

21-6167

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Harry Sharad James-EI — PETITIONER  
(Your Name)

vs.

Ray Cooper, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Harry Sharad James-EI #1211724  
(Your Name)

P.O. Box 506  
(Address)

Maurry, N.C 28554  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

- 1) was petitioner deprived of his fundamental constitutional Right of access to the Courts by not having access to a meaningful, effective, and adequate Law Library or ~~or~~ meaningful, effective and adequate assistance from persons trained in the Law, during Habeas Corpus proceedings?

## 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:

- Josh Stien
- Kenneth E. Lassiter
- Chris Woods
- STATE OF NORTH CAROLINA

## RELATED CASES

- James v. Cooper, et al, 5:19-cv-03029-B0 (United States District Court for the Eastern District of North Carolina) Dated 08/07/2020
- James v. Cooper, et al, No. 20-7214 (United States Court of Appeals For the Fourth Circuit) Dated 09/27/2021

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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- <u>Bounds v. Smith</u> , 436 U.S. 817 (1977) ————	S
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- <u>White v. Hantzky</u> , 494 F3d 677 (8th Cir. 2007) ————	S
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## STATUTES AND RULES

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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 \_\_\_\_\_; 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☒ is unpublished.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 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 September 27, 2021.

☒ 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

- The 1<sup>st</sup> Amendment "Right to petition the government for the redress of any grievance." (Access to the courts)
- The 5<sup>th</sup> Amendment "Procedural Due Process"
- The 8<sup>th</sup> Amendment "My Right to Be protected from Cruel and Unusual punishment"
- The 14<sup>th</sup> Amendment "Due process"



### STATEMENT OF THE CASE

On January 24<sup>th</sup>, 2019, Petitioner Harry Sharod James-EI, a STATE Offender incarcerated at Hyde Correctional Institution, filed a Civil rights act in propria persona pursuant to 42 U.S.C. 1983. Petitioner alleges all defendants denied him access to courts in violation of the First Amendment to The United States Constitution. In particular, petitioner asserts that he is being "deprived of his fundamental constitutional right of access to the courts held to require prison authorities to assist inmates in the preparation and filing of meaningful, effective and adequate assistance from persons trained in the law or having access to a meaningful, effective and adequate law library or persons trained in the law.

On January 24, 2020, petitioner filed a motion for summary judgement. Then, on February 24, 2020, defendants moved to dismiss petitioners' action, arguing that the court lacks subject-matter jurisdiction and personal jurisdiction. Defendants also argue that the court should dismiss this action because petitioner failed to state a claim upon which relief may be granted. Petitioner responded. The court entered judgement on 08/07/2020. Petitioner appealed and the appeals court entered judgement on 09/27/2021.

## REASONS FOR GRANTING THE PETITION

The reason why Certiorari Should be Granted, the United States Court of Appeals for the fourth Circuit has decided an important question of federal law that has not been, but should be, settled by this Court, with relevant decisions of this Court and other Circuit Courts.

Petitioner, Harry Sharod James-El, filed multiple complaints including his Habeas Corpus that was Submitted to this court and denied (File # 20-8344). During the appeal process the STATE OF NORTH CAROLINA and the defendants (STATE officials) in this case, and defendant in Habeas Corpus Case, filed Briefs with citations in them. Petitioner could not Sheperdize any of the citations defendants quoted in their motions/Briefs. Also, during this civil complaint process, petitioner could not Sheperdize any of the citations in the defendants Briefs/Motions. "The fundamental constitutional right of access to the courts held to require prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." Younger v. Gilmore, 404 U.S. 15 — (1971). "Moreover, if the State files a response to a prose pleading, it will undoubtedly contain seemingly authoritative citations. Without a library, an inmate will be unable to rebut the State's argument. It is not enough to answer that the Court will evaluate the facts pleaded in light of the relevant law," Bounds v. Smith, 430 U.S. 817 — (1977). Petitioner, wrote North Carolina

Prisoner's Legal Services Inc. to inquire what they are allowed to do, such as send precedent case law to help research his case (Appendix C Exhibit 2). North Carolina Prisoner's Legal Services Inc responded with a letter as to what they will and will not do, (Appendix C "Exhibit 3"). North Carolina Prisoner's Legal Services "DO NOT MEET CONSTITUTIONAL STANDARDS."

"Prisoners have a fundamental constitutional right of access to the courts, and must be provided with adequate law libraries or adequate assistance from persons trained in law." Bourdon v. Laughren, 386 F3d 88 (2nd Cir. 2004); U.S. v. Cooper, 375 F3d 1041 (10th Cir. 2004); White v. Hantzky, 494 F3d 677 (8th Cir. 2007). "Prisoners have a First Amendment right of access to the courts that is adequate, effective

and meaningful." Terry v. Hubert, 609 F3d 757 (5<sup>th</sup> Cir. 2010) ;  
Barrough of Duryea, PA v. Guarniere, — U.S. —, 180 LEd 2d 408, 131 Sct  
2488 (2011). During the Habeas process, and through this civil process  
Petitioner Harry Sharod James-El, never had access that was meaningful  
effective, and adequate to a Law Library nor persons trained in the Law  
which contributed to the dismissal of his Habeas Corpus and this civil  
rights Tort.

Petitioner was deprived of his Fundamental Constitutional Right to petition  
the government for the redress of any grievance (access to the courts),  
Procedural Due Process, and his right to be protected from Cruel and  
Unusual punishment pursuant to the 1<sup>st</sup>, 5<sup>th</sup>, 8<sup>th</sup>, 14<sup>th</sup> Amendments of  
The Constitution of The United States of America.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: 24<sup>th</sup> October, 2021