUCT.

THIS CASE PRESENTS THE QUESTION OF DEFENDANT BEREAN'S TOTAL DENIAL OF LEGAL WRITER PROGRAM ASSISTANCE ALTOGETHER AFTER THE DISTRICT COURT'S MARCH 19, 2019 OPINION AND JUDGMENT. ON APRIL 2, 2019, BEREAN PROVIDED THE INDIGENT, ILLITERATE, ISOLATED, SEGREGATED PRO SE PETITIONER A MEMORANDUM THAT STATED THE FOLLOWING IN PART: "BASED ON THE COURT'S OPINION IN JACKSON V BEREAN, USDC WD 1:18-CV-1075, OUR OBLIGATION TO ENSURE THAT THE PRISONER HAS ACCESS TO COURTS DOES NOT ENTITLE THAT PRISONER TO BE ASSISTED BY A LEGAL WRITER...." (REVIEW 4/2/19 MEMO, AT APPENDIX D)

BEREAN'S APRIL 2, 2019, MEMO DEMONSTRATES THAT EVEN THROUGH THE DISTRICT COURT HAD NEVER ISSUED AN ORDER REQUIRING BEREAN ET AL, TO BE SERVED A COPY OF THE CIVIL RIGHTS COMPLAINT, BEREAN AND SOMEBODY NAMED LANSING WERE WELL AWARE OF SUCH LITIGATION IN THE FEDERAL COURT, THEREBY SUPPLYING FURTHER CIRCUMSTANTIAL MOTIVE FOR BEREAN'S RETALIATION IN THE FORM OF A PATTERN OF HARASSMENT REGARDING PETITIONER'S ACCESS TO THE COURTS.

THE MEMO ALSO REVEALS HOW BROAD THE DISTRICT COURT'S MARCH 19, 2019 JUDGMENT IS, OR MAY BE CONSTRUED. FURTHER REVIEW OF BEREAN'S MEMORANDUM REINFORCES THIS FACT. THE MEMO READS, "THE COURT OPINED IN THIS CASE THAT PRISONER JACKSON IS A VERY EXPERIENCED LITIGATOR IN THE FEDERAL COURTS AND HAS DEMONSTRATED THAT HE IS FULLY CAPABLE OF LITIGATING

CASES WITHOUT THE ASSISTANCE OF A LEGAL WRITER (OPINION PG.12)."
(EMPHASIS IN ORIGINAL)

THE EFFECT IS OVERWHELMING. PETITIONER WAS TRANSFERRED FROM OAKS CORRECTIONAL FACILITY (ECF) ISOLATED SEGREGATION ON AUGUST 20, 2019. HE ARRIVED AT BARAGA CORRECTIONAL FACILITY (AMF) ON AUGUST 21, 2019 AND WAS IMMEDIATELY CONFINED IN ITS ISOLATED SEGREGATION. WHEN PETITIONER REQUESTED LEGAL WRITER PROGRAM SERVICES, AMF LAW LIBRARIAN KEMP, RESPONDED WITH A MEMO DATED SEPTEMBER 16, 2019 STATING IN PART, "YOUR LEGAL WRITER PRIVILEGES HAVE BEEN SUSPENDED; A LEGAL WRITER WILL NOT BE ASSIGNED TO ASSIST YOU AT THIS TIME." (REVIEW KEMP'S 9/16/19 MEMO, AT APPENDIX D) THUS, WHILE HIS SITUATION AND CONFINEMENT HAS NOT CHANGED, HIS REQUEST FOR ASSISTANCE PREPARING A MEANINGFUL PETITION FOR WRIT OF CERTIORARI IN THIS COURT HAS BEEN DENIED.

WITH RESPECT TO BEREAN'S INTENTIONAL INTERFERENCE WITH PETITIONER'S APPEAL OF DISTRICT COURT'S MARCH 19, 2019 JUDGMENT, IT ALSO VIOLATED AND INJURED HIS FIRST AND FOURTEENTH AMENDMENT RIGHTS OF ACCESS TO THE COURT, AND PROHIBITING RETALIATION. THIS PETITION FOR WRIT OF CERTIORARI, AND PETITIONER'S APPEAL ARE NON-FRIVOLOUS. BY MAY 23, 2019, THE DATE HIS NOTICE OF APPEAL WAS FILED IN THE DISTRICT COURT. BEREAN, HAD STOPPED SENDING PETITIONER ANY REQUESTS HE HAD MADE FOR LEGAL MATERIAL, THUS HE WAS COMPLETELY STYMIED. HE DID NOT KNOW HOW TO APPEAL THE DISTRICT COURT'S JUDGMENT. HE DID NOT KNOW HOW TO ARGUE, ARTICULATE, AND DID NOT KNOW THE APPELLATE PROCEDURE OR RULES. THE RESULT WAS THAT THE COURT OF APPEALS AFFIRMED THE DISTRICT COURT'S JUDGMENT. BEREAN'S MISCONDUCT CLEARLY CAUSED THE DENIAL OF PETITIONER'S APPEAL.

ARUGMENT IV

THE U.S. DISTRICT COURT CREATED AN EQUAL PROTECTION RIGHTS ISSUE ITSELF BY ITS RULING.

THIS CASE PRESENTS AN INFRINGEMENT UPON PETITIONER'S FOURTEENTH AMENDMENT RIGHTS CONCERNING INMATES SIMILARLY SITUATED TO HIM RECEIVING THE PRIVILEGE OF LEGAL WRITER PROGRAM ASSISTANCE PREPARING PLEADINGS NEEDED TO ATTACK THEIR SENTENCES, DIRECTLY OR COLLATERALLY, AND TO CHALLENGE THEIR CONDITIONS OF CONFINEMENT WHILE HOUSED AT ECF'S ISOLATED SEGREGATION UNIT.

THIS ISSUE AROSE AFTER THE DISTRICT COURT'S MARCH 19, 2019 JUDGMENT WHILE PETITIONER WANTED TO PRESENT A MEANINGFUL BRIEF TO THE APPELLATE COURT RELATING TO THIS MATTER. HOWEVER, IN ITS MARCH 19, 2019 ORDER, DISTRICT COURT STATED: "IN HIS MANY CASES, PLAINTIFF HAS ROUTINELY DRAFTED HIS OWN COMPLAINTS, TOGETHER WITH INNUMERABLE MOTIONS, REQUESTS FOR RECONSIDERATION, AND APPEALS. HE HAS DEMONSTRATED THAT HE IS FULLY CAPABLE OF LITIGATING CASES WITHOUT THE ASSISTANCE OF A LEGAL WRITER." ECF No. 20 PAGE ID. 409. (EMPHASIS ADDED) DEFENDANT BERGAN, RELIED ON THAT STATEMENT WHEN SHE DENIED PETITIONER ANY FURTHER LEGAL WRITER PROGRAM ASSISTANCE WHILE HE REMAINED ISOLATED IN SEGREGATION. REVIEW APP'X D SUPRA.

HOWEVER, BERGAN'S OBLIGATION TO ENSURE THAT PRISONERS HAVE ACCESS TO THE COURTS ENTITLES THAT PRISONER TO BE ASSISTED BY A LEGAL WRITER WHEN THE PRISONER HAS NO ACCESS TO A LAW LIBRARY. REVIEW BOUNDS, 430 US AT 828 (HOLDING THAT A PRISONER MUST EITHER PROVIDE AN ADEQUATE LAW LIBRARY OR OTHER FORMS OF LEGAL ASSISTANCE). THUS, THE DISTRICT COURT MADE AN EXCEPTION

TO THE BOUNDS HOLDING AS APPLIED TO PETITIONER'S LACK OF ACCESS TO THE LAW LIBRARY, THEREBY ALLOWING BEREAN TO TREAT PETITIONER DIFFERENT THEN THE OTHER ISOLATE SEGREGATED INMATE AT ECF. DURING THE MONTH OF AUGUST, 2019 WHILE STILL CONFINED TO ISOLATED SEGREGATION, PETITIONER WAS ABLE TO ACQUIRE THREE AFFIDAVITS FROM TWO SEGREGATED INMATES WHO WERE INDEED SIMILARLY SITUATED TO PETITIONER AND WHO WERE RECEIVING LEGAL WRITER PROGRAM SERVICE AND WITNESSED OTHERS SIMILARLY SITUATED RECEIVING SUCH HELP. BOTH AFFIANTS ALSO STATE THAT THEY WERE RECEIVING LEGAL REFERENCE MATERIALS FROM BEREAN. (REVIEW 8/13/19 AFFIDAVITS OF INMATES MICHAEL POWELL # 484234 (INMATE NUMBER) AND RYAN DEVILLE # 846050, AND 8/19/19 AFFIDAVIT OF MICHAEL POWELL # 484234, AT APPENDIX E)

HENCE, WITH HELP PETITIONER WILL FILE A FEDERAL RULES OF CIVIL PROCEDURE RULE 60(b)(3) RELIEF FROM JUDGMENT MOTION, ON THE BASIS OF BEREAN'S MISCONDUCT OF DENYING HIM LEGAL REFERENCE MATERIALS AND LEGAL WRITER PROGRAM SERVICE WHILE HE WAS IN ISOLATED SEGREGATION PREVENTED PETITIONER FROM FULLY, FAIRLY AND MEANINGFULLY PRESENTING HIS CASE TO THE COURT OF APPEALS. THE DISTRICT COURT'S MARCH 19, 2019 JUDGMENT ALLOWS THE MDOC TO TREAT PETITIONER DIFFERENT THAN OTHER SIMILARLY SITUATED INMATES REGARDING LEGAL WRITER PROGRAM HELP. FROREOVER, SOME OF THE LEGAL PAPERS THAT THE DISTRICT COURT CONCLUDED THAT PETITIONER DRAFTED, WERE ACTUALLY CREATED BY A LEGAL WRITER, AND THE COMPLAINTS IN FORM FORMAT (MEANING PETITIONER MERELY FILLED IN BLANKS.).

ARUG'MENT V

THE DISTRICT COURT INTENTIONALLY ABUSED ITS DISCRETION DURING ITS SCREENING BY GOING OUTSIDE THE RECORD AT

THE PLEADING STAGE OF THE PROCEEDING THEREBY
GIVING THE APPEARANCE OF BIAS.

THIS CASE PRESENTS A QUESTION OF, AT WHAT STAGE OF THE PROCEEDING IS THE JUDGE ALLOWED TO GO OUTSIDE OF THE PLEADINGS BEFORE IT. THE GENERAL, OR NOT SO GENERAL ALLEGATIONS OF PETITIONER'S PRO SE VERIFIED COMPLAINT WITH ACCOMPANYING AFFIDAVIT IN THIS PRESENT CASE SUFFICED TO CLAIM INJURY BY LEAH BEREAN, AND HENCE STANDING TO DEMAND REMEDIATION, WITH RESPECT TO HER PATTERN OF RETALIATORY HARASSMENT, INCLUDING FAILURE TO PROVIDE ADEQUATE LEGAL ASSISTANCE TO THE INDIGENT ILLITERATE SEREGATED PRO SE PETITIONER.

IN LEWIS V. CASEY, 518 US 343, 358 THIS COURT QUOTED Lujan v. DEFENDERS OF WILDLIFE, 504 US 555, 561 (1992), WHICH SAID IN PART, "AT THE PLEADING STAGE, GENERAL FACTUAL ALLEGATIONS OF INJURY RESULTING FROM THE DEFENDANT'S CONDUCT MAY SUFFICE, FOR ON A MOTION TO DISMISS WE PRESUME THAT GENERAL ALLEGATIONS EMBRACE THOSE SPECIFIC FACTS THAT ARE NECESSARY TO SUPPORT THE CLAIM. ID. UNDER FED. R. CIV. PROC. 8(a)(2), A PLEADING MUST CONTAIN A "SHORT AND PLAIN STATEMENT OF THE CLAIM SHOWING THAT THE PLEADER IS ENTITLED TO RELIEF." I DARE ASSERT THAT THE FEDERAL RULE DOES NOT INFORM PETITIONER'S WHO ARE NOT LAWYERS OR FAMILIAR WITH SUCH RULE THAT THEY MUST DESCRIBE THEIR UNDERLYING CLAIMS AND TO ASSEET THEIR NON-FRIVOLITY. INDEED, THE PLEADING STANDARD MANDATED BY RULE 8 DOES NOT EVEN REQUIRE "DETAILED FACTUAL ALLEGATIONS."

THIS IS, NOTWITHSTANDING THE FACT PETITIONER WAS NOT AWARE OF FED. R. CIV. PROC. 8 BECAUSE THE DISTRICT COURT SUPPLIED HIM WITH THE COMPLAINT FORM AND ATTACHED INSTRUCTIONS FOR FILING A COMPLAINT BY A PRISONER UNDER

THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983. ON PAGE 3 OF THE ACTUAL FORM SECTION IV., UNDER THE HEADING "STATEMENT OF CLAIM," IT READS: "STATE HERE THE FACTS OF YOUR CASE. DESCRIBE HOW EACH DEFENDANT IS PERSONALLY INVOLVED. INCLUDE ALSO THE NAMES OF OTHER PERSONS INVOLVED, DATES AND PLACES. DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES. IF YOU INTEND TO ALLEGE A NUMBER OF RELATED CLAIMS, NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. ATTACH EXTRA SHEETS IF NECESSARY." REVIEW COMPLAINT FORM, ECF No. 9. AS DEMONSTRATED, THE DISTRICT COURT'S COMPLAINT FORM ALSO WHOLLY FAILS TO REQUEST A DESCRIPTION OF A PETITIONER'S UNDERLYING CLAIMS. HENCE, IN THE PRESENT CASE REQUIRES THIS COURT'S JUDICIAL EXPERIENCE AND COMMON SENSE TO DETERMINE WHETHER PETITIONER'S COMPLAINT CONTAIN SUFFICIENT FACTUAL MATTER, ACCEPTED AS TRUE, TO STATE A CLAIM TO RELIEF.

THE DISTRICT COURT DURING ITS SECOND SCREENING WENT OUTSIDE PETITIONER'S SUBMITTED PLEADINGS AND DISCOVERED NUMEROUS LETTERS, AFFIDAVITS, AND OTHER DOCUMENTS AND PLEADINGS FILED BY PETITIONER IN OTHER CASES (IT IS ASSUMED THAT A LEGAL WRITER PREPARED THE UNIDENTIFIED PAPERS). THE COURT SAID, "EXCEPT WHEN TYPEWRITTEN BY A LEGAL WRITER, ALL OF THOSE DOCUMENTS AND THE ENVELOPES IN WHICH THEY WERE MAILED WERE DRAFTED IN THE SAME HANDWRITING AND USED THE SAME FORMAT AND PHRASING, REGARDLESS OF THE FACILITY AT WHICH PLAINTIFF WAS HOUSED WHEN HE FILED."

THE DISTRICT COURT STATED, "THIS COURT CONCLUDED THAT PLAINTIFF COULD NOT DEMONSTRATE ACTUAL INJURY TO ANY PENDING LITIGATION CAUSED BY DEFENDANT BEZIAN'S FAILURE TO ASSIGN A LEGAL WRITER IN ANY GIVEN CASE, IN LIGHT OF PLAINTIFF'S EXTENSIVE HISTORY OF DEMONSTRATED ABILITY TO LITIGATE HIS OWN CASES." (EMPHASIS ADDED) ECF No. 27 PAGEID. 463. HOWEVER, ON REVIEW THE DISTRICT COURT'S SCREENING REVIEW OF A COMPLAINT REQUIRES THE COURT TO IDENTIFY COGNIZABLE CLAIMS OR

DISMISS THE COMPLAINT, OR ANY PORTION OF THE COMPLAINT THAT IS FRIVOLOUS, MALICIOUS, OR FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED.

IN PETITIONER'S CASE HOWEVER, THE DISTRICT COURT CONFLATED "FILING PLEADINGS" WITH "LITIGATING CASES", AND PROCEEDED TO CONDUCT AN INVESTIGATION BY EXAMINING THE FOLLOWING CASES:

- (1) JACKSON V. POWELL, No. 1:18-cv-466 (W.D. MICH.). HERE, THE DISTRICT COURT CITES ECF Nos. 1-3, 5, 20-21. YET, THOSE WERE THE COMPLAINT FORM AND FINANCIAL AFFIDAVIT FORM, BOTH OF WHICH WERE PROVIDED BY THE DISTRICT COURT.
- (2) JACKSON V. CORONADO, No. 2:18-cv-19 (W.D. MICH.). HERE, THE DISTRICT COURT CITES ECF Nos. 1-2, 15-17, 19. AGAIN, THE COURT SUPPLIED THE COMPLAINT AND FINANCIAL AFFIDAVIT, WHICH MERELY REQUIRE ANSWERING QUESTIONS AND FILING-IN BLANKS. THE LEGAL WRITER PREPARED ECF Nos. 16-17; ECF No. 19 WAS A LETTER ADDRESS TO THE COURT/CLERK.
- (3) JACKSON V. BASTIAN, No. 2:18-cv-16 (W.D. MICH.). HERE, THE DISTRICT COURT CITES ECF Nos. 1-2, 4, 6-8, 15-17, 19. AS ABOVE ECF Nos. 1-2 WERE FORMS. CASE DISMISSED ON SUMMARY JUDGMENT (ON THE BASIS OF EXHAUSTION). LEGAL WRITER DID NOT TIMELY PROVIDE PETITIONER WITH TIMELY OBJECTION TO REPORT AND RECOMMENDATION.

THE LIST GOES ON, HOWEVER PETITIONER'S FILINGS AND LETTERS, AND EVEN THE PLEADINGS THAT HE PREPARE CLEARLY DO NOT DEMONSTRATE ANY AMOUNT OF MASTERY OF BOTH THE LAW OR FEDERAL RULES OF CIVIL PROCEDURE. MORE IMPORTANTLY, THE DISTRICT COURT'S "INVESTIGATION" OBVIOUSLY REVEALED PETITIONER'S UNDERLYING CLAIMS OF EACH CASE THE COURT INVESTIGATED. SEE ECF No. 27 PAGE ID. 463-464.

FINALLY, WITH REGARD TO THE DISTRICT COURT GOING OUTSIDE

THE RECORD TO DEFEND DEFENDANT BEREAN, IT STATED: "THE COURT'S CONCLUSION THAT PLAINTIFF IS AN EXPERIENCED LITIGATOR WHO DOES NOT REQUIRE LEGAL ASSISTANCE IN ORDER TO BRING HIS CLAIMS TO COURT THEREFORE WAS BASED ON A SUBSTANTIAL PUBLIC RECORD AND UNQUESTIONABLY WAS CORRECT." (EMPHASIS ADDED) ECF No. 27 PAGE ID. 464. "PUBLIC RECORD," WAS NOT BEFORE THE COURT AT THE SCREENING STAGE OF THE PROCEEDING. MOREOVER, THE DISTRICT COURT CITES JACKSON V. PARISH, No. 2:15-CV-11622 (E.D. MICH.). THIS COURT, IN OPPOSITION TO THE DISTRICT COURT, STATED: "THE COURT NOTES THE EXTENSIVE NUMBER OF LENGTHY, REPETITIVE, AND SOMETIMES FRIVOLOUS MOTIONS AND PLEADINGS THAT HAVE BEEN FILED BY PETITIONER." ECF No. 95 PAGE ID. 7023.

THUS, WHAT THE DISTRICT COURT IN THE PRESENT CASE CONSTRUES AS AN EXPERIENCED MASTER LITIGATOR, ANOTHER CONSTRUES REPETITIVE, SOMETIMES FRIVOLOUS, AND OFTEN VEXATIOUS PLEADINGS. THE PRESENT CASE REVEALS AN ABUSE OF DISCRETION ON PART OF THE DISTRICT COURT FOR GOING OUTSIDE THE RECORD TO THE EXTENT IT GAVE THE APPEARANCE OF FAVORITISM TOWARD BEREAN.

ARGUMENT III

THE DISTRICT COURT INTENTIONALLY ABUSED ITS DISCRETION BY DEEMING THE PRO SE LITIGANT'S INITIAL MOTION FOR INJUNCTIVE RELIEF AS A 42 U.S.C. § 1983 COMPLAINT.

THIS ACTION WAS INITIATED WHEN PETITIONER FILED A PRO SE MOTION, ENTITLED "MOTION FOR INJUNCTIVE RELIEF," WHICH WAS FILED PURSUANT TO RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE. ECF No. 1. PETITIONER WAS RELIEF FROM BEREAN'S ACTIONS TOWARD HIM BEFORE HE SUFFERED ACTUAL

INJURY. THE DISTRICT COURT HAS NEVER RULED ON THAT MOTION FOR INJUNCTIVE RELIEF BEFORE OR AFTER HE FILED HIS ORIGINAL CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983, AND SO ENTITLED. ECF No. 9. HOWEVER, WITHOUT CITING ANY CASE AUTHORITY, RULE, OR EVER ADDRESSING THE ISSUE, THE DISTRICT COURT CONSTRUED PETITIONER FIRST AND ONLY 42 U.S.C. § 1983 COMPLAINT AS AN AMENDED COMPLAINT. I.D.

HOWEVER, ALL CIVIL RIGHTS COMPLAINTS BROUGHT BY PRISONERS MUST BE SUBMITTED ON THE FORM PROVIDED BY THE WESTERN DISTRICT COURT. SEE W.D. MICH. LCIVR 5.6(4). THEREFORE, THE DISTRICT COURT ABUSED ITS DISCRETION BY CONSIDERING PETITIONER CIVIL RIGHTS COMPLAINT AS AMENDED. PREJUDICE RESULTED BECAUSE THE COURT MAY HAVE ALLOW PETITIONER TO AMEND HIS CIVIL RIGHTS COMPLAINT AS OPPOSED TO DISMISSING IT WITH PREJUDICE.

HERE, IN ORDER TO OBTAIN INJUNCTIVE RELIEF AGAINST BEREAN'S ACTIONS CONTAINED WITHIN SUCH MOTION, PETITIONER WAS FIRST REQUIRED TO INITIATE HIS ACTION WITH THE FILING OF A COMPLAINT. THEREFORE, PETITIONER'S INITIAL RULE 65 MOTION SHOULD NOT HAVE BEEN DEEMED A CIVIL RIGHTS COMPLAINT, AS IT WAS NOT ON A FORM PROVIDED BY THE WESTERN DISTRICT COURT.

REASON FOR GRANTING THE PETITION

FOR THE ABOVE REASONS AND, 1) PETITIONER IS NOT A LAWYER OR PARALEGAL NOR HAS HE EVER STUDIED OR TRAINED TO BE SUCH; 2) PETITIONER DEMONSTRATED ARTICLE III STANDING WITH RESPECT TO BEREAN'S PATTERN OF RETALIATION AGAINST HIM FOR EXERCISING HIS FIRST AND FOURTEENTH AMENDMENT RIGHTS TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES. THE HARM SUFFERED IS BEREAN'S PATTERN OF ADVERSE ACTIONS AND THEIR

RESULTING CONSEQUENCES WHICH FLOWED FROM PETITIONER'S FILING THE CIVIL RIGHTS ACTIONS, AND PRISON GRIEVANCES, BOTH OF WHICH ARE CONSTITUTIONALLY PROTECTED ACTIONS. BEREAN PENALIZED HIM FOR EXERCISING THOSE RIGHTS; 3) BEREAN'S VERBAL STATEMENTS ON JUNE 22, 2018, JUNE 26, 2018, AND JULY 19, 2018 THAT INDICATED A RETALIATORY PURPOSE AND UNCONSTITUTIONAL MOTIVATION WERE DIRECTLY RELATED TO THE SPECIFIC ADVERSE ACTIONS THAT PETITIONER ALLEGED. PETITIONER CONNECTED THE TIME AND RELATIONSHIP OF PARTICULAR DENIALS AND DELAYS OF LEGAL WRITER PROGRAM ASSISTANCE TO THE GRIEVANCES AND COMPLAINTS ABOUT BEREAN BY ATTACHING EXHIBITS TO HIS APPELLATE BRIEF IN THE FORM OF MEMORANDUMS, AFFIDAVITS OF OTHER INMATES AND HIMSELF, NOTICES, LETTERS, COMPLAINTS, DECLARATIONS OF OTHER INMATES, COURT ORDERS SHOWING RESULTING INJURIES DUE TO THE LACK OF LEGAL HELP AND LEGAL REFERENCE MATERIALS, REFERENCE MATERIAL BEREAN SENT TO PETITIONER THAT WAS TOO SMALL (PRINT SIZE) TO READ, AND HEALTH CARE REQUEST AND RESPONSES REVEALING PHYSICAL INJURY TO PETITIONER EYES RELATED TO HIM ATTEMPTING TO READ THE SMALL PRINT SIZE OF NUMEROUS MATERIALS BEREAN PROVIDED TO HIM. (REVIEW APPENDIX E)

THE FACT THAT BEREAN WAS NOT AUTHORIZED BY ANY MDOC POLICY TO IMPOSE A 60 DAY LAW LIBRARY SANCTION DOES SHOW EVIDENCE TO A JURY THAT BEREAN'S IMPLEMENTATION OF SUCH SANCTION WAS MOTIVATED BY THE GRIEVANCES AND LAWSUITS INDICATED IN THE COMPLAINT. SIMILARLY, THE NOTICES OF INTENT THAT PETITIONER ATTACHED TO HIS COMPLAINT EXPRESSLY REFERS/REFERENCES PROPERLY FILE GRIEVANCE # ECF/2018/07/1781/172; AND ECF/2018/07/1710/14F, WHICH ARE BOTH ALLEGING RETALIATION WITH REGARD TO THE NOTICE OF INTENT TO CONDUCT AN ADMINISTRATIVE HEARING (N.O.I). FURTHER, THE N.O.I DOES NOT IDENTIFY WHO CONDUCTED THE ALLEGED HEARING NOR THE NAME AND TITLE OF THE PRISON OFFICIAL WHOM GAVE PETITIONER A COPY OF THE N.O.I. FINALLY, THE ISSUING OF A N.O.I DOES NOT, WITHOUT MORE,

SUGGEST TO A FEDERAL COURT THAT A HEARING WAS ACTUALLY HELD.
(REVIEW N.O.I, AT APPENDIX G) THUS, REASONABLE FAIRMIND JURORS
WOULD CONCLUDE THAT BERZAN TOOK THE NOTED FUNDS WITHOUT
PROVIDING PETITIONER A RIGHT TO BE HEARD OR TO BE PRESENT.
SURELY THE DENIAL OF SUCH PROCESS REVEALS BERZAN'S RETALIATORY
INTENT IN THE MINDS OF A JURY WITH SUCH EVIDENCE BEFORE IT.
AN HONESTY AND FAIR REVIEW OF APPX G, SHOWS THE JULY 19, 2018
LEGAL PHOTOCOPY DISBURSEMENT AUTHORIZATION FORM (CSJ-602) AND
DISBURSEMENT AUTHORIZATION FORM (CAR-893). BOTH DISBURSEMENTS
REVEAL THAT THE FUNDS WERE TAKEN PRIOR TO THE JULY 23,
2018, DATE LISTED ON BOTH N.O.I'S.

WHETHER BERZAN MALICIOUSLY ACCUSED PETITIONER OF HAVING
HER DOCUMENTS IN ORDER TO HARASS HIM WITH A CELL SEARCH, AND
PROVIDED PETITIONER WITH MATERIAL CONTAINING SMALL FONT (BOTH)
IN RETALIATION IS A QUESTION FOR A JURY; AND 4) DEFENDANT BERZAN
HAS NOT PUT FORTH A DEFENSE ALLEGING THAT PETITIONER'S
MENTIONED AND OR SUBMITTED GRIEVANCES WERE FRIVOLOUS.

THE PRO SE PETITIONER HAS NOT WAIVED REVIEW OF ANY OF HIS
CLAIMS OR RIGHTS REGARDING HIS APPEAL. THE COURT OF APPEALS
HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF
JUDICIAL PROCEEDING, OR SANCTIONED THE DISTRICT COURT'S DEPARTURE,
AS TO CALL FOR AN EXERCISE OF THE UNITED STATES SUPREME
COURT'S SUPERVISORY POWER.

CONCLUSION

THE PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED,
S/ DOUGLAS JACKSON
IN PRO SE

DATED ON: JANUARY /TISHRI 23, 2020