

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Richard Barroso(TDCJ-CID #1452245)-Applicant/Petitioner
VS.
TEXAS DEPARTMENT OF CRIMINAL JUSTICE(TDCJ);TDCJ EXECUTIVE DIRECTOR,BRYAN COLLIER;
AND ALL TDCJ OFFICIALS/INDIVIDUALS RELEVANT TO THE ACTS OR OMISSIONS UNDER THE
AUTHORITY & DIRECTION OF THE ABOVE RESPONDENTS RELEVANT TO APPLICANT'S CLAIMS

APPLICATION FOR EXTENDED TIME TO FILE PETITION FOR WRIT OF CERTIORARI AS
EQUAL PROTECTION & LENIENCY DUE TO EXTRAORDINARY CIRCUMSTANCES
AND
TO GRANT APPLICANT/PETITIONER TO PROCEED IN FORMA PAUPERIS UNDER IMMINENT DANGER
OF SERIOUS PHYSICAL INJURY EXCEPTION TO 28 USCS § 1915(g)
AS CERTIORARI ALSO CHALLENGES CONSTITUTIONALITY OF THREE-STRIKES AGAINST HIM

TO THE HONORABLE JUSTICE(S) OF THIS SUPREME COURT:

COMES NOW, Richard Barroso, Applicant/Petitioner, pro se, UNDER DURESS of physical and mental disabilities significantly impairing several of his major daily life activities relevant to applicant exercising protected rights, privileges, or immunities relevant to exercising right to petition for redress of his grievances to the government for EQUAL PROTECTION OF THE LAWS & his rights of DUE PROCESS of his requests thereof. This necessity results from applicant's requests to prison officials for EQUAL PROTECTIONS and DUE PROCESS THEREOF which for years, nearing decades have been evaded and denied, and while applicant's petitions, motions, applications to state district, appellate, and Supreme Court of Texas are denied, and while applicant's motions, petitions, and applications to USDC Texas SD,ND, &ED, and USCOA Fifth Circuit for EQUAL PROTECTION and DUE PROCESS thereof are denied relevant to applicant's exercising right to petition for redress of his grievances. This is the scant overview of the perpetual extraordinary & unconstitutional circumstances applicant has been suffering through just for enough protections to litigate, even incompetently, to be protected of his Constitutional civil & disability rights that are causing him and his causes of action serious injury/harm.

The latest of applicant's denials is from the Supreme Court of Texas No.22-0952 wherein applicant filed petition for a writ of mandamus seeking ORDER directing the TDCJ Executive Director, Bryan Collier to access applicant's Personal Health Information (PHI) and to document applicant's disabilities/impairments in those TDCJ records routinely accessed by TDCJ officials to ensure those confined under the authority of the TDCJ have EQUAL PROTECTION of Constitutionally protected rights in their (applicant's) PROPER care, custody, confinement, and control of applicant, and applicant's property. Per Texas Gov't Code 22.002(c) the Supreme Court of Texas is the only court in Texas with power, authority, and jurisdiction to ORDER head of Executive Branch or Agency of their acts or omissions, a fact learned by applicant attempting to litigate these issues in Travis County, Texas District Court. The TDCJ actors' acts under the TDCJ & TDCJ Executive Directors authority ONLY verbally respond to applicant's requests for EQUAL PROTECTION relevant to access to courts that "TDCJ access to courts is NOT governed by any disability laws" and deny the applicant's reasonable accommodations, but refuse applicant's requests that these officials put this in writing, nor will any TDCJ officials become involved, nor state or federal courts but one. The refusal by TDCJ officials to access applicant's PHI to document his disabilities/impairments is a cycle of abuse and Constitutional violations sought review of.

The petition to the Supreme Court of Texas was filed October 06, 2022 and denied on December 02, 2022. The motion for rehearing was filed December 05, 2022 and was denied on January 06, 2023. Per 28 USCS § 1257 applicant requested notice that these denials to be Final Judgment and received response dated January 23, 2023 on February 02, 2023. The response verified that it is Final Judgment allowing applicant to seek this Court's review.

Supreme Court Rule 13 states time to file petition for a writ of certiorari is 90 days from denial of rehearing date, being April 06, 2023; however, paragraph (5) states for good cause, a Justice may extend time to file a petition for a writ of certiorari for a period not exceeding 60 days. The application must be filed with the Clerk at least 10 days before the petition is due, except in extraordinary circumstances.

Applicant, as is evidenced by any and all of his litigation efforts^{||} and his prison grievances exhausted in all litigation efforts, has been and remains in extraordinary circumstances and suffering severe pain, even serious physical injury in his efforts to produce timely & effectively his petition for writ of certiorari, even this application and submits this application pursuant to this Supreme Court Rules 12.2, 13(5), 21, 22, 30, 33.2, 39; 28 USCS §§1257, 1331; 42 USCS §1983; U.S.Const.Amends. 1, 5, 6, 8, and 14; and both Rehabilitation Act of 1973 (RA) & Americans with Disabilities Act of 1990 (ADA) or (RA/ADA).

In support applicant would show:

I.

FOR AND ON THE RECORD, applicant/petitioner is a member of the suspect class of qualified individuals with disabilities, which has not been opposed in any court of law, yet courts of law under this Court's delegated authority have failed to provide applicant's requested Equal Protection AND this as a qualified individual with physical and mental disabilities which significantly impair several of his major daily life activities. This is especially significant as applicant requests protections as a prisoner whose rights are interfered with by those who have bias and interests to be gained in preventing applicant's petitions, as they are defendants or coworkers or are associates of defendants in applicant's causes of action and/or cause of action intended by applicant. Interferences directly unconstitutionally affect applicant's right of petition.

As such applicant has exhausted every avenue except this Supreme Court's jurisdiction to be protected of his Constitutional civil and disability rights, privileges^{||} or immunities, which, upon being granted hearing and determination of these, and of those state and federal court records of his efforts and the denials thereof, should shock at least one conscience sufficient to cause a more intense review of all petitioner/applicant pending/intended causes of action.

Applicant is not stupid or crazy or malicious, but he is physically and mentally significantly impaired requiring Equal Protection of the Laws that he may, at least more/most fully participate in public entity provided services^{||} programs, or activities to adequately timely and effectively litigate in his domicile per established Rules of

Procedure, state and/or federal. Applicant's challenges from impairments result from severe physical/sexual/mental/emotional traumas in his life. The primary impairment is the combination of PTSD/ANXIETY with Physical abuses in home, one of which resulted in applicant's right (writing) arm/handall tendons, nerves, arteries, and muscle tissue to be severed with some amputations and other atrophies with sensory and mobility losses rendering applicant's impairment to produce writings to the courts to be 80-85% of the average person/individual without such impairments. In prison writing has been applicant's sole avenue to communicate for access to courts and to exercise petition. The severe pain and cramping, especially of intense use of communication as required to access to courts and to petition for redress, even moreso while denied Equal Protections, causes articulation of legality impairments. Again not stupid, but impaired without protections. Add to these are prison actors' acts of harassments/retaliations/discriminations, all causing further or exponential mental/emotional/physical injury/harm, *and interferences/delay of petition rights.*

The blatant disregard by prison actors relevant to the Supreme Laws of the Land and applicant's exhausted grieved issues quoting authorities governing the operations of the TDCJ relevant to his unique/special/disability needs is even evident in the TDCJ's revisions of it's policies relevant to the word "disabilities" screams for judicial review. Applicant remains without protections of the laws. In this prison system there are literally thousands more citizens with disabilities, some too impaired to know they have Constitutional rights and others too impaired to endure the suffering and abuses by prison actors as has become necessary to produce meaningful and adequate papers to the courts/ especially as qualified individuals with disabilities. Applicant has been enduring such suffering and serious injuries his entire life and will continue until he may eventually suffer sufficiently to be granted hearing and determination of his Equal Protection, hence the HUGE IMPORTANT ISSUES BEYOND THE PARTICULAR FACTS AND PARTIES INVOLVED.

Though the University of Texas Medical Branch specialists of the various Specialty Clinics have documented applicant's physical and mental conditions/impairments and have assured applicant that his "disabilities" are indeed adequately medically documented, TDCJ actors' acts refuse/fail to access the applicant's documented PHI. Evenso UTMB does document on Health Summary for Classification (HSM-18) medical restrictions relevant to and for TDCJ referenc^cing for inmate job/housing assignment restrictions, but these restrictions TDCJ will NOT use to ensure EQUAL PROTECTIONS RELEVANT TO NEEDS TO EXERCISE PROTECTED

RIGHTS, especially for access to courts and petition rights. The applicant references this area of COMMUNICATION OF INMATE MEDICAL CONDITIONS/IMPAIRMENTS BECAUSE THIS IS A MAJOR AREA LACKING CONSTITUTIONAL FACILITATION OF EQUAL PROTECTIONS AND WHERE A VOID OF AN OFFICE/OFFICIAL FOR INMATES TO GO TO FOR HELP. Applicant in 2007 was reassured by TDCJ actors at intake unit that his disabilities were documented, but to date applicant receives responses to his requests for Equal Protection due to disabilities for exercising petition that TDCJ has no documented disabilities on applicant's records and requests^{his} for TDCJ to access his PHI are never responded and grievances evade and so have courts. This even though applicant has medical passes for Assistive Disability Services (ADS) for auxiliary aids for his physical impairments, (i.e., bi-lateral knee braces, pen/pencil grippers, razor/long-handled toothbrush grippers, long-handled toothbrush, compression glove to minimize^{neuropathic} pain and cramping of writing, and wrist restorer to protect area in wrist of muscle loss and where hand pivots to write keeping the bones from cutting through from the inside causing internal injury and bleeding).

With or without these auxiliary aids applicant suffers severe pain and cramping and subsequent serious physical injuries lending to exponential mental/emotional stresses of the cruelty of those in authority over his confinement. These issues are exponential due to the dynamic of the fact that those in authority over applicant's confinement and control over his ability to access to courts and right to petition are those grieved and defendents in pending and anticipated or intended causes of action. As such applicant will continue to be denied Equal Protections against these violations by prison officials, including the latest unlawful seizure and destruction of auxiliary aids, a favorite of those harassments/retaliations against applicant for asserting rights and grieving denials and injuries thereof.

II.

Applicant has been incarcerated since August 03, 2005 and from the outset has sought to challenge the convictions against him as Reporter's Records are evidence sufficient reasonable doubt in support of his claim of not guilty of the 35 sentence currently serving and maybe relevant to unconstitutional convictions of concurrent 10,10, and 15 year sentences. The problem or impairment has been physical/mental disabilities causing severe delays to conduct legal research, document the research on habeas corpus grounds

to challenge those convictions against him. This is the primary restraint of liberty which unlawfully restrains him due to prison actors, even courts, denied Equal Protections to more/most fully participate in prison access to courts via law library sessions, an area in TDCJ of nonfacilitation and opposition even without considering impairments and this is a state-wide issue. TDCJ is said to be governed by RA/ADA, yet there is no unit or institution office or authority for an inmate seeking Constitutional Protections can receive assistance, arbitration, or mediation of disability matters.

For the above reasons, it took applicant near seven years of suffering to compile his legal research, documentations, study, understanding, and apply these for habeas corpus petition for redress, yet upon finally having his final rough drafts of his four habeas applications requiring only state habeas forms, these were denied in retaliation for asserting rights. This was grieved and denied by regional. Applicant went to the Criminal Court of Appeals of Texas for forms and was sent to county of conviction. Fort Bend County, Texas District Clerk denied these T.C.C.P. 11.07 forms. Applicant filed motion in the convicting court and was denied the forms unless he paid \$1.00 per page for the form. Applicant filed another motion with notice of indigency with notarized six month statement of his inmate trust account requesting ORDER directing District Clerk to provide the forms, which is stated on said form that District Clerk will provide free of charge, but this too was denied. All of this is of government record and is interferences with applicant's Constitutional fundamental access to courts and right to petition.

Applicant grieved each time such occurrences came about in prison. Applicant grieved harassments/retaliations/discriminations and these only became severely exponential. His next retaliation was seizure of a multi-outlet he purchased at commissary AND his PROPERTY PAPERS of ownership, hiding them claiming applicant had no property papers. Applicant went beyond grieving, writing to Regional Director and other TDCJ offices creating a stir or buzz on the unit, which, rather than caused proper training and/or supervision, caused blind eyes to be turned on the circumstances, applicant suffered intensified retaliations.

He sought indigent legal supply paper and would submit his four habeas corpus challenges on it, but this too was denied and grieved without resolution. Then came the beginning

of applicant's seriously meritorious causes of action when, due to his grievances TDCJ law Librarian III denied authorized subsequent storage container for legal materials, then claimed legal materials NOT legal materials, confiscated them by FORCE applicant's Reporter's Records, Appellate Records, Court Documents of prosecution/conviction, and sentencing, the near seven years painfully gained legal research documentations on habeas grounds, his four final rough drafts of habeas corpus applications awaiting forms/paper, and eight legal reference books. Applicant grieved this knowing of intent to destroy it all. Applicant was only familiar with criminal action redress, nothing of civil action Rules of Procedure or of form to seek court protections for his rights and for his legal materials, but he did the best he could claiming all herein so far described in more detail but his incompetence was insufficient to be heard and protected. All his legal materials were destroyed, but not without smiles from the conspiritors. The prison (government) documents were falsified to cover up the violations, in essence RICO violations as he claims in USDC ND Amarillo CA No. 2:14-cv-0256, the 2020 efforts, also 2:22-cv-0235 and 2:22-cv-0236, the 0235 transferred to USDC SD Galveston as 3:23-cv-00001, but denied per three-strikes, though these unconstitutionally applied. Applicant's December 28, 2014 motion^{in 0256} was his first viable request for Equal Protection filed before dismissal but was denied to be heard and determined, which not only would have protected the legal materials from destruction, but also may very well stopped the TDCJ's momentum of Constitutional violations against applicant and perhaps many others too. Applicant could not comply with Rules of Procedure due to disabilities and his conditions of confinement adverse to the established laws. A mere stroke of the pen to protect or a stroke to allow most obvious prison actors' acts of violation to gain momentum. For applicant so far governmental entities deny Equal Protection without concern of DUE PROCESS, all evidenced in every of applicant's litigation efforts state and federal, as well as his prison records and convicting court records.

III.

Retired Judge W.E. Denman of the 412th Judicial District Court, Brazoria County, Texas,

applicant's current county of confinement, granted in 2017, while applicant confined in Anderson County, Texas, two(2) TRO Teleconferences: August 18, 2017 resulting in the return of about six cubic feet of legal materials belonging to applicant, that was confiscated and again government records, even affidavit of the confiscating officer to the USDC SD CA No. 4:15-cv-03139 was falsified and caused interferences and dismissals of pending and intended litigations as legal materials necessary to amend civil actions were denied access to for applicant to amend and to litigate. Though returned August 19, 2017 TDCJ Ordered applicant not to open the legal material bags because TDCJ Huntsville state-wide access to courts supervisors would be coming to audit the legal materials and arriving August 23, 2017 for six and a half hour harassed , seized, denied legal materials as not relevant to lawsuits, and reviewed for content as the ^{supervisors are & were} two ~~wer~~in fact defendant in several of the lawsuits. On January 25, 2018 judge Denman held another telecon-ference on intensified retaliations following previous TRO teleconference and because the Judge became involved in unit affairs. This conference resulted in an agreement of TDCJ provided disability accommdations ceased retaliations against applicant and his legal materials. In the teleconference were two Assistant Attorney Generals, TDCJ General Counsel, TDCJ Access to Courts Supervisor, TDCJ Classification & Records Statelevel Supervisor. The agreement was facilitated the very next day, though in the teleconference it was argued to not be possible, which the Judge quickly shut down, but ultimately applicant was relocated and all was denied by February 23, 2018, within 30 days and continues to be denied. Judge Denman retired soon thereafter and his successor Judge Justin R. Gilbert, along with Administrative Judge Patrick E. Sebesta have denied every of applicant's efforts, even denies to allow District Clerk Donna Starkey to file the submissions by applicant seeking Equal Protection so as to leave applicant in unconsti-tutional circumstances though he even challenges Constitutionality of Texas Civil Practices & Remedies Code §14.005(b) 31 days from exhaustion of grievance to file his complaint, a statute without tolling, without separability clause, and without any clause to consider those with physical or mental impairments requiring considerations and/or

accommodations.

So if applicant, a prisoner is denied Equal Protection from the prison authorities, denied by local state district, appellate, even Supreme Court of Texas, as well as right of due process thereof relevant to right to petition, does this violate Texas constitution prohibiting "OUTLAWRY"?. TDCJ Officials state that TDCJ Access to Courts ↓ Counsel ↓ and Public Officials is "NOT" governed by any disability laws and practice as such, but refuse most adamantly to put this in writing, would this be a concern for those acting to uphold the Supreme Laws of the Land, applicant contends that it should.

It is all of the above together giving rise to applicant's ongoing extraordinary circumstances prejudicing him as a litigant and causing him irreparable harm amounting to cruel & unusual punishments in every cause of action, hence important this Supreme Court, and relevant Justices^{to} understand the need for extension of time and why this justification.

V.

The above information raises HUGE concerns for applicant and others similarly situated. literally hundreds of thousands of citizens, many of which make up a large percentage of prison populations, who ↓, according to established laws, are qualified individuals with disabilities, literally a suspect class within a suspect class. In too many circumstances members of these suspect classes requiring accommodations to more/most fully participate in public entity provided services ↓, programs, or activities and prison officials are barriers to these accommodations and to the courts ↓, which applicant has been denied all efforts to be informed by the courts if they are public entities. Those of the suspect class who do not have the capacity to litigate or as applicant, due to disabilities is incompetent in his capacity to litigate in his domicile to timely and effectively litigate to protect his property and liberty interests, and prison officials aggressively interfere to prevent litigations against them.

This is why applicant seeks this Supreme Court to please give consideration of his extraordinary circumstances and grant his requests in this motion. Few in applicant's circumstances have held on so long, few have the capacity to suffer to be heard, while

patiently pressing forward awaiting that one in justice who will act. The applicant's case sought to be before this Court, will without doubt, raise issues of concern and importance beyond the facts and parties involved. Applicant seeks this Court's assistance to, in addition to hearing his claims, consider to facilitate a bill to become an Act. An Act necessary no matter the process to make it an Act to reinforce U.S. Constitution, Amendments 1, 5, 6, 8, and 14, as well as U.S. Congress mandate(s) in the RA/ADA and OPEN THE COURTS to those usually overlooked or disregarded due to physical/mental impairments and members of the suspect class of qualified individuals with disabilities, especially if they are prisoner, moreso if prisoner in the State of Texas.

VI.

In conclusion applicant seeks temporary protections of his property and liberty interests via filing for applicant his intended certiorari that this Court will if it requires it jurisdiction and applicant is petitioner in the Court with a case number, and this Court grant applicant to proceed in forma pauperis under imminent danger of serious physical injury exception to 28 USCS § 1915(g), then grant applicant extended time to June 06, 2023 to file his petition or to complete his petition for a writ of certiorari, AND grant him an ORDER issued by this Court that applicant/petitioner must file his certiorari by June 06, 2023, though an unusual request, the TDCJ Access to Courts "UNCONSTITUTIONALLY" requires that applicant present a "court ordered deadline" to justify requests for indigent legal supply paper in an amount over 25 sheets per week. Applicant is denied said paper over 25 sheets per week though he justifies per TDCJ Access to Courts Policies "LENGTHY DRAFTS": however, retaliation supercedes law in the TDCJ, which applicant longs to prove in a court of law. Such TDCJ Policies & practices thereof are noted in Supreme Court of Texas No. 22-0952 and sought review by this Court as it was denied review by highest court of Texas. Paper denial for an indigent inmate, especially one with impairments who makes many errors and has many revisions seeking legally sufficient articulation, amount to denied Constitutional fundamental access to courts, besides the State does not provide at its expense per *Bounds v. Smith*, it charges the inmate's trust fund account, lending more to it being

a retaliatory act. So the Court granting relief of this ORDER of deadline is easiest means for greatest need to assist applicant to complete his petition for a writ of certiorari by June 06, 2023 to submit for consideration.

Applicant believes he has, hopes he has conveyed sufficiently legal justification for the relief sought AND lends to concern to give thought to the issues to be presented seeking to cause this Court to act to mandate a new Rule of Procedure in all state and federal courts, criminal & civil, minimizing barriers of members of the suspect class of qualified individuals with disabilities seeking to exercise right of petition, as well as a wider OPENING TO THE COURTS (RULE OF PROCEDURE) to hear and determine "special/unique/disability needs" relevant to EQUAL PROTECTION OF THE LAWS RELEVANT TO EXERCISING RIGHT TO PETITION.

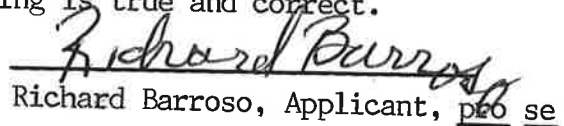
PRAYER

Applicant prays first for patience & leniency of this articulation of his justification to be granted extended time of 60 days, Court ORDERED deadline of June 06, 2023 to file his petition for writ of certiorari for the purpose of express facilitation of applicant receiving indigent legal supply paper necessary to perfect & complete by that deadline, which without TDCJ access to courts will deny requested paper, an ongoing practice of interference. Further, given paper only means to access to courts and said criteria, applicant requests this Court to note of record to offset state created interferences a stay and/or cease of tolling of all applicant's intended and pending causes of action to be considered until such time as this Court has heard and determined applicant's Equal Protections necessary that he may exercise Constitutional fundamental access to courts and petition for redress of his grievances to the government(s).

UNSWORN DECLARATION

I, Richard Barroso, presently confined at the Ramsey Unit in Brazoria County, Texas, declare under penalty of perjury that the foregoing is true and correct.

Executed this the 20th day of March, 2023.


Richard Barroso, Applicant, pro se

NOTICE: PER RULE 13(5), COPY OF THE OPINION AND ANY ORDER RESPECTING REHEARING

Official NOTICE FROM
SUPREME COURT OF TEXAS
PO Box 12248
Austin, Texas 78711-2248

RE: Case No. 22-0952

DATE: 10/26/2022

COA #:

STYLE: IN RE BARROSO

A petition for writ of mandamus, as styled above, was today received and filed in the Supreme Court of Texas

Mail To: RICHARD BARROSO
#1452245
RAMSEY UNIT
1100 FM 655
Rosharon, Texas 77583

rcvd
1st

77583-860899

OFFICIAL NOTICE FROM
SUPREME COURT OF TEXAS
P O Box 12248
Austin, Texas 78711-2248

RE: Case No. 22-0952

DATE: 12/02/2022

COA #:

STYLE: IN RE BARROSO

Today the Supreme Court of Texas denied the petition for writ of mandamus in the above-referenced case.

Mail To: RICHARD BARROSO
#1452245
RAMSEY UNIT
1100 FM 655
ROSHARON, TEXAS 77583

rcvd
2nd

77583-860899

NOTICE: PER RULE 13(5), COPY OF THE OPINION AND ANY ORDER RESPECTING REHEARING

OFFICIAL NOTICE FROM THE
SUPREME COURT OF TEXAS
P O Box 12248
Austin, Texas 78711-2248

RE: Case No. 22-0952
COA#:
STYLE: IN RE BARROSO

DATE: 12/05/2022

Today, the Supreme Court of Texas received and filed Relator's motion for rehearing of the petition for writ of mandamus.

MAIL TO:

RICHARD BARROSO
1452245
RAMSEY UNIT
1100 FM 655
ROSHARON, TEXAS 77583

rcvd
3rd

OFFICIAL NOTICE FROM
SUPREME COURT OF TEXAS
P O Box 12248
Austin, Texas 78711-2248

RE: CASE No. 22-0952
STYLE: IN RE BARROSO

DATE: 01/06/2023

Today the Supreme Court of Texas denied the motion for rehearing in the above-referenced petition for writ of mandamus.

MAIL TO:

RICHARD BARROSO
#1452245
RAMSEY UNIT
1100 FM 655
ROSHARON, TEXAS 77583

rcvd
4th

77583-860899

NOTICE: PER RULE 13(5), COPY OF THE OPINION AND ANY ORDER RESPECTING REHEARING

201 West 14th Street
Telephone: 512/463-1312

THE SUPREME COURT OF TEXAS
BLAKE A. HAWTHORNE, CLERK
Post Office Box 12248

Austin, Texas 78711
Facsimile: 512/463-1365

January 23, 2023

We are in receipt of your correspondence. We have not filed your document with the Court or assigned it a case number. please refer to the Texas Rules of Appellate Procedure for more information regarding rules of Court. A free copy of the rules is available on our website at <http://www.txcourts.gov/supreme>.

Please refer to the check-marked box below for more information on why your document was not filed.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

7. X The petition for review was denied. The case is closed and the decision of the Supreme Court of Texas is final.

Sincerely,

signed by Blake A. Hawthorne
Clerk
The Supreme Court of Texas

The above is copy of letter regarding a subsequent motion for rehearing given that applicant, in fact, did not file the motion for rehearing NOTICED OF FILING on 3x5 card DATE: 12/05/2022 and sought reiteration of the fact that he sought EQUAL PROTECTION OF THE LAWS RELEVANT TO EXERCISING RIGHT TO PETITION, as the document submitted as motion for rehearing was an amendment to the mandamus mailed before receiving notice of denied petition for writ of mandamus.

Applicant apologizes for the lack of strait typed lines, but this typewriter was seized in an act of retaliation, denied for near six months, then upon return is not functioning properly; however, it still acts as an accommodation as is purpose TDCJ actors issued it and minimizes injury and suffering to present papers to the courts.

CERTIFICATE OF AUTHENTICITY
OF COPIES PROVIDED PER RULE 13(5)

I, Richard Barroso, applicant certify that the copies provided per Rule 13(5), though not identical copies, the messages conveyed should meet the purpose of Rule 13(5) and provide this Court necessary documentation that the decision of the Supreme Court of Texas is final and that it chose to not provide applicant's DUE PROCESS of requested EQUAL PROTECTION OF THE LAWS as a qualified individual with physical and mental disabilities which significantly impair several of his major daily life activities relevant to ensure applicant's right to petition, even or especially for OPEN COURTS TO DISABLED PERSONS/ PRISONERS.

Applicant is denied access to copier for legal mail or otherwise in the TDCJ and is currently out of paper to litigate and/or perfect/complete his petition for a writ of certiorari.

Executed this the 20th day of March, 2023.


Richard Barroso, Applicant pro se

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Richard Barroso(TDCJ-CID #1452245)-Applicant/Petitioner

vs.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE(TDCJ);TDCJ EXECUTIVE DIRECTOR, BRYAN COLLIER;
AND ALL TDCJ OFFICIALS/INDIVIDUALS RELEVANT TO THE ACTS OR OMISSIONS UNDER THE
AUTHORITY & DIRECTION OF THE ABOVE RESPONDENTS RELEVANT TO APPLICANT'S CLAIMS

	§
STATE OF TEXAS	§
COUNTY OF BRAZORIA	§
	§

APPLICANT'S AFFIDAVIT OF BEING IN IMMINENT DANGER OF SERIOUS PHYSICAL INJURY
RELEVANT TO PROCEEDING IN FORMA PAUPERIS NOTWITHSTANDING THREE-STRIKES

I, Richard Barroso, applicant/petitioner in the above styled intended writ of certiorari
am/is over the age of eighteen and of sound mind sufficient to make this affidavit of facts
relevant to being in imminent danger of serious physical injury, has personal knowledge
of the facts stated herein, and declares this under penalty of perjury that the facts
are true and correct.

Executed this the 21st day of March, 2023

Richard Barroso
Richard Barroso, pro se

TO THE HONORABLE JUSTICE(S) OF THE SUPREME COURT:

1. Applicant is a qualified individual with physical and mental disabilities which significantly impairs several of his daily life activities.
2. The fact that Affiant is a qualified individual is undisputed in any court of law
3. TDCJ Officials deny affiant's requests for Equal Protection of the laws relevant to affiant exercising right to petition for redress of his grievances to the government, and denies affiant his right to Due Process of requested Equal Protection.
4. TDCJ's denial to affiant as noted in #3 above cause affiant to endure, attempting to exercise protected rights without accommodations/considerations, his only means

to seek court protections from TDCJ denials, violations to his right to be free from cruel & unusual punishments. Affiant's writing arm/hand is severely physically traumatized and disfigured and scarred significantly to cause 80-85% impairments and severe neuropathic pain associated with use, especially in communicating to access to courts and to exercise petition and the pain is a result of the damage and/or injury that occurs upon attempting to litigate to challenge the convictions against him; litigate the unlawful destruction of his legal material germane to challenge those convictions against him, due to prison actors' acts of retaliation for affiant asserting his rights, grieving denials thereof, which since that destruction in 2015 affiant is denied to exercise right of habeas corpus challenging the convictions against him.

5. That the TDCJ refuses to document its records routinely accessed by classification and prison officials to ensure the proper care, custody, confinement, and control of affiant and his property, TDCJ maintains habits & routine practices, according to the whim or caprice of whomever may be in authority to grant affiant accommodations, but about 95% or better of affiant's nearing eighteen years incarcerated, blatant denials to accommodate affiant special/unique/disability accommodations/needs to more fully participate without affiant suffering pain & injury. This pain and injury over these year has caused affiant's right (writing) arm/hand disability to degenerate exponentially causing increasing pain and subsequent disabilities in hand(s) of severe Osteoarthritis and carpal tunnel of which affiant had surgery in 2016, but the damage is done and becoming worse with time and denied rights of Equal Protection. Affiant's fingers have curled away from grasp of pen/pencil at about 45° angle, yet affiant must force past suffering because he chooses to exercise rights to judicial review of these circumstances thus far denied by ALL courts he has sought review in, meaning the courts are allowing these violations as much as TDCJ allows its actors against affiant.

6. The above facts lend to affiant's mental health disabilities as he suffers from the traumas from physical/sexual/emotional/mental abuses PTSD & ANXIETY primarily, but due to his profound hearing impairments, he also suffers antisocial/dissociative disorder and when suffering pain at the hands of injustices in discriminatory/retaliatory acts by prison actors, the conditions of his confinement are beyond cruel & unusual punishments

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and should be considered as assaultive behavior by prison and prison actors, all of which have and do render affiant, not only to being in imminent danger of serious physical injury, but in ongoing serious physical injuries that this Court has in this affiant's/applicant's intended petition, opportunity to make a change in the way the government(s) uphold the Supreme Laws of the Land relevant to disabled individuals who are seeking to be heard in the courts, but unconstitutional circumstances hinder, discriminate, and deny them these rights, as is occurring in affiant's circumstances and why he contends these issues are well ripened for this Court to finally rule on.

7. Affiant is, due to the preceding facts and more, incompetent in his capacity to timely and effectively litigate in his domicile to protect his property and liberty interests and requires of this Court to determine his rights as a qualified individual with physical and mental disabilities, the significance of impairments to his exercising his rights relevant to access to courts and petition AND the significance of the TDCJ and its actors' acts in relation to impeding/denying affiant's Equal Protection and his participation in the TDCJ's, a public entity, provided services, programs, or activities necessary for affiant to exercise protected rights if he chooses, which he does.

8. The TDCJ and its actors' acts relevant to affiant's claims each are violative, but combined they are so abusive of established laws that affiant can hardly hold one subject or issue in focus for articulating it clearly or obviously not legally sufficiently to the courts enough so far as to be heard and determined of his rights to be protected.

9. Affiant, without doubt, qualifies to proceed in forma pauperis notwithstanding the three strikes against him, despite that these were each applied without first hearing and determining the unconstitutional circumstances that affiant was in at the time, plus this Court and the Fifth Circuit Court of Appeal already ruled that removal from state court NOT a strike per the PLRA. The other two failed to be considered of the unconstitutional circumstances that would result in dismissals due to failure to exhaust grievance prior to seeking court protections of irreparable harm without court protections prior to the time exhaustion completed and sending it to the courts to be heard and determined. Both strike #2 & #3 result from affiant attempting to protect his legal materials that prison actors' acts of retaliation confiscating them with intent to destroy sought to

have the courts relevant to the two strikes to merely stay or set aside the exhaustion rule to file the complaint, hold hearing sufficient to rule on the circumstance claimed unconstitutional, then as requested or as the courts deemed necessary issue ORDER to prevent the irreparable harm claimed, but this was denied by USDC ND Amarillo CA No. 2:14-cv-0256 and a strike issued; however, the Court never paid attention to the "EMERGENCY'", nor the December 28, 2014 "OUTCRY", though very much in Affiant's words, he contends to date that it was legally sufficient to cause the Court to act in the name of justice and simply file the case to issue ORDER to not destroy the legal materials in question. Affiant's duress and stresses to protect his near seven years of such painfully gained research on grounds, painfully gained due to those being affiant's most intensive years of legal research to have understanding of Constitutional Law and rights as an accused, but not yet procedural law so as to know how to litigate or even about jurisdiction, and more all of which TDCJ does its best to deter. Affiant was not deterred, but the intensities from both affiant's doubled down efforts, coupled with intensified harassments/retaliations/discriminations rendered affiant further incompetent in his capacity to litigate , hence NEED FOR CHANGES TO ENSURE OPEN COURTS & DUE PROCESS for those of suspect classes.

10. Affiant will certainly require assistance of counsel and/or, as requested in the 5th Circuit, a Special Master per the PLRA statutes, which at some point this will become a decision as an accommodation to ensure EQUAL PROTECTION for those as affiant who are currently in unconstitutional circumstances that are barriers to judicial review. Affiant has much more facts¹ but hopes this is sufficient to proceed under the imminent danger exception.

UNSWORN DECLARATION

I, Richard Barroso, presently incarcerated in Brazoria county, Texas, declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of March, 2023.


Richard Barroso, Applicant/Petitioner pro se

CERTIFICATE OF SERVICE


I, Richard Barroso, certify that a true and correct copy of the foregoing was placed into the possession of TDCJ Access to courts, Ramsey Unit Law Library, with this application original, a copy to the Office of the Attorney General, Law Enforcement defense Division, P.O.Box 12548, Austin, Texas 78711-2548, which is counsel so far for all defendants in applicant/petitioner's causes of action. These copy was essentially "in the prison box" on March 21, 2023 for indigent postage and delivery.



UNSWORN DECLARATION

I, Richard Barroso, presently incarcerated in Brazoria County, Texas, declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of March, 2023.



Richard Barroso, Applicant/Petitioner PROSE

**Additional material
from this filing is
available in the
Clerk's Office.**