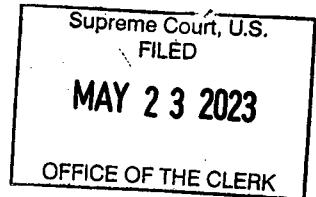


No. 22-40840

22-7665

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES



DeMarkus Antonio Brown — PETITIONER  
(Your Name)

vs.

Bobby Lumpkin — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Facts/Note: The case never been ruled on the merits.  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DeMarkus Antonio Brown  
(Your Name)

512 Wall St Apt 218  
(Address)

Los Angeles, CA 90013  
(City, State, Zip Code) **PRO SE**

323-387-8266  
(Phone Number)

## QUESTION(S) PRESENTED

In need of original [REDACTED]  
Jurisdiction home, in need of [REDACTED] memorandum,  
In need of review of the merits, in need  
of Federal Constitution Court, in need of Federal  
Supreme Court.

→ Could the [REDACTED] Federal Supreme Court take full Jurisdiction  
responsibility and give a memorandum and decide the merits of this case?

To avoid a miscarriage of justice.

→ Was there any harmful Constitutional Errors, including  
any harmful Constitutional trial errors in this case that was  
in violation to the United States Constitution?

## 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:

— Ex parte, DeMarkus Antonio Brown;

→ DeMarkus Antonio Brown v. Bobby Lumpkin

— 12th Court of Appeals,  
United States District Court,  
Fifth Circuit United States Court of Appeals.

## RELATED CASES

Jurisdiction home,

Schlup v. Delo;

There is no genuine dispute as to the operative facts of the case.

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and ruling.

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## TABLE OF AUTHORITIES CITED

### CASES

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Schlup, Chabot.

→ Schlup v. Delo, 513 U.S. 298 (1995), 115 S.Ct. 851, 130, L.Ed.2d 808 (1995)

→ Ex parte Chabot, 300 S.W.3d 768, 770-71

→ Ex parte Fierro, 936 S.W.2d 370, 373

### STATUTES AND RULES

Fed Const., State Const., App. P.R.'s.

Federal Constitution:

5<sup>th</sup> and 14<sup>th</sup> Amendments

Texas Constitution:

Article I., §§ sections 10, 13, 19, and 27.

Tex. R. App. P. 81(b)(2).

### OTHER

Jurisdiction, timely filed. [To avoid a miscarriage.]

Petition also timely filed in Fifth Circuit United States Court of Appeals.

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 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 B 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 (Court) (Record) to the petition and is in the Court Record.

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

The opinion of the N/A (Court) (Record) court appears at Appendix (Court) (Record) 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 on 02/24/2023, but sent it to me on 03/20/2023 letter in the mail.

[ ] 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 the court record.  
A copy of that decision appears at Appendix in the court record.

[ ] 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

→ Federal Constitution:

→ 5<sup>th</sup> Amendment,

→ 14<sup>th</sup> Amendment,

and Due Process Provision(s).

## STATEMENT OF THE CASE

To avoid a miscarriage.

To avoid a miscarriage of justice.

Jurisdiction.

The 12th Court of Appeals failed to address my constitutional Schlup-type actual innocence claim on the merits, which is tied to and based on perjured testimony of a material witness in my jury trial, which contributed to my conviction and punishment, and had substantial and injurious effect and influence in determining the jury's verdict and affected the outcome of my jury trial, denying me substantive due process of law and equal protection of the law, and denying me a right to a fair trial, and failing to address my constitutional Schlup-type actual innocence claim in violation to the 5th and 14th Amendments to the United States Constitution.

## REASONS FOR GRANTING THE PETITION

Jurisdiction.

To avoid a miscarriage of justice.

Jurisdiction home.

The case never been ruled on the merits; and the case is a actual innocence claim case.

No memorandum opinion has ever been given on the merits of the case.

To avoid a miscarriage of justice.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Demarcus Brown

Date: May 23, 2023