No. 23-5279

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

ROBERT ANNABEL, II PETITIONER

vs.

JOSEPH NOVAK, ET AL. RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Robert Annabel, II, #414234

Macomb Correctional Facility

34625 26 Mile Road

Lenox Twp., MI 48048

QUESTIONS PRESENTED

I. Did the district court and the court of appeals for the Sixth Circuit erroneously dismiss Mr. Annabel's lawsuit and denied him in forma pauperis on appeal: Should the Supreme Court hold that truthful prisoner complaints are protected conduct and issue a test accordingly?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

JOSEPH NOVAK
KEVIN WOODS
JOHN CHRISTIANSEN

RELATED CASES

NONE

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TABLE OF AUTHORITIES CITED

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.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,
[X] is unpublished.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[ ] is unpublished.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[ ] is unpublished.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

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was May 2 2023.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: May 8, 2023, and a copy of the order denying rehearing appears at Appendix C.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts:**

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitution of the United States, Amendment 1:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

28 U.S.C. § 1915(a)(3):

> "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."

STATEMENT OF THE CASE

A. Proceedings Below.

Petitioner Robert Annabel, II, is a prisoner of the Michigan Department of Corrections. On March 14, 2019, he filed this action under 42 U.S.C. § 1983 in the United States District Court for the Western District of Michigan against several corrections employees for alleged violations of his federal rights under the Constitution of the United States.

Defendant corrections employees initially filed a motion for summary judgment on the grounds that Mr. Annabel had allegedly failed to exhaust administrative remedies. The motion was denied and the afirmative defense was later waived. The case proceeded to discovery.

Subsequently, Mr. Annabel filed a motion for summary judgment. Defendants filed their second motion for summary judgment. The District Court adopted the magistrate judge's Report and Recommendation that Mr. Annabel's motion for summary judgment should be denied and that defendants motion for summary judgment should be granted.

Mr. Annabel filed a motion for relief of judgment. The district court granted the motion but entered an amended judgment dismissing Mr. Annabel's case.

On September 26, 2022, Mr. Annabel timely filed a Notice of Appeal. However, on November 3, 2022, the district court entered an Order Denying Leave to Proceed In Forma Pauperis On Appeal. Mr. Annabel then filed with the Sixth Circuit Court of Appeals an application to proceed in forma pauperis. On May 2, 2023, the Sixth Circuit denied the application. On June 16, 2023, the Sixth Circuit panel denied Mr. Annabel's petition for rehearing. On July 3, 2023, the Sixth Circuit denied Mr. Annabels request for rehearing

en banc.

B. **Facts Upon Which Claims Are Based.**

Mr. Annabel was incarcerated at the Ionia Correctional Facility at all times relevant to his claims. Defendant Joseph Novak was the law librarian, and was notoriously corrupt. Mr. Annabel frequently filed grievances against Novak, and retaliation in the form of denying access to law library materials was common. This was extremely frustrating for Mr. Annabel and other prisoners.

The M.D.O.C. grievance policy required MR. Annabel to make an initial attempt to resolve an issue with the employee involved prior to filing a grievance. Mr. Annabel was in administrative segregation and the only medium for him to comply was to send a written kite complaining to Novak.

On April 8, 2016, Mr. Annabel sent a complaining kite to Novak. In retaliatory response to that kite, on April 10, 2016, Novak issued Mr. Annabel a baseless threatening behavior misconduct charge with a copy of the kite attached. However, the sergeant who reviewed the ticket simply quashed it for failure to allege any threatening behavior by Mr. Annabel.

On July 21, 2016, Mr. Annabel sent Novak a kite complaining that Novak had recently retaliated with a false notice of overdue law library materials to deny future law library requests. The kite complained that Novak was lying and also of other corrupt deeds of Novak that were frustrating him and other prisoners. Although there was no Insolence in the kite, the following day Novak issued him an Insolence misconduct ticket, which made the complaint a non-grievable issue.

Mr. Annabel sent a memorandum complaint to Defendant John Christiansen, who was deputy warden over Novak, that the ticket did not reflect any

insolence and was retaliatory. Christiansen responded that he condoned Novak's retaliation and that he would take no action to remedy the situation.

Defendnat Kevin Woods held a hearing on Mr. Annabel's Insolence charge. Mr. Annabel explained that there was nothing insolent in the kite and that the ticket was retaliatory. Woods threatened Mr. Annabel with further retaliation if he continued to engage in protected conduct, then found him guilty in a vague and abrupt Hearing Report. Mr. Annabel's appeal was denied by Christiansen, just as he had previously condoned retaliation by Novak.

REASONS FOR GRANTING THE PETITION

I. Did the district court and the court of appeals for the Sixth Circuit erroneously dismiss Mr. Annabel's lawsuit and denied him in forma pauperis on appeal: Should the Supreme Court hold that truthful prisoner complaints are protected conduct and issue a test accordingly?

Prison officials may not retaliate against prisoners who have exercised their constitutionally protected rights to redress of grievances and freedom of speech to complaint of prison officials' actions. Thaddeus-X v. Blatter, 175 F.3d 378, 394 (6th Cir. 1999)(en banc). Several federal courts have ruled in favor of prisoner claims that officials have retaliated for protected speech by issuing misconduct charges against the prisoner. Brown v. Crowley, 312 F.3d 782, 790 (6th Cir. 2002)(accusing a warden of embezzling); Wilson v. Greetan, 571 F.Supp.2d 948, 960 (W.D.Wisc. 2007) (telling officer, "You're corrupt). Threats to file a lawsuit are also protected conduct. Entler v. Gregoire, 872 F.3d 1031, 1039 (9th Cir. 2017); Goodell v. Ervin, 591 F.Supp.3d 232, 240 (E.D.Mich. 2023); Booth v. King, 346 F.Supp.2d 751, 762 (E.D.Penn. 2004).

"Statements exposing possible corruption in a police department are exactly the type of statements that demand strong First Amendment protections." See v. City of Elyria, 502 F.3d 484, 493 (6th Cir. 2007); Mayhew v. Town of Smyrna, 856 F.3d 456, 468 (6th Cir. 2007).

"[A] prison inmate retains those First Amendment rights that are not inconsistent with his status as a prisoner or with the legitimate penological objectives of the corrections system." Pell v. Procunier, 417 U.S. 817, 822 (1974). "Thus, a regulation cannot be sustained where the logical connection between the regulation and the asserted goal is so remote as to render the policy arbitrary or irrational. Turner v. Safley, 482 U.S. 78,

89-90 (1987). While some courts have applied employee retaliation cases to prisoner retaliation cases, Wilson v. Greetan, 571 F.Supp. at 957-958, other courts have applied the Turner legitimate penological objective test. Bridges v. Gilbert, 557 F.3d 541, 550-551 (7th Cir. 2008). "'Deference does not mean abdication.'" Bradley v. Hall, 64 F.3d 1276, 1280 (9th Cir. 1995).

> "Therefore, although the truthfulness of the employee's statements is not relevant in determining when the speech involves a matter of public concern (unless, of course, the employee intentionally or recklessly made false statements), the truthfulness of such statement may be relevant--as one factor--in striking the appropriate balance between the employee's right to free speech and the employer's interest in efficient administration."

See v. City of Elyria, 502 F.3d at 493; Burns v. Martuscello, 890 F.3d 77, 89 (2nd Cir. 2018)("Truth is vital to security."); Brown v. Crowley, 312 F.3d at 790. An officer's bare word that a grievance is frivolous cannot be credited over the prisoner's assertion that the allegations are true. Webb v. Golladay, 2022 U.S.Dist. LEXIS 170364, *8-9; 2022 WL 4369931 (W.D.Mich. May 12, 2022); Brown v. Bott, 2022 U.S.App. LEXIS 17393, *8 (6th Cir. June 22, 2022).

Under the Prison Litigation Reform Act 28 U.S.C. § 1915(a)(3), the courts must certify that an appeal has been taken in good faith before granting leave to proceed in forma pauperis. McGore v. Wrigglesworth, 114 F.3d 601, 611 (6th Cir. 1997). "We have also emphasized that good faith is a fact-specific and flexible determination." Alt v. United States, 305 F.3d 413, 419 (6th Cir. 2002). "Determination of 'good faith' is a mixed determination of fact and law." In re Revco D.S., 901 F.2d 1359 (6th Cir. 1990).

First Amendment free speech and to the redress of grievances are in grave danger of erosion and being destroyed in the Sixth Circuit. Citizens

can no longer discern what conduct is still protected and what conduct is not. State employees have been granted a license to retaliate for conduct prisoner Mr. Annabel had reason to believe was protected. Even language which would be deemed appropriate inside a courtroom is now regarded as criminal for prisoners outside the courtroom.

This controversy arises out of two kites Mr. Annabel sent to Defendant Novak to complain about his corruption and retaliation related to access to law library services. A kite is a written note that prisoners send to a prison employee through institutional channels. The M.D.O.C. grievance policy requires a prisoner to first complain to the staff member involved in the issue before filing a grievance. Often a kite is the only means to comply with the grievance policy, as it was with Mr. Annabel, who was housed in segregation.

Novak is notorious at the Ionia Correctional Facility for his corruption and retaliation. His actions were consistently condoned by Defendants Woods and Christiansen, who directly participated in the retaliation. While at Ionia, Mr. Annabel frequently filed grievances against Novak. When Novak recieved a complaining kite from Mr. Annabel, he knew that a grievance would likely be filed. Often Novak would retaliate by denying law library services or issuing a misconduct ticket against Mr. Annabel.

The district court and the Sixth Circuit misconstrued the facts of the case, which were not disputed between Mr. Annabel and the defendants. Moreover, no clear test was applied as to what complaints are protected and which speech is not protected. Mr. Annabel's position is that prisoner complaints are protected if the prisoner has reason to believe that they are truthful. The courts below did not give any regard to whether Mr. Annabel's complaints were believed to be truthful.

In fact, defendants never contended that MR. Annabel did not have reason to believe that his complaints were truthful or that their actions did not frustrate him into making the complaints.

Mr. Annabel requests that the Supreme Court refine a test of what prisoner speech is protected and which as not. He asserts that such a test must include, as a fact, whether a prisoner has reason to believe that his complaints are truthful. The Courts of Appeals are divided on whether employee retaliation cases requiring that a prisoner's speech involve a public concern. Moreover, what constitutes a legitimate penological objective needs more definition as applied to a prisoner's free speech to complain of the actions by prison officials.

a. April 8, 2016, Kite.

On April 8, 2016, Mr. Annabel sent Novak the first complaining kite at issue in this lawsuit. Novak retaliated by issuing him a Threatening Behavior misconduct ticket. Apparently, the baseless charge from the kite is derived from the following excerpt:

> "You also assume that I'll never get out of ICF segregation, but for the last year I was not at ICF or in segregation; eventually you'll lose your power to harass me in segregation again."

ICF represents Ionia Correctional Facility. That statement contained no threat to harm or physically abouse Novak. Mr. Annabel's claim is bolstered by the fact that Novak had attached a copy of the whole kite to the ticket he issued, yet the reviewing sergeant quashed the ticket for failure to allege any threatening behavior.

When the Sixth Circuit denied Mr. Annabel's application for leave to proceed in forma pauperis, it erroneously held: "The two grievances (sic) for which Novak issued misconduct reports primarily contains threats against

Novak and support the district court's conclusion that the grievances were frivolous and abusive." However, Plaintiff's two kites did not contain a single threat to harm or abuse Novak, and the record does not support that Mr. Annabel's complaints were false or frivolous.

Indeed, Mr. Annabel implied that he anticipated getting transferred to another facility away from Novak: "for the last year I was not at ICF." He stated: "eventually you'll lose your power to harass me in segregation again."[This clearly meant Mr. Annabel did not intend to return to segregation by assaulting Novak so that Novak could regain the power to harass him as before. A fortiori, assaulting Novak would give him a worse motive to harass Mr. Annabel in segregation.

Rather, Novak realized that Mr. Annabel intended to utilize the grievance process by first sending the kite. Novak knew this from the many past grievances Mr. Annabel had filed against him. So, Novak retaliated with the threatening behavior ticket to flaunt his power to harass Mr. Annabel and keep him buried in ICF segregation indefinitely.

But that attempt to retaliate failed to accomplish Novak's purpose, when the reviewing sergeant saw through the ploy and quashed the ticket. That the ticket was quashed does not diminish Mr. Annabel's retaliation claim.

The courts below seemed to imply that Mr. Annabel was somehow guilty of the threatening behavior charge that the reviewing sergeant quashed. However, unless the sergeant's decision to quash was blatantly erroneous, it is the general policy of the federal courts not to second guess such decisions by prison officials that do not impinge on a prisoner's constitutional rights--some deference should be given to the sergeant's interpretation that a rule was not violated by a prisoner. Moreover, it would arguably

violate due process for a federal court to find Mr. Annabel guilty of a misconduct ticket for which prison officials had exonerated him. It is a question for the jury.

b. July 21, 2016, Kite.

The second kite at issue was sent to Novak on July 21, 2016, and resulted in a retaliatory Insolence charge the following day. Defendants have defined Insolence as an act that "admonishes administrative staff" and "telling them they do not know how to do their job."

But wait, such is the nature of any prisoner's assertion in almost all grievances, that essentially complain that prison officials are not doing their jobs right. A prisoner--particularly Mr. Annabel--would not complain if he believed prison officials--particularly Novak--conduct was proper and that they were doing their jobs correctly. Such things cause Mr. Annabel frustration and it is not Insolence for him or any other prisoner to express their dissatisfaction in complaints.

Indeed, defendants took Mr. Annabel's kite complaint out of context and try to protect their retaliatory actions by hiding behind unfair interpretations of prison rules. The district court failed to make proper findings when it viewed the evidence in a light most favorable to defendants and made inferences against Mr. Annabel that he intended to be insolent.

The interpretations of Mr. Annabel's kite boiled down to the following two points: (1) Mr. Annabel accusing Novak of being a liar for knowingly making false statements in an overdue law library materials notice for items that were never sent to Mr. Annabel; and (2) A list of complaints for Novak's past corruption and retaliation that were not necessary to the grievance that Mr. Annabel had intended to file for the false overdue notice.

First, defendants failed to assert that Mr. Annabel's many complaints in his kite were not true or that he did not have reason to believe they were true. This makes defendants' argument of comparison misplaced to "twenty-one ficticional writings and a five-hundred-page novel" and also manipulative and misleading. The district court erroneously adopted defendants' fiction-argument, when it labelled Mr. Annabel's complaints as "frivolous." "A determination that Brown's grievances lacked merit, moreover, would not necessarily render them frivolous." Brown v. Bott, 2022 U.S.App. LEXIS 17393 (6th Cir. June 22, 2022). Again, the record does not reflect that defendants denied that Mr. Annabels kite complaints were accurate.

Indeed, defendants and the district court placed many labels on Mr. Annabel's kite complaints and his pleadings. These label were pure bias and unsupported by the record evidence. For example, defendnats referred to Mr. Annabel's complaint of Novak's persistent retaliation as a "hunch." Just another label freely slung at Mr. Annabel, another antagonistic insult the district court too eagerly adopted.

Again, Joseph "the Lawyer" Novak never denied the truth of Mr. Annabel's complaints. Instead, Novak claimed (at times falsely) that Mr. Annabel failed to cite "facts" in support. Regardless of whatever kite pleading requirements Novak has conjured in his own mind, a conclusory kite complaint does not constitute Insolence or make it untrue or frivolous. A non-existent rule was placed upon Mr. Annabel.

But defendants and their attorney have not been honest in their interpretations of Mr. Annabel's July 21, 2016. kite as being "without facts." The part of the kite relating to the grievance he intended to file contained the following facts:

"You still insist on your retaliatory lies in your false overdue

notice of July 19, 2016. You are a liar and you never sent me any of those materials to me, and the fact that I requested that 860 F.2d 328 again on 7/10/2016 3 of 3 proves it."

Simply, defendants and their attorney are liars. Mr. Annabel did not even underline anything in the kite for emphasis; Novak underlined it to emphasize the Insolence ticket, and his lying lawyer pinned it on Mr. Annabel. They Play a dirty game in Michigan.

Defendants like to focus on that Mr. Annabel called Novak a liar for knowingly making false statements in an overdue law library materials notice. Mr. Annabel recognized this tactic--Novak frequently retaliated for his grievaces by withholding law library services. Mr. Annabel also alleged how Novak knew he had never sent the materials? Mr. Annabel had refiled his request for "860 F.2d 328 again on 7/10/2016."

Moreover, defendants admitted in the following interrogatory, attached to Plaintiff's Motion for Summary Judgment, that he used the word "liar" in the appropriate context:

Q. "Isn't someone who knowingly makes a false statement a liar?"

A. "Yes."

Again, Novak never denied that the overdue law library materials notice was false. They do not explain any mathematics for how and when such complaint suddenly becomes Insolence, or how Mr. Annabel is supposed to discern the difference. The M.D.O.C. rejects or denies over 99% of all grievances--are defendants so at liberty to issue a misconduct ticket each time a complaint is rejected or denied?

In Brown v. Crowley, 312 F.3d at 790, the Sixth Circuit ruled in favor of a prisoner who had been issued a ticket for accusing a warden of embezzling funds from his prisoner trust account. The Court noted that the prisoner had reason to believe the embezzlement accusation to be true,

based on an actual discrepancy in his trust account. While the dissent found fault that there was just an error and no actuallembezzlement, it was the holding of the Sixth Circuit that a prisoner is allowed to make complaints he believes are true about the actions of officials.

It seems that the courts below have not followed Brown v. Crowley. The Sixth Circuit had also held in a non-prisoner case, that the truthfulness of an employee's complaint is one factor to consider in free speech claims. See v. City of Elyria, 502 F.3d at 493. In Mr. Annabel's case, the Sixth Circuit applied neither holding, and it was not addressed whether he had reasons to believe that Defendant Novak had lied. Neither did the courts below apply defendants' own definition of "liar."

In Wilson v. Greetan, 571 F.Supp.2d at 960, that court ruled in favor of a prisoner who had been issued an insolence ticket for telling an officer: "You're corrupt." Although the prisoner's statement was not necessary to utilize the formal grievance procedure was of no moment. The court also held that: "a speaker's motivation need not be entirely selfless to merit First Amendment protections." Id. at 958. The Sixth Circuit did not even apply these holdings.

In Mr. Annabel's kite he expressed the intent to file a lawsuit and asserted that he had witnesses. A prisoner has a First Amendment right to express intent to file a lawsuit, as Mr. Annabel had done so in his kite. The courts below also failed to apply this standard to his claims.

It should also be noted that Mr. Annabel could have used insults in the arts of profanity, but chose not to do so. Plainly, it was his intent to make legitimate complaints and express his frustration with Novak's retalitory conduct. See, Lockett v. Saurdin, 526 F.3d 866 (6th Cir. 2008)(calling hearings officer a "foul mouth bitch.").

Defendants basically assert that some of Mr. Annabel's kite complaints were not necessary for the grievance he had intended to file, and therefore was not protected conduct. In other words, Mr. Annabel just complained too much. But how much complaining mathematically constitutes the sum of too much complaining? And who gets to set the standard, assuming that a one-size-fits-all clear line can be drawn for consistency? And who gets to set the standard, assuming that a one-size-fits-all clear line can be drawn?

Mr. Annabel asserts that the fundemental rights of the Constitution, to freely complain of tyrannies and unfairness should decide the question, not prison officials serving their own self-centered interests and whims. The central precept of the Constitution is to ensure rights of free speech and to prevent the government from exercising too much power.

We begin a slippery slope into tyranny when the federal courts become comfortable ruling in favor of oppression and suppression of honest speech.

However, defendants assert that Mr. Annabel's kite complaints were not intended to resolve anything and were not protected conduct. Foremost, even if some of his complaints were not directly aimed at redress of grievances, then they fall under free speech. And freedom of speech does not require a showing of any attempt-to-resolve element.

Second, defendants' assertion is not entirely true. Each kite was the first step in Mr. Annabel's intention to file grievances--an attempt to resolve per the the M.D.O.C. grievance policy. Moreover, he was frustrated with Novak's corruption and would have very much have liked Novak to cease and take heed that his corruption was being documented for purposes of prospective litigation.

Instead, Novak doubled down and repeatedly emphasis in the Insolence

ticket in reference to Mr. Annabel's past grievances that the kite was his "latest attempt" to harass and degrade Novak.

c. The Hearing and Appeal.

However, Novak's second attempt to retaliate would not have been successful without the participation of Defendants Woods and Christiansen. The Insolence ticket was retaliatory on its face, and Mr. Annabel also explained as much at the hearing and in his written appeal and Memorandum.

In fact, Woods made the following retaliatory threat at the hearing that he conducted:

> "It's harassment when you write complaints, grievances, or lawsuits on us, and we have a right to stop this degrading behavior. You should stop complaining and deal with it, or you'll continue having problems from us. Don't send Novak anymore kites about what he does."

Prior to the hearing, Mr. Annabel had complained verbally and in a written Memorandum to Christiansen, who was deputy warden, of Novak's corruption before the hearing, which was followed by a denial of Mr. Annabel's appeal. This cast Novak's retaliation in stone.

d. The District Court's Errors.

The district court erred by not viewing the evidence and drawing all legitimate inferences in favor of non-movant Mr. Annabel when granting defendants' motion for summary judgment. There was no evidence to support an inference that Mr. Annabel intended to make any threats or be insolent. There was, indeed, ample evidence that defendants intended to retaliate for the stern complaints Mr. Annabel had made out of frustration with Novak's continual corruption.

Upholding the district court's judgment would strain at a gnat to

chill prisoners' free speech and right to the redress of grievances. It would cause prisoners uncertainty of what conduct is not protected. And given this power of oppression, prison officials will make even more onerous definitions of what once protected conduct qualifies as threatening or as insolence.

e. In Forma Pauperis on Appeal.

Both the district court and the Sixth Circuit Court of Appeals denied Mr. Annabel leave to proceed in forma pauperis on Appeal. Good faith is a fact-specific and flexible determination. Alt v. United States, 305 F.3d at 419. Mr. Annabel has raised a substantial question of law for appeal that is supported by case law. How far prisoners' First Amendment rights extend is open to arguable debate as to what test should be applied to make distinction. Mr. Annabel has, therefore, shown good faith to proceed in forma pauperis on appeal.

CONCLUSION

The petition for writ of certiori should be granted.

Respectfully Submitted,

Robert Annabel, II, #414234

7/17/2023

Dated