

No. 19-8252

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Roscoe Chambers — PETITIONER
(Your Name)

vs.

Dr William Hardy — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Six circuit of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

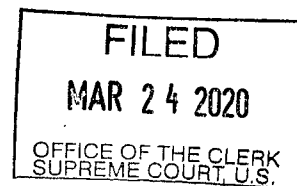
PETITION FOR WRIT OF CERTIORARI

Roscoe Chambers
(Your Name)

AWSP Thomson P.O. Box 1002
(Address)

Thomson Illinois 61285
(City, State, Zip Code)

NONE
(Phone Number)



QUESTION(S) PRESENTED

1) Whether the District Court can overlook Regulations as frivolous and not infringing on Due process of law rights,

2) Whether Coded federal Regulations are laws,

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:

J. Ray Ormond, Warden, Ms. Barrone, Assist. Warden, Ms. Jones
Health Service Administrator, Unknown PA-C Physician Assistants

RELATED CASES

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	Appellate Courts Order Denying Appeal,
APPENDIX B	Appeals court order denying request for rehearing
APPENDIX C	Letter from clerk refusing to process timely petition for en banc rehearing
APPENDIX D	Copy of petition for rehearing En banc
APPENDIX E	Mandate
APPENDIX F	Motion to recall mandate

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

28 C.F.R. 50.15
Federal Rule of civil procedure 12

OTHER

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 19-5201; 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☐ is unpublished.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 N/A to the petition and is

- ☐ reported at 06-17-CV-00256; 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☐ is unpublished.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 Oct 30, 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: Jan 15, 2020, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

Eighth Amendment; Estate has a right to adequate medical care,

Fifth Amendment the Due process clause, for procedural
Due process of law, interest through 28 CFR § 50.15 and
Federal Rules of civil procedural 12,

STATEMENT OF THE CASE

In September 2017 Roscoe Chambers filed a civil complaint in the United States District Court of Kentucky because several officials at USP McCreary violated Chambers Eighth Amendment right to have adequate medical care. The Defendants performed a surgical procedure on Chambers right foot without permission, which resulted in an infection, and defendants refuse to send Chambers for a knee replacement.

The District Court Improperly overlooked the Assistant United States Attorney Thomas Lee Gentry violation of Administrative law as being frivolous.

The District Court was aware that Mr Gentry did not have authority to represent the Defendants pursuant to regulation requirements.

The District Court accepted Attorney's Gentry's response to the ~~second~~ operative complaint. After Chambers filed a motion for summary judgment to contest the brief.

The United States Attorney's Office cannot become involved in a case without authorization from the United States Attorney General or his designee which is the Civil Division of the Department of Justice.

The Attorney cannot file an answer, motion or other response to the operative complaint on behalf of any of the defendants.

The Appeal court overlooked the fact and overlooked the fact the Attorney filed a appearance in the Appeals court then Dunk out the case.

This was a clear violation of Due process of law, the Attorney's response to the second Amended complaint should have been void!

REASONS FOR GRANTING THE PETITION

Accordance to Supreme Court, that particle conduct as relevant Here must be clearly established to be unconstitutional, At the time AUSA Attorney Thomson Lee Gentry filed the response to the operative Complaint the federal regulations was well established, The District Court had no right to overlook the Administrative law, federal regulations should be adhered to and given full force and effect of law, when ever possible, As long as the federal Agency's regulations is based upon a permissible construction of the enabling statute the regulation should be enforced,

How do it look that the Court knowingly allowed the Court official to violate the law in order to win,

The Court is not deciding the Agency's management of its Affairs but the fact the Government Attorney violated Administrative law! See 28 CFR § 50.15,

The matters encompassed by Federal Rules are to be administered with ends of Justice in mind, and second, that under Rules Courts are vested with considerable discretion to regulate proceedings before them in manner consistent with equity and fairness,

The Supreme Court said that Judges reviewing administrative action should decide all questions of law, including Questions concerning the meaning of regulations,

The District Court should not be allowed to accept documents or Evidence filed in violation of the law! The response should be voided The Question now lies is Court rules and federal regulations law?

This honorable court should reverse the district court order to grant the defendants Summary Judgment, and Grant Petitioner Motion For Summary Judgment because in kind sight the Defendants failed to respond to the operative complaint in a timely manner allowed by Congress, The district court must not accept illegal documents,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roscoe Chambers

Date: March 23, 2020