No. 19-7842

IN THE

SUPREME COURT OF THE UNITED STATES

DISTRICT OF COLOMBIA

MANETIRONY CLERVRAIN — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA, et-AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEAL (TENTH CIRCUIT).
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MANETIRONY CLERVRAIN
(Your Name)

2001 RICKABAUGH DR
(Address)

BIG SPRING, TEXAS 79720
(City, State, Zip Code)

N/A
(Phone Number)

NO----------

IN THE

SUPREME COURT OF THE UNITES STATES

DISTRICT OF COMLUMBIA

****

MANETIRONY CLERVRAIN, ET AL

PETITIONER

VS.

UNINTED STATES OF AMERICA, ET AL

RESPONDENTS

****

ON PETITON FOR A WRIT OF CERTIORARI

18-03216

UNITED STATES COURT OF APPEAL

FOR THE TENTH CIRCUIT

MANETIRONY CLERVRAIN
BKN: 19001382
MOORE DETENTION CENTER ("MDC")
111 S. ALABAMA STREET
OKMULGEE, OK 74447

QUESTIONS PRESENTED

I. When considering whether agency expertise could be brought to bear on the questions presented in the "*Bennett*" decision, the United States Court of Appeals for the Fourth Circuit said "that agencies could apply their expertise to threshold questions that may accompany a constitutional claim against a federal statute", and;

a) Whether the ("PLRA") determination for ["*Imminent Danger*"] permit by laws, or ["*Promoting Injustice*"], based upon the determination of the evidence on the records or ["*injuries in facts*"], or ["*victim of crimes*"] and ["*retaliation*"], ["*adverse action*"] and violated the due process clause of the constitutions. *warthout* v. *Cooke*, 562 U.S. 216, 219, 131 S. Ct. 859, 178 L. Ed. 2d 732 (2011)

b) The question is pending in this court for the evaluation of the evidence and declaring that the ("PLRA") contains ["*ambiguities*"] that is conflicting with the ("INA") under section 101 (a) (15) (U) (iii), and;

c) Whether or not the word "[*Alien*"] is the proximate cause of the exclusion from the ("FOIA"), or the question is pending in this court to evaluate the word if it refer to ["*Negro*"], ["*Animal*"], ["*Macaque*"],["*Dog*"], ["*follower*"], ["*Serious criminal*"] and it promoting ["*inferiority*"]. *Edmonson* v. *Leesville Concrete Co.*, 500 U.S. 614, 619, 111 S. Ct. 2077, 114 L. Ed. 2d 660 (1991)

LIST OF PARTIES

II. The purpose of such interim equitable relief is to conclusively determine the rights of the Class to the proceeding in the courts the subject of the petition for review filed in this case because he is concedes that under uniform law that he has the legal rights of declaration of National status in accordance with congressional intent; and;

UNINTED STATES COURT OF APPEALS

A. Hence, in the court of Appeals' view, the provision must cover some logical definition "of the word ("*Alien*"), which also means ("*Animal*") that, because they are synonym words that are, falling inside the scope of the term [""*inferiority*"] codifying in the immigration statute that promoting discrimination effect;

1)..... ["***MANETIRONY CLERVRAIN VS. UNITED STATES OF AMERICA****"]*.....I

CASE # 18-03216

2) .....MANETIRONY CLERVRAIN VS. JEFF SESSIONS.....4(B) (2.

1803228

*3) .....MANETIRONY CLERVRAIN VS. WILLIAM. P. BARR.....*4(B) (3)

19-60522

4) .....MANETIRONY CLERVRAIN VS. SARA M. REVELL.....4 (B) (4)

18-03067

5) .....MANETIRONY CLERVRAIN, VS. MATT BEVINS.....4 (B) (5)

19-05232

6) .....MANETIRONY CLERVRAIN V.S JOHN CORAWAY.....4 (B) (6)

18-11614

UNITED STATES DISTRICT COURTS

B. It has been determined, pursuant to the constitution, that it is practicable to apply the rules and principles of law that govern "the trial courts cases in the United States district courts, we assume that complete deference is owed that the procedures in these cases that it is impracticable they failed to apply the rules as mandated by congress;

*1)..... ["**MANETIRONY CLERVRAIN VS. UNITED STATES OF AMERICA"**].....I*
17-CV-03194-SAC

2)..... MANETIRONY CLERVRAIN VS. JEFF SESSIONS.....3(A) (2)
18 CV-0339-SAC

3)..... MANETIRONY CLERVRAIN VS. WILLIAM. P. BARR.....3(A) (3)
19-CV-00046-H

4)..... MANETIRONY CLERVRAIN VS. SARA M. REVELL.....3(A) (4)
18-CV-03166-SAC

5)..... MANETIRONY CLERVRAIN, VS. MATT BEVINS.....3(A) (5)
19-CV-00019

6)..... MANETIRONY CLERVRAIN V.S JOHN CORAWAY.....3(A) (6)
18-CV-00819-G-BN

7)..... MANETIRONY CLERVRAIN V.S UNITED STATES OF AMERICA .....7(A) (3)
17-CV-00313

8)..... MANETIRONY CLERVRAIN V.S UNITED STATES OF AMERICA .....3(A) (3)
17-CV-00132

9)..... MANETIRONY CLERVRAIN V.S ERIC HOLDER.....1-40
18-CV-00890-UNA

NOTE

*["these cases support the contention that the information sought, as categorized for **[Trade Secret"]** as policy guideline, even the context for prosecuting criminal or immigration, while the "(FOIA") does not exempt the requester at issues by failure to release, or to protect the trade or in violation of the statutes or policies. 5 U.S.C 552 (a) and 28 C.F.R 16.16.10 (h)"*

TABLE OF AUTHORITIES CITED

III.. FIRSTLY, the brief's Table of Authorities, which contains "references to the pages of the brief where [*the authorities*] are citing,, it is completely accurate, listing at least the cases that are cited in the brief are related to the actions for indication of his position on a particular issues in question ;

ARTICLE STANDING REQUIREMNTS

A. In *Martinez* held that statutory language given a limiting construction in one context must be interpreted consistently in other contexts, "even though other of the statute's applications, standing alone can logically support the determination that there has been a fundamental cases discussed

1).....*Article I*.....3-4.

2).....*Article II*.....3-4

3).....*Article III*.....3-4

4) ..... *Article V*.....3-4

5).....*Article VII*.....3-4

CONSTITUTIONS AND AMENDMENTS

B. It is now our task to determine whether this appearance of unconstitutionality is real and to begin with, we note that congressional power over National treatment derives from more than just the Naturalization Clause, and other sources of Congressional authority include "its plenary authority with respect to foreign relations;

1) .....*Amendment I*.....1-40

2).....*Amendment V*.....1-40

3) .....*Amendment VII*.....1-40

4) .....*Amendment VIII*.....1-40

5) .....*Amendment IX*.....3-4

6) .....*Amendment X*.....1-40

7).....*Amendment XI*.....1-40

8).....*Amendment XIII*.....3-4

9).....Amendment IV.....1-40

10).....*Amendment XV*.....*1-40*

11) .....*Amendment XIV*.....1-40

12).....*Amendment XIX*.....*1-40*

13) .....*Amendment XXVI*.....*1-40*

STATUTES AND RULES FOR IMPOSING RIGHTS

C. Conversely, a legislative rule "creates new law or imposes new rights or duties" or "expands[s] the footprint of a regulation by imposing new requirements, rather than simply interpreting the legal norms that congress or the agencies themselves have previously created for the purpose of discriminatory effect;

1) .....*1 U.S.C 1*.....1-40

2) .....*2 U.S.C 285*.....3-4

3) .....2 U.S.C 271.....3-4

4) .....*2 U.S.C 287*.....3-4

SUPREME COURT RULES AND PROCEDURES

IV. The Court's determination of these issues would not be definitive until after the Supreme Court rules and, in all likelihood, until after one party or the other seeks reconsideration of this Court's rulings on the justifiable issues in light of the new Supreme Court guidance on the proper standard for reviewing such claims;

1) S. Ct. R. 14.1. (a).....2(I)

2) S. Ct. R. 16.....3-4

3) S. Ct. R. 17.....3-4

4) S. Ct. R. 18.....3-4

5) S. Ct. R. 19.....3-4

6) S. Ct. R. 20.....VII

7) S. Ct. R. 21.....3-4

8) S. Ct. R. 22.....3-4

9) S. Ct. R. 23.....3-4

10) S. Ct. R. 13.2.....3-4

11) S. Ct. R. 24.....3-4

13) S. Ct. R. 25.....3-4

14) S. Ct. R. 28.....3-4

15) S. Ct. R. 36.....3-4

16) S. Ct. R. 37.....3-4

17) S. Ct. R. 39.....3-4

18) S. Ct. R. 42.....3-4

19) S. Ct. R. 47.....3-4

APPEALATE COURTS RULES AND PROCEDURES

A. That is exactly the problem here, and it is most fundamentally, fort review inadequately reasoned decisions. As we have said, "it is extremely problematic for appeals courts to assess an exercise of District court's discretion absent a reasonably clear signal as to the precise rationale for its exercise of discretion

Fed. R. App. P. 8, ...1-40

Fed. R. App. P. 15.....1-40

Fed. R. App. P. 21.....1-40

Fed. R. App. P. 23.....1-40

Fed. R. App. P. 41.....1-40

Fed. R. App. P. 30.....1-40

Fed. R. App. P. 40.....1-40

FEDERAL COURTS RULES AND PROCEDURES

B. This matter is now before the Court for a preliminary review of the petition pursuant to Rule 60(b) allows a district court to relieve a party from a final judgment for multiple reasons, several of which are expressly enumerated in Rule 60(b)(1)-(5). Included in these expressly enumerated reasons is "newly discovered evidence as well as;

1) Fed. R. Civ. P. 5.1.....1-40

2) Fed. R. Civ. P. 8.....1-40

3) Fed. R. Civ. P. 15.....1-40

3) Fed. R. Civ. P. 19.....1-40

4) Fed. R. Civ. P. 20.....1-40

5) Fed. R. Civ. P. 24.....1-40

6) Fed. R. Civ. P. 26.....1-40

7) Fed. R. Civ. P. 38..... 1-40

8) Fed. R. Civ. P. 45.....1-40

10) Fed. R. Civ. P. 53..... 1-40

11) Fed. R. Civ. P. 65.....1-40

12) Fed. R. Civ. P. 44.....1-40

13) Fed. R. Civ. P. 44.1..... 1-40

14) Fed. R. Civ. P. 57..... 1-40

IMMIGRATION CONPREHENSIVE REFORM ACT ("IRCA")

V. In most instances, the Court's precedents now instruct, the Legislature is in the better position to consider if ``'the public interest would be served'" by imposing a ``'new substantive legal liability without legislative aid and as at the common law" because we are convinced that Congress;

a) Is certainly in a better position to decide whether or not the public interest would be served by creating it; or enacting the laws or to attack discriminatory practices which is also sufficient ; or

b) To demonstrate injury-in-fact as he alleges and states that most of the statutes listed in this petition can not be retrieved while in custody of ("ICE") partners or in particular one ("MDC") operation, and;

i) As the evidence that the agencies fear liability in supporting in these cases for the claims of ["*Genocide*"] and ["*Trade secret*"], and; for defamation affect the public's determination as to this issue for

ii) The abolishing apartheid because the defendants did t have the requisite state of mind for aiding and abetting by violations of international human-rights law such as those that "prohibited;

iii) The proscription of genocide ["*by customary international law*"] has applied equally to state and non-state actors," and "acts of rape, ["***Torture***"], and summary execution . . . are actionable;

Iv) Under the ["FTCA"], without regard to state action, which he encounter severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as intimidating or

v) Coercing him, or for any reason based on discrimination of any kind and this is a civil action for trade secret misappropriation in which the plaintiff seeks to introduce evidence of the defendant's

1) By having taken proprietary, or by withheld evidence to protect the private institutions in the procedures of the ("FOIA") or without any substantial cause for their actions and the evidence will prevail;

2) While the agencies transferred him the several of their institutions, where he has been exposed to cancer by violated Safe Drinking Water Act ("SDWA") or by mean not providing clear water;

3) While in their custody in Texas or Oklahoma, another word the defendants exposed him to death penalty for long period of time as evidence for[" *imminent danger*"] within the meaning of the (PLRA);

c) The evidence will prevail on the merits" in determining class certification in a 1981 cases, that *Carey* "makes clear that in order to receive compensatory damages, individual plaintiffs has proving

1) That 'injury actually was caused by the defendants negligence by housing him for many years while in their custody for years, and refused to release the evidence to prove the public their actions;

2) All the time relevant to the controversies the agencies aware of the situation, but failed to correct them and additionally caused plaintiff more injuries by placing him in degrading treatment in all of the institutions,

3) Another word ["*Imminent danger*"] when evaluating all evidence in favor of the plaintiff in this case, the courts should not included him on the ("PLRA") for the reason to protect the defendants;

i) That is to say that the information sought to the ("FOIA") will reveal to the pubic that the agencies are engaged by placing ["*Deportable aliens*"] in specify institutions to cause them disease or the ("INA");

ii) Is promoting genocide, unless the defendants can proved the contrary the allegation are substantial for reliefs in light of the circumstances of the exclusion to the ("FOIA") by his classification;

iii) In light of the circumstances of this cases or even circumstantial of the evidence will surface; and we have never questioned the sufficiency of circumstantial evidence in support of a criminal conviction, and;

iv) Whether or not the agencies exclusion to the ("FOIA") is to protect the trade secret within their illegal contract with the private institution, which they can not denied that the constitutional violations

1) Or, conflict laws potential interpretations of the statutes in question for review, if whether or not the agencies contracts could be in violation of the statutes that is form the apartheid being alleged;

a) For instance Under 28 U.S.C 547, allowing the ("AUSA") to represent the United States in Judicial procedures, and certainly it will be in contradiction with congress to allow employees of the United States;

b) To represent Terrorism that is involved in serious crimes in contradiction with the (INA) by segregation individual based upon National origin, or claims that the defendants could not denied;

2) The agencies excluded ["*deportable Alien*"] to the ["FTCA"] by mean of their segregation with their illegal contracts, where their officials are not federal officials, it certainly not congress intent;

3) To exclude a group of individuals to as class to be excluded under the statutes; or as evidence is the proximate cause of the exclusion to the ("FOIA"), or another claims they can not justify;

4) The contract with the agencies with any other the private institutions is in violation of the contract clause that expresses a significant or deeply ingrained strand of public procurement policy is considered;

5)To be included in a contract by operation of law or part of the plaintiff classification by tacitly using the ("INA") to promote the acts or serious crimes in light of the circumstances for investigation;

6) As well as the equal protections of the laws," which means that there must be some "racial or perhaps otherwise class-based, invidiously discriminatory animus behind the conspiratorial action, and;

a) Those claims are to prove that the action by the agencies to restrict ["*deportable Alien*"] to the ("FOIA") has their personal objective, rather that their allegation that plaintiff has not exhausted;

b) his administrative procedures, and any allegation by the defendants is further evidence for his claim as pretextual unless they can prove the contrary, if whether or there is material of fact exist in the claims;

b) We ask the agencies if the plaintiff was not classified as ["*Alien*"] or ["*Animal*"] if the outcome of the procedures will be the same, or any other responded by the agencies must considered ‘

c) As Bad faith for the ("FOIA") violation as well as for them to refused to consider all factors in light of the circumstances as an activist should have had access as ll individual to the (FOIA) to proved his cases;

d) Here, the force behind his exclusion to the ("FOIA") that is clearly is status, and the agencies has no other burdens to prove the contrary to law" element, and they must specify the statute

e) That allow them to exclude an Activist that his intention is to shed the light of the criminal enterprise if not the defendants as another burdens if the (INA) could have been the forced; or

f) The evidence will prevail that the plaintiff is a victim of National origin discrimination which is prohibited regardless if classified as "["Alien"] or ["*Human*"], and those claims are substantial until;

g) The agencies can identify their action within the ("INA") as well his classification and aspects of individual readiness and set forth a policy permitting the agencies to exclude certain offenders from the procedures ;

1) We ask if the plaintiff met the standard for ["*unrelated matter*"] within is classification codify in the ("INA") while in custody of the ("BOP"), and it is appropriate to declared that the Both the ("INA");

2) As well as the ("BOP") policy are unconstitutional in light of the circumstances by promotions apartheid, we ask the court if the plaintiff is right in those claims for reviewing the evidence;

3) That is to say that the word ["*Alien"*] codified on his classification by the agencies is the force behind the exclusion to the ("FOIA") and the agencies must come forward to other explanation or

a) If evidence will prove if whether or not the plaintiff is right on the allegations are substantial for investigation in light of the circumstances for intervention, or to investigate the claims;

b) We ask the courts to compel the agencies to release all information required as the plaintiff intention is to prove that he is a victim of criminal enterprise by the defendants illegal practice; or

c) As pattern misconducts of human rights violations, or whether the plaintiff is among the unlucky few who are most vulnerable to abuse for his allegations that they are conspiring in crimes;

OPINIONS BELLOW

VI. The opinion of the court of appeal of the tenth circuit, which was unpublished, and was on [6-12-2019] ,and attached as appendix ,and the court denied the case based on the premature violation without evaluate the evidence of the plaintiff imminent Danger or being retaliated because of the allegation that the private institution involved in crimes, and lack of law library is the proximate cause of his violated rule 8 was not in his fault, and the petitioner should be entitle to equitable tolling for all of the cases that are part of the same controversies. *Simon v. E. Ky. Welfare Rights Org.*, 426 U.S. 26, *Summers v. Earth Island Inst.*, 555 U.S. 488, 492-93 (2009). The relief he seeks, then the right course on appeal is to take jurisdiction over the case, explain why that is so important to dismiss the case for lack of prosecution, and Rule 41(b) of the Federal Rules of Civil Procedure grants federal district courts the authority to *sua sponte* dismiss actions "if the plaintiff fails to prosecute or to comply with . . . a court order." Fed. R. Civ. P. 41(b); *Link v. Wabash R. Co.*, 370 U.S. 626, 629-31, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962). In determining whether dismissal for lack of prosecution is proper, a court must weigh several factors, including: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits." *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992)

JURISDICTION

VII. The jurisdiction of the court is invoke pursuant to 28 U.S.C. 1254 allows 'any' party, *including a prevailing party,* to petition for Certiorari. It also allows review whether or not a court of appeals has issued a final decision. All that is necessary is that a case be 'in' the court of appeals, and Under 28 U.S.C. 1251(b)(1), "[t]he Supreme Court shall have original but not exclusive jurisdiction of [a]ll actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties[.], and In federal courts the authority to grant a writ of *coram nobis* is conferred by the All Writs Act, which permits "courts established by Act of Congress" to issue "all writs necessary or appropriate in aid of their respective jurisdictions." 28 U.S.C. 1651(a). And the decision of the tenth circuit for which he is seeking review was issued in accordance with the applicable laws in *Missouri v. Jenkins*, the Supreme Court held that the ninety-day time limit for filing a petition for Certiorari in a civil action, set forth in 28 U.S.C. 2101(c), is not subject to equitable tolling. 5 495 U.S. at 45. We stated in *Bailey* that we read *Missouri v. Jenkins* in light of *Irwin* to mean that time of review statutes cannot be equitably tolled where Congress has provided contrary intent. *Bailey*, 160 F.3d at 1367. We found that such intent was present in the case of 2101(c) because Congress had added a sixty-day good cause exception to the ninety-day time limit in the statute. *Id.* Because Congress specifically included a good cause exception, we stated that Congress "expressed intent to shield the statute from equitable tolling, however, it must be available for the violation of rule 8 who is prevented from filing because of

deception, fraud or error, and exercised due diligence in discovering such circumstances. *Ghahremani v. Gonzales*, 498 F.3d 993, 1000 (9th Cir. 2007) (due diligence shown where petitioner demonstrated "steadfast pursuit" of his case). The fifth circuit has previously concluded that the GVR 28 U.S.C. 2106 (allowing modification of judgment); *see* *United States v. Ramos-Bonilla*, 558 F. App'x. 440, 442 (5th Cir. 2014). The district court also must correctly determined that if the government's search fulfilled its obligations under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552, et seq. The government submitted a reasonably detailed declaration showing that it "made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested." *Mobley v. CIA*, 806 F.3d 568, 580, (D.C. Cir. 2015). The plaintiff allegation allegations of bad faith and is that the documents he sought could be withheld by the defendants because of his allegation, and circumstantial evidence is sufficient to overcome the presumption by mean of retaliation. *Watison v. Carter*, 668 F.3d 1108, 1114 (9th Cir. 2012). As he identified a constitutionally protected liberty or property interest sufficient to support a due process claim under 1983. *See Nunez v. City of Los Angeles*, 147 F.3d 867, 871 (9th Cir. 1998). he has allegedly that he was either a member of a protected class or treated differently from other similarly situated individuals without any rational basis for the disparate treatment, or something that the defendants can not denied in light of circumstances. *See Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564, 120 S. Ct. 1073, 145 L. Ed. 2d 1060 (2000) (per curiam); *Lee v. City of Los Angeles*, 250 F.3d 668, 686-87 (9th Cir. 2001).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

VIII. The Supreme Court has the cautioned that to overturn based on allegation that are ambiguous that can be identified under the circumstances of this cases by considering the legislative history is permissible only if there is ambiguities in statutes within an agency's jurisdiction;

a) To administer are delegations of authority to the agency to fill the statutory gap in reasonable fashion by filling these gaps involves difficult policy choices that agencies are better equipped;

b) The problem for the ("FOIA"), however itself contains nothing that would allow the agencies to withhold record simply to aggregate decision against an activist his decision is to shed the light of the Criminal enterprise, and;

c) Here, Federal Correctional facilities are not related matter under the act in conjunction with the ("INA"), and the agency denied his fee waiver requires protecting the trade secret in violation of criminal laws, and

d) We ask id the controversies represent the same substance related matter to declare that the ("FOIA), ("INA) and ("PLRA") are conflicting, because they are the proximate cause of the agencies excluded him to base upon his classification of "Deportable Alien" or in violation of the applicable laws, and;

1) Here the agencies seem to use his Status as [Alien"] to exclude him in the ("FOIA") request without any substantial objective; it is the forced behind the exclusion, unless they can define the word "unrelated matters", and

2) If the District court relieved that the petitioner addressed a relevant issues on his motion under 28 C.F.R 16.10 (b) and motile requests involved different intuitions are unrelated matter and they should not be aggregated , unless they can justified;

3) He has demonstrate that the disclosure of the information is in the interest of his movement of abolishing crimes against humanity that is likely will contributed to the significantly of the public to understand of the operation of the apartheid or even the criminal activities, and not to excluded the trade secret being alleged;

4) the above policy and statutes in question creating a conflict against an activist his intention is to proved by clear and convincing of the evidence that he is a victim of secretive crimes, and his intention is to shed the light of that enterprise against Deportable aliens" and;

5) Those allegations are evidence in accordance with the word imminent Danger, which the plaintiff has been exposed to Criminal enterprise, and would directly conflicting with congress intent under 28 U.S.C 1915 (g) and 8 U.S.C 1101 (a) (15) (U) (III), and;

a) In this cases, it would be clear that congress did not intent that additional consequences against a witness or victim of crimes, that the evidence has been established to classified the privatization scheme as Terrorism actors; and

b) Congress intent is clear on the question matters, in view because retaliation against a victim for to be exclude from removal proceeding as well as section 1915 (g) of the (PLRA), or does not apply to immigration detainees. See 42 U. S. C. 1997e (h); and;

c) As the evidence for proceeding ("IFP") that he is showing of Imminent danger of serious physical injuries of the time he has file the notice of appeal, or his motions in the controversies allegations across the country, and:

1) To that extent we questioning if the irreparable Harms is not synonym with Imminent danger as a rights under the constitutions for a person not for an individual are not classified as class of one by the defendants;

2) If not then there is a conflict between those two word that is codifying in the ("INA") as well as the ("FOIA") and the ("PLRA"), which is the proximate cause of the plaintiff injuries in connection with the conduct

3) Therefore, any conflict between laws as evidence the above laws must be declared unconstitutional because they are promoting arbitrary action in light of the circumstances of the defendant's failure; or

4) He is being classified as a suspect class by the judicial system as well as the defendant because of his allegations, and are motivated by animus or malicious intent, there is a constitutional violation;

5) Thus, the plaintiff is relying on his incarceration record as evidence to prove that the allegation is substantial, and be supporting by both circumstantial evidence , and direct evidence for the defendants exclusion;

STATEMENT OF THE CASES

IX. The Issues raised in a brief that are supporting by arguments are deemed necessary. Furthermore, the issues referred to his are statement of the cases but also discussed in the body of the opening brief for clarification as follow;

1) Along with this motion is this *motion for to proceed in forma pauperis* in accordance of the supreme court rule without the prepayment of the cost, and to which the plaintiff should not be classified under section 1915 (g) as victim of Crimes; and

2) On or about May 31, 2019 the District Court of the northern of California granted the plaintiff to proceed in forma pauperis with the same allegation that the plaintiff was suffered from

i) As the evidence in these cases is presenting to this court for evaluating the constitutional violations and imminent danger in accordance with congress intent has supplied a clear and unambiguous answer to the interpretive question at hand

ii) Thus the defendants exclusion to the ("FOIA") without any justification, but his National origin that is something that congress did not indented under the exemption clause or to be interpreted to restrict;

iii) The evidence is substantial in the record that the defendants violated his constitutional rights, as well denied him access to the courts because, the information sought need for pleading his cases in accordance with the applicable rules;

a) To that extend we questioning if ["*irreparable harms*"] is not synonym with ["*imminent danger*"], as a right under the constitution for prisoners not being abused by prison officials or retaliation;

b) If not then, there is a conflict between both words, or conflicting with the constitution as evidence that the constitution is prohibited them agencies to engaged in arbitrary action, or violation of laws;

c) Even for being classified as suspect class, or being labeled as prolific litigant by the judicial system, or act of injustice by failing to apply faithfully conform to existing constitutional law;

1) Thus, the defendants excluded him to the ("FOIA") without any substantial caused, something that congress was not intended for witness of criminal activities to be excluded to access to the courts, and;

2) The evidence is substantial that this petition states factual allegations even without his legal properties being withheld by the agencies to protect their illegal activities, or another word they are withed evidence;

3) Nothing that congress intent was to exposed the plaintiff to criminal activities without any further investigation by the agencies for their action by exposed to imminent danger being alleged in the controversies;

REASONS FOR GRANTING THE WRIT

X. As the Supreme Court has the last word, under the circumstances, and if we must satisfied that the plaintiff has established that the appellate court judgment is plain error Under the plain error standard, the plaintiff has demonstrate that: "(1) there is an error; (2) the error is clear or obvious, rather than subject to reasonable dispute; (3) the error affected his substantial rights, which in the ordinary case means it affected the outcome of the district court proceedings; and (4) the error seriously affect[ed] the fairness, integrity or public reputation of judicial proceedings. *Flores-Ortega*, 528 U. S., at 483, and for this court to intervene in the various constitutional violations which demonstrates congress intent for the enactment of the acts,, with the challenge that this courts duty is to be considered this cases as they applied only in this actions involving the courts original jurisdiction under Article I.II. III of the constitution of the United States and to resolve disagreement among other lower courts about the specific legal question and the nature strength of the public interest as preliminary injunction is an "extraordinary remedy" and is appropriate only when the party seeking the injunction "establish[es] that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v.*

Natural Res. Def. Council, Inc., 555 U.S. 7, 24, and to server the statutes as evidence by the legislature's factual finding for congress to intervene in the alleged constitutional violations that is promoting Apartheid within the nations, and from this case for a number of reasons for granting the writ [**1**] because a conspiracy by its very nature is a secretive operation, and it is a rare case where all aspects of a conspiracy can be reveals, the defendant intention is to withheld evidence of the trade secret exemption to FOIA states, "[t]his section does not apply to matters that are (4) trade secrets and commercial or financial information obtained from a person and privileged and confidential." 5 U.S.C. 552(b). "In order to invoke Exemption 4 in the Ninth Circuit, the government agency must demonstrate that the information it sought to protect is (1) commercial and financial information, (2) obtained from a person or by the government, (3) that is privileged or confidential." Watkins v. U.S. Bureau of Customs & Border Prot., 643 F.3d 1189, 1194 (9th Cir. 2011) [**2**] these violations, according to him, are "unconstitutional policies and practices that denied [him] access to court and substantive due process rights. Compl. at i. Without adequate legal material [**3**] when federal law is at issue and the public interest is involved, federal courts equitable powers assume an even broader and more flexible character than when only a private controversy is at stake. *Porter v. Warner Holding Co.*, 328 U.S. 395, [**4**] and the interest of justice merits correction of the error should be allowed is a decision for the Congress to make, not the courts . *Sawyer v. Whitley*, 505 U.S. 333, and the plaintiff has demonstrates a robust causal connection between the defendant's challenged policy and the disparate impact on the protected

class, and the, the defendant has the burden of persuasion to state and explain the valid interest served by their policies. *Wards Cove Packing Co., Inc. v. Atonio*, 490 U.S. 642, [5] It was not required to find any mitigating factor based on that evidence when exposed to danger theory which renders the government liable "if it created or exacerbated the danger" of private violence. *Bustos v. Martini Club Inc.*, 599 F.3d 458, 466 (5th Cir. 2010). But if ever a case could be said to present an official abuse of power so arbitrary as to shock the conscience, from what we have already said in regard to the affirmative-misconduct requirement of petitioner's procedural due process claim, it should be evident that his substantive due process claim based on the same conduct must prevail Indeed, this court has specifically acknowledged that government action causing delay in his legal procedures. *Doggett*, 505 U.S. at 656. O]fficial bad faith in causing delay will be weighed heavily against the government," resulting in dismissal if the delay is significant .*United States R.R. Ret. Bd. v. Fritz*, 449 U.S. 166, 179, 101 S. Ct. 453, 66 L. Ed. 2d 368 (1980). The very nature of a conspiracy frequently requires that the existence of an agreement be proved by inferences from the conduct of the alleged participants or from circumstantial evidence of a scheme. The government does not have to prove that the defendant knew every detail or participated in every aspect of the conspiracy, only that the defendant knew of the essential nature of the conspiracy. U.S. v. Abbell, 271 F.3d 1286, 1299 (11th Cir. 2001).This provision makes it "unlawful for any person to conspire to violate" RICO's criminal prohibitions. 18 U.S.C. 1962(d). "The touchstone of liability is an agreement to participate in a RICO conspiracy, which may be shown in two ways: (1) showing an

agreement on the overall objective of the conspiracy, or (2) showing that a defendant agreed to commit personally two predicate acts, thereby agreeing to participate in a 'single objective.'" U.S. v. Browne, 505 F.3d 1229, 1264 (11th Cir. 2007) If the [plaintiff] can prove an agreement on an overall objective, it need not prove a defendant personally agreed to commit two predicate acts. . . . In the absence of direct evidence of an agreement on an overall objective, the [plaintiff] may prove such an agreement through inferences from the conduct of the alleged participants or from circumstantial evidence of a scheme,. . . amounting to evidence that each defendant necessarily must have known that the others were also conspiring to participate in the same enterprise through a pattern of racketeering. *Williams v. Mohawk Indus., Inc. (Mohawk II)*, 465 F.3d 1277, 1286-87 (11th Cir. 2006). Because the agencies misrepresented the evidence in, and withheld evidence from the administrative record that had been submitted, where the Fifth Circuit said "impermissibly withheld evidence must be either (1) material and exculpatory or (2) only potentially useful, in combination with a showing of bad faith on the part of the government. *United State v. Moore*, 452 F.3d 382 (5th Cir. 2006) this court must reviewed the administrative record de novo without according deference to the decision of the district court. A court must hold unlawful and set aside agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. 5 U.S.C.S. 706(2)(A). The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency. *Vermont Yankee*, 435 U. S., at 549, failure to do otherwise would violate ``the very

basic tenet of administrative law that agencies should be free to fashion their own rules of procedure *Shady Grove Orthopedic Associates, P. A.* v. *Allstate Ins. Co.*, 559 U. S. 393, 406-407, 130 S. Ct. 1431, 176 L. Ed. 2d 311 (2010) (``In the Rules Enabling Act, Congress authorized this Court to promulgate rules of procedure subject to its review, 28 U. S. C. 2072(a),, and as here the plaintiff has proving by establishing the defendants knowledge or reckless disregard the situation to protect their interest by using the (FOIA) as a tool to restrict him of the risk of causing such terror or inconvenience and delay by the defendant's important constitutional right to the courts of his choices or he is denied the opportunity to present to the judiciary allegations concerning violations of fundamental constitutional rights. *Red Lake Band of Chippewa Indians v. United States*, 800 F.2d 1187, 1196, 25 (D.C. Cir. 1986) ("An employee of the government acting beyond his authority is not exercising the sort of discretion the discretionary function exception was enacted to protect."); *Birnbaum v. United States*, 588 F.2d 319, 329 (2d Cir. 1978) ("An act that is clearly outside the authority delegated cannot be considered as an abuse of discretion. *Barnhart* v. *Walton*, 535 U.S. 212, 222, 122 S. Ct. 1265, 152 L. Ed. 2d 330 (2002) (noting that he has"indicated that whether a court should give *[Chevron]* deference depends in significant part upon the interpretive method used and the nature of the question at issue"). The Administrative Procedure Act draws a similar distinction in providing that courts "shall decide all relevant questions of law [and] interpret constitutional and statutory provisions" but shall review "agency

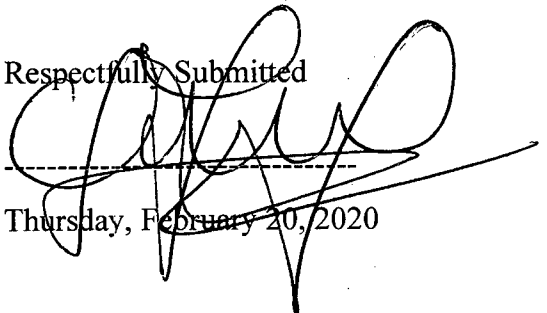
action, findings, and conclusions" under the arbitrary and capricious/abuse-of-discretion standard. 5 U.S.C. 706.

CONCLUSION

WHEREFORE, that conclusion allowed us to avoid another, more categorical question and is thus dependent upon the specific facts of the cases by declaring that the ("INA"), ("PLRA") ("FOIA") ("IRC") ("MSSA") ("CJA") are so punitive without the due process, and demanding for injunction while the proceeding in this cases across the country to prove that there several ambiguities within those laws that are promoting mass deportation against Lawful Permanent Resident ("LPR") that appears to have their first time offense should have had a second chance before they even go to the removal proceeding, and for the issuance of Enacting ;["*THE ANT FEAR JUSTIFICATION ACT*"] ["*TAJA*"]or ["***IMMIGRATION COMPREHENSIVE REFORM ACT***"] ("*IRCA*") and for their ratification into the ["*THE AND PUNITIVE ACT*"] ("RPA") or ["*The ANT ACT*"], and for the court to notify congress to initiating procedures for the enacting the laws , as well as for the agencies to intervene in all the procedures while the plaintiff is proving his case thorough the judicial channel , and all those case are part of the same controversies being alleged for the various statutes that are conflicting or whether contains the various ambiguities that effecting family unity in this country for the purpose of Benefiting Privatization Scheme (BPS) , which must be abolish the apartheid for the sake of ["*IN GOD WE TRUST*"], well for the courts to declare that the appellate court decision was abusive without considering the evidence of being

challenging ["**Domestic Terrorism Actors**"] ("DTA") or the private institution where the interests are in the line if there is no more Mass Deportation and Re-entry will not be as frequently, which is a matter of trade, and for the court to consider all relief requested that are part of the motions in all cases of the controversies across the country since the time the plaintiff is being filed so many motions, and to compel all the courts across to process the cases while the plaintiff asking for injunction for access to resources to perform such complex litigation, and any other relief's the courts might find just and proper in light of the circumstances is for abolishing apartheid, Mass Deportation and Mass incarceration against First-Time offenders and Non-Violent the opportunity to prove themselves that no Human being are perfects, regardless what land they were Born, except in situation of serious Criminal which have not defined.

Respectfully Submitted



Thursday, February 20, 2020

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