

No. 22-7019

No. 22-2154

IN THE
SUPREME COURT OF THE UNITED STATES

In Re James Winding PETITIONER
(Your Name)

ON PETITION FOR A

Rehearing
Embrace

PETITION FOR WRIT OF HABEAS CORPUS

James C. Winding # TK8115
(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>89</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 or 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 or 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) M.R.C.L.P. (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 of an Arrest Warrant can be obtained for failure to charge, book or Arrest the petitioner for Such charge.

"Due to the Heinous and Detrimental 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 Detaining should be GRANTED on the LAH.

by: James Winding
PMSe

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?
Page 5.)

55

Parties to this Action

I, James C. Windig, 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's
"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 paper in this case
No. 22-2154, on or about April 25, 2023

This Petition for Rehearing Embrace
is for both No. 22-2019 and No. 22-2154
AS both Cases are the same. This
Request is to Strengthen this petition.

Respectfully,
James C. Winding
Pro Se

4/24/23

DATE

"Reason To Grant Petition"

Petitioner Was Stabbed over (1) 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 Q Red Tag
Inmate 4/12/23 at Parchman (See)
C.I.D Record(s). (See) Attached Appendix "A"
(See) All USDC, Clerk Records Will prove
of Settlement over 30 Lawsuit(s) 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, ITP Motion Should be
granted Under Imminent Danger of Serious
Injury that can Lead to Death.

(See) MDOC Letter of Commissioner
Burt Cain Appendix "A"

Respondent Waiver of Right to Respond.

(See) Relief Sought → Next page

4/25/23

DATE

Sworn to and Subscribed before me, this the 25 day
of April, 2023, at (MS) 04/25/23
Notary Public

Respectfully,

James C. Wren



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

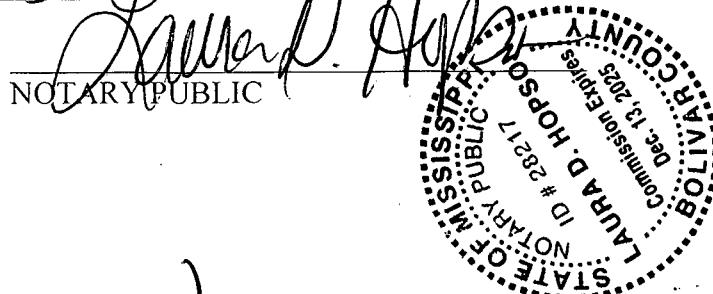
STATE OF MISSISSIPPI
COUNTY OF Sunflower

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

NOTARY PUBLIC



Page 10.)

No. 22-7019
No. 22-7154

IN THE
SUPREME COURT OF THE UNITED STATES

In Re James C. Winding PETITIONER
(Your Name)

*Rethearing
EN BANC*

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 ~~rehearing~~ *Rethearing* 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

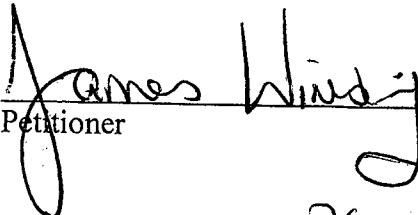
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

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

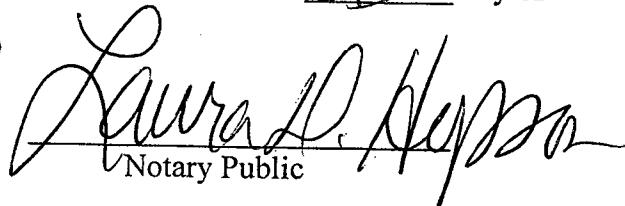
James Winding
(Signature)

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

Respectfully Submitted,


Petitioner

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


Laura D. Hopson
Notary Public

My commission expires:



Attached
Appendix A IFP

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

I, James Windham, 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
Employment	You \$ <u>00</u>	Spouse \$ <u>00</u>
Self-employment	You \$ <u>00</u>	Spouse \$ <u>00</u>
Income from real property (such as rental income)	You \$ <u>00</u>	Spouse \$ <u>00</u>
Interest and dividends	You \$ <u>00</u>	Spouse \$ <u>00</u>
Gifts	You \$ <u>00</u>	Spouse \$ <u>00</u>
Alimony	You \$ <u>00</u>	Spouse \$ <u>00</u>
Child Support	You \$ <u>00</u>	Spouse \$ <u>00</u>
Retirement (such as social security, pensions, annuities, insurance)	You \$ <u>00</u>	Spouse \$ <u>00</u>
Disability (such as social security, insurance payments)	You \$ <u>00</u>	Spouse \$ <u>00</u>
Unemployment payments	You \$ <u>00</u>	Spouse \$ <u>00</u>
Public-assistance (such as welfare)	You \$ <u>00</u>	Spouse \$ <u>00</u>
Other (specify): <u>N/A</u>	You \$ <u>00</u>	Spouse \$ <u>00</u>
Total monthly income:	\$ <u>00</u>	\$ <u>00</u>

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.

Home
Value _____
N/A

Other real estate
Value _____
N/A

Motor Vehicle #1
Year, make & model _____
Value _____
N/A

Motor Vehicle #2
Year, make & model _____
Value _____
N/A

Other assets
Description _____
Value _____
N/A

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

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

Movant's Signature

James C. Winding

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

Katherine DeLoach

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)

Appendix

Exhibit



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



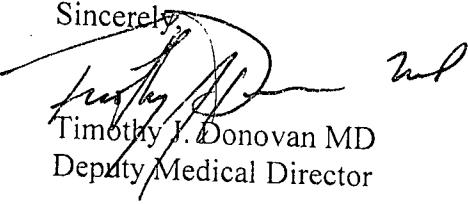
December 20, 2022

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 MALLETT
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,

A handwritten signature in black ink, appearing to read "R. Pennington". The signature is fluid and cursive, with "R." and "Pennington" being the most distinct parts.

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 that reads "Richard Pennington" followed by a date "1/9/23".

Richard Pennington, Director
Administrative Remedy Program

PG: Inmate file

R

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

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

Appendix

James C. Winding #K8115

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

Date Received: 4/2/23

Accepted: Refused:

Inmate Signature: James Winding

Date/Time:

Inspected by: V. Howard

April 17, 2023

04/17/2023
US POSTAGE \$000.60

US OFFICIAL MAIL
0001 Penitentiary
0001 Private Use
ZIP 20543
041M11120601

26A
Bed 90
B-Zone

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

APPENDIX
A

EXONERATION PROJECT

311 N. Aberdeen St. #300

Chicago, IL 60607



Date Received

4-24-23

Accepted

Refused

Rejected

Inspected by

RM/123

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

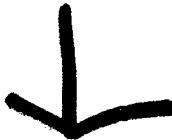
Superintendent
Mississippi State Penitentiary

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 of Richard Pennington.



Richard Pennington, Director
Administrative Remedy Program

RP/

Pc: File



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
BURL CAIN
COMMISSIONER

October 14, 2022

→ 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

Please TELL
Letter from
MDOC Commissioner
Sexual Battery does
not Exist on
N.C.I.C

USDC # 5:05-CV-178
malicious Arrest
malicious Procure