

19-8086

ORIGINAL

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

RANDY DALE JACKSON Prose — PETITIONER
(Your Name)

vs.

PELICIA HALL ^{Formerly MDOC} Commissioner — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RANDY DALE JACKSON
(Your Name)

MSP-UNIT-30 Hwy 49 West
(Address)

Parchman, Mississippi 38738
(City, State, Zip Code)

(662) 745-6611
(Phone Number)

QUESTION(S) PRESENTED

Whether Petitioner's First, Fifth, Sixth, Eighth and Fourteenth Amendment's Rights Are Violated By The Imposing Of Monetary Sanctions and Threat Restrictions, To Challenge His Unlawful Conviction or Length of Sentence, that Deprive Petitioner Access of The Courts, Under The United States Constitution?

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:

RELATED CASES

Jackson V. Hall, No. 3:18-cv-753-CWR-JCG U.S. District Court For The Southern District of Mississippi; Transferred Ordered entered Nov. 1, 2018.

In re: Randy Dale Jackson, No. 18-60587, U.S. Court of Appeals For The Fifth Circuit. Judgment entered Nov. 05, 2018.

In re: Randy Dale Jackson, No. 18-60771, U.S. Court of Appeals For The Fifth Circuit. Judgment entered Jan 16, 2019.

In re: Randy Dale Jackson, No. 19-90037, U.S. Court of Appeals For The Fifth Circuit. Judgment entered Dec. 03, 2019.

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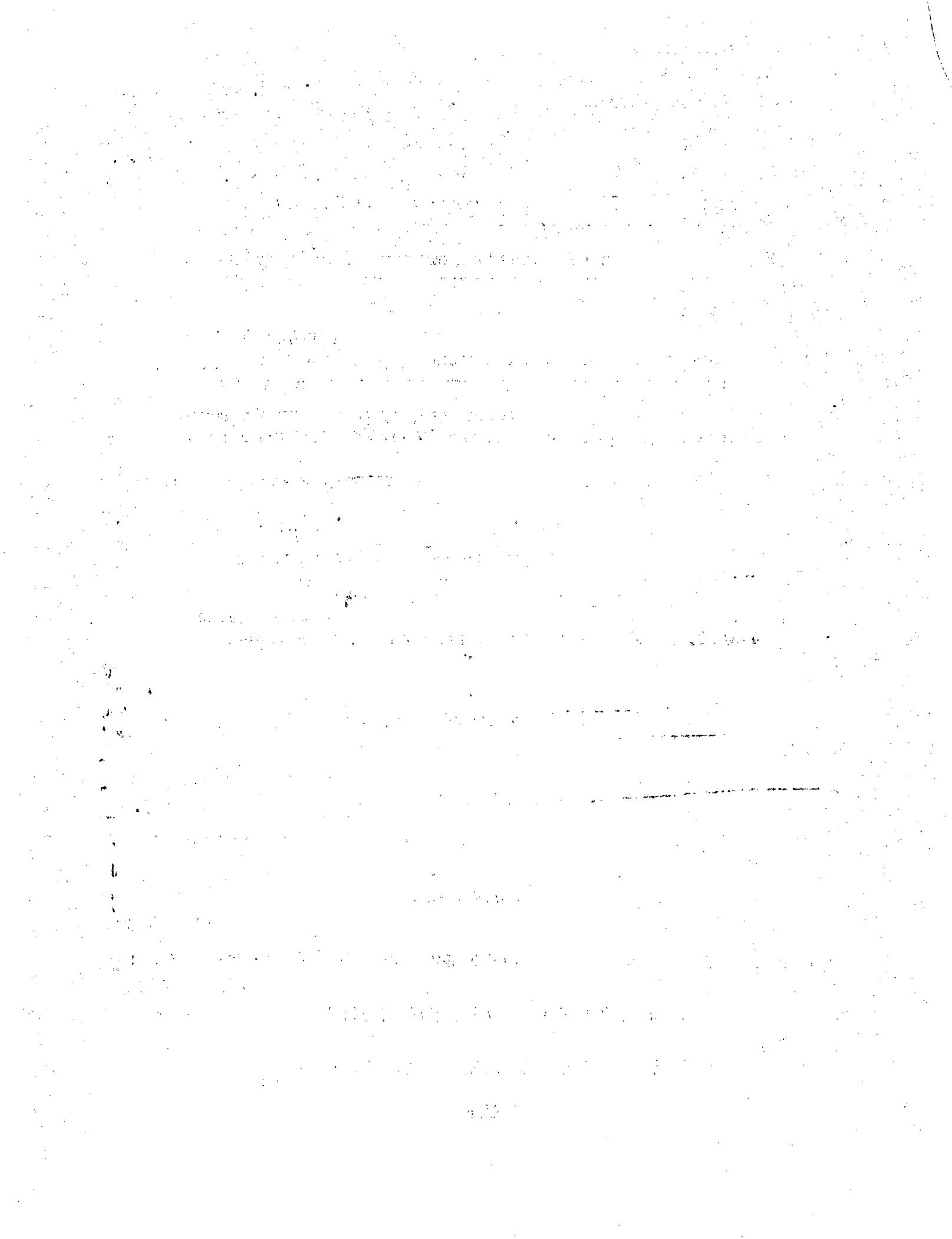
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at No. 19-90037; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Dec. 03, 2019.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution Amendment's
First, Fifth, Sixth, Eighth, Fourteenth.
Article III of the U.S. Constitution.

28: U.S.C.A. 1915, 28 U.S.C.A. 2254.

2:26.10 Case law on the PLRA And Federal Post-Conviction
Proceeding (May 2019 Update).

The PLRA: Three Strikes, IS IT CONSTITUTIONAL?
70 TEMP. L. REV. 471, 474-75 (1997).

STATEMENT OF THE CASE

Petitioner is being denied access to the courts in challenging his unlawful conviction or length of sentence as a pauper through unconstitutional sanction and threat of restrictions.

On 10/28/19, Petitioner filed his Motion For A Procedural Order in the U.S. Court of Appeals (5th Cir.). Asking permission for Waiver of Monetary Sanction and to proceed in forma pauperis with the filing of a suitable Habeas Corpus or Post-Conviction Collateral Relief Application in the Courts. Relying on Fundamental right error (Racial discrimination in the jury selection). Batson v. Kentucky, 106 S.Ct. 1712 (1986) Foster v. Chatman, 136 S.Ct. 1737 (2016) Flowers v. Mississippi, 139 S.Ct. 2228 (2019) U.S. Const. Amend. 6, 14.

Fundamental right error (Ineffective Assistance of Counsel Trial / Appeal). Strickland v. Washington, 104 S.Ct. 2052 (1984) Martinez v. Ryan, 132 S.Ct. 1309 (2012) Trevino v. Thaler, 133 S.Ct. 1911 (2013) Buck v. Davis, 137 S.Ct. 759 (2017) Ayesza v. Davis, 138 S.Ct. 1080 (2018) U.S. Const. Amend. 5, 6, 14.

And recent Supreme Court Case, Montgomery v. Louisiana, 136 S.Ct. 718 (2016) Constitution requires a remedy involving individual liberty. U.S. Const. Amend. 8. "Excessive punishment".

On 12/03/19 The U.S. Court of Appeals (5th Cir.) ORDER, Denied with caution threat, Jackson's motion to proceed as a Sanctioned litigant. Case: No. 19-90037. Thereby cutting off indigent Petitioner's right of access to the courts, to vindicate all constitutional rights in challenging his unlawful conviction or length of sentence. Nevertheless, prohibiting the right to petition the Government for a redress of grievances. U.S. Const. Amend. 1.

REASONS FOR GRANTING THE PETITION

The Compelling Reasons to Consider is the "Miscarriage of Justice Exception" broad enough to authorize relief under Fed. Rules Civ. Proc. Rule 60(b)(6) "any other reason that justifies relief."

1. The U.S. Court of Appeals (5th Cir.) has entered a decision in conflict with the decision of other U.S. Court of Appeals on the same important matter; see *Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000) (the PLRA does not apply to any requests for collateral relief under 28 U.S.C.A. 2254) *Naddi v. Hill*, 106 F.3d 275 (9th Cir. 1997) *Attwood v. Singletary*, 105 F.3d 610, 37 Fed. R. Serv. 3d 257 (11th Cir. 1997) (the *in forma pauperis* statute 28 U.S.C.A. 1915 ensures that indigent persons will have equal access to the judicial system). (2:26, 10 Case law on the PLRA and Federal Post-Conviction Proceedings (May 2019 Update) The PLRA: Three Strikes, IS IT Constitutional? 70 Temp. L. Rev. 471, 474-75 (1997)).
2. The U.S. Court of Appeals (5th Cir.) has so far departed from the accepted and usual course of judicial proceedings; see, *Jackson v. Johnson*, 475 F.3d 261 (5th Cir. 2007) (the PLRA's three-strikes provision does not bar prisoners from proceeding *in forma pauperis* in a habeas action even if the prisoner has accumulated three strikes); *Davis v. Fechzei*, 150 F.3d 486 (5th Cir. 1998) *In re Stone*, 118 F.3d 1032 (5th Cir. 1997) (the PLRA is inapplicable to 2254 and 2255 proceedings).
3. The U.S. Court of Appeals (5th Cir.) sanctioned such a departure as to call for an exercise of this court's supervisory power; Under Article III of the United States Constitution, to cut off an indigent prisoner's right to proceed *in forma pauperis* is to cut off his access to the courts. This, in itself violates a defendant's constitutional rights. *In re Demos*, 111 S. Ct. 1569, 1571 (1991), *In re McDonald*, 109 S. Ct. 993, 997 (1989) J. dissenting. (The Constitutional Right to Collateral Post Conviction Review 103 Va. L. Rev. 905 (2017)).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Randy Dale Jackson

Date: March 2, 2020