

A Petition for Writ of Certiorari
before Judgment

No. 23-5017

FILED

JUN 14 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Jerry A Smith — PETITIONER
(Your Name)

vs.

Indiana Parole Board — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USC/ND Federal court

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

PETITION FOR WRIT OF CERTIORARI

Jerry Antwon Smith Prose
(Your Name)

5501 S. 1100 West
(Address)

Westville, Indiana 46391
(City, State, Zip Code)

219-785-5711
(Phone Number)

RECEIVED

JUN 27 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Questions

1. Why was it Possible for a Parole officer to bring a false Technical violation on a Parolee resulting in several years of unlawful incarceration?
2. Why when this injustice, was brought to his superior's ^{(Erik Krupar Troy Keith) (Governor, IPB, Etc)} and government nothing was done?
3. Why is it okay for A Parole officer to lie, in there ocms notes for parolee?
4. Why is it after showing the Indiana Parole Board the directives, that was violation ^{having} me unlawfully incarcerated; they disregarded the Parole directives?
5. Why was this Done against my will being harmed physically, mentally, spiritually Sexually, and emotionally During my unlawful incarceration?
6. Why did Parole officer Matthew Pryor violate #13-05, #14-04, 13-09, 03-03-101, 12-08 violated and my release wasn't given immediately?
7. How is it Possible for the I.P.B to know I am unlawfully incarcerated, being beaten by officers; incarcerated individuals and not do a special release?
8. Why would the chairman of the IPB use Profanity in an open Parole hearing?
9. Why Do the IPB not follow frequency of Parole hearings/14th Amendment? (Frank V Shields)
10. Why is there no written Statements given to me in the last 4 years of IPB hearings?
11. Why did a state trooper arrest me on those false PV warrant when Policy states it's only to be my P.O or local authorities/Parole etc?

Questions

Public Importance

(2)

12. Why did the USC/NO grant me IFP then say that it wasn't Paid? (the same Day it was denied.) 2-13-23

13. Why Did USC/NO & 7th circuit court Misdirect me on motions to do the opposite of what was really suppose to be done?

14. How could Judicial misconduct and manifest injustice continue to happen without being made to do the proper Law given by the Government?

15. How could the USC/NO Dismiss my case in 2 days, saying they did a preliminary investigation? (2-11-23 - 2-13-23)

16. How could the USC/NO & 7th cir know my USC rights was violated and say I wasn't suppose to file a 1983 Dismissing my case in USC/NO?

17. Why was every motion denied by 7th cir except P98 (Appendix D²) 6-8-2023, saying it was do to may 5 2023 fee notice and order? (when I have evidence to show the funds have been deducted from my acct, as you'll see on the forma Pauperis on back)

18. How could the 7th cir Appendix D² P98 threatening to dismiss my case if full docket fee is not Paid in 14 days? when Policy saying a fee is Paid and it was already done)

19. Why is I have a ledger explaining all cases that has been granted IFP & 6 month trust fund account that is - 2225.00 Plus, Due to over 5 filing fees & docket fees but I have been dismissed by USC/NO & 7th cir for this?

20. Why was Abuse of discretion done by federal court and do this grant my Appeal Due to this violation?

Questions

21. Why Did Classification Mrs Erin Williams send me a response, that Mr. James Shaffer term ended Sept 2021 and He was still on the IPB and that I will not be released until Governor Eric Holcomb re-appointed him?

22. How was Mr. James Shaffer still on the board in 2023 Denying me if his term ended in 2021 and it was 2023? (When 2 IPB member has already been replaced)

23. How was Supervisor Erik Krupker able to send me several letters lying about my violation? (Saying I had 6 when it's really only 2 and one of them false)

24. Why was I on CTP from 1-16-2018 - 5-10-2018 And not received my day for day as IDOC Policy states I should have? (126 good days should've been deducted off EPRD)

25. Why was I on Parole from 5-10-2018 - 1-25-2019 and did not Received the day for day Per IDOC earned credit time? (once I returned this should've been placed in the system it wasn't a total of 255 good days was never deducted from my EPRD)

26. Why was I Purposefully incarcerated by IPB IF the criteria behind P.I was not followed when I completed RWT in 2021? (Also Intensive RWT As well)

27. Why is there not a Program Set in Place for first time drug failers and even Second time failers on the streets besides incarceration? (I formatted a Recovery while learning/ saving lives 2 times for this)

28.

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

3:23-cv-282-JD-MGG

3:23-cv-503-DRL-MGG

(If there is a W by their name there witnesses)

List of Parties

1. MR. MATTHEW Pryor (PDB Parole officer)
2. Mr. Erik Krupter (PDB Supervisor)
3. Mr. Troy Keith (Indiana Parole Director)
4. Mrs. Gwendolyn North (Parole Board chairman for Indiana)
5. Mrs. Mia Kelsaw (IPB member)
6. Ms. Tracy Berry (IPB member)
7. Mr. Charles F. Miller (Vice chairman of IPB)
8. Mr. James W Shaffer (IPB member)
9. Mrs Erin Williams (Classification / Parole coordinator for WCC)
10. Mrs Cheryl Gann (Parole coordinator for Westville) (W)
11. Mrs Tiffany Gaidoo (Parole Program Specialist)
12. Mrs Kassi Rigney (My Lawyer for 2021 Parole Review) (W)
13. Mr. K. Gann Asst warden (W)
14. Mr. J. Galipeau (W)
15. Mr. K. Watts (W)
16. Mrs. Candace Leija (W)
17. Mrs. NATLON Tillery (W)
18. Mr. Wesley Stevens (W)
19. Mr. Nicholas Greven (W)
20. Mr. THOR Miller (IPB member)
21. Ms. Porter (DHB Hearing officer) who ms. North said Blant lies about (W)
22. Mr. Hogan Sgt (W)
23. Fredrick Medley (IPB member)
24. Mr. Leeth Sgt (W)
25. Mr. Muller (DHB Screening)
26. Mr John Hicks (Legal) (W)
27. Mr Hershamen officer (W)
28. Ms. Corley CASEMANAGER EC Side (W)
29. Erin Williams (W) Classification

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APPENDIX B orders from USC/ND

APPENDIX C orders of Dismissal from USC/ND

APPENDIX D Order from USCOA given me case 23-1866

APPENDIX E order of Petition of appealability Denying forma Pauperis & appealability

APPENDIX F order from IPB for grievance

APPENDIX G General Docket of all orders in USC/ND/USCOA

ATTACHED REQUIRED SHORT APPENDIX

USC/NO Appendix A opinions & orders 4-13-23 Judge Jan E Degutilio
USC/NO Appendix B orders 4-20-23 Judge Jan E Degutilio
USC/NO Appendix C order for Granting forma Pauperis 4-13-23 Judge Jan E Degutilio
USCOA Appendix D¹⁻² Order for 7th Cir Motion to leave in forma pauperis 5-5-23
USC/NO-USCOA Appendix E order for appealability to 7th circuit from USC/NO 5-4-23
USC/NO-USCOA Appendix G Docket sheet

Appendix (A) USC/NO opinion and order 4-13-23
Dismissed pursuant 28 USC § 1915A

Appendix (B) order of USC 1983 complaint 4-20-2023
from Judge Jan E Degutilio in support of complaint is stricken
in motion to proceed in forma pauperis is denied AS moot.

Appendix (C) 4-13-2023 Same Day it was dismissed
the case they granted me forma pauperis ordering me to pay
2011 which I filed all proper Documents

(D)¹⁻² Appendix USCOA 7th Cir 5-5-2023 I was given
Case # 23-1866 and order to Pay in forma Pauperis
a memorandum in support in PRLA Motion for Leave to
Proceed on Appeal In forma Pauperis & Notice of case
opening 5-5-2023. Percentage of filing fee

Appendix (E) Petition for certificate of Appealability 5-4-23
from case 3:23-cv-282-JD-MGG

Appendix F Informal Grievance & Response from I PB
Tiffany Guidoo 4-26-23 Received 5-11-23 Grievance written 4-1-23

Appendix Continued

Appendix B. General Docket with all Dates of entries
USC/NO/USCOA orders ect. which Do not contain brief from USCOA

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

(Connecticut (V) State Vs Peeler	857 A2d 808 (Conn 2004)
(Colorado (:) People V Dunaway,	88 P. 3d 619 (Colo 2004)
25 in re Winship	397 US 358, 90 S. Ct 1068, 25 L Ed 2d 368 (1970)
United States V NAUD,	830 F.2d 768 (7th Cir. 1987)
Denton V. Hernandez	504 U.S. 25, 33, 112 S. Ct. 1728 (1992)
Ashcroft V ACLU	(2004) U.S. V Taylor (1988)
Federal Judicial Misconduct 28 USC 372(c) INRE complaint	366 F.3d 963, 2004 US App Lexis 8810 (9th Cir. 2004) Title Judicial Proc (1-650) 576 F.3d 1144 2009 US App Lexis 9392 Judicial misconduct Complaints against Judges Judicial Discipline 354-364 28 USC Fed Appeal Proc Dempsey V Belanger (11-232001)
STATUTES AND RULES	

STATUTES

28 U.S.C. §1291	2
28 U.S.C. §1331	1
28 U.S.C. §1343(a)(3)	1
28 U.S.C. §1443	1
42 U.S.C. §2000e-2(a)(1)	23
42 U.S.C. §2000e-5(f) "Title VII"	1, 2, 22, 23, 39, 44-46, 48
Fed. R. App. P. 26.1	1
H.R. Rep. No. 99-903	42

42 USC 290 dd -2

USCS Fed R. Civ Proc R59

Rule 10(b)(2) Fed. R. App P

Rule 31(c) Fed. R. App. P -

Rule 24(A)(1)

Failure to Obtain All evidence investigating properly and using Abuse of Discretion is grounds for Dismissal (they would have found errors per burden of Proof criminal law Deskbook P. 1102)

OTHER. unprofessional conduct by Mr Erik Krupter Sending me letters/orders June 3, 2022 & June 17, 2022 lying saying I had 6 violations when I had 1 false charge of 5b and 1 failure to report per IPB Exhibit's attached in 7th circuit case 23-1866

How could I receive indirect statements from classification saying I wouldn't be release per Governor Holcomb until James Shaffer is replaced.

Statutes, Rules/other/cases

MAida V callahan (2d cir 1998) Hadix V Johnson (6th cir 2002)

Evaluation of Evidence Direct Indirect

Circumstantial under PRLA Pg 889-991 under

* D. "The Relief Sought will SERVE THE PUBLIC INTREST IN THIS CASE, THE GRANT OF RELIEF will Serve THE PUBLIC INTREST"

* falsified Documents * PRLA Pg 768 W. Sanctions 284 SC 1927 Gomez v Vernon 255 F.3d 1118, 1184-85 (9th cir 2001)

(Ive wrote all Questions for all witness;
Defendants)

B. Failure to provide meaningful Explanation of the finding of guilt Denied Due Process from Northern District Court

Per PRLA Page 897; Pg 896 * Rules * USCrights

* D. In This Case The grant of Relief will serve the Public intrest because it is always in the public intrest for Prison officials to "OBEY THE LAW", especially * THE * CONSTITUTION * PHEIPS-ROPER V NIXON, 545 F.3d 685, 690 (8th Cir 2008); Ducas V Anaya, 642 F. Supp, 510, 527 (D.N.M. 1986) (RESPECT FOR LAW, Particulary by officials Responsible for the Adminstration of THE STATES Correctional SYSTEM, IS in itself a matter of the Law Especially when A Government official is in Direct or Indirect Participation Knowingly, intentionally, and willingly keeping me unlawfully incarcerated.

Rules/case/other

(2)

Rule 11 Sanctions cannot be imposed without providing some measure of due Process Protection. These include at a minimum, notice (either from the court or the adverse Party) and an opportunity to respond. In the case of a pro se litigant, due Process may require an opportunity for discovery, Specific notice of the Sanction that is proposed, and more time to respond than a litigant with a Lawyer might receive. ^(which District or Federal Courts never afforded me the right)

Rule 11 provides that if a party moves for a Sanction he is required to serve a motion on the other side and wait 21 Days before filing with a court to give the adverse party a chance to withdraw or correct Paper

Rule 11 (e)(1)(B) Fed R. Civ. P (None of this was done in USC/NO/7th Cir.)
Rule 24(a)(1) "Request for Admission for Evidence"
Retrieving it for civil case I Did in 7th Circuit
Rule 43 Fed R. Civ P which allows trial testimony by video only for good cause, telecommunication for hearing for Pro se Prisoner NOT for trial (which I never got a chance to attend none.) All Fed Civ R was disregarded; violated Fair trial I have a right to Per Fed Rule Civ Proc I never Receive A fair trial.

Under 28 USC 2412(B) equal Access law to Justice Act 28 USC 1915 (F)(1) which District Court Christopher V. Harbury 536 US 403, 414, 416 n. 13, 122 S. CT 2179 (2002) Fabricated evidence in an official cover up. Confidentiality of Records (42 USC 290dd-2) 28 USC 1343 deprivations of Rights, Personal rights, Property (24.) 290dd-2

"Highest Public Interest" Llewelyn V Oakland Co DPA ofc (ED, Mich, 1975) Stating the USCS is ultimate expression of the public interest. Mitchell V Cuomo (2d cir 1984) holding that prisoners interest in safety & medical care outweigh states interest in saving money by cutting staff see Duran V Anaya 642 F. Supp 510, 527 (DNM 1986). AsPg 890 PRA "The plaintiff is threatened with irreparable harm" * Estelle V Gribble (1976) in which I filed internal Grievances, 1st Level Grievance and final grievance, appeal grievances and emergency grievances on file with no help. E. Lard V Bunnis (1976) Tolly V Campbell (2d 1996) In addition the plaintiff is threatened see Gibbs V Roman (3d cir 1997), malik V McGinnis (2d cir 2002), Matthews V US 72 Fed CI 274, 278 (Fed CI 2006) Defamed by officials and offenders Due to program) EL-Shaddai V Wheeler (3-12-2008) Retaliation, Ustrak V Fairman (7th cir 1986) USC rights violated by Prison Fields V Ruiz (EO CAL 6-25-2007) Nelson V CAL (9th cir 2005) United States V Gathwah (2d cir 1992), Baker V McCallan (1979) Gholson V Lewis (2008), DE Gidlin V Pung (8th cir 1990) holding the lack of adequate org; "control" in admin of health due to letting Private org impede in there Co. AI, Sanitary, ect.

Do to the irreparable harm and the nature of my injury fractured hand, Damaged eyes, busted head, back Pain, mental anguish, PTSD, Anxiety, emotional physical pain, moments of loss attention span (blank) I Deserve punitive, compensatory damages Per PRLA under damages (due to negligence of IPB)

I Asked the court to appoint an attorney I was denied Pg 872 PRLA Abdullah V Guntz 949 F.2d 1032, 1035 (8th cir 1991) States I had or have a right to an attorney: (1) Factual complexity, (2) Plaintiff ability to investigate it In which ^(USCINO 57th cir) Westville Denied me, I Am waiting now after USC INO Order to show cause from Administrative Records which I have a deadline, I've written all superior and Legal service about this. (3) Conflicting testimony which I've had on ofc, court orders, and opinions (4) The ability of indigent to Present the claim once I filed IFP providing indigency for 6 months I was still charged by Mrs. Ethel Johnson / G Stone Putting my Act - 2215.00 and Didn't Not Pay it to courts that granted my IFP, So where is the money? "Unlawful Debt"

Rules / cases / other

4

Rules, Cases & Other

Pro-SE litigants complaints however are inartfully Plead, Must be held to Less Stringent Standards than formal pleadings drafted by Lawyers

Erickson V. Pardus: 551 U.S. 89, 94 (2007)

Santiago V miles (WDNY 1991); Kitt V ferguson (DNEB 1990) "equal rights"

Lane V circuit County 1st Judicial court 2021 US Dist

181696, 2021 WL 4312641 (ND, FLA, Aug 18, 2021)

(civil rights were violated) Rule 60 Fed R. Civ. P Lay V Anderson (8th Cir 1988)

(Wrongful Debt Civil Rec) 18 USC 1961(1); (5) S. Chidler V NOFW (2003) Hermansen V Chandler (6th Cir 2000)

Haines V Kerner 404 US 519 NO 70-5025 (1972)

Illegal Standards, Physical Injuries, deprivation of

rights ect. (I explain to the IPB through letter about Being assaulted and unlawful acts of Parole officers Matthew Pryor PD6 Violating my Rights)

Muhammad V close, Terrell V. US 565 F3d 442 446-47 (6th Cir 2009) (IPB)

United States ex rel. Johnson V chairman New York

Frank V Shields, Palermo V Rockfeller,

Johnson V Haskins, Johnson V Texas Dept of Justice

Parole cases / Fundamental fairness / civil rights

Docket V Chase 393 F3d 1024-1026-28 (9th Cir 2004) via Habeas or 1983

5 USC 552, 50 USC 1804 (A)(1)(9) 50 USC-1810 (FISA)

Page V Comey 2022 US Dist FISA Lexis 158410

NO 20 cv 3460 (DLF) / FDIC V Meyer 510 US 471

737 F.2d 1383 237 US App DC (Cir 1984) FBI Program

Fed Games Unconstitutional Hobson V Wilson (section 702 FTCA)

United States V muhtarov, 20 F 2021 NO 18-1366

OTHER/CASE/RULE

A. Under Preiser/Heck Rule: Prisoners who challenge procedure for denial of Parole eligibility or procedure for Parole release decisions, without actually challenging the decisions about their own Parole Status, Can Proceed directly under 1983 (which Federal Court said I could not do Dismissing my Complaint) which was a violation Per PRLA (Mistaking me)

Preiser V Rodriguez (case of lost time to impede freedom)
Edward V Balisok (Rule Heck V Humphrey)

2. mootness cruel Rights Actions Vs other state Remedies (PRLA)

Pg 491 A case is moot when legal Dispute between the plaintiff and the defendant has been resolved for practical purposes or has ceased to exist. When there is no longer a "live case or controversy" Mootness is established only if "(1) it can be said with assurance that there is no reasonable expectation, that the alleged violation will reoccur and (2) interim relief or event have completely. Irrevocably eradicated the effects of the alleged violation. If there is a concrete Reason to believe to violation is likely to recur the case is not moot." (So why Did Northern District write an order Saying that case was moot with parole under 3:23-CV-282-JD-MGB [Refer to Appendix D] Judicial misconduct and manifest injustice of federal courts.

Statutes; Rules / Other

Parole - Action for Mandate

IC-11-8-2-12-4(6) Attached to writ of on Docket

Certiorari All codes / Policy Attached on Docket

IC-11-9-1-2(a)(6)

IDOC Policy 03-03-101(XIII)

#14-04(11)(B)(1) Parole Directive #13-05 Urinalysis testing "Fu"

#14-04(11)(B)(1)(d) Parole Directive

Parole Service Division Directive #12-08(11)(D)

#12-08(11)(B)(1)

IC 4-21.5-2-5(5) The lack of formal appellate procedures for Revocations; the obstruction of Judicial review of IDOC action under IC-4-21.5-2-5(6) leaves Prisoners with No Adequate remedy at law. The absence of an adequate legal or administrative remedy triggers a prisoners right to seek relief through mandamus or mandate Action, which is deemed an extraordinary remedy and is generally viewed with disfavor. Under IC-34-27-3-1 an individual can seek relief through an action for mandate. Title 34 Action For Mandate. IC 34-27-3-1 gives an attorney or Pro se litigant legal force to fight against these arbitrary reincarceration.

28 U.S.C § 1746; 18 U.S.C § 1621 App to proceed forma
Touperis which was done with all cases per Question 19.

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-D 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 G 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 4-13-23 USCND.

☐ 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).

Federal Jurisdiction

The Case raises a Question of interpretation of the Due Process Clause of the 14th Amendments to the United States Constitutional rights. The District Court had Jurisdiction under the general federal question Jurisdiction conferred by 28 USC, 1331.
(The Jurisdiction of this court is invoked under 28 USC § 1254(c))

for me filing a 42 USC 1983 the federal District Court had Jurisdiction for the case, because Per PRLA and CASE Sites listed in Statutes, Rules and Case sites for the frequency of parole hearing and Procedure A 1983 was sufficiently filed with the correct Jurisdiction USC/ND 204 Southmain St. South bend, Indiana. 46601 filed 4-11-23 with Judge Jan E DeBuilio. Opinions; Orders / Dates are Complaint filed 4-11-23, Dismissed 4-13-23; case stricken As moot 4-20-23, 4-13-23 Granting IFB to 201, certificate of appealability filed 5-4-23 Denying it and USCOA 7th cir Notice of case opened 5-5-2023. Cir R(b) United States V. Naud (7th Cir 1987)

(I Asked for a counsel to be appointed and was not appointed one so Due to Denial of Legal Service and know lexis nexis I Am A Pro Se litigant so Please Hold me to the Erickson V Pardus Standard) Basis for Federal Jurisdiction

The case raises a Question of interpretation of the due process clause of the 14th Amendments to USC rights. The District Court had Jurisdiction under the General Federal Question Jurisdiction conferred by 28 USC, 1331.

Constitutional & Statutory Provisions

This case involves Amendment 1, 4th, 6th, 8th, 5th, 13th, & 14th to the United States Constitution, which provides: Section 1 All Persons born or naturalized in the USA, and Subject to the Jurisdiction thereof, are citizens of the USA and of the state where they reside. No State shall make or enforce any law which shall abridge the Privilege or immunities of citizens of the US. Nor shall any State deprive any Person* of Life*, Liberty* or Property*, without due process of law; nor deny to any Person within it's Jurisdiction the equal protection of laws.

Section 5: The Congress shall have Power to enforce, by appropriate legislation, the Provision of this Article. The Amendment is enforced by title 42, Section 1983, United States code. Every Person under color of state law or any statute, ordinance, regulation, custom, or usage of any State or territory or District of Columbia Subjects, or cause to be subjected. Any citizen of the US or other Person within the Jurisdiction thereof to deprivation of any rights, privileges, or immunities secured by the constitution and laws, shall be liable to the Party injured* in the action at "law suit in equity", or other Proper Proceedings for redress. Except that in any action brought against a Judicial officer for an Act or commission taken in such officers Judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was* unavailable*. For the Purposes of this Section, any act of congress applicable exclusively to the district of Columbia shall be considered by statute of the district of Columbia. Under 28 U.S.C. § 1915(A), the court must review the merits of a Prisoners complaint and dismiss it if the action is frivolous or Malicious. ("which if merits was investigated they would've found out there was alot more violated then my USC rights") All Forma Pauperis was filled out properly under that Act. U.S.C rights (Amendments 1, 4th, 5th, 8th, 6th, & 14th) been violated. 1. Disparte treatment 2. Disparte impact 3. right to refuse treatment, inhumane treatment chapter viii Actions, Defense, and relief PRLA Pg 452 Defendants

1 Constitutional & Statutory Provisions

See Cir. R. 26.1 and Fed. R. App. P. 26.1.

Abuse of discretion was used in the USC/ND against me in the case 3:23-cv-282-JD-MGB (violation of FPRM)

That I am being held *unlawfully* Due to Parole Directive, and Action for mandate being violated by All Parties in the complaint.

That my 4th, 14th Amendments has been violated and Standard Review/Preliminary investigation was not Done by USC/ND or 7th cir.

Unprofessionalism, Unethical behavior/Procedure at Personal hearing by IPB members.

Several violations of Federal Civil Rights / Federal Court Procedure and Rules (Preiser V Rodriguez, Heck V Humphrey, Heck V Preiser Rules were violated In this case Do to the Judge order 4-13-2023

Parole consideration, criteria for Parole Procedure, and Purposeful Incarceration Rules were violated by IPB.

my 1st 4th 6th, 8th and 14th Amendments has been violated at Facility Due to the negligence of the T.P.B violations unlawfully holding me here, knowing I should not have a 5b PV.

plain error was Done by USC/ND and 7th circuit court.

There is NO Evidence In Record to support there order to dismiss my case in USC/ND or 7th circuit court.

The USC/ND "Used Wrong Legal Standard" with decision was extreme violating civil Procedure and my rights as a Pro Se litigant. (which is Abuse of Discretion)

Factual findings and orders from Judges in USC/ND Are Clearly erroneous.

A. Blat lies was told about case, being moot when it is not; per case sites mentioned in this brief(writ).

B. "Abuse of Discretion" case Denied And Dismissed case 4-13-2023 then 4-20-2023 denied my case as moot, then on 4-13-2023 granted me ~~for~~ ^{as} pauper's. How was this possible under "Standard Review" and "fair Hearing" this violated my federal procedure Rights to USC/ND Courts

* Falsified Documents *
Provide a Pro se litigant falsified Documents" thats grounds for Relief to be Granted. under How to litigate PRLA P9768. In which I recieved from Erik Krupke from PD6 (Mr. Matthew Pryor who Put a fake PV warrant unlawfully incarcerating me over 4yrs supervision) if you look under Exhibit P its evidence relied upon finding of facts Parole revocation 2-5-2014 where it states Guilty of 2 violation 5b:10 So PD6 E. Krupke lied.

STATEMENT OF THE CASE

After I brought these issues of violations of the IPB "Grievance Attached" to the Court they did not even do the Standard Review / Preliminary Investigation Due to case being filed 4-11-23 and then dismissing case 4-13-2023 2 days later.

Then granted my forms Pauperis still making me pay was a violation of IFP Rules and procedure.

Blat lies was told by courts that case was moot in an order by the Judge Jon F DeGiulio

Violations of my due Process Due to 14th Amendment of written statements in which I have never received from the IPB. (In none of the 4 unlawful hearings I had at Parole board appearances.)

Fair hearings was violated By USC / ND and I.P.B. Due to not follow Proper Procedure of federal and parole Procedures.

Heck Vs Preiser Rule, Heck V Humphrey Rule and Heck V Preiser Rule was issues that were violated by USC / ND (Preiser V rodriguez)

Parole Action for mandate was violated By IPB not Reviewing there Policy, to know what was suppose to take place. Disregarding what I said about being Unlawfully Incarcerated do to the Parole Directives of the ones mentioned in this brief.

Mr Matthew Pryor violated Ocms notes violating Parole Directives and Parole Policy. Due to not giving me a follow up test or Arresting me reading me my warrant, lying inside his Ocms notes. All Documents in USC/ND system

Parole Director's PDC Supervisor was notified of these violations and unlawful incarceration which nothing was done, but more blunt lies. Mr Erik Krupter PDC Supervisor and Mr Troy Keith Parole Director

Per PRLA Page 752 wrongful Standard, unfair Review Determining the forma pauper's case is factually frivolous (which it was not but they Dismissed my Case 4-13-23 Due to 28 USC § 1915 A, when All correct forms are Attached and have been e-filed. Grounds for Granting my Appeal under "Abuse of Discretion." This was not "harmless error" to Not follow federal Procedure Per PRLA, Appendix A - C USC/ND

STATEMENT OF CASE

(Statement of Proceedings)

By the courts violating the Rules of Civil Proc of Federal Courts, I Am Still unlawfully Incarcerated and proceeding with this court Unfair prejudice.

The USC/ND dismissed my Pro-Se case without ever ruling on Pending motions for Retrieving evidence, appointment of counsel and other Important issues saying that the case was "moot". How could it Be when the IPB see me yearly so it was likely to re-occur.

I was not given a fair opportunity to be heard Per Fed Court Procedures.

On 3-28-2023 I explained to T PB that I Had accomplished Purposeful Incarceration and facility Had given me Panapoly conduct reports Due to Lawsuits Showing retaliation and that I have suffered physically (Assaulted by staff & offenders) mentally, spiritually, sexually, and emotionally. Ms G. Horth Responded with Profanity and Obscene

Language Quoting that it was something I told a ms. Porter, which was A blatant lie and very unprofessional / unethical for A parole Chairman to use that language in A Parole Hearing. (If you want to ask ms Porter's DHB Hearing officer at westville)

* Especially When I Do not have any Conduct Report using any profane language toward ms. Porter as stated. (from my Internal Grievance ms. Tiffany Gaidoo Program Director of IPB. Stated that *Sept 8, 2022* which was another blatant lie; Due to me being on WCU DS3-103 for being assaulted by an officer Oscar Parrish, so. How could I be using that language when ms. Porter never spoke to me on DS3-103 the whole 6 months I was in WCU from 3-24-22 - 9-24-22? (Attached to writ brief) *

Then I spoke to Mr. Charles F. Miller/IPB ^{as a} whole about the Parole Directives #3-05, 14-04, that Mr Matthew Pryor PO6 violated. *Only given me a Baseline test when Policy states I'm suppose to receive A *follow up* before issuing a Parole Technical violation or given intermediate sanctions. Which I wasn't afforded per Action for mandate 03-03-101. Mr C. Miller Responded That the IPB Have Sole discretion and that they Don't have to Abide by those

Standards / Directives If I failed a drug test thats all they need and thats why Ive done 4yrs. which is not what parole Directives say (Intermediate sanctions done first and a followup is Policy)
Then He told me be

Quiet 3 mins. (very unprofessional conduct not frequency consideration criteria)

Ms. Mia Kelsow said that I let the other team *intercept* too much and I have potential and this is my clean State. which I didnt understand what she was referring to, intess it was Unconstitutional Fed Games or Unconsented Advanced Technology / Artificial Intelligence (Intensive Programs) I never consented to do. (Do to seeing offender face on TV on Ball games NCAA at westville) (6 center on GSC side)

I Asked Did they understand all The Retaliation Ive Received at this prison and receive all the letters and the 3 things that they ask for which, I had all 3 transportation, A place to live, and a Job upon my release. They wasn't even worried about that.

The IPB knowing Im Unlawfully Incarcerated and that they have violated every year not given "written Statements" per Frank V Shields to show that there Actions have been fair and not malicious. which is for court Records, so Please feel free to Order I.P.B to Send you written Statements the last 4yrs

(6)

Which they can't Do, Due to me Having to pay \$2050.00 to Kassi Rigney to receive all Documents from IPB only thing that was Report investigation and Decision of Parole Board with Reasons mentioned in Grievance. ("Attached to brief") these Reasons are "Oxymoronic Due to me being unlawfully incarcerated 21 years and 2 of them will never change "nature of crime" and "Past criminal History" How could you change those 2 things? (other 2 ^(Criteria that should be explained) institutional conduct; Best interest of society)

Which is not written statements for the courts. Ms Cheryl Gann Parole Board Coordinator said she never received a *written statement* and she witness Ms Gilthorpe using Profane language she witnessed the whole hearing.

Per Appendix's the *Abuse of Discretion* was very Apparent and imperatively importance of this case being granted. Standard Review of federal procedure Rules was not afforded to me in USC/NO By Judge Jon E.

DEGuilio With the forma Pauperis being denied

4-13-23, Per 28 USC 1915 A was the wrong legal Standard to mention in order to dismiss my

Case; then 4-20-23 saying case was moot was wrong legal Standard Per (Ducken V. Chase)

given me the right to file 1983 and knowing this could recur.

STATEMENT OF CASE

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Informal Grievance was sent to IPB which they could've corrected but did not, instead lied further and charged me for a disc of hearing. (of the unprofessional hearing held 3-28-23)

Attachments of my 6 month trust to show I'm in Debt and that I filed Proper IFP forms So should've been charged anything.

Inside of Motion from court USC/ND on Docket and CCS where they state my case being moot.

14th Amendment Due Process violation NO Written Statements (my Rights has been violated USC)

I wasn't given a fair hearing with Profanity, Discussion of Parole Directives being violated meaning if they investigated those claims, they'll know I should've been immediately release.

At the 1st hearing "2019" but that mean they Did not Due a Standard Review or investigate.

Introduction to Reason for Granting Writ

The Case Sites Presented in the writ
 Supports the claims, issues, and merits
 of Public importance, safety & security,
 Future events that will not take place
 if my case is published for the world
 to see, Change in the way Indiana Parole Board and
 Prisons are ran, Criteria to work as
 a Staff, Casemanager, Aramark or any Park
 of the prison, Policy & procedure and
 Then Hopefully the Superiors will

Abide by State/federal law not taking
 Power and Control to Ruin a 14yr old
 boy who was unlawfully incarcerated and
 now 37 still mistreating him violating
 every right known to the USC, Indiana
 Policy & procedure, State/federal Law.

B. This Case Presents a fundamental
 questions of the interpretation of this
 Courts decision in *wolff v mcdonnell*
 418 US 539, 566, 94 S. Ct 2963 (1974)

The Questions presented is of great
 public importance Due to this affecting
 the operations of all prisons systems.

In all 50 States The District of Columbia and hundreds of city and county Jails or Indiana Parole (Parole Boards) view of Large Amounts of litigation over prison Parole hearings/ disciplinary proceedings, guidance on the question is also of great importance of prisoners (Due to this prison giving me over 15 parapoly conduct to keep me unlawfully incarcerated) Because it affects are right to receive fair Decisions in proceedings they may result in months/years of added incarceration or harsh punitive confinement (As I have faced and Assaults from Staff and Inmates, 4 Extra years) In which the Indiana Parole knew and had indirect or Direct Participation in this.

The issue of importance is further enhanced by the fact the lower courts misinterpret seriously Wolff v McDonnell with calling of witnesses.

As you'll see in 1-20 Reasons for granting the petition that I touch bases on all merits, issues, violations, or disregard from Federal Northern District and the prison Superiors all the way to Central office, with a Blat Disregard for Parole Directives, Policy procedure, Administration State/federal Law, USC Rights or the Supreme Courts for tampering with you'll mail.

Reasons for Granting writ

1. I was told that I had to file a Habeas Corpus when Preiser V. Heck Rule States "A prisoner who challenge Procedure for denial of Parole eligibility or Procedure for Parole Release Decisions, without actually challenging the decisions about their own Parole Status. Can proceed directly under 1983 Page 483 of PRLA, so How was the case dismissed saying that the case was moot and that I filed the wrong motion "blat lies" Per (Docket V Chase) and Muhammad V Close (2004) (393 F.3d 1024-1026-28 7th cir)* Per Glaus V Anderson (7th cir 2005) ("No admendment to a habeas Petition could cure it with (DC) could not be raised on Habeas")
2. Per Rule 24(a)(1) Hains V. Washington (7th cir 1997) Under PRLA it is at least theoretically possible that an appeal from a (1915 A) dismissal and accompanying denial of leave to proceed in forma Pauperis in DC. which I did and was still charged a percentage which is against 28 USC 1915(b)(1)-(4)
3. mootness Civ. R. Actions Vs other state court remedies Under PRLA Pg 491 "A case is moot when legal Dispute between the Plaintiff & defendant has been resolved for practical purposes or has ceased to exist - i.e. When there is no longer a "live case or controversy" mootness is established only if "(1) it can be said with

assurance that there is no reasonable expectation, that there is no alleged violation that it will re-occur and (2) interim relief or event have completely and irrevocably eradicated the effects of the alleged violation. If there is a concrete Reason to believe the violation is likely to recur The case is not moot. (If parole Board see me yearly it can recur so thats a violation from USC/NO which is Civil Right Action violation.

4. Per Due Process of Federal Procedures Rules and Parole considerations/ procedure; it states I Am Entitled A Fair trial or Hearing, so by the TPB Violating Parole Directives per 03-03-101, 13-05, 12-08, 14-04, IC 11-9-1-2(4)(C), IC 11-8-2-12.4(6), IC 34-27-3-1 / Federal Civil Rights and Proceedings, I wasn't given a fair Hearing.

5. Preiser V rodriguez a case involving good time lost in a disciplinary hearing) which Several of my parapaly conduct Reports I mentioned to parole Board which "Retaliation" from Westville Due to 1983 filed on them, which I have and Showed IPB proof of the Due process violation and blatant lies on these Conduct Reports and nothing was done. A violation of good time / Pg 483 of PRLA

6. Parole Action for mandate is supporting Authority
 Stainless V. Coriden (Ind Ct App 2005) Moore V
 Smith (Ind Ct App 1979) States that plaintiff
 must have clear and unquestionable legal right to
 relief sought and must show that respondent has
 an absolute duty to perform act demanded. which
 I've showed all Superiors Parole Director, Parole officer,
 Parole Supervisor, IPB, USC/NO, and facility Staff at
 Westville. which if followed properly the outcome will
 be my immediate release.

Parole Warrant # 19-30917 Per OIS Location
 History 2-15-19 It States I was released from ISP
 1-16-2018 and warrant unlawfully Served 1-25-2019
 which is 374 Days of earned credit time that's
 never been reflected Per Parole Policy and INOC policy
 of earned credit time I am afforded that, which
 I let Parole board know this and it still is
 not reflecting off my outdate.

Parole Directive 13-05 Page 3 Under B. States
 all parolees reporting for the initial report shall be
 given a baseline test UDS, The Results of the baseline
 test shall be used in Development of case plan and
 parole Agent (Matthew Pryor) shall initiate a referral
 process to available resources to address any special
 needs the parolee may have. Under "E" follow up test
 A test that is given 30-35 days after the baseline test

Which I never recieved from baseline test 5-10-2018 - 5-14-2018, the baseline test was given and from May 2018 to Jan 2019 I was never given a follow up test.

Which Policy states: before a technical violation is issued Intermediate Sanction Shall be given, Substance Abuse, 60 Days incarceration, or inpatient program; none of these options was offered to me.

So Why was I issued a warrant that was never issued by my Parole officer Matthew Pryor? Which #14-04 Says a State trooper wasn't suppose to read me my warrant, but thats who arrested me, Not my parole officer, which hasn't read me my rights to this Day. So How, I'm unlawtully incarcerated for a 5b failed Drug test in which no "follow up" was given, Do not warrant Prison time or a technical violation.

Which would leave me 1 failure to report, which Do not warrant 4 yrs of unlawful Incarceration. Policy 5-1-2018 #13-05.

7. Attached OCMS NOTES Page 6 for July 23, 18 and July 24, 18 Contridicts Each other Saying I Came in and was accounted for, then next Day which I wasn't suppose to Show up for Interview on 24th He Says I didn't come in. which Questions

7. Mr Matthew Pryor Credibility and incompetency to complete His Job. which resulted in me being unlawfully incarcerated 4 years and counting. (losing family members yearly, that I can not get Back). 8. OCMS notes show that He never gave me a follow up test after the base line test, which is Attached to cause number 3:23-282-JD-MGG, Also Stated He never read me my rights or attempted to see me at LCJ.

9. I reached Mr. Tray Keith through mail in 2022, while on lock up. DS3-103 being violated by westville prison. My mother Email and wrote him Real letters. Mr Wesley Stevens have wrote and emailed him letters "no Responce". My father Mr Howard Tillery called Erik Krupter and I wrote him, He sent Back Several lies saying what can he do? Sending me incomplete (lies) Records of issues. I Even told Mr K. Gann Warden Asst about this and thats when I recieved letters from PDL that was full of lies.

10. Per PRLA ON Page 481-488, and Page 752-756 it States about the Heck V Preiser Rule, Heck V Humphrey Rule giving me Authority to file a USC 1983 Complaint for Relief in my release or for Remand for Rehearing, to correct the frequency of Parole considerations, without profanity and disregard for Parole Directives #13-05, 14-04, #12-08 03-03-101 and the IC codes listed on table of Authorities.

11. I Am unlawfully incarcerated Per these Statutes, Rules, and Policies of Parole and IDOC.

Federal Court violated Abuse of Discretion Using wrong legal Standard not Reviewing my Case per federal civil.

procedure. I wasn't given a fair chance with the language and blunt lies ^(USC/ND 7th & Parole) diminishing my case.

12. the credibility of USC/ND Due to the wrong legal terms Dismissing my case without "preliminary investigation" especially the back and fourth Dismissed 4-13-23 then granting IFP 4-13-23, then Denied my case.

As moot 4-20-23 Which was wrong Do to me filing all IFP Affidavits, memorandums, Declarations to proceed without prepayment, to still be charged as Attached orders & opinions Show.

Reasons for Granting Writ

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13. Due to the Federal misconduct of the courts, not granting me Relief of Judgment Per Fed Rules 60 and Proc. • IS a Great Reason to Grant my writ, so that I am no longer "unlawfully incarcerated." "Public importance"

14. Due to the Public importance of every incarcerated individual that is misdirected or lead astray, ^(violating Fed R. Civ Proc) for this to be a case for them to refer to under case sites, ^(Lexis Nexis) if the same thing occur to them. (from USC 100 or 7th cir).

15. So that the Judicial misconduct is brought to the light. on violating Pro Se litigants Rights, just because they are alone Standing Strong, learning law without credits not to be treating less than citizens.

16. So that IPB chairmen "Due the correct investigation of parolee before giving several years of unlawful incarceration. • being unprofessional in conduct."

17. So that PAB Supervisors, Parole officers, or Parole Director can be held accountable for, unlawfully incarcerating Parolees violating PD Directives.

18. So that Parole Supervisors, can not lie on orders or letters and *new laws* with *Punishment* for falsely accusing, resulting in unlawful Prison time.

19. So that the *Parole Board* across the world is obligated Per Parole criteria or there *immunity clause* is broken and can be sued individually for unlawful incarceration, making them have *written statements* instead of just state form 7004 (R/10/6-22)

20. So that the Governor Eric Holcomb or No Governor can hold you in Prison "unjustly" until an Parole Board member is replaced (In which I have a request slip from Erin Williams saying I wouldn't be release until Governor reappoint J. Shafter position)

Conclusion

In conclusion I Respectfully Ask the ^(Supreme) Court to Reverse the decision made. Grant a Rehearing or Vacate the decision of Federal District Court and immediately release me from prison without Consent of T.P.B. Due to the incompetency to investigate and give me a fair Hearing. To keep this Injustice from Recurring to Grant my ~~Writ~~ ^{It} will be of "imperative public importance" for all on Parole, to get fair Hearings and "Written Statements" per 14th Amendment. I Pray that I Am Released without Parole Due to Serving 4 years ^{unlawfully} and I've Passed every drug test given at Westville and Completed Drug Programs Outpatient Recovery While Incarcerated and Intensive RWT
—Thank you for your time and Patience

Jerry Smalls
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6-14-2023 46391

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jerry A. Smith #129911

Date: 6-14-2023