

22-8039

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SUPREME COURT, U.S.

Number:

In The Supreme Court Of The United States

*Refus Saman Dawin Spearman, including any and all derivations; and
or variations in spelling, Petitioner v. Mark Parson; Rich Raymond;
Hanna Saad; [Unknown] Mitchell; Nicole Laydechi; Anna Fishman; John Maca-
ri; Michael Bennett; [Unknown] Correctional Officers; [Unknown] Medical Nurse; [U-
nknown] Davis; [Unknown] Threty; [Unknown] Davis; [Unknown] [?]; [Unk-
nown] Holman; [Unknown] Pomer; [Unknown] McRoberts; [Unknown] Ford; D.
Beauvais; Vasilis K. Pozios; Lakshmi Harlapati; Stephanie Lynnos Hensen; S-
cott Webster; [Unknown] McHarrity; Janice Stewart; [Unknown] Battle; [Unk-
nown] Shields; Alfred Taylor; [Unknown] Harrison; Jisha Matt-Davis; Susan
George; Robert J. Pinney; Mark Levine; Karen Solopt; Max Abelman; Ronald
Schwartz; Andrea Durkin; Melanie Clark, Respondents.

On Petition For A Writ Of Certiorari To
The United States Court Of Appeals
For The Sixth Circuit

Petition For A Writ Of Certiorari

*Refus Saman Dawin Spearman.
Qui Hæret In Propria Persona; Sovereign.
Prisoner Identification Number: A-320886.
Michigan Department of Corrections - MDOC.
Oaks Correctional Facility - C.F.
201. Unit 3.
1500 Laborer Highway.
Marquette, Michigan 49660-9200.

Questions Presented

1. Whether under Washington v. Harper, 494 U.S. 210, 110 S.Ct. 1028, 108 L.Ed.2d 178 (1990), any of the Defendant's decision(s) to have me involuntarily admitted into the Michigan Department of Corrections' Corrections Mental Health Program, and involuntarily medicated with antipsychotic drugs, violated my due process right to refuse unwanted mental health treatment, where based upon a May 2018 Corrections Mental Health Program "Comprehensive Psychiatric Examination" and "Qualified Mental Health Professional Report," I have "never been a danger to myself or others and have I always taken good care of [my]self regarding [activities of daily living]?"

2. Whether under West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624, 63 S.Ct. 1178, 87 L.Ed. 1678 (1943), any of the Defendant's decision(s) to have me involuntarily admitted into the Michigan Department of Corrections' Corrections Mental Health Program, and involuntarily medicated with antipsychotic drugs, violated my rights to espouse and freely express religiously based parapsychological beliefs, opinions, and ideas, where based upon a May 2018 Corrections Mental Health Program "Comprehensive Psychiatric Examination" and "Qualified Mental Health Professional Report," my "concern" regarding parapsychological activity is "a part of [my] religious beliefs as well."

3. Whether under Marshall v. Holmes, 141 U.S. 589 (1891), the district court's denial of my "independent action" and dismissal of my case was cl-

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Questions Presented (continued)

early erroneous or contrary to law?

4. Whether under the Federal Rules of Appellate Procedure, Rule 24(a)(3), and Nottingham v. Williams, 490 U.S. 319, 109 S.Ct. 1827, 104 L.Ed. 2d 338 (1989), the court of appeals' denial of my motion to proceed in forma pauperis on appeal and dismissal of my appeal was clearly erroneous or contrary to law?

List Of Parties

All parties appear in the caption on the cover page.

Related Cases

*Rufus Lamar Davis Spearman, Plaintiff, v. Mary Parson, Et al., Defendants, Number: 2:18-cv-10673-NGC-DHG, United States District for the Eastern District of Michigan Southern Division. Judgment entered March 28, 2018. Order denying motion for an independent action relief from judgment entered August 07, 2019.

*Rufus Spearman, Plaintiff-Appellant, v. Mary Parson, et al., Defendants-Appellees, Number: 20-1913, United States Court of Appeals for the Sixth Circuit. Order entered June 06, 2022, denying motion to proceed in forma pauperis on appeal. Order entered August 02, 2022, denying rehearing. Order entered August 17, 2022, denying rehearing en banc.

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In The
Supreme Court Of The United States.

Petition For A Writ Of Certiorari.

I respectfully pray that a writ of certiorari be issued to review the judgment below.

Opinions Below

The order of the United States Court of Appeals appears at Appendix A to the petition.

The opinion and order of the United States District Court appears at Appendix B to the petition.

Jurisdiction

The day on which the United States Court of Appeals decided my case was June 06, 2022. I filed a timely petition for rehearing en banc which was denied by the United States Court of Appeals on August 02, 2022, and August 17, 2022, and a copy of these orders denying rehearing, and rehearing en banc appears at Appendix C.

The jurisdiction of this Court is involved under 28 U.S.C.
§ 1254(1).

Constitutional and Statutory Provisions Involved

This petition for a writ of certiorari involves Article I in addition to and amendment of the Constitution of the United States of America; Article VIII in addition to and amendment of the Constitution of the United States of America; and, Article XIV in addition to and amendment of the Constitution of the United States of America. It also involves the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc.

The text of these provisions are attached as Appendix E to this petition, and are stated in pertinent part(s).

Statement Of The Case

Now Comes, ~~for~~ Rufus Lamar Davis Spearman, including any and all derivation(s); and for variations in spelling, hereinafter, also referred to as either me, my, myself, and/or I, also the Petitioner in these proceedings, and am a Unsubstantiated African American, 43 year young, single, heterosexual, Male being unlawfully detained as a prisoner by the State of Michigan, and Michigan Department of Corrections (MDOC), and am proceeding with this Petition for a Writ of Certiorari without the assistance of a lawyer, counsel, or attorney.

In my motion for an independent action for relief from a judgment, order, or proceeding I asserted that in or around June 8, 2016, after informing Defendant Anne Sarala of the fact that I was requesting outside authorities conduct an investigation into what I suspected was a civil conspiracy, she with the advice from Defendant [Unknown] Hargis, and a number of the Baraga Correctional Facility officers, intentionally misrepresented information, falsified facts and documents, placed me on psychiatric observation, and then transferred me to the Woodland Center Correctional Facility's WCC "Crisis Stabilization Unit." (District Court, EC 7 Num. 19).

After arriving to WCC, on or about June 14, 2016, Defendant Hanna Doad and a number of the other Defendants denied me a fair and lawful hearing, and based solely on the falsified "referral" made by Defendant's Sarala and Hargis, involuntarily admitted me into

Statement Of The Case (continued)

the Corrections Mental Health Program (CMHP), and ordered that I be involuntarily medicated with the antipsychotic medication Haldol. When I objected to the treatment order and refused to accept the prescribed pills, I was physically attached by Officer's donning riot gear, subdued, and a female nurse (Caucasian) injected me in the buttocks with the drugs. I was forced by employees of the Michigan Department of Corrections (MDOC) and the CMHP to accept and ingest these antipsychotic drugs for approximately 21 months. (District Court, 'Decl. In Supp. of Indep. Act.', ECF Num. 19, p. 2 of 6).

On or about February 05, 2018, I filed a 40 plus page complaint in the United States District Court for the Eastern District of Michigan (Detroit), presenting the claims identified in questions (1) and (2) of the 'questions presented' in this petition. (Dist. Ct., 'Complaint', ECF Num. 1, Page 1d. 41-45)

On or about March 28, 2018, Judge Nancy H. Edmunds dismissed my lawsuit alleging that I failed to state a claim, stating:

"The reports indicate that plaintiff had a history of depression and suicide attempts. [...] The report indicates that plaintiff was suffering from paranoid thoughts that could lead him to be a danger to himself or others. [...] It also indicated he had a prior history of depressive episodes and suicide attempts. [...] It also indicated that plaintiff attempted suicide three times by hanging or drowning." (Dist. Ct. 'Opin. Ord.', ECF Num. 7, Page 1d. 2-7-18).

"A review of the various records attached also shows that p-

Statement Of The Case (continued)

Plaintiff is suffering from serious mental illness that may make him dangerous to himself or to other persons. There is no due process violation in the involuntary administration of medicine to an inmate who suffers from a mental illness. [...] Because the various records attached by plaintiff to his complaint clearly show that he suffers from a serious mental illness, the involuntary administration of medication to plaintiff does not violate his constitutional rights." (Id. at Page Id. 222).

During this same month, March of 2018, psychiatrist Dr. Aja Khan, employed with the MDOT's CIHP at the Ernest A. Brooks Correctional Facility, discontinued the involuntary treatment order of Haldol and Cogentin. (Mental Health Report 18-454-01-287, 5/25/18, 'Comprehensive Psychiatric Examination PA 252').

Approximately two months later, on or about May 25, 2018, the CIHP staff at the Ernest A. Brooks Correctional Facility, MDOT, wary due to the filing of this lawsuit in federal court, examined my records in an effort to verify the reasons provided for the previous involuntary treatment orders. After admitting that the factual information intentionally included and relied upon in the previous mental health reports was not true and unsubstantiated, Dr. Khan and Miss Lisa Markes, a CIHP social worker, completed the aforementioned Mental Health Report disclosing the truth and discharging me from the CIHP. (ECF Num. 19, 'Decl. In Supp. of Indep. Act.', pp. 4-6 of 6) I was not a participant/patient of

Statement Of The Case (continued)

the EHP before this ordeal, and have not been a participant / patient since my discharge from the EHP.

On or about August 05, 2019, I filed a motion for an independent action for relief from a judgment, order, or proceeding pursuant to Rule 60 (D)(1) of the Federal Rules of Civil Procedure (Fed. R. Civ. P.), seeking annulment of Judge Edmunds' March 28, 2018, opinion and order ~~and~~ mainly dismissing my lawsuit. The basis I asserted for my independent action was the May 25, 2018, Mental Health Report 18-454-01-dh7, which clearly showed that the underlying action was based on fraudulent information. As this was the sole reason the medication was discontinued in March of 2018, and I was discharged in May of 2018. (EEF Num. 19 'Mot. Req. for relief from judg.')

Just two days later, on or about August 07, 2019, Judge Edmunds denied my motion for independent action relief from a judgment, order, or proceeding. (EEF Num. 20 'Order Den. Mot. for Indep. Act.')

On or about September 11, 2019, I filed a motion to alter or amend the judgment, order, or proceeding pursuant to Rule 59(e), Fed. R. Civ. P., requesting Judge Edmunds alter or amend her order denying my motion for an independent action, where said order provided no analysis of the supporting factual information contained within the May 25, 2018, Mental Health Report 18-454-01-dh7. (EEF Num. 21, 'Mot. to Alt. or Amend Judg.')

On or about September 01, 2020, Judge Edmunds denied my motion to alter or amend the judgment. (EEF Num. 24 'Opin. / Order Den. Mot. to Alt. or Amend Judg.')

Statement Of The Case (continued)

After filing a timely notice of appeal on or about October 01, 2020, I filed a motion to proceed on appeal in forma pauperis, and for the appointment of counsel. (EEF Num. 28 and 27). On or about October 22, 2020, Judge Edmunds denied my motion for the appointment of counsel. (EEF Num. 29). At no time did Judge Edmunds state in writing her reasons for certifying an appeal would not be taken in good faith.

On or about June 06, 2022, the United States Court of Appeals for the Sixth Circuit, Batchelder, Circuit Judge denied my motion to proceed in forma pauperis on appeal. (U.S.C.A. 6, 20-1913).

On or about June 22, 2022, I filed a petition for en banc panel rehearing. On or about August 02, 2022, and August 17, 2022, the United States Court of Appeals for the Sixth Circuit, Griffin, Nalbandian, and Headlee, Circuit Judges denied my petition for en banc panel rehearing. (U.S.C.A. 6, 20-1913).

Basis For Federal Jurisdiction

This case raises a question of interpretation of the free religious exercise clause of Article I in addition to and amendment of the Constitution of the United States of America, and the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc (h) (1) (RILUPA). It also raises a question of interpretation of the due process clause of Article XIV in addition to and amendment of the Constitution of the United States of America.

Basis For Federal Jurisdiction (continued)

The district court had jurisdiction under the general federal question jurisdiction conferred by 28 U.S.C. § 1331.

Argument

Point 1

Since under *Washington v. Harper*, 494 U.S. 210 (1990), the State can only treat a prison inmate who has a serious mental illness with antipsychotic drugs against his will, if the inmate is dangerous to himself or others and the treatment is in the inmate's medical interest, the lower court incorrectly held the pleadings are frivolous and do not state a claim.

In my motion to proceed in forma pauperis on appeal I sought review of the district court's - Judge Nancy McEdmonds and Magistrate Judge David H. Grand - denial of my motion for an independent action for relief from judgment, order, or proceeding. (United States Court of Appeals for the Sixth Circuit ("U.S.C.A. 6"), 20-1913)

In my motion for an independent action I requested relief from the March 28, 2018, judgment because I had proof in the form of a Mental Health report 18-454-01-dh7, showing I had no history of being a danger to myself or others, suicide attempts, and that the treatment was not in my medical interest. Because I intelligibly objected but was involuntarily admitted into the CMHP and then forcibly

medicated, the Defendant's actions violated the guidelines articulated in Washington v. Harper, 494 U.S. 210, 227, 110 S.Ct. 1028, 1039-1040, 108 S.Ct. 2d. 178, 202 (1990). (E.D. Mich., ECF Number 19)

The U.S.C.A.'s denial of my motion to proceed in forma pauperis is on appeal claiming that my "appeal lacks an arguable basis in law and is therefore frivolous", (U.S.C.A., 20-1913), and the district court's summary dismissal of my complaint at the screening stage, (E.D. Mich., ECF Number 7), and denial of my motion for an independent action claiming that I failed to state a claim, (E.D. Mich., ECF Number 20), conflicts with Washington v. Harper, supra.

Point 2

Since under West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943), religiously based parapsychological beliefs, opinions, and ideas are protected under the First Amendment, and can only be restricted to prevent grave and immediate danger to interests which the State may lawfully protect, the lower court incorrectly held the pleadings are frivolous and do not state a claim.

In my motion to proceed in forma pauperis on appeal I sang-

ht review of Judge Edmunds and Magistrate Judge Lrands denial of my motion for an independent action for relief from judgment, order, or proceeding. (U.S.C.A. 6, 20-1913)

In my motion for an independent action I requested relief from the March 28, 2018, judgment summarily dismissing my complaint because I had proof in the form of Mental Health Report 18-454-01-287, which specifically stated a number of times, that my parapsychological opinions and ideas were and are a part of my religious beliefs. Because I intelligibly objected, but was involuntarily admitted into the CMHP, and then forcibly medicated by the Defendants in an effort to suppress, and change my religiously based parapsychological beliefs, opinions, and ideas, the Defendant's actions violated the holdings of West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624, 641-642, 65 S.Ct. 1178, 1187, 87 Cl. Ed. 1128, 1139 (1943). (E.D. Mich., CC7 Number 19)

The U.S.C.A. 6's denial of my motion to proceed in forma pauperis on appeal claiming that my appeal lacks an arguable basis in law, and is therefore frivolous, (U.S.C.A. 6, 20-1913), and the district court's summary dismissal of my complaint at the screening stage, (E.D. Mich., CC7 Number 7), and denial of my motion for an independent action claiming that I failed to state a claim, (E.D. Mich., CC7 Number 20), conflicts with West Virginia State Bd. of Educ. v. Barnette, supra.

Point 3

Since under *Marshall v. Holmes*, 141 U.S. 589 (1891), a judgment in an underlying action that has been based on a forged document constitutes an injustice sufficiently gross to warrant the relief requested, the lower court incorrectly denied my motion for an independent action for relief from judgment, order, or proceeding.

In my complaint (E.D. Mich., EE7 Number 1), I alleged the Defendants involuntarily admitted me into the EMHP over my objections and were attempting to force me into renouncing and abandoning my religiously based parapsychological beliefs, opinions, and ideas by involuntarily medicating me with antipsychotic medications. (Id. at Page I.D. 13)

On or about March 28, 2018, Judge Edmunds and Magistrate Judge Anand summarily dismissed my lawsuit at the screening stage, holding that I failed to state a claim. (E.D. Mich., EE7 Number 7-8) In the reasons for the summary dismissal Judge Edmunds stated, *inter alia*:

"The reports indicate that plaintiff had a history of depression and suicide attempts. [...] The report indicates that

plaintiff was suffering from paranoid thoughts that could lead him to be a danger to himself or others." (E.D. Mich., ECF Number 7, Page 13 217)

Approximately two months later, on or about May 25, 2018, E-MHP staff Dr. Jia Khan, a psychiatrist, and Lisa Markher, a social worker, completed Mental Health Report 18-454-01-017. In this report Miss Markher confirmed that I had never been a danger to myself or others, that I had never attempted to commit suicide and that previous records stating otherwise were unsubstantiated, and that my parapsychological views were part of my belief system. She verified these facts by way of my institutional files and medical records. Dr. Khan reaffirmed Miss Markher's findings with his own assessments contained in this same report.

On or about August 05, 2019, I filed a motion for relief from judgment pursuant to Rule 60(d)(1), Fed. R. Civ. P., (E.D. Mich., ECF Number 19), trying to get an independent action for relief from Judge Edmunds' March 28, 2018, opinion/order and judgment against me. The request for an independent action was based on Mental Health Report 18-454-01-017, and corollary reasoning that there is no way the March 28, 2018, judgment should be enforced, now that there is evidence that the facts relied upon for that judgment are false and unsubstantiated.

Just two days later, on or about August 07, 2019, Judge Ed-

munds issued an opinion and order denying my independent action for relief from her March 28, 2018, judgment holding in relevant part:

"Plaintiff's current independent action is an attempt to re-litigate his claims which this Court considered and rejected when summarily dismissing the original complaint. A party cannot use an 'independent action' relief from judgment to re-litigate issues that were finally determined in the prior action." (E.D. Mich., ECF Number 20, Page ID. 278)

Judge Edmunds' reasons for denying my independent action are clearly erroneous for multiple reasons, and thus effectuates, and perpetuates the grave miscarriage of justice my independent action attempted to correct.

First, there is no way possible Judge Edmunds and the district court could have considered and rejected the claims presented in my independent action when they summarily dismissed my complaint. Because the informative facts in Mental Health Report 18-454-01 & 87, which my independent action was based on, was not completed and distributed until almost two months after the dismissal of my complaint. This reason asserted by Judge Edmunds and the district court is a "factual impossibility." (See United States v. Peete, 919 F.2d 1168, 1176 (6th Cir. 1990)) A "factual impossibility" is the situation in which the defendant is unable to accomplish what he intends because of some

facts unknown to him [or her.]"; accord, Stafford v. United States, 2016 U.S. App. LEXIS 142752, *8 (6th Cir. 2016).

Moreover, this is exactly what the independent action's sole purpose is, to relieve me from the prior judgment. And, if the facts of the Beggs case, (United States v. Beggs, 524 U.S. 38 (1998)), were not ~~settled~~ enough to obtain relief through an independent action (i.e., failure of the Government to furnish relevant information), but the Marshall v. Holmes, *supra*, case was (i.e., the plaintiff alleged that judgment had been taken against her in the underlying action as a result of a forged document), then even more so in my situation (i.e., judgment has been taken against me in the underlying action as a result of the defendant's falsely alleging that my religiously based parapsychological beliefs, opinions, and ideas are delusions, that I have a history of suicide attempts, and that I was unable to function and take care of my daily needs).

Furthermore, my circumstances are significantly more egregious than the Marshall case in terms of sustained injury. Where the substantial injury sustained by the plaintiff in that case was of a pecuniary nature. However, here the facts clearly show I was forced into a mental health facility, and suffered psychological, emotional, and physical injury as a direct result of being forcibly medicated with the antipsychotic medication Haldol, for nearly two years. Accordingly, the lower court erred in denying my motion for an independent action for relief from judgment, order, or proceeding based upon its opinion that my independent action was an attempt to relitigate issues that were finally determined in the

prior action.

Point 4

Since under *Hetzke v. Williams*, 490 U.S. 319 (1989), a complaint filed by an in forma pauperis litigant that presents arguable legal claims devoid of fanciful factual allegations qualifies as meritorious, the U.S. CA-6 incorrectly denied my motion to proceed on appeal in forma pauperis.

In my complaint I alleged the Defendants involuntarily admitted me into the CMHP over my specific objections, and attempted to force me to renounce and abandon my religiously based, parapsychological beliefs, opinions, and ideas by forcibly medicating me with antipsychotic medication. Despite the fact that I was not mentally ill, had no history of being a danger to myself or others, and had no history of being unable to function and properly care for my daily needs. (E.D. Mich., ECF Number 1, Page ID 20-30).

I further asserted the Defendants were acting under color of state law (E.D. Mich., ECF Number 1, Page ID 15-20), and violated my rights under PLUAPA, and the First, Eighth, and Fourteenth Amendments to the U.S. Constitution. (Id. at Page ID 41-45).

On or about March 28, 2018, Judge Edmunds summarily dismissed my complaint alleging I "failed to state a claim upon which relief can be granted." (E.D. Mich., ECF Number (Num.) 7).

On or about May 25, 2018, while being housed at the Earnest C. Brooks Correctional Facility, ECHP staff members Richard Myers, a psychiatrist, Erika Sordell, a psychologist, Chad Klieber, a mental health professional, Jia Khan, a psychiatrist, and Lisa Marken, a social worker, discontinued the antipsychotic medication I was being forced to take and discharged me from the ECHP. They perfected a mental health report: 18-454-01-LHF, in which they admit that I have no documented history of being a danger to myself or others, no documented history of suicide attempts, no documented history of ever being unable to care for myself, and that the "concerns", "thoughts", and/or "beliefs" which allegedly caused my involuntary admittance into the ECHP, and forced medication were in fact "a part of [my] religious beliefs."

Armed with this new mental health report, the discontinuance of the medication, and my discharge from the ECHP, on or about August 05, 2019, I sought an independent action under Rule 60(d)(1), Fed. R. Civ. P., (E.D. Mich., ECF Number 19), on the grounds that Judge Edmunds' decision to summarily dismiss my lawsuit was based on fraudulent factual information intentionally included in the Defendant's mental health reports. I attached a copy of the May 25, 2018 mental health report: 18-454-01-LHF to this pleading!

On or about August 07, 2018, just two days later, Judge

ge Edmunds denied my independent action. (E.D. Mich., ECF Number 20).

On or about October 01, 2020, I filed a motion for the appointment of counsel, and a notice of appeal. (E.D. Mich., ECF Number 27 and 28). On or about October 22, 2020, Judge Edmunds denied my motion for the appointment of counsel. (ECF Number 29). She did not state in writing any reasons, nor certify that an appeal would not be taken in good faith. (See, rule 24(a)(3), Fed. R. App. P.)

On or about June 06, 2022, Judge Batchelder of the U.S. E.A. 6 denied my motion to proceed in forma pauperis on appeal, stating that my "appeal lack[ed] an arguable basis in law, and is therefore frivolous [.]" (U.S.E.A. 6, 20-1913).

On or about June 22, 2022, I filed a petition for en banc panel rehearing showing both "a financial inability to pay the required fees, [and] also a reasoned, nonfrivolous argument on the law and facts in support of the issues raised on appeal." McIntosh v. U.S. Parole Comm'n, 115 F.3d 809, 812 (10th Cir. 1997). (U.S. E.A. 6, 20-1913).

On or about August 17, 2022, my petition for an en banc panel rehearing was denied. My petition was before: Richard Allen Griffin, John B. Nalbandian, and Chad A. Headlen, Circuit Judges. (U.S.E.A. 6, 20-1913).

In denying my motion to proceed on appeal with in forma pauperis status, one of the cases the U.S.E.A. 6 relied on was [.]

Callahan v. Schneider, 178 F.3d 800 (6th Cir. 1999). In Callahan the Sixth Circuit denied his request for pauper status on appeal on the basis of his frivolousness. Holding that pursuant to Heck v. Humphrey, 512 U.S. 477, 486-487, 114 S.Ct. 2364, 129 L.Ed.2d 383, 1994 U.S. LEXIS 4824 (1994), he was seeking to indirectly challenge the validity of his pending state criminal charges. Here, my claims in the lower courts and this petition do not violate the rationale of current precedents, and thus, are not frivolous as was the issue in Callahan. Nor does the claims I have presented to the lower courts and in this petition "embrace [...] inarguable legal conclusion(s)," and thus, constitute "frivolous" as defined by the court in Nettles v. Wilkins, 490 U.S. at 325 (1989). (Hep. U.S.C.A. 6, 20-1913, "Order ~ Denying Motion to Proceed In Forma Pauper is on Appeal", dated June 06, 2022).

Moreover, the U.S.C.A. 6 also relied on the case of Hiasson Aero. Sci., Inc. v. HCO Eng'g Inc., 872 F.3d 336 (6th Cir. 2017). The court in the Hiasson case reaffirmed the independent action legal doctrine found in Marshall v. Holmes, *supra*. Holding, by stating, in relevant part:

"[T]o proceed with an independent action in equity (the level of fraud or misconduct' alleged must be 'several notches of severity above that required for a Rule 60(b)(3) motion [.]'" (citations omitted).

On this point, the court relied multiple times on the case of United States v. Beggerly, 524 U.S. 38 (1998), for its support. And, ironically, the court in the Beggerly case cited and relied upon the case of Marshall v. Holmes, *supra*, for some of its support.

However, my circumstances in this lawsuit were significantly more egregious than the Marshall case, where the most injury sustained by the victim in that case was of a pecuniary nature. Here, however, the facts clearly show I was forced into a mental health facility, and suffered psychological, emotional, and physical injury as a direct result of being forcibly medicated with the antipsychotic medication Haldol, for nearly two years.

Furthermore, what exacerbates "the level of fraud or misconduct" here, placing it "several notches [...] above that required for a Rule 60(b)(3) motion" as articulated by the court in the Licsson case, is the fact that both parties to the Marshall case, while from different states, were nonetheless ordinary citizens. The Defendants identified in my complaint, however ~ unlike the parties in the Marshall case ~ are, or were, State of Michigan employees. Employees of the MSOL, an extension of the Executive and Judicial Branches of State Government. Employees trained... and paid not to do what they did to me! Accordingly, the appellate court erred in denying my motion to proceed *in forma pauperis* on appeal on the basis that the issues are frivolous.

Conclusion

Since RLHIPA and the First Amendment guarantees protection of my religiously based, parapsychological beliefs, opinions, and ideas; coupled with the facts that I have no history of being a danger to myself or others, and involuntarily medicating me was unnecessary; and since the district court's summary dismissal of my complaint and denial of my independent action was based on mental health reports containing misrepresented information, falsified facts and documents, the U.S.C.A. 10's denial of my motion to proceed in forma pauperis on appeal on the basis that the appeal lacked an arguable basis in law should be reversed.

Intelligence & Positive Progression...

* R. L. S. S.
* RUFUS LAMAR SALIN SPEARMAN.

November 02, 2022
COPY: Michigan Att-
orney General
* R. L. S. S.