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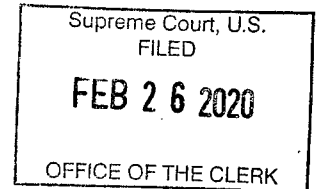
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IN THE

SUPREME COURT OF THE UNITED STATES ORIGINAL

IN RE ANTONIO DAMARCUS WOODSON



ON PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS AND
WRIT OF PROHIBITION TO THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF FLORIDA - JACKSONVILLE DIVISION AND
FOR THE NORTHERN DISTRICT OF FLORIDA - PENSACOLA DIVISION.

PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS AND WRIT OF PROH-
IBITION

ANTONIO D. WOODSON
DC # 0-D90511
SUWANNEE CORRECTIONAL INSTITUTION
5964 US HIGHWAY 90
LIVE OAK, FLORIDA 32060
PRO SE

QUESTION(S) PRESENTED

- ① WHETHER OR NOT THE JURISDICTIONAL REQUIREMENTS UNDER 28 USC § 2284(b)(3)(1), 2072 (FED. CIV. P. - 7(b)(1)(C), 8(a)(3), 9(c)-(e)) THE PLAINTIFF HAD A RIGHT TO ^{HAVE} THE ACTIONS OF A SINGLE DISTRICT JUDGE REVIEWED BY A "FULL (DISTRICT) COURT" BEFORE "FINAL JUDGMENT" AND WAS THE PLAINTIFF DENIED HIS RIGHT TO THE CONVENING OF A THREE-JUDGE DISTRICT COURT AND A DIRECT APPEAL TO THIS COURT?
- ② WHETHER OR NOT UNDER 28 USC § 2201(a), 2284(b)(3), 2072 (FED. CIV. P. - 7(b)(1)(C), 8(a)(3), 9(c)-(e)) A SINGLE DISTRICT JUDGE HAD AUTHORITY TO SUA SPONTE DISMISS AND WHETHER UNDER 28 USC § 1291, THE COURT OF APPEALS HAD JURISDICTION ON APPEAL, TO ENTERTAIN THE ACTIONS ON THE MERITS? IS A SUA SPONTE DISMISSAL A "FINAL JUDGMENT" UNDER 28 USC § 2284(b)(3) v. FED. CIV. P. - 41(b) (CONFLICT)?
- ③ WHETHER OR NOT UNDER 28 USC § 1915(b)(4); 42 USC § 1981, 1997; THE "THREE-STRIKES" PROVISION OF THE PRISON LITIGATION REFORM ACT (PLRA) 42 USC § 1997e(c); 28 USC § 1915(g) IS UNCONSTITUTIONAL "AS APPLIED" WHERE IT EFFECTIVELY BARS A PROSE PRISONER LITIGANT PROCEEDING IN FORMA PAUPERIS (SUSPECT CLASSIFICATION - WEALTH) HIS VESTED RIGHT TO ACCESS TO THE COURTS AND CONSTITUTES A RETROACTIVE LAW AND PENAL STATUTE?
- ④ WHETHER OR NOT UNDER 42 USC § 2000dd; § 1997i, § 1981; 18 USC § 2340(c); 5 USC § 301, 706(2), PRISON OFFICIALS' DISCIPLINARY PRACTICE OF PLACING A PRISONER IN A "EMPTY CELL" WITH JUST HIS BOXERS TO COVER HIMSELF (NO "BASIC HUMAN NECESSITIES"), FOR AN ALLEGED RULE INFRACTION, WHERE STATE LAW AND STATE-WIDE REGULATIONS (FSA 944.091(D)(C), (3); FAC 33-601.314, 601.800(D)(C)) DO NOT AUTHORIZE THE PUNISHMENT IMPOSED FOR THE RULE INFRACTION ALLEGEDLY VIOLATED, PRIOR TO RECEIVING A DISCIPLINARY REPORT (NOTICE) AND A HEARING ON THE ALLEGATIONS (OPPORTUNITY TO BE HEARD) UNCONSTITUTIONAL?
- ⑤ WHETHER OR NOT UNDER 18 USC § 241, 371, 1961(D)(B), 1962(C), THE ACTIONS OF ALL THE JUDGES INVOLVED IN THE APPLICANT'S CIVIL SUITS BROUGHT AGAINST STATE PRISON OFFICIALS ESTABLISH A "PATTERN OF RACKETEERING ACTIVITY" AND A "CONSPIRACY"? AN ISSUE OF LAW.

[A]

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

UNITED STATES DISTRICT JUDGES - MIDDLE DISTRICT - JACKSONVILLE, FLORIDA

CORRIGAN, TIMOTHY J.

CASE NO. 316 CV 00469 ; 317 CV 00255

DAVIS, BRIAN J.

316 CV 00638

SCHLESINGER, HARVEY

316 CV 00149 ; 316 CV 00470

UNITED STATES DISTRICT JUDGES - NORTHERN DISTRICT - PENSACOLA, FLORIDA

M. CASEY, RODGERS

CASE NO. 3:17-CV-00196-MCR-CJK

KAHNOR, CHARLES J. - MAGISTRATE JUDGE

UNITED STATES CIRCUIT JUDGES - ELEVENTH CIRCUIT - ATLANTA, GEORGIA

CARNES, JULIE

CASE NO. 16-16744-A

HULL, FRANK M.

16-13278

JORDAN, ?

16-13370-A

MARCUS, ?

16-11388-B

PRYOR, WILLIAM

16-11388-B, 16-13278, 16-13370-A

ROSENBAUM, ROBIN S.

16-11388-B, 16-13370-A

TJOFLAT, ?

16-13278, 16-16744-A

WILSON, ?

16-16744-A

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>AKINS v E.I. DUPONT</u> 335 US 331 (1948)	9
<u>BAXTER v PALMIGIANO</u> 425 US 308 (1976) at 321-322	5, 8
<u>BELL v HOOD</u> 327 US 678 (1946) at 685	11 11
<u>BRIDGERUP v PATHE. EXCH. INC., et. al.</u> 263 US 291 (1923) at 305	8, 2, 6
<u>BIVENS v SIX UNKNOWN NAMED AGENTS</u> ... 403 US 388 (1971) at 389, 397, 409	9, 2
<u>BONDIE v CONNECTICUT</u> 401 US 371 (1971), at 379, 381-382	6, 9, 13
<u>BOWDYS v SMITH</u> 480 US 817 (1977) at 821, 822, 825	6
<u>BURTON v WILMINGTON PARKING AUTHORITY</u> 365 US 715 (1961)	7
<u>CAREY v PIPHUS</u> 435 US 247 (1978) at 266	6, 9
<u>ELKINS v US</u> 364 US 206 (1960) at 223	7
<u>ESTELLE v GAMBLE</u> 429 US 97 (1976) at 103-104	6, 8
<u>EX PARTE ABOW</u> 247 US 27, 28 (1919)	2, 8
STATUTES AND RULES	
⑤ USC § 301, 701-706(2)	3, 6
18 USC § 241, 242, 371, 1341, 1503, 1952(a)(3), 1961(1)(B)-1968, 2340, 4081	12, 10, 6, 3, 4, 7, 8
28 USC § 1251, 1253, 1651, 1654, 1738, 1915, 2072, 2101, 2201, 2284, 2671-2680, 1491, 1912, 1927	2, 3, 4, 6 8, 9, 10, 11, 12
③1 USC § 3729-3733	3, 10, 12
42 USC § 1981, 1983, 1985, 1986, 1997e, 1997i, 1997j, 2000dd	9, 8, 3, 4, 6, 7, 10
<u>FEDERAL P.</u> - 5.1(d), 8(a), (e), 9(c)-(e), 12(h)(3), 15(c)(1)(A), (B), 18, 42(a), 52(a), 54(c), (d)(1), 11(c)(4)(b)	4, 6, 5, 9
55(c), 56(c), (e)(2), 57, 65, 60(b)(4), (6), (d)(1)(3), 41(b)	10, 11, 12
<u>SUPREME COURT RULE</u> - 203(a), 18.1, 273, 10(a), (c)	4, 5, 7, 10
<u>JUDICIAL CODE</u> § - 238, 237, 128, 122, 262, 266, 267, 274d	11, 2, 3
OTHER	
<u>CONST. LAW</u> - 798, 921, 951, 956, 960, 967, 980, 992, 1073, 1440, 2311-2324, 2648-2654, 2352, 3471, 4026	2, 5, 6, 7
<u>COURTS</u> - 4, 228, 245, 247, 88, 90(S), 225.5, 225.6, 95.3, 555	8, 9 10, 11, 7, 10
<u>JUDGMENT</u> - ⑤	10
<u>STATUTES</u> - 21	5, 9, 13
<u>CRIMINAL LAW</u> - 78, 79	8
<u>RULE OF COURT</u> - 2, 1	9, 10, 13

TABLE OF AUTHORITIES CITED

<u>CASES</u>	<u>PAGE NUMBER</u>
<u>EX PARTE US</u> 287 US 241 (1932) at 245-246, 247-248	<u>8, 2</u>
<u>FIRST NAT. BANK OF AZ. etc V CITIES SUC. CO.</u> 391 US 253 (1968) at 289	<u>7, 11</u>
<u>GOOSBY V OSSER</u> 409 US 512 (1973)	<u>7</u>
<u>HAINES V KERNER</u> 404 US 519 (1972) at 520-521	<u>6</u>
<u>HEWITT V HELMS</u> 459 US 460 (1983) at 471-472	<u>6, 9</u>
<u>HODE V PELZER</u> 536 US 730 (2002)	<u>6</u>
<u>HUDSON V MC MILLIAN</u> 503 US 1 (1992) at 16	<u>6, 9</u>
<u>INEWILL BON VOYAGE LTD CORP. V EPSTEIN</u> 370 US 713 (1962) at 715	<u>5</u>
<u>KELSER V UTAH DEPT. OF PUB. SAFETY</u> 369 US 153 (1962) at 177	<u>5</u>
<u>MAINE V THIBOUTOT</u> 448 US 1 (1980)	<u>6</u>
<u>MATTHEWS V ROBERS</u> 284 US 529 (1931)	<u>4</u>
<u>MORRIS V PAPE</u> 365 US 167 (1961) at 172, 190-191	<u>6</u>
<u>MULLANE V CENTRAL HANOVER TRUST CO.</u> 339 US 306 (1950) at 318	<u>9, 13</u>
<u>NETZKE V WILLIAMS</u> 490 US 319 (1989)	<u>5</u>
<u>ONEIL V VERMONT</u> 144 US 373 (1892)	<u>6</u>
<u>PENNSYLVANIA D.O.C. V YESKEY</u> 524 US 206, 212 (1998)	<u>6, 9</u>
<u>SCHUEER V RHODES</u> 416 US 232 (1974)	<u>5</u>
<u>SHELLEY V KRAEMER</u> 334 US 1 (1948) at 11, 14, 20	<u>7</u>
<u>US ALKALI EXP. ASSN V US</u> 325 US 196 (1945) at 202	<u>2</u>
<u>US V GRIFFIN</u> 303 US 226 (1938)	<u>2</u>
<u>US V OPPENHEIMER</u> 242 US 85 (1916)	<u>10</u>
<u>WOLFF V McDONNELL</u> 418 US 539 (1974) at 558, 568	<u>5, 6, 8</u>
<u>WORLDWIDE VW CORP. V WOODSON</u> 444 US 286, 292 (1980)	<u>10</u>

OTHER

<u>CONST. LAW</u> - 3452, 3457, 4821, 4823, 4824, 514, 786	<u>12</u>
<u>SENTENCING AND PUNISHMENT</u> - 1434, 1482, 1550, 1532, 1548	<u>6, 8</u>
<u>CIVIL RIGHTS</u> - 1461, 1463, 1465, 125	<u>9</u>
<u>FEDERAL COURTS</u> - 1008	<u>6</u>

RICO STATEMENT

THE PETITIONER BRINGS THIS ACTION AGAINST THE UNITED STATES CIRCUIT AND DISTRICT JUDGES FOR THE ELEVENTH CIRCUIT (DEFENDANTS NAMED), PURSUANT TO THE RICO ACT 18 USC § 1961-1968, TUCKER ACT 28 USC § 1491, FEDERAL TORT CLAIMS ACT (FTCA) 28 USC § 2671-2680, CIVIL RIGHTS ACT(S) 42 USC § 1983, 1985, 1986, FALSE CLAIMS ACT (FCA) (31 USC § 3729-3733, CLAYTON ACT, SHERMAN ANTI TRUST ACT (SATA) 15 USC § 15, FLORIDA CIVIL REMEDIES FOR CRIMINAL PRACTICES ACT (FCR/FCPA) FSA § 772.101-772.104 AND OTHER ACTS OF CONGRESS 18 USC § 241, 242, 371, 1001, 2071. WITH CLAIMS OF ABUSE OF PROCESS (AOP), BREACH OF CONTRACT (BOC), BREACH OF DUTY (BODY), BREACH OF TRUST (BOT), DECEIT, FRAUD, DENIAL OF DUE PROCESS OF LAW, DENIAL OF EQUAL PROTECTION OF LAWS AND LEGAL MALPRACTICE FOR DAMAGES IN THE AMOUNT OF SIX-HUNDRED THIRTY-THREE MILLION DOLLARS (\$633,000,000.00) AUTHORIZED UNDER THE ACTS OF WHICH THE ACTION WAS BROUGHT.

THE DEFENDANTS, THROUGH THEIR ACTIONS/OMISSIONS, HAVE DEMONSTRATED A "PATTERN OF RACKETEERING ACTIVITY" (PORA) OR OTHERWISE "ONGOING VIOLATION OF FEDERAL LAW" IN THEIR HANDLING OF, WHICH CLEARLY RELATES BACK TO, THE PETITIONER'S SIX (6) ACTIONS BROUGHT AGAINST STATE PRISON OFFICIALS CHALLENGING THE ACTS OF PRISON OFFICERS AND STATE LAW/STATE-WIDE REGULATION AUTHORIZING SUCH ACTS AS UNCONSTITUTIONAL. THE ACTS OF THE DEFENDANTS IN THE INSTANT ACTION WERE AUTHORIZED BY ACTS OF CONGRESS WHICH ARE BEING CHALLENGED AS UNCONSTITUTIONAL "AS APPLIED". THE ANTI-INJUNCTION ACT (AIA) 28 USC § 2284(b)(1)(3), THE "THREE-STRIKES" PROVISION OF PRISON LITIGATION REFORM ACT (PLRA) 42 USC § 1997c(c)(1); 28 USC § 1915(e)(2)(B)(i), (c)(9) AND THE IMPOSITION OF "SANCTIONS" FED. CIV. P. 11(c)(1)(B); CONST. LAW-3987. THE SIX (6) ACTIONS BROUGHT AGAINST STATE PRISON OFFICIALS WERE DISMISSED EITHER AS "FRIVOLOUS" OR PURSUANT TO THE "THREE-STRIKES" PROVISION OF (PLRA). ON APPEAL THE ACTIONS WERE EITHER AFFIRMED OR DISMISSED OR RETURNED (NOTICE OF APPEAL) BY THE CLERK OF THIS COURT (MAY 23, 2017)

ACCORDING TO THE ACTS OF CONGRESS AND PREVIOUS DECISIONS OF THIS COURT ON THE SAME-SUBJECT-MATTER THE FACTS ALLEGED AND THE RELIEF SOUGHT, IN THE ACTIONS BROUGHT AGAINST STATE PRISON OFFICIALS, WERE SUFFICIENT TO AVOID A SUA SPONTE DISMISSAL AND REQUIRE THE CONVENING OF A THREE JUDGE DISTRICT COURT. 28 USC § 2072 (FED. CIV. P. 8(a), (e), 65, 5.1(c)); 28 USC § 2284(b)(1) ▲ HAINES V KERNER 404 US 519 (1972); NETZKE V WILLIAMS 490 US 319 (1989) ▲ STRATTON V. ST. L. S.W. R. CO. 282 US 10 (1930); INVENTED BEN YOUNG LIQUOR CORP. V EPSTEIN 370 US 713 (1962) at 715 COURTS-22.5, 88. THE INSTRUCTIONS ON THE 42 USC § 1983 COMPLAINT FORM CLEARLY STATE THAT NO LEGAL ARGUMENTS ARE TO BE ADVANCED AND NO AUTHORITY IS TO BE CITED.

RICO STATEMENT

STATE JUST THE FACTS IN SUPPORT OF YOUR CLAIMS WHICH ENTITLE YOU TO THE RELIEF SOUGHT. FEDRCP-8(a)(e); 28 USC § 1915(a)(d). • THE SINGLE DISTRICT JUDGES LACKED AUTHORITY TO SUA SPONTE DISMISS (SSD) AND THE COURT OF APPEALS LACKED JURISDICTION ON APPEAL TO ADJUDICATE THE MERITS OF PETITIONER'S CONSTITUTIONAL CLAIMS WHICH THEY ALL KNEW OR REASONABLY SHOULD HAVE KNOWN ("LEGAL PROFESSIONALS"). • UNDER THE PLAIN COMMAND OF THE ACTS OF CONGRESS (28 USC § 2072 (FEDRAPP-27(c)); 28 USC § 2284(b)(3)) THE PETITIONER HAS A RIGHT TO HAVE THE ACTIONS OF A SINGLE JUDGE REVIEWED BY A "FULL (DISTRICT) COURT" BEFORE FINAL JUDGMENT. (FEDRCP-41(b)). • A (SSD) IS A FINAL JUDGMENT. • U.S. V. OPPENHEIMER 242 US 85 (1916) at 87-88 • UNDER THE DUE PROCESS CLAUSE (PROCEDURAL) THE PETITIONER HAS A RIGHT TO NOTICE AND AN OPPORTUNITY TO BE HEARD PRIOR TO THE IMPOSITION OF SANCTIONS. (APPLICATION/ENFORCEMENT OF THE "THREE-STRIKES" PROVISION OF (PLRA)). • CONST. LAW - 3456, 3953, 3987; • USCA CA-5, 14; • FEDRCP-11(c)(1) • CHAMBERS V. NASCO, INC. 501 US 32 (1991) at 49

• NO THREE JUDGE DISTRICT COURT WAS EVER CONVENED IN ANY OF THE ACTIONS
» (CASE NO. 316 CV 00149 / APPEAL NO. 16-11388-B; 316 CV 00469 / 16-16744-A; 316 CV 00470 / 16-13278-AA; 316 CV 00638 / 16-13370-A; 317 CV 00255 / 17-11355; 317 CV 00196) BROUGHT AGAINST STATE PRISON OFFICERS AND NO REVIEW OF THE ACTIONS OF THE SINGLE DISTRICT JUDGES BY A "FULL (DISTRICT) COURT" WAS EVER PROVIDED BEFORE FINAL JUDGMENT (SSD) NOR THEREAFTER. • 28 USC § 2284(b)(3); 28 USC § 2072 (FEDRAPP-27(c); FEDRCP-65, 51(d), 9(c)-(e)). • THE DISCRETIONARY AUTHORITY OF A SINGLE DISTRICT JUDGE UNDER 28 USC § 2284(b)(1); § 1915(e)(2)(B)(i); 42 USC § 1997e(c)(1) IS UNCONSTITUTIONAL "AS APPLIED" • CONST. LAW 992 WHERE NO PROCEDURAL SAFEGUARDS ARE IN PLACE TO PREVENT ARBITRARY ACTS OR OTHERWISE AN ABUSE OF DISCRETION (AOD) BY A SINGLE DISTRICT JUDGE. • STATUTES-21; • RULE OF COURT-2 - VALIDITY - APPLICATION. (A STATUTE OR RULE MAY BE CONSTITUTIONALLY INVALID "AS APPLIED" WHEN IT OPERATES TO DEPRIVE AN INDIVIDUAL OF A PROTECTED RIGHT EVEN THOUGH ITS GENERAL VALIDITY AS A MEASURE ENACTED IN THE LEGITIMATE EXERCISE OF GOVERNMENT POWER IS BEYOND QUESTION.) • MULLANE V. CENTRAL HANOVER TRUST CO. 339 US 306 (1950) at 318 • BONDI V. CONNECTICUT 401 US 371 (1971) at 379 • ARTICLE 1 § 8 CL 18; • CONST. LAW - 2340; • USCA CA 9, 5, 14

• A GOVERNMENT ACTS BY AND THROUGH ITS AGENTS, OFFICERS AND EMPLOYEES. THERE IS NO SOVEREIGN IMMUNITY (SI) WHERE THE GOVERNMENT HAS CONSENTED TO BE SUED.

RICO STATEMENT

- PFIZER, INC. V. GOVERNMENT OF INDIA 434 US 308 (1978) at 316-317
CITING GEORGIA V EVANS 316 US 159 (1942) at 161 ("THAT THE WORD 'PERSON',
ABSTRACTLY CONSIDERED, COULD INCLUDE A GOVERNMENTAL BODY")
("THE UNITED STATES IS A GOVERNMENT AND CONSEQUENTLY A BODY POLITIC AND
CORPORATE").
- SHELLEY V KRAEMER 334 US 1 (1948) at 14 ("A STATE ACTS BY ITS
LEGISLATURE, ITS EXECUTIVE, OR ITS JUDICIAL AUTHORITIES. IT CAN ACT IN NO OTHER
WAY"). (JUDICIAL ENFORCEMENT OF PRIVATE COVENANTS CONSTITUTES GOVERNMENTAL
ACTION. ACTION IS NO LESS GOVERNMENTAL BECAUSE IT IS TAKEN BY THE JUDICIAL
RATHER THAN THE LEGISLATIVE OR EXECUTIVE BRANCHES)

CLEAR AND INDISPUTABLE RIGHT TO WRIT OF MANDAMUS, PROHIBITION;

INJUNCTION. • MANDAMUS - 6 ; • PROHIBITION - 4, 13 ; • INJUNCTION - 2, 7

- ① • THE PETITIONER'S VESTED RIGHT TO ACCESS TO THE COURTS IS WITHOUT QUESTION.

• ARTICLE 4 § 2; • CONST. LAW - 1438, 2311, 2319, 2323, 2324, 2648-2654, 951, 956; • USCA CA 1, 5, 14;

• 28 USC § 1654, § 1915(b)(4); 42 USC § 1981, 1997; • AKENS V EDGEMONT 335 US 331 (1948); • BONNIE V CONNECTICUT 401 US 371 (1971) at 381-382

• >> THE APPLICATION/ENFORCEMENT OF THE
"THREE-STRIKES" PROVISION OF (PLRA) EFFECTIVELY BARS) DENIES THE PETITIONER'S THIS VESTED
RIGHT AND IS THEREFORE, UNCONSTITUTIONAL "AS APPLIED" WHERE NO NOTICE AND HEARING WERE
PROVIDED BEFORE ITS IMPOSITION. • (FEARCLP-11(GX1)) • >> IT IS WITHOUT QUESTION THAT
IF THE PETITIONER IS REQUIRED TO RETURN TO THE LOWER COURTS WITHOUT THE WRITS OR ORDER
FROM THIS COURT THE "THREE-STRIKES" PROVISION OF THE (PLRA) WILL BE APPLIED/ENFORCED IN
THOSE COURTS. • FEARCLP - 38(9)

- ② • THE PETITIONER'S RIGHT TO PROCEDURAL DUE PROCESS OF LAW IS CLEARLY ESTABLISHED.

• CONST. LAW 3867, 3868, 3878, 3892; • ARTICLE 4 § 1, 2; • 28 USC § 1738 • CAREY V PIPHUS 435 US 247

(1978) at 266; • HUGHES V. ROWE 449 US 5 (1983) at 13 ("BECAUSE THE RIGHT TO PROCEDURAL
DUE PROCESS IS ABSOLUTE IN THE SENSE THAT IT DOES NOT DEPEND UPON THE MERITS OF A
CLAIMANTS SUBSTANTIVE ASSERTIONS, AND BECAUSE OF THE IMPORTANCE TO ORGANIZED
SOCIETY THAT PROCEDURAL DUE PROCESS BE OBSERVED, THE DENIAL OF DUE PROCESS SHOULD BE
ACTIONABLE WITHOUT PROOF OF ACTUAL INJURY") • 42 USC § 1983, 1997e(2), 1997; • 28 USC § 1491(a)

- ③ • THE PETITIONER'S RIGHT TO HAVE HIS RIGHTS AND ACTIONS/SUITS ADJUDICATED IN ACCORDANCE
WITH THE U.S. CONSTITUTION, THE RULES OF PRACTICE AND EVIDENCE PRESCRIBED BY ACTS OF CONGRESS

REC'D STATEMENT

AND PREVIOUS DECISIONS OF THIS COURT ON THE SAME SUBJECT MATTER.

• ARTICLE 4 § 1, 2; ARTICLE 6 § 2; • CONST. LAW - 2352, 2357, 2653, 967, 960, 956, 951

28 USC § 1738; 42 USC § 1981 • ENTERPRISE IRRIGATION DISTRICT V CANAL CO.

243 US 157, 164 (1917) (ADJUDICATION OF FEDERAL CLAIMS MAY NOT BE FRUSTRATED BY "MERE DEVICE TO PREVENT A REVIEW OF THE DECISION UPON THE FEDERAL QUESTION"). • >> THE FACTS ALLEGED AND RELIEF SOUGHT IN ALL OF THE

PETITIONER'S COMPLAINTS CLEARLY ESTABLISHED AN ACTUAL "CASE OR CONTROVERSY" (ARTICLE 3 § 2; CONST. LAW - 980; 28 USC § 2201(a); FED. CIV. P. - 57) BETWEEN THE PARTIES WITH ADVERSE LEGAL INTERESTS WHICH WARRANTS A DECLARATORY JUDGMENT AND REQUIRED THE CONVENING OF A THREE JUDGE DISTRICT COURT FOR A HEARING AND DETERMINATION ON THE MERITS. • >> NO NOTICE AND HEARING WERE PROVIDED PRIOR

TO THE (SSD'S) AND NO OPPORTUNITY TO, NOR NOTICE OF SUCH OPPORTUNITY TO, SEEK REVIEW OF THE ACTIONS OF A SINGLE DISTRICT JUDGE BY A "FULL (DISTRICT) COURT" BEFORE FINAL JUDGMENT. (FED. CIV. P. - 41(b)). • >> 42 USC § 1997e(c)(1); 28 USC § 1915(c)(2)(B)(i); § 2284(b)(3)

• FED. CIV. P. - 27(c) ALL CONSTITUTE A. INVALID STATUTORY / REGULATORY PROVISION "AS APPLIED" AND AUTHORIZES THE ISSUANCE OF THE WRITS AND INJUNCTIVE ORDER. 28 USC § 1651

• ④ - THE QUESTION WHETHER OR NOT A THREE JUDGE DISTRICT COURT SHOULD HAVE BEEN CONVENED, THIS CASE IS PROPERLY BEFORE THE COURT UNDER 28 USC § 1253, 1651, 2101(a)(b) SC. R. 20.3 • MCLUCAS V. DECHAMPLAIN 421 US 21 (1975) • JUDICIAL CODE § 238

• FEDERAL RULE CIVIL PROCEDURE RULES - 18, 42(a), 54(b), (c) AUTHORIZE THE JOINING OF CLAIMS AND CONSOLIDATION OF ALL THE ACTIONS BROUGHT AGAINST STATE PRISON OFFICERS SINCE THEY INVOLVE THE SAME ISSUES OF FACT AND LAW AND INVOLVE THE SAME PARTIES (GOVERNMENT OFFICERS) SEE SC. R. 27.3 • >> FED. CIV. P. RULE 55(d) AUTHORIZES A DEFAULT JUDGMENT AGAINST UNITED STATES OFFICERS (DEFENDANTS) WHERE THE CLAIMANT/PETITIONER ESTABLISHES HIS CLAIMS/RIGHTS TO RELIEF BY EVIDENCE THAT SATISFIES THE COURT. (AUTHORITY CITED)

RELIEF SOUGHT

• DECLARATORY JUDGMENT • 28 USC § 2201(a); FED. CIV. P. - 57; JUDICIAL CODE § 274

① DECLARE THAT ALL SIX OF THE PETITIONER'S ACTIONS BROUGHT AGAINST STATE PRISON

RELIEF SOUGHT

OFFICERS SUFFICIENTLY ALLEGED FACTS AND SOUGHT RELIEF TO AVOID A (SSD) AND REQUIRE THE CONVENING OF A THREE JUDGE DISTRICT COURT OR STATED A CAUSE OF ACTION.

- ② DECLARE THE PROVISION IN THE ANTI-INJUNCTION ACT (AIA) 28 USC § 2284(b)(3) AND THE RULE OF PRACTICE FEDRAPP-27(c) ESTABLISH A PROCEDURAL RIGHT TO HAVE THE ACTIONS OF A SINGLE DISTRICT JUDGE REVIEWED BY A "FULL (DISTRICT) COURT" BEFORE FINAL JUDGMENT (SSD).
 - ③ DECLARE THAT NOTICE AND AN OPPORTUNITY TO BE HEARD MUST BE PROVIDED BEFORE THE IMPOSITION OF SANCTIONS. ("THREE-STRIKES" PROVISION) • FEDRCVP-11(c)(1)
 - ④ DECLARE THAT THE "THREE-STRIKES" PROVISION OF (PLPA) IS UNCONSTITUTIONAL "AS APPLIED" AND DIRECTLY CONFLICTS WITH ANOTHER PROVISION OF THE SAME STATUTE (28 USC § 1915(b)(4)) AND OTHER ACTS OF CONGRESS (28 USC § 1654; 42 USC § 1981, 1997j)
 - ⑤ DECLARE THAT THE PETITIONER'S PROCEDURAL DUE PROCESS RIGHTS WERE VIOLATED AND ENTITLES HIM TO THE RELIEF SOUGHT. • FEDRCVP 54(b), (c), (d)(1)
 - ⑥ DECLARE THAT ALL SIX ACTIONS BROUGHT AGAINST STATE PRISON OFFICERS ARE VOID JUDGMENTS BY DEFINITION AND MUST BE REVERSED/VACATED AND REMANDED WITH DIRECTIONS TO THE DISTRICT COURTS TO CONVENE A THREE JUDGE COURT FOR A HEARING AND DETERMINATION ON THE MERITS.
* 28 USC § 2106
 - ⑦ DECLARE THAT THE ACTIONS OF THE DEFENDANTS IN THE INSTANT SUIT CONSTITUTE AN "ON-GOING VIOLATION OF FEDERAL LAW" OR OTHERWISE "CONSPIRACY", "RESTRAINT ON THE LEGAL TRADE" (JUDICIARY) IN THE ELEVENTH CIRCUIT. • 15 USC § 2, 7, 15; • 18 USC § 1961(1)(B)-1341, 1503, 1952(a)(3); • 18 USC § 241, 242, 371, 1001, 2071; • JUDICIAL CODE § 256 WARRANTS THE ISSUANCE OF THE WRIT OF PROHIBITION.
 - ⑧ DECLARE THAT THE INSTANT ACTION SHALL BE TRANSFERRED TO THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A HEARING AND DETERMINATION. • 28 USC § 1491(a); • 31 USC § 3730(b)
- INJUNCTIVE RELIEF • 28 USC 1651, 2106, 2284; • FEDRCVP-65; • JUDICIAL CODE § 267

RELIEF SOUGHT

- ① ISSUE THE WRIT OF HABEAS CORPUS DIRECTING THE DISTRICT COURTS TO CONVEENE A THREE-JUDGE COURT FOR A HEARING AND DETERMINATION ON THE MERITS OF ALL SIX ACTIONS BROUGHT AGAINST STATE PRISON OFFICERS.
- ② ISSUE THE WRIT OF PROHIBITION BARRING ANY FUTURE PARTICIPATION BY THE DEFENDANTS IN THE INSTANT ACTION, IN THEIR OFFICIAL CAPACITY, IN ANY FUTURE ACTIONS, SUITS OR PROCEEDINGS TO WHICH THE PETITIONER IS A PARTY.
- ③ ISSUE AN ORDER ENJOINING THE ENFORCEMENT OF THE "THREE STRIKES" PROVISION OF (PLRA) TO THE PETITIONER
- ④ ISSUE AN ORDER TO THE DISTRICT COURTS TO PROVIDE NOTICE AND HEARING PRIOR TO A (SSD); PROVIDE AN OPPORTUNITY (NOTICE) TO SEEK REVIEW OF THE ACTIONS OF A SINGLE DISTRICT JUDGE BY A "FULL (DISTRICT) COURT" BEFORE FINAL JUDGMENT (SSD), AND NOTICE AND HEARING PRIOR TO THE IMPOSITION OF SANCTIONS ("THREE-STRIKES" PROVISION). * 28 USC § 2254(b)(3); * FED. APP. P. 27(c); * FED. CORP. P. 11(c)(1)
- ⑤ ISSUE AN ORDER FOR DOUBLE THE COSTS OF LITIGATION (28 USC § 1912; FED. CORP. P. (c)(d)(1)) TO BE AWARDED TO PETITIONER (LIEN BALANCE ON INMATE ACCOUNT - CURRENT BALANCE \$ 2,087.31)
- ⑥ ISSUE AN ORDER TRANSFERRING THE INSTANT TO THE U.S. COURT OF FEDERAL CLAIMS FOR FURTHER PROCEEDINGS.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

JURISDICTION

• CONSTITUTIONAL

- >> ARTICLE 3 § 2 - "THE JUDICIAL POWER SHALL EXTEND TO ALL CASES, IN LAW AND EQUITY, ... TO CONTROVERSIES TO WHICH THE U.S. SHALL BE A PARTY; ... BETWEEN CITIZENS OF DIFFERENT STATES ...". >> CLAUSE 1 - "IN ALL CASES AFFECTING..., AND THOSE IN WHICH A STATE SHALL BE A PARTY, THE SUPREME COURT SHALL HAVE ORIGINAL JURISDICTION. ~~THE~~ IN ALL THE OTHER CASES BEFORE MENTIONED, THE SUPREME COURT SHALL HAVE APPELLATE JURISDICTION BOTH AS TO LAW AND FACT..."
- >> CONST. LAW - 980 "CASE OR CONTROVERSY"; *28 USC § 2201(a)

• STATUTORY

- >> 28 USC § 1651 - ALL WRITS ACT - SUPREME COURT AND OTHER FEDERAL COURTS "SHALL HAVE POWER TO ISSUE ALL WRITS NOT SPECIFICALLY PROVIDED FOR BY STATUTE, WHICH MAY BE NECESSARY FOR THE EXERCISE OF THEIR RESPECTIVE JURISDICTION, AND AGREEABLE TO THE USAGES AND PRINCIPLES OF LAW" • EX PARTE US 287 US 241 (1932) at 245-246 >> 287 US at 247-248 • EX PARTE ABRAHAM 247 US 27, 28 (1919) ("IF IT CLEARLY APPEARED ... THAT A PRACTICE HAD BEEN ADOPTED BY DISTRICT JUDGES, AS TO THE ORDER OR PROCEDURE IN HEARING CAUSES, AT VARIANCE WITH THE EQUITY RULES, OUR WRIT MIGHT WELL ISSUE DIRECTLY TO SUCH JUDGES") • US ALKALI EXP. ASS'N V US 325 US 196 (1945) at 202
- >> JUDICIAL CODE § 238 PROVIDES: APPEALS AND WRIT OF ERROR MAY BE TAKEN FROM THE (USDC) DIRECTLY TO THE (SCT) "IN ANY CASE IN WHICH THE JURISDICTION OF THE (USDC) IS AN ISSUE". ... >> 28 USC § 1253, 2101(a), (b), 2284(b)(1), (3) • BINDERUP V PATHE EXCH. INC., et al. 263 US 291 (1923) at 305. • US V GRIFFIN 303 US 226 (1938) (THE QUESTION IS JURISDICTIONAL AND THEREFORE MAY BE PROPERLY CONSIDERED BY THIS COURT)
- BIVENS V SIX UNKNOWN NAMED AGENTS OF FED. BUREAU OF MARC'S 403 US 388 (1971) (COURT HELD... FEDERAL AGENTS (OFFICIALS) ACTING UNDER COLOR OF FEDERAL AUTHORITY, GAVE RISE TO A FEDERAL CAUSE OF ACTION FOR DAMAGES, CONSEQUENT UPON THE AGENTS UNCONSTITUTIONAL CONDUCT.)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- ARTICLE 1 § 8 cl. 18 ; ARTICLE 3 § 2, cl. 1 ; ARTICLE 4 § 1, 2 , ARTICLE 6 § 2, 3
 - CONST. LAW. 795, 798, 928, 951, 956, 960, 967, 980, 1440, 2311, 2319, 2323, 2324, 2648-2654, 3452, 3457, 3471, 4026, 4821, 4824, 514, 786
 - USCA CA 1, 5, 14, 9
-
- TITLE 5 USC § 301, 701-706(2)
 - TITLE 18 USC § 241, 242, 371, 1341, 1503, 1952(a)(3), 1961(a)(1)-(1968, 2340, 4081
 - TITLE 28 USC § 1651, 1654, 1738, 1915(a), (b)(4), (d), (g), 2072, 2101(a), (b), 2201(a), 2284(b)(1), (3), 2671-2680, 1912, 1927
 - TITLE 31 USC § 3729-3733
 - TITLE 42 USC § 1981, 1983, 1985, 1986; 1997e, i, j; § 2000dd
-
- JUDICIAL CODE § 122, 128, 262, 238, 237, 266, 267, 274d

STATEMENT OF THE CASE

- THE FACTS ALLEGED IN ALL OF THE COMPLAINTS CLEARLY STATED THAT PRISON OFFICIALS' DISCIPLINARY PRACTICE OF PLACING THE PETITIONER IN A EMPTY CELL, WITH NOTHING BUT A PAIR OF BOXERS TO COVER HIMSELF, FOR AN ALLEGED RULE INFRACTION, WAS NOT AUTHORIZED BY STATE LAW OR STATE-WIDE REGULATION FOR THE RULE INFRACTION ALLEGEDLY VIOLATED AND THAT PRISON OFFICIALS KNEW OR REASONABLY SHOULD HAVE KNOWN THAT. ● ALL OF THE COMPLAINTS SOUGHT DECLARATORY RELIEF TO DECLARE THAT PRISON OFFICIALS' DISCIPLINARY PRACTICES WERE UNCONSTITUTIONAL, VIOLATED THE PETITIONER'S CONSTITUTIONAL RIGHTS AND ENTITLED THE PETITIONER TO ALL THE RELIEF SOUGHT. ● ALL OF THE COMPLAINTS SOUGHT INJUNCTIVE RELIEF TO ENJOIN THE ACTS OF PRISON OFFICIALS AND ANY STATE LAW AND/OR STATE-WIDE REGULATION, THAT STATE PRISON OFFICIALS PROFESSED TO AUTHORIZE SUCH ACTS, AS UNCONSTITUTIONAL. ● NO THREE-JUDGE COURT WAS EVER CONVENED IN ANY OF THE ACTIONS/SUITS. * 28 USC § 2072 (FED. CIV. P. - 8(a)(3), 9(c)-(e), 45); § 2284 (b)(1), (3). ● ALL OF THE COMPLAINTS WERE DISMISSED AS EITHER "FRIVOLOUS" OR PURSUANT TO THE "THREE-STRIKES" PROVISION OF THE PRISON LITIGATION REFORM ACT (PLRA). ● ON APPEAL THE SUITS WERE EITHER AFFIRMED OR DISMISSED. ● THE PETITIONER HAS BEEN ERRONEOUSLY DECLARED A "THREE-STRIKER" AND THE APPLICATION OF THE "THREE-STRIKES" PROVISION HAS EFFECTIVELY "BARRED" THE PLAINTIFF/PETITIONER FROM VINDICATING THE VIOLATION OF HIS RIGHTS IN THE LOWER COURTS WHICH THE JUDGES KNEW OR REASONABLY SHOULD HAVE KNOWN. (FUNDAMENTAL RIGHT TO ACCESS TO THE COURTS) * 28 USC § 1915(b)(4), (d); 42 USC § 1981, 1997; v. 28 USC § 1915(g); 42 USC § 1997e(c)(9)
- THIS COURT IS THE COURT OF LAST RESORT. THE RELIEF SOUGHT IS NOT AVAILABLE IN ANY OTHER COURT WITHOUT SOME SORT OF ORDER FROM THIS COURT. * SUPREME COURT RULE - 20.3(a); 28 USC § 1651, 1361 "CONSPIRACY" * 18 USC § 371, 241, 1961 (1)(B)
- CASE NO. / APPEAL NO. ——— 316 CV 00149-HES-JBT / 16-11388 B ; 316 CV 00469-JTC-JBT / 16-16744-A ; 316 CV 00470-HES-JRK / 16-13278 ; 316 CV 00638-BJD-MCR / 16-13370-A ; 317 CV 00255-TJC-MCR / 17-11355-A ——— 317 CV 00196-MCR-CTK (NOTICE OF APPEAL RETURNED BY U.S. SCT. CLERK - 05/23/2017) * 28 USC § 956, 2072 (FED. APP. P. - 25(a)(2)(C), (4); FED. CIV. P. - 5(a)(4))
- * SUPREME COURT RULE - 1.1, 18.1
- THE ACTIONS INVOLVE THE SAME ISSUES OF LAW AND FACT AND INVOLVE THE SAME PARTIES THEREFORE THE CLAIMS CAN BE JOINED AND ALL THE ACTIONS CAN BE CONSOLIDATED. * FED. CIV. P. - 18, 42(a), 54(b); * SCT. RULE - 27.3 * MATTHEW V. ROGERS 284 US 529 (1931)

REASONS FOR GRANTING THE PETITION

* SUPREME COURT RULE - 10(a), (c)

- THE LOWER COURTS' APPLICATION OF THE "THREE-STRIKES" PROVISION OF THE PRISON LITIGATION REFORM ACT (PLRA) HAS EFFECTIVELY BARRED/DENIED THE PETITIONER FROM EXERCISING HIS FUNDAMENTAL RIGHT TO ACCESS TO THE COURTS. * ARTICLE 432; CONST. LAW - 795, 798, 1440, 2648-2654; USCA CA 1, 5, 14
- THE "THREE-STRIKES" PROVISION IS IN DIRECT CONFLICT WITH ANOTHER PROVISION IN THE SAME STATUTE (*28 USC § 1915(b)(4)) WHICH IS CLEARLY CONSTITUTIONAL AND DIRECTLY CONFLICTS WITH OTHER ACTS OF CONGRESS (*42 USC § 1981, 1997j) WHICH MAKES ITS APPLICATION UNCONSTITUTIONAL. * ARTICLE 138 CL18; USCA CA 9; STATUTES - 21
- THE PETITIONER HAS BEEN DECLARED A "THREE-STRIKER". THIS CONCLUSION RESTS ON THE LEGAL SUFFICIENCY OF THE PETITIONER'S COMPLAINTS, WHICH IS A QUESTION OF LAW, AND THAT CONCLUSION DIRECTLY CONFLICTS WITH PREVIOUS DECISIONS OF THIS COURT, THE U.S. CONST., AND ACTS OF CONGRESS ON THE SAME SUBJECT-MATTER.

ISSUES/QUESTIONS OF LAW IN CONFLICT

- ① COMPLAINTS - SUFFICIENTLY PLEADED (28 USC § 1915(d)) "ARGUABLE MERIT IN LAW OR IN FACT" * NEITZKE V WILLIAMS 490 US 319, 327 (1989). • (28 USC § 2072 (FED. CIV. P. - 8(a))) "A SHORT AND PLAIN STATEMENT OF THE CLAIM SHOWING THAT THE PLEADER IS ENTITLED TO RELIEF; AND A DEMAND FOR THE RELIEF SOUGHT..." * CONLEY V GIBSON 355 US 41, 45-46 (1957). • FACTS ALLEGED THAT "DEFENDANTS (NAMED) PERFORMED ILLEGAL ACTIONS... 'UNDER COLOR OF STATE LAW'" * SCHUELER V RHODES 416 US 232, 236 (1974)
- ② RELIEF SOUGHT - SUFFICIENTLY PLEADED TO REQUIRE CONVENING OF A THREE-JUDGE (USDC) (28 USC § 2072 (FED. CIV. P. - 8(a)(3), 9(c)-(e), 65; 28 USC § 2284(b)(1); COURTS - 225.5) * KESLER V UTAH DEPT. OF PUB. SAFETY 369 US 153 (1962) at 177 * INLEWIS BON VOYAGE LT. QUOR CORP. V EPSTEIN 370 US 713 (1962) at 715
- ③ DUE PROCESS OF LAW - ADVANCE NOTICE AND OPPORTUNITY TO BE HEARD BEFORE PUNISHMENT CAN BE IMPOSED * CONST. LAW - 3867, 3878, 1073 * WOLFF V. McDONNELL 418 US 539 (1974) at 568 * BAXTER V PALMITER 425 US 308 (1976) at 321-322

REASONS FOR GRANTING THE PETITION

- (4) 42 USC § 1997e(c) - DOES NOT BAR ACTIONS SEEKING DECLARATORY RELIEF, OR INJUNCTIVE RELIEF, NOR NOMINAL DAMAGES OR PUNITIVE DAMAGES FOR EIGHTH AMENDMENT CLAIMS INVOLVING NO PHYSICAL INJURY. * CAREY V PIPUS 435 US 247 (1978) at 266 * HUDSON V. McMillan 503 US 1, 9 (1992) at 16 * PA. D.O.C. V YESKEY 524 US 206, 212 (1998)
- (5) FUNDAMENTAL RIGHT TO ACCESS TO THE COURTS - CONSTITUTIONAL CHALLENGES (U.S. CONST. - ARTICLE 4 § 2; CONST. LAW - 951, 956, 967, 2311, 2319, 2323, 2324, 2648-2654 USCA CA 1, 5, 14, 9; 28 USC § 1915(b)(4) v 28 USC § 1915(c); 42 USC § 1981, § 1997; v 42 USC § 1997e(c), (g)) * BOATZ V CONNECTICUT 401 US 371 (1971) at 379, * BOUNDS V SMITH 430 US 817 (1977) at 821, 822, 825 (28 USC § 1654)
- (6) RIGHT TO EXPECT PRISON OFFICIALS TO FOLLOW THEIR OWN RULES - (U.S. CONST. - ARTICLE 6 § 2, 3; 4 § 2; CONST. LAW - 3471, 4026; USCA CA (5), 14; (5) USC § 301, 706(2); 42 USC § 1997i) * WOLFF V MCDONNELL 418 US 539 (1974) at 558 * HEWITT V HELMS 459 US 460 (1983) at 471-472 * SANDIN V CONNER 515 US 472 (1995) at 484, 486
- (7) STATE PRISON OFFICIALS' DISCIPLINARY PRACTICE WAS NOT AUTHORIZED BY LAW (18 USC § 2340(a); 42 USC § 2000dd, 1981; USCA CA 8, 5, 14) (FSA 944.09(1)(a)-(c), (3)) * MONROE V PAPE 365 US 167 (1961) * ESTELLE V GAMBLE 429 US 97 (1976) at 103-104 * MAINE V THIBOUTOT 448 US 1, (1980), WAS EXCESSIVELY DISPROPORTIONED TO THE RULE INFRACTION ALLEGEDLY VIOLATED (18 USC § 4081; 42 USC § 1997i; CONST. LAW - 4821, 4824; SENTENCING AND PUNISHMENT - 1482, 1532, 1548, 1550, 1538; CIVIL RIGHTS - 1092, 1351(4)) * ONEIL V VERMONT 144 US 323 (1892) * HUTTO V FINNEY 437 US 678 (1978) at 685-688, AND CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT (CUP). * HAINES V KERNER 404 US 519, 520-521 (1972) * HOPE V PELZER 536 US 730 (2002)
- (8) JURISDICTIONAL QUESTION (JUDICIAL CODE § 238; 28 USC § 1738, 2284(b)(1)(3), § 2072 (FED. CIV. P. - 802(3), 9(c)-(e)) * BANDERUP V. PATHE EXCH. INC. et al. 263 US 291 (1923) at 305 ("APPEALS AND WRITS OF ERROR MAY BE TAKEN FROM THE (USDC) TO (US SCT.)" "IN ANY CASE IN WHICH THE JURISDICTION OF THE (USDC) IS AN ISSUE") (FEDERAL COURTS - 1008) (FED. CIV. P. - 65)

REASON FOR GRANTING THE PETITION

• ⑨ CONSPIRACY TO OBSTRUCT JUSTICE (18 USC § 241, 1961(XB) [§1503])

CONSPIRACY TO DEFRAUD U.S. GOVERNMENT (18 USC § 371) — THE EXISTENCE OF A CONSPIRACY IS AN ISSUE OF LAW WHICH REQUIRES DE NOVO REVIEW.

* 1ST NAT. BANK OF AZ. etc V. CITIES SERVICE CO. 391 US 253 (1968) at 289

* ELKINS V US 364 US 206 (1960) at 223 (FEDERAL COURTS SHOULD NOT BE "ACCOMPLICES IN THE WILLFUL DISOBEDIENCE OF A CONSTITUTION THEY ARE SWORN TO UPHOLD")

• ⑩ EQUAL PROTECTION OF LAW (42 USC § 1981; US CONST. - ARTICLE 4 § 2; CONST. LAW 951, 967, 3452-3467, 1073, 2648-2654; USCA CA 14) — (THE REQUIREMENT OF EQUAL PROTECTION, LIKE THE GUARANTEE OF RIGHTS, PRIVILEGES AND IMMUNITIES OF CITIZENSHIP, IS A CONSTITUTIONAL COMMAND DIRECTED TO EACH STATE (US GOVERNMENT). STATE (FEDERAL) JUDICIAL ACTION IS CLEARLY "STATE" (FEDERAL) ACTION AS STATE (FEDERAL) ADMINISTRATION ACTION) * SHELLEY V KRAEMER 334 US 1 (1948) at 11 * BURTON V WILMINGTON PARKING AUTHORITY 365 US 715 (1961) (CONST. LAW - 3045)

• BINDING 11TH CIR. PRECEDENTS (COURTS-90(S)) * GATES V COLLIER 501 F.2d 1291 (CA 5 1974) at 1306 * PARKER V COOK 647 F.2d 865 (CA 5 1981) * WHITE HORN V HARRELSON 758 F.2d 1416 (CA 11 1985) * PAGE V EVANS 709 F.2d 1428 (CA 11 1983) at 1429 * JOHNSON V KEMP 781 F.2d 1570 (CA 11 1986) at 1572 * PROCTOR V STRICKLAND 792 F.2d 1069 (CA 11 1986) * SUPREME COURT RULE 10(a) - OTHER CIRCUITS WITH CONFLICTING DECISIONS ON RELEVANT ISSUES * DAWES V WALKER 239 F.3d 489 (CA 2 2001), * ROBINSON V CATTARAUGUS COUNTY 147 F.3d 153 (CA 2 1998), * THOMPSON V CARTER 284 F.3d 411 (CA 2 2002) at 418 * CALHOUN V DETELLA 319 F.3d 936 (CA 7 (IL) 2003), * ROBINSON V PAGE 170 F.3d 747 (CA 2 1999) at 748, * ROWE V SHAKE 196 F.3d 778 (CA 7 1999) * JAN RE GREEN 215 US App. DC. 393, 669 F.2d 779 (DC Cir 1981), * ABDULLAH V BATTO 773 F.2d 487 (CA 2 1985), * FRANKLIN V MURPHY 745 F.2d 1221 (CA 9 1984), * CARTER V US 733 F.2d 735 (CA 10 1984)

• ⑪ THE RELIEF SOUGHT IS REQUIRED TO BE PLEADED (FED. CIV. P. - 8(a)(3)(C), 9(c)-(e), 54(c); 28 USC § 2284(b)(1)) AND IS THE DETERMINATIVE FACTOR FOR INQUIRING WHETHER OR NOT A THREE-JUDGE WAS SUFFICIENTLY REQUESTED/UGHT TOGETHER WITH THE FACTUAL ALLEGATIONS. ALL THE ACTIONS MUST BE REVERSED AND REMANDED WITH DIRECTIONS FOR THE CONVENING OF A THREE-JUDGE (USDC) TO HEAR AND DETERMINE THE ACTIONS ON THEIR MERITS. * GOODSBY V OSSER 409 US 512 (1973)

ARGUMENT / GROUNDS

• JURISDICTION

28 USC § 1651, 2101(a), (b); ARTICLE 3 § 2 cl. 1

>> THIS COURT HAS ALL WRITS JURISDICTION IN AID OF ITS APPELLATE JURISDICTION UNDER 28 USC § 1253 WHERE A PARTY MAY APPEAL AN ORDER GRANTING OR DENYING... A PERMANENT INJUNCTION IN ANY CIVIL ACTION, SUIT OR PROCEEDING REQUIRED BY ANY ACT OF CONGRESS TO BE HEARD AND DETERMINED BY A (USDC) OF THREE JUDGES. 28 USC § 2284(b)(1), (3); § 2072 (FEDRCVP - 8(a)(3), 9(c)-(e), 65). "WHERE A CASE IS WITHIN THE APPELLATE JURISDICTION OF THE HIGHER COURT A WRIT OF HABEAS CORPUS (WOM) MAY ISSUE IN AID OF THAT APPELLATE JURISDICTION WHICH MIGHT OTHERWISE BE DEFEATED BY THE UNAUTHORIZED ACTION(S) OF THE COURT(S) BELOW." A (WOM) MAY BE USED TO CORRECT A JUDGMENT ENTERED WITHOUT JURISDICTION. • EX PARTE US 287 US 241 (1932) at 245-246, 247-248; • EX PARTE ABRAHAM 247 US 27, 28 (1919); • BINDERUP V. PATHE EXCH. INC., 263 US 291 (1923) at 305

• SUFFICIENCY OF COMPLAINTS

28 USC § 1915(a), (d); § 2072 (FEDRCVP - 8(a), 9(c), 8(e)); * 42 USC § 20004d

>> IT IS SETTLED BEYOND DISPUTE THAT PRISON OFFICIALS ARE REQUIRED TO PROVIDE "BASIC HUMAN NECESSITIES" (BEDDING, CLOTHING, HYGIENIC MATERIAL, ADEQUATE FOOD AND MEDICAL CARE) FOR PRISONERS. * ARTICLE 4 § 2, 6 § 2, 3; * CONST. LAW - 921, 4821, 4823; * USCA CA 5, 14; * 18 USC § 4081; 42 USC § 1981, 1997i; * CRIMINAL LAW - 78, 79; * SENTENCING AND PUNISHMENT - 1532, 1548. * ESTELLE V. GAMBLE 429 US 97 (1976) at 103-104 *

>> THE DUE PROCESS CLAUSE OF THE FIFTH AND FOURTEENTH AMENDMENTS PROHIBIT PRE-CONVICTION PUNISHMENT. THE STATE DOES NOT ACQUIRE POWER TO PUNISH WITH WHICH THE EIGHTH AMENDMENT IS CONCERNED UNTIL AFTER IT HAS SECURED A FORMAL ADJUDICATION OF GUILT IN ACCORDANCE WITH DUE PROCESS OF LAW. WHERE THE STATE SEEKS TO IMPOSE PUNISHMENT WITHOUT SUCH AN ADJUDICATION, THE PERTINENT CONSTITUTIONAL GUARANTEE IS THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT. • WOLFF V. McDONNELL 418 US 539 (1974) at 558, 568; • BAXTER V. PALMIGIANO 425 US 308 (1976) at 321-322

>> THE COMPLAINTS SUFFICIENTLY ALLEGED THAT PRISON OFFICIALS DEPRIVED THE PETITIONER OF "BASIC HUMAN NECESSITIES" (BHN) FOR AN ALLEGED RULE INFRACTION PRIOR TO RECEIVING A NOTICE AND HEARING AND THAT THE PUNISHMENT IMPOSED WAS NOT AUTHORIZED BY LAW OR STATEWIDE REGULATION FOR THE RULE INFRACTION ALLEGEDLY VIOLATED WHICH PRISON OFFICIALS KNEW OR REASONABLY SHOULD HAVE KNOWN. * 18 USC § 2340, 241, 242

ARGUMENT / GROUNDS

* FSA 944.09(1)(a)-(c), (3); * FAC 33-601.314 >> THE FACTS ALLEGED RAISE GENUINE MATERIAL ISSUES OF FACT (FOR TRIAL) AS TO THE LIMITATIONS PLACED ON STATE PRISON OFFICIALS' DISCRETION WHEN TAKING DISCIPLINARY ACTION CREATING A "LIBERTY INTEREST" IN THE OUTCOME OF DISCIPLINARY ACTION BY STATE PRISON OFFICERS: * HEWITT V HELMS 459 US 460 (1983) at 471-472; * WHITE-HORN V HARRELSON 758 F.2d 1416 (11th Cir 1985)

• NO PHYSICAL INJURY REQUIREMENT - 42 USC § 1983; 28 USC § 2201(a), 2284(b)

>> UNDER 42 USC § 1997e(c) NO PHYSICAL INJURY IS REQUIRED FOR AN ACTION SEEKING DECLARATORY RELIEF OR INJUNCTIVE RELIEF OR PUNITIVE OR NOMINAL DAMAGES FOR AN EIGHTH AMENDMENT CLAIM INVOLVING NO PHYSICAL INJURY. * CONST. LAW - 2352, 2364, 2365, 4031; * CIVIL RIGHTS - 1461, 1463, 1465 * CAREY V PIPHUS 435 US 247 (1978) at 266; * HUDSON V MC MILLIAN 503 US 1 (1992) at 16; * PA. D.O.C. V YESKEY 524 US 206, 212 (1998)

>> THE COMPLAINTS BROUGHT AGAINST STATE PRISON OFFICIALS WERE LEGALLY SUFFICIENT, TO STATE A CAUSE OF ACTION, REQUIRING THE CONVENING OF A THREE-JUDGE (USDC), TO AVOID A SUA SPONTE DISMISSAL AND SUBSEQUENT AFFIRMANCE ON APPEAL AND THE JUDGES (DEFENDANTS) KNEW OR REASONABLY SHOULD HAVE KNOWN THAT FACT.

* BIVENS V SIX UNKNOWN NAMED AGENTS OF FEDERAL BUREAU OF NARCOTICS 403 US 388 (1971) at 396

• CONSTITUTIONAL CHALLENGES

* CONST. LAW - 951, 956, 967; * FED. CIV. P. - 5.1(d), 12(h)(3), 15(c)(1)(A)(B), 60(b)(4)(b), (d)(1)(3)

>> IT IS SETTLED BEYOND DISPUTE THAT "NO CITIZEN SHALL BE DENIED AN OPPORTUNITY TO COMMENCE ... AN ACTION, ..., IN ANY COURT OF THE UNITED STATES SOLELY BECAUSE HIS POVERTY MAKES IT IMPOSSIBLE FOR HIM TO PAY OR SECURE THE COSTS". * 28 USC § 1654, 1915(b)(4); * 42 USC § 1981, 1997; * AKINS V ELI LILLY 335 US 331 (1948); * BONDI V CONNECTICUT 401 US 371 (1971) at 381-382 >> THE APPLICATION OF THE "THREE-STRIKES" PROVISION (28 USC § 1915(g); * 42 USC § 1997e(c)) IS UNCONSTITUTIONAL "AS APPLIED" (CONST. LAW - 992; STATUTES - 21; RULE OF COURT - 2)

• MULLANE V CENTRAL HANOVER TRUST CO. 339 US 306 (1950) at 318; * BONDI V CONNECTICUT 401 US 371 (1971) at 379

>> UNDER 28 USC § 2284(b)(3), SUA SPONTE DISMISSALS ARE UNCONSTITUTIONAL "AS APPLIED" WHERE IT DEPRIVES THE PETITIONER HIS SUBSTANTIVE DUE PROCESS PROCEDURAL RIGHT

ARGUMENT / GROUNDS

TO REVIEW BY A "FULL COURT" (DISTRICT) OF THE ACTIONS OF A SINGLE-JUDGE BEFORE "FINAL JUDGMENT" WHERE A *SUA SPONTE* DISMISSAL IS A FINAL JUDGMENT. *FED. CIV. P.-41(b) • US V. OPENHEIMER 242 US 85 (1916)

>> THE JUDGMENTS OF THE LOWER COURTS ARE VOID WHERE THERE APPEARS A CLEAR VIOLATION OF THE "PROCEDURAL ASPECT OF THE LEGAL PROCESS INVOLVED" AS DEFINED IN A PREVIOUS DECISION OF THIS COURT. *JUDGMENT-(5); *COURTS-245, 228, 4; *28 USC § 1738 • WW V. W. CORP. V. WOODSON 444 US 286, 292 (1980); *COURTS-88

• CONSPIRACY CLAIM

>> 18 USC § 241 - CONSPIRACY TO OBSTRUCT JUSTICE; 18 USC § 371 - CONSPIRACY TO DEFRAUD THE U.S. GOVERNMENT >> 18 USC § 1961(D)(B) - RICO ACT (§ 1341, 1503, 1952(a)(3))

>> IT IS NECESSARY TO ESTABLISH THE VALIDITY OF THE COMPLAINTS BROUGHT AGAINST STATE PRISON OFFICIALS IN ORDER TO PROVE THE CONSPIRACY CLAIM BROUGHT AGAINST U.S. JUDGES NAMED IN THE INSTANT ACTION. >> JUDGES HAVE EDUCATION, TRAINING, A LICENSE TO PRACTICE LAW, YEARS OF EXPERIENCE AND ARE MEMBERS OF THE BAR. >> JUDGES ARE PEOPLE WHO UNQUESTIONABLY KNOW WHETHER OR NOT THEIR CONDUCT IS UNLAWFUL WHERE THEY HAVE TAKEN A SWORN OATH TO GUARD, UPHOLD AND ENFORCE THE U.S. CONST. AND THE RIGHTS OF THE CITIZENS (INCLUDES PRISONERS). *ARTICLE 6 § 2, 3; *ARTICLE 4 § 2; *28 USC § 453

>> THERE WERE NO ^{OPINIONS} DISSENTING IN ANY OF THE ACTIONS DECIDED BY THE JUDGES (NAMED) IN THE INSTANT ACTION. >> THE JUDGES HAVE DEPRIVED THE PETITIONER OF HIS BASIC/VESTED RIGHT TO ACCESS TO THE COURTS WHICH THEY KNEW OR REASONABLY SHOULD HAVE KNOWN.

>> NO OTHER COURT, DUE TO THE APPLICATION OF THE "THREE-STRIKES" PROVISION, CAN OR WILL PROVIDE THE RELIEF TO WHICH THE PETITIONER IS ENTITLED AND SEEKS. *28 USC § 1912, 1927 § 2072 (FED. CIV. P.-54(a)(1), 55(d), 56(c), (e)(2), 57, 65, 11(c)(4), (b)); § 1491; *31 USC § 3729-3733; *42 USC § 1983, 1985, 1986; *28 USC § 2671-2680; *SUPREME COURT RULE-20.3(a)

>> THIS COURT MUST, EITHER, RESOLVE THE INSTANT ACTION ON ITS OWN, OR VACATE AND REMAND WITH DIRECTIONS TO THE DISTRICT COURT(S) TO CONVENE A THREE-JUDGE COURT FOR A HEARING AND DETERMINATION OF THE ACTIONS BROUGHT AGAINST STATE PRISON OFFICIALS ON THEIR MERITS AND AN ORDER PROHIBITING/BARRING THE PARTICIPATION, OF THE NAMED JUDGES IN THEIR OFFICIAL CAPACITY, IN ANY ACTION, SUIT OR PROCEEDING TO WHICH THE PETITIONER IS A PARTY. THIS COURT MUST ENJOIN THE ENFORCEMENT OF THE "THREE-STRIKES" PROVISION'S APPLIC-

ARGUMENT/GROUNDS

ACTION TO THE PETITIONER AS UNCONSTITUTIONAL. THIS COURT MUST ISSUE AN ORDER PROVIDING FOR REVIEW BY A "FULL COURT" OF THE ACTIONS OF A SINGLE DISTRICT JUDGE BEFORE FINAL JUDGMENT. *28 USC § 2284(b)(3) "CONGRESSIONAL INTENT"

>> THE PETITIONER HAS A VALID FEDERAL CAUSE OF ACTION AGAINST THE NAMED COURGES THAT IS SEPARATE FROM THE ACTIONS/SUITS BROUGHT AGAINST STATE PRISON OFFICIALS AND MUST BE RESOLVED BY THIS COURT OR THE U.S. COURT OF FEDERAL CLAIMS. *28 USC § 1491

• 1ST NAT. BANK OF AZ. etc. v. CITIES SVC. CO. 391 US 253 (1968) at 289 (EXISTENCE OF A CONSPIRACY IS AN ISSUE OF LAW REQUIRING DE NOVO REVIEW) *18 USC § 371, 241, 1961(10)

• SUBJECT-MATTER-JURISDICTION (SM-J)

(SMJ) EXISTS IF THE RIGHT TO RECOVER WILL BE SUSTAINED UNDER ONE READING OF THE CONSTITUTION AND LAWS OF THE UNITED STATES (LOTUS) AND DEFEATED UNDER ANOTHER. • BELL v. HOWD 327 US 678 (1946) at 685 • 28 USC § 1651; *JUDICIAL CODE § 238

>> 28 USC § 2284(b)(4) PROVIDES A DISTRICT JUDGE WITH ARBITRARY DISCRETIONARY AUTHORITY TO SUA SPONTE DISMISS (FINAL JUDGMENT) ANY ACTION DEEMED AS "FRIVOLOUS."

>> 28 USC § 2284(b)(3) PROVIDES A PLAINTIFF WITH A RIGHT TO HAVE THE ACTIONS OF A SINGLE DISTRICT JUDGE REVIEWED BY A "FULL COURT" BEFORE "FINAL JUDGMENT" WHICH MAKES SUA SPONTE DISMISSALS UNCONSTITUTIONAL "AS APPLIED" WHERE IT CLEARLY VIOLATES A STATUTORY RIGHT PROTECTED BY THE DUE PROCESS, EQUAL PROTECTION AND RIGHTS, PRIVILEGES AND IMMUNITIES CLAUSES. *USCA CA 5, 14; *ARTICLE 4 § 2

>> NO NOTICE AND NO OPPORTUNITY TO BE HEARD PRIOR TO A SUA SPONTE DISMISSAL (SSD) WHICH IS A "FINAL JUDGMENT". *FED. R. CIV. P. - 41(b). >> THE PLAIN LANGUAGE OF PROVISION 28 USC § 2284(b)(3), "ANY ACTION OF A SINGLE JUDGE [MAY] BE REVIEWED...", NECESSARILY EXPRESSES/IMPLIES THAT NOTICE AND A OPPORTUNITY TO BE HEARD ARE TO BE PROVIDED BEFORE THE ACTION CAN BE DISMISSED. >> WHETHER AN INJUNCTION WAS APPROPRIATELY/SUFFICIENTLY SOUGHT IN A COMPLAINT IS A QUESTION OF LAW. *28 USC § 1915(a), (d); § 2072 (FED. R. CIV. P. - 8(a)(3)); § 2284(b)(1); *CONST. LAW - 2365; *FEDERAL COURTS - 1008

>> (COURTS MAY NOT, ON THE GROUND OF CONVENIENCE ONLY, SUBSTITUTE, IN PLACE OF THE PROCEDURE PRESCRIBED BY CONGRESS, ANOTHER MODE...) *28 USC § 2074; *COURTS - 555

>> (A RULE OF FEDERAL COURT CANNOT OVERCOME THE PLAIN COMMAND OF A STATUTE)

*RULE OF COURT - 1; *28 USC § 1738; *ARTICLE 4 § 1, 6 § 2, 3 >> THE SECTIONS REQUIREMENT IS JURISDICTIONAL - 28 USC § 2284, 1253

ARGUMENT / GROUNDS

>> THE U.S. HAS CONSENTED TO ^{BE} SUED. *28 USC § 1491, § 2674; *31 USC § 370(b)

A GOVERNMENT ACTS BY AND THROUGH ITS AGENTS, OFFICERS AND EMPLOYEES.
"THE UNITED STATES IS A GOVERNMENT AND CONSEQUENTLY A BODY POLITIC AND CORPORATE" AND "...THE WORD 'PERSON', ABSTRACTLY CONSIDERED, COULD INCLUDE A GOVERNMENTAL BODY".

>> THE PETITIONER HAS SUFFERED AN "INJURY IN FACT" (RIGHT TO ACCESS TO THE COURTS, RIGHT TO A HONEST AND IMPARTIAL GOVERNMENT, DUE PROCESS OF LAW AND EQUAL PROTECTION OF THE LAWS) THAT IS "CONCRETE AND PARTICULARIZED" AND "ACTUAL" CAUSED BY THE NAMED DEFENDANTS' (JUDGES) ILLEGAL CONDUCT THAT IS LIKELY TO BE REDRESSED BY A FAVORABLE DECISION OF THIS COURT. *18 USC § 371, 242, 241, 1503

>> THE PETITIONER HAS STANDING FOR THE ISSUANCE OF THE WRIT OF HABEAS CORPUS / AN ORDER TO THE U.S. COURT OF FEDERAL CLAIMS DIRECTING THE COURT TO PROVIDE THE PETITIONER WITH A HEARING AND DETERMINATION ON HIS CLAIMS BROUGHT IN THE INSTANT ACTION AGAINST THE U.S. JUDGES INVOLVED IN HIS ACTIONS BROUGHT AGAINST STATE PRISON OFFICIALS.

>> THE PETITIONER HAS STANDING FOR THE ISSUANCE OF THE WRIT OF PROHIBITION / AN ORDER TO THE NAMED DEFENDANTS (U.S. JUDGES) BARRING THEIR PARTICIPATION, IN THEIR OFFICIAL CAPACITY, IN ANY ACTION, SUIT OR PROCEEDING TO WHICH THE PETITIONER IS A PARTY. AN ORDER TO PROHIBIT THE APPLICATION OF THE THREE-STRIKES PROVISION TO THE PETITIONER.

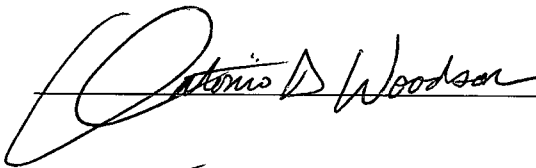
>> THE PETITIONER HAS STANDING FOR THE ISSUANCE OF THE WRIT OF HABEAS CORPUS / AN ORDER DIRECTING (VACATE AND REMAND) THE DISTRICT COURTS TO CONVEENE A THREE-JUDGE COURT FOR A HEARING AND DETERMINATION ON THE ISSUE OF AN INJUNCTION AND DECLARATORY JUDGMENT SOUGHT AGAINST STATE LAW AND THE ACTS OF STATE PRISON OFFICIALS AS UNCONSTITUTIONAL AND THAT FURTHER PROCEEDINGS BE HAD. *28 USC § 1361, 1651, 2284(b)(1)(3), 2201(a)

>> WHEN THE MEANING OF THE STATUTE IS PLAIN, THE SOLE FUNCTION OF THE COURT IS TO ENFORCE ITS TERMS. *28 USC § 1915(b)(4), 2201(a), 2284(b)(3), 2072 (FED. CIV. - 5.1(d), 8(a), 15(c)(1)(A), (B), 18, 42(a), 54(b)(c), (d)(1), 55(d), 56(c), (e)(2), 57, 60(b)(4), (6), (d)(1)(3), 65, 90(c), 1201(3), 11(c)(4), (6)) >> NOTICE AND HEARING, TOGETHER WITH A LEGALLY COMPETENT TRIBUNAL HAVING JURISDICTION OF THE CASE CONSTITUTE BASIC ELEMENTS OF THE CONSTITUTIONAL REQUIREMENT OF DUE PROCESS OF LAW. *ARTICLE 4 § 1; *CONST. LAW - 514, 786; *USCA CAS, 14; *28 USC § 1738

- ACCORDING TO THE ACTS OF CONGRESS AND PREVIOUS DECISIONS OF THIS COURT, ON THE SAME SUBJECT-MATTER, THE PETITIONER'S COMPLAINTS CLEARLY SATISFIED THE PLEADING REQUIREMENTS TO AVOID A SUA SPONTE DISMISSAL WHICH THE JUDGES KNEW OR REASONABLY SHOULD HAVE KNOWN. • THE RELIEF SOUGHT WAS PLEADED SUFFICIENTLY ENOUGH TO REQUIRE THE CONVENING OF A THREE-JUDGE COURT IN ALL THE ACTIONS.
- UNDER 28 USC § 2072 (FED. CIV. P. - 8(a)(3), (c), 9(c)-(e), 65); § 2284(b)(1), (3) A SINGLE DISTRICT JUDGE LACKED AUTHORITY TO SUA SPONTE DISMISS AND THE COURT OF APPEALS LACKED JURISDICTION ON APPEAL TO DECIDE THE ACTIONS ON THEIR MERITS WHICH THEY KNEW OR REASONABLY SHOULD HAVE KNOWN. • THE LANGUAGE USED IN THE PROVISION OF ANTI-INJUNCTION ACT - 28 USC § 2284(b)(3), AT ISSUE, PROVIDES A PROCEDURAL SAFEGUARD AGAINST THE ARBITRARY ACTIONS OF A SINGLE DISTRICT JUDGE BUT IT IS NOT ENFORCED IN PRACTICE WHICH MAKES "SUA SPONTE DISMISSALS" UNCONSTITUTIONAL "AS APPLIED". • THE THREE-STROKES PROVISION IS UNCONSTITUTIONAL "AS APPLIED". *STATUTES - (21); *RULE OF COURT - 2 - VALIDITY - APPLICATION. • MULLANE V CENTRAL HANOVER TRUST CO. 339 US 306 (1950) at 318;
- BODDIE V CONNECTICUT 401 US 371 (1971) at 379 CONCLUSION

The petition for a EXTRAORDINARY WRIT ~~should be granted~~ should be granted.

Respectfully submitted,

 Antonio D. Woodson @1/26/2020

Date: JANUARY 26, 2020