

NO. 22-5031

IN THE SUPREME COURT OF THE UNITED STATES

THOMAS SAWYER, PETITIONER

V.

BOBBY LUMPKIN, ET AL; RESPONDENTS

PETITIONER'S PETITION FOR THE REHEARING OF WRIT OF CERTIORARI

TO THE HONORABLE JUSTICES OF THE U.S. SUPREME COURT:

COMES NOW THOMAS SAWYER, PETITIONER IN THE ABOVE ENTITLED AND NUMBERED CASE AND FILES THIS HIS PETITION FOR THE REHEARING OF WRIT OF CERTIORARI AND IN SUPPORT THEREOF WOULD SHOW THIS COURT AS FOLLOWS:

I  
YOUR PETITIONER IS A LAYMAN AT LAW. YOUR PETITIONER BEARS WITNESS TO THE TRUTH AND ONLY THE TRUTH WITH THE SWORD OF JUSTICE ACROSS MY THROAT. THIS COURT DENIED WRIT OF CERTIORARI ON 10-3-22. PETITIONER FILES PETITION FOR REHEARING PURSUANT TO RULE 44.

ON 6-16-22, PETITIONER FILED HIS PETITION FOR WRIT OF CERTIORARI OF WHICH HE HERE AND NOW INCORPORATES IN THE INSTANT PLEADING, IN ITS ENTIRETY, FOR THE SAKE OF BREVITY AND JUSTIFICATION. THIS HONORABLE COURT SHOULD GRANT THIS PETITION FOR THE REHEARING OF WRIT OF CERTIORARI BECAUSE NEVER IN THE HISTORY OF THE U.S. SUPREME COURT, OR THE JUDICIARY FOR THAT MATTER, HAS THIS COURT BEEN PRESENTED WITH A FEDERAL DISTRICT COURT WHICH USES A RACIAL DESIGNATOR OR MONIKER OF "BL" (TO SIGNIFY "BLACK") IN THE CAPTION OF THE CASE DESIGNATING THAT PETITIONER IS A BLACK LITIGANT TO REMIND ITSELF TO LATER DISMISS THE CASE SOLELY BECAUSE PETITIONER IS A BLACK PERSON. JUST BECAUSE THE DISTRICT COURT CHOSE TO USE SAID "BL" MONIKER IN THE INSTANT CASE AFTER PETITIONER POINTED OUT THIS FACT IS IRRELEVANT

BECAUSE THE DISTRICT JUDGE IS ONE AND THE SAME WHOM PREVIOUSLY USED THE SAME RACIAL DESIGNATION IN OTHER CLAIMS (SEE PET. P. 12-15). THIS COURT'S FINDINGS THAT TEXAS COURTS FIND DEFENDANTS GUILTY BECAUSE THEY ARE BLACK PEOPLE MUST BE ADRESSED HERE DUE TO THE NEW UNDERSTANDING NATURE OF RACISM. SEE BUCK SUPRA. (SEE PET. P. 14).

YOUR PETITIONER HAS SEARCHED HIGH AND LOW AND COULD NOT FIND WHERE THIS COURT HAS EVER ADDRESSED THIS SPECIFIC BRAND OF RACISM OR BEEN FACED WITH SUCH A BLATANT DISREGARD FOR THE CONSTITUTIONAL RIGHTS OF AN INDIVIDUAL, AND THIS EXTRAORDINARY CIRCUMSTANCE DEMANDS THIS COURT'S ATTENTION, TO FIRST OFF, PREVENT THIS PRACTICE, AND SECONDLY, SO THAT THE CIRCUIT COURT DOES NOT THINK IT CAN OVERRULE THE COURT'S PRESENCE OF VIOLATING CIVIL RIGHTS

## II

THE EXTRAORDINARY AND COMPELLING FACTS THAT THE LOWER COURTS FEELS IT CAN OVERRULE THIS COURT'S DECISIONS IN BUCK, AND OTHERS MENTION IN THE PETITION, BY DECIDING CONTRARY TO THIS COURT, KNOWING THIS COURT HEARS ONLY ONE PERCENT OF CASES SUBMITTED NEED TO BE ADDRESS. THE LOWER COURT FAILED IN EVER DENYING R-COA (SEE PET. P. 1-16).

## III

THE EXTRAORDINARY AND COMPELLING FACTS THAT WARRANTS GRANTING OF PETITION IS THAT RESPONDENTS CLEARLY ERRONEOUSLY CHANGED THE DEFINITION OF WHAT CONSTITUTE "PUBLIC PLACE" JUST SO THEY COULD CONVICT PETITIONER AND THE LOWER COURTS ERRONEOUSLY WENT ALONG. IF THE LOWER COURTS ARE ALLOWED TO FASHION THE REQUIRED ELEMENTS OF A CRIME AFTER AN ALLEGED CRIME HAS BEEN COMMITTED THEN ALL ACTS BY AN ACCUSED WILL BE A CRIME. THE EVIDENCE CLEARLY SHOWS PETITIONER WAS NOT GUILTY OF AN OFFENSE OF WHICH THE CENTRAL IT REQUIRES HIM TO BE IN PUBLIC WHEN IN FACT HE WAS NOT IN

PUBLIC, AND THE LOWER COURTS CAN NOT PERMIT PRISON OFFICIALS TO CHANGE WHAT CONSTITUTES "PUBLIC" AFTER CONVICTION (SEE PET., P. 16). MOREOVER, THE LOWER COURTS CANNOT ALLOW THEM TO CONVICT PETITIONER FOR SOMETHING THAT IS NOT A CRIME JUST BECAUSE HE IS BLACK (SEE PET., P. 17). FURTHERMORE, ALL OTHER CIRCUIT COURTS HAVE HELD THAT PRISON INMATES HAVE A CONSTITUTIONAL RIGHT TO BE FREE FROM "FORCED EXPOSURE OF ONE'S PERSON TO STRANGERS OF THE OPPOSITE SEX..." HOWEVER, TEXAS CIRCUMVENTS THIS BY WRITING BLACK INMATES FALSE DISCIPLINARY CASES TO COVER SAID VIOLATION (SEE PET., P. 17), NEEDS TO BE ADDRESSED BY THIS COURT,

FEMALE INMATES AND MEMBERS OF THE LGBTQ COMMUNITY HAVE A CONSTITUTIONAL RIGHT TO BE FREE FROM FORCED NUDE EXPOSURE, HOWEVER, HETEROSEXUAL BLACK MEN DO NOT CREATE AN EXTRAORDINARY AND COMPELLING NECESSITY THAT THIS COURT GRANTS WRIT (PET., P. 17-25).

THE 5TH CIRCUIT TACITLY OVERRULING THE ~~WOLF~~ SAFE GUARDS OF WOLFF MUST BE ADDRESSED BY THIS COURT (PET., P. 17-25).

BUT MOST IMPORTANTLY IS THE FACT THAT PETITIONER PRESENTED THE QUESTIONS OF GREAT PUBLIC IMPORTANCE, IN THAT MANY CASES BY THE CIRCUIT COURTS ADDRESS: (1) THE RIGHT OF FEMALE GUARDS TO WORK IN ALL MALE PRISONS; (2) MALE GUARDS RIGHTS TO WORK IN ALL FEMALE PRISONS; (3) FEMALE PRISONERS' RIGHTS AND SEXUAL RIGHTS IN PRISON; AND (4) NOW, DUE TO NEW LAWS, EVEN THE LGBTQ COMMUNITY'S SEXUAL RIGHTS IN PRISON (AND OUT); HOWEVER, THERE IS NO CASE LAW THAT SPECIFICALLY ADDRESSES HETEROSEXUAL MALE PRISONERS' SEXUAL RIGHTS IN PRISON — AND ESPECIALLY THE BLACK MALE INMATES TORTURED SUBJECTION OF INHUMANE TREATMENT AT THE HANDS OF PRISON OFFICIALS — AND WHETHER PETITIONER AND OTHERS SO SIMILARLY SITUATED INVOLVING RIGHT TO URINATE, DEFECATE AND MASTURBATE CAN BE VIOLATED AND THEIR RIGHT TO BE FREE FROM GENDER DISCRIMINATION AND UNDER

(3)

WHAT CIRCUMSTANCES PRISONERS' RIGHTS ARE VIOLATED UNDER THE DUE PROCESS AND EQUAL PROTECTION CLAUSE OF THE 5TH AND 14TH AMENDMENT OF THE U.S. CONSTITUTION, DEMANDS REVIEW BY THIS COURT FOR REASONS STATED IN THE PETITION (SEE PET. P. 1-26; 20-25).

WHEREFORE, PETITIONER PRAYS THIS MOTION BE IN ALL THINGS GRANTED AND ANY AND ALL OTHER RELIEF THIS COURT DEEMS FAIR AND JUST,

RESPECTFULLY SUBMITTED,

THOMAS SAWYER

THOMAS SAWYER, PETITIONER  
VERIFICATION

I THOMAS SAWYER, TWC# 579557, VERIFY THAT THE ABOVE AND FOREGOING IS TRUE AND CORRECT. EXECUTED THIS ~~20TH~~ OCTOBER 20, 2022. 28 USC § 1746.

THOMAS SAWYER

THOMAS SAWYER, PETITIONER  
CERTIFICATE OF SERVICE

I THOMAS SAWYER, PETITIONER HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING HAS BEEN SERVED ON MR. KEVIN BAXTON, TEXAS ATTORNEY GENERAL AND THE CLERK OF THIS COURT ON THE 20TH DAY OF OCTOBER 2022.

THOMAS SAWYER

THOMAS SAWYER, PETITIONER  
TWC# 579557  
610 FM 624  
COTULLA, TX. 78014