

20-6077

In the Supreme Court of The United States

Pinney, Johnathan

VS.

State of Illinois et al

OCT 08 2020

On Petition For writ of Certiorari to

U.S. District Ct., Chicago, IL, 1:19-CV-8338

U.S. App. Ct. (7th Cir.); 20-1932

(and others)

Petition For writ of Certiorari

Pinney, Johnathan, Inmate #173141

P.O. Box 1630

Malvern, AR. 72104

RECEIVED

OCT 20 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Questions Presented

- 1: May the District court compel related issues to be severed and individually filed so as to dismiss the resulting actions individually and deprive such citizen of any appellate process thereby under the P.L.R.A.?
- 2: Does the P.L.R.A. operate to bar appeals of actions pending at the time 3 "strikes" are met? Especially that "strikes" propriety from being appealed?
- 3: Should a citizen ever be deprived of review of wrong doing by government actors involving acts of criminal nature, without ever looking into the facts asserted in such petition(s)?
- 4: Can a District court dismiss a pleading as frivolous, before service on any defendant, based on a finding that the pleadings assert widespread miscarriages of justice in state court proceedings?
- 5: Does the District court enjoy special absolute conclusive power to invalidate a prisoner's right to petition the courts via the P.L.R.A.?
- 6: Does the P.L.R.A. violate equal protection clause to suspect class of "prisoners"?

7: What, if any, time limits affect the P.L.R.A. bar to right to access/petition the courts for redress of perceived injury.

8: Does the 3rd strike under the P.L.R.A. permit such District judge to exploit the provisions thereunder so as to afflict the petitioner to a wrongful third strike which the petitioner is helpless to have resolved?

9: When a citizen files a new action in Federal court asserting that multiple issues in previous filings formerly dismissed for "Failure to state a claim" were in fact subjected to further actions which establish the actions thereunder to have been asserted were as alleged and that wrongful injury resulted directly and consequentially, as well as incidentally from those such wrongs and the wrongful denial of federal intervention; is the court free to dismiss such assertions as frivolous and unappealable via the P.L.R.A.?

10: Is it the practice of this nation's present government to ~~turn~~ turn a blind eye to other government actors' corruption, in violation of the 14th Amendment Section 3? (And considerably Treason)

11: Whether or not unreasonably severed elements of one case [as eligible under F.R. Civ. P. 18 and 20] can reasonably constitute multiple strikes against the P.L.R.A.!

12: Whether this district court is empowered to compel this supreme court's clerk to file submitted action seeking original jurisdiction.

13: Does compliance with directions of any court officials' directions reasonably allow a court to use such pro-se petitioner to be subject to further "strikes" against P.L.R.A. limits for seeking the protection of those laws involved.

14: Does Fed. R. Civ. P. 19 require a court to join any identifiable party responsible when a pro-se petitioner asserts an evident violation of a law or constitutional protection, or is it excused in dismissing the action as "frivolous" or "failure to state a claim" so as to act as a strike against P.L.R.A. reasonable despite the evident factual injury sustained.

15: Even if the court only acknowledges the wrongful prejudice evidenced in warnings sworn arrest information that Illinois officers are responsible

for circulating information about its falsely obtained conviction of aggravated battery in the 2006-CF-39 case, would this information's circulation in NCIC and causing prejudice amongst such "Fraternal Brotherhood" the order of police whom are the exclusive recipients of such communications; wouldn't this alone be a substantial issue against the State of Illinois permitting all other issues against such party under FRCP Rule 18, and evidencing imminent and irreparable harm? Noting that the officers sworn testimony clearly indicates the manner such state entered proceedings has caused them to appear to be multiple such convictions of separate offenses of violence on officers, and present social awareness clearly indicates social outrage and riots resulting from apparently indiscriminate use of deadly force at the slightest perceived threats by police. Also noting such Felony unconstitutionally violating my 2nd Amendment rights.

16: Wouldn't the general assertion of refusal to provide protections (due to that prejudice from false conviction) from other's violent threats or other acts (individually indicated) constituting exile suffice

to raise a cause of action above the applicable realm of "frivolous" as Illinois court has apparently sought to declare (though such order has still not been redressed)?

17: As indicated ~~resentencing~~ under 2006-CF-39 case for being homeless and ~~living on the~~ side of the road, combined with recent harassment for again being homeless qualify under *Pottinger v. Miami* 810 F.Supp. as a violation of the 8th Amendment ban on cruel and unusual punishment, would this set of circumstance directly implicate the imminent harm from such abuses, especially wherein as at present all I had has been seized and unless I receive Federal relief I will be returned to that homeless status?

18: Given that the facts contained in the previous few questions were clearly the first few pages in my originally filed complaint, is it not sufficient evidence such judge's dismissal of such prose petition for redress of these wrongs was itself a wrongful act, evidencing wrongful bias in favor of such government actors (as similarly evident in Arkansas' District court's handling of my case)?

List of Parties

This list is uncertain, as the cases indicated have been terminated without service on any party, the only defendant(s) are the respective courts, though the actions challenge the actions of various police or other government offices as well as laws of the United States such as the contested as being unconstitutional P.L.R.A.

Related Cases

- 13th District court of Illinois (LaSalle County)
 - 2006-CF-39
 - 2005-CM-1540
 - Misc civil/other
- Van Buren County District court of Arkansas
 - 71CR-19-1
- Little Rock, AR. U.S. Dist. Ct.
 - 4:19-CV-138
 - 4:19-CV-~~100~~ 509 π APP# 20-2738
 - 4:19-CV-510 *transferred to Chicago, IL #1:19-CV-8338
 - 4:19-CV-679 ***APP#19-3488 / S.Ct. 19-8410
 - 5:19-CV-229
 - 4:19-CV-930 ***transferred to D.C. #1:19-CV-3842
- U.S. Dist. Ct. Washington D.C. 1:19-CV-3842 - Appeal filed unfilled

- Chicago, IL U.S. Dist. Ct.
 - 1:11-CV-4480
 - 1:11-CV-4481
 - 1:19-CV-8338 *APP # 20-1932
 - Other [1:06-CV-XXXX]

- U.S. Appellate Ct.
 - 7th Cir.
 - 20-1932
 - 8th Cir.
 - 19-2173
 - 19-3488
 - ~~20~~ 20-2738

- D.C. - Filled but not Filled

- Ark. App./sup. Ct.
 - CR-19-875

Table of Contents

Options Below	1
Jurisdiction	2
Constitutional and Statutory provisions involved	3
Statement of case	4-12
Reasons for granting the writ	13-16
Conclusion	17

Index to Appendices

Appendix A: U.S. District Court Decisions

Appendix B: Federal Appeal court rulings

Appendix C: Supreme Court's directions

Appendix D: Ark. Conviction order Appellate order

Appendix E: Exhibits

Appendix F: Statute/case law involved

In the Supreme Court of the United States
Petition for ~~writ of~~ Certiorari

OPINIONS BELOW

☒ For cases from Federal courts

The opinion of the United States court
of Appeals appears at Appendix
and is unpublished.

The opinion of the United States district
court appears at Appendix
and is unpublished

Jurisdiction

- For cases from Federal courts
The date on the United States court of Appeals decided my case was 9/9/20
- A timely petition for reconsideration was filed 9/22/20 and denied 9/23/20 (in the nature of demand for 1st Amendment protections)
- The District never provided a copy of its final dismissal order, so particulars thereof are Indiscernable.
- D.C. Appeal not complied with by the court
- Arkt. Dist. Ct. issues pending several attempts to resolve wrongful Judicial conduct and other corrupt acts by government associates.

Constitutional and Statutory Provisions involved.

1: Due Process — 14th Amendment

2: Supremacy Clause

3: Equal Protection of the laws

4: Fundamental Human Right to unbiased, competent,
and complete review

5: Prisoner Litigation Reform Act (P.L.R.A.)

6: Right to petition the court for Redress (1st Amendment)

7: Federal Rules of Civil Procedure

8: 8th Amendment ban on cruel and unusual
punishment.

9: Pottenger v. Miami 810 F. supp (SS)

Statement of Case

This action comes into being as result of a long chain of abuses suffered in the State of Illinois which absolutely devastated my general welfare as well as my character and well being as a result of wrongful acts by government employees. These wrongs persisted into the courts, and ultimately deprived myself of remedy those few times I had resources available to petition for remedy; but more importantly left myself so desperate financially that resources necessary to seek court redress was unavailable.

While not all my injuries have been the direct result of government wrongdoing the acts of private parties have often been made to be enforced by government actors or have been refused to provide protection from such private actors or otherwise to prosecute those who commit Felonous injuries against myself as being felonious (if prosecuted at all).

The list of such injuries is extensive and flow back into my childhood, but I will focus on those which are most directly tied to my present concerns, and how they impact my circumstances, especially a mob mentality that has grown pervasive amongst the general government actors, especially police and Judiciary.

In 2005 police entered my residence without a warrant, sprayed myself with mace, and forced myself to take a urine test, then be compelled to be hospitalized or arrested on possession charges, for a green leafy smoking herbal blend (Not any controlled substance, field tests and urine tests proved such substances were not marijuana), which did result in myself being evicted from such residence and thereafter being deprived such subsidised housing benefits.

This loss resulted in myself missing an appearance date on those false charges (later dropped) which I again entered a hospital as soon as I could get back from where I had to go to seek shelter (Joliet), in hopes of resolving such FTA warrant without arrest.

While in this hospital medical staff screened the property I could have. Amongst returned property was religious book on Kaballah and religious clothes.

However, a different staff member decided such items constitute a "grandious delusion" and that such excused the staff to subject myself to illegal torture via mind altering substances, even after such religious vestments were seized and demand for identities made to seek legal action for the conspiracy against my civil rights. Police were called and while violently handling myself with intent to aid in this illegal act of torture, one

such officer received a bite wound to his forearm due to his use of said forearm to inflict injury to my face. This officers injury was abused to obstruct justice for these prior injuries, as I was prosecuted for Aggravated battery but denied protections of the laws such as Entrapment, resulting in my wrongful conviction of 13th Cir. Illinois #2006-CF-39.

When I was later arrested in relation to police harassment for being homeless and living under a bridge/side of the road in the country, with no other options (violation of 8th Amendment and others under *Pottinger v. Miami* 810 F. Supp. 1551) and resentenced to prison, in 2011, I filed for relief in the federal court. This resentencing was later reversed on appeal under some other technical error, as public counsel has demonstrated a practice/policy of not preserving client interests. Though this reversal was not made till completion of the term, and no remedy received for the wrong. It is noteworthy that I was denied social security benefits till approx. 2013 despite applications dating into my childhood, and one of the disabling issues is knee damaged in P.E. class (also never granted any redress for).

The following years it took all I had to avoid similar such prosecutions for being homeless, as the cost of rent alone was almost

all the social security benefits covered once they were finally obtained.

When events resulted in my loss of my residence and homelessness Defamation, harassment, and intimidation ensued with voluminous places banning myself from public businesses or even being on public free parking areas adjacent to courthouse in preparation for appearance at that courthouse the following day, much less simply for a permissible place to be. As this escalated into violent threats both directly and through electronic communications, police refused to provide due protections, and in a desperate pursuit of Asylum I fled the state to the first affordable piece of land I could find.

Once I arrived at this location the police apparently discovered the reports being circulated on NCIC from the 2006-CF-39 case and deemed myself an undesirable, which is the suspected cause of their subsequent abuses of process in an identical nature, first threatening destruction of my property under color of a littering ordinance, followed by prosecution for "terroristic threatening" for discussing the legally permissible defense of that property should such invasion occur on social media outlet Facebook.

The charging instrument indicated that the State's handling of matters under the 2006-CF-39 case conveys to police a repeat offender of violence targeting police. A prompt petition filed to the U.S. District Court challenging the constitutionality of the events I was suffering was again met with unprecedented dismissal of all issues that were not "unlawful arrest" and staying that matter pending exhaustion of State process. This necessitated I file the subsequent matters, including 4:19-cv-510 to preserve my right to relief in those elements that did not specifically constitute such wrongful arrest, in particular to avoid loss of such claims to statutes of limitations.

As I received several other injuries in the course of events that followed this wrongful arrest, including police soliciting violence against myself by other inmates (which was included in that first filing with U.S. Dist. Ct. Little Rock, AR, #4:19-cv-138), other actions were filed to ensure claims were addressed distinctly by each set of actors as is permitted all claims be joined under Fed. R. Civ. P. 18. However the District courts continued to refuse to provide remedy of these matters as filed and thus inspired myself to seek out this Supreme Court's Original Jurisdiction as indicated in Article 3 section 2, though this court's clerk directed myself this court

only receives cases brought from lower courts.

My attempt to invoke this court's review as directed by the clerk (Little Rock U.S.D.C. #4:19-CV-930 / D.C. U.S.D.C. 1:19-CV-3842) was again struck down without service on anyone, under a theory of Absolute Immunity, from mandamus directing the clerk to file documents instead of obstructing access to this court (in violation of 18 U.S.C. § 1702).

This particularly places under question what the constitutional designation of original jurisdiction of to this supreme court means, and how it is to be invoked.

Furthermore the Little Rock court also entered another case be dismissed 4:19-CV-509 without service on defendants (especially targeting the Van Buren county treatment in custody and indicating its related Fed. R. Civ. P. 20 related issues), and in the case of 5:19-CV-229 sought to reduce the issues focused on the treatment in A.D.C. custody to strictly medical neglect and strictly to the liability of 3rd party the A.D.C. contracted to delegate that duty of care.

Thus there is repeated evidence of the courts of this Nation's government, of a prejudice in favor of government actors, and obstructing process when a citizen seeks relief from such wrongs. Such "U.S. vs. 'Them'" mentality is

effectively treason by the government agents which exist for the protection of the rights of the people. This is particularly true when as indicated I'd only been seeking a secure place to be, free from threats and loss, and in this last instance owned the land in question.

These cases also assert various other laws and policies which I contest to be unconstitutional, and even relevant to the issues compounding these events; the dismissal thereof as "frivolous" or "failure to state a claim" is thus evidently wrongful, especially without any due hearing of the matters. Especially the act of the government to regulate wholly private acts such as consensual sex acts or drug consumption constituting an unconstitutional overreach of the police power; and how these two invasive departments have resulted in counter culture acts of witness intimidation such as the slogan "snitches get stitches" as the people adapt to pry back those liberties unjustly invaded, as well as other oppressors victimizing people under rumor that such person violated one or either of those topic's laws which constitute Double Jeopardy through "social justice" which again is particularly relevant as the urgent flight under effective exile and threats

*Petkins & Boyce, Criminal Law 14-15 (3rd ed. 1982)

conspired to in relation to Donnahough and Behr, which again police refused to provide myself protection from, which in particular alledge publicly that I am a pedophile as an excuse to rouse others into violence against me.

I have also asserted other parallel facts which support my allegation that a systemic insurrection of this devise created for the protection of citizen rights has been instead perverted into system of oppression and abuse of these trusted offices. Examples include the refusal to prosecute police for acts of Homicide which have spawned nationwide riots in the case of Breonna Taylor, and others. This has progressed to the point winter 2018 Popular Science magazine Page 18 & 19 cite "Fear of corrupt government officials is Americans' top terror: 74.5%" per study in 2017 Chapman university survey of American Fears. This is apx. 3 of 4 people. Barely 1/4 of people are free of this fear's impact, which should not be a concern, and the root cause of such fear being so prevalent is apparently due to supporting evidence validating those fears.

Moreover, the departure from the original common law febles^{*}, from homicide, mayhem, arson, rape, robbery, burglary, larceny, prison breach, and rescue of a felon,

that all embodied serious social injury to an unwilling victim, to today's unconstitutional laws invading nearly every aspect of human life under threat of punishment, often as a felony, even where no actual harm is involved, is one example of how such actors have exploited such position of protection into a totalitarian enterprise exploiting the public even at conflict with the public will, with the people rendered helpless to seek any remedy, as these actors delve to legislate away more liberties, often in advancing religious moral codes (see profanity, marriage, and other sexual regulations) or otherwise violating the express constitutional purposes demanded to supercede any such attempts to invade upon under the Supremacy clause.

Most specifically, president needs set that such treasonous insurrection will not be tolerated by these various government officials, especially in the judiciary. And that any such agent found acting as an accessory to apparent conspiracies against civil rights before or after the fact will be fully prosecuted as such. It is clear this has been the nature of government actors in all these matters as addressed. Especially the corruption of Judicial process and due process rights to aid those offenses felonious in nature against me.

13 Reasons for Granting the Petition

- Wide spread abuses of office are evident, necessitating major intervention to restore the integrity and function of the devices created to protect the rights of the people.
- The P.L.R.A. is apparently being used in an unconstitutional way to deprive the access to the law's protection, which is its clearly designed purpose.
- The concept of judicial economy underlying the P.L.R.A. has clearly been violated by these judicial actors in requiring myself to maintain the filed actions individually, then using their own wrongful dismissals of these individual actions as the basis of denying me the right to access the courts at all, an abuse evidenced in 2⁺ states now in my case alone.
- Public faith in the Judicial system can only be restored by removing those that abuse their positions to inflict injustices, and heavily punishing such abuses (not simply the removal from office as the 14th Amendment requires), and removing their precedents.
- The government has more than sufficient resources to increase its judicial staff to

offset any burden that the targeted population of "prisoners" is likely to create even assuming such population is most likely to be the source of frivolous actions (which is not likely supported by any evidence). Thus ~~P.L.P.~~ is not the least restrictive means of addressing such legislative purpose.

- Particularly usurious "filing fees" asserted by the court far exceed any honest such costs of being filed, especially when, as in all these strikes received, no party was ever served. While original IFP petitions waived such filing fee entirely these modifications have severely threatened rights to petition the court as diligently sought to be protected by the constitution, *habeas corpus* and prohibitions against bills of attainder, the first and 14th Amendments all contribute to the preamble's purpose of "Establish Justice." The fact these strikes I have received were wrongfully done in 2-3 "states" now show a wide spread issue presently being exploited by such officials, which requires action.

- The record in the cases appealed generally shows the facts irrefutably indicate substantial wrongs suffered by myself which requires remedy. The 4:19-cv-509 case Doc#67 most specifically establish sufficient basis to grant at least some level of remedy

as to the majority of elements addressed in these many cases, if not all such matters, as a matter of law/irrefutable fact. This necessarily thus invalidates the strikes recited of being "frivolous" or "failure to state a claim" as invalid abuses of such positions.

• Particularly as in this case, where the government instituted to protect the rights of the people has shown itself the greatest, even exclusive, threat to my welfare, for seeking no more than the security of myself and property, on my own land; it is clear that a treasonous attitude has been manifested which no legitimate purposes of government excuse.

• As indicated regarding Arkansas events especially, counsel assigned by the state has demonstrated the superficial representation characteristic of modern conspiracy to deprive citizens that degree of protection of their rights and legal interests that such protection in the constitution which their office is charged with filling (right to counsel); even as I have clear evidence of my efforts to preserve issues on appeal, counsel clearly abandoned them. The fact the states' Appeal court has rejected pro-se filings to address those issues further indicates exhaustion and disregard for propriety.

• The extreme interrelation of the issues addressed in these multiple cases, combined with the irrefutable facts, overwhelmingly calls for this court to remove the proceedings here for original subject matter jurisdiction as I have clearly sought in proceedings under 4:19-CV-930 from Little Rock. This is further supported by the apparently prejudicial treatment by local judiciary, and unreasonable severances suffered; it is particularly needed to serve the purposes of judicial economy (as evidenced it takes 2 pages now to even list the related cases now pending).

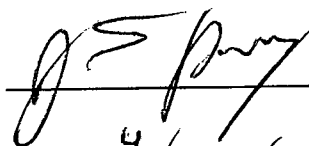
• The broad proof that the collective government body in both states have proven absolute deprivation of nearly every right this nation's existence is formed to serve, thus establish the factual imminent and irreparable harm will continue unless some intervention is made to remove these treasonous actors and remove those legal pitfalls they exploited to afflict those wrongs.

while many more finer elements of the matter are implied, and articulating them in minute detail should not be required for them to be properly protected, I ask this court to properly administer the justice due, removing all these actions to its original jurisdiction and applying those just principles as may not be available to me but apparently related, especially given griever issue of inadequate access to legal resources. However the most fundamental issues are quite evident that judicial misconduct concealing Felony acts factors from prosecution is at play.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date:

4/20/20

re-certified 10/5/20

