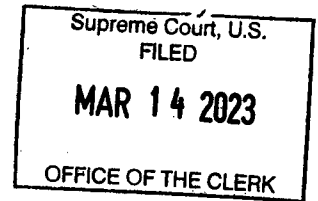


22-7081 ORIGINAL
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



TAMER Abdullah — PETITIONER
(Your Name)

vs.

City of Killeen, City of Belton et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

1285182
TAMER Abdullah
(Your Name)

113 WEST CENTRAL
(Address)

Belton, TX.
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1.- 2-13-23 Habeas Corpus (Application for certificate of Appealability) DENIED: NO. 22-51052
Does PETITIONER have right to have his HABEAS heard and his allegations disputed by Respondents?
6:22-CV-160 DENIED by DISTRICT COURT = Feb 2022.
- 2.- Should NURSE BRANDON (f then WELL-PATH now TURN KEY) have administered/ordered AN X-RAY (CIRCA 2021-AUG) to determine if PETITIONER had ANY broken bones? WAS this deliberate indifference?
- 3.- Does PETITIONER have the right to be found guilty by a jury of his peers within the seventy-days per the (Federal speedy trial Act) OR CAN Bell County Sheriff's Dept. detain AN INNOCENT offender charged with A crime for AN indeterminate amount of time, ? WITHOUT trial?
- 4.- Does PETITIONER have protection against UNREASONABLE searches and seizures by Police OFFICERS per his U.S. CONST 4th Amend RIGHT?
- 5.- Does PETITIONER enjoy the U.S. CONST 2ND AMENDMENT right to bear ARMS?

6. — Does Petitioner have A Sixth-Amendment right of self-representation and/or counsel of his choosing, and Adequate/Effective counsel? OR CAN counsel be forced on him and his right to self-representation Arbitrarily taken?
7. — Does petitioner have the first Amendment right to liberty?
8. — Does petitioner enjoy the protection Against self-incrimination per the U.S. CONST. 5th Amend.?
9. — Should the District Court have given Petitioner an option to amend his civil/Habeas complaints, instead of summarily denying them? (6:22-CV-160)
10. — Should the COURT of APPEALS have directed the DISTRICT COURT to Address the complaint brought by the Petitioner on the merits? (6:22-CV-160)
11. — Are there any rights that Petitioner enjoys as A UNITED STATES CITIZEN?
12. — Does petitioner have Any recourse to obtain his freedom from reprisals/harassment?

QUESTIONS PRESENTED cont:

- 13 — ARE THE LOWER COURTS IN ERR IN STATING THAT "THE STATE OF TEXAS" CANNOT BE HELD LIABLE FOR INJURIES SUFFERED BY PETITIONER? PROTECTED BY ELEVENTH AMENDMENT?
14. IS IT TRUE THAT THE KILLEEN POLICE DEPT. IS NOT AN ENTITY THAT CAN BE SUED AS CLAIMED BY THE CIRCUIT COURT IN DENYING HIS CLAIM?
15. JULY 29, 2022 PETITIONER ATTEMPTED TO GET RELIEF FROM THE COURT, ARBITRARY DENIAL OF PETITIONER'S HABEAS CORPUS AND OTHER MOTIONS. IS THE THIRD DISTRICT COURT OF APPEALS IN ERR CLAIMING THEY LACK JURISDICTION?
16. ARE THE LOWER COURT "GAS-LIGHTING" THE PETITIONER CONCERNING HIS CLAIMS?

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:

- The STATE OF TEXAS
- Bell County Sheriff's Dept.

- Killeen Police Dept.

- The UNITED STATES DISTRICT COURT FOR
The WESTERN DISTRICT OF TEXAS (WACO) (WELLPATH) (DIVISION)

Sheriff's EDDY LANGE, Jeff LANDRY, NURSE BRANDON, D.A. HENRY GARZA, Former Killeen Police chief - CHARLES Kimble, Attorneys: John Balligan, Michael MAGANA, Judge: STEVE DUSKIE
RELATED CASES Former Senator DAWN Buckingham
Gov. GREG Abbott, incumbent Sen. The Hon. Kel. Seliger, Belton TX. =
Mayor: WAYNE Carpenter, Killeen, TX. Mayor: Debbie NASH KING
TX. Attorney Gen. Ken Paxton, Judges: Alan D. Albright, Circuit Judges: JONES, HAYNES, and OLDHAM - WELLPATH (medical), Dr. Puglisi.
Sheriff LAMPASAS - RAMOS, CA. District Attorney - Michael Ramos, Attorney ZACHARY BOYD, CCPOA San Bernardino Police Dept., San Bernardino County Sheriff's Dept., Fontana Police Dept.
LAMPASAS: Judge GANT, LAMPASAS D.A. John K. Greenwood

(All in their individual and official capacities)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- ① - ILLINOIS V. GATES, 462 U.S. 213, 103 S. CT. 2317, 76 L. ED. 2d 527 (1982)
 - GATES V. ILLINOIS
 - FRANKS V. DELAWARE (Due Process)
- ② - DUPAQUIER TEST/TERRY (4th Amendment violations)
- ③ - MACDONALD TEST (SPEEDY TRIAL)
- ④ - MAYS V. DART TEST (inadequate Medical CARE)

STATUTES AND RULES

- ⑤ - TEX. PEN. Code 39.02 Abuse of office Capacity
- ⑥ - " " 39.03 Official Oppression
- ⑦ - " " 46.15 (b)(7) (inapplicability)
- ⑧ - " " 46.04 (f) 1, 2, 3 / (G) 1, 2, 3 Felon in Poss. firearm
- ⑨ - " " 46.02 (A-7) unlawful carrying weapon
- ⑩ - " " 9.41, 9.42, 9.43. (CASTLE LAW)

OTHER

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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 pg 1-4 A 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 14-27 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,

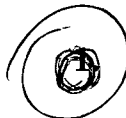
☐ is unpublished.

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 JAN-11-2023 / Feb 13, 2023 - Habeas (COA)

☒ 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 _____. *enclosed: Pg (42)*
filed to late said 40 days allotted expired 3-7-23

☐ 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

- ⑪ - U.S. CONST. 1ST AMEND. RIGHT TO LIBERTY violated.
- ⑫ - " " 2ND AMEND. RIGHT TO BEAR ARMS violated.
- ⑬ - " " 4TH AMEND. PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE violated.
- ⑭ - " " 5TH AMEND. PROTECTION AGAINST SELF INCRIMINATION violated and DUE PROCESS CLAUSE violated.
- ⑮ - " " 6TH AMEND. RIGHT TO SPEEDY TRIAL violated and RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL violated.
- ⑯ - " " 8TH AMEND. PROTECTION AGAINST CRUEL AND UNUSUAL PUNISHMENT violated.
- ⑰ - " " 14TH AMEND. DUE PROCESS CLAUSE violated.
- ⑱ - Federal Speedy trial ACT (70 days after indictment)
 - TEX. PEN. CODE 46.04 (e) and (f)
 - TEX. PEN. CODE (CASTLE LAW) 46.02
 - TEX. PEN. CODE (CASTLE LAW) 9.41, 9.42, 9.43

STATEMENT OF THE CASE

Case (No) 21DCR 84869

8-16-21 Petitioner was stopped by Killeen Police Dept. for failing to activate turn signal. (A common tactic used by KPD to initiate false arrest and harass minorities) prior to turn. Two officers on the passenger side of vehicle alerted officer on driver's side on need to search vehicle. (unreasonably)

The - ~~zero~~ alleged "baggies with white substance" never materialized (U.S. CONST. 4th Amend). But flare-gun/firearm was located under driver's seat. Petitioner was subsequently arrested for "felony in possession of firearm".

PER CASTLE LAW TEX. PEN CODE 9.41 (b)(2) Petitioner is permitted to have weapon in vehicle. (12) (13) (14)

PER TEX. PEN. CODE 46.04 (e) and (f). The elements of a felony must be present for it to be considered a felony.

CASE NO. 10139 LAMPASAS CIRCA. NOV. 2019

OVER \$2500 LOSS TO VICTIM INTEL'S A FELONY. Cell phones were returned merchant lost zero dollars. Therefore it is not a felony according to 46.04 (e) and (f). (5) (6) (7) - Merchant - false arrest -

Charge and act must be felony. Since SEPT. 2021 indictment Petitioner has been attacked four times and three hospital visit requiring surgery. Petitioner is not being allowed to represent himself by Judge STEVIE DUSKIE, forcing Michael MAGANA (who is listed as a Judge so Petitioner can't remove him from case via STATE BAR). (15)

- 11-22-22 Habeas Corpus Arbitrarily denied DISTRICT COURT 6:22-CL-1096-ADA
COA DENIED 2-13-23 NO 22-51052-5th CIRCUIT

Judge Puskas, D.A. HENRY GARZA, Michael MABANA and Bell County Sheriff EDDY LANGO HAVE CONSPIRED to keep PETITIONER from the COURT ROOM and INCARCERATED as LONG AS possible without DUE PROCESS. Nearly two years (3) (16) (15) (17) (5) (18) COURT dates are SET and re-set CONTINUALLY. With NO end in sight. PETITIONER has had surgery in left temple, when he was attacked that required stitches. His rib was also broken. His knee was INJURED, and tendon was TORN April 2022. Surgery SEP 2022. He was ATTACKED MARCH 2023 re-injuring torn tendon (Pending Surgery).

* AUG. 2021 PETITIONER was attacked. UNbeknownst to him his rib was broken. Nurse BAANDON lamented "I don't see anything" instead of ordering X-RAYS. PETITIONER was sent back to location where injury occurred, and was again attacked, now with busted head (4) (16) requiring stitches (Scott and White-Temple). Deliberate Indifference

After spending four months in LAMPASAS County Jail, and 4 months in AUSTIN State Hospital (CIRCA July 2019 (cause no. 10139) theft of two cell phones that were returned negating a loss required for over \$2500 loss for felony.) PETITIONER was for the first time in COURT after NOV 2018 arrest and after ^{being} unlawfully misrepresented by DR. PUGILIERE (as mentally incompetent) and ignored the entire eight months by ZACHARY BOYD. PETITIONER was given a plea agreement and finally released. Sheriff RAMOS is relative of D.A. Michael RAMOS (LAMPASAS) (California D.A.)

STATEMENT of the case (2) (37)

PRISON
CASE
10139
LAMPASAS
USED
AS
FELONY
for
STATE
ARREST

CIRCA AUG. 2021 IF Killeen Police Dept. OFFICERS
would have asked PETITIONER why he had
weapon they would have found that he was
A Security OFFICER at "O'bok RESTAURANT"
off Fort Hood Blvd. in Killeen TEXAS. (7) MAKING
TEX. Pen. Code 46.04 INAPPLICABLE. (7) PETITIONER WAS
IN ROUTE TO WORK at O'bok at time of
ARREST.

DECLARATION

I DECLARE under penalty of perjury
that the foregoing is TRUE and CORRECT
to the BEST of my knowledge,

Umar Abdullahi
Pro-se litigant

3-14-23
date

STATEMENT OF THE CASE

PETITIONER ^{WAS} ACCUSED OF "ASSAULT OF STAFF" (CORRECTIONAL OFFICER) CIRCA. 2013, WHICH THE HIGH DESERT, CA. DISTRICT ATTORNEY REFUSED TO PROSECUTE, TO THE CHAGRIN OF THE CCPOA. PETITIONER HAS BEEN HARASSED BY INDIVIDUALS SINCE THIS INCIDENT IN HIGH DESERT CALIFORNIA. ⁽¹¹⁾ SEP 2016 PETITIONER ^(REPRESENTING SELF) BEAT ^{COURT} SAN BERNARDINO D.A. RAMOS AND RECEIVED TIME-SERVED ^{INSTEAD OF 32 MONTHS OFFERED} FOR AN ALLEGED THEFT IN FONTANA, CA. JAN 2016 / CIRCA. JAN - FEB 2017 PETITIONER RETURNED TO CALIFORNIA FROM TEXAS, AND ^{VIA MICHAEL RAMOS} WAS ARRESTED DUE TO FICTITIOUS WARRANTS CREATED CAUSING PETITIONER TO REMAIN INCARCERATED FOR OVER SIX MONTHS. PETITIONER WAS FINALLY RELEASED AND THE ATTEMPT TO ACT AS IF HE WASN'T DISCHARGED FROM PAROLE / PROBATION BY FONTANA PROBATION ⁽¹¹⁾ DEPT. CIRCA OCT - DEC 2016. WAS FINALLY OVER. SINCE JULY 2017 PETITIONER HAS REMAINED IN KILLEEN TEXAS. JAN 11, 2023 USDC NO. 6:22-CV-160 NO. 22-50347, THE FIFTH CIRCUIT COURT OF APPEALS CLAIMED ⁽¹⁴⁾ ⁽¹⁷⁾ THAT PETITIONER FAILED TO ALLEGED A CLAIM THAT COULD BE CONSTRUED AS "DELIBERATE INDIFFERENCE" ERRONEOUSLY. SEVERAL OF PETITIONER'S U.S. CONST. RIGHTS ARE BEING VIOLATED, WHICH IS CLEARLY "DELIBERATE INDIFFERENCE" TO HIS U.S. CONST. RIGHTS. THE CIRCUIT COURT ALSO ERRONEOUSLY CLAIMS THAT THE CLAIMS BROUGHT UNDER U.S.C. § 1983 ARE NOT PROPERLY BROUGHT AND BELONG ONLY WITHIN A HABEAS CORPUS PETITION. PETITIONER IS SUING FOR DAMAGES IN § 1983. NURSE BRANDON (OF TURN-KEY / THEN OF WELL-PATH) ACTED ~~ED~~ WITH DELIBERATE INDIFFERENCE AS A MEDICAL PROFESSIONAL IN NOT ORDERING AN X-RAY EXAMINATION, FULLY AWARE THAT DAMAGES IN THE AREA PETITIONER INDICATED COULD REFLECT INTERNAL INJURY UNSEEN ON THE SURFACE. ⁽⁴⁾ ⁽¹⁶⁾

REASONS FOR GRANTING THE PETITION

Petitioner believes that the Petition should be granted, because law enforcement officials need to be held accountable when they violate the law. UNITED STATES citizens should have recourse to have their rights protected. If not this Honorable Court, then whom? Officials working inside jails and out need to know that all the courts will not side with them in their illegalities. That they can't treat inmates any-kind-of-way with impunity. That the consequences of violating someones rights ARE severe. That as long as you fight for your rights and stay within the law, there is relief available. To show that regardless of race, or religion, or anything else, any differences are subservient to our U.S. CONST. rights. That offenders will be held accountable. That our judicial system does work. That we don't have to wait until something horrible i.e. death happens before some justice is achieved. That Petitioner does have rights and is not wrong in pursuing justice against those who violate them.

I declare under penalty of perjury
that the foregoing is TRUE and correct
to the best of my knowledge,

M. Abdullah
pro-se litigant

3-14-23
date

For his pain and suffering, petitioner requests
damages of compensatory, declaratory, and
punitive, in the amount of two point five
billion U.S. dollars (\$2,500,000,000). And
his immediate release from this unlawful
confinement.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

M. Abdullah

Date: 3-14-23