

21-6533

No.

21-1140

ORIGINAL

FILED

NOV 11 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Jabari L. Johnson

PETITIONER

(Your Name)

Kathleen McGuire

vs.

— 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

Jabari L. Johnson

(Your Name)

50 EVANG BLVD

(Address)

Canon City, CO, 81215

(City, State, Zip Code)

(Phone Number)

NOV 23 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 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?

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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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.

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

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 6/15/2021.

☐ 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

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)

Davis v. CEO, Corp., Corp. Inc., 696 F.Appx, 851, 855 (10th Cir 2017)

U.S. v. Taylor 487, U.S. 326 355-57, 108 S.Ct, 2413 (1988)

STATUTES AND RULES

Rule 11. sanctions

OTHER

Statement of Case

1. Plaintiff informed McGuire and Clashnot of Plaintiff's life being in imminent danger due to Doc calling him a child molester and snitches, defamating Plaintiff's character, in which the defendants failed to act, also failed to act, also failed to act to medical records showing Plaintiff needs ADA accommodations mandated by Dr.'s of wheelchair and medical boot as Plaintiff is suffering in pain regarding injury, forced to scowl and crawl on the floor, retaliating against the Plaintiff due to his request for help, as Plaintiff is a qualified disabled individual, who is deprived of court and legal visits due to evidence of witnesses against him.

2. Issue A Abuse of Discretion Under Rule 11 Sanctions / Deprivation of Imminent danger Actual Injured Requirement

On 3/14/20 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 1915 together. Plaintiff Clabari Johnson have told Judge Babcock on numerous occasions that 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 restriction / requirement and that 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 notary by the law librarians. Plaintiff have also told Babcock that Plaintiff is denied of his 6 month account statement in order to complete the 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 Plaintiff and his motion have tried and conveyed such defects and retaliation by Doc's law librarians. Yet Babcock does not act. Plaintiff have also requested that Babcock provide all cases filed in District Court regarding his sanction request due to the fact law librarians fail to provide Plaintiff's request knowingly and intentionally attempting to place barriers up to stop Plaintiff from litigating, which abuse's Babcock's discretion clearly erroneous.

See Bounds v. Smith, 430 U.S. 825-826, 975 S.Ct. 244 (1977) (Pe Lewis v. Casey case which acknowledged that the bounds right was limited to challenges to convictions, sentences, and prison conditions, but contained that types of civil actions states may not erect barriers that impede that right of access of incarcerated person).

Currently I am injured with the fact he was injured when he filed the case suffering from pain due to injury. The actual injury requirement Lewis v. Casey says it is not enough for prisoners to show that prison officials do not provide adequate law librarians, legal assistance or legal supplies or that they impose unreasonable restrictions on prisoners who try to use them. Prisoners must show that the inadequacies or restrictions on prisoners caused them actual injury 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 deficiencies in the prison's legal assistance facilities caused him to do so.
or that he had arguably 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 case 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 officials actions, could support a claim of denial of court access in addition to those that were dismissed or never filed.

See Id. v. Taylor, 487 U.S. 326, 335-37, 108 S.Ct. 2413 (1988) (Abuse of discretion is defined as a definite a firm conviction that the trial court commits a clear error of judgment).

Therefore Judge Lewis Babcock abused his discretion due to the fact Plaintiff's life is in imminent danger of physical injury due to being denied of serious medical need and is deprived of access to the courts were the bias Judge Babcock and law librarians have erected barriers causing Plaintiff to suffer arguably actionable harm Plaintiff wished to bring to the court.

See case 20-1355 for Sitell v. Judge Matheson, Brisco, and Carson found that Plaintiff's life is in imminent danger of physical injury due to being denied of a wheelchair.

See Davis v. CEO, Corp. Inc. 169 F. Appx. 851, 855 (10th Cir. 2017) Allegations that Defendants have displayed a deliberate indifference toward prisoners serious medical needs and denied him adequate medical treatment are sufficient to establish the imminent danger requirement.

such abuse of discretion violate the actual injury requirement as Judge Matheson, Brisco and Carson have already indicated per Stephanie Dufkens denial of wheelchair, which is mentioned in this case. Placing Plaintiff's life in imminent danger of physical injury and due to the bias Judge Babcock's aid and inadequate law librarians retaliation Plaintiff is frustrated and impeded depriving him of access to the courts in which Babcock abuse's his discretion.

Jurisdiction

The district court had jurisdiction over the 1983 along with the court of appeals as the court of appeals dismissed case 21-1180 on June 15, 21 as the appeal was filed timely.

Questions

1. Plaintiff ask the ~~Supreme Court~~ did the Supreme Court, did the Court of Appeals and District Court abuse their discretion regarding issue A, or were the clearly erroneous?
2. Plaintiff ask the Supreme Court was the Court of Appeals and District Court's judgment incorrect and if so what other actions could have been taken regarding issue A?
3. Plaintiff ask the ~~Supreme Court~~ what grounds did the district court fail to consider regarding issue A?
4. Plaintiff request the Supreme Court to take action in Plaintiff's case remanding it back to District Court?
5. The Plaintiff also request an oral argument take place in the interest of justice?

Certificate of Service

I hereby certify that on 9/13/21 I sent a copy Plaintiff's Writ For Certiorari to The Supreme Court and The Solicitor General
1 First St. N.E. 950 Pennsylvania Ave, N.W.
Washington, DC, 20543 Washington, DC, 20530

by u.s. mail as Law Librarian

Carolyn Hansen refuse to provide 6 month account statement

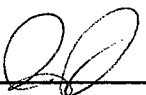
REASONS FOR GRANTING THE PETITION

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 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 request the supreme court reverse District Court findings remanding the case back to district court

Respectfully submitted,



Date: 11/14/21
~~10/13/21~~
I'm forced by Hansen to put the date to receive the 6 month