No. 20-6120

ORIGINAL

Supreme Court, U.S.
FILED
OCT 1 4 2020
OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

JOHNNY TIPPINS - Petitioner,

VS.

NWI-I, INC., et. al., Respondent(s)
FRUIT OF THE LOOM, Interested- Party,
PATRICIA CARUSO, et. al., Respondent(s).

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of Certiorari without prepayment of costs and to proceed in forma pauperis.

Petitioner has previously been granted leave to proceed in forma pauperis in the following courts:

Eastern Distict of Michigan (Bay City and Detroit) Southern and Northern Divisions, The Court of Appeals Sixth Circuit

Petitioner's declaration in support of this motion is attached hereto.

Johnny Tippins
(Signature)

DECLARATION

IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Johnny Tippins, am the petitioner in the above-entitled case. In support of my motion to proceed in forma pauperis, I state that because of my poverty, I am unable to pay the costs of this case or to give security therefor, and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	$ Ø	$ N/A	$ Ø	$ N/A
Self-employment	$ Ø	$ N/A	$ Ø	$ N/A
Income from real property (such as rental income)	$ Ø	$ N/A	$ Ø	$ N/A
Interest and dividends	$ Ø	$ N/A	$ Ø	$ N/A
Gifts	$ Ø	$ N/A	$ Ø	$ N/A
Alimony	$ Ø	$ N/A	$ Ø	$ N/A
Child Support	$ Ø	$ N/A	$ Ø	$ N/A
Retirement (such as social security, pensions, annuities, insurance)	$ Ø	$ N/A	$ Ø	$ N/A

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Disability (such as social Security, insurance payments)	$ 0	$	$ 0	$
Unemployment payments	$ 0	$	$ 0	$
Public-assistance (such as welfare)	$ 0	$	$ 0	$
Other (specify): ______	$ 0	$	$ 0	$
Total monthly income	$ 0	$	$ 0	$

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Date of Employment	Gross monthly pay
N/A	N/A	N/A	N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Date of Employment	Gross monthy pay
N/A	N/A	N/A	N/A

4. How much cash do you and your spouse have? $ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
		$	$
N/A	N/A	$ N/A	$ N/A
		$	$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value NONE

☐ Other real estate
Value NONE

☐ Motor Vehicle #1
Year, make & model N
Value NONE

☐ Motor Vehicle #2
Year, make & model
Value NONE

☐ Other assets
Description
Value NONE

6. State every person, business, or organization owing you or your spouse money and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N/A	N/A	N/A

7. State the persons who rely on you or your spouse for support

Name	Relationship	Age
N/A	N/A	N/A

8. Estimate the average monthly expenses of you and family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	$ Ø	$
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (eletricity, heating, fuel, water, sewer, and telephone)	$ Ø	$
Home maintenance (repairs and upkeep)	$ Ø	$
Food	$ Ø	$
Clothing	$ Ø	$
Laundry and dry cleaning	$ Ø	$
Medical and dental expenses	$ Ø	$
Transportation (not including motor vehicle payments	$ Ø	$
Recreation, entertainment, newspapers, magazines, etc.	$ Ø	$
Insurance (not deducted from wages or included in mortgages payments		
Homeowner's or renter's	$ Ø	$
Life	$ Ø	$
Health	$ Ø	$

	You	Your Spouse
Motor Vehicle	$ 0	$
Other: ________	$ 0	$
Taxes (not deducted from wages or included in mortgages payments) (specify): ________	$ 0	$
Installment payments		
Motor Vehicle	$ 0	$
Credit card(s)	$ 0	$
Department stores	$ 0	$
Other: ________	$ 0	$
Alimony, maintenance, and support paid to others	$ 0	$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ 0	$
Other (specify): ________	$ 0	$
Total monthly expenses:	$ 0	$

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☑ No If yes, describe on an attached sheet.

10. Have you paid- or will you be paying- an attorney any money for services in connection with with this case, including the completion of this form? ☐ Yes ☑ No

If yes, how much? ____________________

If yes, state the attorney's name, address, and telephone number:

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☑ No

If yes, how much? ____________________

If yes, state the person's name address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I do not have no support from anyone to pay the cost nor employment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 13, 2020.

Johnny [signature]

(Signature)

Tippins initiated his action by filing, copying largely portions of the Complaint from a prior case filed by the City of St. Louis and allegations listed in the respective Counts that did not appear applicable to Petitioner, (See RE#1 Pg ID 4), October 23, 2015. Petitioner sought $40 million in damages.

On January 15. 2016 Defendants removed the action to the federal district court. [RE #1] Prior to removal Tippins filed several motions in the state court but those motions were not entertained because of prompt removal. [See RE 1 PgID#121-123 and PgID#56-69].

Defendants NWI-1, Inc., LePetomane entities, Velsicol Chemical LLC along with interested party Fruit of the Loom moved to dismiss Fed. R. Civ. Pro. 12(b), in part on the on the grounds that Tippins' claim was time barred, for failure to commence suit within the three year statute of limitations, former MCL 600.5805(10). (RE #4, 12, 15)

In response, Tippins filed a response to Notice of Removal/ Motion to Remand. (RE 17) Petitioner did not present the argument that LePetomane entities, but instead stated he seeks to sue the Trustees (erroneously). (RE 17 at Pg. 7)

Ultimately, on August 12. 2016, having determined that this action the district court has jurisdiction over the matter, the lawsuit was filed outside the three year limitation period, where the district court made reference to the [Tippins v. Caruso, et.al., Case No. 14-cv-10956], and dismissed the complaint with prejudice. (RE 30 Pg ID# 519-532)

Tippins had made the argument to overcome Defendants motions to dismiss that the statute of limitations was equitably tolled by 42 U.S.C. §9658, Comprehensive Environmental Response Compensation and Liability Act. Tippins had made these erroneous arguments in response to motions to dismiss and several post-judgment motions, (RE # 32, 36, 42, 56, 62, 67, and 69) all in which the district court properly denied. The district court further enjoined Tippins from further filings without leave of court. (RE 93 Pg ID# 1030-1031)

Tippins subsequently filed prior to the Court's issuing him an enjoined filer, November 16. 2016, he filed a notice of appeal. (RE 39) On January 23. 2017 the district court granted Tippins' application to proceed in forma pauperis on appeal. (RE 48)

On October 11. 2017, the Sixth Circuit Court of Appeals affirmed the district court's ruling without oral argument by order. (RE 52, 10/11/17 Opinion) Tippins petitioned for rehearing, which the Sixth Circuit denied. (RE 53 11/17/17 Order) Tippins then unsuccessfully petitioned for a writ of certiorari in this Court regarding a Motion to Recall mandate. (10/1/18 Entry on United States Supreme Court Docket No. 17-9273).

Thus, Petitioner Johnny Tippins petitions to this Honorable Supreme Court a second time with a different set of circumstances and ask the Court to grant this petition for writ of certiorari and remand case to the Sixth Circuit Court of Appeals with instructions to consider Petitioner's motion to recall mandate to prevent a miscarriage of justice, re-evaluate the merits of the October 11. 2017 order applying Michigan's statute fraudulent concealment under Mich. Compl. Laws § 600.5855; Hardin v. Straub, 490 U.S. 536, 109 S.Ct. 1998, 104 L. Ed. 2d 582 (1989); Board of Regents v. Tomanio, 446 U.S. 478, 488-92 (1980). And determine whether the amended/ Supplemental complaint filed in the state court excluded LePetomane entities from the lawsuit requiring a remand to state court. The Court is asked to apply its discretion in terms of granting this petition for writ of certiorari under Supreme Court Rule 10., ... United States Court of Appeals has departed from the accepted and usual course of judicial proceedings ... call for an exercise of this Court's supervisory powers.

REASON FOR GRANTING THE PETITION

The Court of Appeals should recall its November 27. 2017 mandate in order to prevent a miscarriage of justice where (1) the Sixth Circuit applied the three year statute of limitations and decline to apply Michigan's statute tolling provision pursuant to MCL § 600.5855; (2) applied erroneous state law on appeal, Michigan no longer has a common law discovery rule; (3) Plaintiff amended complaint excluding Defendants LePetomane entities from lawsuit filed in state court that was not made apart of the record in federal courts. Because both Custodial and Successor Liquidation Trust Funds was erroneously included as Defendants. This matter should be remanded to state court.

Petitioner argues because of the misnomer that erroneously included LePetomane entities in this personal injury lawsuit, a jurisdictional defect has occurred without LePetomane entities included the district court did or does not have jurisdiction over the lawsuit. 28 U.S.C. § 1452 (a) and § 1334(b).

I. It would be a miscarriage of justice not to allow Petitioner's claims to be tolled under Michigan statute

II. Michigan no longer has a common law discovery rule

On direct appeal, Petitioner argued erroneous claim that the three year statute of limitations are tolled under federal statute, 42 U.S.C. §9658 federally required commencement date under CERCLA. The Sixth Circuit issued an order not addressing the erroneous claim, citing

> "Because Tippins failed to raise claims under the Comprehensive Environmental Response Compensation, and Liability Act in his complaint before the district court, we will not review them for the first time on appeal. See United States v. Ellison, 462 F.3d 557, 560 (6th Cir. 2006) (See Appendix B)

The Sixth Circuit went and applied Michigan's law for personal injury, three-year statute of limitations pursuant to Mich. Compl. Laws § 600.5805 (10). And further applied Michigan's common law discovery rule, pursuant to Village of Milford v. K-H Holding Corp., 390 F.3d 926, 932 (6th Cir. 2004).

Petitioner, first addresses the fact that he had erroneously argued CERCLA before the district court and on appeal. Because the

Sixth Circuit applied the three-year statute of limitations for personal injury. The Court of Appeals is additionally required to apply the state law tolling provisions.

The United States Supreme Court had held, "Under 42 U.S.C. 1988, federal courts are instructed to refer to state statutes when federal laws provides no rule of decision for actions brought under §1983 and 1988 authorizes federal courts to disregard an otherwise applicable state rule of law only if the State law is "inconsistent" with the Constitution and laws of the United States." Since Congress did not establish a statute of limitations or a body of tolling rules applicable to federal-court actions under §1983, the analogous state statute of limitations and the coordinate tolling rules are binding rules of law in most cases. This "borrowing" of the state statute of limitations includes rules of tolling unless they are "inconsistent" with federal law. Pp. 483-486.

This Supreme Court had interpreted this statutory language as requiring a three-step process for determining which jurisdictions procedural law, such as provisions concerning statutes of limitations or the survival of claims, is used in 1983 suits. See Robertson v. Wegmann, 436 U.S. 584, 588-89, 98 S.Ct. 1991, 56 L. Ed

2d 554 (1978).

First, a district court must determine whether there is an applicable federal law that covers the issue; and if there is apply it. See Id. Second, if there is no relevant federal law, then the district court must determine what the appropriate rule is in the state where the district court sits. See Id at 588. Third, the district court must determine whether the law of that state is "inconsisten" with the Constitution and laws of the United States, "if there is no inconsistency, the state law is used, but if inconsistency exists, a federal common law rule is used. Id 588-89.

In enaching 42 U.S.C. § 1988, Congress determined that gaps in federal civil rights acts should be filed by state law, as long as that law is not inconsistent with federal law. See Burnett v. Gratten, 468 U.S. 42, 47-48 (1984). Because no federal statute of limitations governs, federal court routinely measure the timeliness of federal civil rights suits by state law. Id at 49. Chardon v. Fumero Soto, 462 U.S. 650, 655-656 (1983); Johnson v. Railway Express Agency Inc., 421 U.S. 454, 464 (1975).

This tradition of borrowing analogous limitations statutes, cf. O'Sullivan v. Felix, 233 U.S. 318 (1914), is based on a congressional decision to defer to "the State judgment on the paper balance between the policies of repose and the substantive policies of enforcement embodied in the state cause of action. Wilson v. Garcia, 471 U.S. 261, 271 (1985). In virtually all statutes of limitations the chronological length of the limitations period is interrelated with provisions regarding tolling, revival, and questions of application." Johnson supra at 464. Courts thus should not unravel state limitations rules unless their full application would defeat the goals of the federal statute of issue. See, e.g., Wilson, supra, at 269, Chardon, supra at 657.

The principles were invoked in Board of Regents University of New York v. Tomanio, supra, to review a contention that a § 1983 action was barred by New York's 3-year limitations statute. the District Court and the Court of Appeals had rejected the defense by relying in' a federal tolling rule' not contained among the tolling provisions the state legislature had codified with its limitations periods <u>Id</u> at 482, 486. This Court reversed Limitations periods in § 1983 suits are to be determined by reference to the appropriate "state statute of limitations and the coordinate tolling rules, "New York's legislative choices in this regard were therefore "binding rules of law." Id at 484. Since the State's rules did not defeat either § 1983's chief goals of compensation and deterrence on its subsidiary goals of uniformity and federalism, the Court held that Tomanio's suit was time barred. Id at 488-492.

Tippins. makes the argument in order to prevent a miscarriage of justice, because the Sixth Circuit reviewed de novo a district court's dismissal of a complaint on statute of limitations grounds, under Banks v. City of Whitehall, 344 F.3d 550, 553 (6th Cir. 2003). The Court of Appeals was required to acknowledge that Michigan no longer has a common law discovery rule.

In Trentadue v. Gordon, 479 Mich. 378 at 390 (2007), the Michigan Supreme Court explained the relevant sections of the Revised Judicature Act comprehensively establish limitations periods, times of accrual and tolling for civil cases. Mich. Compl. Laws 600.5827, explicitly states that a limitations period run from the time a claim accrues "except as otherwise expressly provided. Accordingly, the statutes designate specific limitations and exceptions for tolling based on discovery, as exemplified by MCL 600.5838, 600.5838(a), 600.5839, and 600.5855. The scheme also explicitly supersedes the common law as can be seen in the area of medical malpractice, for instance, where the Michigan Supreme Court's prestatutory applications of the common law discovery rule were superseded by MCL 600.5838a, in which the Legislature codified the discovery rule for medical malpractice cases.

Mich. Compl. Laws § 600.5855, is a good indication that the Legislature intended the scheme to be comprehensive and exclusive. Mich. Compl. Laws § 600.5855 provides for essentially unlimited tolling based on discovery when a claim is fraudulently concealed. If we may simply apply an extrastatutory discovery rule in any case not addressed by the statutory scheme, we will render §5855 effectively meaningless. For under, a general extrastatutory discovery rule, a plaintiff could toll the limitations period simply by claiming that he reasonably had no knowledge of the tort or the identity of the tortfeasor. Trentadue, supra.

The Sixth Circuit essentially recognized the case state law in Trentadue in Chandler v. Wackenhut Corp., 465 Fed. Appx. 426 430 (6th Cir. 2012) where it determine the following:

> "James cannot rely on the common law discovery rule because it no longer exists in Michigan. citing Trentadue v. Gordon, 738 NW2d 664 (Mich. 2007). The Trentadue court, faced with a civil claim arising from a cold-case rape/murder similar to that perpetrated against Janet Chandler, held that Michigan's limitations provisions abrogated the common law discovery rule. Id at 671-672...

Michigan Compiled Laws § 600.5855 provides by statute:
"If a person who is or may be liable for any claim fraudulently conceals the existence of the claim or the identity of any person who is liable for the claim from the knowledge of the person entitled to sue on the claim, the action may be commenced at any time within 2 years after the person who is entitled to bring the action discovers, or should have discovered, the existence of the claim or the identity of the person who is liable for the claim, although the action would otherwise be barred by the period of limitations.

Tippins had shown in his supplement complaint and attachments that defendants committed affirmative acts or misrepresentations that was designed to prevent subsequent discovery. Doe v. Roman Catholic Archbishop of Archdiocese of Detroit, 264 Mich. App. 632, 642-43, 692 NW2d 398, 405 (2004). (RE#1, 1/15/16, Pg ID# 56-69)

Petitioner adds in order to prevent a miscarriage of justice, the Sixth Circuit Court of Appeals should re-evaluate the merits of Tippins' direct appeal where this misapplication of the discovery rule was applied erroneous instead of Michigan's fraudulent concealment statute. This Supreme Court for the United States is asked to grant this petition for writ of certiorari and remand the case to the Sixth Circuit in order to properly apply the appropriate statutory provision.

III. Petitioner excluded LePetomane entities from lawsuit prior to case removal, matter should be remanded to State court.

Petitioner filed a motion to remand after the matter was removed from state court. (RE 17, pgs 1-10) Defendants had stated in their opposition pleading that "Plaintiff does not dispute this ground for removal, nor this Court's prior finding that it is applicable to the LePetomane Defendants in the Motion to Remand. Therefore, the Motion to Remand should be denied. (RE #19 2/19/16 Pg ID# 427) The fact that Tippins did not place before the Court the concerns that he had raised in a motion while the case was in state court.

In Petitioner's Motion for Videoconferencing or other Communication Equipment in the state court, Tippins stated to the court:

> "6. It is not Known to the Plaintiff whether LePetomane II & III are affilliated with the reorganized Fruit of the Loom Inc.,. This acknowledgement was never substantiated therefore Plaintiff served the Fruit of the Loom Inc., to forward summons and complaint to their respective attorneys at LePetomane II & III to defend against allegations.

dated December 25, 2015 (RE#1, 1/15/16 Pg ID# 122)

On November 24. 2015, Petitioner forwarded Motion to Supplement Complaint and Toxic Tort Complaint to Defendants. (RE #1, 1/15/16 Pg ID# 56-69) Tippins had shown his misunderstanding that he was not aware whether LePetomane entities was apart of the reorganization of Fruit of the Loom Inc. And he submitted the complaints to LePetomane entities because of his uncertainty.

The magistrate judge submitted a report and recommendation, acknowledging, "Plaintiff does not contest the propriety of removal under §1442 (a). Thus, I suggest that Plaintiff has waived any argument that removal is improper under 28 U.S.C. § 1442 (a)(1) and the court has subject matter jurisdiction over this matter. See McPherson v. Kelsey, 125 F.3d 989, 995 (6th Cir. 1997)("Issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation are deemed waived.") (RE 24 6/17/16, Pg.4)

After Petitioner objected to the magistrate judge's report and recommendation regarding the subject matter jurisdiction. Tippins claimed that the Court did not have jurisdiction under §§ 1452 (a) and 1332 (b). (RE #30, 8/12/16, Pg ID#526) Because Tippins' original Complaint contained LePetomane II & III Inc., as Defendants which had given the district court original jurisdiction. Petitioner asserts that' he caused a "misnomer" and if this misnomer is not allowed to be corrected it would be a miscarriage of justice.

As previously stated Petitioner did timely file a motion for remand and claimed the Court did not have jurisdiction. In the state court motion Tippins did state uncertainty to whether LePetomane entities was apart of the Fruit of the Loom reorganization but this uncertainty was not before the district court, which it should have.

The fact, that the district court has jurisdiction over this matter because Tippins' inclusion of LePetomane entities as Defendants cause this case to remain in federal jurisdiction. which in fact as the district court had pointed out in its order and opinion,

> "Plaintiff has sued the Trustees (Lepetomane II and III) of the Successor and Custodial Trusts, which were created pursuant to the Plan, solely for the purposes of holding estate property and distributing estate assets. Lepetomane II and III are not entities that have emerged from bankruptcy to resume business operations, but creations of the bankruptcy proceedings to resolve particular creditor claims. (RE 30, 8/12/16, Pg ID 528)

Clearly, Tippins did not respond to the removal proceedings appropriately. The Court is asked to consider the fact that if Tippins is not allowed to correct the misnomer, it would be a miscarriage of justice. And the fact that LePetomane's inclusion gave the district court jurisdiction without their inclusion, jurisdiction is with the state court.

While the argument was made in Tippins' motion(s) to recall mandate that a clerical mistake or the need to clarify an outstanding mandate. The reason Petitioner asserted these exceptions being the district court or Sixth Circuit considered the state law tolling provision statute Mich. Compl. Laws § 600.5855. The proper exception is to prevent a miscarriage of justice. Calderon v. Thompson, 523 U.S. 538, 558 (1998) (holding that "where a federal court of appeals sua sponte recalls its mandate to revisit the merits of an earlier decision denying habeas corpus relief to a state prisoner, the court abuses its discretion unless it acts to avoid a miscarriage of justice.") Tippins states the Sixth Circuit did not recall mandate because the exceptions presented. It is not know whether the Sixth Circuit would be under the miscarriage of justice, compelling that Court to grant the motion.

Petitioner's creation of misnomer is not considered a clerical mistake as the Sixth Circuit correctly pointed out. See United States v. Robinson, 368 F.3d 653, 656, (6th Cir. 2004) (explaining, in the criminal context, that "a clerical error must not be one of judgment or even of misidentification, but merely of recitation, of the sort that a clerk or amanuensis might commit, mechanical in nature." (citation omitted)).

There was not a showing of a clerical mistake but a miscarriage of justice claim.

"District Court must afford pleadings filed by pro se plaintiffs additional leniency given their unfamilarity with pleading and procedural requirements. Neitzke v. Williams, 490 U.S. 319, 330, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989) (noting "indigent plaintiffs so often proceed pro se and therefore may be less capable of formulating legally competent initial pleadings); William v. Curtin, 631 F.3d 380, 383 (6th Cir. 2011) (Pro se complaints are to be held to less stringent standards than formal pleadings drafted by lawyers and should therefore by liberally contrued. (quoting Martin v. Overton, 391 F.3d 710, 712 (6th Cir. 2004)).

WHEREFORE Petitioner Johnny Tippins ask this Court to grant this petition for writ of certiorari and remand the matter to the Sixth Circuit to determine whether to consider Tippins motion to recall mandate regarding the Court of Appeals improperly applying Michigan's common law discovery rule, failure to apply the Michigan statutory provision that governs equitable tolling such as Mich. Compl. Laws § 600.5855, and to determine whether to remand matter to the district court to decide on the issue of misnomer whether Tippins improperly included LePetomane entities in this personal injury lawsuit.

CONCLUSION

Petitioner Johnny Tippins respectfully pray that this Honorable Supreme Court grant his petition for writ of certiorari and remand the matter to Sixth Circuit to determine whether to consider Tippins' motion to recall mandate regarding the Court of Appeals improperly applying Michigan's common law discovery rule, failure to apply the Michigan statutory provision that governs equitable tolling such as Mich. Compl. Laws § 600.5855, and to determine whether to remand matter to the district court to decide on the issue of misnomer where Tippins improperly included LePetomane entities in this personal injury lawsuit. And any available relief this Court deems appropriate and just; a jurisdictional defect requires remand to state court.

Respectfully submitted,

Mr. Johnny Tippins

MR. JOHNNY TIPPINS #342835
Oaks Correctional Facility
1500 Caberfae Highway
Manistee, Michigan 49660

Dated: October 12, 2020

APPENDIX

A

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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Filed: September 02, 2020

Ms. Tamar N. Dolcourt

Mr. Scott Robert Eldridge

Mr. William J. McKenna Jr.

Mr. Thaddeus E. Morgan

Mr. Johnny Tippins

Re: Case No. 16-2630, *Johnny Tippins v. NWI-1, Inc., et al*
Originating Case No: 1:16-cv-10140

Dear Mr. Tippins and Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Patricia J. Elder
Senior Case Manager

cc: Mr. David J. Weaver

Enclosure