

21-6095

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
AUG 30 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Gabari Johnson

PETITIONER

(Your Name)

vs.

Donald Nunez

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Gabari Johnson

(Your Name)

PO BOX 111

(Address)

Canon City, CO, 81215

(City, State, Zip Code)

(Phone Number)

RECEIVED
OCT 19 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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 Supreme Court was district Court/Court of Appeals judgement incorrect and if so what other actions could have been taken regarding Issue A?
3. Plaintiff ask the Supreme Court was district Court/Court of Appeals judgement incorrect in which, what grounds did the district court fail to consider?
4. Plaintiff request the supreme court take action in Plaintiff's case by remanding the case back to district Court.
5. The Plaintiff also request an oral argument take place in the interest 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

TABLE OF CONTENTS

OPINIONS BELOW	1
<i>List of Parties</i>	<i>2</i>
JURISDICTION.....	3
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	4
<i>Table of Authorities</i>	<i>5 & 6</i>
<i>Statute of Rules</i>	<i>5 & 6</i>
STATEMENT OF THE CASE	6
REASONS FOR GRANTING THE WRIT	7
CONCLUSION.....	8
<i>Questions . 9</i>	
<i>Proof of service 10</i>	

INDEX TO APPENDICES

APPENDIX A *11 - 14*

APPENDIX B *15 - 17*

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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 and Judgment; 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☐ is unpublished.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 7/2/21.

☐ 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. GEB, Corp., Corp., Inc. 696 F. Appx. 851, 855 (10th Cir. 2017) . .

U.S. v. Taylor 487, U.S. 326 355-57, 109 S. Ct. 2413 (1989)

STATUTES AND RULES

Rule 11 sanctions

OTHER

S.

STATEMENT OF THE CASE

1. From 4/2019 James Johnson has placed Plaintiff around well known enemies forcing Plaintiff to be unable to come out of cell, due to staff idling to inmates calling him a child molester and ~~Smith~~ as Jabari Johnson has a likelihood of being subjected to assault by inmates at the hands of James Johnson as previous assaults have occurred due to his actions.
From 11/2019 WSA Stephanie Dalton have refused Jabari U. Johnson of mandated order that Jabari Johnson is required to have a shower cell causing painful open sores to form on Plaintiff's body.

2. Issue A Abuse of discretion Under Rule 11 sanction/Deprivation Of 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 in which were to file a notarized document indicating the lawsuit is not interposed for any improper purpose, follow rule 8, produce a 6 month account statement along with 1983 and 1975 letter. Plaintiff Jabari Johnson have told Judge Babcock on numerous occasions that the Plaintiff is denied postage by DOC to send out legal mail.
Plaintiff have told Babcock that the Plaintiff is denied of sending out more than 8 pages per envelope due to the postage requirement restriction, and that the Plaintiff do not have any money or material to send out legal mail. Plaintiff have also told Babcock that the Plaintiff is denied of his 6 month account statement in order to complete sanction order. None the less Babcock dismisses the complaint 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 Plaintiff have tried and conveyed such defects in district court regarding his sanction request, as Plaintiff that Babcock provide all cases filed in which Plaintiff requested from the law libraries as well, yet both intentionally failed to provide law librarian's, Resinold Johnson and Carolyn Hansen also failed to provide notary needed to commence a lawsuit, knowingly and intentionally attempting to place barriers up to stop the Plaintiff from litigating as Babcock abuses his discretion and clearly erroneous.

see Bounds v. Smith, 430 U.S. 825-26, 975 S.Ct. 249 (1977) (Pre Lewis v. Casey case which acknowledged that the 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 that right of access to incorporated persons).
Currently Im 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 they interpose unreasonable restrictions on prisoners who try to use them. Prisoners must show that the inadequacies or restrictions on prisoners who try to use them. Prisoners must show the inadequacies of legal supplies or that they impose unreasonable restrictions caused them actual injury that a non frivolous legal claim had been frustrated and impeded.
Lewis v. Casey gave 21 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 deficiencies in the prison's legal assistance facilities caused him to do so, or that he had suffered 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 even to file a complaint.

Some courts seem to assume that the prisoners must be dismissed or prevented from being filed to be frustrated or impeded, others assume that obstacles that 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 or settled, or were a particular kind of relief could not be sought, as a result of official actions, could support 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 S. v. Taylor, 487 U.S. 326, 355-57 108 S.Ct. 2413 (1988) (Abuse of discretion is defined as a definition a firm conviction that the trial court committed a clear error of judgment).
here Judge Lewis Babcock abused his discretion due to the fact Plaintiff's life is in imminent danger and is deprived of access to the court were the bias Judge Babcock intentionally have erected barriers to deprive Plaintiff of serious medical needs, arguably actionable harm Plaintiff wished to bring to the court.
see case 20-1355 in which Judge Matheson, Briscoe and Carson found that Plaintiff's life is in imminent danger due to being denied of a wheelchair.

see Davis v. GAO, 960 F.2d 1146 (CA-9, 1991) 851-855 (10th Cir. 2017) Allegations that Defendants have played a deliberate indifference toward a prisoner's serious medical needs and denied him adequate medical needs and denied him adequate treatment are sufficient facially to establish the imminent danger requirement.
such abuse of discretion violating the actual injury requirement as Judge Matheson, Briscoe and Carson have already indicated Per Stephanie Dalton's denial of wheelchair in which is refused in this case which places Plaintiff's life in imminent danger of physical injury and due to the bias Judge Babcock and inadequate law librarian's retaliation as Plaintiff is frustrated and depriving him access to the courts which Babcock abuses his discretion.

REASONS FOR GRANTING THE PETITION

The district Court made numerous errors continuously erecting barriers to stop the plaintiff from litigating 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 requests 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 request the supreme court reverse District Court findings remanding the case back to District Court.

Respectfully submitted,

Date:

10/10/12
I'm forced by Hansen to put the date to receive the 6 month even though it's not the date it's going out