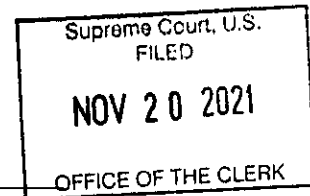


ORIGINAL

No. 22-184



IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER G. PARKER,
Petitioner,
v.

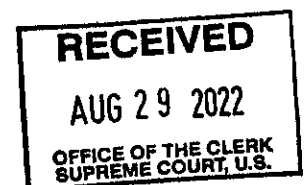
MARK T. ESPER, Secretary of Defense,
(Defense Commissary Agency)
Respondent.

Petition for a Writ of Certiorari
To The United States Court of Appeals for the
Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

Christopher Parker, Petitioner *Pro Se*
C/O Steven Parker
1747 West Smugglers Cove Drive
Gulf Breeze, FL 32563
Phone: 850-226-3829
christopher.parker1980@yahoo.com

Petitioner, *Pro Se* Dated: August 19, 2022



i.
QUESTIONS PRESENTED

Whether the District Court and the Eleventh Circuit Court of Appeals violated the Petitioner's following rights:

- 1.) The Right to the Appointment of Counsel after proving:
 - a.) The inability to afford Counsel
 - b.) Merits of the case
 - c.) Efforts to secure counsel
 - d.) Inability to present the case adequately without counsel
- 2.) The right to Due Process
- 3.) The right to Supplement the Record
- 4.) The right to file Transcript
- 5.) The right to have the case heard through the Appointment of Legal Counsel

ii.
LIST OF PARTIES

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

Additionally, Petitioner states that the following
have an interest in the outcome of this case:

Christopher G. Parker, Petitioner, *Pro Se*
Defense Commissary Agency, Respondent
Hope T. Cannon, United States Magistrate Judge
Kathryn Drey, United States Attorney
(for the Respondent)

M. Casey Rodgers, United States District Judge
Mark T Esper, United States Secretary of Defense,
Respondent

Mary Ann Lane Couch, Assistant United States
Attorney (for the Respondent)
Honorable Adalberto Jordan, United States Court of
Appeals for the Eleventh Circuit
Honorable Jill A. Pryor, United States Court of
Appeals for the Eleventh Circuit
Honorable Robert J. Luck, United States Court of
Appeals for the Eleventh Circuit

iii.
RELATED CASES

MANUAL ON EMPLOYMENT
DISCRIMINATION LAW
CIVIL RIGHTS ACTIONS IN THE FEDERAL
COURT

By HONORABLE CHARLES R. RICHEY
United States District Judge, Washington, D.C.

Federal Judicial Center
November 1986

XIV. **Special Problems in Title VII.**

E. **Appointment of counsel.**

Title VII envisions the need for court-appointed counsel for the plaintiff. 42 U.S.C. § 2000e-5 (f)(1), in relevant part, provides: "Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security." The burden is on the plaintiff to request counsel; the courts have no duty to appoint counsel sua sponte. Poindexter v. FBI, 737 F.2d 1173, 1184 (D.C. Cir. 1984); Hilliard v. Volcker 659 F.2d 1125, 1127-28 (D.C. Cir. 1981); Although the

RELATED CASES, continued

appoint counsel, e.g., Poindexter 737 F.2d at 1179 (listing cases), courts have enumerated certain factors, set forth below, to guide the district courts. Failure to consider these factors in analyzing the question of appointment of counsel may constitute an abuse of discretion. Poindexter, 737 F.2d at 1185; Jenkins v. Chemical Bank 721 F.2d 876, 880 (2d Cir. 1983); Caston v. Sears, Roebuck & Co., 556 F.2d 1305, 1308 (5th Cir. 1977). The circuits are split as to whether an order denying a motion for appointment of counsel is a final decision appealable as of right under 28 U.S.C. § 1291. Henry v. City of Detroit Manpower Dep't, 763 F.2d 757 (6th Cir.) cert. denied, 106 S. Ct. 604 (1985) (order not final); Slaughter v. City of Maplewood, 731 F.2d 587 (8th Cir. 1984) (order final); Caston v. Sears Roebuck & Co., 556 F.2d 1305 (5th Cir. 1977) (order final). The four factors that trial judges should consider in deciding whether to appoint an attorney for a *pro se* plaintiff are as follows:

1. **The ability of the plaintiff to afford an attorney.** If the court determines that plaintiff can afford counsel, this will ordinarily dispose of the issue, mandating a denial of the request for counsel. Poindexter, 737 F.2d at 1186; Caston, 556 F.2d at 1309-10. However, a court should not require as substantial a showing of poverty as that

RELATED CASES, continued

required to proceed *in forma pauperis*; otherwise the appointment of counsel provision in Title VII might be redundant in light of other statutes, such as 28 U.S.C. § 1915 (d). See, e.g., Ivey v. Board of Regents, 673 F.2d 266, 269 (9th Cir. 1982). See generally Jenkins, 721 F.2d at 880; Luna v International Ass'n of Machinists & Aerospace Workers Local No 36, 614 F.2d 529, 531 (5th Cir. 1980).

2. **The merits of plaintiff's case.** Most courts considering this question of appointment of counsel indicate that some examination of the merits is required. E.g., Poindexter, 737 F.2d at 1187; Brooks v Central Bank, 717 F.2d 1340, 1342 & n.2 (11th Cir. 1983). The D.C. Circuit has held that plaintiff can satisfy this requirement as long as his case is not "patently frivolous." Poindexter, 737 F.2d at 1187. See also Caston, 556 F.2d at 1309; Jenkins, 721 F.2d at 880.

RELATED CASES, continued

An EEOC finding of reasonable cause to believe that defendant discriminated against plaintiff "establishes a strong but rebuttable presumption that the plaintiff's case has sufficient merit to justify appointment of counsel." Poindexter, 737 F.2d at 1187. See also Bradshaw v Zoological Soc'y, 662 F.2d 1301, 1320 (9th Cir. 1981). However, an EEOC determination of no reasonable cause is not a sufficient basis for denying appointment of counsel. See cases cited in Poindexter, 737, F.2d at 1188.

3. **Plaintiff's efforts to secure counsel.**
To be eligible for appointment of counsel, plaintiff must make "a reasonably diligent effort under the circumstances to obtain counsel." Bradshaw, 662 F.2d at 1319. Accord Poindexter, 737 F.2d at 1188; Nelson v Redfield Lithograph Printing, 728 F.2d 1003, 1005 (8th Cir. 1984); Jenkins, 721 F.2d at 880. This requirement may in turn depend upon factors such as plaintiff's experience in dealing with lawyers, the availability of counsel in the geographic area, and other factors peculiar plaintiff's case. See Jenkins, 721 F.2d at 880.

RELATED CASES, continued

4. **The capacity of plaintiff to present the case adequately without counsel.** The D.C. Circuit established this factor in Poindexter, 737 F.2d at 1188. The factor requires balancing plaintiff's legal skills against those skills required by plaintiff's case. It is suggested that the resolution of this question will depend in part on a second factor, the merits of plaintiff's case. Unless the overwhelming weight of authority is stacked against plaintiff's case, the recognized complexity of Title VII cases militates in favor of appointing counsel for *pro se* plaintiffs. See Maclin v Freake, 650 F.2d 885, 888-89 (7th Cir. 1981) (law may be "so clearly settled that appointment would serve no purpose") (interpreting 28 U.S.C. § 1915 (d)); Caston, 556 F.2d at 1308 (noting importance of appointment of counsel "in an area as complicated as the civil rights field.")

TABLE OF AUTHORITIES CITED

All authorities cited are found in Related Cases,
pages iii-vii.

Cases

1. Poindexter v. FBI, 737 F.2d 1173, 1179, 1184-88 (D.C. Cir. 1984)
2. Hilliard v. Volcker 659 F.2d 1125, 1127-28 (D.C. Cir. 1981)
3. Jenkins v. Chemical Bank 721 F.2d 876, 880 (2d Cir. 1983)
4. Caston v. Sears, Roebuck & Co., 556 F.2d 1305, 1308-10 (5th Cir. 1977)
5. Henry v. City of Detroit Manpower Dep't, 763 F.2d 757 (6th Cir.) cert. denied, 106 S. Ct. 604 (1985) (order not final)
6. Slaughter v. City of Maplewood, 731 F.2d 587 (8th Cir. 1984) (order final)
7. Ivey v. Board of Regents, 673 F.2d 266, 269 (9th Cir. 1982)
8. Luna v International Ass'n of Machinists & Aerospace Workers Local No 36, 614 F.2d 529, 531 (5th Cir. 1980).
9. Brooks v Central Bank, 717 F.2d 1340, 1342 & n.2 (11th Cir. 1983)
10. Bradshaw v Zoological Soc'y, 662 F.2d 1301, 1319-20 (9th Cir. 1981)
11. Nelson v Redfield Lithograph Printing, 728 F.2d 1003, 1005 (8th Cir. 1984)
12. Maclin v Freake, 650 F.2d 885, 888-89 (7th Cir. 1981)

TABLE OF AUTHORITIES CITED, continued

Statutes and Rules

13. Title VII
14. 42 U.S.C. § 2000e-5 (f)(1),
15. 28 U.S.C. § 1291
16. 28 U.S.C. § 1915 (d)

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CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED

- 28 U.S.C. § 1257. (a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.
- (b) For the purposes of this section, the term "highest court of a State" includes the District of Columbia Court of Appeals.

xii.

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED, continued

42 U.S.C. § 1983. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED, continued

- Amendment I. 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 the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
- Amendment V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

xiv.

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED, continued

Amendment XIV. *Passed by Congress June 13, 1866. Ratified July 9, 1868.*

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED, continued

electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any

xvi.

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED, continued

State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

xvii.

CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED, continued

Section 5. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

**Changed by section 1 of the 26th amendment*

Rule 13.1 U.S. Supreme Court

Unless otherwise provided by law, a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a state court of last resort or a United States court of appeals (including the United States Court of Appeals for the Armed Forces) is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment. A petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with the Clerk within 90 days after entry of the order denying discretionary review.

xviii.
CONSTITUTIONAL AND STATUTORY
PROVISIONS INVOLVED, continued

Rule 13.3 U.S. Supreme Court

The time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate (or its equivalent under local practice). But if a petition for rehearing is timely filed in the lower court by any party, or if the lower court appropriately entertains an untimely petition for rehearing or sua sponte considers rehearing, the time to file the petition for a writ of certiorari for all parties (whether or not they requested rehearing or joined in the petition for rehearing) runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment.

xix.

APPENDIX

Appendices are attached to this petition as follows:

Appendix A Court Order from the United States Court of Appeals for the Eleventh Circuit Entered May 19, 2021, USCA11 Case: 20-13376 by Judges JORDAN, PRYOR and LUCK; and can be found at United States District Court for the Northern District of Florida Pensacola Division see Doc. No. 92 of D.C. Docket No. 3:19-cv-00126-MCR-HTC. Copy is included.

Appendix B Court Order from the United States District Court for the Northern District of Florida Pensacola Division entered August 4, 2020, by U.S. District Judge M. Casey Rodgers, see Doc. No. 66 of D.C. Docket No. 3:19-cv-00126-MCR-HTC. Copy is included.

Appendix C Petitioner's second amended appeal for the appointment of legal counsel, can be found at United States Court of Appeals for the Eleventh Circuit filed November 10, 2020, USCA11 Case: 20-13376. Copy is included.

xx.

APPENDIX, continued

Appendix D Court Order to supplement the record, can be found at United States District Court for the Northern District of Florida Pensacola Division entered March 24, 2021, by U.S. District Judge M. Casey Rodgers, see Doc. No. 88 of D.C. Docket No. 3:19-cv-00126-MCR-HTC. Copies of the order, docket record and transcript transmittal are included.

Appendix E Petitioner's motion for panel rehearing and for appointment of legal counsel, can be found at United States Court of Appeals for the Eleventh Circuit filed August 3, 2021, USCA11 Case: 20-13376. Additionally, the motion for panel rehearing and the motion for appointment of legal counsel are denied on August 26, 2021. Copies of the motion and both denials are included.

APPENDIX, continued

Appendix F Petitioner's motion to reconsider the appointment of counsel, can be found at United States Court of Appeals for the Eleventh Circuit filed October 12, 2021, USCA11 Case: 20-13376. The motion is denied on November 1, 2021. Copies of motion and denial are included.

Appendix G Report and Recommendation from the United States District Court for the Northern District of Florida Pensacola Division entered April 17, 2020, by U.S. Magistrate Judge Hope Thai Cannon, see Doc. No. 62 of D.C. Docket No. 3:19-cv-00126-MCR-HTC. Copy is included.

OPINION BELOW

The Eleventh Circuit's opinion granting the respondent's summary affirmance is found at the United States Court of Appeals for the Eleventh Circuit Entered May 19, 2021, USCA11 Case: 20-13376 by Judges JORDAN, PRYOR, AND LUCK and included in Appendix A.

The District Court's judgment is found at United States District Court for the Northern District of Florida Pensacola Division entered August 4, 2020, by U.S. District Judge M. Casey Rodgers, see Doc. No. 66 of D.C. Docket No. 3:19-cv-00126-MCR-HTC and included in Appendix B.

The District Court's Report and Recommendation is found at United States District Court for the Northern District of Florida Pensacola Division entered April 17, 2020, by U.S. Magistrate Judge Hope Thai Cannon, see Doc. No. 62 of D.C. Docket No. 3:19-cv-00126-MCR-HTC and included in Appendix G.

JURISDICTION

The United States District Court for the Northern District of Florida Pensacola Division had jurisdiction under 18 U.S.C. § 3231.

The United States Court of Appeals for the Eleventh Circuit had appellate jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742. The Eleventh Circuit affirmed the respondent's summary affirmance on May 19, 2021. The Eleventh Circuit denied the petition for rehearing on August 26, 2021.

The Supreme Court of the United States has jurisdiction under section 344(B) of title 28, U.S.C., 1940 ed., for review and determination on certiorari and rest on 28 U.S.C. § 1254(1). This petition is filed timely under Supreme Court Rule 13.3, and this Court's November 30, 2020, letter extending to 60 days, and this Court's January 31, 2020, letter extending to 60 days from the date of the letters mentioned.

STATEMENT OF CASE

COMES NOW, the petitioner; Christopher Gabriel Parker, a citizen of the United States of America, in proper person, and appearing as his own counsel, in *Pro Se*. Who petitions this Honorable Court for a Writ of Certiorari directed to the United States Court of Appeals for the Eleventh Circuit. To review the order and judgment of the court below denying the petitioner his appeal for the appointment of legal counsel.

Petitioner submits that the Supreme Court of the United States has the authority and jurisdiction to review the orders, judgment and decisions of the United States Court of Appeals for the Eleventh Circuit denying the petitioner his appeal for the appointment of legal counsel. Under section 344(B) of title 28, U.S.C., 1940 ed., and because the "Due process clause" of the fifth and fourteenth amendment of the United States Constitution has been violated. Furthermore, the decision of the court below denying the petitioner the appointment of legal counsel is also inconsistent and adverse to other lower courts and its own previous decisions in parallel cases.

Attached hereto, and made a part of this petition is a true copy of the petitioner's second amended appeal for the appointment of legal counsel as presented to the United States Court of Appeals for the Eleventh Circuit (See Appendix C). Petitioner asks this Honorable Court to consider the same arguments cited in these petitions for an appeal for the appointment of legal counsel before the United States Court of Appeals for the Eleventh Circuit. In consideration of this petition for a Writ of Certiorari.

The petitioner filed a transcript form for a copy of the transcript of the hearing held in the lower district court on January 16, 2020. The petitioner compelled the discovery of this transcript in both lower district court and the Court of appeals. The court reporter in the lower district court transcribed the hearing and the district judge signed an order to supplement the record with the transcript. Attached hereto, and made a part of this petition is a true copy of the Order from the lower district court to supplement the record, dated March 24, 2021 (See Appendix D). Petitioner asks this Honorable Court to consider the order to supplement the record before the United States Court of Appeals for the Eleventh Circuit. Petitioner asks this Honorable Court to

consider the Prima Facie cited in the transcript for the appeal for the appointment of legal counsel before the United States Court of Appeals for the Eleventh Circuit. In consideration of this petition for a Writ of Certiorari.

The United States Court of Appeals for the Eleventh Circuit did write an opinion granting the respondent's summary affirmance on May 19, 2021, and is attached hereto, and made a part of this petition is a true copy (See Appendix A).

Attached hereto, and made a part of this petition is a true copy of the petition for panel rehearing and the appointment of legal counsel as presented to the United States Court of Appeals for the Eleventh Circuit (See Appendix E). Petitioner asks this Honorable Court to consider the same arguments and authorities and cases cited listed as "Evidence and cited Discovery" in this petition before the United States Court of Appeals for the Eleventh Circuit. In consideration of this petition for a Writ of Certiorari.

The United States Court of Appeals for the Eleventh Circuit did not write any opinion on the petitioner's appeal for the appointment of legal counsel; but did deny the petitioner's right to his

transcript and by virtue his right to write his brief using his transcript.

Petitioner contends that he has been deprived of due process of law for the appointment of legal counsel. Petitioner alleges the denial for his transcript is a violation of due process of law. Petitioner alleges that this violation began in the lower district court and escalated to this appeal in the United States Court of Appeals for the Eleventh Circuit.

Petitioner alleges that the lower district court decided a federal question of substance in a way not in accordance with the applicable decisions of this Honorable court. When at the time of the petitioner's hearing in the lower district court, the respondent did request to dismiss this case, but the dismissal was denied based on the Prima Facie brought before the court and the petitioner's inability to represent his case. Following the hearing, a 30 stay of the court was provided for the petitioner to a workout a financial agreement for legal counsel, but the petitioner was unable to financially secure legal counsel, and the lower district court continued to deny the petitioner the appointment of legal counsel and granted the respondent summary judgment

without allowing the petitioner to present his witnesses and evidence through the aid of the appointment of legal counsel. The lower district court ignored and denied this plea.

Petitioner alleges that prior to the hearing and the final judgment he had requested the aid for the appointment of legal counsel, and that, at the time of filing his claim in the lower district court, he requested the appointment of legal counsel. That the lower district court refused and did not appoint counsel, and the petitioner was incapable adequately of making his own defense to present his claim. In consequence to present his claim in this hearing, the petitioner made a Prima Facie showing a denial of due process of law. Denying the right to transcript of this hearing and not allowing this evidence to be used in petitioner's appeal for the appointment of legal counsel before the United States Court of Appeals for the Eleventh Circuit is a direct violation (U.S.C.A. Const. Amend. 14). Petitioner asks this Honorable Court to consider this argument and right to his transcript in this petition before the United States Court of Appeals for the Eleventh Circuit. In consideration of this petition for a Writ of Certiorari.

Petitioner alleges that prior to filing his appeal in the United States Court of Appeals for the Eleventh Circuit, he filed a petition in the lower district court to compel discovery of the transcript to the hearing denying the dismissal of his case. Furthermore, petitioner alleges a copy of that petition was also filed in the United States Court of Appeals for the Eleventh Circuit at the time of filing his appeal in the United States Court of Appeals for the Eleventh Circuit. Petitioner alleges that the United States Court of Appeals for the Eleventh Circuit denied the transcript and failed to allow the petitioner to use the transcript and write his brief. In consequence of which was made the United States Court of Appeals for the Eleventh Circuit ignored the Prima Facia of due process in the transcript and went straight to summary affirmation and never heard any arguments of the petitioner's appeal, which is exactly what the lower district court did and to which lead to an appeal. The petitioner alleges that the opinion written by the United States Court of Appeals for the Eleventh Circuit ignoring the petitioner's right to his transcript of the petitioner's Prima Facie is a violation to the due process clause of the 14th amendment of the U.S. Constitution by

which violates the petitioner his right to have his appeal for the appointment of counsel heard in the United States Court of Appeals for the Eleventh Circuit. Petitioner asks this Honorable Court to consider this argument in this petition before the United States Court of Appeals for the Eleventh Circuit. In consideration of this petition for a Writ of Certiorari.

Since the United States Court of Appeals for the Eleventh Circuit ignored the lower district court's order to supplement the record with the transcript on March 24, 2021 and granted the respondent his summary affirmance on May 29, 2021, the petitioner filed a motion for the appointment of counsel to complete the only path left for the petitioner's appeal for the appointment of counsel before the United States Court of Appeals for the Eleventh Circuit. Petitioner filed his motion for appointment of legal counsel as part of his motion for panel rehearing (see Appendix E). The petitioner was denied in both counts, the appointment of counsel and the panel rehearing, on August 26, 2021, without any clarification for each denial. The petitioner filed a motion to reconsider the appointment of counsel in order to finalize his only

path for his appeal for appointment of legal counsel, on October 12, 2021, and was denied without any clarification for the denial, on November 1, 2021.

Attached hereto, and made a part of this petition is a true copy of the motion to reconsider the appointment of counsel as presented to the United States Court of Appeals for the Eleventh Circuit (See Appendix F). Petitioner asks this Honorable Court to consider this final argument in this petition before the United States Court of Appeals for the Eleventh Circuit. In consideration of this petition for a Writ of Certiorari.

REASONS FOR GRANTING THE PETITION

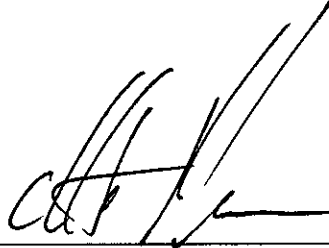
In closing, petitioner submits that the Supreme Court of the United States has the authority and jurisdiction to review the orders, judgments and decisions of the United States Court of Appeals for the Eleventh Circuit denying the petitioner his appeal for the appointment of legal counsel. Under section 344(B) of title 28, U.S.C., 1940 ed., and because the "Due process clause" of the fifth and fourteenth amendment of the United States Constitution has been violated. Furthermore, the decision of the court below denying the petitioner the appointment of legal counsel and his right to transcript is also inconsistent and adverse to other lower courts and its own previous decisions in parallel cases.

The denial of this appeal in both the lower court and court of appeals is based on a question of law regarding the petitioner's need for the appointment of counsel. The above-mentioned evidence presents a substantial question in the law and is a good cause for a Certiorari Petition. In consideration of this petition, the petitioner respectfully asks this Honorable Court for a Writ of Certiorari.

CONCLUSION

For the foregoing reasons, Christopher Parker, Petitioner *Pro Se*, prays that this Court grant a writ of certiorari to the United States Court of Appeals for the Eleventh Circuit.

Respectfully submitted this, the 19th day of August, 2022.

A handwritten signature in black ink, appearing to be 'C. Parker', written over a horizontal line.

Christopher Parker, Petitioner *Pro Se*

C/O Steven Parker

1747 West Smugglers Cove Drive

Gulf Breeze, FL 32563

Phone: 850-226-3829

christopher.parker1980@yahoo.com