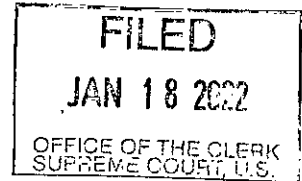


21-7010

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



James J. Whelan
(Your Name) PETITIONER

James J. Whelan
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
James J. Whelan
(Your Name)
21 Evans Blvd
(Address)
Cambridge, MA 02142
(City, State, Zip-Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Plaintiff ask the Supreme Court did the District Court Abuse their discretion regarding Issue 1 and Issue 2?
or was the District Court clearly erroneous?
2. Plaintiff ask the Supreme Court was District Court / Court of Appeals judgment incorrect and if so what other actions could have been taken regarding Issue 1 and 2?
3. Plaintiff ask the Supreme Court was District Court / Court of Appeals judgment incorrect in which what grounds did the District Court fail to consider?
4. Plaintiff ask the Supreme Court take action Plaintiff's 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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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 Dismissed case; 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☐ is unpublished.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☐ is unpublished.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 12/22/22.

☐ 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

8th Amendment . . . 15

1st Amendment . . . 15

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Ashcroft v. Iqbal</i> , U.S. ___, 129 S. Ct 1937, 1949 (2009)	
<i>Bainbridge v. Shih</i> , 430 U.S. ___, 825-26, 915 S. Ct 249 (1977)	
<i>Davis v. GEO. I. GTP, Corp.</i> , 496 F. Appx 851, 855 (10th Cir 2011)	
<i>Estelle v. Gribble</i> , 429 U.S. 326, 355-57, 108 S. Ct 2413 (1976)	
<i>Furman v. Brennan</i> , 511 U.S. 825, 842, 114 S. Ct 1910 (1996)	
<i>Fuller v. Wilcox</i> , 2008 WL 2961388*1 (10th Cir Aug 2008)	
<i>Healing v. McKinney</i> , 509 U.S. 323, 114 S. Ct 1910 (1996)	
<i>Kikumura v. Osaka</i> , 967 F.3d 1269, 1291, 1296 (10th Cir 2006)	
<i>Lewis v. Casey</i> , 518 U.S. 343, 355, 116 S. Ct 1491 (1997)	
<i>Mead v. Craib</i> , 841 F.2d 1512, 1513 (10th Cir 1988)	
<i>Merritt v. Hawk</i> , 153 F.Supp. 2d 1216, 1227-28 (D. Cir 2001)	
<i>McBride v. Deer</i> , 240 F.3d 1187, 1290-91 (10th Cir 2000)	
<i>Sealock v. Culcrath</i> , 218 F.3d 1203, 1210 (10th Cir 2000)	
<i>Simkins v. Bruce</i> , 406 F.3d 1234, 1243 (10th Cir 2005)	
<i>Taylor v. Salazar</i> , 516 F.3d 836, 839 (10th Cir 2008)	
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STATUTES AND RULES

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OTHER

STATEMENT OF THE CASE

On 4/16/19 James Johnson indicated that Colorado Prisoners are bitches and that if he indicates that person/individual is a childmolester or snitch. Colorado inmates will then assault whoever he states is such without Colorado inmates observing any factual proof. Labari Johnson stated that he is in fact correct in which is not a way of upstanding character.

James Johnson stated it doesn't matter Colorado inmates do what we say and do not question our authority.

James Johnson also stated he put Labari Johnson in a situation to either stab an individual or get killed because of his lawsuits and attempts to sue.

James Johnson further indicated he did not expect Labari Johnson to go to a soft pod and that he was expecting Labari to stab several inmates.

James Johnson stated Labari Johnson is highly intelligent and such conduct threw him off.

Labari Johnson said why would I stab someone for your satisfaction because you want me to stand up when I'm disabled.

James Johnson stated you are correct I told inmates that you were a childmolester so that they kill you or you stand up proving you can walk also so that you may stab them and get more time.

Labari Johnson stated I'm in prison under allegations of homicide, kidnapping, assaults, yet you lie defaming my character for your benefit, as Colorado inmates move on false claims, such conduct is not authentic in any other prison in the United States of America.

I'm from New Orleans and I refuse to get more time of act in appropriately for your gain.

Issue 1: Illicit 3 Strikes To Plaintiff By Judge Lewis Babcock
at District Court

In respect to the Previous appeals court decision indicating that the Plaintiff has acquired 3 strikes under the Prison Litigation Reform Act (PLRA), 28 U.S.C. subsection (g), couldn't be more wrong, as the Plaintiff is retaliated against due to his unequivocally profound understanding of the law, in which the Plaintiff is placed on unreasonable restrictions, due to his intellect regarding the law, and the rules of Federal Procedure, indicating that the Plaintiff can only file a complaint if his life is in imminent danger, were as the court of appeals state *Verbatim*: In no event shall a prisoner bring a Civil or Appeal a judgment in a Civil Action or Proceeding under this section of the Prisoner has on 3 or more occasions, while incarcerated or detained, in any facility brought an action an Appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted unless the prisoner is under imminent danger of serious physical injury, 28 U.S.C subsection 1915 (g)

Court of Appeals indicated that the Plaintiff has acquired (3) strikes under PLRA, in which Lewis Babcock, Illicitly labeled legally frivolous, regarding case's:

- 1) Johnson v. Hampton 20-cv-00188
- 2) Johnson v. Hampton 20-cv-00188
- 3) Johnson v. Ponce 20-cv-00188

in retaliation to hinder the Plaintiff from filing case's because the Plaintiff is exceptional when litigating.

Plaintiff notifies the Supreme Court that Judge Lewis Babcock was totally unreasonable due to indicating that those case's were legally frivolous when:

A.) Johnson v. Hampton, 20-cv-00188 was not legally frivolous, in which Plaintiff was refused of food which caused physical injury of headaches, dizziness, also feeling faint which violates the 8th Amendment (Cruel And Unusual Punishment) Deliberate Indifference, due to deprivation of food, Plaintiff sustained an injury, an injury that should have never occurred initially, which violates the basic necessity of Prison confinement, such as adequate food, clothing, recreation, sanitation, medical care, and reasonable safety from bodily injury/harm.

Further, if staff members fail to provide such necessities staff are deemed liable.

see Estelle v. Gamble 429 U.S. 97, 355-57 108 S (424) 13 (1976)

(Chief Purpose of Cruel And Unusual Punishment is to prevent the unnecessary and wanton infliction of Pain).

see Tafaya V. Salazar, 516 F.3d 836, 839 (10th Cir 2008) (inhumane conditions of confinement including deprivation of adequate food, clothing, shelter, sanitation, recreation, medical care and reasonable safety from bodily harm is an 8th Amendment violation under the Cruel And Unusual Punishment Clause).

B. Johnson v. Hampton 20-cv-00161 was not legally frivolous, in which Plaintiff was forced to scoot and crawl on the floor, demeaned called cripple niggers as the Plaintiff is required to have a wheelchair, Permandated medical documentation, in which Sgt Hampton of 20-cv-00161 knew but failed to act which violates the 8th Amendment (Cruel And Unusual Punishment) Deliberate Indifference.

See Ashcraft v. Iqbal — U.S. 129, S.Ct 1937, 1949 (2009) (showing that a defendant knows of a serious risk and fails to take reasonable action to correct it does show deliberate indifference).

see Merritt v. Hawk, 153 F. Supp.2d 1216, 1221-28 (D. Co 2002) (Plaintiff's allegations that he had informed various supervisory officials about his problems sufficiently pled their personal involvement).

see Davis v. GEO., Crp., Correc., Inc., 696 F. Appx 851, 855 (10th Cir 2017) (Allegations that defendants had displayed a deliberate indifference toward a prisoner's serious medical need and denied him of adequate medical treatment sufficient to facially establish imminent danger and serious danger requirement).

see Senlack v. Colorado, 218 F.3d 1205, 1210 (10th Cir 2000) (a medical need is serious if it is mandated by a Dr. Diagnosis that even a lay person can even see the necessity of treatment).

see Fuller v. Wilcox, 2608 WL 2961383*1 (10th Cir Aug 4, 2008) (denial of wheelchair meaning Plaintiff must crawl and could not walk to shower or lift himself to his bed could result in a number of serious physical injuries).

C. Johnson v. Ponce 20-cv-0014 was not legally frivolous were as she had full knowledge of Plaintiff's cripple state disability/ injury as painful open sores formed on Plaintiff's body due to the lack of shower as Ponce indicated Plaintiff will not get a shower, also not providing Plaintiff a shower.

see Tafaya V. Salazar, 516 F.3d 836, 839 (10th Cir 2008) (inhumane conditions of confinement including deprivation of adequate food, clothing, shelter, sanitation, recreation, medical care and reasonable safety from bodily harm is an 8th Amendment Violation).

Pursuant to the 8th Amendment (Cruel And Unusual Punishment Clause along with Deliberate Indifference Clause was violated within case A, B and C, were as was not frivolous which was proven pursuant to case law above and the legal citings of the United States Constitution of the 8th Amendment.

Judge Lewis Babcock illicitly placed the Plaintiff under the 3 strike sanction to hinder filings a future filings in retaliation violating Plaintiff's 1st Amendment Right Freedom of Speech.

Issue 2: Abuse of Discretion under Rule 11 sanction / Violating Actual Injury requirement and violating the 1st Amendment Retaliation For Speech Also violating the 8th Amendment Cruel And Unusual Punishment

on 3/4/2020 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 of the Federal Rules of Civil Procedure, also provide 6 month account statements along with 1983 and 1915 together.

Plaintiff Jabari Johnson has told Babcock on numerous occasions that the Plaintiff is denied of postage by Docs Warden Little and Taylor of mailroom denying Plaintiff of sending legal mail out unless \$2.00 a month. Plaintiff explained he is unable to send out more than 8 pages per envelope due to the postage requirement and postage restriction by Docs Thomas Little and mailroom Taylor.

Were as, Warden Little on 2/19/21 placed Plaintiff on postage restriction, in which such action that inhibits Plaintiff's 1st Amendment Right is a violation. Plaintiff does not have money or material to send out legal mail. Plaintiff also told Babcock on numerous occasions that he is denied of notaries by the assistants of the law library, Reginald Johnson and Carolyn Hansen. The law librarians on different occasions have also denied Plaintiff of 6 month account statement which Plaintiff has informed the law librarians of such need as they intentionally deny, in retaliation, the requirement of Babcocks sanction order.

None the less Babcock dismisses complaints even when told of the actions by the law librarians, which frustrates and impedes upon Plaintiff's access to the courts, in which Babcock has intentionally placed barriers upon the Plaintiff to cause him not to not prosecute, as the Plaintiff have attempted and have conveyed such defects and retaliation by Docs law librarians.

Yet Babcock does not act from 2019-2021.

Plaintiff have also requested that Babcock provide all cases filed in district court regarding his sanction request of section E of the 1983, due to the law librarians failure to provide, were as on 2/25/21. Plaintiff was told he has 121 legal boxes and that he would have to walk downstairs to retrieve his property or he will be given any property.

Donald Nunez, James Johnson, and Sgt Cronzaks stole medical records, disciplinary reports, law library records, personal pictures, maps, cases, grievances, books, mail bags which was of abundance of 20,000 papers in total. The Plaintiff was then provided his legal box that did not include civil cases or criminal cases and all other items mentioned above, in which they stole all Plaintiff's personal, medical, and legal items to current date.

Plaintiff notified Babcock in Plaintiff's notice of appeals and initial filings and cases of such theft, also notified Babcock in initial filings that caused ineffective filings and inability to comply to Judge Lewis Babcocks sanctioning orders in

commencing any civil action cases.

1. 21-cv-00564 filed on 3/4/21 Plaintiff indicated within his notice of appeal stating Plaintiff has told Babcock on numerous occasions/cases that law librarian Reginald Johnson would not provide the adequate amount of paper to complete section E, and would not notarize any papers to comply with Babcock's sanctioning orders. The Plaintiff also notified Babcock of the postage restriction of \$2.00 a month, put in place on 2/9/21 by Warden Little upheld by mail room Taylor. Plaintiff requested that Babcock respond to the injustice, and illicit restrictions that inhibits the Plaintiff's 1st Amendment right to access of the courts. Yet Babcock dismisses the case/complaint.

2. See cases 20-cv-03068, 20-cv-02613, and 20-cv-02663 Plaintiff filed a Petition of Rehearing on 5/12/21. Plaintiff states: The Plaintiff did comply to all Babcock sanctioning orders from 2017-2022, in which in 2019 Babcock would continuously intentionally deny Plaintiff of filing suits because Plaintiff would attempt to comply to section E of 1983, as Babcock make up additional requests to add to section E so that the Plaintiff could not comply in order to commence a lawsuit. The Plaintiff then attempted to comply to additional sanction orders. Yet the law librarian Reginald Johnson would not provide request to do so, nor would Babcock when told of the denial.

see Motion Requesting Relief from judgment in case 20-cv-03068-LTB Declaration 4/11/21 witness Declaration By Christopher Taylor under Exhibit A:

I have witnessed Jabari Johnson attempt to comply to section E in a lot of documents from 2021, but denied access by Babcock. In 2020 Johnson was sanctioned and tried to comply to orders but was denied needs to fulfill orders by Babcock. I have written several statements in 2021 stating that the law librarians is denying Jabari Johnson of complying to sanctioning orders. Babcock then still deny him of access to file his suits denying Jabari Johnson showers and medical care subjecting him to inhumane conditions making him scold and crawl on the floor when he needed an ADA accommodation as evidence proves.

3. See cases 21-cv-03730, 21-cv-01037, 21-1111, 21-cv-00911, and 21-cv-00992 Notice of Appeal all lay out facts regarding several erection of barriers to prevent Plaintiff from prosecuting lawsuits, yet Babcock would intentionally dismiss lawsuits, as the Plaintiff would prove that he is unable to meet any sanctioning requirements due to postage restriction, as all documents if sent together will be over \$2.00 month in which Plaintiff's monthly allotment granted by Warden Little which was put in place to prevent Plaintiff from filing lawsuits.

4. See case 21-cv-05251 filed on 2/22/21 Notice of Appeal in ECF # 18 3 days before staff stole his legal filings of this case concluding Plaintiff filed a motion requesting copies of ECF document #11, yet in document #12 of their case Babcock states on 3/18/21 Plaintiff filed a request for photocopy of ECF #101. See ECF No. 11, Plaintiff asserts Doc staff has taken the documents from him and needs ECF No. 1 so he can file a motion to show cause and an opening brief, in which Plaintiff need the actual complaint filed in that case to know what the complaint is actually detailed about in order to show cause.

The same actions took place in cases 21-cv-00344, 21-cv-00226,

21-cv-00320, 21-cv-00293, 21-cv-00296.

Plaintiff also failed to prosecute other cases because of the fact Nunez, Llamas, and Gonzales stole the initial filings of the complaint as the notices of Appeal were filed before 2/25/21, such as cases.

20-CV-00253, 20-CV-03852, 21-CV-00014, 21-CV-00051, 21-CV-00119, 21-CV-00246, 21-CV-00057, 21-CV-00180, 21-CV-001570, 21-CV-00751, cases 20-CV-020161, 21-CV-03068, 20-CV-03263 are additional complaints of Babbuck's retaliation causing Plaintiff to be frustrated and impeded from access to the courts abusing his discretion.

see Bounds v. Smith, 430 U.S. 825-26, 975 S.Ct. 249 (1977) (Prelewis v. Casey case which acknowledged that the bounds right was limited to challenges of convictions, sentences and prison conditions, but cautioned that all types of civil actions states may not erect barriers that impede the right of access of the incarcerated person).

see Sumkins v. Bruce, 406 F.3d 1234, 1243 (10th Cir. 2005) (The Principle that an unimpeded transmission of inmate legal mail is the most obvious formal manifestation of right to access to the courts has been established for sometime now).

see Lewis v. Casey, 518 U.S. 343, 355, 116 S.Ct. 2174 (1996) (Lewis said the Bounds v. Smith requires to be provided are things that inmates need in order to challenge the conditions of their confinement).

see Lewis v. Casey, 518 U.S. 343, 355, 116 S.Ct. 2174 (1996) (Retaliation depriving access to the courts depriving access to civil actions and condition of confinement violate the 1st Amendment).

see Bounds v. Smith, 430 U.S. 817, 825-826, 97 S.Ct. 1491 (1977): If the right of court access include with filing of a complaint rebutting the states response would not be part of the right as one court pointed out the inmate ability to post filing needs such as research tools necessary to efficiently rebut authorities cited by an adversary in responsive pleadings should be met.

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

Lewis v. Casey made (2) examples of frustrated and impeded such as:

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

Some courts seem to assume that prisoners cases must be dismissed preventing them from being filed to be frustrated and impeded others assume that obstacles that impair the ability to present one's case effectively are actionable.

The Supreme Court said in a later decision that a case that were inadequately tried or settled, or where 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. 226, 355-57, 108 S.Ct. 2413 (1976) (abuse of discretion is defined as a firm conviction that the trial court commits a clear error of judgment).

Boadcock denied access to the courts, along with law librarians Reginald Johnson and Carolyn Hansen refusing to provide adequate legal assistance etc., as warden Little and Taylor retaliate denying postage for Plaintiff's filings, in which Nunez, flames, and Gonzales stole records to cause Plaintiff to fail to prosecute, as Plaintiff is suffering from actual injury for years 2017-2022, in which could not be sought, or retrieve relief from the court due to Boadcock and others actions of frustration and impediment, which proves abuse of discretion of this complaint violating the following case law.

see Estelle v. Gamble, 429 U.S. 326, 355-57, 108 S.Ct. 2413 (1976)

(intentionally interfering with treatment once prescribed violate the 8th Amendment)

see Estelle v. Gamble, 429 U.S. 326, 355-57, 108 S.Ct. 2413 (1976) (chief purpose of Civil And Unusual Punishment Clause is to prevent unnecessary wanton infliction of pain).

see Fuller v. Wilcox, 2008*WL2961388*1110th Civ Aug 4, 2008 (unpublished denial of wheelchair, meaning that Plaintiff must crawl and could not walk to the shower or lift himself to be could result in a number of serious physical injuries).

see Davis v. GFA, CRP, Carr, Inc., 696 F. Appx. 851, 855 (10th Cir 2017) allegation that defendants have displayed deliberate indifference to a prisoners serious medical needs and denied him adequate medical treatment are sufficient to facially establish imminent and serious danger requirement).

see Mead v. Gault, 84 F.2d 1512, 1513 (10th Cir 1988) (The failure of the state commissioner to carry out statutory duties would be deliberately indifferent).

see Kikumura v. Osagie, 967 F.3d 1269, 1291, 1296 (10th Cir 2020) (holding delay must be shown to have caused substantial harm including pain suffered while awaiting treatment two or three and a half hours delay in treating painful condition stated a claim).

see Merritt v. Klawik, 153 F. Supp. 2d 1216, 1227-28 (D. Colo. 2001) (Plaintiff alleged that he informed various supervisory officials about his problems sufficiently pled their personal involvement).

see Ashcroft v. Iqbal, _____ U.S. _____ 129 S.Ct. 1937, 1949 (2009)

(showing that a defendant knows of a serious risk and fails to take reasonable action to correct it does show deliberate indifference).

see McBride v. Deere, 240 F.3d 1187, 1290-91 (10th Cir 2001) (loss of full function in leg constitutes long handicap, or permanent loss or pain suffered violates the 8th Amendment).

see Seaberk v. Colorado, 218 F.3d 1205, 1218 (10th Cir 2000) (a medical need is serious if it is mandated by Dr. or diagnosis that even a lay person can see necessity of treatment).

see Helling v. McKinney, 509 U.S. 25, 33, 133 S.Ct. 2479 (1993) (a remedy for unsafe conditions need not wait a tragic event other examples cited by the courts including exposure to risk of infectious diseases, unsafe drinking water and assault).

see Farmer v. Brennan, 511 U.S. 825, 842, 114 S.Ct. 1970 (1994) (whether prison officials had the requisite knowledge of a substantial risk is a question of fact subject to demonstration in the usual ways including interference from circumstantial evidence of documents reports by officers and the events that have occurred).

see Farmer v. Brennan, 511 U.S. 825, 842, 114 S.Ct. 1970 (1994) (Prison officials knowledge of a risk of assault may be inferred from the fact the risk was obvious).

such abuse violate the actual injury requirement as the Plaintiff violated no part of the sanction order, were as initially he was retaliated against by Babcock for Plaintiff filing adequate lawsuits, in which Babcock actions were intentional violating Rule 11 Sanctions:

see Rule 11 Sanction (4) Notice of Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include non-monetary directives, an order to pay a penalty into the court or if imposed on motion and warranted for effective deterrence, an order directing payment to the amount of part or all of the reasonable attorney fees and other expenses directly resulting from this situation.

Babcock violated Rule 11 section 4 due to the fact he made sanctions because of Plaintiff's adequate filings, not because of repetition his attempts were to stop Plaintiff's civil actions in which he set into motion events to attempt to erect barriers then would sanction Plaintiff when he would try to remedy his action violating the 8th Amendment Cruel And Unusual Punishment / Deliberate Indifference and 1st Amendment Violation Retaliation for speech, in which Babcock made up numerous orders after another, as the Plaintiff would complete each order so that he could try to try to sanction Plaintiff from filing lawsuits violating Plaintiff's 1st Amendment Rights

1st Amendment of U.S. Constitution states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or of the right of the people to peaceably assemble and to petition the government for redress of grievances.

Babcock has and still currently to this day attempts to try to stop Plaintiff from petitioning the government for redress of grievances namely lawsuits violating (the 1st Amendment).

8th Amendment of U.S. Constitution states:

Excessive bail shall not be required, nor excessive fines imposed, nor Cruel And Unusual Punishment inflicted.

Pursuant to the 8th Amendment and case Tasho v. Salazar 516 F.3d 912, 916 (10th Cir 2008) (inhumane conditions of confinement including deprivation of adequate food, clothing, shelter, sanitation, recreation, medical care, and reasonable safety from bodily harm is an 8th Amendment Violation.

Babcock has caused actual injury violating the 8th Amendment Cruel And Unusual Punishment

REASONS FOR GRANTING THE PETITION

Judge Babcock abused his discretion due to the fact Plaintiff life is in imminent danger, as the Plaintiff is deprived of access to the courts by the bias Judge and others who have erected barriers just as Judge Babcock frustrated and impeded upon Plaintiff's access to the courts when Plaintiff is injured suffering from injury which causes pain subjecting the Plaintiff to cruel conditions of confinement.

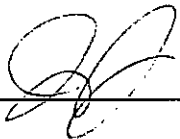
None the less due to the severe oppressive act to deny Plaintiff of his 1st Amendment Right to Petition the Government for redress of grievances regarding Cruel And Unusual Punishment of the 8th Amendment further the United States Supreme Court considers governing review on certiorari when one is sanctioned for such a deprival deprivacy by a lower court, as to call for an exercise of the courts supervisory power.

More so the district court made numerous errors continually erecting barriers to stop Plaintiff from litigating while physically injured as Plaintiff is and was in imminent danger causing actual injury.

CONCLUSION

The petition for a writ of certiorari should be granted. For the reasons stated previously plaintiff request the U.S. Supreme Court remand this case back to the District Court in the interest of justice.

Respectfully submitted,



Date: 1/9/22

Law Librarian Carolyn Hanson holds filings this will be provided to her on 1/9/22 then when its returned by her it will then be sent to the U.S. Supreme Court.