

~~#~~ 22-7019  
No.

~~No.~~ 22-2154

IN THE  
SUPREME COURT OF THE UNITED STATES

In Re James Windling PETITIONER  
(Your Name)

ON PETITION FOR A **Rehearing**

**ENN BRACE**

PETITION FOR WRIT OF HABEAS CORPUS

James C. Windling #K8615  
(Your Name)

Unit 26 A, Bld, Bed #90  
(Address)

Parchman, MS 38738  
(City, State, Zip Code)

662-745-6611  
(Phone Number)

Page 1.

# Table of Context

Petition for a Rehearing .....	<u>1</u> Pg
List of Parties .....	<u>2</u> Pg
Jurisdiction of U.S Supreme Court .....	<u>3</u> Pg
Newly discovered evidence .....	<u>4</u> Pg
Question Presented .....	<u>5</u> Pg
Parties to this Action .....	<u>6</u> Pg
Statement of Claims .....	<u>6</u> Pg
Requesting Consolidation .....	<u>7</u> Pg
Reason To Grant Petition .....	<u>8, 9</u> Pg
Relief Sought .....	<u>10</u> Pg
Appendix "A" .....	<u>8</u> documents
Certificate of Service .....	<u>11</u> Pg

### 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

Pro Se / UNKNOWN

Page 2.)

# "Jurisdiction of U.S Supreme Court"

"The Three Strike rule" bars a prisoner from bring a Civil Action on an appeal in federal Court without paying the filing fee if that prisoner has on three or more prior occasions, while incarcerated or detained in any facility, brought an action on appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

→ 28 U.S.C. § 1915(G) ←

\*\*\* Although Challenges based on the failure to charge an offense may be made at any time (see) Fed.R. Crim.P. 12(b)(2) (see) MRCP.(14)

→ "The Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1)." ←

# "Newly discovered evidence"

IN trying to obtain the Charging Affidavit for Sexual Battery petitioner proceeds on information only that "No" Affidavit or an Arrest Warrant can be obtained for failure to charge, book or Arrest the petitioner for such charge.

"Due to the Heinous and Otrous Acts of the police department and Circuit Court the defendant has been held and falsely charged for a crime that does not exist and no records can be provided for such."

"BASED upon the "IN Interest of Justice", Civil Rights, fundamental Constitutional Violation, taking of Hostage Act [1982] this Motion / Petition for Rethearing should be GRANTED ON the LAH.

by: James Winding  
PRO Se C

Page 4.)

## "Question Presented"

- ① Whether THE UNITED STATES Supreme Court Should have GRANTED in forma Pauper AS Petitioner ARGUMENT is a Jurisdictional Challenge, ILLEGAL Arrest, Deprived of his Liberty protected by The UNITED STATES Constitution?
- ② Whether THE UNITED STATES Supreme Court Should have / NOW Grant in forma Pauper AS Petitioner is under Imminent Danger of Serious physical INJURY due to being Label as a Sex offender by Prison GANG members?  
↑  
28 U.S.C § 1915(g)
- ③ Respondent Waiver of Rights to Challenge Petitioner IFP Request?

Parties to this Action

I, James C. Winding, am the Petitioner in this action and am housed at  
Mississippi State Penitentiary.

Respondent, MARC McClure is  
employed as Superintendent with the  
Mississippi Department of Corrections at MSP.

Respondent, Ashley Lauren Sulser is  
employed as State Attorney with the  
Mississippi Department of Corrections at Attorney General Offices

IV.

Statement of Claims

The following is a brief summary of the facts of the case. (Describe how each respondent is involved, including dates, places and names. Do not give legal arguments or cite any cases/statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use additional pages if necessary.)

ON 4/21/23 I Received Legal mail from  
U.S Supreme Court denying in forma Pauper  
(See) Attached Appendix "A" No. 22-7019

The Honorable Court Should Grant  
in forma Pauper for following Reason:  
"Although Challenges based on the failure  
to charge an offense may be made at any  
Time (See) Fed. R. Crim. P. 12(b)(2)"

Page (6.)

→  
Next page

# "Requesting Consolidation"

That this Honorable Court denying  
in forma pauper in this case  
No. 22-7154, on or about April 24, 2023

This Petition for Rehearing Enbrace  
is for both No. 22-7019 and No. 22-7154  
As both cases are the same. This  
Request is to Strengthen this petition.

4/24/23

DATE

Respectfully,  
James C. Winding  
Pro Se

# "Reason To Grant Petition"

Petitioner Was Stabbed over (17) time by  
Gang members October 11, 2004 due to  
Charge Sexual Battery  
(See) USDC, Clerk Records

Petitioner Was Stabbed over (2) time by  
Gang members August 4, 2022 due to  
Charge Sexual Battery  
(See) Appendix "A"

Petitioner Was Given Pain Pills that  
Cause Liver Damage by Prison officials  
(See) Appendix "A"

Petitioner Prison Records Will Prove  
that he been Assaulted by Prison Gangs  
and Attempt to Stabbed him by a Red Tag  
Inmate 4/17/23 at Parchman (See)  
C.I.D Records. (See) Attached Appendix "A"  
(See) all USDC, Clerk Records Will prove  
of Settlement over 30 Lawsuits with  
GEO Group, Inc.

There is a Conspiracy to "Kill" Petitioner  
Winding an order to cover up him being  
Unlawfully in prison on Sexual Battery  
Never been Legally Charged.

\*BASED upon taking of Hostage Act [1982]

Illegally Detain in Custody as a Alleged  
Sex offender, IFP motion should be  
granted under Imminent Danger of Serious  
Injury that can Lead to Death.

(See) mdoc Letter of Commissioner  
Burl Cain Appendix "A"

**Respondant Waiver of Right to Respond.**

(See) Relief Sought → Next Page

4/25/23

DATE

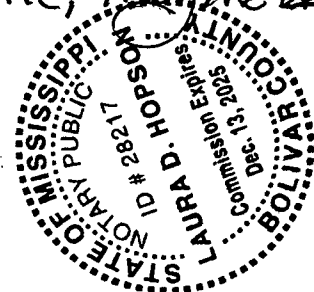
Shown to and Subscribed before me, this the 25 day  
of April, 2023

Notary Public

Respectfully,

James C. Wynn

Page 9.)



Relief Sought

Petitioner respectfully requests that this Court (Briefly state what you are asking this

Court to do for you)

That the United States  
Supreme Court Grant in forma Pauper  
Status. Due to Respondent Attorney  
Ashley Lauren Sulser "Waiver of All  
Right of State of Mississippi to Respond."  
This Honorable Court Should Grant  
Petitioner James C. Winding # K8115  
Immediately Release from Custody.

Respectfully Submitted,

James Winding  
Petitioner

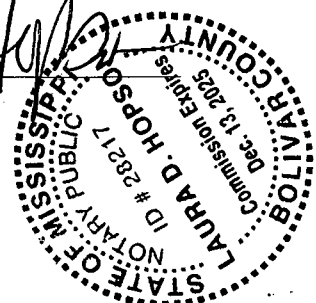
STATE OF MISSISSIPPI  
COUNTY OF Sunflower

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said jurisdiction, the within named Petitioner, who, after first being by me duly sworn, stated on oath that the statements set forth in the above and foregoing are true and correct as therein stated.

SWORN TO AND SUBSCRIBED before me, this the 25 day of

April, 2023

Laura D. Hops  
NOTARY PUBLIC



Page 10.)

#  
No. 22-7019  
#  
No. 22-7154

IN THE  
SUPREME COURT OF THE UNITED STATES

In Re James C. Windy PETITIONER  
(Your Name)

*Rethealing  
FNBRAE*

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
*And Under Imminent Danger  
of Serious Physical Injury*

The petitioner asks leave to file the attached petition for a *Rethealing*  
corpus without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in  
the following court(s):

Adams County, Mississippi Supreme Court,  
U.S. District Court

☐ Petitioner has **not** previously been granted leave to proceed *in forma  
pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

James Windy  
(Signature)

WHEREFORE, PREMISES CONSIDERED, this Petitioner respectfully prays  
that this Court enter an Order allowing him to proceed on appeal in forma pauperis.

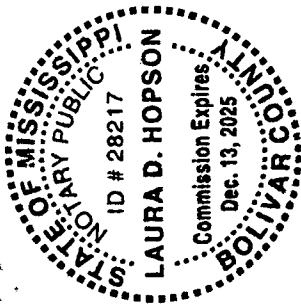
Respectfully Submitted,

James Windy  
Petitioner

SWORN TO AND SUBSCRIBED BEFORE ME, this the 25 day of  
April, 2023

Laura D. Hopson  
Notary Public

My commission expires:



Attached  
APP endix  
"A" IFP

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, James Winding, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Self-employment	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Income from real property (such as rental income)	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Interest and dividends	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Gifts	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Alimony	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Child Support	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Retirement (such as social security, pensions, annuities, insurance)	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Disability (such as social security, insurance payments)	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Unemployment payments	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Public-assistance (such as welfare)	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Other (specify): <u>N/A</u>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>
Total monthly income:	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>	\$ <del>0</del>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ 0

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ 0

4. How much cash do you and your spouse have? \$ \_\_\_\_\_  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$ 0	\$ 0

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<input type="checkbox"/> Home Value N/A	<input type="checkbox"/> Other real estate Value N/A
<input type="checkbox"/> Motor Vehicle #1 Year, make & model N/A Value N/A	<input type="checkbox"/> Motor Vehicle #2 Year, make & model N/A Value N/A
<input type="checkbox"/> Other assets Description N/A Value N/A	

Exhibit  
Appendix → A

THIS FORM IS TO BE COMPLETED BY THE PLAINTIFF/MOVANT

**AUTHORIZATION FOR RELEASE OF INSTITUTIONAL ACCOUNT INFORMATION  
AND PAYMENT OF THE FILING FEE**

I, James C. Winding hereby direct  
Movant's Name and Prison Register or Identification Number

and authorize the custodian of my inmate account to provide the Clerk of the United States District Court for the Northern District of Mississippi information from my prison inmate institutional account, including all balances, deposits, and withdrawals. The custodian of my inmate account may also provide the Clerk of Court information from the past 6 months and in the future until the full filing fee is paid. I also authorize custodian of my inmate account to withdraw funds from my account and to send the payments to the Clerk of Court, in accordance with 28 United States Code § 1915 (as amended).

Date: 2/06/2023 James C. Winding  
Movant's Signature

**CERTIFICATE**  
(Prisoner Accounts Only)

THIS FORM IS TO BE COMPLETED BY AN AUTHORIZED INSTITUTIONAL OFFICER

I certify that James Winding K8115  
Movant's Name and Prison Register or Identification Number

is a prisoner confined at the following institution: MSP

I certify that I am the institution's officer responsible for making certifications regarding prisoners' inmate accounts. I certify that as of the date appearing next to my signature at the bottom of this Certificate, the prisoner named above has the following sum of money on deposit in the inmate account records at this institution: \$ 0

I further certify that during the last 6 months this prisoner's average monthly balance in the inmate account records was: \$ 0

I further certify that during the last 6 months this prisoner's average monthly deposit in the inmate account records was: \$ 0

I further certify that the prisoner has the following securities to his credit: N/A

Date: 2/7/2023 Kathleen McClurg  
Prison Inmate Account Officer's Signature

Mail this form to: Pro Se Law Clerk, U.S. District Court, 203 Gilmore Dr., Amory, Mississippi 38821

RECEIVED

FEB 07 2023

INMATE LEGAL  
ASSISTANT PROGRAM

Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001

APPENDIX  
"A"

Scott S. Harris  
Clerk of the Court  
(202) 479-3011

April 17, 2023

Mr. James C. Winding  
Prisoner ID K8115  
MSP, Unit 26A, B-Zone, Bed 90  
Parchman, MS 38738

Re: In Re James C. Winding  
No. 22-7019

Dear Mr. Winding:

The Court today entered the following order in the above-entitled case:

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of habeas corpus is dismissed. See Rule 39.8.

Sincerely,



Scott S. Harris, Clerk

1-8 Document(s)



STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
Burl Cain  
COMMISSIONER

Donald Faucett, M.D.  
Chief Medical Officer

Office of Medical Compliance  
601.359.5155 (o)  
601.359.5165 (f)

JAMES C WINDING K8115  
MSP  
UNIT 26, BLD A, ZONE B, BED 0090

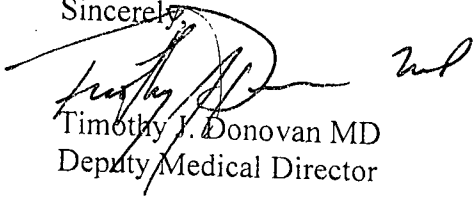
➤ December 20, 2022

Dear Mr. WINDING,

Thank you for your letter about your liver functions and additional legal issues. I will only address your liver functions. I have reviewed your medical records, including all the medications you have taken since your incarceration. Your liver enzymes are indeed elevated, and this should be investigated. I am in no position to argue if this is or is not due to pain medication until a thorough examination is complete.

I am forwarding this letter to VitalCore to ask that this be looked at.

Sincerely,

  
Timothy J. Donovan MD  
Deputy Medical Director



Appendix  
'A'

STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
BURL CAIN  
COMMISSIONER

JEWORSKI MALLET  
DEPUTY COMMISSIONER

INSTITUTIONS  
(601) 359-5600

April 18, 2023

Inmate: James Winding #K8115  
Unit: 26A

Your "sensitive" issue request has been received in this office.

Your sensitive issue request has been reviewed. In order for your complaint to be treated as sensitive, the Director of Administrative Remedy Program must agree with you and accept it as a sensitive issue.

I do not find that this matter meets the criteria for sensitive treatment; therefore, I am returning my response to you for submission through the Administrative Remedy Program (ARP) as a non-sensitive ARP and is therefore denied as to sensitive issue.

You will have five (5) days after receipt of this response to submit your potential grievance through regular channels to ILAP staff. ILAP will log the request into Offender Trac and then forward it to the ARP department at your housing facility for consideration.

Sincerely,

R. Pennington, Director  
Administrative Remedy Program

Pc: RP  
File

Appendix  
Exhibit  
A



STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
BURL CAIN  
COMMISSIONER

Superintendent  
Mississippi State Penitentiary

Post Office Box 609  
Parchman, Mississippi 38738  
(662)745-6611

February 6, 2023

Inmate: James Winding #K8115  
Unit: 26A

RE: Your Request for Administrative Remedy:

ARP is in response to your correspondence concerning submitted ARP 9/1/22. Please be informed that this ARP is not the same as the complaint submitted concerning 8/4/22. You have received a copy of the letter concerning this matter, however your complaint was not submitted in a timely matter. Please follow the instructions of the previous correspondences. According to the 8/4/22 incident you have fulfilled the process to seek judicial review (MSP-23-02).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Pennington", followed by a vertical line.

Richard Pennington, Director  
Administrative Remedy Program

PG: Inmate file

OFFICE OF THE CLERK  
SUPREME COURT OF THE UNITED STATES  
WASHINGTON, DC 20543-0001

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300

Appendix  
A

Date Received 4/2/23

Accepted ☒

Refused ☐

Inmate Signature James Winding

Date/Time

Inspected by V. Howard

04/17/2023

US POSTAGE \$000.60

US OFFICIAL MAIL  
Official Penalty  
For Private Use  
ZIP 20543  
041M11120601

James Winding #K8115

April 17, 2023

Mr. James C. Winding  
Prisoner ID K8115  
MSP, Unit 26A, B-Zone, Bed 90  
Parchman, MS 38738

26A  
Bed 90 Bzone



EXONERATION PROJECT  
311 N. Aberdeen St. #300  
Chicago, IL 60607

*Appendix*  
*A*

U.S. SUBURBANITE  
MISSISSIPPI  
MISSISSIPPI

US POSTAGE  
ZIP 60607  
0217H  
0006065097  
\$000.60  
APR 19 2023

Date Received *4-24-23*  
Accepted ☒ Refused ☐  
Inmate Signature  
Date/Time  
Inspected by *[signature]*

**CONFIDENTIAL LEGAL CORRESPONDENCE**

James Winding K8115  
Mississippi State Penitentiary  
P.O. Box 1057  
Parchman, MS 38738  
*26A zone B Bed 90*

38738-999955



Appendix  
Exhibit  
A-2



STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
BURL CAIN  
COMMISSIONER

Superintendent  
Mississippi State Penitentiary

Post Office Box 609  
Parchman, Mississippi 38738  
(662)745-6611

January 26, 2023

Inmate: James Winding #K8115  
Unit: 26A

RE: Your Request for Administrative Remedy: MSP-23-02



I am in receipt of your request for Administrative Remedy concerning red tagging another inmate.

It has been noted that you have a previously rejected ARP concerning the same issue.

Therefore, since this matter has already been rejected, this particular request will not be processed.  
No other complaints concerning this issue is needed.

Note: Please contact CID with your concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Pennington".



Richard Pennington, Director  
Administrative Remedy Program

RP/

Pc: File

"Appendix"  
"A"



STATE OF MISSISSIPPI  
DEPARTMENT OF CORRECTIONS  
BURL CAIN  
COMMISSIONER

Please talk  
Letter from  
MDOC Commissioner  
Sexual Battery does  
Not Exist on  
N.C.I.C

October 14, 2022

USDC # 5:05-CV-178  
malicious Arres  
malicious procure

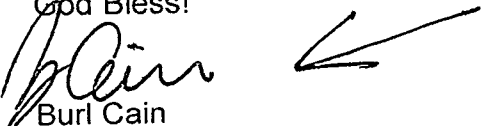
→ James Winding. MDOC #K8115  
MSP Unit 26, Bld A, Zone B, Bed 90  
Parchman, MS 38738

Dear James,

Thank you for your letters regarding your sentencing and incarceration. Yours is an unfortunate situation but please understand I don't have any authority or control over an inmate's sentence rendered by a judge. The judge sets the time and the sentence conditions - I just keep the keys.

If you believe your sentencing was in error, you may wish to seek legal advice. Sorry I can't be of additional assistance to you in this matter.

God Bless!

  
Burl Cain  
MDOC Commissioner