

NO.

20-8224

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

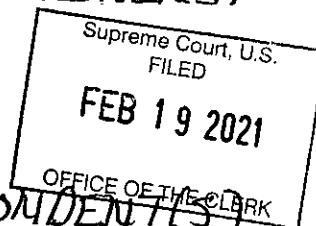
DON WAYNE BASEY

PETITIONER(S)

V.

\$255.00 SANCTION

RESPONDENT(S)



ON PETITION FOR WRIT OF CERTIORARI
TO THE FIFTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIFICATE

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QUESTIONS PRESENTED

THROUGH OUT THIS HONORABLE COURT'S HISTORY FROM 1798 TILL NOW "NO PENAL OR NONPENAL LAW OR EX POST FACTO LAW OR BILL OF ATTAINDER WERE ALLOWED TO INFRINGE UPON A "FUNDAMENTAL CONSTITUTIONAL RIGHT."

WHY IS IT "NOW" THAT A "SANCTION (\$25500) WHICH IS A "PENAL LAW" HINDERING PETITIONER FROM "ACCESSING COURT" TO "EXERCISE" PETITIONER'S RIGHT TO "DUE PROCESS OF LAW" FOR "CONVICTIONS" THAT PUT PETITIONER'S "LIFE" IN JEOPARDY DURING THE "COVID-19 VIRUS PANDEMIC" WHILE PETITIONER WAS INCARCERATED IN THE "TEXAS DEPARTMENT OF CRIMINAL JUSTICE-CORRECTIONAL INSTITUTIONAL DIVISION."

WILL THIS "SANCTION" PENAL HINDER PETITIONER FROM "EXERCISING" PETITIONER'S CONSTITUTIONAL RIGHTS AGAINST PRISON OFFICIALS WHO HAVE PLACED PETITIONER'S "LIFE" IN "JEOPARDY WITH A "DISEASE" PETITIONER NEVER HAD DURING "COVID-19 VIRUS PANDEMIC."

IF THIS "SANCTION STANDS" WHAT EFFECT WILL IT HAVE ON THE "PUBLIC" IF THE "COURT'S" SANCTIONS THEM AN THEIR CONSTITUTIONAL RIGHTS ARE VIOLATED AND THEY'RE "INDIGENT", HOW WILL THEY GET REDRESS?

THE FOURTH CIRCUIT FOUND AN "EX POST FACTO" VIOLATION IN A "LAW" REQUIRING A "\$25000 FEE" FOR "DNA TESTING BEFORE A "PRISONER" CAN BE "PAROLED" (EUBANKS V. S.C. DEPARTMENT OF CORR. (IN RE EX POST FACTO ISSUES) 562 F.3d 294, 302 (4th Cir. 2009). THE "FIFTH CIRCUIT'S DECISION "CONFLICTS" WITH THIS "RULING BY THE "FOURTH CIRCUIT" THE "STATUTE" WAS "PENAL" AND THIS "SANCTION" IS "PENAL" AND CANNOT STAND.

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 JUDGEMENT IS THE SUBJECT OF THIS PETITION IS AS FOLLOWS:

RELATED CASES

DON WAYNE BOSEY V TEXAS DEPARTMENT OF CRIMINAL JUSTICE, NO. 2:20-CV-00134-Z-BR, U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS (AMARILLO), JUDGEMENT ENTERED MAY 21, 2020.

DON WAYNE BOSEY V. A. CHAVEZ, RIVERA, PROPERTY OFFENDER, NO. 2:20-CV-00245-Z-BR, U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS (AMARILLO), JUDGEMENT ENTERED MAY 29, 2020.

DON WAYNE BOSEY V. RIVERA, NO. 2:20-CV-00281-Z-BR, U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS (AMARILLO), JUDGEMENT ENTERED JULY 22, 2020.

DON WAYNE BOSEY V. KENNETH BELT, NO. 2:20-CV-00303-Z-BR, U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS (AMARILLO), JUDGEMENT ENTERED DEC. 30, 2020.

DON BOSEY V. TDCJ, NO. 20-10656, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, JUDGEMENT ENTERED, OCT. 27, 2020.

DON BOSEY V. A. CHAVEZ, ET AL, NO. 20-10666, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, JUDGEMENT ENTERED, DEC. 1, 2020.

IN RE BOSEY NO. 20-90029, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, JUDGEMENT ENTERED, SEPT. 28, 2020.

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

PETITIONER PRAYS THAT A WRIT OF CERTIORARI BE ISSUED 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 B TO THE PETITION AND IS

☐ REPORTED AT _____; OR,

☐ HAS BEEN DESIGNATED FOR PUBLICATION BUT 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 REPORT-
ED; OR,

☐ IS UNPUBLISHED.

THE OPINION OF THE _____ COURT
APPEARS AT APPENDIX _____ TO THE PETITION AND IS

☐ REPORTED AT _____; OR,

☐ IT HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT
YET REPORTED; OR,

☐ IS UNPUBLISHED.

JURISDICTION

☒ FOR CASES FROM FEDERAL COURTS:

THE DATE ON WHICH THE UNITED STATES COURT OF APPEALS DECIDED MY CASE WAS 7/2/20, 9/28/20, 12/1/20

☒ 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 PETITION FOR WRIT OF HABEAS CORPUS WAS GRANTED TO AND INCLUDING _____ (DATE) ON _____ (DATE) IN APPLICATION NO. _____ A _____.

THE JURISDICTION OF THIS COURT

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. § 1254(1).

☐ FOR ~~CASES~~ 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 WRIT OF HABEAS CORPUS 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

FOURTEENTH AMENDMENT

ARTICLE 1 § 9 CL. 3

ARTICLE 1 § 10 CL. 2

SENATE BILL 31

VERNON'S TEXAS CODE ANNOTED "CIVIL PRACTICES AND REMEDIES
1 CHAPTER 20: §§ 1 TO 16.003" (§§ 10.001 AND 10.004, 10.004(C)(2),
TO 10.004(F))

28 U.S.C.A. § 1915 B4(G)

42 U.S.C.A. § 1983

BLACK'S LAW DICTIONARY (DEFINING 'SANCTIONS AND PENALTIES')

STATEMENT OF THE CASE

PETITIONER BROUGHT "FOUR (4) CIVIL ACTIONS" BEFORE THE DISTRICT COURT AND APPELLATE COURT, AND ALL "FOUR (4)" WERE "DISMISSED" DUE TO "SANCTION" OF "\$255.00". PETITIONER STATED "CLAIMS" IN ALL "FOUR (4) CIVIL ACTIONS".

BOLLARD V HUNTER 2018 U.S. DIST. LEXIS 157900 (E.D. ARK. SEPT. 17, 2018), "RULE 12B(6), "A COMPLAINT MUST CONTAIN A SHORT AND PLAIN STATEMENT OF THE CLAIM SHOWING THAT THE PLEADER IS ENTITLED TO RELIEF. FED. RULE CIV. P. 8(A)(2), ALTHOUGH DETAILED FACTUAL ALLEGATIONS ARE NOT REQUIRED, THE COMPLAINT MUST SET FORTH ENOUGH FACTS TO STATE A CLAIM TO RELIEF PLAUSIBLE ON ITS FACE. BELL ATL. CORP. V TIDWORTH, 550 U.S. 554, 127 S. CT. 1955, 173 L. ED. 2D 868 (2009).

ALL FOUR (4) CLAIMS BROUGHT BY PETITIONER HAD FACTUAL PLAUSIBILITY, WHEN THE PLAINTIFF PLEADS FACTUAL CONTENT THAT ALLOWS THE COURT TO DRAW REASONABLE INFERENCES THAT THE DEFENDANT IS LIABLE FOR THE MISCONDUCT ALLEGED, WITH "EVIDENCE" PROVIDED THAT THE DEFENDANTS COMMITTED THE ACTS AND ARE LIABLE FOR THEM.

BOLLARD V. HUNTER I DAT 2 (LEXIS) SUPRA, "A CLAIM HAS FACTUAL PLAUSIBILITY WHEN PLAINTIFF PLEADS FACTUAL CONTENT THAT ALLOWS COURT TO DRAW REASONABLE INFERENCES THAT THE DEFENDANT IS LIABLE FOR THE MISCONDUCT ALLEGED."

AND WITH BOLLARD I DAT (LEXIS) 2, ANTE, "THE COURT EXCEPTS AS TRUE ALL THE FACTUAL ALLEGATIONS IN THE COMPLAINT AND DRAWS ALL REASONABLE INFERENCES IN FAVOR OF THE NON-MOVING PARTY. GORDON V. BEST BUY CO., 760 F.3D 787, 792 (8TH CIR. 2014).

THE DISTRICT COURT TOOK PETITIONER'S "CLAIMS" AS TRUE, FOR IF NOT, THEY WOULD HAVE BEEN "DISMISSED" SUBSPONITE OR DE NOVA. YET THEY WERE "DISMISSED" FOR FAILURE TO PAY "SANCTION" AND THIS "VIOLATES" PETITIONER "RIGHT TO REDRESS GRIEVANCES AND DUE PROCESS OF LAW."

WEST V LOUISIANA 194 U.S. 258, 48 L. ED. 956 (S. C. REP. ED 258-267) (1904), "DUE PROCESS OF LAW," MEANS LAW IN ITS REGULAR COURSE OF ADMINISTRATION THROUGH COURTS OF JUSTICE", 2, KENT. COM. 13,

AND WEST V. LOMBSZANA AT. Id (9) (LEXIS). "IBID," WHEN

LIFE AND LIBERTY ARE IN QUESTION THERE MUST BE IN EVERY INSTANCE BE JUDICIAL PROCEEDINGS AND THAT REQUIRES AN ACCUSATION, HEARING BEFORE, IMPRACTICAL TRIBUNAL WITH PROPER JURISDICTION. . . . BUT THE STATES WILL PRESCRIBE THEIR OWN MODE OF PROCEEDINGS AND TRIAL."

AND WITH WOLFF V. McDONNELL 418 US 539, 41 L ED 2d 935 94 S. CT. 296 (1974), "THE TOUCHSTONE OF DUE PROCESS IS PROTECTION OF THE INDIVIDUAL AGAINST ARBITRARY ACTION OF GOVERNMENT, DEPT V. WEST VIRGINIA 129 US 114, 123 L ED 623, 95 S. CT. 231 (1899)."

AND ALSO IN WOLFF V. McDONNELL 418 US AT 596, "SUPRA," IT IS PRECISELY THIS UNCHECKED POWER OF PRISON ADMINISTRATION WHICH IS THE PROBLEM THAT DUE PROCESS SAFEGUARDS ARE REQUIRED TO CURE."

AND WOLFF AT 418 US 595, "ANTE IBID," THOUGH HIS RIGHTS MAY BE DIMINISHED BY THE NEEDS AND EXIGENCIES OF THE INSTITUTIONAL ENVIRONMENT, A PRISONER IS NOT WHOLLY STRIPPED OF CONSTITUTIONAL PROTECTION WHEN HE IS IN PRISON FOR CRIME, THERE'S NO IRON CURTAIN DRAWN BETWEEN THE CONSTITUTION AND THE PRISONS OF THIS COUNTRY PRISONERS HAVE BEEN HELD TO ENJOY."

THIS "COURT'S" SANCTION (FIFTH CIRCUIT) PLACES AN "IRON CURTAIN" BETWEEN PETITIONER AND THE "COURT" FOR "REDRESS OF GRIEVANCES" AGAINST THE "DEFENDANTS" IN "FOUR (4) CIVIL ACTIONS AND BY LAW, A "PENAL LAW" CANNOT INTERFERE WITH A "CONSTITUTIONAL VIOLATION," COLDER V. BULL 386 U.S. 123, 12 L ED 648 (1967), "THAT ANY LAW OF THE FEDERAL GOVERNMENT OR STATE GOVERNMENTS, CONTRARY TO THE CONSTITUTION OF THE UNITED STATES IS VOID AND THAT THIS COURT POSSESSES THE POWER TO DECLARE SUCH LAW VOID."

THE "SANCTION" IS A "PENALTY" AND IS A "PENAL LAW" FOR IT METES OUT "PUNISHMENT" AGAINST "PETITIONER," THAT CAUSES PETITIONER A "DISABILITY" IN HAVING PETITIONER'S "CIVIL ACTIONS" HEARD IN "COURT."

"TROPI. DULLES 356 US 86, 2 L ED 630, 78 S. CT. 590 (1958), THIS COURT HAS BEEN COLLUDING TO DECIDE WHETHER OR NOT VARIOUS STATUTES WERE PENAL EVER SINCE 1798 COLDER V. BULL (US) 386, 12 L ED 648, EACH TIME A STATUTE HAS BEEN CHALLENGED AS BEING INFLICTED WITH THE CONSTITUTIONAL PROHIBITIONS AGAINST BILLS OF ATTAINDER AND EX POST FACTO LAWS, IT HAS BEEN NECESSARY TO DETERMINE WHETHER A PENAL LAW WAS INVOLVED

BECAUSE THE PROVISION ONLY APPLIES TO STATUTES IMPOS-
-ING PENALTIES. IN DECIDING WHETHER OR NOT A LAW IS PENAL.
THIS COURT HAS GENERALLY BASED ITS DETERMINATION UPON THE
PURPOSE OF PUNISHMENT—THAT IS, TO REMAND THE WRONGDOER, TO
DETER OTHERS, ETC. IT HAS BEEN CONSIDERED PENAL."

PETITIONER "INDIGENT" IS "DISABLED" TO PAY "A \$255.00 SANCTION"
DUE TO PETITIONER'S "INDIGENCY", AND PETITIONER ALREADY HAS TO
"OVERCOME" THE "THREE STRIKE PROVISION" OF "28 USC. § 1915(G)", AND
"SANCTION" ADDS ANOTHER "BURDEN" TO PETITIONER WHO IS "INDIGENT".
TITLE 28 USC. § 1915(B)(6) 'S STATES IN PART:

"IN NO EVENT SHALL A PRISONER BRING A CIVIL ACTION OR
PROCEEDING UNDER THIS SECTION IF THE PRISONER HAS ON 3 OR MORE
OCCASIONS, WHILE INCARCERATED OR DETAINED IN ANY FACILITY BROU-
-GHT AN ACTION OR APPEAL IN COURT OF THE UNITED STATES THAT WAS
FRIVOLOUS, MALICIOUS OR FAILS TO STATE A CLAIM IN WHICH RELIEF
CAN BE GRANTED UNLESS PRISONER IS UNDER IMMINENT DANGER OF
SERIOUS PHYSICAL INJURY."

PETITIONER'S "MEDICAL SUIT" SHOWS THAT PETITIONER IS IN
"IMMINENT DANGER" OF "CONTRACTING COVID-19 VIRUS"; AND YET, DUE TO
PETITIONER'S "INDIGENCY" PETITIONER CANNOT "PAY SANCTION" TO
HAVE "THIS CIVIL ACTION" HEARD BY THE "COURT" AND THIS "PENALTY"
IS "DISABLING" PETITIONER FROM "ACCESS COURT" TO "REDRESS" PETITION-
-ER'S "GRIEVANCES."

CONGRESS'S "INTENT" TO "PENALIZE" FOR "ABUSE" OF "APPEALS"
CAN BE "UNDERSTOOD", BUT, DID "CONGRESS" INTEND TO "STOP INDIGENT"
CITIZENS FROM "EXERCISING THEIR CONSTITUTIONAL RIGHTS" WHEN
THEY MADE THE "STATUTE" THAT "SANCTIONED" FOR VIOLATIONS?"

DID CONGRESS, CONSIDER, THAT "ALL CITIZENS" MAY NOT BE
"ABLE TO PAY" TO HAVE "THEIR CIVIL ACTIONS" HEARD BY THE "COURTS"
DUE TO A "PENAL STATUTE" THAT "IMPOSES" A "PENALTY", "SO HOW
CAN AN "INDIGENT CITIZEN" OVERCOME A "SANCTION" TO "PROTECT"
HIS OR HER CONSTITUTIONAL RIGHTS WHEN THEY'RE "VIOLATED?"

"TWINNING V NEW JERSEY 211 US 78, 53 L ED, 97 S. CT. 78
(1968)" SINCE THE ADOPTION OF THE FOURTEENTH AMENDMENT AND
ONE OF THE FUNDAMENTAL RIGHTS OF LIFE, LIBERTY, OR PROPERTY
RECOGNIZED AND GUARANTEED BY THE CONSTITUTION OF THE
UNITED STATES CAN BE DENIED, ABRIDGED BY A STATE IN RE-
-SPECT TO ANY PERSON WITHIN ITS JURISDICTION."

AND IN TROPV DULLES (HEADNOTES) (197) (LEXIS) "ADITE,"
THE JUDICIARY HAS A DUTY OF IMPLEMENTING THE CONSTITU-
-TIONAL SAFEGUARDS THAT PROTECTS INDIVIDUAL RIGHTS."

AND WITH BARBER (COMMONLY 123 U.S. 27, 28 (1885),
S.C. REP. ED. 27-32 (1885)) "THE 14TH AMENDMENT IN DECLARING
THAT NO STATE SHALL DEPRIVE ANY PERSON OF LIFE, LIBERTY OR
PROPERTY WITHOUT DUE PROCESS OF LAW OR DENY TO ANY PERSON
WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE
LAWS, UNDOUBTEDLY INTENDED NOT ONLY THAT THERE SHOULD BE NO
ARBITRARY SPOLATION OF PROPERTY, BUT THAT EQUAL PROTECTION
AND SECURITY SHOULD BE GIVEN TO ALL UNDER LIKE CIRCUMSTANCES
IN THE ENJOYMENT OF THEIR PERSONAL AND CIVIL RIGHTS."

PETITIONER'S "CIVIL RIGHTS" DEPEND ON WHETHER THE
"SANCTION" IMPOSED BY THE "STATUTE" IMPOSING THE "PENALTY"
IS "PUNITIVE OR NON PUNITIVE",

"BLACK'S LAW DICTIONARY, DEFINES,"
"PUNITIVE SANCTION (1898), "A PENALTY FOR SOME LEGAL
INFRACTION,"

THE "COURTS" HAVE TO DECIDE THE "STATUTORY CON-
-STRUCTION" OF THE "STATUTE" TO DETERMINE IF IT IS "PUNITIVE
OR NON PUNITIVE," AND WHAT CONGRESS INTENT WAS WHEN
"STATUTE" WAS MADE.

BLACK'S LAW DICTIONARY, DEFINES,"
"PENAL STATUTE," AS, "A STATUTE BY WHICH PUNISHMENTS
IMPOSED FOR TRANSGRESSIONS OF THE LAW CIVIL AS WELL AS
CRIMINAL." ESP. A STATUTE THAT DEFINES A CRIME AND PRESCR-
-IBES ITS CORRESPONDING FINE, PENALTY OR PUNISHMENT.
- ALSO TERMED PENAL LAW. PUNITIVE STATUTE; CRIMINAL STATUTE"

VERNON'S TEXAS CODE ANNOTED, "CIVIL PROCEDURE
AND REMEDIES," 1 (§§ 1 TO 16, DCS), "CHAPTER 10: SANCTIONS
FOR FRIVOLOUS PLEADING AND MOTIONS."

§ 10.001 "SIGNING OF PLEADING AND MOTIONS,"
"THE SIGNING OF A PLEADING OR MOTION AS REQUIRED BY THE
TEXAS RULES OF CIVIL PROCEDURE CONSTITUTES A CERTIFICATION BY
THE SIGNATORY THAT TO THE SIGNATORY'S BEST KNOWLEDGE IN FORM-
-ATION AND BELIEF, FORMED AFTER REASONABLE INQUIRY,"

(1) THE PLEADING OR MOTION IS NOT BEING PRESENTED FOR ANY IMPROPER PURPOSE INCLUDING TO HARASS OR TO CAUSE UNNECESSARY DELAY OR NEEDLESS INCREASE IN LITIGATION.

(2) EACH CLAIM DEFENSE OR OTHER LEGAL CONTENTION IN THE PLEADING OR MOTION IS WARRANTED BY EXISTING LAW OR BY A NON-FRIVOLOUS ARGUMENT FOR THE EXTENSION MODIFICATION OR REVERSAL OF EXISTING LAW OR THE ESTABLISHMENT OF NEW LAW.

(3) EACH ALLEGATION OR OTHER FACTUAL CONTENTION IN THE PLEADING OR MOTION HAS EVIDENTIARY SUPPORT OR FOR SPECIALLY IDENTIFIED ALLEGATION OR FACTUAL CONTENTION IS LIKELY TO HAVE EVIDENTIARY SUPPORT AFTER A REASONABLE OPPORTUNITY FOR FURTHER INVESTIGATION OR DISCOVERY. AND

(4) EACH DENIAL IN THE PLEADING OR MOTION OF THE FACTUAL CONTENTION IS WARRANTED ON THE EVIDENCE OR FOR A SPECIALLY IDENTIFIED DENIAL IS REASONABLE BASED ON LACK OF INFORMATION OR BELIEF.
"ACT 1995 74TH LEG. CH. 137 § 1 SEPT. 1 1995."

§ 10.004 "VIOLATION: SANCTION:"

(A) A COURT THAT DETERMINES THAT A PERSON HAS SIGNED A PLEADING OR MOTION IN VIOLATION OF § 10.001 MAY IMPOSE A SANCTION ON THE PERSON A PARTY REPRESENTING A PERSON OR BOTH.

(B) THE SANCTION MUST BE LIMITED TO WHAT IS SUFFICIENT TO DETER REPETITION OF THE CONDUCT OR COMPARABLE CONDUCT BY OTHERS SIMILARLY SITUATED.

(C) A SANCTION MAY INCLUDE ANY OF THE FOLLOWING:

(1) A DIRECTIVE TO THE VIOLATOR TO PERFORM OR REFRAIN FROM PERFORMING AN ACT.

(2) AN ORDER TO PAY A PENALTY INTO COURT; AND

(3) AN ORDER TO PAY TO THE OTHER PARTY THE AMOUNT OF THE REASONABLE EXPENSES INCURRED BY OTHER PARTY BECAUSE OF THE FILING OF THE PLEADING OR MOTION, INCLUDING A REASONABLE ATTORNEY FEES.

(D) THE COURT MAY NOT AWARD MONETARY SANCTIONS AGAINST A REPRESENTED PARTY FOR VIOLATION OF SECTION 10.001(2).

(E) THE COURT MAY NOT AWARD MONETARY SANCTION ON ITS OWN INITIATIVE UNLESS THE COURT ISSUES IT'S ORDER SHOWING BEFORE A VOLUNTARY DISMISSAL OR SETTLEMENT OF THE CLAIMS MADE BY OR AGAINST THE PARTY FOR OR THE PARTY'S ATTORNEYS WHO IS TO BE SANCTIONED.

(F) THE FILING OF A GENERAL DENIAL UNDER RULE 92 TEXAS RULE OF CIVIL PROCEDURE SHALL BE DEEMED A VIOLATION OF THIS CHAPTER,

THIS "STATUTE" IS "PUNITIVE",

BLOCK'S LON DCC726NDRY, DEFINES,"

"PUNITIVE" ADJ. 16C), "INVOLVING OR IMPLYING PUNISHMENT",

THE "STATUTE" IMPOSES A "PENALTY" §10004(C)(2), "AN OR PAY A PENALTY INTO COURT."

WHICH IS "PUNISHMENT" FOR A VIOLATION OF §10001 AND THEREFORE RESTRAINS PETITIONER FROM PROCEEDING AS AN "INDE-
-ENT" PERSON TO "ACCESS THE COURT."

UNITED STATES V. WARD 100 S.Ct. 2636, 448 U.S. 242, 65 LEd 2d 742 (1980), "THIS COURT HAS OFTEN STATED THAT THE QUESTION WHETHER A PARTICULAR STATUTORILY DEFINED PENALTY IS CIVIL OR CRIM-
-INAL IS A MATTER OF STATUTORY CONSTRUCTION... IN THIS REGARD HAS TRADITIONALLY PROCEEDED ON TWO LEVELS, FIRST, WE HAVE SEEN TO DETERMINE WHETHER CONGRESS IN EST-
-ABLISHING THE PENALTYING MECHANISM INDICATED EITHER EX-
-PRESSLY OR IMPLIEDLY A PREFERENCE FOR ONE OR THE OTHER... SECOND, WHETHER CONGRESS HAS INDICATED AN INTENTION TO ESTABLISH A CIVIL PENALTY WE HAVE INQUIRED FURTHER WHETHER THE STATUTORY SCHEME WAS SO PUNITIVE EITHER IN PURPOSE OR EFFECT AS TO NEGATE THAT INTENTION... IN REGARD TO THIS LATTER INQUIRY, WE HAVE NOTED ONLY THE CLEARST PROOF COULD SUFFICE TO ESTAB-
-LISH THE UNCONSTITUTIONALITY OF A STATUTE ON SUCH GROUND."

THE AFORE "STATUTE" DOES NOT GIVE AN "INDECENT CITIZEN" THE "OPPORTUNITY" TO BE HEARD IN "COURT" IF THAT "CITIZEN" CANNOT AFFORD ATTORNEY, OR BY HIM OR HERSELF, IF THEY HAVE BEEN "SANCT-
-ZONED" AND BEING A "LEGITIMATE CIVIL ACTION", HOW DO THEY GET PAST THIS "STATUTE" AND HEOR SHE IS "INDECENT" AS PETITIONER IT IMPOSES A "DISABILITY" ON AN "INDECENT CITIZEN" AND IMFRANGES ON A CITIZEN'S CONSTITUTIONAL RIGHT, TO SEEK "RED-
-RESS" FOR VIOLATIONS OF THAT PERSON'S CIVIL RIGHTS AND PROPE-
-RTY RIGHTS."

THE "FOURTEENTH AMENDMENT" STATES, "NO STATE SHALL ABRIDGE THE RIGHT OR IMMUNITIES OF A CITIZEN; NOR DEPRIVE ANY CITIZEN OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW;

AND 42 U.S.C.A. §1983 (CIVIL RIGHTS ACT OF 1897),
STATES IN PART:

"EVERY PERSON WHO UNDER COLOR OF ANY STATUTE,
ORDINANCE, REGULATION, CUSTOMS, USAGE OF ANY STATE OR TERR-
-ITORY OR DISTRICT OF COLUMBIA SUBJECTS OR CAUSE TO BE
SUBJECTED ANY CITIZEN OF THE UNITED STATES OR OTHER PERSON
WITHIN ITS JURISDICTION THEREOF TO THE DEPRIVATION OF ANY
RIGHT, PRIVILEGE OR IMMUNITY SECURED BY THE CONSTITU-
-TION AND LAWS, SHALL BE HELD LIABLE TO THE PARTY INJURED IN
AN ACTION AT LAW, SUIT IN EQUITY, OR OTHER PROPER
PROCEEDING FOR REDRESS OF GRIEVANCES."

PETITIONER CANNOT "REDRESS" PETITIONER'S "GRIEVANCE"
FOR CONGRESS "ENACTED" A "PUNISHES" STATUTE "THAT IMPOSES
OUT A "PENALTY" THAT "PUNISHES" THE "CITIZEN" AND SUCH
"PENALTY" IS "MONETARY" AND AN "INDIGENT CITIZEN" HAS "NO
WAY" TO "MEET" SUCH PAYMENT "WILL" NEVER BE ABLE TO "RE-
-DRESS GRIEVANCES" UNTIL "SOMETHING" IS "OFFERED OR MADE."

THIRTY-ONE V. NEW JERSEY 211 U.S. 78, 53 L.ED. 97 S. CT.
78 (1908), "WHEN A FUNDAMENTAL RIGHT GUARANTEED BY THE
EARLIER AMENDMENTS IS INVOLVED, THEN THE COURT HAS
JURISDICTION BECAUSE THE GUARANTY IN THE FOURTEENTH
AMENDMENT THAT NO STATE SHALL ABridge THOSE PRIVILEGE-
-ES OR IMMUNITIES OR DENY DUE PROCESS OF LAW "DAV-
-INSON V. NEW ORLEANS 96 U.S. 204, 24 L.ED 629; SLOUGHTER-
-HOUSE CASES 16 WALL 36, 2 L.ED 394; BARRINGTON V. MASSA-
-CHUSETTS 205 U.S. 486, 51 L.ED 894, 27 S. CT. REP. 582."

CONGRESS'S "ENACTMENT" VIOLATED THE "CONSTITUT-
-ION" IN THE "PASSING" OF THIS "STATUTE". FOR IT WAS "PASSED"
WITHOUT THE "THREE DAY RULE" WHICH WAS "SUSPENDED."

TEXAS SENATE BILL 31 SECTION 3, "STATES"

"THE IMPORTANCE OF THIS LEGISLATION AND THE CROW-
-DED CONDITIONS OF THE CALENDARS IN BOTH HOUSES CREAT-
-E AN EMERGENCY AND AN IMPERATIVE PUBLIC NECESSITY THAT
THE CONSTITUTION RULE REQUIRING BILLS TO BE READ
ON THREE SEVERAL DAYS IN EACH HOUSE BE SUSPENDED AND
THIS RULE IS HEREBY SUSPENDED."

CONGRESS NEVER TOOK THE TIME TO "ASSESS" WHETHER AN
"INDIGENT CITIZEN" BE "DISABLED" BY THIS "STATUTE".

CONGRESS'S SECOND FLOW IS THAT "CONGRESS DIDN'T
"ENACT" THE "BILL" (SB 31), "THE GOVERNOR DID" (SEE S.B 31
HISTORY).

CONGRESS NOR THE GOVERNOR TOOK THE TIME TO "CONSIDER"
THE "EFFECT" THE "BILL" WOULD HAVE ON "INNOCENT
CITIZENS" WHO'S "CIVIL ACTIONS" FOR "CIVIL RIGHTS VIOLATION"
WOULD BE ABLE TO SEEK RELIEF THROUGH THE "COURTS" OF THE "UNITED STATES."

SENATE BILL 31, ITSELF SAYS IT'S IN "VIOLATION" OF
THE "CONSTITUTION" FOR IT WAS "ALLOTTED" THE THREE DAY
RULE AS REQUIRED BY THE "CONSTITUTION" WHICH MAKES IT
A "BILL OF ATTORNER" FOR IT METES OUT A "PENALTY" (SB 31
§10.004(C)(2)).

"AN ORDER TO PAY PENALTY INTO COURT?"

CONGRESS NOR GOVERNOR "DEFINED" WHAT "SANCTION PENALTY"
IS INVOLVED IN "SB 31", STATUTORY PENALTY, CIVIL
PENALTY FOR BILL OF ATTORNER OR BILLS OF PAIN AND PENALTIES,
IS THE "SANCTION" A "PUNITIVE SANCTION" PENAL SANCTION
- ZON" WHAT "SANCTION" IS IT?

BLACK'S LAW DICTIONARY, 'DEFINES' SANCTION AS,
"(2) A PROVISION THAT GIVES FORCE TO A LEGAL IMPERATIVE
BY EITHER REWARDING OBEDIENCE OR PUNISHING DISOBEDIENCE." AND

"PUNITIVE SANCTION (1878)", DEFINES AS,

"A PENALTY FOR SOME LEGAL INFRACTION,
AND WITH:

STATUTORY PENALTY, IMPOSED FOR A STATUTORY VIOLATION;
ESP. "A PENALTY IMPOSING AUTOMATIC LIABILITY ON THE VIOLATOR
- GOODER FOR VIOLATION OF A STATUTE'S TERMS WITHOUT REFERENCE
- ENCE TO ANY ACTUAL DAMAGES SUFFERED" AND

CIVIL PENALTY, A FINE ASSESSED FOR VIOLATION
OF A STATUTE OR REGULATION (THE EPA LEVIED A CIVIL PENALTY
OF \$10,000 ON THE MANUFACTURE FOR EXCEEDING ITS POLLUTION
LIMITS), AND

PENALTY CLAUSE (1843). "A CONTRACTUAL PROVISION THAT ASSESSES AGAINST DEFAULTING PARTY AN EXCESSIVE MONETARY CHARGE UNRELATED TO THE ACTUAL HARM." PENAL CLAUSES ARE GENERALLY UNENFORCEABLE OFTEN SHORTENED TO PENALTY. — ALSO TERMED PENAL CLAUSE — SE CF. LIQUIDATE + DAMAGE CLAUSE, LIMITATION OF REMEDY CLAUSE?

SENATE BILL 32 AND STATUTE § 1004 (C)(2) "ARE" PENALTY CLAUSES. AND THAT MAKES "SB 32" A "PENAL STATUTE" THAT "PUNISHES" IN A "PENAL EFFECT" FOR "WRONG DOING" AND SUCH "PUNISHMENT" IS "FORBIDDEN FOR IT" INFRINGES ON PETTYBOWER'S CONSTITUTIONAL RIGHTS. FOR CONGRESS "HASTEN" WITHOUT CONSIDERATION WHAT THE TOTAL EFFECT THIS "STATUTE" WOULD HAVE ON AN "INDEBTED CITIZEN OR PRISONER" WHEN "CONSTITUTIONAL RIGHTS" ARE AT "STAKE."

UNITED STATES V LOVETT 328 US 303, 90 L ED 1252

"LEGISLATIVE ACTS, NO MATTER WHAT THEIR FORM, THAT APPLY EITHER TO NAMED INDIVIDUALS OR TO EASILY ASCERTAINABLE MEMBERS OF A GROUP IN SUCH A WAY AS TO INFLICT PUNISHMENT ON THEM WITHOUT JUDICIAL TRIAL ARE BILLS OF ATTAINDER PROHIBITED BY THE CONSTITUTION."

SENATE BILL 31, IS A BILL OF ATTAINDER FOR IT METES OUT PUNISHMENT WITHOUT ANY "JUDICIAL PROCEEDING" BEFORE IT IS "IMPOSED" ON AN "INDEBTED CITIZEN" OR "NONE" "INDEBTED CITIZEN", IN VIOLATION OF "U.S. CONSTITUTION" ON ARTICLE 1 § 9 CL. 3. "NO STATE SHALL PASS ANY BILLS OF ATTAINDER OR EX POST FACTO LAW. AND

ARTICLE 1 § 10 CL. 3. "NO STATE SHALL PASS ANY BILLS OF ATTAINDER, EX POST FACTO LAW OR LAW IMPOSING THE OBLIGATION OF CONTRACTS."

COLDER V BULL 3 DAL AT 388, "ANTE. 2 BZN." THERE ARE ACTS THE FEDERAL AND STATE LEGISLATURE CANNOT DO WITHOUT EXERCISING AUTHORITY. THERE ARE CERTAIN VITAL PRINCIPLES IN OUR FREE REPUBLICAN GOVERNMENT, WHICH WILL DETERMINE AND OVER-RULE AN APPARENT AND FLAGRANT ABUSE OF LEGISLATIVE POWER:

AND SLAUGHTER-HOUSE CASES 16 WALL 36, 2 LEO 394 (1893)"

THE STATE IS COMMANDED NEITHER TO MAKE NOR ENFORCE ANY LAW THAT DEPRIVES OR EVEN ABRIDGE ANY CITIZEN OF HIS ENJOYMENT OF HIS PRIVILEGES OR IMMUNITIES."

AND WITH BARBER V. CONNELLY 123 US 27, 78 LEO, 923 S.C. REP. ED 27-32 (1985), "THAT ALL PERSONS SHOULD BE ENTITLED TO PURSUE THEIR HAPPINESS AND ACQUIRE AND ENJOY PROPERTY THAT THEY SHOULD HAVE LIKE ACCESS TO THE COURTS OF THE COUNTRY FOR PROTECTION OF THEIR PERSONS AND PROPERTY, THE PREVENTION AND REDRESS OF WRONG DOING AND THE ENFORCEMENT OF CONTRACTS,"

PETITIONER IS SEEKING 'REDRESS' FOR THE 'WRONG DOINGS' COMMITTED TOWARDS PETITIONER BY STATE EMPLOYEES WHO KNEW THEIR ACTIONS WERE VIOLATIONS OF PETITIONER'S 'CIVIL AND CONSTITUTIONAL RIGHTS' AND KNEW THAT PETITIONER COULD NOT 'ACCESS COURT' DUE TO 'SANCTION' TO 'STOP' THEIR 'ABUSE AND MIS-TREATMENT' TOWARD PETITIONER AND REFUSING TO 'TREAT MEDICALLY' HEPTAZIS 'C' VIRUS. PLACED PETITIONER IN 'IMMEDIATE DANGER' OF 'CONTRACTING' THE 'COVID-19 VIRUS' DUE TO PRISON OFFICIALS KNOWLEDGE OF 'SANCTION' BY THE 'COURT,'

DESHANEY V. WINNEBAGO COUNTY & DEPT OF SOCIAL SERVICE 489 US 189-200, 103 LEO 2d 149, 109 S.C.T. 998 (1989), "WHEN THE STATE TAKES A PERSON INTO ITS CUSTODY AND HOLD HIM AGAINST HIS WILL THE CONSTITUTION IMPOSES UPON IT A CORRESPONDING DUTY TO ASSUME SOME RESPONSIBILITY FOR HIS SAFETY AND GENERAL WELL BEING... THE RATIONALE FOR THIS PRINCIPLE IS ENOUGH, WHEN THE STATE BY THE AFFIRMATIVE EXERCISE OF ITS ~~POWER~~ POWERS SO RESTRAINS AN INDIVIDUALS LIBERTY THAT IT REQUIRES HIM UNABLE TO CARE FOR HIMSELF AND AT THE SAME TIME FAILS TO PROVIDE FOR HIS BASIC HUMAN NEEDS, - E.G. FOOD, CLOTHING, SHELTER, MEDICAL CARE AND REASONABLE SAFETY, - IT TRANSGRESSES THE SUBSTANTIVE LIMITS ON STATE ACTION SET BY EIGHTH AMENDMENT,"

PRISON OFFICIALS "KNOWLEDGE" OF "SANCTION" CAUSED PETITIONER A "GREATER PUNISHMENT" BY "REJECTION" REFUSAL OF "TREATMENT" AND "INTENTIONAL INFECTED" OF "FOUR (4) MORE 'UNKNOWN VIRUSES', CAUSE OF THE 'PENAL SANCTION' IMPOSED,"

PETITIONER FILED WITH THE 4TH CIRCUIT TO HAVE
"SANCTION" LIFTED DUE TO RULING IN 4TH CIRCUIT COURT OF APPEALS
-S CONCERNING "\$250.00 FEE" FOR "DNA TESTING" BEFORE BEING
PAROLED FROM PRISON / (SEE EUBANKS V S.C. DEPARTMENT OF CORR.
(IN RE DNA EX POST FACTO ISSUES) 561 F.3d 294, 301 (4th Cir. 2009)).
THIS "COURT" FOUND THAT THE "\$250.00 FEE" WAS AN "EX POST FACTO
LAW" WHICH PROHIBITS PRISONERS FROM BEING RELEASED UNTIL
"\$250.00 FEE" WAS "PAID" FOR "DNA TESTING" WHICH "CONFLICTS" WITH THE
"\$255.00 SANCTION" IMPOSED BY THE "4TH CIRCUIT COURT OF APPEALS" FOR
THE "SANCTION" STOPS PETITIONER FROM "EXERCISING" PETITIONER'S
RIGHT TO "ACCESS COURT" TO "REDRESS" PETITIONER'S "CIVIL COM-
-PLAINTS" AGAINST "PRISON OFFICIALS".

PEUGH V UNITED STATES 596 U.S. 530, 113 S. CT. 2072, 86 L. ED
2d 845 (2013); "THE UNITED STATES CONSTITUTION FORBIDS PASSAGE
OF EX POST FACTO LAWS, A CATEGORY THAT INCLUDES EVERY LAW
THAT CHANGES THE PUNISHMENT ~~INFLICTS~~ "GREATER PUNISH-
-MENT" THAN THE LAW APPLIED TO THE CRIME, WHEN COMMITTED.
(SOTOMAYOR J. JOINED BY KENNEDY, GINSBERG, BREYER AND KAGAN JJ.).
AND IN RHODES V CHAPMAN 452 U.S. 337, 69 L. ED 2d 59, 101
S. CT. 2392 (1981); "SINCE THE ADOPTION OF THE FOURTEENTH AMEND-
-MENT, NO ONE OF THE FUNDAMENTAL RIGHTS OF LIFE, LIBERTY OR PRO-
-PERTY, RECOGNIZED AND GUARANTEED BY THE CONSTITUTION OF
THE UNITED STATES, CAN BE DENIED OR ABRIDGE BY STATE IN RES-
-PECT TO ANY PERSON WITHIN ITS JURISDICTION."

THE 4TH CIRCUIT DID NOT "ALLOW" A "STATUTE" TO KEEP
PRISONERS FROM "PAROLING" BECAUSE OF A "\$250.00 FEE" SO HOW
CAN "\$255.00 SANCTION" STOP PETITIONER FROM "ACCESSING COURT"
WHEN STATUTE ENFORCING "SANCTION" IS A "PENAL STATUTE" AND A
"PENAL STATUTE" CANNOT "INFRINGE" UPON A "CONSTITUTIONAL RIGHT".
COLDER V BULL 304 U.S. 387, "INFR." THAT ANY LAW OF
THE FEDERAL GOVERNMENTS OR STATE GOVERNMENTS CONTRARY TO THE
CONSTITUTION OF THE UNITED STATES IS VOID AND THAT THIS COUR-
-T POSSESSES THE POWER TO DECLARE SUCH LAW VOID."

THEREFORE "SANCTION" CANNOT STOP PETITIONER
TO "ACCESS COURT" TO "REDRESS" PETITIONER'S "CIVIL COM-
-PLAINTS" FOR THE "SANCTION" IS "FORBIDDEN". BY THE "CONSTI-
-TUTION" AND "CONGRESS" OVER "RODE" THE "CONSTITUTIONS"
THREE DAY RULE "IN ORDER" TO "ENACT" THE "STATUTE" WHICH
IS A "PENAL STATUTE A MOLD" IN "VIOLATION" OF THE "CONSTITU-
-TIONAL THREE DAY RULE" FOR "CONSIDERING" THE "ENACTMENT OF
SENATE BILL 31" AND "PASSING IT" INTO "STATUTE" (1881 TO
16,004). VERNON'S TEXAS CONDEMNATED "CIVIL PRACTICES AND
REMEDIES." CHAPTER 10, "SANCTIONS FOR FRIVOLOUS PLEAD-
-INGS AND MOTIONS".

THROUGHOUT THIS "COURT'S HISTORY", FROM, COL-
-DER V BULL 3 DALL 386, 39 D, 1 LEN 848 (1798) TILL NOW IN PEUG-
-H V UNITED STATES 556 US 530, 133 S. CT. 2072, 86 LED 84 (2013).
THIS "COURT JUSTICES" HAVE NOT LET AN "EXPOST FACTO LAW,
BILL OF ATTAINDER, OR PENAL LAW" INFRINGE UPON A "FUN-
-DAMENTAL CONSTITUTIONAL RIGHT." SLOUGHTER-HOUSE CA-
-SES 16 WALL 36, 2 LED 428, 15 S. CT. 299 (1873). TROP V DULL-
-ES 356 US 86, 2 LED 630, 78 S. CT. 590 (1958). TWANNING V.
NEW JERSEY 212 US 78, 53 LEN, 97 S. CT. 78 (1908). WEST V.
LOUISIANA 194 US 294, 125 LED 2d 965 (S. C. REP. ED 258-
267 (1904). CUMMINGS V MISSOURI 4 WALL 278, 18 LED 356
(1867). EX PARTE GARLAND 4 WALL 333, 18 LED 366 (1867).
BOSQUE V UNITED STATES 209 US 91, 52 LEN 698 (S. C. REPOR-
-TER'S ED 91-202) (1908). DE VEAU V BRADSTED 363 US 144, 4
LED 2d 1109, 80 S. CT. 1246 (1960). FLEMING V NESTOR 363
US 603, 4 LED 2d 143, 5, 80 S. CT. 1367 (1960). KENNEDY
V MENDOZA-MARTINEZ 372 US 144, 9 LEN 2d 644, 83 S. CT.
554 (1963). ONE LOT STONES V UNITED STATES 469 US.
232, 34 LED 2d 438, 93 S. CT. 489 (1972).

THE "ABOVE" "COURT JUSTICES" DO NOT
"ALLOW" A "PENAL STATUTE OR LAW" INFRINGE UPON
A "CITIZEN'S" "CONSTITUTIONAL RIGHT" FOR A "CIVIL
WRONG DOING".

REASON FOR GRANTING THE WRIT

PETITIONER WRIT SHOULD BE GRANTED BECAUSE
A PENAL STATUTE IS HINDERING PETITIONER FROM
THE COURT BECAUSE PETITIONER IS "INDIGENT AND
PETITIONER'S "CIVIL ACTIONS" STORED CAUSE OF ACT-
-ION IN "ALL FOUR (4) COMPLAINTS" AGAINST "PRISON
OFFICIALS AND MEDICAL DEPARTMENT AND PETITIONER'S
COMPLAINTS SHOW THAT PETITIONER IS "ENTITLED" TO
"RELIEF" FROM "PRISON OFFICIALS" FOR "ENDANGERING
PETITIONER'S "LIFE" DURING THIS "COVID-19 VIRUS PAN-
-DEMIC", WHICH PETITIONER IS "STILL ENDANGER" OF "CONTRACT-
-ING" DUE TO "NONE MEDICAL TREATMENT" AS OF "TODAY STILL" AND
THE "LAW" GIVES ME THE RIGHT TO BE HEARD IN THESE CIVIL
ACTIONS,

CONCLUSION

THE PETITION FOR A WRIT OF HABEAS CORPUS SHOULD
BE GRANTED.

RESPECTFULLY SUBMITTED,

Don Wayne Baley

DATE: 5/18/2021