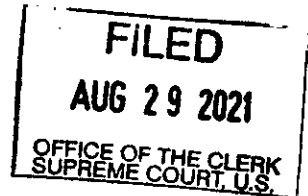


21-6094

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Jabari J. Johnson

PETITIONER

(Your Name)

Lewie Blackock vs

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jabari J. Johnson

(Your Name)

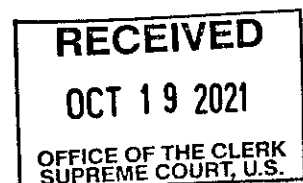
P.O. BOX 777

(Address)

Canon City, CO, 81215

(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

1. Plaintiff ask the supreme Court did the district Court abuse their discretion regarding Issue A? Or was the District Court Clearly Erroneous?
2. Plaintiff ask the Court of Appeals / Supreme Court was district Courts Judgement incorrect and if so what other actions could have been taken regarding issue A?
3. Plaintiff ask the Court of Appeals / Supreme Court was district Courts Judgement incorrect in which what grounds did the district court fail to consider?
4. Plaintiff request the supreme court take action in Plaintiffs case by remanding the case back to district Court
5. The Plaintiff also request an oral argument take Place in the intrest of Justice.

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:

RELATED CASES

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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 order; 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☒ is unpublished.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 order dismissing case; 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☐ is unpublished.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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 8/13/2021.

x mistake was checked uncheck

☒ 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

14th Amendment

8th Amendment

1st Amendment

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Bounds v. Smith 430 U.S. 825-826, 975 S.Ct. 249 (1977) . . . 6
Davis v. GEO. GYP. Corp., Inc., 696 F.2d 851, 855 (1st Cir. 1982) . . . 6
U.S. v. Taylor 481 U.S. 326-355-357, 108 S.Ct. 1211-13 (1988) . . . 6

STATUTES AND RULES

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OTHER

STATEMENT OF THE CASE

1. From 2019-2021 Judge Lewis Babcock knowingly and intentionally retaliated against Plaintiff reporting to unreasonable sanctions because the Plaintiff the inability to file lawsuits regarding injuries and denial of ADA accommodations have caused further injuries and continual harm

Issue A Abuse of Discretion Under Rule 11 Sanction / Denial Imminent Danger Actual Injury Requirement

On 3/1/2020 in case 19-cv-03730-LTB Judge Lewis Babcock abused his discretion placing unreasonable sanctions upon Plaintiff were to file a notarized document indicating the lawsuit is not imposed for any improper purpose, follow Rule 8, Produce 6, 6 month account statement along with 1983 and 1915 together. Plaintiff elaborates have told Judge Babcock on numerous occasions that the Plaintiff is denied of postage by Doc to send out legal mail which Plaintiff explained he cannot send out more than 8 pages per envelope due to postage requirement / restriction, and that the Plaintiff does not have any money or material to send out legal mail. Plaintiff have also told Babcock on numerous occasions that he is denied of 6 month account statement in order to complete sanction order. None the less Babcock dismisses the complaint in which frustrates and impedes upon Plaintiff's access to the courts, in which Babcock have intentionally placed barriers upon the Plaintiff to cause him not to prosecute as the Plaintiff have tried and conveyed such defects and retaliation by Doc's law librarian. Yet Babcock does not act. Plaintiff also requested that Babcock provide all cases filed in district court regarding his sanction request, due to the fact that the law librarians fail to provide Plaintiff request, knowingly and intentionally attempting to place barriers up to stop the Plaintiff from litigating as Babcock abuses his discretion in which he's clearly erroneous.

see Quade v. Smith, 432 U.S. 825-826, 975 S. 2d 249 (1977) (Pax Lewis v. Casey case which acknowledged that bounds right was limited to challenges to convictions, sentences, and prison conditions but cautioned that all types of civil actions states may not erect barriers that impede the right to access of incarcerated persons. Currently I am injured and was injured when the case was filed suffering from pain due to injury.

Furthermore
The Actual Injury requirement Lewis v. Casey says it is not enough for prisoners to show that prison officials do not provide adequate law libraries, legal assistance, legal supplies or that they impose unreasonable restrictions on prisoners who try to use them. Prisoners must show that the inadequacies or restrictions caused actual injury and that a non-frivolous legal claim had been frustrated and impeded.

Lewis v. Casey gave (2) examples of frustrated or impeded such as:

The inmate might show for example that a complaint he prepared was dismissed for failure to satisfy some technical requirement which because of the deficiencies in the prison's legal assistance facilities caused him to do so.
or that he had suffered arguably actionable harm that he wished to bring before the courts, but was so stymied by the inadequacies of the law library that he was unable to even file a complaint.

Some courts seem to assume that the prisoner's actions must be dismissed for failure to satisfy due to prevention from being filed to be frustrated or impeded others assume to impair the ability to present one's case effectively are also actionable.

The supreme court said in a later decision that cases that were inadequately tried, bottled, or were a particular kind of relief could not be sought as a result of officials actions could support a claim of denial of court access in addition to those that were dismissed or never filed.

see U.S. v. Taylor, 487 U.S. 326-357, 68 S. Ct. 2413 (1988) (Abuse of discretion is defined as a definite firm conviction that trial court committed a clear error of judgement).

Therefore Judge Lewis Babcock abused his discretion due to the fact Plaintiff is in imminent danger deprived of serious medical treatment and is deprived of access to the courts were the bias Judge Babcock and law librarian Carolyn Hansen have erected barriers causing Plaintiff arguably actionable harm regarding injuries and pain Plaintiff wished to bring to the court.

see case 20-1355 from 5/10/21 Judge Matheson, Briscoe and Carson found that Plaintiff he is in imminent danger deprived of treatment suffering from physical injury due to being deprived of wheelchair.

as Matheson v. Briscoe, 690 F. Appx 851, 855 (10th Cir. 2017) (Allegation that defendants have displayed a deliberate indifference towards a prisoner's serious medical needs and denied him adequate medical treatment are sufficient to legally establish the imminent danger requirement).

Such abuse-discretion violation violate the actual injury requirement as Judge Matheson, Briscoe and Carson have already indicated in Matheson v. Briscoe, Dalton's denial of wheelchair which places Plaintiff in imminent danger of physical injury and due to bias Judge Babcock and law librarian Carolyn Hansen and retaliation frustrating and impeding upon Plaintiff's access to the courts which violated the 1st, 5th and 14th Amendments.

REASONS FOR GRANTING THE PETITION

The District Court made numerous errors continuously erecting barriers to stop the plaintiff from investigating which were unreasonable as the plaintiff was physically injured and is still injured to current date placing plaintiff's life in imminent danger further causing actual injury when the law librarian Carolyn Hansen refused and still refuses to provide the proper material in order for plaintiff to comply to sanctioning orders also refusing other request to complete sanctioning orders as Babcock also fails to act

CONCLUSION

The petition for a writ of certiorari should be granted, for the reasons stated in this Petition as the Plaintiff requests the Supreme Court reverse district Court findings remanding the case back to district Court.

Respectfully submitted,

Date:

10/3/11

I'm forced by Hansen to put the Date to reverse the Court
even though it's not the date it's going out