

22-7268

No. _____

FILED
APR 03 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

DEREK SLOANE, — PETITIONER

(Your Name)

vs.

KEVIN RADOVICH, — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S DISTRICT FOR THE SOUTHERN DISTRICT OF NEW YORK

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PLAINTIFF, DEREK SLOANE

(Your Name)

STATE ROUTE 96, P.O. BOX 119 ROMULUS, N.Y.14541
FIVE POINTS CORRECTIONAL FACILITY,

(Address)

ROMULUS, NEW YORK 14541-1109

(City, State, Zip Code)

(607) 869-5141

(Phone Number)

QUESTION(S) PRESENTED

THAT THIS ACTION SHOULDN'T HAD BEEN DISMISS BECAUSE APPELLANT HAS THREE STRIKES AND IF SO, WHETHER HE IS ENTITLED TO IN-VOKE THE IMMINENT DANGER EXCEPTION TO THAT RULE. 28 U.S.C.& 1915(G).

APPELLANT IS RESPECTFULLY ASKING THIS HIGH COURT TO ASSIGN THE APPOINTMENT OF COUNSEL TO ASSIST HIM IN THIS APPEAL. DUE TO APPELLANT NOT NOWING THE RULES THE FED.R.APP. P. AND HAS NO TYPE OF(EXPERIENCE) IN EITHER FEBERAL LAW/OR CIVIL LAW. APPELLANT CAN ONLY ASSERT THE QUESTION OF WHETHER A PRIOR DISMISSAL IS A STRIKE IS A MATTER OF STATUTORY INTERPRETATION AND, AS SUCH, IS A ~~QUESTION~~ QUESTION FOR THE COURT TO DETERMINE AS A MATTER OF LAW. APPELLANT HAS, OR IS ATTEMPTING TO DEMONSTRATED ECONOMIC NEED AND HAS THE FILED THE PRISONER AUTHORIZATION FORM REQUIRED IN THE SOUTHERN DISTRICT OF NEW YORK. THUS, THE COURT MUST DETERMINE WHETHER THE APPELLANT HAS THREE STRIKES AND IF SO, WHETHER HE IS ENTITLED TO IN-VOKE THE IMMINENT DANGER EXCEPTION TO THAT RULE. 28U.S.C.& 1915(G). HERE, APPELLANT ARGUES THAT THE DEFENDANTS POINTED HIS GUN IN PLAINTIFFS FACE AT POINT- BLANK RAGE, ON 12/15/2020. WHEN DETERMINING WHETHER A PRISONER HAS QUALIFIED FOR THE IMMINENT DANGER EXCEPTION, COURTS LOOK AT THE NON-CONCLUSORY ALLEGATIONS IN THE APPELLANTS COMPLAINT.(ALL CIRCUITS MAINTAIN A SINGULAR FOCUS ON THE FACTS ALLEGED IN THE COMPLAINT IN DECIDING WHETHER A PRISONER FACED THE REQUISITE HARM). APPELLANT CAN ONLY REQUESTS THAT THIS HIGH COURT APPOINT COUNSEL TO ASSIST HIM IN THIS APPEAL. THUS, UNLESS IT APPEARE THAT THE IMMINENT DANGER EXCEPTION TO THE THREE-STRIKES RULE IS APPLICABLE TO THIS ACTION. IN THIS ACTION, APPELLANT BELIVES THAT HE MIGHT HAVE STANDING TO THIS APPEAL.

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:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEREK SLOANE, 

PLAINTIFF,

22-CV- 5951(LTS)

-AGAINST-

ROBERT L. LANGLEY, SHERIFF OF PUTNAM COUNTY;
KEVIN RADOVICH; BRIAN NEARY; SGT KENNY;
PUTNAM COUNTY; PUTNAM **RELATED CASES**, NO.
COUNTY SHERIFF'S DEPARTMENT,

DEFENDANTS.

TABLE OF AUTHORITIES CITED

CASES **N/A**

PAGE NUMBER
N/A

STATUTES AND RULES **N/A**

OTHER **N/A**

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

[X] For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix N/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 N/A 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 MARCH 1, 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

I DO NOT KNOW ANY THING ABOUT CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED. AS I BEEN REQUESTING FOR THE COURT TO REQUESTS COUNSEL FROM THE BEGINNING OF THIS ACTION.

PLEASE TAKE NOTE. I SEVED IN THE ARMY RESEVED FOR TWO YEARS AND WAS HONORABLE DISCHARGED FOR MY SICKLE CELL. ON FEBRUARY 5, 2017 I ATTEMPTED TO APPLY FOR DISABILITY BUT WAS DENIED. HOW CAN YOU DENY SOMEONE WHO SEVED IN THE MILITARY/ARMY THE RIGHT TO DISABILITY? THATS HOW I WENT HOMELESS FOR SO MANY YEARS.

STATEMENT OF THE CASE

PLAINTIFF FILED THIS ACTION PRO-SE. ON JULY 14, 2022, the COURT DISMISSED THE COMPLAINT UNDER THE PRISON LITIGATION REFORM ACTS THREE STRIKES RULE, 28 U.S.C.-1915(G). ON AUGUST 4, 2022, PLAINTIFF FILED A REPLY LETTER ASKING THE COURT TO REINSTATE HIS COMPLAINT AND FORWARD IT TO NEW YORK STATE SUPREME COURT IN BROOKLYN. (ECF9). SEE ATTCHED DOCUMENTS.

REASONS FOR GRANTING THE PETITION

IT WOULD BE BETTER FOR THE COURT TO ANSWER THAT QUESTION. FOR I PLAINTIFF DO NOT KNOW WHAT TO SAY OR ANSWER IN THIS PETITION. IT WOULD BE IN THE INTEREST OF JUSTICE FOR THIS HIGH COURT TO ANSWER. FOR I AM A LAYMAN OF FEDERAL LAW AND STATE LAW. THATS WHY I CAME TO THIS HIGHEST COURT OF THE LAND. ASKNG FOR REDRESS.

THEREFORE, PLAINTIFF/APPELLANT, RESPECTFULLY REQUEST THAT THIS HIGHEST COURT PLEASE CAREFULLY REVIEW THIS ACTION AND MAKE THE PROPER DECISION ON THE MERITS. OR PLEASE APPIONT COUNSEL TO HANDLE THIS APPEAL.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

22-B-0424

Sloane, Derek

Date: March 31, 2023.