

No. 21-7946

FILED
MAY 16 2022

OFFICE OF THE CLERK
SUPREME COURT U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

JESSE MANUEL SKINNER — PETITIONER / PLAINTIFF
(Your Name)

vs.

GPCH-GP, INC., and — RESPONDENT(S)/DEFENDANTS
WILLIAM E. WHITFIELD III

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jesse Manuel Skinner 35713019
(Your Name)

Post Office Box 5000
(Address)

Bruceton Mills, West Virginia
(City, State, Zip Code)

FCI Hazelton
(Phone Number)

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[x] 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:

- GPCH-GP, Inc., a Delaware Corporation
- William E. Whitfield, III, Esq., Registered Agent for GPCH-GO, Inc.
- Craig Shows, Federal Agent claiming gunshot injury
- John Bordages Jr, Federal Agent claiming gunshot injury
- Manuel E. Skinner Jr, Petitioner's father (Public Interest)
- Joan C. Skinner, Petitioner's mother (Public Interest)
- Triston M. Skinner, Petitioner's son (Public Interest)

RELATED CASES

- Criminal Action No. 1:02-cr-00093-BrG (S.D. Miss.)
- Civil Action No. 1:12-cv-00178-HSO (S.D. Miss.)
- Civil Action No. 1:19-cv-00319-HSO (S.D. Miss.)

QUESTION(S) PRESENTED

1) Whether Pro se Plaintiff has a lawful statutory right pursuant to Federal Civil Rule 41 to withdraw "without prejudice" an earlier filed Section 1983 Remedy Complaint for Injunctive Relief (1:12cv178-HSO(S.D. Miss.)), while Pro se Plaintiff litigated an unrelated Civil RICO Conspiracy Complaint (1:13cv314-HSO(S.D. Miss.)), then re-file the Section 1983 Remedy Complaint for Injunctive Relief (1:19cv319-HSO(S.D. Miss.)) at this instant later date?

(Complete Presentment and Argument can be viewed herewith Appendix B, pages 9-26)

2) A res nova question whether Health Insurance Portability Privacy Act ("HIPPA") applies when the patients, i.e., Federal Drug Enforcement Agency ("DEA") Task Force Agent ("TFA") Craig Shows and John Bordages Jr, have already waived all expectation of privacy pursuant to the "third-party doctrine" when [they] testified in open court during Plaintiff's criminal trial, concerning the condition of [their] alleged injuries?

(Complete Presentment and Argument can be viewed herewith Appendix B, pages 27-35)

3) Whether Pro se Plaintiff has a due process right to have the district court rule on all the merits of the Claim, i.e., whether Pro se Plaintiff has met the four (4) prong test required to obtain the Section 1983 Remedy Injunctive Relief herein sought, i.e., release of the "evidence" medical records of Craig Shows and John Bordages Jr, being held by these third-party Defendants GPCH-GP, Inc. et al.?

(Complete Presentment and Argument can be viewed herewith Appendix B, pages 36-41)

4) Whether the district court abused its discretion when it failed to hold Pro se Plaintiff to the lesser stringent standard as established by this Court in Haines v. Kerner, 404 U.S. 519, 520 (1972)(PER CURIAM), by misrepresenting the facts and laws pertaining to the Claims the district court failed to rule on in violation of Pro se Plaintiff's due process right to be heard?

(Complete Presentment and Argument can be viewed herewith Appendix B, pages 42-43)

5) Whether Pro se Plaintiff has a Due Process Right to review the conclusive medical records evidence due to the fact that Pro se Plaintiff was charged by the two patients, Craig Shows and John Bordages Jr, and convicted of "[u]sed a dangerous weapon which inflicted bodily injury on ..." Shows and Bordages, who were appointed Case Agents to investigate and prosecute post alleged injuries sustained?

(Complete Presentment and Argument can be viewed herewith Appendix B, pages 44-46)

6) Whether the Fifth Circuit Court of Appeals abused its discretion, and the process, when it failed to deny Plaintiff's Motion to Proceed In Forma Pauperis as MOOT, after Pro se Plaintiff had already paid the entire \$505.00 Appeal Fee, before the Court could rule on the Motion to Proceed In Forma Pauperis, counting a strike against Pro se Plaintiff under 28 U.S.C. 1915?

(Complete Presentment and Argument can be viewed herewith at _____ page 5 herewith a. Argument)

TABLE OF AUTHORITIES CITED

CASES

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Alleyne v. United States, 570 U.S. 99, 116, n.5; 133 S.Ct. 2151, 186 L.Ed.2d 314 (2013)	
Arizona v. Youngblood, 488 U.S. 51, 58 (1988)	
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In Re Winship, 397 U.S. 358, 364, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970)	
Jaffee v. Redmond, 518 U.S. 1, 9, 116 S.Ct. 1923, 135 L.Ed.2d 337 (1996)	
King v. Conde, 121 F.R.D. 180, 187 (E.D. NY 1988)	
Klay v. United Healthgroup, Inc., 376 F.3d 1092 (11th Cir. 2004)	
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Martin v. Lafon Nurs. Fac. of Holy Family, Inc., 244 F.R.D. 348, 357 (E.D. La. 2007)	
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Skinner v. Switzer, 131 S.Ct. 1289, 179 L.Ed.2d 233, 562 U.S. 521 (2011)	
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United States v. Jacobsen, 466 U.S. 109, 113, 104 S.Ct. 1652, 80 L.Ed.2d 85 (1984)	
United States v. Miller, 425 U.S. 435, 440, 96 S.Ct. 1619, 48 L.Ed.2d 71 (1976)	
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[ALL CASES CITED ARE PROPERLY BRIEFED IN APPENDIX B HEREWITH]

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APPENDIX B - Plaintiff's Appeal Brief ("AB") (Exhibits not included BOP refusal to allow Petitioner access to Legal Materials since August 10, 2021)

APPENDIX C - Fifth Circuit Order dated January 17, 2022

APPENDIX D - Fifth Circuit Letter dated February 2, 2022

APPENDIX E - Fifth Circuit Order dated February 15, 2022

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 C 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 A to the petition and is

☒ reported at 2020 U.S. Dist. LEXIS 140256; 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 January 17, 2022.

☐ 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: February 15, 2022, and a copy of the order denying rehearing appears at Appendix E.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Mississippi Constitution Article 3, Section 14 "No person shall be deprived of life, liberty or property, except by due process of law.

United States Constitution Amendment V
United States Constitution Amendment VI
United States Constitution Amendment XIV

(These Constitutional Amendments are fully herewith in Appendix B "Appeal Brief")

STATUTES AND RULES

Federal Civil Rule 41

Federal Civil Rule 60(b)(4)

Federal Criminal Rule 16(a)(1)(D)(2002 ed.)

Federal Rule of Evidence 501

Federal Rule of Evidence 806

Mississippi Code Section 41-9-69(1)(b)

Mississippi Code Section 45-9-31

Title 18 U.S.C. 111(a)(1) and (b)

Title 21 U.S.C. 841(d)

Title 28 U.S.C. 1291

Title 28 U.S.C. 1292

Title 28 U.S.C. 1331

Title 28 U.S.C. 2255(h)

Title 42 U.S.C. 1983

OTHER

Health Insurance Portability Privacy Accountability Act ("HIPPA")

<http://www.change.org/p/famm-free-jesse-skinner>

<http://www.firearmstactical.com/briefs10.htm>

STATEMENT OF THE CASE

A. Course of proceedings and disposition in the district court:

I. BACKGROUND

These are the straight and simple facts concerning what has really happened surrounding the conviction of Plaintiff, i.e., Jesse Manuel Skinner ("Skinner") in the in re Criminal Case United States v. Skinner, 1:02cr93-BrG (S.D. Miss. S. Div.). <fn.1>

On July 2, 2002, law enforcement from State and Federal Agencies executed an illegal "no-knock" search warrant on real property belonging to the Skinner family. During the trespass, two Federal DEA TFA Agents, Craig Shows ("Shows") and John Bordages Jr ("Bordages") claimed that they were gunshot, i.e., having sustained shotgun pellets lodged inside [their] legs. Id. See IN[12], p.3, Para.4.; also AB [Exhibit A] <fn.2>

Skinner was subsequently charged in a twelve (12) count indictment, Counts 7 and 8 assault "which inflicted" bodily injuries on Shows and Bordages pursuant to Title 18 U.S.C. 111(a)(1) and (b) the enhanced penalty for "bodily injury."

Skinner went to trial in May 2003 and Shows and Bordages both testified in open court that they in fact had shotgun pellets embedded inside their legs. Albeit, when the time came to produce the conclusive medical records evidence, the Federal Government, e.g., prosecution team, i.e., AUSA John Meynardie ("Meynardie"), Shows and Bordages, <fn.3>, claimed [they] "never" possessed the "evidence", i.e., medical records, and denied Skinner his due process right to review this conclusive evidence and violated Criminal Rule 16(a)(1)(D)(2002 ed.)(must provide all reports of mental and physical examinations).

Evidence discovered post trial reveals it "suspect" whether the two case agents ever even sustained a gunshot wound(s) and why Skinner is still seeking disclosure of this "evidence" due to the evidentiary nature such evidence as the actual medical records would have when determining NOT just whether Skinner "[u]sed a dangerous weapon which inflicted bodily injury..." but also whether the agents testimony was actually true or not.

Prior to the criminal trial Skinner filed a Motion for Production of Medical Records, CR[35], that the Federal Government admitted would be turned over to Skinner pursuant to the "Discovery Order," CR[66]. Id. See IN[36] Exhibit B; also AB [Exhibit T]

The Federal Government, i.e., Meynardie, even sent Skinner a letter on November 29, 2002, advising that the Medical records "will" be turned over shortly. Id. IN[18] Exhibit C; also AB [Exhibit C][SAME]

Based on these concessions the trial court denied as MOOT Skinner's "Motion for Production of Medical Records". Id. See CR [69]; also AB [Exhibit L]

As stated supra, post trial Skinner's family discovered evidence that prove the federal agents testimony "suspect" concerning the extent of their injuries.

Skinner then filed a collateral Motion 2255 setting out the facts and filed numerous motions for production of the Medical Records, which Meynardie continued to claim [they] have NEVER possessed the Medical Records evidence in [their] possession, and the district court denied Skinner's motions for production of the medical records using as its excusal that the "evidence" would be immaterial to Skinner's cause. Id. See AB [Exhibit B], IN[14], Exhibit C p.11 and Exhibit F

Skinner then decided to seek disclosure of the Medical Records evidence from the one place he knew the evidence would be ... the hospital where the federal agents testified where [they] went seeking medical treatment. <fn.4>

On or about June 8, 2012, Skinner and his father Manuel E. Skinner Jr filed pro se Original Complaint for Injunctive Relief, Civil Case No. 1:12-cv-178-HSO, see IN[14], Exhibit A; also AB [Exhibit B][SAME].

Because Skinner is not legal smart, he served the Records Administrator at the hospital that t[he]y assumed was named "Garden Park Hospital." The Registered Agent, i.e., Defendant William E. Whitfield III ("Whitfield") waited till the day before the 120 days for service of process was to expire (10/06/2012), and filed a Motion to Dismiss for Lack of Sufficient Process of

Service.

It became clear to Skinner then that the hospital and its registered agent was involved in the colluded scheme to keep the sought after evidence concealed, so Skinner(s) began to investigate only to discover that the "Hospital" violated Mississippi State Law Section 45-9-31, as part of their role in [the] conspiracy to keep the truth concealed by failing to report immediately to the municipal police department or sheriff's office that individuals Craig Shows and John Bordages Jr had showed up at [their] establishment, having reason to believe the wound(s) or injury(ies) "[w]as caused by gunshot or knifing" or that such request for treatment had been received.

Due to time limitation constraints, on August 1, 2013, the Skinners filed Motion of Dismissal of the Original Injunctive Relief Complaint pursuant to Federal Civil Rule 41, and thereafter filed [the] Civil RICO Conspiracy lawsuit against Defendant GPCH-GP, Inc., for its role in the coverup, along with twenty-one (21) other Defendants for obstruction of the due administration of justice (Title 18 U.S.C. 1503), corruptly persuading others to withhold records and documents; altering and/or destroying evidence to hinder, delay or prevent the communication of such records or evidence to a judge (Title 18 U.S.C. 1512), and conspiring to violate all such intentional acts mentioned supra (Title 18 U.S.C. 1962(d)), but not limited to, thus injuring Plaintiffs in their business and property. Id. See RICO[70] "RICO STATEMENT" [SAME]

The Skinners litigated the RICO lawsuit for over three (3) years to no avail as the Defendants raised as [their] affirmative defense the statute of limitation had expired for the crimes [they] committed.

During that litigation process, Skinner discovered that the search warrant used to raid the Skinners family property was issued in violation of the Constitution and Laws of the State of Mississippi, thus illegal, so Skinner began to litigate that cause for action which is still ongoing as we speak.

On June 12, 2019, refiled the Instant Complaint for Injunctive Relief seeking release of the conclusive medical records evidence still in controversy from the conclusion of the criminal trial in chief. Id. IN[12]; also AB [Exhibit A]

After fourteen (14) months of back and forth between both parties, on August 6, 2020, the district court came forward and sided with the Defendants affirmative defense that the Instant Complaint [12] was a mere continuation of the RICO Civil Conspiracy lawsuit and dismissed the Instant Complaint for Injunctive Relief "with prejudice." Id. See IN[33], also AB [Exhibit E]

The district court's conclusion is that Skinner may NEVER be able to review the conclusive medical records evidence that may prove favorable to Skinner's defense in the criminal case in chief. Due Process of an accused is destroyed when a prosecutor obtains a conviction with the aid of evidence (or lack of evidence thereof, such as the conclusive evidence herein sought) which he/she knows, or should have known, to be false and allows it to go uncorrected.

For this matter to be "corrected," Skinner is exercising his Due Process Rights to review this evidence as there is other evidence discovered post trial that proves the case agents/patients trial testimony "suspect," and the deliberate deception of a court and/or jurors by the presentation of false evidence/testimony is reprehensible and incompatible with "rudimentary demands of justice," and this is what this instant complaint for injunctive relief is all about ... discovery of the TRUTH.

After the district court reached its opinion and Skinner was able to gather his bearing from the shock, he realized the district court wholly failed to even mention Skinner's real Claim which is res nova federal question of law answered AND the "Injunctive Relief", i.e., release of the conclusive medical records evidence. Id. See IN[33], also AB [Exhibit E]

On October 19, 2020, Skinner went ahead and filed "Motion to Reopen the Instant Case" pursuant to Federal Civil Rule 60(b)(4), i.e., the judgment is void for failure to rule on all the merits of the Claim which is inconsistent with due process of the law, i.e., the right to be heard. Id. See IN[42]; also AB [Exhibit F]

On October 21, 2020, the district court entered a text order explaining that because Notice of Appeal IN[38] had been filed, that it was for want of jurisdiction to rule on the merits of the case raised in the Rule 60(b)(4) motion and denied relief. Id. See AB [Exhibit M] and [Exhibit P] "Notice of Appeal"

On November 4, 2020, Skinner moved the Fifth Circuit for an Order granting leave for the district court to rule upon the merits of Skinner's Claims that it failed to rule on, raised again in the Rule 60(b)(4) motion. Id. See AB [Exhibit N] letter from Fifth Circuit

On November 4, 2020, the district court "Amended" its Order denying Skinner's Motion for Leave to Appeal In Forma Pauperis based on its finding that Skinner's Claims were frivolous, and that it failed to advise Skinner that he could seek same relief from the Fifth Circuit. Id. See IN[43]; also AB [Exhibit G]

B. Motion to Proceed In Forma Pauperis ("IFP"):

On December 10, 2020, the Fifth Circuit received Skinner's Motion to Proceed IFP on Appeal setting out the facts and basis of the Appeal. Id. See IN[45]; also AB [Exhibit H]

On January 13, 2021, Skinner received a certified copy of the entire District Court Record and began perfecting his Appeal Brief why he felt the district court's opinion is wrong and inconsistent with the laws that govern how a non-movant's Complaint must be resolved, i.e., all inferences must be resolved in light most favorable to the nonmoving party and why the district court's opinion was not just wrong but bias when it denied Skinner's Complaint without ever reaching the merits of the injunctive relief and the res nova federal question of law answered which will demonstrate why the district court's denial of Skinner's Motion to Proceed IFP is wrong.

a. Argument:

After Skinner filed the Motion to Proceed IFP to the Fifth Circuit and then received from the District Court Clerk a complete certified copy of the District Court's Record, and before the Fifth Circuit could rule on Skinner's IFP Motion. Skinner went ahead and PAID IN FULL THE ENTIRE APPEAL FEE AND THE REMAINING BALANCE OF THE COMPLAINT FEE which then made his IFP Motion a MOOT issue.

When the Fifth Circuit issued its Order on January 17, 2022, it WARNED Skinner of filing a frivolous Complaint and issued a STRIKE against Skinner pursuant to 28 U.S.C. 1915. The IFP Motion was MOOT once Skinner paid the full fee(s).

The problem with that is the Fifth Circuit sent Skinner nothing explaining the procedures etc. and what Skinner should do if he pays the Appeal Fee, e.g., write a letter to the Fifth Circuit and tell them (something Skinner found out while on direct appeal now with the Ninth Circuit).

On January 23, 2022, the same day Skinner filed his Motion En Banc, Skinner filed a Motion to Withdraw his IFP Motion because it was MOOT and the Fifth Circuit sent Skinner a letter on February 2, 2022, advising "[w]e are taking no action on this motion." Id. See Appendix D herewith

Executing a "STRIKE" against Skinner after he has paid in full the direct appeal fee (and paid the full district court Complaint fee), does not promote and ensure public confidence in the integrity of the federal judiciary and encourages a pattern of abuse of the judicial system and places in the eye of the citizens of the United States of America that the federal judiciary is nothing more than a money hungry greed machine, and highly prejudices Skinner from exercising his Constitutional Rights to seek redress from governmental action and/or inaction[.]

REASONS FOR GRANTING THE PETITION

The United States Supreme Court has made clear, "[i]n our adversary system, it is enough for judges to judge. The determination of what may be useful to the defense can properly and effectively be made only by an advocate." Id. See *Dennis v. United States*, 16 L.Ed.2d 973, 384 U.S. 855, 875 (1966)(Mr. Justice Black)

Skinner has exercised due diligence throughout these long years to ensure that these Defendants "preserve" the medical records evidence due to the evidentiary nature that "conclusive evidence" has when filtering for the truth. It can be reasonably assumed that conclusive evidence cannot lie (versus testimony evidence), unless it has been altered, and Skinner trust that no doctor would risk their career being untruthful about the condition of an injury and this conclusive evidence medical records is the ONLY "evidence" left that will conclusively bring this controversy to an end AND if this evidence has been destroyed or destroyed in the future, Skinner will suffer irreparable injury in his quest for obtaining the TRUTH about what happened on that fateful day of July 2, 2002, when his family's property was raided by law enforcement.

Because these Defendants are not an agency of the Federal Government, i.e., United States, and the Federal Government has claimed on many occasions that it has NEVER possessed the medical records evidence, <fn.5>, the Freedom of Information Act ("FOIA") cannot be used for obtaining this "evidence," and why Skinner has had to file this instant Title 42 U.S.C. 1983 lawsuit seeking injunctive relief [it] being the ONLY "remedy" left for obtaining such relief.

It should be duly noted that this is not the first time Agent Shows and AUSA Meynardie have been involved together prosecuting a case and the [defendant] claimed evidence existed that would impeach the testimony of Agent Shows; see United States v. Taylor, 2002 U.S. Dist. LEXIS 30594 (S.D. Miss.). Agent Shows has the propensity to "fudge the facts" so that the desired results are achieved, which is why Biloxi Police Department fired him for refusing to take a lie detector test concerning some money that came up missing in a traffic stop on Interstate 10. Agent Shows is known for not being truthful and AUSA Meynardie is known for covering up evidence that may prove to being exculpatory.

In addition, grant of certiorari will answer a res nova question that has never been answered, that will affect cases like this forevermore which is as follows:

"Whether or not HIPPA applies when the patient has already waived all expectation of privacy pursuant to the third-party doctrine when the patient testified in open court concerning the condition of their injury?"

If the Supreme Court answer this one question then it will demonstrate that Skinner's Complaint is far from frivolous and close this chapter that TRUTH and JUSTICE can be discovered with due diligence of [any]one who seeks it.

Skinner and his public supporters believe in [OUR] judicial system and why t[he]y have placed all confidence in t[his] almighty Supreme Court that TRUTH and JUSTICE will prevail.

Footnotes ("fn.")

<1> On August 10, 2021, BOP Staff at FCI McDowell ("MCD") locked me in the SHU and refused to give me any of my Legal Materials. I transferred from there on December 8, 2021, here to FCI Hazelton ("HAF"). On May 2, 2022, Monday, I was called to R&D to CMCS/R&D Supervisor T. Murphy accepted 19 Flat Books of stamps (\$220.40) sent Certified Mail # 91 7199 9991 7034 2702 3637 to MCD so MCD would send me my five (5) boxes of Legal Materials. I have not had any of my Legal Materials since August 10, 2021, and why I do not have all my Exhibits. I had my Mother send me the copy of the Appeal Brief is why I have that attached as Exhibit.

<2> "IN" refers to "INSTANT COMPLAINT" followed by Docket Entry encased in brackets; "RICO" refers to "RICO COMPLAINT" (1:13cv314-HSO) followed by Docket Entry encased in brackets; "OR" refers to "ORIGINAL COMPLAINT" (1:12cv178-HSO) followed by Docket Entry encased in brackets; "CR" refers to "CRIMINAL CASE" (1:02cr93-BrG) followed by Docket entry encased in brackets, all of which are cases stemming from the Southern Division of the Southern District of Mississippi. "AB" refers to "APPEAL BRIEF No.20-60805 5th Circuit" followed by Exhibit Entry encased in brackets.

<3> Shows and Bordages were appointed "Case Agents" post alleged injuries.

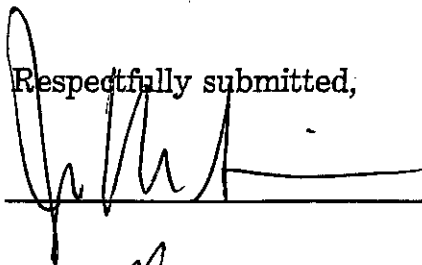
<4> Mississippi Code Section 41-9-69(1)(b) makes it law that the hospital keep a copy of [any] medical records for a period of ten (10) years after created.

<5> See IN[18]. Exhibit D, pp.200-201, Meynardie's trial concession. See also AB Exhibit C [Same] and IN[27], Exhibit F, Meynardie's post trial concession that the United States has never possessed this conclusive medical records evidence in controversy

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in dark ink, consisting of a large initial 'C' followed by several loops and a horizontal stroke at the end, positioned above a solid horizontal line.

Date: May 7, 2022