

No. 20-7184

ORIGINAL
Supreme Court, U.S.
FILED
JAN 25 2021
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Mitchell Wagner Pro SE — PETITIONER
(Your Name)

vs.

Archie D. Scarborough et, al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Fifth Circuit F. Edward Hébert, Jr.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mitchell Wagner
(Your Name)

12071 FM 3522
(Address)

Abilene Texas 79601-0000
(City, State, Zip Code)

325-548-9035
(Phone Number)

QUESTION(S) PRESENTED

IS IT A VIOLATION OF THE PETITIONER'S CONSTITUTIONAL
RIGHTS TO COUNSEL WHEN APPELLETE COURT FAILS TO
RECOGNIZE AN ALREADY APPROVED AND ACCEPTED IN FORMA PAUPERIS?

STATE THE ISSUE:

THE LITIGATION LEGAL WORK IS TO COMPLEX FOR ME, APPELLANT NEED'S
APPOINTMENT OF COUNSEL TO LITIGATE THIS CASE AGAINST ATTORNEY GENERAL.
THE APPELLEES HAVE LOTS OF ATTORNIES. IM JUST A PRISONER WITH NO
LAW SCHOOL EDUCATION.

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:

STANLEY J. BALDWIN; KEITH F. MEEKS; RICHARD BURGESS;
JAMES FINLEY; CLAYTON WHEEDEN; TEXAS KAIROS ORGANIZATION.

RELATED CASES

Mitchell Wagner v. Campuzano, No. 1:12-CV-205, U.S. District Court Northern District
Abilene Division Judgment entered Feb-2015

Mitchell Wagner v. T.D.C.J. No. 1:15-CV-177, U.S. District Court N.D. Texas Abilene
Division Judgment entered Jan-25-2019

Mitchell Wagner v. T.D.C.J. No. 19-11076, U.S. Court of Appeals Fifth Circuit
New Orleans, Louisiana. Judgment entered Dec-11-2020

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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CUTTER V. WILKINSON 423 F.3d 579 (6 th Cir. 2005)	
MONTANO V. HEDGEPETH 120 F.3d 844-850-51 (8 th Cir. 1992)	
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(NO EXCESS TO LAW LIBRARY CAUSE OF LOCK DOWN)

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 _____; 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.

1.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was DEC - 11 - 2020.

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

NO EXCESS TO LAW LIBRARY TO LOOK AT CONSTITUTIONAL AND
STATUTORY PROVISIONS.

STATEMENT OF THE CASE PAGE #15

APPENDIX E

STATEMENT OF THE CASE

PARAGRAPH #1: CONGRESS AND THE LEGISLATURE PLACED A LEGAL DUTY AND OBLIGATION ON PRISON MANGERS AND SUPERVISOR TO REMOVE SUBSTANTIAL BURDENS ON THE EXERCISE OF, (RLUIPA) 42 U.S.C., *2000cc, 1-7 (2000) BY ENACTING THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSON'S ACT, RLUIPA 42 U.S.C., *2000cc, 1-7 (2000); AND THE TEXAS RELIGIOUS FREEDOM RESTORATION ACT (TRFRA) TITLE 5, ** 110.001- 110.008, CIVIL PRACTICES AND REMEDIES CODE (AUGUST 30, 1999); AND THE LEGISLATURE PLACED AN ADDITIONAL STATUTORY DUTY AND OBLIGATION UPON TEXAS PRISON OFFICIALS, UNDER TITLE 4, * 493.006 (A)-(B), INMATE WELFARE SECTION, " OF THE TEXAS GOVERNMENT CODE, TO ENFORCE ALL OF THE LAWS OF THE UNITED STATES AND TEXAS, AND THE DEPARTMENT AND DIVISION POLICIES AND REGULATIONS GOVERNING THE DAILY MANAGEMENT AND OPERATION OF THE PRISONS. (SEE ATTACHED PAGES FOR ADDITIONAL STATEMENT OF CLAIMS)

TYPED PAGES- #23 #24 #25 #26.

SEE APPENDIX #7

V. STATEMENT OF CLAIM CONTINUED FROM PAGE 4, PARAGRAPH #1:

Paragraph #2: The Texas Legislature, created the Texas Criminal Justice Board, under the Government Code, to discharge the State's duty to manage and operate its prison system within the limits and restrictions of the Constitutions, and the statutory provisions enacted by the Legislature, and the Congress. The Governor, of the State of Texas, at his pleasure, appointed Oliver Bell, Chairman, of the TCJB, and the TCJB, is authorized by the Legislature to employ Brad Livingston, as the Executive Director, of the TDCJ, and he has selected Brian Collier, to be his Deputy Executive Director, of the department. The Legislature, authorized Director Livingston, to delegate his legal duty and obligation, under Title 4, § 493.006(a)-(b), of the Government Code, to Brian Collier, or William Stephens, Executive Director, of the TDCJ-CID. The RLUIPA, and the TRFRA, and TDCJ A.D. 07.30, are exactly the laws and TDCJ policies these defendants, and all Texas prison officials are commanded to comply with, and to obey. Texas prison executives have a legal duty and a legal obligations, to train and control their subordinates, and the agency's employees across the State. The above named Texas defendants, have not met or satisfied their legal duties and obligations, and as a direct result of their failutes and omissions, after multiple notices that the RLUIPA and TRFRA were being violated, and TDCJ A.D. 07.30, governing religious access and accomodations were being violated, Plaintiff has been subjected to many forms of racial and religious discrimination, and administrative disparity that has substantially burdened Plaintiff's Christian ministry, while in the custody of the State of Texas, and its prison employees.

Paragraph #3: Plaintiff has been assigned to do his time, in TDCJ-CID Region VI, where Eric Guerrero and Timothy Hunter, and Wallace Nelson, are or were employed to manage and supervise the French M. Robertson Unit, including the enforcement of all the laws governing the daily operation of the prison unit, to comply with the RLUIPA, and the TRFRA, and TDCJ A.D. 07.30. Defendants Eric Guerrero, Wallace Nelson, and Timothy Hunter, were repeatedly notified in writing, and Defendant Hunter was notified face to face, sitting inside of Defendant Keith F. Meeks's office, at the Robertson Unit, that Plaintiff was being subjected to racial and religious discrimination, and administrative disparity, and that his Christian ministry, was being subjected to substantial burdens by the new unit practice promulgated January 3, 2014, in response to Plaintiff's successful use of the TDCJ Inmate Grievance process, gaining authorization from Huntsville, to minister on sunday mornings inside of the Robertson Unit's chapel, where the piano is kept.

Paragraph #4: January 3, 2014, defendant Archie D. Scarborough, was fired and terminated as a paid employee of the TDCJ-CID, but was allowed to remain as a member of the chaplaincy administration in the capacity as a "volunteer chaplain," and to keep his same office, and supervise Christian worship in the Robertson Unit's chapel. In his capacity as a volunteer chaplain, at the Robertson Unit, Defendant Scarborough, enlisted the assistance and aid of both paid chaplains, and other volunteer chaplains, and convict enforcers and convict supervisors, to subject Plaintiff to White supremacy and racial and religious discrimination, and disparity, and through the assistance of defendants Keith F. Meeks, and Stanley J. Baldwin, did enlist and obtain the assistance and aid of defendants Ronald C. Fox, and Adam W. Gonzales, and Clayton Wheeden, to circumvent and eliminate the authorization Plaintiff was given by defendant Bill Pierce and former warden Edward Wheeler, on January 3, 2014, to use the piano to minister with, on sunday mornings during 4-Building congregatioanl Christian services. Plaintiff has been repeatedly subjected to this misconduct since January 3, 2014, by the above defendants.

V. STATEMENT OF CLAIM CONTINUED FROM PAGE 4, PARAGRAPH #5,

Paragraph #5: As a direct result of Plaintiff's authorization after the Step 2 grievance Nos. 2013195078, and 2013187385, defendants Archie Scarborough, Stanley J. Baldwin, and Keith F. Meeks, created a new inmate label called volunteer inmate musicians, and created a new rotation during the sunday morning congregational worship services specifically targeting Plaintiff, for discriminatory and disparity applications of the new rotation, to substantially burden Plaintiff's music ministry, that never existed until January 3, 2014, when Plaintiff won a favorable decision from Bill Pierce, and Edward Wheeler.

Paragraph #6: Ronald C. Fox, and Adam W. Gonzales, approved and agreed with the improper misconduct of the chaplaincy, and adopted the new label and rotation, to advance and promote, the administravie civil conspiracy by the chaplaincy, after Plaintiff notified them he was substantially burdened by the conspiracy, and after Plaintiff notified both wardens that he was being subjected to blatant and flagrant racial and religious discrimination. Both of the wardens failed to take the remedial action necessary, to remove the RLUIPA and TRFRA burdens, and enforce the A.D. 07.30 provisions of the TDCJ-CID, but instead turned a blind eye, and deaf ear to Plaintiff's notices and complaints, extending the time that Plaintiff was subjected to racial discrimination, and administrative disparity, and denied the opportunity to minister with music.

Paragraph #7: Chaplain Richard Burgess and James Finley, are Kairos Organization members, and volunteer chaplains. Defendants Eric Guerrero, Timothy Hunter, Robert Eason, William Stephens, Brad Livingston, Brian Collier, Bill Pierce, Vance Drum, Ronald Fox, Adam Gonzales, Stanley Baldwin, Keith Meeks, Clayton Wheeden, Archie Scarborough, TDCJ-CID, and the TCJB, have entered into an unconstitutional contract to establish an official government sponsored form of religion, inside of the TDCJ-CID Region VI, French M. Robertson Unit, with the Texas Kairos Organization, in exchange for special accomodations and access to prison inmates, at Kairos Walks, and Kairos monthly meetings, and Kairos weekly classes, and bible studies. TDCJ-CID allows Kairos members special access and accomodations, to promote the Kairos doctrines, and the Kairos form of Christianity. TDCJ-CID employees provide agency locations and schedules exclusive Kairos activities and classes that no other religious faith or denomination is allowed to have, including special foods and music festivals, and viewing movies, and other Kairos functions. Inmate members of the Kairos Organization, are authorized to be decision makers and exercise proscribed authority over other prisoners. Kairos supervisors are allowed to attend the Kairos Walks, two times a year, and be served four days of special catered foods, that other inmates cannot obtain. Kairos band members are allowed to practice for their concert performances at the monthly meetings every second saturday of the month yearly. Kairos band members are provided preferential housing assignments in the unit dorms immediately upon being promoted to G-2 custody level, in order to practice music for the monthly meetings in the gym. Plaintiff is not allowed to practice playing the piano, and is not allowed to minister on sunday mornings, or any other time. The Kairos Organization provides TDCJ-CID with volunteer chaplains as supervisors, in exchange for being the agency sponsored government approved religion. The Kairos Organization White piano player Nathan Patterson, is allowed to play the piano at the Kairos concerts, and the White piano player Nathan Gennings, under Chaplain Meeks, is allowed to play the piano during sunday services, but Plaintiff is not allowed to minister with music period.

Page # 24

V. STATEMENT OF CLAIM CONTINUED FROM PAGE 4, PARAGRAPH #7:

Paragraph #8: August 01, 2014, Plaintiff requested accomodation to practice his form of Christianity and complained directly in writing to Ronald C. Fox, about the intended move to close the chapel and thereby deny Plaintiff access to the piano and the ability to minister. **July 19, 2015**, Ronald C. Fox, closed the chapel for Christian worship services and relocated Christian worship services back to the multi-purpose rooms and the gym.

Paragraph #9: December 03, 2014, Plaintiff requested accomodation to minister in writing from Defendant Stanley J. Baldwin, on a TDCJ-CID recognized holy day for Christians during the Christmas celebration of the birth of Christ. The written request was ignored and denied by Stanley J. Baldwin and Keith Meeks.

Paragraph 10: December 12, 2014, Plaintiff complained directly to Keith F. Meeks about the racial and religious discrimination and disparity he was targeted for, and served written notice that Keith Meeks, Stanley Baldwin, and Adam Gonzales would be named as defendants in this suit, because of the misconduct.

Paragraph #11: February 17, 2015, Plaintiff submitted I-60 Inmate Request Forms to Ronald C. Fox and Stahley Baldwin, asking for accomodations to minister with music and notifying Ronald Fox, that he was substantially burdened by the unit chaplaincy in the exercise of his Christian faith. No action was taken to stop the substantial burdens or the racial and religious discrimination Plaintiff was subjected to by the all White chaplaincy, and convict supervisors who were and are also White.

Paragraph #12: February 23, 2015, Plaintiff submitted an I-60 Inmate Request Form to Adam W. Gonzales, notifying him that Keith F. Meeks was subjecting Plaintiff to substantial burdens on his music ministry, and to blatant and flagrant racial and religious discrimination and disparity. No remedial action was taken to remove the substantial burdens, and no remedial action was taken to stop the racial and religious discrimination and disparity targeting Plaintiff.

Paragraph #13: February 26, 2015, Plaintiff submitted I-60 Inmate Request Forms to Ronald C. Fox, and Adam W. Gonzales, notifying them in writing that his music ministry had been totally suppressed by Keith F. Meeks, and asking them to take the remedial action necessary to intervene and stop the racial and religious discrimination and disparity Plaintiff was being subjected to, and to remove the substantial burdens on Plaintiff's ministry. Ronald C. Fox and Adam Gonzales and Keith Meeks ignored Plaintiff's complaint and notice, and no action was taken.

Paragraph #14: March 24, 2015, Plaintiff notified Timothy Hunter, in writing that he was being subjected to substantial burdens on his Christian ministery by Keith Meeks, and Stanley Baldwin, and notified Timothy Hunter, that both chaplains had improperly responded to the authorization Plaintiff received from Huntsville on the two Step 2 grievance responses signed by Bill Pierce, January 3, 2014. No remedial action was taken by Timothy Hunter, to remove the substantial burdens on Plaintiff, and no action was taken to stop and end the racial and religious discrimination and administrative disparity Plaintiff was being subjected too.

Paragraph #15: March 25, 2015, Plaintiff notified Ronald C. Fox, that his all White chaplaincy and their White convict enforcers and supervisors, were subjecting him to substantial burdens, and subjecting him to racial and religious discrimination and disparity and that Plaintiff was filing this lawsuit. No remedial action was taken, and plaintiff continued to be subjected to blatant and flagrant targeted racial and religious discrimination and disparity. Ronald Fox, Keith Meeks, Archie Scarborough, Stanley Baldwin, Timothy Hunter, William Frank Brown, Matthew Anderson, Nathan Patterson, Nathan Gennings, Richard Burgess, James Finley, Clayton Wheeden, Robert Eason, William Stephens, Brad Livingston, and Wallace Nelson, are one hundred percent White people.

V. STATEMENT OF CLAIM CONTINUED FROM PAGE 4, PARAGRAPH #15:

Paragraph #16: March 17, 2015, Plaintiff submitted I-60 Inmate Requests Forms to Ronald C. Fox and Adam Gonzales, asking for a location, and accommodation to minister during a TDCJ-CID recognized holy day, for the Passover celebration, at Easter, on April 5, 2015, and both prison officials ignored Plaintiff's I-60 request, and refused to remove the substantial burden on Plaintiff, or to intervene and stop the blatant and flagrant racial and religious disparity and discrimination Plaintiff was subjected to by Keith F. Meeks, and his White convict enforcers and supervisors.

Paragraph #17: Timothy Hunter, Wallace Nelson, and Eric Guerrero refused to intervene and remove the substantial burdens on Plaintiff's ministry after they received formal written notices and complaints about the misconduct of their subordinates assigned to Region VI, under their direct supervision, but they chose to practice ostrism, and bury their Meads in the sand, and turn a blind eye, and a deaf ear, to the notices and complaints Plaintiff provided. As a direct result of the failure to act, and to intervene and take the remedial action necessary to discharge the duty owed by TDCJ-CID, the TCJB, Brad Livingston, Brian Collier, William Stephens, Robert Eason, they signed off on, and promoted the unit conspiracy to circumvent the January 3, 2014, Step 2 written authorization for Plaintiff to minister with music in the chapel on the piano. July 19, 2015, as a direct result of the failure to act, and take the remedial action necessary to stop their subordinates Ronald Fox, Adam W. Gonzales, Keith Meeks, Archie Scarborough, and Stanley Baldwin, and the all White convict enforcers including William Frank Brown, Matthew Anderson, and Nathan Gennings, to futher advance the conspiracy Ronald Fox, in his official capacity closed the chapel, and relocated the sunday Christian services back to a gym, and relocated Christian classes back to the multi-purpose rooms, and repealed the policy Robert Jay Eason, promulgated to segregate rival gang members by buildings in the name of security to accomplish the closing of the chapel.

Paragraph 18: After the successful January 3, 2014, Step 2 grievance answer was secured authorizing Plaintiff to play the piano on sunday mornings in the chapel, Matthew Anderson, appointed by Keith Meeks, on September 3, 2014, was appointed to replace William Frank Brown, and on September 7, 2014, during the sunday morning Christian service Clayton Wheeden and William Frank Brown, ushered him before the congregation instead of having a church service. Subsequently to the ceremony Matthew Anderson, admitted he was an active homosexual, and that him and William Frank Brown, had planned on him taking over as the chaplain's facilitator since early 2014. Subsequent to his replacement of William Frank Brown, as Keith Meeks's convict enforcer and supervisor, Matthew Anderson has been removed and disciplined by TDCJ-CID officials. After the removal of the Matthew Anderson, William Frank Brown selected Nathan Gennings to replace Matthew Anderson, and Keith Meeks rubber stamped William Frank Brown's choice making Nathan Gennings his new convict enforcer and supervisor. All three of these convict enforcers are White. Matthew Anderson and William Frank Brown, has personally and individually subjected Plaintiff to substantial burdens on his Christian ministry, and to racial and religious discrimination and disparity with the full knowledge of Keith meeks, Stanley J. Baldwin, and Archie D. Scarborough, and Adam W. Gonzales.

Paragraph #19: Title 4, § 501.001, Texas Government Code, proscribes the use of convict enforcers and convict supervisors over other inmates in the TDCJ-CID. TDCJ Disciplinary Procedures Code 46(b)(c), makes it a rule violation for any inmate to exercise authority over another inmate.

Paragraph #20: TDCJ-CID A.D. 07.30, requires a chaplain, or volunteer chaplain supervisor during religious services and activities. Keith Meeks ignored this requirement and inserted William Frank Brown and Matthew Anderson as the only supervisor in the chapel services but for the twenty minutes he appeared.

A MORE DEFINITE STATEMENT PAGE[#]10

APPENDIX F

PAGE[#]10

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX.IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

2016 SEP 14 PM 1:35

MITCHELL W. WAGNER,

DEPUTY CLERK

Plaintiff Pro Se,

-VS-

CIVIL ACTION NO.
1:15-cv-177-BLTEXAS DEPARTMENT OF CRIMINAL JUSTICE,
ET. AL.,HONORABLE E. SCOTT FROST,
U.S. MAGISTRATE JUDGE PRESIDING

Defendants.

8-14-20 AND 16

PLAINTIFF MITCHELL W. WAGNER'S PRO SE COURT ORDERED MORE DEFINITE STATEMENT IN ADDITION TO HIS PRO SE RULE 8(a) CIVIL COMPLAINT

Plaintiff Mitchell W. Wagner, in compliance with the Court's August 5, 2016, order submits his pro se "More Definite Statement" and heightened pleading required by the U.S. Magistrate Judge, with his answers to the questionnaire to be filed by the clerk.

QUESTIONNAIRE NO. 1

(A) State exactly what "authorization" you were given by Bill Pierce and former Warden Edward Wheeler, and state the exact terms of that authorization, whether it was recorded in writing, and if so, provide a copy.

ANSWER (A)

January 3, 2014, in response to TDCJ Administrative Step 1 and Step 2 grievances numbers 2013187385 & 2013195078, Bill Pierce, Deputy Director of TDCJ Chaplaincy Programs, 'in writing' notified Plaintiff that Warden Edward Wheeler, 'granted permission for "[Plaintiff]" to start playing the piano at regular sunday morning chapel services held for 4-Building, A-side of the prison. Deputy Director Pierce further advised Plaintiff, that Defendant Stanley J. Baldwin, in his official capacity as a paid chaplain, had been advised of the decision by Warden Wheeler. Finally, Deputy Director Pierce, concluded that 'no further action was warranted to resolve Plaintiff's complaints in the grievances.'

No other Christian inmate from 3 or 4 Building, that attended Christian worship services in the chapel located in 1-Building, was authorized with Plaintiff to begin playing the piano in the chapel services. Under the policy in effect at the time permission was granted by Warden Wheeler, for Plaintiff to play

QUESTIONNAIRE NO. 1, (A) CONTINUED,

'the piano on sunday mornings, Christians from 3-Building was scheduled to assemble in the chapel one week, and Christians from 4-Building, where Plaintiff was housed assembled for worship the following sunday morning for worship. The two congregations were seperated and not allowed to assemble together January 3, 2014, until Defendant Keith P. Meeks, persuaded the wardens to abandon the existing unit policy, and allow the two bodies to assemble together in the chapel.

Once permission and authorization had been given exclusively to Plaintiff, the result of the Step 2 responses meant that Plaintiff would be able to exercise his Christian faith as a minister of music, every other sunday morning, without having to clear it with convict enforcer and facilitator William Frank Brown, or with volunteer chaplain Defendant Archie Scarborough. Defendant Stanley J. Baldwin, the only paid chaplain at the prison after January 3, 2014, when Defendant Scarborough was fired, chose to take sunday off from work.

QUESTIONNAIRE NO. 1

(B) State particular facts to support your allegation that you were subjected to White Supremacy and racial discrimination.

ANSWER (B)

William Frank Brown, and Nathaniel Gennings, two White convicenforcers and Defendants Archie Scarborough, Stanley J. Baldwin, Keith P. Meeks, Ronald C. Fox, Richard Burgess, James Finley, and convict Nathan Patterson, are all White, and play major roles in who does and does not get access to the available slots to participate in congregational worship services. Plaintiff who is not a Church of Christ member, and whose style is different then the men listed above, has met repeated opposition to his efforts to minister as an African-American, instead of a White Protestant Church of Christ. While Plaintiff has not been allowed to play music, and sing songs to serve God, by evangelizing and paying his tithe to the Lord, and has not been allowed to lift up the congregation and lead worship and praise, the White men starting with William Frank Brown, and followed by Nathaniel Gennings, is allowed to exercise their form of Christianity and given frequent and lengthy time slots to preach to the congregations. Additionally, Nathan Patterson, a member of the Texas Kairos Organization, and assigned to the B-side dorms, is allowed to play the new electric piano weekly in the dorm services, and every second saturday in 4-Gym, Nathan Patterson, is allowed to perform in a 2-3 hour Kairos concert playing the electric piano.

Plaintiff has repeatedly requested a date, and location, seperate from the sunday chapel service, in 1-Building, to minister with music, and to evangelize, and pay his tithes to Holy God, and the defendants have denied every request for accomodation Plaintiff has made, while continuing to allow White inmates access, and accomodation, that African-Americans cannot get.

QUESTIONNAIRE NO. 1

(C) Other than not being able to play the piano on January 3, 2014, state what other restrictions or effects were placed on your practice of your

QUESTIONNAIRE NO. 1, (C) CONTINUED,

religious beliefs on January 3, 2014.

ANSWER (C)

January 3, 2014, is the date that Plaintiff was authorized to play the piano inside the chapel on sunday mornings for the purpose of ministering with music, to saints and sinners alike, in order to pay Plaintiff's tithes to Holy God, by using the spiritual gift Plaintiff has been given from the Holy Spirit, to call sinners to repentance, and back slidden saints back to Christ, and to evangelize and make new converts to Christianity, and to make an offering to God, with the praise and worship from music and song. Because Plaintiff is an African-American, and his style of worship suits African-American Christians, including clapping hands, and shouting loudly, and dancing in the aisles of the chapel, White stiff Church of Christ, and other Protestant denominations find Black folks style offensive. By the oppressive misconduct taken against Plaintiff 'after' Warden Wheeler granted him permission to play the piano every other sunday in the chapel, and by the actions taken to keep Plaintiff off the piano 'after' Deputy Director Pierce authorized Plaintiff to play the piano, and notified Defendant Baldwin of the decision, Plaintiff was prevented from creating the joy and fellowship he would have received and given to other African-American Christians, and to all races of Christians, and prevented from evangelizing with his gift, and prevented from making an offering of praise and worship with music to the Lord, and prevented from using music to call sinners to repentance, and saints back into the church for Jesus.

QUESTIONNAIRE NO. 2

(A) State exactly what this new volunteer inmate musician rotation program was, and how often you were scheduled to play piano under this new "rotation program."

ANSWER (A)

Under the new rotation created after Plaintiff was authorized to play the piano every other sunday during the 4-Building chapel service, White convict enforcer William Frank Brown, and Defendants Keith Meeks and Archie Scarborough, and Stanley J. Baldwin, activiely sought out White piano players, Christian musicians who played piano who had not previously complained that the exercise of their faith was burdened because they could not play music. As a direct result of the movement to keep Plaintiff away from, and off of the piano, the availability of ministering for Plaintiff was changed from every other sunday, to a minimum of every six weeks if that, and Plaintiff was not allowed to minister, but only play the piano and occasionally sing a song with the congregation. The rotation went so far, as to add a sunday that was "classified as accupalo" where no music was allowed specifically to keep Plaintiff from ministering with music.

QUESTIONNAIRE NO. 2

(B) Under this new program, were you allowed to play piano at the same frequency and rotation as other persons that played the piano for religious services.

QUESTIONNAIRE NO. 2, (B) CONTINUED,

ANSWER (B)

No other person in the 4-Building Protestant Christian service held every other sunday, in the chapel, was authorized to play the piano at any time for any reason, before Warden Wheeler granted Plaintiff permission to minister with the piano on January 3, 2014, and Deputy Director Pierce advised the prison paid chaplain Stanley J. Baldwin, of this decision.

(C) State any facts to support the statement that the new rotation program was "specifically targeting Plaintiff."

ANSWER (C)

Prior to January 3, 2014, there was no attempt and no effort by any Christian in the 4-Building congregation to add music to the sunday morning chapel services. Church of Christ style worship and praise without music, was the way the service was conducted. No member of the unit chaplaincy, and no volunteer chaplain, and none of the convict enforcers and convict supervisors challenged the unit practice, that substantially burdened the music ministry, or the portion of the sunday service reserved for praise and worship with music set out in the scriptures. Plaintiff pressed his complaints, and submitted his notices repeatedly that "his ministry" was burdened and that the administrative oppression violated his rights., both in writing, and verbally face to face with state officials, and in response to Plaintiff's repeated efforts to cause change and reform, the chaplaincy and the wardens, and the convict enforcers and supervisors ignored Plaintiff "[Until]" after January 3, 2014, when Warden Wheeler granted him permission to minister on the piano, without having to clear it with William Frank Brown,, Defendant Scarborough and Defendant Meeks's White convict supervisor first. Immediately, upon Plaintiff being authorized to play the piano, without having to get through the White gauntlet and structure set up by, and created by the all White chaplaincy, and the White convict supervisors, the members set about to devise a plan, to undermine and circumvent the authorization provided by Deputy Director Pierce, and the permission granted by former Warden Wheeler. Creating the "new inmate volunteer musician label" and creating the "new rotation" that never existed previously because there was no music at the chapel services before January 3, 2014, was the means that the White chaplaincy, and Church of Christ members, and the White convict supervisors used to purposefully target Plaintiff for disparity and discrimination, and still maintain the appearance of neutrality.

(D) State any facts to support the statement that the new rotation program was implemented with a discriminatory and disparate application.... to substantially burden Plaintiff's music ministry.

ANSWER (D)

Plaintiff incorporates Answer C, to the answer for this question, and adds the following: Plaintiff attended sunday morning chapel services to minister with music, and was told directly by convict enforcer William Frank Brown, "that he could not play the piano because Defendant Meeks told him not to let Plaintiff play the piano." Additionally, when Plaintiff approached new convict enforcer Matthew Anderson, and told him that Plaintiff was now part of the leadership team, convict enforcer Anderson response was "nobody

QUESTIONNAIRE NO. 2, (D) CONTINUED,

"had said any thing to him about the change in Plaintiff's status." Convict supervisor Anderson, was hand picked by convict supervisor William Frank Brown, and Defendant Meeks, to replace convict William Frank Brown, knowing that convict supervisor Anderson was disqualified because he was and is, a practicing homosexual, and TDCJ has a zero tolerance policy, regarding inmate sexual activities.

Additionally, "[after]" Plaintiff secured permission to minister with music in the sunday chapel services when 4-Building was scheduled to assemble inside every other sunday, Plaintiff was subjected to a "silence code" and was no longer allowed to sing songs, but instead merely was allowed to play the piano before a church service started, and as a church service was ending. If Plaintiff sang any songs at all while in the 4-Building chapel, it had to be with the congregation, and not as a minister of music, evangelizing and calling sinners to repentance.

White convict supervisor William Frank Brown, and White piano player Nathaniel Gennings, were both allowed to exercise their religious practices frequently and at length under the headings of exhortations, or preaching, and witnessing, while Plaintiff was denied any opportunity to minister with "[music]" and "[song]" to the congregation.

(E) State any facts that show that once this new musician rotation program was in place, it effected you more than any other person.

ANSWER (E)

Plaintiff has been called by Holy God, to be an undersheperd and minister of the Lord Jesus Christ, and gifted by God the Holy Spirit, with music and song to advance the cause of Christ, and His church. As a minister in the Church of Jesus Christ, Plaintiff has been given the missionary commission to evangelize the lost masses of sinners, by calling them to repentance, and into the family of God, using the spiritual gifts God equiped him with, to complete his mission. As a direct result of the actions taken by these convicts and prison officials, Plaintiff is unable to "[serve God]" by using his spiritual gifts of music and song, and Plaintiff is unable to pay his tithe and make his offering back to God, by using the spiritual gifts given to him, in response to the divine calling that the Lord has issued. The new rotation including a week where no music can be played during the sunday service, and the active recruitment of previously silent Christian musicians and the 'silence code' Plaintiff was placed under 'after' being granted the permission and authorization to minister every other sunday, has basically circumvented and undermined the access and availability to minister at all. Plaintiff is "no longer" allowed to attend chapel services at all, and is assigned to 7-Building, I-wing, and forced to attend sunday services in a dirty and bare multi-purpose room, and has been denied a wooden cross and has been denied repeatedly the use of an old electric piano during the service while White piano player Nathan Patterson, is allowed to play a brand new electric piano each week in the dorm church service each sunday.

QUESTIONNAIRE NO. 3

(A) State any facts to show that these Defendants were personally aware and involved in the change in music rotation policy, before you ever brought it to their attention by your complaints and grievances.

ANSWER (A)

Prior to the January 3, 2014, permission and authorization in response to Plaintiff's TDCJ-CID administrative grievances, no chaplain was concerned with whether or not Christian musicians were allowed to praise and worship Holy God, during the worship services in the chapel. Defendant Archie D. Scarborough, and Defendant Clayton Whidden, the two volunteers at the prison on sunday mornings are members of the Church of Christ, who do not allow music during their congregational worship on sunday mornings. No chaplain had the authority to include any other Christian inmate, after the January 3, 2014, response to Plaintiff's grievance because of the total ban still in effect on the use of music during sunday morning worship services. For the change to occur, and the rotation to be born, the chaplains "had to have had the approval of the ranking department and division and unit security supervisors" to undermine and circumvent the Step 2 answers and response signed by the Deputy Director of TDCJ Chaplaincy, Bill Pierce.

(B) State any particular facts that support your allegation that the change in music rotation policy was the result of a "civil conspiracy."

ANSWER (B)

Immediately upon Plaintiff being authorized and granted permission to play the piano during the sunday chapel services "[independent of]" the White convict enforcers, and convict supervisors, who absolutely controled what Christian inmate would be given access and accomodation to participate in any portion of the service in the chapel, leader William Frank Brown openly opposed Plaintiff's ministry. Shortly thereafter in response to the opposition from convict enforcer William Frank Brown, Plaintiff was threatened by Keith F. Meeks, before he was discovered for falsifying his application with TDCJ-CID to get the chaplain's position after Defendant Archies D. Scarborough was fired and terminated. Keith F. Meeks, went to Adam W. Gonzales, with the support of Archie D. Scarborough, and Stanley Baldwin, and was given authorization to create the "new rotation policy" that never existed before. Once the new policy was created Clayton Whidden joined forces with convict enforcer William Frank Brown, and the chaplaincy, and suppressed the music ministry Plaintiff was entitled to advance during the chapel service. The telling blow, and the fruit of the conspiracy ended in Plaintiff being placed under a chaplaincy "silence code" where all that Plaintiff could do was play the piano for a few minutes before or after the sunday morning assembly, but the convict enforcers and the chaplaincy stopped Plaintiff from singing any songs individually as a minister. Plaintiff wrote formal letters to the defendants charged with the legal duty and obligation, to protect him from the conspiracy born from the White resistance to his ministry, and there has been no change other than the fact that now, Plaintiff "[is not]" even allowed to touch a piano during any congregational service, and "is not" provided any location in a gym or other place where he can play the piano, and serve God by using his spiritual gifts. White Christians are provided access and accomodation in a gym, and in the chapel, and White Christians can sing individual songs and play the piano at the same time.

(C) State exactly how long(from what date until what date-or if particular dates) was the time you allege that you were "subjected to racial discrimination and denied the opportunity to minister with music."

QUESTIONNAIRE NO. 3, (C) CONTINUED,

ANSWER (C)

January 26, 2014, in writing Plaintiff formally complained directly to defendant Wallace Nelson, about the racial discrimination he was being subjected to twenty-three days after he was granted permission and authorization by Deputy Director Bill Pierce, and Warden Edward Wheeler to minister with music in the sunday chapel services. February 7, 2014, defendant Wallace Nelson, responded and stated that he had contacted defendant Stanley J. Baldwin, regarding Plaintiff's formal written notice. No change was effected after the exchange between Plaintiff and defendant Nelson, and the racial discrimination and the administrative disparity between White musicians at sunday services and the Kairos meetings, increased. On February 14, 2014, Plaintiff filed TDCJ Grievance No. 201409276, specifically citing defendant Nelson's written response and notice that he had contacted defendant Baldwin. March 11, 2014, in the chaplaincy defendant Stanley J. Baldwin, and Archie D. Scarborough, attempted to intimidate Plaintiff. March 16, 2014, convict enforcer William Frank Brown, informed Plaintiff that volunteer chaplain and defendant Archie D. Scarborough, had canceled Plaintiff's authorization and that Plaintiff "[could not]" play the piano during the church service. One day later, March 17, 2014, defendant Keith P. Meeks, sent Plaintiff an Inmate Request Form, (I-60) and informed Plaintiff effective March 16, 2014, his permission and authorization has been canceled. Adam W. Gonzales, defendant and assistant warden, signed the Step 1 grievance April 1, 2014, for TDCJ Grievance NO. 2014115830. Plaintiff filed his Step 2 appeal April 15, 2014, and May 9, 2014, Deputy Director of Chaplaincy Bill Pierce answered it. And on April 18, 2014, Plaintiff filed TDCJ Grievance NO. 2014131848, once again providing formal written notice, that he was being substantially burdened in the exercise of his Christian ministry. Finally, May 9, 2016, Plaintiff filed TDCJ Grievance No. 2016143409, complaining about the racial and religious discrimination and disparity he was subjected to. On July 8, 2016, defendant Vance Drum, the new Deputy Director of Chaplaincy, answered Plaintiff's last effort to be free from the administrative oppression and blatant and flagrant misconduct that began 'after the January 3, 2014, success. Plaintiff is still substantially burdened from the defendants today.

QUESTIONNAIRE NO. 4

(A) State any facts to support your allegations of the existence of a contract.

ANSWER (A)

Kairos Organization members are the bulk of volunteer chaplains that supervise "Christian" services and classes and programs and activities. The TDCJ in exchange for providing nonpaid supervisors at the units, give the Kairos members 'blue badges' and 'oranger badges' indicating whether or not they have to have a security escort, or a paid chaplain escort to move about the unit from 1-Building, to other locations inside of the fence. If a member of Kairos has the correct color badge, he is free to go any where inside of the fence, and authorize and issue inmate layins just like a paid member of the prison chaplaincy does. Kairos is given benefits that nonmembers cannot get from TDCJ. But for the exchange between Kairos volunteers and the TDCJ, it would not be possible for outside organizations to secure the locations they are given to throw a party twice a year, or to have the classes in the chapel, each monday afternoon, and they would not be automatically transferred to the dorms upon reaching G-2 status where they could practice for the Kairos monthly meetings and concerts. TDCJ would not give up these benefits and

ANSWER (A), CONTINUED

TDCJ would not permit females married to Kairos members to come inside of the prison on the last day of the Walks in the gym, and TDCJ would not provide juice and coffee for the Kairos monthly meetings at state expense, and TDCJ would not allow Richard Burgess, to bring musical instruments into the prison for the inmate Kairos Band, that 'no other Christian group' or any other religious group of inmates are given, but for the implied contract with the Kairos Organization, that in exchange for all of the benefits that Kairos provides to TDCJ at no expense to the agency, the agency will grant them exclusive access and accomodation to present the Kairos doctrines to the forty two (42) inmates chosen and indoctrinated two times a year, and then brought to Kairos classes each week at a TDCJ provided location specifically to strengthen their Kairos ties as a community, and assembled together for a monthly meeting in the gym, where only Kairos members are allowed to enter. Finally, Kairos Organization exclusively, is allowed to spend thousands of dollars at Christmas, and pass out gift bags to every inmate in the prison. No other Christian organization or church can come inside of the prison and obtain access to inmates in this manner. Christian inmates serving a prison sentence at the prison, "cannot" purchase commissary items from TDCJ and distrbute them to other prisoners without facing disciplinary charges. But for the TDCJ sponsorship, and establishment of prefered religious status, the Kairos Organization is granted, they would not be able to breach security and continue to be the dominant religious presence at the Robertson Unit.

(B) State any facts, such as dates, times, and the events of any specific incident in which your right to practice your religion, was burdened or restricted by any practice or activity of this Kairos organization.

ANSWER (B)

Twelve times each year, the Kairos membership assembles in a TDCJ gym for its monthly meetings, and White Kairos members Clinton Oakley, Joshua Humhpreys, and Nathan Patterson, with others, are allowed to perform a concert singing praise and worship and playing guitars and the electric piano. Each sunday morning Nathan Patterson and Nathaniel Gennings and William Browne, can play the piano or preach exercising speech, along with William Frank Brown, who is also a Kairos member. Plaintiff has never been able to appear at any Kairos function, and play the piano or minister in any fashion to the assembly the way other inmates are permitted too. Because of his membership in the Kairos Organization, and his housing assignment in the dorms, White Kairos member Nathan Patterson, keeps the electric piano in the gym used for sunday mornings services and practices, and prevents Plaintiff from ever using the electric piano in the sunday multi-purpose rooms where Plaintiff is forced to attend sunday services.

(C) In this allegation, you are claiming that you are not allowed to "practice" playing the piano. If you are instead claiming that you no longer are allowed to play piano at any time, state exactly the date and state how long you were not allowed to play piano.

ANSWER (C)

Plaintiff is not, and has not been allowed to 'practice playing piano" since January 26, 2014, when he was notified that his permission and the authorization granted to him to play the piano during the sunday morning assemblies and congregational worship has been "canceled." Plaintiff has

QUESTIONNAIRE NO. 4, CONTINUED.

ANSWER (C), CONTINUED

repeatedly requested access and accomodation in writing to prison officials charged with the responsibility to permit Plaintiff to practice his form of Christianity, and to minister with music and song, beginning March 3, 2014, by an I-60 Inmate Request Form, sent to Deputy Director of Chaplaincy Bill Pierce, which did not result in any change at the prison in Abilene, and a subsequent written request to Stanley Baldwin, on April 21, 2014, which additionally notified Stanley Baldwin that White convict enforcer Matthew Anderson had canceled the order by Stanley Baldwin for April 19, 2014, and again on April 23, 2014, Plaintiff submitted another I-60 Inmate Request Form to Keith F. Meeks, requesting practice time and received no answer, and was denied practice time, and Plaintiff made another written request to Keith F. Meeks May 28, 2014, for accomodation on June 15, 2014, and that written request was denied, and Plaintiff submitted another written request to Stanley Baldwin on August 3, 2014, asking for accomodation on August 9, or August 10, 2014, and that requests was denied, and Plaintiff made another August 9, 2014, to Stanley Baldwin, which was answered August 12, 2014, but did not result in any change or accomodation, and Plaintiff made another written request February 17, 2015, to Ronald C. Fox asking for access and accomodation which was ignored, and Plaintiff made another written request February 23, 2015, to Adam W. Gonzales asking for accomodation and access which was ignored, and Plaintiff made another written request to Ronald C. Fox and Adam W. Gonzales, February 26, 2015, asking for accomodation which was ignored, and Plaintiff made another written request for accomodation to Adam W. Gonzales for accomodation April 5, 2015, "Easter Sunday" which was denied and ignored, and Plaintiff notified Stanley Baldwin in writing April 21, 2015, that he went to the chapel service on April 19, 2015, and White homosexual convict enforcer Matthew Anderson, refused to allow Plaintiff to minister with music or play one song for the congregation., and Plaintiff made another written request September 5, 2015, to Ronald C. Fox, for access and accomodation which was ignored, and Plaintiff made another written request to Keith F. Meeks, on September 21, 2015, for specific dates on September 26th-27th, 2015, which was ignored and denied, and Plaintiff continuosly and repeatedly time after time, has formally requested in writing that these defendants accomodate his ministry after the January 03, 2014, authorization and permission was granted, and after the January 26, 2014, cancelation was done, up until today, and Plaintiff has not been given "[any practice time]" period inspite of his volumous written requests, and today in August 2016, Plaintiff IS NOT allowed to touch a piano at all during a Christian worship service by these prison officials at the Robertson Unit.

(D) With regard to your claim that you are not allowed to minister on Sunday mornings or any other time, are you stating that you are not allowed to play piano "on Sunday mornings or any other time." If so, state the date this took effect, how long it has been in effect, and state the last time you were allowed to play the piano.

ANSWER (D)

Yes see answer above. Plaintiff is never allowed to touch a piano today. Plaintiff's ministry is dependent upon singing songs accompanied with piano music, to express the messages given to him by the Holy Spirit and through spiritual revelations that he is to share with the congregations through praise and worship, which is Plaintiff's offering back to God, by using the gift of music and praise to worship God with the congregation.

QUESTIONNAIRE NO. 5, CONTINUED,

ANSWER (C) CONTINUED,

PLAYED THE PIANO TO MINISTER. Plaintiff repeatedly complained to TDCJ that he was not just a piano player, and that he was a minister for God, and that he was not an 'inmate volunteer musician' and that the rotation and the current policy substantially burdened his "[Ministry]" and prevented him from serving God, on sunday mornings or other times. TDCJ officials ignored Plaintiff, and Plaintiff remained substantially burdened and under the silence code, once it was implemented after January 26, 2014, until Plaintiff was charged with the Code 3.3 and 15.0, and transferred to 8-Building, and then to 7-Building..

QUESTIONNAIRE NO. 6

(A) If there are other specific dates that you were not allowed to play piano, please state those specific instances, and any facts related to each such incident.

ANSWER (A)

See Questionnaire No. 4, (C) above. Plaintiff made specific written requests to every possible TDCJ employee that had the duty and obligation to provide access and accomodation for him to minister to sinners and saints during TDCJ recognized 'Christian holy days' at Easter April 5, 2015, on March 17, 2015, and Plaintiff requested in writing that TDCJ accomodate his ministry on January 26, 2014, requesting February 9th & 23rd, 2014, to minister, and Plaintiff specifically asked Keith P. Meeks to allow him to "[sing]" and minister with a song, while he played the piano October 25, 2015, and that written request was denied, and Plaintiff formally requested a location to minister with song and piano for June 15, 2014, and that request for access and accomodation was denied, and Plaintiff specifically asked for access and accomodation in writing on August 9, 2014 and August 12, 2014, that was denied by Stanley Baldwin. The court should understand, that these are not a total list of times that Plaintiff requested accomodation and was denied. Plaintiff repeatedly made formal written request and verbally requested access and accomodation to minister with music and song, and repeatedly was denied, and Plaintiff made specific written requests for accomodation and access March 18, 2016, March 17, 2016, March 16, 2016, and March 13, 2016, and each and every formal written requests was denied, on October 25, 2015, Plaintiff formally requested accomodation and access for November 7, 2015, or November 14, 2015, or November 21, 2015, or November 28, 2015, to be able to minister with music and song at any location, and each requests for any location and date, and the removal of the silence code, was denied. On September 21, 2015, Plaintiff specifically requested accomodation and access to a location from Ronald C. Fox and Keith Meeks, before the two of them were removed from Robertson Unit, for September 26th or 27th, 2015, and that request was denied. September 14, 2015, Plaintiff specifically requested in writing that Ronald Fox accomodate him on September 19th or 20th, 2015, and that request was denied. On September 5, 2015, Plaintiff formally requested Ronald Fox, would accomodate him with access and accomodation by providing him a location for ministry September 12th or 13th, 2015, and that request was denied. The court should understand that once the silence code was in place, and after the January 26, 2014, cancelation of Plaintiff's authorization and permission was revoked by these chaplains and assistant warden Adam Gonzales, Plaintiff was continuously subjected to burdens on his ministry with music and song. No amount of effort, succeeded in changing that disparity and discrimination.

QUESTIONNAIRE NO. 7

(A) Other than not being allowed access to the piano to be able to play music, have you had any other restrictions or burdens on your right to practice your Christian religion?

ANSWER (A)

Yes. Plaintiff's ministry includes evangelizing with music and songs, and paying his tithe to God, and making an offering to God, and serving God, by calling sinners and saints to repent and return to God, and to teach the gospel of Jesus Christ, by singing and playing music. Plaintiff 'is not' accepted and approved by the convict enforcer leadership group headed by William Frank Brown, Nathaniel Gennings, and Ricky Nunn, created and empowered by Archie D. Scarborough and Keith Meeks, and continued by Stanley Baldwin, and therefore Plaintiff 'was not' afforded any opportunity before being sent to 7 & 8 Building, after the charge on March 3, 2016. Evangelizing, titheing, making an offering, and calling sinners and saints to repentance is a fundamental basic tenet of the Christian faith.

QUESTIONNAIRE NO. 8

Are the facts made the basis of this suit the same or similar facts you asserted in your prior civil case Wagner v. Campuzano, et. al., No. 1:12-Cv-205-CV? How are the facts of the claims you assert in this case different from the facts you asserted in the prior case?

ANSWER

Yes and No. The TDCJ employees today, are different than the TDCJ employees that were defendants the first time. Gilbert Campuzano retired, and Edward Wheeler retired, and Richard G. Leal, left TDCJ. In the first action, Plaintiff was subjected to a total ban period, along with "all other" Christians, Muslims, Jews, and other faiths on the use of musical instruments and choirs during religious services. In the instant case, Plaintiff has been "purposefully targeted specifically because he is an African-American Christian individual minister" that the White chaplaincy and the White convict enforcers and convict supervisors, oppose because Plaintiff's style of ministry does not conform to the Church of Christ's doctrine not to use musical instruments for praise and worship. In the first civil suit Plaintiff 'did not' have formal written authorization and permission to play the piano from Warden Edward Wheeler, or Deputy Director Bill Pierce. In the instant case Plaintiff 'had exclusive' written permission and authorization and exemption to play the piano at "specific times" at a "specific location" during a "specific date" for a "specific reason." Immediately upon Plaintiff's success at gaining authorization and permission to minister in the chapel, the White employees, and the White convict enforcers and supervisors entered into the agreement and conspiracy, to undermine and circumvent the gain Plaintiff had made, and did so by creating a rotation and inmate label that never existed previously, specifically to keep Plaintiff from ministering when he was not accepted or approved by the White people in control of accommodation and access for Plaintiff to serve God and minister. Once the convict leader William Frank Brown, and his assistant Nathiel Gennings, could no longer control whether Plaintiff was provided access and accommodation to play the piano and minister with singing during the Sunday morning chapel service, Keith Meeks and Archie D. Scarborough, and volunteer Clay Whidden intervened and initiated the process to undermine and circumvent the authority and the

QUESTIONNAIRE NO. 8, CONTINUED,

ANSWER CONTINUED,

permission granted January 3, 2014, returning full control to the White men employed by TDCJ, and their unauthorized and improper White convict crew they had empowered and selected to form a leadership structure to do the bidding of the White chaplaincy and the Texas Kairos Organization.

QUESTIONNAIRE NO. 9

Are the legal claims asserted in this suit the same as the legal claims you asserted in the prior civil case Wagner v. Campuzano, et. al., No. 1:12-CV-205-C? How are the legal claims you assert in this case different from the legal claims you asserted in the prior case?

ANSWER

Plaintiff is unable to fully answer this question because he is pro se without the assistance of counsel, and does not have any previous law school education, and his one and only federal civil litigation was the case where this court granted the defendants Rule 12(B) motion, after the Fifth Circuit reversed this court's order dismissing Plaintiff's suit. In the instant civil action, Plaintiff's legal claims and factual claims are grounded in the ongoing White suppression and oppression of Plaintiff's right to be free of racial disparity and racial discrimination, while practicing his form of Christianity, and the failure of these TDCJ employees to yield to the RLUIPA and the TRFRA, enacted and passed by the Congress, and the Texas Legislature, and upheld by the Supreme Court, of the United States and the State of Texas, specifically to stop prison officials like these from doing exactly what they "have done," and continue to do inside the razor wire fence of the French M. Robertson Unit, in Jones County.

QUESTIONNAIRE NO. 10

State any facts to support your naming of the Texas Department of Criminal Justice as a separate defendant.

ANSWER

The Texas Legislature, created the Texas Department of Criminal Justice, from the old Texas Department of Corrections (TDC), and enacted and created the "Inmate Welfare Section" of the Texas Government Code, specifically setting out the statutory provisions governing the daily management and operation of the Texas prison system. Each employee whether he or she was employed by the department, or the division, or served at the Governor's pleasure, or was chosen by the Texas Criminal Justice Board, was compelled to comply with the provisions of the statutes, the directives of the department, and any of its policies or other management provisions. See Title 4, Section 493.006(a)-(b), Government Code. Included in the duty and obligation under the Government Code, Administrative Directive A.D. 07.30, and the Texas Religious Freedom Restoration Act, and the Religious Land use & Institution Person's Act, and Title 4, § 501.001, and TDCJ Personnel Directive-22, is obligatory for the TDCJ to enforce and comply with. The 38,000 employees from the department, make up the department.

QUESTIONNAIRE NO. 11

State any facts to support your naming the Texas Criminal Justice Board as a separate defendant.

QUESTIONNAIRE NO. 11 CONTINUED,

ANSWER

The Texas Legislature enacted Title 4, Section 492.001, of the Government Code, expressly placing control over the Texas Department of Criminal Justice, with the members of the Texas Criminal Justice Board. Included within the statutory structure and creation of legislative powers delegated to the Board is the ability to adopt rules as necessary for its own procedures and for the operation of the department. See Title 4, Section 492.013(a), Government Code and Title 4, Section 493.002(a)(2), Government Code. Additionally, Brad Livingston, Executive Director, of the department is the only person authorized to receive service on behalf of the board, department, or any division of the department. The Correctional Institutional Division, is under Brad Livingston's authority. See Title 4, Section 492.010, and 493.002 (a)(2), Government Code.

QUESTIONNAIRE NO. 12

You name as a defendant the "Texas Kairos Organization." State any facts that show or relate to whether this entity has its own jural existence and is itself subject to suit.

ANSWER

The Texas Kairos Organization is independent of the TDCJ-CID, and is a separate entity from the government agency. In partnership with the TDCJ-CID, acting together in agreement, in exchange for special status and special accommodations and preferred government approval, the Texas Kairos Organization through volunteer chaplain and Church of Christ member Richard Burgess, and paid chaplain and Church of Christ member Archie D. Scarbrough, with convict Kairos member Clinton Oakley, 'did' engage Richard G. Leal, assistant warden, and 'did' successfully gain exemption from the total ban on using musical instruments during the monthly Kairos meetings, that Plaintiff, and no other religious entity was given based on their preferential status with the TDCJ-CID. Texas Kairos Organization, provides the majority, if not all, of the volunteer chaplains that serve as supervisory officials for various prison activities and programs, that would not be approved otherwise. Members of Texas Kairos Organization, who are awarded a "blue badge" by TDCJ-CID are authorized to go any where inside of the prison, without an escort, and can issue official passes and issue layins for inmates. As a direct result of the Texas Kairos Organization's presence at the prison, and as a direct result of the Texas Kairos Organization's agenda and indoctrination of inmates that have completed one or more of the Kairos Walks, held two times each year, and the attendance in the Kairos classes provided each monday of the week, the illegal and unauthorized "convict supervisor structures" has developed copying the Texas Kairos Organization's membership supervisors. The harm and prejudice Plaintiff has been subjected to by the "convict enforcers" and "convict supervisors" from 3 & 4 Building, can be traced to the Kairos Organization's model.

QUESTIONNAIRE NO. 13

You allege that Defendant Oliver Bell failed to "train Brad Livingston and William Stephens to train employees." State any particular facts of Defendant Bell's personal involvement in any of the allegations made the basis of your complaint.

QUESTIONNAIRE NO. 13, CONTINUED,

ANSWER

August 22, 2015, Plaintiff personally formally notified Oliver Bell, in writing, that he was being subjected to racial and religious discrimination and administrative disparity by his subordinates at the prison in Abilene in violation of state and federal law. Under the Texas Government Code, and the Texas Religious Freedom Restoration Act, Section 110.006(f), the numerous and voluminous formal TDCJ grievances Plaintiff filed in addition to the direct formal written notice to Oliver Bell, that Plaintiff sent him, compelled Oliver Bell to contact Brad Livingston, and William Stephens, and cause them to discharge their duty and obligation under Title 4, Section 493.006(a)-(b), Government Code, to enforce the laws that protected Plaintiff by training employees at the units to use the least restrictive means available to reach any legitimate state interests, when infringing upon Plaintiff's rights to practice his form of Christianity. Instead Oliver Bell, ignored Plaintiff's formal written notices directly to him, and ignored the voluminous TDCJ grievances completed under § 1110.006(f), of the Texas Religious Freedom Restoration Act, and allowed Brad Livingston, and William Stephens to continue to ignore the violations being committed by department employees, and to fail to discharge their duties and obligations placed on them by the Legislature under § 493.006 (a)-(b), of the Government Code. As a direct result of Oliver Bell's failures to train Brad Livingston and William Stephens, to train the state employees inside of the French M. Robertson Unit, to comply with and obey the mandatory requirements under the religious Acts passed by the Congress and the Texas Legislature, Plaintiff has suffered greatly and been subjected to misconduct by TDCJ officials who are out of control.

QUESTIONNAIRE NO. 14

You allege the following as each of Defendants Brad Livingston, Executive Director, TDCJ; Brian Collier, Deputy Executive Director, TDCJ; William Stephens, Executive Director, TDCJ-CID; Robert Jay Eason, Deputy Executive Director, TDCJ-CID; "failed to discharge Delegated duties to protect religious rights."

(A) State any particular facts to support or relate how Brad Livingston was personally involved in any of the allegations made the basis of your complaint, or was involved in any violation of your rights.

ANSWER (A)

See answer No. 10. Additionally, Brad Livingston, was a defendant in Sossamon v. The Lone Star State of Texas, the first Robertson Unit RLUIPA and TRFRA suits in the courts, and knew or should have known, that prison officials at the Robertson Unit, "were not" complying with the laws that were enacted and passed to protect inmate religious rights. Brad Livingston failed to take the remedial action necessary either personally to cause a training program for unit supervisors to understand the RLUIPA or TRFRA requirements, and failed to exercise his option to delegate the legal duty and legal obligation placed on him in his official capacity under Title 4, § 493.006 (a)-(b), of the Government Code. As a direct result of Brad Livingston's failure to discharge his duty, or to delegate his duty to a subordinate no remedial action ever occurred, and Plaintiff continuously was subjected to employee misconduct and official oppression by TDCJ officers at the prison.

ANSWER (A), CONTINUED,

Additionally, Brad Livingston, in his official capacity has received volumous completed Step 1 and Step 2 TDCJ administrative grievances exclusively provided by the Texas Legislature under Title 4, § 501.008(d), to give notice to employees that the department and the division is noncompliant with the mandatory duty and obligation placed on every official to yield to the force of the Texas Religious Freedom Restoration Act, (TRFRA) under §§ 110.001-110.008, Civil Practices & Remedies Code, and the Religious Land Use and the Institutionalized Person's Act, (RLUIPA) 42 U.S.C., § 2000cc, 1-7 (2000). After total exhaustion of the available administrative remedies, including contacting the TDCJ Ombudsmen's Office, in Huntsville, and numerous formal written notices to Brad Livingston's subordinates, Brad Livingston, in any capacity failed to stop the racial and religious discrimination and the religious disparity that "did" and continues too, exist at the prison in Abilene, Texas. By omission, and as a direct result of the failure directly to discharge his Legislative duty, under Title 4, § 493.006(a)-(b), of the Government Code, and after notice Brad Livingston failed to act as he was required too under the TRFRA in his "official capacity" and remove the substantial burdens his delegated subordinates placed on Plaintiff.

ANSWERS (B), (C), (D).

See Answer (A) above, and Answer No. 10.

QUESTIONNAIRE NO. 15 ↙

(A) State any additional particular facts to support or relate how Eric Guerrero, Region VI Director, "failed to discharge delegated legal duties to protect religious rights.

(A) ANSWER

TDCJ has a two part administrative grievance system created by the Texas Legislature, under the Texas Government Code, Title 4, § 501.008, and provided that the administrative grievance process is the "exclusive" TDCJ administrative remedy. Once the Step 1 grievance has been filed and answered the Step 2 appeal, goes to the Regional Director's Office, and EricGuerro. Additionally, Plaintiff made direct contact with Wallace Nelson, and Timothy Hunter, two TDCJ employed chaplains in Gatesville, who share an office with Eric Guerrero. Once Plaintiff made direct contact with Eric Guerrero through the Step 2 appeal process under the administrative grievance process, based on the legislative duty placed on TDCJ ranking supervisors and their delegates under the TRFRA, and the RLUIPA, to remove substantial burdens, Eric Guerro had a specific "official capacity obligation" to stop the racial and religious discrimination and administrative disparity Plaintiff was subjected to at the French M. Robertson Unit, which is in Region VI, of TDCJ-CID. The Texas Legislature specifically authorized the court to award Plaintiff up to \$10.000.00 in compensatory damages when a TDCJ employee in their official capacity, infringes upon Plaintiff's right to exercise his form of the Christian faith while in a prison unit. By omission Eric Guerrero did not discharge his statutory duties to stop the "convict enforcers" and "convict supervisors" created by Defendants Archie Scarborough, Keith Meeks, Stanley Baldwin, Clayton Whidden, Richard Burgess, or James Finley, and did not cause none of his other subordinates to end the racial and religious discrimination. Eric Guerrero had a duty under the Texas Government Code, § 501.001 that proscribes any TDCJ employee from delegating supervisory authority to the convict enforcers and convict supervisors who opposed Plaintiff's ministry.

QUESTIONNAIRE NO. 16

"(A) You allege that Defendants Wallace Nelson and Timothy Hunter, Regional CHAPLAINS, "failed to discharge delegated legal duties to stop racial and religious disparity and discrimination, and protect religious beliefs."

(A) With regard to your allegation that Defendant Wallace Nelson refused to intervene, state what date you sent notice, and state how you are aware this defendant received notice.

(A) ANSWER

January 26, 2014, 23 days after Plaintiff was granted authorization by Warden Edward Wheeler, and Deputy Director of Chaplaincy Bill Pierce, to play the piano in the chapel services when 4-Building Christians assembled, Plaintiff in writing formally notified Defendant Wallace Nelson, that he was being subjected to substantial burdens in the exercise of his faith, at the French M. Robertson Unit, and specifically advised Defendant Nelson that the Robertson Unit's "convict enforcers" and "convict supervisors" were directly responsible for some of the discrimination and disparity he suffered.

February 7, 2014, Defendant Wallace Nelson, wrote Plaintiff another letter in response to the January 26, 2014, letter from Plaintiff and stated that he had contacted Defendant Stanley Baldwin, and discussed the notice Plaintiff provided regarding the racial and religious discrimination and the administrative disparity.

(B) ANSWER

After Plaintiff provided formal notice pursuant to the TDCJ-CID inmate grievance process, and after Plaintiff and Defendant Wallace Nelson exchanged multiple letters, and after Defendant Wallace Nelson contacted unit chaplain Stanley Baldwin, there was no remedial action taken to enforce the law and Defendant Nelson practiced supervisory ostracism failing to remove the burden on Plaintiff's ministry. Convict enforcer William Frank Brown, Nathaniel Gennings, Defendants Keith Meeks, and Archie Scarborough and Clayton Whidden and Stanley J. Baldwin, were permitted to continue exactly as they did before Defendant Wallace Nelson received Plaintiff's notice, and responded on February 7, 2014, and they are permitted today, to continue like they have been.

(C) Amnswer

Plaintiff wrote a formal letter on February 26, 2015, to Defendant Timothy Hunter. In response to the letter notifying Defendant Timothy Hunter, that Plaintiff was being subjected to racial and religious discrimination, and to administrative disparity, Defendant Timothy Hunter, came to the prison in Abilene, in person, and sat in an office in 1-Building, with Plaintiff. At the conclusion of the meeting with Plaintiff, Defendant Timothy Hunter stated that he was going to talk to Defendant Stanley J. Baldwin, about Plaintiff's notice and complaint. After Defendant Timothy Hunter left the Robertson Unit, there was no change and no remedial action taken to end the racial discrimination or stop the administrative disparity occurring during the Sunday services.

QUESTIONNAIRE NO. 17

(A) You allege that Defendants Vance Drum and Bill Pierce, Deputy Directors of TDCJ Chaplaincy, "failed to train Region VI Chaplains, and Robertson Unit Chaplains to Comply with the United States and Texas laws protecting religious rights and failed to discharge delegated duty to stop racial and religious

disparity and religious discrimination."

(A) State any facts supporting this "failure to train" allegation against either Vance Drum or Bill Pierce.

ANSWER (A)

In compliance with the RLUIPA and the TRFRA, and Title 4, § 501.001(d), Texas Government Code, and TDCJ Administrative Directive 07.30, and the PLRA 42 U.S.C., § 1997e (1996), and Chapter 14, Civil Practices and Remedies Code, Plaintiff provided repeated written and verbal notices that his form of the Christian faith was being substantially burdened and that he was being subjected to racial and religious discrimination and administrative disparity by the TDCJ employed chaplaincy at the French M. Robertson Unit, and their convict enforcers and supervisors. July 8, 2016, Vance Drum, answered Step 2 Grievance No. 20161434409, after Jimmy Webb, assistant warden answered the Step 1 grievance on June 10, 2016. Vance Drum nor Jimmy Webb, removed the substantial burden on Plaintiff's exercise of his form of Christianity, and 'did not' comply with the RLUIPA and TRFRA's requirement to use the least restrictive means available to reach any legitimate security interests the TDCJ may have had infringing upon Plaintiff's right to minister. As a direct result of the failure by Vance Drum, to train unit chaplains Stanley J. Baldwin and Keith F. Meeks, regarding the duties owed under the RLUIPA and the TRFRA, and under Title 4, § 501.001, of the Government Code, Plaintiff was subjected to ongoing and continuous blatant and flagrant forms of racial discrimination and administrative disparity and substantial burdens on the practice of his Christian ministry.

Again, on December 1, 2014, after Plaintiff has received a favorable decision January 3, 2014, from Warden Edward Wheeler, and Deputy Director Bill Pierce, authorizing Plaintiff to play the piano during the Sunday service in the chapel, Plaintiff asked unit chaplain Stanley J. Baldwin, on August 3, 2014, in writing by TDCJ I-60 Inmate Request Form, to remove the burden on his ministry. Again, Jimmy Webb, assistant warden, on October 30, 2014, and Defendant Stanley J. Baldwin, refused to comply with the RLUIPA or the TRFRA, or the TDCJ's Administrative Directive 07.30 governing religious access and accomodation for religious inmates. December 1, 2014, Vance Drum, rubber stamped the Step 1 answer by Jimmy Webb, even though Plaintiff specifically appealed to Eric Guerrero in Gatesville, and to Marvin Dunbar and Bill Pierce in Huntsville. The racial and religious discrimination and administrative at the French M. Robertson Unit, because of these ranking TDCJ officials failure to train Stanley Baldwin and Keith Meeks, to comply with the RLUIPA and the TRFRA, and limit and restrict their involvement in inmate access and accomodation to religious locations, and activities to supervising.

On July 13, 2014, Plaintiff formally requested accomodation to practice his form of the Christian faith from Defendant Keith Meeks, before TDCJ removed him from being a chaplain on or about December 29, 2015, after TDCJ discovered he had falsified his educational qualifications to be a chaplain. Again, Plaintiff relied upon, and referred to the January 3, 2014, authorization by Deputy Director Bill Pierce, granting Plaintiff access and accomodation to minister in the chapel on Sunday mornings, when 4-Building attended services, and on October 2, 2014, Adam W. Gonzales, assistant warden, answered and did sign the Step 1 answer and response. October 5, 2014, Plaintiff filed his Step 2 appeal to complete the exhaustion again, and Octover 24, 2014, once again Vance Drum, refused to intervene and train unit chaplains to comply with the RLUIPA & TRFRA, but instead held that no action was warranted.

On May 28, 2014, Plaintiff made a direct request to Keith F. Meeks,

After winning a favorable decision from the Fifth Circuit Court of Appeals, April 15, 2014, in Wagner v. Campuzano, No. 13-11024, for accomodation to minister and an accomodation to play piano. Defendant Keith Meeks denied Plaintiff's request inspite of the Fifth Circuit's reversal and decision, and inspite of the authorization by former warden Edward Wheeler, and inspite of Deputy Director Bill Pierce's signature on two TDCJ grievances dated January 3, 2014, and inspite of the requirements under the RLUIPA and the TRFRA, and inspite of the TDCJ's Administrative Directive 07.30. On AUGUST 20, 2014, Adam W. Gonzales, assistant warden signed Plaintiff's Step 1 notice. In Plaintiff's Step 2 appeal for Grievance No. 2014150239, Plaintiff did identify both Keith Meeks and Stanley Baldwin, in their unit capacity as having the duty to remove substantial burdens on Plaintiff's exercise of his Christian ministry. On September 15, 2014, Vance Drum, rubber stamped the response written by Adam Gonzales, again, and did nothing to discharge the duty owed by the State of Texas, to train his subordinates to yield to the force of the United States Congress's RLUIPA, or the Texas Legislature's TRFRA, or Texas prison executives' Administrative Directive 07.30.

On March 11, 2014, Defendants Keith Meeks, Archie Scarborough, and Stanley Baldwin, did attempt to use administrative oppression to intimidate Plaintiff with threats and yelling. Plaintiff filed TDCJ Grievance no. 2014115830, on March 22, 2014, and again Adam Gonzales, their coconspirator answered the the Step 1 grievance on April 1, 2014, upholding the misconduct of the unit chaplaincy in violation of the RLUIPA and the TRFRA, and effecting no change and taking no remedial action to compel compliance with the statutes. On May 9, 2014, Bill Pierce, in his official capacity rubber stamped the Step 2 answer and response after Adam Gonzales protected the chaplains.

ANSWERS (B) (C) (D), QUESTIONNAIRE NO. 17

See Answer (A) above applicable to (B)(C)(D), No. 17

QUESTIONNAIRE NO. 18

(A) You allege that Defendant Ronald C. Fox, Senior Warden and Adam W. Gonzales, Assistant Warden, "failed to intervene and stop racial and religious disparity and discrimination."

(A) State any facts supporting this allegation against eith Ronald Fox or Adam Gonzales.

ANSWER (A) Once Ronald C. Fox was assigned as senior warden at the French M. Robertson Unit, he had to approve any thing that had to do with management and supervision of the prison population, and the enforcement of the laws, statutes, and department and division policies and procedures "related to" the daily operation of each facility. Chaplain Keith F. Meeks, often refered to his visits to Ronald Fox and Adam Gonzales, during the time congregational worship services, and at individual one on one meetings.

Plaintiff submitted numerous formal written notices and complaints directly to Ronald Fox and Adam Gonzales, as part of his compliance with TDCJ's requirement that inmates attempt informal resolution before filing Step 1 TDCJ grievances complaining about employees, and providing notice that substantial burdens have been placed on inmates religious exercise under the TRFRA, §110.001, Civil Practices & Remedies Code. Upon receiving the formal and informal complaints and notices in writing, neither Ronald Fox or Adam Gonzales, discharged their legal duties under Title 4, § 493.006(a)-(B), delegated by Brad Livingston, or any other policy or law protecting Plaintiff from the racial and religious discrimination but instead entered

ANSWER (A), CONTINUED

agreement by omission and failure to act, practicing supervisory ostracism or joining the conspiracy launched by Archie Scarborough, Keith Meeks, and Stanley Baldwin, to undermine and circumvent the authorization Plaintiff had received January 3, 2014, before Archie Scarborough got fired and was terminated as a paid employee of TDCJ, and before TDCJ discovered Keith F. Meeks, had falsified his application to be a chaplain. Once these two TDCJ paid chaplains left the agency, Stanley Baldwin, Adam Gonzales, and Ronald Fox, allowed the exact same improper convict supervisor structure and convict enforcer group to remain in power and continue to discriminate against Plaintiff, and continued to comply with the laws of the United States and State of Texas governing prisoners accommodation to practice religion.

The January 26, 2014, creation of the rotation and new label for inmate musicians, to prevent Plaintiff from having access and accommodation to the piano exclusively as authorized January 3, 2014, "could not" have taken place without the knowledge of, and the approval of Ronald Fox and or Adam Gonzales. When Archie Scarborough and Keith Meeks threatened Plaintiff with disciplinary action "if" Plaintiff defied their rotation and conspiracy the threats could not have been carried out without the assistance of Ronald Fox or and Adam Gonzales in their official capacities.

QUESTIONNAIRE NO. 19

(A) You allege that Defendants Archie Scarborough, Keith Meeks, Stanley J. Baldwin, Richard Burgess, James Finley, and Clayton Whidden each entered into civil and administrative conspiracy to target Plaintiff for Racial and Religious Discrimination."

(A) State particular facts to support or relate how Archie Scarborough entered into a conspiracy to target you for discrimination.

ANSWER (A)

January 3, 2014, when Plaintiff was granted authorization to play the piano in the Sunday chapel services, TDCJ fired Archie Scarborough, but he was allowed to remain as the supervising unit chaplain, in the same office at the prison, because Stanley J. Baldwin, took Sunday off from work, and no paid chaplain was available to supervise. Richard Burgess and James Finley and Clayton Whidden, like Archie Scarborough, were frequently, almost daily at the prison, and were also volunteer chaplains in Stanley Baldwin's absence. Between January 3, 2014, until January 26, 2014, when Adam Gonzales joined this group of volunteers, and Stanley Baldwin, to approve the rotation and new inmate musician label to accommodate William Frank Brown, Chief Convict Enforcer and Convict Supervisor, Plaintiff was free to play the piano without getting additional authorization from a chaplain or a convict. After the authorization had been circumvented by these chaplains and assistant warden Gonzales, Plaintiff was stopped and prevented from playing in the chapel on Sunday mornings when 4-Building assembled for congregational worship. When Clayton Whidden, Richard Burgess, or James Finley, was the supervising volunteer chaplain at the Sunday service, the convict supervisors and enforcers actually controlled who had access and accommodation to participate in the service. Archie Scarborough before he got fired, created the convict supervisors, that Keith F. Meeks, and the others embellished that still exist today. Once the decision was made to circumvent and undermine the authorization Plaintiff was granted January 3, 2014, Archie Scarborough, Clayton Whidden, Keith F. Meeks, and Stanley J. Baldwin, met before January 26, 2014, specifically to stop Plaintiff from having the freedom to play the piano, and return full control of the Sunday worship services to their convict enforcers and convict

QUESTIONNAIRE NO. 19, CONTINUED

ANSWER (A), CONTINUED

supervisors William Frank Brown, and Nathaniel Gennings, and Matthew Anderson.

The convict supervisor structure is fashioned after the Kairos membership and almost all of the prisoner facilitators and supervisors and leaders are members of the Texas Kairos Organization, and have completed a Kairos Walk, and attend the monthly Kairos meetings, and the weekly Kairos classes in the chapel or in the dorms. Archie Scarborough, Richard Burgess, James Finley, and Clayton Whidden, acting specifically on behalf of Texas Kairos Organization did, and was able to get TDCJ to authorize special accommodations for the Kairos activities that no other group could get, including playing musical instruments and singing. Once Plaintiff was authorized to play the piano during 4-Building Sunday gatherings, Archie Scarborough, Richard Burgess, James Finley, and Clayton Whidden provided the supervisory authority that enabled William Frank Brown, Nathaniel Gennings, and Matthew Anderson to prevent Plaintiff from playing the piano at a worship service in the chapel.

ANSWER(B) See Answer (A) above.

(Answer (C)

Stanley J. Baldwin, in his official capacity as the only paid chaplain before Keith F. Meeks, replaced Archie D. Scacrborough, after January 3, 2014, failed to take the remedial action necessary to stop the volunteer chaplains from enabling the convict enforcers and supervisors from carrying out their plan to stop Plaintiff from ministering with music on Sunday morning in the chapel, without first gaining their approval. After Plaintiff spoke directly to Stanley Baldwin, and after Plaintiff in writing notified Stanley Baldwin, and after Bill Pierce notified Stanley Baldwin of the January 3, 2014, decision authorizing Plaintiff to play the piano in the Sunday chapel services for 4-Building Christians, and after regional chaplains from Gatesville contacted Stanley Baldwin in response to Plaintiff's efforts to get assistance and enforcement of the laws and decisions authorizing him to play piano, Stanley Baldwin continued to turn a deaf ear, and a blind eye to what the volunteer chaplains were doing, and how they continued to support and enable the convict enforcers and supervisors to stop Plaintiff, while White inmates were allowed too, exercise First Amendment speech preaching.

ANSWER (D) See answer (C) above for (D) (E) (F)

TITLE 28 U.S.C., § 1746 Declaration

I, Mitchell W. Wagner, swear that I have not intentionally made any false, or misleading, statements by answering the court's order for a more definite statement in response to my Rule 8(a) civil complaint seeking relief under § 1983 or RLUIPA.

DATE

7-15-2019

Mitchell W. Wagner
Mitchell W. Wagner

Page # 29

F

REASON FOR GRANTING THE
PETITION

APPENDIX F

REASONS FOR GRANTING THE PETITION

THE SUPREME COURT RULE RULE 10.(C)

THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS NOT BEEN, BUT SHOULD BE SETTLED BY THIS COURT. IT IS AN IMPORTANT FEDERAL QUESTION AND YES IT DOES CONFLICTS WITH RELEVANT DECISIONS OF THIS COURT. I WAS USING A PRISONER'S SELF HELP LITIGATION MANUAL. AND IN THAT MANUAL IT SAID AFTER FILING AN APPEAL WITH A CIRCUIT COURT AND IT SAID HOWEVER THE COURT OF APPEAL ARE AUTHORIZED TO REQUEST COUNSEL TO REPRESENT APPELLANT. THE LITIGATION MANUAL HAS RECOMMENDED THAT APPELLANT FILE A MOTION ASKING THE COURT TO DO SO. TO ME THAT WOULD STOP THE APPELLANT FROM CONFUSING THE COURT WITH NONSENSE. SO I THE APPELLANT FILED A MOTION FOR APPOINTMENT OF COUNSEL WITH DECLARATION IN SUPPORT OF AND MEMORANDUM OF LAW IN SUPPORT OF APPELLANT'S MOTION FOR COUNSEL UNDER APPELLANT'S U.S.C.A. NEW NUMBER 19-11076 WITH A PRAYER THAT AGENCY ACTS. BACK WHEN I HAD MY LEGAL ASST. HE WAS THE ONE WITH LEGAL EDUCATION HANDLING THIS SUIT. IN JUNE-2018 HE WAS SHIPPED LEAVING ME, A PRISONER WITH NO LAW SCHOOL EDUCATION. APPENDIX PAGE # 7-Doc. 39. (# 5 ATTACHMENTS - SEE APPENDIX-F)

REASON FOR GRANTING THE PETITION
CONTINUE FROM
PAGE #1

APPENDIX-PAGE #7-DOC.46 IS WHEN i TOOK OVER NOT KNOWING
WHAT TO DO, SO A ORDER FOR ME TO PROVIDE DEFENDANT'S
ADDRESSES WAS LIKE HOW WAS i GOING TO DO THAT?

APPENDIX PAGE #7-DOC.51 I SENT A LETTER TO THE X ATTORNEY
WHO HELPED WITH MY FIRST SUIT WAGNER V. CAMPUZAO NO.
1-12-CV-205-C ASKING FOR HELP, AND ASK HER FOR ADDRESSES
TO THE DEFENDANTS IN THE COURTS ORDERED, SHE COULDNT AND
WHAT SHE HAD SENT ME i SENT IT TO THE COURT BECAUSE
I DIDNT KNOW WHAT TO DO. APPENDIX #7-DOC.54 i MOTION
FOR EXTENSION OF TIME SO THAT i COULD TRY TO FIND SOME
THAT COULD HELP ME. A WORKER IN THE LAW LIBRARY TOLD
ME AFTER SHOWING HIM TO ORDER. APPENDIX-PAGE #7-DOC.62
AND DOC.63. THE JUDGE NEVER ANSWERED TO MY MOTIONS
DOC.62 AND 63 BUT YET TAG TIME ATTORNEYS ON ME
FROM AMBER McKEON TO BENJAMIN PHILLIPS AND HERE
I, AM A PRISONER WITH NO LAW SCHOOL EDUCATION TRYING
TO FIGHT ATTORNEYS FOR THE STATE OF TEXAS.

AFTER THE COURT MADE JUDGMENT TO ALL CLAIMS DISMISSING
 MY TRFRA WITH PREJUDICE FOR LACK OF JURISDICTION
 WHICH IS SOMETHING I DON'T UNDERSTAND. DOC. 73.
 I DIDN'T WANT TO JUST LET THEM TAKE THE LAST
 AND ONLY THING I HAD LEFT WHICH IS GOD'S GIFT TO
 ME. ASKING FOR HELP! CAME ACROSS A INMATE WITH
 A PRISONER'S SELF ~~HELP~~ LIGATION MANUAL, TO ME That
 WAS OUR GOD ANSWERING MY PRAYER, FROM THEIR!
 FILED A NOTICE OF APPEAL. APPENDIX-PAGE #7. DOC. 75
 THE COURT CALLED IT A INTERLOCUTORY APPEAL, AND!
 FILED FOR THE TRANSCRIPT ANSWER IF! WAS
 TO BE APPOINTED COUNSEL! WILL ALREADY HAVE THEM
 FOR HIM OR HER. DOC. 76! FILED MOTION FOR LEAVE TO
 PROCEED IN FORMA PAUPERIS ON APPEAL A NUMBER WAS
 GIVEN TO ME U.S.C.A.-NO. 19-10298 5th CIR FROM MY
 NOTICE OF APPEAL. THEN MY MOTION FOR LEAVE TO
 PROCEED IF! DOC. 76 WAS GRANTED, DOC. 77. THEN
 ANOTHER JUDGMENT WAS ORDERED. DOC. 79 WHICH WAS
 THEN I FILED A MOTION FOR APPOINTMENT OF COUNSEL

CONTINUE FORM PAGE #2

REASON FOR GRANTING THE PETITION

Page #4

But WHERE WAS THE ATTORNEY? AFTER MY APPEAL WAS GRANTED.
DOC. #83 TO DOC. #90 THERE WAS TALK ABOUT AN ATTORNEY
ANSWERED MY MOTION FOR LEAVE TO AMEND, SO FROM
SHOWS THEY GOT IT. SEE APPENDIX F. BUT DOC. #81 SHOWS THEY
SHOULD HAVE THEM ON Q4-03-2019, MY DETAILED CASE PRACTICE
I SENT THEM BOTH AT THE SAME TIME, SO BOTH COURTS
TO USDC AND FILED ONE AND SENT IT TO U.S.C.A. 5TH CIR.
I FILED A MOTION FOR APPOINTMENT OF COUNSEL AND SENT ONE
MARCH, MARCH-22-2019 TO CAL WAGNER V. MARTIN NO. 1:19-CV-35.
DELIVERATE INDIFFERENCE 1983 CIVIL RIGHTS COMPLAINT IN
USING THE INMATE SELF HELP LIBIGATION MANUAL! FILED A
MY MOTION FOR APPOINTMENT OF COUNSEL, CAUSE! MADE TWO.
APPENDIX PAGE #7. DOC. #80 Q4-03-2019 SHOULD HAVE SHOWN
ACKNOWLEDGE MY MOTION FOR APPOINTMENT OF COUNSEL,
COURT ACT. HOWEVER THE APPEALS COURT DIDN'T EVEN
OF LAW IN SUPPORT OF WHICH PLAYER THAT THE APPEALS
WITH DECLARATION IN SUPPORT OF AND MEMORANDUM

CONTINUE FROM PAGE #3

REASON FOR GRANTING THE PETITION

REASON FOR GRANTING THE PETITION
CONTINUE FROM PAGE #4

DOC. 90 I HAD FILED A MOTION FOR APPOINTMENT OF COUNSEL WITH A WRIT OF MANDAMUS BECAUSE AGENCY'S FAILURE TO ACT. I DID THIS CAUSE THE PRISONER'S SELF HELP LITIGATION MANUAL SAID AGENCY FAILURE TO ACT VIOLATES THE CONSTITUTION OR FEDERAL STATUTES OR THAT IT VIOLATES THE AGENCY'S REGULATIONS UNDER THE ADMINISTRATIVE PROCEDURES ACT (APA)

THE COMES DOC. 93. I HAD FILED A MOTION FOR LEAVE TO AMEND MY ORIGINAL MOTION FOR APPOINTMENT OF COUNSEL WITH DECLARATION AND MEMORANDUM OF LAW UNDER U.S.C.A CASE NUMBER 19-11076, AND DID MOTION FOR LEAVE TO PROCEED IFP WAS DENIED, DOC. 95. SO ALL THE TIMES I MOTIONED FOR APPOINTMENT OF COUNSEL TO ME WAS BECAUSE THE APPEALS COURT DIDN'T WANT TO GIVE ME ONE. SO I FILED FOR A MOTION TO PROCEED IFP AGAIN AND FOR APPOINTMENT OF COUNSEL BECAUSE I BEEN DONE WRONG.

REASON FOR GRANTING THE PETITION
CONTINUE FROM PAGE #5

I HAVE CONTINULY TRYED MOTIONING FOR APPOINTMENT OF COUNSEL LIKE IN SEPT-20-2019 AND THAT WAS A MOTION FOR A RULING ON ORIGINAL MOTION FOR THE APPOINTMENT OF COUNSEL with DECLARTION IN SUPPORT OF AND MEMORANDUM OF LAW. THEN i TOLD THAT THE U.S.C.A NO. 19-10298 WAS Closed SO ON OCTOBER-26, 2019 I FILED ANOTHER MOTION FOR APPOINTMENT OF COUNSEL with DECLARTION AND MEMORANDUM OF LAW CAUSE i could NOT BELEAVE THE AGENCY Would VIOLATE THE AGENCY'S REGULATIONS STATUTES OR THE CONSTITUTION OR FEDERAL STATUTES OR THE (APA) DID I DO SOMETHING WRONG CAUSE i WAS DO What THE PRISONER SELF HELP LITIGATION MANUAL SAID, But NOW THE MANUAL is GONE THEY SHIPPED THE OWNER.

REASONS FOR GRANTING THE PETITION

BECAUSE ON MARCH 31- 2019 i MAILED TWO MOTION TO TWO COURTS
ONE TO UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS AND
ONE TO UNITED STATES COURT OF APPEALS FIFTH CIRCUIT F. EDWARD HERBERT.

TWO MOTION FOR APPOINTMENT OF COUNSEL WITH DECLARATION IN SUPPORT OF
AND

MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR COUNSEL.
SENT TO USDC AND USCA AT THE SAME TIME. I DID THIS CAUSE I
DIDN'T KNOW HOW LONG I WOULD HAVE THE PRISONER'S SELF HELP
LITIGATION MANUAL. SEE SUMMARY DENTAL DOCKET AND SEE THE
SUMMARY CIVI DOCKET- APPENDIX E.

REASONS FOR GRANTING THE PETITION CONTINUE APPENDIX F.

I AM SUBSTANTIALLY "BURDEN" IN THE EXERCISE OF MY FORM OF CHRISTIANITY "BECAUSE" I CANNOT MINISTER: MINISTER WITH MUSIC. I AM A MINISTER "BECAUSE" OF WHAT GOD GAVE ME, THE GIFT OF MUSIC. "BECAUSE" OF THESE CHAPLAINS I AM NEVER ALLOWED TO MINISTER AND AND PAY MY TITHES TO GOD WITH MUSIC AND THAT SUBSTANTIALLY BURDENED ME BECAUSE I CANNOT MAKE AN OFFERING TO GOD WITH MUSIC BY FEEDING CHRIST'S CHURCH TO LIFT UP THE CONGREGATION'S SPIRIT WHEN I GIVE PRAISE AND WORSHIP TO EXPRESS MY LOVE FOR OUR GOD ACCCOMPANIED WITH MUSIC FROM THE PIANO: I AM SUBSTANTIALLY BURDENED BECAUSE I CANNOT EVANGELIZE WITH MUSIC, CALLING SINNERS TO REPENTANCE USING MUSIC TO EXPRESS THE GOSPEL OF JESUS CHRIST: I AM SUBSTANTIALLY BURDENED "BECAUSE" I AM UNABLE TO EXPRESS THE JOY A SINNER RECEIVES WHEN HE COMES HOME TO THE LORD, AND IS BAPTIZED INTO THE FAMILY OF OUR GOD. PLEASE VIEW A MORE DEFINITE STATEMENT QUESTIONS BELOW.

CONCLUSION

I MITCHELL WAGNER DECLARE UNDER PENALTY OF PERJURY THAT ALL FACTS PRESENTED IN THIS PETITION WITH ATTACHMENTS IS TRUE AND CORRECT. PRO SE APPELLANT TRYED TO DO WHAT THE SUPREME COURT RULES SAY DO.

The petition for a writ of certiorari should be granted. SENT IN ON MAR-01-2021

MORE DEFINITE STATEMENT

Respectfully submitted,

Mitchell Wagner

Date: MARCH 1 - 2021

QUESTION 2-(B) PAGE 4

QUEST- NO. 1(B) PAGE 2.

QUEST- NO. 8 ANSWER - PAGE-12.

QUEST- NO. 9 ANSWER - PAGE-13.

QUEST- NO. 12 ANSWER - PAGE-14.

QUEST- NO. 19 (A) AND (C)-PAGE-20.

QUESTIONNAIRE
APPENDIX - F