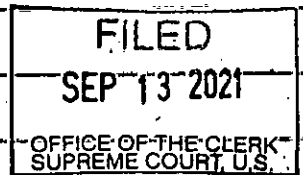


21-5914

ORIGINAL

IN THE
Supreme Court of
the United States
NO:



Tony Joseph TABOR
Prose Petitioner
- against -
Vincent Coleman

PETITION FOR A WRIT
OF CERTIORARI to the
United States Court of Appeals

Mr Tony Joseph TABOR
17544 Tunica Trace
Angola LA 70712

Parties

The Petitioner is Tony Joseph TABOR a prisoner at Angola prison in Angola Louisiana. The Respondent is Vincent Colman at David Wade Correctional Center in Homer Louisiana.

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78. Kennell v Gates 215 F.3d

79. U.S. v West 393 F.3d

80. McCrary-El v Shaw 992 F.2d

81) Niehus v Libero 973 F.2d

82) TABOR v Jerry Goodwin 5:17-CV-00907

83) TABOR v Malcolm ~~5:17-CV-00907~~ 20-30646 5th Cir

84) Tony TABOR v LA St Public Safety & Corr Dept,
C649634 (2017)

(85) Penn v Yeskey 524 U.S. (1998)

(86) Crawford v Indiana 115 F.3d (1997)

(87) 42 U.S.C. 12132

(88) 42 U.S.C. 12102(1)(A)

(89)

Questions Presented

- (1) How was the Petitioner supposed to know or how to compel the Courts for Discovery when he only has a ninth grade special education education?
- (2) Was the Petitioner's First amendment violated because he was shown Retaliation for his speech when the Defendant sprayed him with chemical agents twice just cause he was talking to another offender two cells down from his?
- (3) Why unless something is trying to be hidden has the Video Footage there of been produced and viewed by the Courts?
- (4) Has the lower Courts violated Petitioner's Right to Due process by not enforcing their own powers to have the Video/physical evidence produced as it is vital to the Case there of

(5) is the lower Courts in violation for not protecting my Rights??

(6) has the lower Court made error in not appointing Counsel when Counsel is obviously needed?

(7) is the Lower Court protecting the Defendant with Gross Regard to the Constitution, L.A.D.O.C policy pertaining to the use of chemical agent?

(8) does the Defendant's Conduct Record Reflect disciplinary Reports for the mis use of Chemical agents??

(9) How many Civil suits does the Defendant Vincent Colman have pending against him for excessive force with chemical agents?

10) Can the Petitioner take a Poly graph test to prove that he is telling the truth here in?

1) How come although its policy mental health or medical present when chemical agents were used on an offender that was not hurting himself or anyone else?

2) Does Failure to produce video tape of the incident support an inference that would helped Petitioner's case herein also supporting deliberate indifference with malice?

3) Can the Defendants Counsel be Found Guilty of being ineffective by not producing the video footage there of herein as it is evidence?

4) Can officers be allowed to grossly continue to use and abuse chemical agents upon prisoners?

5) How come although its been deemed to be unconstitutional chemical agent is still being used on human within a closed area?

(6) if the chemical agent can clearly states
Do not use on Humans, Do not used in doors
once used that should support malice Right?

(7) if the Video Footage had anything on it to
benefit the Defendant and or administration
Don't you think it would have been produced
and viewed more than once?

(8) with Mr TABOR being in Remission with
Guillion Barre's Syndrom with a weak Respiratory
system and this being known why was he
sprayed twice with more than a one second
burst that's per policy??

(9) would it be clear to any Fact Finder that malice
was an issue here thus as ~~the~~ Mr TABOR was
already in an observation cell per Col. Lonnie
Nail with its own camera for his protection??

(20) with this civil action can Mr TABOR also receive
Relief From his illegal conviction of Habitual offender
as he is only a First time offender with previous convictions
for non violent offences expunged From his Record
the Docket NO: 447948 out of the 32nd J.D.C of
Louisiana??

2) If the Courts gave MR TABOR notice that his motion For Discovery/interrogatories needed to go to the Defendants Counsel when He Filed them with the Courts why didn't the Courts at that time advise MR TABOR of what to do next as it was known to them that MR TABOR was prose and was on lockdown without access to the prison law library and of access to anyone with such legal knowledge to express unusual circumstances thereof.

Decisions below

The decision of the United States Court of Appeals For the Fifth Circuit please see the copy attached thereto to this Petition see Appendix

Jurisdiction

The Judgment of the United States Court of Appeals For the Fifth Circuit was entered on ~~08-02-2021~~ 08-02-2021 an order denying a Petition For Rehearing was entered on 2021 a copy of both thereof is attached as Appendix

Jurisdiction is Conferred by 28 U.S.C 1254(1)

Constitutional and Statutory Provisions Involved

This case involves Amendment XIV to the United States Constitution which provides: The Amendment is enforced by Title 42 section 1983 United States Code; Section 1. All persons born in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state

wherein I reside. No state shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States nor shall any state deprive any person of life liberty or property without due process of law nor deny to any person within its Jurisdiction the equal protection of the laws.

sec 5 The congress shall have power to enforce by appropriate legislation the provisions of this article

Statement of the Case

Petitioner Avers that although he had been placed within an observation cell for his own protection and while on camera talking to another offender about religious issues or about law while sitting on his bed

The Defendant approach his cell door and asked for him to come to the door but when petitioner raised from his bed to start to walk to the cell door as he was asked the defendant raised a big can of chemical agent and began to spray the ~~the~~ petitioner with more than a police burst of one second telling the petitioner 'I told you to shut the fuck up.' The petitioner was left there to

to suffer for several minutes while trying to wash himself in his toilet the Defendant then returned to tell the Petitioner I thought I told you to shut the fuck up and once again sprayed yet another more than a one second ~~burst~~ burst of chemical agent onto the Petitioner causing the Petitioner to go into a panic attack while definitely on camera and once viewed by any fact finder it would prove each emphasised violation of the Petitioner's Rights and MR TABOR was at no time a harm to himself or a threat to anyone else.

The district Court granted summary judgement against the Petitioner without viewing the video footage as evidence to strongly prove the case herein. Petitioner now appeals thereof Praying to receive mercy from this Honorable High Court to respectfully get the "Ends of Justice met".

Basis For Federal Jurisdiction

This case herein before you raises a question of interpretation of the Due process clause of the Fourteenth Amendment.

to the United States Constitution,

The district court had Jurisdiction
under the general Federal Question
Jurisdiction Conferred by 28 U.S.C 1331

Reasons For Granting The Writ

Conflicts with decisions of other Courts
per Fed R. Evid 401, 402, 602, 701, 802 and 901

The Holding, that MR TABOR did not file
for the Court to compel the discovery and/or
Video Footage however see exhibit attached
here in of the motion to compel that MR TABOR
sent to the Defendants Counsel because he
did not know to send it to the Courts its self
However this video Footage is necessary to
prove the malice / case there of

2

Although the lower Court denied MR TABOR
Counsel this Court should understand the
importance there of Counsel here in
MR TABOR will gladly pay the appointed Counsel
thirty three percent of the winnings there of
He just needs help from the Court to find
an Attorney for this "Dead Bang" case here in,

Conclusion

For the Foregoing Reasons, Certiorari
and Appointment of Counsel should be
Granted herein there of this case before
you as it is of Gods will,

September second 2021

RespectFully submitted

MR Tony TABOR #478272

Angola LA 70712