

22-6971

No. _____

ORIGINAL

FILED

FEB 27 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Joseph Dingle
(Your Name)

— PETITIONER

vs.

Terry Garrett; Rockwall Co Sheriff, et al
RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

No court has ever read the suit, never considered merits
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph Dingle
(Your Name)

102 Matthew
(Address)

Hutto, TX 78
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. In California v. Texas, 141 S. Ct 2104 (2021) this Court found the ACA to be a proper use of Congress's taxing power... Under this same logic, reasoning or other Constitutional principle is 28 USC §1914 a tax? If so, is this proper & appropriate exercise of power ~~upon~~ upon the people's right of petitioning Gov't for redress?
2. If the above are true, and this Court in Klopper v. NC, 386 US 213, 223 (1967) acknowledged the Magna Carta being the rootspring of ~~the~~ framers vision of due process, quoting, 'We will sell to no man, we will not deny or defer to any man either justice or right' and Lord Coke commentaries stated; "Justice must have three qualities: (a) It must be free, for nothing is more odious than justice let to sale, (b) full, for justice ought not limp or be granted piece-meal and (c) speedily, for delay is a kind of denial and then it is both justice & right... The question is this:
I. Without a commercial-nexus in the pleading signature of the pleading by membership number of 'nobility'; does 28 USC §1914 improperly delay justice to the people's redress?
II. Does 28 USC §1914 working in concert with PLRA entanglements created undue burden on the lower courts, taking them away from the merits adding 'injury' for the peoples humble pleas for redress?
3. Do amorphous & arbitrary Article III environments present insurmountable obstacles towards meritorious in pro-per sui juris Access to Courts under petitioning clause; causing abridgment of political speech, Petitioning rights thereby causing cascading irreparable injury of Constitutional magnitude when seen through this Court's holdings in Christopher v. Harbury, 536 US 403 (2002)?

4. If We the People delegated power to Congress for governing, namely, to apply uniformly under the Enclave Clause and/or to stretch as necessary & proper under the Elastic Clause across all districts, Circuits, the questions are:

I. Does 28 USC § 2072 survive scrutiny under Non-Delegation in either of two actions: 1st Art I to SCOTUS or 2nd from SCOTUS to inferior courts for local rulemaking where there exists impermissibly vague discretion in contrast to this Court's criminal rulemaking holding in *Mistretta v. US*, 488 US 361 (1989) and more in line with Justice Harlan in *Field v. Clark*, 143 US 649 (1892)?

II. Does 28 USC § 2072 fail or Waterdown Congress's checking powers of legislation & deprive Equal Protection, Equal Application of laws, creating arbitrary environments... i.e. Do 'We the People' have Constitutional interest to demand consistency of Art III powers, a 'branding' of Federal Rules set forth by Congress or 'One Supreme Court'... or persist in lawless avant garde Parliamentary ways 'in such inferior courts as the Congress may from time to time ordain'.

III. Does 28 USC § 2072, 1914 and/or PLRA - as applied to petitioner abrogate *Marbury v. Madison*, 5 US 137, 180 (1803)... as all operate to deprive citizens of life, liberty or property without due process of law.

5. In *US v. Jackson*, 390 US 570, 581 (1968) this Court said: "If [a law] had no other purpose or effect than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it would be patently unconstitutional, the questions are:

I. Does the PLRA or 28 USC § 1915 pass scrutiny given they chill/freeze 1st Amendment petitioning guarantees in unique question to the Doctrine of Unconstitutional Condition?

II. Does the PLRA or 28 USC § 1915 pass scrutiny when looked through facets of Non-Delegation, a bill of 'Pains & Penalties' when 'papers & effects' are seized in dragnet for PLRA screening?

III Should *Bivens* be extended into these Ex parte proceedings when we consider *US v. Lee*, 106 US 196, 200 (1882)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. Jones v. Boock, 549 US 199 (2007) 'The... rules are not required by the PLRA and crafting & imposing such rules exceeds the proper limits of judicial Role.'
2. Rotella v. Wood, 528 US 549 (2000) 'The object of RICO Act is not merely to compensate victims but turn them into prosecutors, that is, Private Attorney General, dedicated to eliminating racketeering activity.'

STATUTES AND RULES

1. US Const Art I § 9, cl 3 Bill of Pains & Penalties
2. US Const Art I § 8, cl 18 Enclave Clause
3. US Const Art I § 8, cl 18 Elastic Clause
4. 28 USC § 1914
5. 28 USC § 2072 (Rules Enabling Act of 1934)
6. ~~28~~ PLRA
7. 28 USC 1915

OTHER

1. Taxation without Representation
2. Noer-Pennington Doctrine
3. Anti-SLAPP Statutes (PLRA)

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

1. Joseph Dingler v. Georgia 139 S.Ct. 600 (mem) (Pet Cert Denied)
2. TXND cases for Joseph Dingler.
3. Sibbach v. Wilson, 312 US 1 (1941)

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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 _____ 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 _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 19, 2023.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Pretrial Detainees 'Petitions' are not "Seperate, but Equal"... In view of the Constitution, in the eyes of the law, there is in this Country no superior, dominate, ruling class of [litigants]... Our Constitution... Knows nor tolerates classes among citizens. In respect of Civil Rights, all [litigants] are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings... when his civil rights as guaranteed by the Supreme Law of the Land are involved. Plessy v. Fergusson, 163 US 537 (1896)
2. It is the only supreme power in our system of govt, and every man who, by accepting office participates in it's functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations which imposes on the exercise of the authority which it gives. US v. Lee, 106 US 196, 220 (1882)
3. It may be that it's the obnoxious thing in it's mildest form; but illegitimate or unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of [Petitioning] should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional rights of the Citizens and against any stealthy encroachments thereon. Their motto should be Obsta Principiis. Boyd v. US, 116 US 616, 635 (1886)

STATEMENT OF THE CASE

1. This case is very straight forward, after a rogue District court, persisted in slamming the court door in Petitioner's face while he was incarcerated, once released ~~as~~ as a free citizen drafted and filed an Access to Courts suit, seeking the court 'provide some effective vindication for a separate & distinct right to seek judicial relief for some wrong.' Christopher v. Harbury, 536 US 403 (2002)
2. However, he was still subjected to the entanglements of PLRA 'Pains and Penalties' and both as pretrial detainee and free citizen he contends this is "punishment" without due process of law in Ex parte proceedings See US v. Lovett, 328 US 303 (1946)
3. The Fifth Circuit has three-strikes from 20 years ago, Petitioner still contends was leveraged against him not for being frivolous, but rather to allow Conditions of Confinement to go unchecked in County jail. Petitioner was beaten by 5 guards, rec'd 3rd Strike on TXND 3:02 co-2749 and deprived Appeal after his trial was disfavorably adjudicated.
4. As a free citizen, the entanglements of the PLRA 'slippery-slope' have reached him ... having Attained him & petitioning the US District Attorney refuses to perform. He was beaten again at Dallas County jail during COVID and has again been beaten At Tarrant County Jail as a pretrial detainee ... Both Counties fall squarely in TXND living room and get a free pass, as not even 'Private Atty General' suits can survive Ex parte gauntlet.

REASONS FOR GRANTING THE PETITION

1. Given this case is a superior vehicle for this Court to compel and enforce its jurisdiction to act where inferior courts have refused to. It is, however, much more importantly shown this court can directly address many unanswered questions created by Legislation signed into law under dubious circumstances... i.e. President Bill Clinton ~~was~~ found Not guilty, then among many questionable laws signed as he departed the White House... the PLRA was born.
2. It not to be stated that a problem ^{does not} overwhelms federal dockets with inmate petitions, however, as shown in Repub Party of Mn v. White, 536 US 765 (2002) "the States" by the beginning of 20th Century, however, elected judiciaries increasingly came to be viewed as incompetent and corrupt and criticism of partisan judicial elections mounted." Id @ 791 and the problems in the States have overflowed to federal dockets... The PLRA attempted to address a symptom of the problem as accepting the fiction of the Constitutionality of judicial elections.
3. Failing to address the source of the problem, call out the fiction and then Article III a festering issue, the problem has increased exponentially which then further ignores the elephant in the room... and brings us to the PLRA is the docket cleaning mechanism towards free citizens having Court door slammed in their face.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

J. Dwyer

Date: 2-20-23