

23-5401

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
MAY 29 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

BY: PRO-SE-LITIGANT RAYSHAUN J. CHRISTMAS #433850
A.K.A. RAYSHAWN J. CHRISTMAS - PETITIONER

VS

Joseph R. Biden, Jr., President of the United States; John Bel Edwards, Governor of Louisiana, James M. LeBlanc Secretary through States Louisiana Department of Public Safety and correction services; Mr. Ware Sergeant of extended lock-down [REDACTED], Ms. Gaines Major Assistance to Disciplinary Board officer, Mr. Brock Warden, Mr. Guerin Warden of extended lock-down, Ms. Alexia Carey Social worker, Mr. Timothy Hooper Warden, Ms. Fleming Psychiatric, Ms. Clara H. Head Social worker, Jeff Landry Louisiana Attorney General, 1885 N. 3rd St. P.O. Box 94005, Baton Rouge, La. 70804-0005, (225-342-7015) Email: [REDACTED], Phone: 225-326-6070, FAX: 225-326-6797, Website: agjefflandry.com, E.mail: constituentservices, @ag.state.la, Governor John Bel Edwards @od.louisianagov. [REDACTED] CORRECTIONS OFFICER AT LOUISIANA DEPARTMENT OF CORRECTIONS SUP INDIVIDUAL IN Respondent IN THEIR OFFICIAL CAPACITIES ET AL DEPENDANTS-APPELLEE

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FIFTH CIRCUIT
NAME OF COURT THAT LAST RULES ON MERITS OF YOUR CASE

PETITIONER FOR WRIT OF CERTIORARI

BY: PRO-SE-LITIGANT Rayshaun J. Christmas #433850

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AKA RAYSHAWN J. CHRISTMAS
LOUISIANA STATE PENITENTIARY
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(4) IV. QUESTIONS PRESENTED

- 1) Why did Erin Wilder-Doomes, U.S. Magistrate Judge grant service by U.S. Marshall's office Rule (4)(c)(3), then said that clerk of court is directed to withhold issuance of summons until further order of the court...
- 2) Why did Erin Wilder-Doomes, U.S. Magistrate Judge tell the court no service shall be made by the United States Marshall's service at this time!...
- 3) Why did not Mr. Doomies, U.S. Magistrate Judge send a memorandum order, directing pro se litigation petitioner Mr. Christmas to amend his complaint.
- 4) Why did Erin Wilder-Doomes, U.S. Magistrate Judge requires the court to dismiss his complaint without prejudice and not with leave to amend.
- 5) Why did Erin Wilder-Doomes, U.S. Magistrate Judge did not give appellant Mr. Christmas an evidentiary hearing because he gave the district court jurisdiction 42 USC §§ 1983 and 1331.
- 6) Why did not Erin Wilder-Doomes, U.S. Magistrate Judge have an evidentiary hearing and discovery on merits of his case.
- 7) Was the Erin Wilder-Doomes, U.S. Magistrate Judge willful wrongs or malicious acts and prejudice constitute error that he dismiss Mr. Christmas case
- 8) Why did the court deny Mr. Christmas at least one chance to amend, if it is possible to fix what court think is wrong with Mr. Christmas's complaint.
- 9) Why did not Brian A. Jackson, U.S. District Judge and Shelly D. Dick, Chief Judge of the Middle District of Louisiana correct the error that Magistrate Judge made.. in the court room.
- 10) Why did not District Judge, Mr. Jackson and Shelly D. Dick Chief Judge when magistrate judge lie in his recommendations report and said Mr. Christmas sued the defendants appellees in their official capacity. See Report sent to the Fifth Circuit under 22-30085. Incorrect.
- 11) Is Erin Wilder-Doomes, U.S. Magistrate Judge is a judicial officer who is like a federal judge..
- 12) Is Erin Wilder-Doomes, U.S. Magistrate Judge is his powers are limited in comparison to a district court judge, so they do much of the work in many prison cases...
- 13) Do district court judge Brian A. Jackson tell the magistrate judge Erin Wilder-Doomes to decide certain things in Mr. Christmas case.
- 14) Do district judge Mr. Jackson tell the magistrate judge Erin Wilder-Doomes to like a discovery issue..

15

Were the medical Department and mental health and correctional officer of Louisiana Department of Corrections aware of Mr. Christmas in dangerous surroundings, ignored health and his safety?

16 IGNORED for help when he was on hunger strike and suicide watch.
SO did MR WARE CORRECTIONS WRITE IT DOWN IN the LOG BOOK what HAPPENING ON 7-19-2020)

17 Did the defendants APPELLEE document ANY medical RECORDS and medical REPORTS and
PSYCHIATRIC REPORTS of the INCIDENT 7-19-2020) Tell them He need help..

18) So why did Mr. Ware officer come help Mr. Christmas.

19) So why did Mr. Ware corrections officer come and get the knife from the fellow inmate on administrative segregation extended lock down from try to kill Mr. Christmas.

20) So why did Mr. Ware corrections officer came see about Mr. Christmas a hour and 30 minutes later. Came in Christmas cell # 14 door is open, he never closed it.

21) So why did Mr. Ware corrections ask Mr. Christmas what happening, and he open the cell # 22 door.

22) So why did not when Mr. Christmas was seen by the EMT, she send him to skill nurse, mouth bleeding badly, he was weaker and weaker from the stabbed, he was seen by 2 nurse for medical treatment why did not send him to hospital emergency room. 7/19/2020.

23) So why when the next day on July 20, 2020, he was called up to (A.T.U.) was seen by physician she examined Mr. Christmas then sent him to emergency room at Lady of the Lake Hospital.

24) So why the physician that Mr. Christmas seen, said why the nurse did not seen him to the hospital last night, on 7/19/2020 and she was (mad) too. About it.

25) So why did not when petitioner Mr. Christmas notify and talk with Major Gaines, Warden Guerin, Alexia Carey, Mr. Clara H. (social worker), Dr. Flemming (mental health), Warden Brock, why their all purposefully deliberately ignored his request for help.

26) So why when he notify them, told them that he need help and he was not safe here states of Louisiana through Department of Corrections at Elayn Hunt Correctional Center, why did not help him.
WERE the APPELLEE PRESENT of the INCIDENT PERTAINING the MR CHRISTMAS PETITIONER ON 7-19-2020

27) So why did they help him. So do it have a camera footage showing what about.

28) So do it have camera footage showing what happening on July 19, 2020.

29) So do it have report about the incident on July 19, 2020.

30) So do it have medical records reports psychiatric reports on this incident on Mr. Christmas.

31) So did Mr. Ware corrections officer written statement a (U.O.R.) on the incident on 7/19/2020 when Mr. Christmas was stabbed.

32) So do it have psychiatric report of Mr. Christmas telling the social work write down, when he talk with them that he was in dangerous surroundings [REDACTED] that their acknowledged and
IGNORED his help when he was on hunger strike and suicide watch..

SO WHY DID NOT MR WARE CORRECTIONS OFFICER COME GET THE KNIFE FROM THE INMATE THAT WAS TRY TO KILL MR CHRISTMAS. WHY THEY TURN A BLIND EYE TO IT.

SO DID THE CAMERA FOOTAGE SEE INMATE GO IN MR CHRISTMAS CELL AND GET THE KNIFE.

WHY JAMES M. LeBLANC, SECRETARY OF DEPARTMENT OF CORRECTIONS DENY AND REJECTION HIS A.R.P.

34) If I do not like what the U.S. magistrate judge says, I can write objections to the action within ten days and file them at the district court.

35) Can the district court judge, Mr. Jackson can also ask the magistrate Erin Wilder-Doomes do important things in Mr. Christmas case.. like hold a hearing or propose findings...

36) Can Mr. Christmas are more likely to get meaningful review by a district court judge Mr. Jackson on an issue of importance.

37) So whether or not Mr. Christmas file objections, the U.S. district judge Brian A. Jackson will read what the U.S. magistrate has written and then adopt, reject, or modify the magistrate judge Erin Wilder-Doomes findings.

38) So #9 # chief justice judges of this Supreme Court if Mr. Christmas case U.S. Court of Appeals issued its judgment and returning petitioner action to the U.S. Middle District of Louisiana for decision DOC #14.

39) So #9 chief justice judges if remand when a case is sent back from the appellate court to the trial court for further action or proceedings is Mr. Christmas the WINNER!

40) So, when U.S. Court of Appeals 5th Circuit "reverse" and changes the decision of a lower court. The party who lost in the trial court and then appealed to the appellate court is now the winner of the case, so when this happens, the case is "reversed", right.

41) So was the U.S. district judge Brian A. Jackson and U.S. magistrate judge Erin Wilder-Doomes and Shelly D. Dick, chief judge prejudice and malicious in this case.

42) So why did Mr. Ware corrections officer on the date of July 19, 2020 open the door on Beaver 2, tier C, cell #14 of Mr. Christmas so the inmate can attacked him on extended lockdown.

43) So why he did that to Mr. Christmas, and he no that Mr. Christmas was on protective custody the January 12, 2020, at the disciplinary courtroom and board members sent the question to following their recommendation.

44) So why he did that when the inmate told him to open the door.

45) Administrative - So why did not the wardens administrative and John Bel Edwards Governor of Louisiana and James M. LeBlanc Secretary through states Louisiana Department of Public safety and corrections services. Supervisor failed to adequately train...

46) So why did Mr. Ware, officer open Mr. Christmas cell # 14 door when the offender told him, to do it. He should no what cell the inmate in, right. Lack of training. STATE OF LOUISIANA THROUGH DEPARTMENT OF CORRECTIONS.

DID THE DEFENDANTS APPELLEE THE STATE OF LOUISIANA ADMINISTRATIVE EMPLOYEES AND MEDICAL DEPARTMENT DELIBERATELY DENY AND IGNORED, HEALTH, SAFETY THAT ACKNOWLEDGED MR CHRISTMAS MEDICAL NEED AND TREATMENT AND PROLONG PAIN AND HELP?

(5) V. LIST OF PARTIES

[X] 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 Petitioner is as follows:

PETITIONER:

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Honorable Chief Justice
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James M. LeBlanc, Secretary
La. Dept. Pub. Safety & Corrections
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Ms. Flemming, Psychiatric
Mental Health MD
Ms. Clara H. Head Social Worker
Mr. Brock, Warden - extended lockdown
Mr. Ware, Sgt. - extended lockdown
Ms. Gaines, Major - disciplinary board
Mr. Guerin, Warden extended lockdown
Timothy Hooper, Head Warden
All current for Government of DOC
Employees at Elayn Hunt Correctional
Center
Is all being sued in their Official capacity
and in their individually capacity
ATTENTION Legal Department
504 Mayflower Street
Baton Rouge, LA 70802-6419

RELATED CASES

SUPREME COURT

Jones v. Bock, 549 U.S. 199 (2007).....	10, 21, 22
Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 292, 50 L.Ed.2d 251 (1976).....	18, 31
Porter v. Nussle, 534 U.S. 516 (2002).....	21
Wilson v. Seiter, 501 U.S. 294 (1991).....	26-27
Farmer v. Brennan, 511 U.S. 825 (1994).....	26
Hutto v. Finney, 437 U.S. 678, 686, 98 S.Ct. 2565, 87 L.Ed.2d 522 (1978).....	21
Booth v. Churner, 532 U.S. 731, 740 (2001).....	22
Hafer v. Melo et al., 502 U.S. 21, 112 S.Ct. 358, 116 L.Ed.2d 301 (1991).....	23
Kentucky v. Graham, 473 U.S. 159, 166, 105 S.Ct. 3099, 3105, 87 L.Ed.2d 114 (1985).....	23, 24
Will v. Michigan Depart. of State Police, 491 U.S. 58, 109 S.Ct. 2304, 105 L.Ed.2d 45 (1989)....	23
Saucier v. Katz, 533 U.S. 194 (2001).....	26, 30
Harlow v. Fitzgerald, 457 U.S. 800 (1982).....	26, 30
Ashcroft v. Iqbal, 129 S.Ct. 1937 (2009).....	26, 30
Cutter v. Wilkinson, 544 U.S. 709 (2005).....	31
Rayshaun J. Christmas v. Jeff Jackson et al., No. 21-6947, Petition for writ of certiorari denying and rehearing denying Supreme Court of the United States.....	33-34, 27
Lewis v. Casey, 518 U.S. 343 (1996).....	31

MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

(6) VI.) TABLE OF CONTENTS

TABLE OF CONTENTS

I. 1.) MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	0
PETITIONERS FOR WRITS OF CERTIORARI	1
IV. 4) QUESTIONS Presented	2, 3, 4
V. 5) List of Parties and Related cases	5, 6
VI. 6) Table of contents	7
VII. 7) INDEX OF APPENDICES	8
VIII. 8) TABLE of Authorities	9, 10
IX. 9) OPINIONS Below	11
X. 10.) JURISDICTION	12
XI. 11.) CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED	13
XII. 12.) STATEMENT OF THE CASE	14
XIII. 13) REASONS FOR GRANTING THE PETITION	27
XIV. 14) CONCLUSION	34
XV. AFFIDAVIT PROOF OF SERVICE	36
Rule #13.1.5 CERTIFICATE	35
Rule #10(b)(1) CERTIFICATE	35
Rule #17(a)(2)(B), 4(b)(7) CERTIFICATE	35
Rule #18 CERTIFICATE	35
Rule #19 CERTIFICATE	35
Rule #20 CERTIFICATE	35
Rule #38 CERTIFICATE	35
Rule #42.1. CERTIFICATE	35
Rule #43, 23, 45, 6, 7. CERTIFICATE	35
Rule #45.1.3, CERTIFICATE	35
Rule #20.1.2 CERTIFICATE	35
RULE CERTIFICATE	28
BURDEN OF PROOF evidence of VALUE	36
XV. CERTIFICATE OF SERVICE	36

(7. VII.) INDEX TO APPENDICES

(7) VII. INDEX OF APPENDICES

APPENDIX A

COURT: United States 5th Circuit Court of Appeal

DOCKET NUMBER: #5CCA, 22-30766

DATE(s): March 10, 2023

APPENDIX B

COURT: U.S. District Court for the Middle of Louisiana, Finding Recommendations Magistrate Judge and District Judge.

DOCKET NUMBER: #21-00439-BAJ-EWD

DATE Filed: August 9, 2021, January 4, 2022, November 1, 2022, December 2, 2022, June 10, 2022; General Order No: 2019-4, Shelly D. Dick, Chief Judge

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FEDERAL CASES

Benavides v. Bureau of Prisons, 995 F.2d 269 D.C. Cir. 1993).....	39
Bett v. Wolfish, 441 U.S. 520, 546, 99 S.Ct. 1861, 1878, 60 L.Ed.2d 44 (1979).....	26
Canell v. Lightner, 143 F.3d 1210, 1213 (9 th Cir. 1998).....	24
Castrillon v. United States Department of Justice Washington D.C., et al., 903 F.2d 1011, 1990 U.S. app. 5 th Cir. LEXIS 10993, 16 Fed.R.Serv.3d (Callaghan) 1207 No. 89-2572, summary calendar 4/15/90.....	340
Christmas v. Avoyelles correctional center medical et. al. U.S. District Court Western District of Louisiana Alexandria case #1:13-cv-02595-DEW-JDK).....	21-32
Christmas v. LeBlanc, et. al., U.S. District Court Western of Louisiana Alexandria Division Civil Action No. 1:17-cv-587-P).....	32-27-26-27
City v. Tuttle, 471 U.S. 808, 105 S.Ct. 2424, 85 L.Ed.2d 791 (1985).....	27
Cockroft v. Kirkland, 548 F.Supp.2d 767 (N.D. Cal. 2008).....	24
Coon v. Ledbetter, 780.2d 1158 (5 th 1986).....	18
Corby v. Conboy, 2 Cir. 1972, 457 F.2d 251, 254.....	25
Davis v. District of Columbia, 158 F.3d 1342 (D.C. Cir. 1998).....	24
Days v. Johnson, 322 F.3d 863, 866 (5 th Cir. 2003).....	22
Donald v. Cook County Sheriff's Dept. 95 F.3d 548, 555 7 th Cir. 1996).....	31
Estelle v. Gamble, 429 U.S. 97 (1976), said pleadings § 130 pro se #12.....	18, 31
Foreman v. Davis, 371 U.S. 178, 182 (1962).....	31
Hardy v. District of Columbia, 601 F.Supp.2d 182 D.C. Dist. 2009).....	26, 30
Heard v. Sheahan, 253 F.3d 316 2001 U.S. App. LEXIS 12870 No. 00-2903.....	32
Hensley v. City of Columbus, 557 F.3d 693, 697 6 th Cir. 2009).....	32
Howard v. King, 707 f.2d 215, 220 (5 th Cir. 1983).....	19-25
Hutchings v. Corum, 501 F.Sup. 1276, 1288, 1297 (W. D. Mo. 1980).....	33
Iamaker v. Weiner, 179 F.3d 48, 57 2d Cir. 1999).....	32
Jackson v. District of Columbia, 254 F.3d 262, D.C. Cir. 2001).....	24
Johnson v. Johnson, 385 F.3d 503, 522 (5 th Cir. 2004).....	19, 22, 30
Johnson-El v. Schoemeh, 87 F.2d 1043, 1989).....	33
Johnson v. Johnson, 385 F.3d 503, 522 (5th Cir. 2004).....	19, 22, 30
Kaba v. Stepp, 458 F.3d 678, court of appeals seventh circuit No. 03-3531 CA. 7 Nov. 30, 2006).....	20
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Lozano v. Smith, 718 F.2d 756, 5 th Cir. 1983).....	26
Marshall v. Knight, 445 F.3d 965, 968 7 th Cir. 2006).....	31
Martinez v. Mancusi, 2 Cir. 1970, 443 F.2d 921, 924, cert. Denied, 401 U.S. 983, 91 S.Ct. 1202, 28 L.Ed.2d 335.....	25
Mayweather v. Newland, 258 F.3d 930 9 th Cir. 2001).....	24
McElyea v. Babbitt, 833 F.2d 196, 200 9 th Cir. 1987).....	32
McGord v. Phelps, 608 F.2d 1023, 1026 5 th Cir 1978).....	26

Miller v. Solem, 728 F.2d 1020, 1024, 8 th Cir. Denied 469 U.S. 841, 831.3d2d 84, 105 S.Ct. 145 (1984).....	27
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O'Quinn v. Manuel, 773 F.2d 605, 609-10, (5 th Cir. 1985).....	27
Robinson v. Page, 170 F.3d 747, 748 (7 th Cir. 1999).....	24
see e.g. v. Crown Zellerbach corp., 398 F.2d 496, 498-99, (5 th 1968).....	22
Shomo v. City of New York, 579 F.3d 176 2d Cir. 2009).....	31
Siggers-El v. Barlow, 433 F.Supp.2d 811 (E.D. Mich. 2006).....	24
Smith v. Wade, 461 U.S.30 1983).....	24
Taylor v. Gibson, 529 F.2d 709, 713-14 (5 th Cir. 1976).....	2418
Tiberi v. Cigna Corp., 89 F.3d 1423, 1430-31 (10 th Cir. 1996).....	32
Thompson v. Carter, 284 F.3d 411 2 Cir. 2002).....	24
Turner v. Burnside, 541 F.3d 1077, U.S. court of appeals eleventh circuit No: 07-1491 Aug. 28, 2008).....	30. 20
Underwood v. Wilson, 151 F.3d 292, 296 (5 th 1998).....	22
Valdes v. Crosby, 450 F.3d 1231 11 th Cir. 2006).....	26-30
Wendell v. Asher, 162 F.3d 153, 157 5 th Cir 1999).....	22
West v. Rowe, N.D. ILL., 1978, 448 F.Supp 58, 60.....	25
Whitssel v. Sengenberger, 222 F.3d 861, 866 (10 th Cir. 2000).....	32
Woodford v. Ngo, 548 U.S. 81, 90, 126 S.Ct.2378, 2386, 165 L.Ed.2d 368 (2006).....	22
Woods v. Edwards, 51 F.3d 577, 5 th Cir. 1995).....	21-26
Wright v. Hollingsworth, 260 F.3d 357 5 th Cir 2001).....	22, 23

MONTERO V. CRUSTE 153 F.Supp.2d 368. 376-77 S.D.N.Y. 2001).....	28
GLOVER V. ALABAMA DEPARTMENT OF CORRECTION 734 F.2d 691. 693-94 11 th CIR 1984).....	30
NORTHINGTON V. JACKSON 973 F.2d 1518, 1525 (10 th CIR. 1992).....	30
PAVLICK V. MITCHELL 90 F.2d 208-10 7 th CIR. 1996).....	30
PRISON LEGAL NEWS V. LEHMAN 397 F.3d 692, 701 9 th CIR. 2005).....	30
HAMILTON V. LEWIS 117 F.3d 742, 1997 U.S. COURT OF APPEAL THIRD CIRCUIT LEXIS 16598 NO. 95-7309, JUNE 30, 1997).....	31
QUINONES V. NETTLESHIP, 773 F.2d 10 1st CIR. 1985).....	31
RONALD GREENE V. LOUISIANA STATES Police.....	26

* STATES CASES ACTING UNDER COLOR OF STATES LAW:-	
CARTER V. EDWARDS COURT OF APPEAL OF LA. FIRST CIRCUIT 637 So.2d 690, 1994 LEXIS 1745, NO. 93 CA 1583 MAY #20, 1994 RENDERED WAS AFFIRMED).....	20
WHITLEY V. WEBB 630 So.2d 2. La App 1st CIR. 1993).....	20
WILLIE REESE V. BARON KAYLO 488, 515 IN NINETEENTH JUDICIAL DISTRICT COURT AFFIRMED A FINDING THAT CONDITIONS A.V.C.).....	20
WILKERSON V. STALDER 639 F.Supp.2d 654, 680-82 MD LA. 2007).....	26
CHRISTMAS V. DEPARTMENT OF CORRECTION NO. 653728 IN NINETEENTH JUDICIAL DISTRICT PURSUANT TO LA. R.S. 15:1177 AND NOTICE OF THE RESECTION CONSTITUTED NOTICE OF THE FINAL DECISION.....	15-20
DUHAN V. CALCASTELL PAR. POLICE JURY 517 So.2d 1016 La. App. 3 CIR. 1987).....	26
JACKSON V. PHELPS 95-2294 03 LA. 418/90).....	26
BARLOW V. CITY OF NEW ORLEANS 257, LA 91, 99, 241 So.2d 501, 504 1970).....	26
BROWN V. STATE THROUGH DEPT OF CORRECTION 354 So.2d 633.....	26

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.

(9) IX. OPINIONS BELOW

☒ For cases from **federal courts**:

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

☒ reported at Rayshaun J. Christmas v. Edwards, et. al.; or

☐ has been designated for publication but it not yet reported; or

☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petitioner and is

☒ report at Rayshaun J. Christmas v. Edwards, et. al.; or

☐ has been designated for publication but it 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.

(10) X. JURISDICTION

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was under 5th Circuit R. 42.3 said the appeal is dismissed as of March 10, 2023, for want of prosecution. The appellant failed to timely pay the fee No. 22-30766.

[] 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 _____.

[X] An extension of time to file the petition for a writ of certiorari was granted to and including This Supreme Court; 60 days (date) on June 7, 2023 (date) in Application NO. _____ A _____.

The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1254(1)(2), 2253(a)(c)(1)(2)(3) This is a Supreme Court's construction of civil right action of authorized by act of 1871 and 1873 and 1874 and 1875, 42 U.S.C. section 1983 to redress the deprivation, acting under color of state law of rights secured by the constitution of the United States. Pursuant under 28 U.S.C.A. § 1251(a)(b)(1)(2)(3) and U.S. Const. Amend. 11; 28 U.S.C.A. §§ 1252 and 1253 and 28 U.S.C.A. § 636(c)(3) and Civ. R. 73(c); 28 U.S.C.A. § 2101(a)(b); 28 U.S.C.A. § 2101(c); 42 U.S.C. § 1997(e)(a); 42 U.S.C.A. § 1997(e)(e); 28 U.S.C. § 1331 and 1343(a)(3). Appellant Mr. Christmas seeks declaratory relief pursuant to 28 U.S.C. § 2201 and 2202. Appellant Christmas for injunctive relief are authorized by 28 U.S.C. § 2283 and 2284 and Rule 65; 28 U.S.C. §§ 1391(b)(1)(2), (c)(d)(e)(f)(1)(2)(3)(4), 1652, 1653, 1654, 1655, 1651 (a)(b), 1357, 451, 144, 2343, 18 U.S.C. § 3626, 28 U.S.C. §§ 128(a)(b)(1)(2)(3)(6), 1920, 1928, 2412, 272, 133(b)(1)(2), 356(a)(b), 2111, 1916, 2403(a)(b), 1911, 2673, 2639(a)(1), 2643(a)(b)(c)(1), 2674, 28 U.S.C. §§ 2507(a)(b)(c), 2202, 98(a)(b), 352(a), 256(a)(b), 2521(a)(b)(1)(2)(1)(2)(3), 2517(a)(b), 532(a)(1), 533, 535, 561(a), 637, 656, 657, 673, 960, 28 U.S.C. §§ 1255, 1256, 1656, 1657(a)(b), 1658(a)(b)(1)(2), 1731, 1733(a)(b)(c), 1736, 1746, 1824, 1825, 1861, 28 U.S.C. §§ 1915, 1912, 1913, 1917, 1921, 1926(a)(b), 1923, 1925, 1927, 1923(a), 2044) 28 U.S.C.A. §§ 1292(a)(1)(2)(3)(4)(5)(6)(7)(8)(9)(10)(11)(12)(13)(14)(15)(16)(17)(18)(19)(20)(21)(22)(23)(24)(25)(26)(27)(28)(29)(30)(31)(32)(33)(34)(35)(36)(37)(38)(39)(40)(41)(42)(43)(44)(45)(46)(47)(48)(49)(50)(51)(52)(53)(54)(55)(56)(57)(58)(59)(60)(61)(62)(63)(64)(65)(66)(67)(68)(69)(70)(71)(72)(73)(74)(75)(76)(77)(78)(79)(80)(81)(82)(83)(84)(85)(86)(87)(88)(89)(90)(91)(92)(93)(94)(95)(96)(97)(98)(99)(100) rule 100(b)(1)(2)(3)(4)(5)(6)(7)(8)(9)(10)(11)(12)(13)(14)(15)(16)(17)(18)(19)(20)(21)(22)(23)(24)(25)(26)(27)(28)(29)(30)(31)(32)(33)(34)(35)(36)(37)(38)(39)(40)(41)(42)(43)(44)(45)(46)(47)(48)(49)(50)(51)(52)(53)(54)(55)(56)(57)(58)(59)(60)(61)(62)(63)(64)(65)(66)(67)(68)(69)(70)(71)(72)(73)(74)(75)(76)(77)(78)(79)(80)(81)(82)(83)(84)(85)(86)(87)(88)(89)(90)(91)(92)(93)(94)(95)(96)(97)(98)(99)(100) 110100

[] 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).

XI.11) ✨ CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED ✨

FEDERAL STATUTES)		U.S. Constitution
UNITED STATES FEDERAL COURTS JURISDICTION	28 U.S.C. § 272	8 th Amendments
28 U.S.C. § 1254 (1)(2)	28 U.S.C. § 272	First Amendments
28 U.S.C. § 2253 (1)(2)(3)	28 U.S.C. § 1330 (1)(2)	IV 4 Amendments
28 U.S.C. § 1871	28 U.S.C. § 354 (1)(b)	VI 6 Amendments
28 U.S.C. § 1873	28 U.S.C. § 2111	SECTION 2
28 U.S.C. § 1874	28 U.S.C. § 1416	VII 7 Amendments
28 U.S.C. § 1875	28 U.S.C. § 2403	IX 9 Amendments
42 U.S.C. § 1983	28 U.S.C. § 1911	XI 11 Amendments
28 U.S.C. § 1254 (1)(2)(3) and U.S. Const. Amend. 11	28 U.S.C. § 2673	XII 12 Amendments
28 U.S.C. § 1255	28 U.S.C. § 2639 (1)	XIII 13 Amendments
28 U.S.C. § 1253	28 U.S.C. § 2643 (1)(b)(c)(1)	VI 6 th Amendment
28 U.S.C. § 1634 (c)(3)	28 U.S.C. § 2674	14 XIV Amendment
28 U.S.C. § 2101 (b)	28 U.S.C. § 2507 (1)(b)(c)	
42 U.S.C. § 1997e (1)	28 U.S.C. § 2202	LOUISIANA CONSTITUTION
42 U.S.C. § 1997e (1)(B)	28 U.S.C. § 980 (b)	OF 1974 ART
28 U.S.C. § 1331	28 U.S.C. § 352 (a)	22pt 1.325 (1) st
28 U.S.C. § 1343 (1)(3)	28 U.S.C. § 2510 (b)	STEP IN § 15:1177
28 U.S.C. § 2201	28 U.S.C. § 2517 (a)(b)	(B) § 15:1176
28 U.S.C. § 2202	28 U.S.C. § 2521 (1)(2)(3)(4)	La. R.S. 15:1177
28 U.S.C. § 2283	28 U.S.C. § 5320 (1)	
28 U.S.C. § 2284	28 U.S.C. § 533	Supreme Court
28 U.S.C. § 1391 (b)(1)(c)(d)(e)(1)(2)(3)(4)	28 U.S.C. § 535	Rule 13.1.5
28 U.S.C. § 1652	28 U.S.C. § 540 (1)	Rule 10 (a)(b)(c)
28 U.S.C. § 1653	28 U.S.C. § 437	Rule 17 (1)(2)(3)(4)(6)(7)
28 U.S.C. § 1654	28 U.S.C. § 456	Rule 18
28 U.S.C. § 1655	28 U.S.C. § 457	Rule 19
28 U.S.C. § 1651 (a)(b)	28 U.S.C. § 460	Rule 20
28 U.S.C. § 1357	28 U.S.C. § 1653	Rule 38
28 U.S.C. § 451	28 U.S.C. § 1656	Rule 42.17
28 U.S.C. § 144	28 U.S.C. § 1656	Rule 43, 23.4, 5, 6, 7,
28 U.S.C. § 2343	28 U.S.C. § 1656	Rule 45.1.3,
28 U.S.C. § 1280 (1)(2)(3)(6)	28 U.S.C. § 1731	
18 U.S.C. § 3626	28 U.S.C. § 1733 (1)(b)(c)	
28 U.S.C. § 1920	28 U.S.C. § 1736	
28 U.S.C. § 1928	28 U.S.C. § 1746	
28 U.S.C. § 2412	28 U.S.C. § 1825	
	28 U.S.C. § 1826	
	28 U.S.C. § 1915	
	28 U.S.C. § 1917	
	28 U.S.C. § 1917	
	28 U.S.C. § 1927	
	28 U.S.C. § 1927 (a)(b)	
	28 U.S.C. § 2254 (1)	
	11 D 11 B)	
	# 19)	

(12) XII. STATEMENT OF THE CASE

PETITION FOR A WRIT OF CERTIORARI TO THIS SUPREME COURT OF THE UNITED STATES WASHING D.C. AND MEMORANDUM OF LAW TO SUPPORT THE ARGUMENT

#1) FAILURE TO ADEQUATE PROTECTIVE

(1)

Mr. Rayshaun J. Christmas #433850 AKA Rayshawn J. Christmas #433850 pro se litigant is a self represented. Already is place on protective of custody on the date January 12, 2020 at the disciplinary courtroom. And the board members sent the question for their recommendation that the plaintiff, Mr. Rayshaun J. Christmas be place on protective.

Now comes Mr. Rayshun J. Christmas #433850 AKA Rayshawn J. Christmas #433850 pro se litigation applicant in the above captioned and enumerated cause in hereinafter foregoing cause of action.. Petitioner seeks that this Honorable Mr. Chief Justice's shall review the merits and the arbitrary denial of the United States District Court for the Middle District of Louisiana Baton Rouge Division, and the denial of this United States Court of Appeals Fifth circuit of this above-entitled case petition.

Rayshaun J. Christmas petitioner is a self-represented inmate is an offender sentenced to the state of Louisiana through Department of Public Safety and Corrections (DPS) and is currently confined at Louisiana State Penitentiary in Angola, La. 70712

Mr. Christmas moving party who move this Honorable Mr. Chief Justice John Roberts; Mr. Chief Justice Clarence Thomas; Mr. Chief Justice Samuel Alito, Jr; Mr. Chief Justice Brett Kavanaugh, Mr. Chief Justice Neil Gorsuch; Ms. Chief Justice Amy Coney Barret; Ms. Chief Justice Ketanji Brown Jackson; Ms. Chief Justice Sonia Sotomayor, Ms. Chief Justice Elena Kagan Courtroom to grant Petitioner for Writs of Certiorari pursuant under Rule # 10(a)(b)(c) and Rule 13

1.5; Rule 17 1.2.3.4.6.7; Rule 18; Rule 19; Rule 20; Rule 38; Rule 42.1; Rule 43. 1.2.3.4.5.6.7.;
Rule 45.13 on the following grounds:

Petitioner Rayshaun J. Christmas, has filed this suit pursuant to 42 U.S.C. § 1983 and 1331, naming the above stated appellee allegations in their individual capacity and to redress the deprivation action under color of state law, of rights secured by the constitution of the United States. On his claim of violations to his constitutional rights pursuant under the (I (First), (IV (4), (VI (6), section 2, (VII (7), (IX (9), (X (10), (XI (11), (XII (12), (XIII (13), (V (Fifth), (VIII (Eighth), (XIV (Fourteenth) Amendments as to they be held responsible were liability for unlawful conduct based on his allegations for was violation denied access to due process and equal protection rights afforded by the Bill of Rights the amendments to the United States Constitution of America, proposed by congress.

The court for pertinent material questions keeping in light of 28 U.S.C. § 1746 and Rule #10 (a)(b)(c) certificate. I sincerely respect important U.S. Supreme Court time. I have read relevant court rule and laws to best of my ability and knowledge.

Amendment VIII (8) – Excessive bail shall not be required, nor excessive fined imposed, nor cruel and unusual punishments inflicted. Cruel and unusual is interpreted by what those terms mean today, not what they meant when the constitution was adopted.

Action under color of state law Title 22 part 1 § 325 1st step in La. C.Cr.P. R.S. § 15:1177(B) et seq. And La. Administrative code title 22 pt. 1 325(J)(1) and § 15:1176 and notice of the rejection constituted notice of the final decision of the Louisiana Department of Public Safety and Corrections pursuant to La. R.S. 15:1177, all appeals of nondelictual claims in the administrative process must be filed in the 19th Judicial District within thirty days after receipt of the decision is

unavailable to those 1983 defendants – appellee prison officials had duty under eighth and fourteenth amendments to protection appellant Christmas from violence at hand of other prisoners. The appellee is being charged with failure to adequately protect the Mr. Rayshaun J. Christmas...

(2)

Petitioner before the court is a civil rights verification complaint see Doc. 1-1 at p. 3. Appellant prisoner sought review of an order from the United States District Court for the Middle District of Louisiana, which he sought the benefit of the form a pauperis statute 28 U.S.C. § 1915. Mr. Christmas filed this action on July 19, 2020 and was, considering Christmas motion to proceed in forma pauperis in the above captioned, and was (Granted) for in purpose of service of process by United States Marshal's office, as provided by Rule 4(c)(3) of the Federal Rules of Civil Procedure. The clerk of court is directed to withhold issuance of summons until further order of the court. No service shall be made by the United States Marshal's service at this time. ORDERED by Erin Wilder-Doomes, U.S. Magistrate Judge (August 9, 2021). His action was and is malicious and prejudiced Mr. Christmas. Pursuant to U.S.C. § 1983 and 28 U.S.C. § 1331, District Court Jurisdiction, under the "allegations" to obtain relief from violations of his right under United States Constitutional rights was violated under VIII (8) and XIV (14) was malicious and prejudicial on all the 1983 defendants-appellee prison officials had a duty to protection Mr. Christmas. And the supervisory officials is and was all placed on actual notice of Mr. Christmas get placed on physical protection custody on the date January 12, 2020, while he was incarcerated in custody of State of Louisiana through Louisiana Department of Public Safety and Corrections (DPS) at Elayn Hunt Correctional Center.

(3)

ERIN WILDER-DOOMES
UNITED STATES MAGISTRATE JUDGE
MAGISTRATE JUDGES REPORT AND RECOMMENDATION

This pro se prison action asserts violations of plaintiff petitioner appellant Rayshaun J. Christmas # 433850 aka Rayshawn J. Christmas constitutional rights resulting from defendants appellee alleged failure to prevent and respond to an inmate-on-inmate attack that resulted in Mr. Christmas being stabbed (See Doc. 1-1 at p. 3) on January 4, 2022, the magistrate judge Erin Wilder-Doomes issued a report and recommendation Doc. 5, the "R nd R" recommending that plaintiff petitioner Mr. Christmas complaint be dismissed without prejudice pursuant to the screening requirements of 28 U.S.C. §§ 1915(e)(2)(2)(B) and 1915A, due to plaintiff appellant Mr. Christmas failure to exhaust his prison administrative remedies prior to filing suit. (Doc 1) Plaintiff objects to the R and R (Doc 8, Doc 9) upon de novo review, and having carefully considered plaintiff appellant complaint (Doc. 1) the administrative record attached to petitioner complaint (Doc. 1-1 at p. 1). Appellant Mr. Christmas objections (Doc. 8, Doc. 9) and related filings, the court approves the magistrate judge's report and recommendation and adopts it as the court's opinion in this matter...

(4)

EXHAUSTION OF ADMINISTRATIVE REMEDIES PROCEDURES

Applicable Law And Analysis

"(1) XII Factual allegations standard of Review"

Mr. Christmas want to get this straight, and is here to call upon this Honorable Mr. Chief Justice John Roberts; Mr. Chief Justice Clarence Thomas; Mr. Chief Justice Samuel Alito, Jr; Mr.

Chief Justice Brett Kavanaugh, Mr. Chief Justice Neil Gorsuch; Ms. Chief Justice Amy Coney Barret; Ms. Chief Justice Ketanji Brown Jackson; Ms. Chief Justice Sonia Sotomayor; Ms. Chief Justice Elena Kagan, Supreme Court of the United States attention to let the records show, this is all he need to do!! and he did this, petitioner Mr. Rayshaun J. Christmas.

“A”)#2) Louisiana Law R.S. 15:1184E

No prison suit may assert a claim under state law for mental or emotional injury while in custody without a prior showing of physical injury..

“B”)3) Federal Law 42 U.S.C. § 1997(e)(a)

States that “No action shall be brought with respect to prison conditions... by a prison confined in any jail, prison, or other correctional facility, until such administrative remedies as available are exhausted...”

C”)4) Mental or emotional injury”

The PLRA also states that:

No federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury, 42 U.S.C.A. § 1997e(e).

D.) “The rights of other prisoners” and Mr. Christmas)

The right bring an action under the civil rights act is personal in nature and may not be asserted by third parties. Coon v. Ledbetter, 780.2d 1158 (5th 1986) All persons who claim a deprivation of constitutional rights must prove some violation of their personal rights. Id. Insofar as the plaintiff appellant petition Mr. Christmas litigation pro se complaint must be read to in a liberal fashion and should not be dismissed unless it appears beyond all doubt that Mr. Christmas and prison could prove no set of facts under which he would be entitled to relief. Taylor v. Gibson, 529 F.2d 709, 713-14 (5th Cir. 1976) See also Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 292, 50

L.Ed.2d 251 (1976) standard allowing consideration of subsequent materials as set out in Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983) and complaint be read to assert a deliberate indifference and cruel and unusual punishments inflicted.) Claim on behalf of other prisoners and Mr. Christmas.

See pg[#] 22A, #2) B, #3) C, #4) Exhaustion of Administrative Remedies

Section 1997e of Title 42 of the United States Code provides in pertinent part as follows:

“(a) Applicability of Administrative Remedies – No action shall be brought with respect to prison conditions under (section 1983) of this title, or any other federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted. Under 42 U.S.C. § 1997e(a), a prisoner must exhaust available administrative remedies before filing a § 1983 suit.

The prison litigation reform act (PLRA) see pg # A#2) B#3) C#4) does not specify who must be named in a prison grievance in order to properly exhaust the prison grievance system.. Jones v. Bock, 549 U.S. 199, 217-218, 127 S.Ct. 910, 922-23, 166 L.Ed.2d 798 (2007), instead, it is the prison's requirements, and not the PLRA, that defines the boundaries of proper exhaustion. Id at 923. The primary purpose of a grievance is to alert prison officials to a problem, not to provide personal notice to a particular official that he may be sued. Johnson v. Johnson, 385 F.3d 503, 522 (5th Cir. 2004) A grievance must provide administrators with a fair opportunity under the circumstances to address the problem that will later form the basis of the suit. Id. And accordance with the adult administrative remedy procedures and Mr. Christmas petitioner did this!! Inmate commences the process by writing letter to the warden in which he briefly sets out the basis for his claim and the relief sought. La. Admin. Code title 22 pt. 1 § 325(J)(1). This request shall be screened by the A.R.P. screening officer and notice will be sent to the inmate advising that his

request is being processed or is rejected. Id. If a request is rejected, it must be for one of the enumerated reasons, which must not be on the request for administrative remedy. Id. At §325(i)(1)(a)(ii). An administrative grievance may be rejected on grounds that it is a duplicate request Id. At § 325(i)(1)(a)(ii)(c) see Doc. 1-1 at p. 3) and in magistrate judge report Mr. Christmas failure to exhaust his prison administrative remedies prior to filing suit Rec. Doc. 5.1) Rec, Doc # 8, 9, 1-1 at p. 3 Christmas filing his exhaustion of administrative remedies.

(5)

Mr. Christmas A.R.P. was rejected on case # E.H.C.C.-2020-827 In the state of Louisiana through Louisiana Department of Public Safety and Corrections. And E.H.C.C. is the Department of Corrections that's all he need to do is necessary. See in Rayshaun J. Christmas v. La. Department of Public Safety and Corrections No. #653728 Section 24 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana. Notice of the Rejection constituted Notice of the final decision of the Louisiana Department of Public Safety and Corrections pursuant to La. R.S. 15:1177) and see L.C. Carter v. Bruce Lynn, Secretary of the Louisiana Department of Public Safety and Corrections and Governor Edwin Edwards court of appeal of Louisiana first circuit, 637 So.2d 690, 1994 La. App. LEXIS 1745, No. 93 CA 1583, May 20, 1994 Rendered was affirmed) and see is necessary action under color of Louisiana state law. See Supreme Court of United States. Y'all #9 Honorables of Chief Justice See Whitley v. Webb, 630 So.2d 2 La. App. 1 st Cir. 1993). If the Louisiana Department of Corrections do no response 40 or 60 or 90 days, I can go to court... See also in Kaba v. Stepp, 458 F.3d 678, court of appeals seventh circuit No. 03-3531 CA. 7 Nov. 30, 2006) and Turner v. Burnside, 541 F.3d 1077, U.S. court of appeals eleventh circuit No: 07-1491 Aug. 28, 2008) and cases relate in this Supreme Court of the United States. See also is necessary Supreme

Court law of the land of this great nation said in Jones v. Bock, 549 U.S. 199 (2007). In this case court stated that it is necessary Mr. Christmas petitioner and all prisoners do not need to show in their complaint that they have exhausted all grievance procedures... However the defendants appellee can rely on Mr. Christmas or on a prisoner's failure to exhaust as a defense!!! And this Supreme Court of United States also said that it is necessary when Mr. Christmas and prisoners bring a case with both exhausted and unexhausted claims, the court must let the exhausted claims move forward without dismissing the entire suit. The court can only dismiss the unexhausted claims. The appellant Mr. Rayshaun J. Christmas aka Rayshawn J. Christmas \$ 433850) We have such a case here!!

(6)

Although prison conditions include claims about things like inadequate food or dirty cell, in see case call Porter v. Nussle, 534 U.S. 516 2002) conditions constituting eighth and fourteenth amendment violations of the due process clause and State of Louisiana through Department of Public Safety and Corrections services in extended lockdown is unconstitutional Angola Three Wilkerson v. Stalder, 639 F.Supp.2d 654, 680-82 Md La. 2007); Woods v. Edwards, 51 F.3d 577, 5th Cir. 1995) In an earlier incarnation of a case Willie Reese v. Baron Kaylo, 488, 515 in Nineteenth Judicial District Court. Affirmed a finding that conditions Avoyelles Correctional Center. Shocked the conscience and flagrantly violated basic constitutional requirement as well as applicable state law these conditions violated clearly established law, Christmas v. Avoyelles correctional center medical et. al. U.S. District Court Western District of Louisiana Alexandria case #1:13-cv-02595-DEW-JDK). Wilson v. Seiter, 501 U.S. 294, 304, 115 1eD.2D 271, 111 S.Ct. 2321 1991); Hutto v. Finney, 437 U.S. 678, 686, 87, L.Ed 2d 522, 98 S.Ct. 2565, 1978) and under another Supreme Court

case held that "prison conditions" refers to everything that happens in prison, including single incidents of guard brutality or inadequate medical care, and under another important Supreme Court in this court see also Booth v. Churner, 532 U.S. 731, 740 (2001) you have to use the prison's grievance system even if it does not offer the type of relief you would like to sue for... before the court will consider your section 1983.) and see in Wright v. Hollingsworth, 260 F.3d 357 5th Cir 2001) see e.g. v. Crown Zellerbach corp., 398 F.2d 496, 498-99, (5th 1968).

Precluded from filing suit while the administrative complaint is pending Clifford v. Gibbs, 298 F.3d 328, 332 (5th Cir. 2002); Underwood v. Wilson, 151 F.3d 292, 296 (5th 1998); abrogated in part by Jones v. Bock, 549 U.S. 199, 127 S.Ct. 910, 166 L.Ed.2d 798 (2007) abrogating the holding that a district court may dismiss a civil complaint sua sponte or failure to exhaust) filed A.R.P.); Wendell v. Asher, 162 F.3d 153, 157 5th Cir 1999). Mr. Christmas did this!! Must exhaust this administrative remedies by complying with applicable prison grievance procedures before filing a suit related to prison conditions. Johnson v. Johnson, 385 F.3d 503, 514 5th Cir. 2004). Not only must Mr. Christmas and prisoner exhaust all available remedies, but such exhaustion must be proper, including compliance with an agency's deadlines and other critical procedural rules. Woodford v. Ngo, 548 U.S. 81, 90, 126 S.Ct. 2378, 2386, 165 L.Ed.2d 368 (2006). Because § 1997e(a) expressly requires exhaustion, prisoners and Mr. Christmas did not deliberately bypass the administrative process by flouting an agency's procedural rules. Id., S.Ct. At 2389-90. The § 1997(e)(a) exhaustion requirement is mandatory, irrespective of the form of relief sought and offered through administrative avenues. Days v. Johnson, 322 F.3d 863, 866 (5th Cir. 2003) under this Fifth Circuit's strict approach to the prison litigation reform act's exhaustion requirement mere "substantial" compliance with administrative remedy procedures does not satisfy exhaustion. See

Wright v. Hollingsworth, 260 F.3d 357, 358 (5th Cir. 2001).

The PLRA also states that "no federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered of physical injury." 42 U.S.C.A. § 1997e(e).

(7)

And in the magistrate judge report Erin Wilder-Doomes he lie and said Mr. Christmas sued the defendants appellees in their official capacities argued that he entitled to eleventh amendment immunity insofar, the plaintiff appellant Mr. Christmas

E.) Official Capacity

The distinction between personal and official capacity suits was clarified by the U.S. Supreme Court in Hafer v. Melo, et. al., 502 U.S. 21, 112 S.Ct. 358, 116 L.Ed.2d 301 (1991). A suit against a state official in his official capacity is treated as a suit against the state. Id. 502 U.S. at 25; 112 S.Ct. At 361, citing Kentucky v. Graham, 473 U.S. 159, 166, 105 S.Ct. 3099, 3105, 87 L.Ed.2d 114 (1985). Because the real part in interest in an official-capacity suit is the governmental entity and not the named individual the "entity's policy or custom must have played a part in the violation of federal law." Graham, supra, at 166, 105 S.Ct. At 3105. Personal capacity suits, on the other hand seek to impose individual liability upon a government officer for actions taken under color of state law. A showing that the official, acting under color of state law, caused the deprivation of a federal right is enough to establish personal liability in section 1983 action. Hafer, 502 U.S. at 25, 112 S.Ct. at 362.

Will v. Michigan Department of State Police, 491 U.S. 58, 109 S.Ct. 2304, L.Ed.2d 45 (1989) makes it clear that the distinction between official-capacity suits and personal-capacity suits,

is more than a "mere pleading device." Officers sued in their personal capacity come to court as individuals. A state official in his or her official capacity, when sued for injunctive relief, would be a person under § 1983 because official-capacity actions for prospective relief are not treated as actions against the state. *Will*, 491 U.S. at 71, 109 S.Ct. At 2311, n. 10, quoting *Kentucky v. Graham*, 473 U.S. at 167, 105 S.Ct. At 3106, n. 14.

And appellant Mr. Christmas ask for money damages monetary damages against the defendants appellees he sued them in their individual capacities for actions taken by them under color of state law which caused the deprivation of constitutional rights.. And Mr Christmas did not ask for injunctive relief in his claim against the defendants in their official capacity. Is also actionable under § 1983.. of course and Mr. Christmas did prove a deprivation of a constitutional right to obtain relief. But he did ask for injunctive relief (amended Doc 18). *Jackson v. District of Columbia*, 254 F.3d 262, D.C. Cir. 2001); *Lewis v. Casey*, 518 U.S. 343 1996); *Mayweather v. Newland*, 258 F.3d 930 9th Cir. 2001); and punitive damages see also *Smith v. Wade*, 461 U.S.30 1983); *Davis v. District of Columbia*, 158 F.3d 1342 (D.C. Cir. 1998); *Canell v. Lightner*, 143 F.3d 1210, 1213 (9th Cir. 1998); *Robinson v. Page*, 170 F.3d 747, 748 (7th Cir. 1999); *Thompson v. Carter*, 284 F.3d 411 2 Cir. 2002); *Cockroft v. Kirkland*, 548 F.Supp.2d 767 (N.D. Cal. 2008); and *Siggers-El v. Barlow*, 433 F.Supp.2d 811 (E.D. Mich. 2006). Because "First Amendment violations rarely, if ever, result in physical injuries, construction of the PLRA against recovery of damages would defeat congressional intent and render constitutional protections meaningless. If § 1997e(e) is applied to foreclose recovery in first amendment actions, it would place the first amendment itself "on shaky constitutional" ground. *Siggers-El*, 433 F.Supp.2d at 816, E.D. Mich. 2006)

And he ask for declaratory relief and Rule # 65 temporary restraining orders in his motion

for leave to file an amended complaints pursuant to Rule # 15 and 19(a) see Rec, Doc # 18 that Judge Jackson, U.S. District Court Middle Denied and his V.(5) legal claims, VIII (8 amendment cruel and unusual punishments inflicted and by being deliberate indifference, XIV (14 amendment medical claim without due process of law nor deny to any person within its jurisdiction the equal protection of the law.)

Prison officials have a duty under United States Constitutional Amendments VIII (8) and XIV (14) to afford equal protection for Mr. Christmas and prisoners from violence at the hands of other prisoners... The defendants appellees is held liable under the VIII and XIV amendments for acting with deliberate indifference to Mr. Christmas health and safety. They knew that Christmas was facing substantial risk of serious harm and they all disregards that risk by failing to take reasonable steps to protect Christmas safety. When all them supervisory official corrections officers; Mr. Ware, Major Gaines, Warden Guerin, Warden Brock, Dr. Flemming, Alexia Carey (social worker), Ms. Clara H. (social worker), James M. LeBlanc was placed on actual notice at court disciplinary board on January 12, 2020. On physical protection administrative negligence can rise to the level of deliberate indifference to or reckless disregard for Mr. Christmas safety. West v. Rowe, N.D. ILL., 1978, 448 F.Supp 58, 60; See Corby v. Conboy, 2 Cir. 1972, 457 F.2d 251, 254; Martinez v. Mancusi, 2 Cir. 1970, 443 F.2d 921, 924, cert. Denied, 401 U.S. 983, 91 S.Ct. 1202, 28 L.Ed.2d 335. In Mr. Christmas case liability of state of Louisiana through Department of Corrections. Held that the state is obligated to provide facilities and environments reasonably calculated to equal protection, such as persons from the danger of armed attack by fellow inmates..And we find the basis on which the Department of Corrections is be charged with failure to adequately equal protection petitioner Mr. Christmas, the appellee is held responsible that he and she knew or should

have known they acting illegally.. The main Supreme Court cases on this see *Saucier v. Katz*, 533 U.S. 194 (2001) and *Harlow v. Fitzgerald*, 457 U.S. 800 1982) show that a reasonable prison official would know that his or she actions were unconstitutional. *Prison Legal News v. Lehman*, 397 F.3d 692, 707 9th Cir 2005); *Colon v. Coughlin*, 58 F.3d 865 (2d Cir. 1995); *Valdes v. Crosby*, 450 F.3d 1231 11th Cir. 2006); *Correctional officer's violent behavior*, *Hardy v. District of Columbia*, 601 F.Supp.2d 182 D.C. Dist. 2009); *Supervisory liability for failure to supervise or a lack of training employees is violation*. See *Bett v. Wolfish*, 441 U.S. 520, 546, 99 S.Ct. 1861, 1878, 60 L.Ed.2d 44 (1979); *McGord v. Phelps*, 608 F.2d 1023, 1026 5th Cir 1978); *Duhon v. Calcasieu Par. Police Jury*, 517 So.2d 1016 La. App. 3 Cir. 1987). See case *Ronald Greene v. Louisiana state police*. (wrongdoing)

Jackson v. Phelps, 95-2294 03 La. 4/8/96); *Barlow v. City of New Orleans*, 257 La. 91, 99, 241 So.2d 501, 504 1970); *Brown v. State through Dept. of Correction*, 354 So.2d 633); see case *Angola Three Wilkerson v. Stalder*, 639 F.Supp.2d 654, 680-82 M.D. La. 2007); *Woods v. Edwards*, 51 F.3d 577 5th Cir. 1995); Since this Supreme Court's decision in *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009) *Wrongdoing Christmas v. LeBlanc, et. al.*, U.S. District Court Western of Louisiana Alexandria Division Civil Action No. 1:17-cv-587-P); *Farmer v. Brennan*, 511 U.S. 825, 128 L.Ed.2d 8, 11, 114 S.Ct. 1970); *Wilson v. Seiter*, 501 U.S. 294, 115 L.Ed.2d 271, 111 S.Ct. 2321 1991); All the official appellee was all aware of fact from which the inference could be drawn that a substantial risk serious harm exists and he draw the inference. *Lozano v. Smith*, 718 F.2d 756, 5th Cir. 1983). Mr. Christmas allegations that the appellees are responsible for the actions of their subordinates is insufficient to state claim under § 1983. *Monell v. Department of Social Services*, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 1978). Supervisory liability exists even without overt

personal participation in the offensive act if supervisory officials implement a policy so deficient that the policy itself is a repudiation of constitutional rights. All the appellees was moving force of the U.S. constitutional violation and behind it to. *Grandstatt v. City of Borger*, 767 F.2d 161 5th Cir. 1985), cert denied, 480 U.S. 916, 107 S.Ct. 1369, 94 L.Ed.2d 686 (1987) (quoting *Monell v. Department of Social Services*, 436 U.S. 658, 98 S.Ct. 2018, 2037, 56 L.Ed.2d 611 1978). The existence of a constitutionally deficient policy cannot be inferred from a single wrongful act. *O'Quinn v. Manuel*, 773 F.2d 605, 609-10, (5th Cir. 1985) citing *City v. Tuttle*, 471 U.S. 808, 105 S.Ct. 2424, 85 L.Ed.2d 791 (1985). See in case in this Supreme Court of the United States, *Rayshawn J. Christmas, aka Rayshaun J. Christmas v. Jeff Jackson, et al.*, No. 21-6947 cert denied and petitioner for rehearing denied) *Christmas v. LeBlanc*, No: 1:17-cv-587-P, U.S. District court for the western district of Alexandria division judgment entered February 15, 2018); *Miller v. Solem*, 728 F.2d 1020, 1024, 8th Cir. Denied 469 U.S. 841, 831.3d2d 84, 105 S.Ct. 145 (1984).

REASONS FOR GRANTING THE PETITIONER

~~WE ARE NOT FINAL BECAUSE WE ARE INFALLIBLE, BUT WE ARE INFALLIBLE ONLY BECAUSE WE ARE FINAL JUSTICE~~

VIII (8) and XIV (14) to protect Mr. Christmas and prisoners from violence at the hands of other prisoners and the Appellee place Appellant Christmas in dangerous surrounding when they intentionally ignore Christmas serious medical needs, or/and when they deliberately ignored his safety and health that they acknowledged of the Mr. Christmas the serious risk he was in, and they was all notify, the wardens all was aware of the problems on the extended lockdown and administrative segregation. And they all was moving forward and behind the United States constitution violation the (8) VIII and (14) XIV, (5) V amendments, they caused Mr. Christmas suffered acute, physical, mental and emotional injury for which he has sought or should seek treatment. This was unfair, when they can not or turn a blind eye to it. Especially when that comes

to light... That it was not safe at DOC and E.H.C.C. *BURDEN of PROOF* - * -

#8) So on the based on the foregoing discussion on the above date July 19, 2020 at the approximate time, when ^{He} went to sleep and when staff change at 6:00pm that night. The sergeant corrections officer who was working Mr. Christmas living quarters Beaver 2 Tier C, cell # 14 was (Sgt. Ware) and (Sgt. Guerin) and was working Christmas side C tier cell # 14 was (Sgt. Ware.)

Well, why Appellant was asleep he awake and heard a voice of offender tell the corrections officer sergeant Ware to open Mr. Christmas cell # 14, and then his cell # 14 was open and then he was attacked by the inmate, a fellow inmate who came in his cell # 14 and stabbed him in the (stomach) and (arms) and in the side of his mouth one time, they was wresting over the knife, and he then (bite) him the plaintiff Christmas on the (right arms) and (right legs) and thighs and his right back to... and plaintiff could not get the knife from him.

#9) Because when he try to go for the knife he would bite plaintiff hand.

#10) So that he have (HIV) (AIDS) he bite Mr. Christmas on the side of his stomach too..

#11) So then ~~Mr~~ Mr. Christmas was on top of his back and was wresting and try to get the (knife) from him... And then Christmas had to (grabbed) his bleeding arm and mouth he stabbed Mr. Christmas in. The bleeding! He was bleeding so much... felt things he, had escalated to kill or be killed (status)... But Christmas grew weaker and weaker from the stabbed (Inmate Noel Deal) stabbed Christmas so hard and the wound and the bleeding would not stop bleeding on the side of his mouth and the blood got badly *see MONTEROV. CRUSIE. 153 F. SUPP. 2d 368, 376-77 S.D.N.Y. 2011*

#12) And he were leaking blood badly... and then a fellow inmate came in Mr. Christmas cell # 14 and got the knife from inmate from try to kill Mr. Christmas...

#13) And then an hour and 30 minutes later then (Sgt Ware) came to in Christmas cell # 14

and ask him what happening, and then he said that (inmate Noel Deal) whom stabbed Christmas told him what happen. But (Sgt Ware) saw what happening because he the one let the (Inmate Noel Deal) in the plaintiff cell # 14. So then he hand cuffed Christmas then he was seen by the (Ms. the EMT), she then sending Christmas to skill nurse, and was seen by #2 nurse for medical treatment and did not received or provide adequate medical treatment, they all charges with inflicting cruel and unusual punishment on the Plaintiff, (8) VIII and (14) XIV amendment due process of law.

#14) Then Christmas was sent back to this time to Beaver 4 Tier C, then he was put in a cell..

#15) Then the next day July 20, 2020, he was call up to (A.T.U.) and was seen by a physician. She then examined Mr. Christmas. But she then sent Christmas to the hospital, the emergency room on an emergency trip to the Lady of Lake hospital... To the emergency room, and then he was seeing by a (Lady Physician MD).

#16) And then put stitches on the right side of his mouth that he was (stabbed) in.. And plaintiff Mr. Rayshaun J. Christmas \$433850 suffering from pain and suffering from being stabbed on the side of his mouth...

#17) The knife pinched a nerve, so it is numb on the right side of his mouth, and he will not get that feeling back again...

#18) And none that day of July 19, 2020 that a (Captain) or (Sgt.)(Col.) or (Wardens) came or come down the Tier C or made round on the day of July 19, 2020.

[REDACTED]

#19) And the Tier C do not have a time clock to punch when they make round, but the (Col) or (Cpt) or (Lt.)(Sgt.)(Wardens) do not make rounds.. This is unconstitutionally was acting under color of state law.

#20) It was not safe, the live at states of Louisiana Department of Public and corrections at Elayn Hunt Correctional Center. Glover v. Alabama Department of Corr, 734 F.2d 691, 693-94 11th Cir. 1984)

#24) And Mr. Christmas notify and talk with (Ms. Major Gaines) at the disciplinary board members the courtroom) and Warden Guerin) (Dr. Ms. Flemming MD Mental Health) Ms. Clara H. Head social worker) Ms. Alexia Carey social worker) (Mr. Brock Warden) They all purposefully deliberately ignored his request for help. NORTHINGTON v. JACKSON 973 F.2d 1518, 1525 10th Cir. 1992)

#29) And it have a camera footage showing and saw everything that happen on the Tier C cell # 14 Beaver 2) and the plaintiff medical records and psychiatric reports) and mental health records) will confirm these allegations..... Mr. Christmas does state a constitutional claim for deliberate indifference will be found only where the prison official knew that Mr. Christmas face a substantial risk of serious harm and disregards that risk by failing to take reasonable measure to abate it. Farmer v. Brennan, 114 S 1970, 1984, 1994). Johnson v. Johnson, 385 F.3d 503 5th Cir. 2004); Maggett v. Hanks, 131 F.3d 670 7th Cir. 1998) Pavlick v. Mifflin 90 F.3d 208-10 (7th Cir. 1996)

1. Mr. Christmas constitutional rights were violated. The right that was violated was "clearly established" and, the defendants appellee was personally responsible for the violation of Mr. Christmas right. This is call "personal involvement" should have known he or she was acting illegally. This main Supreme Court cases on this topic are see Saucier v. Katz, 533 U.S. 194 (2001) and Harlow v. Fitzgerald, 457 U.S. 800 1982) actions were unconstitutional see Prison Legal News v. Lehman, 397 F.3d 692, 701, 9th Cir. 2005); Colon v. Coughlin, 58 F.3d 865 (2d Cir. 1995); Valdes v. Crosby, 450 F.3d 1231 11th Cir. (2006); Warden about a correctional officers violent behavior. Hardy v. District of Columbia, 601 F.Supp.2d 182 D.C. Dist. 2009). Since this Supreme Court decision in Ashcroft v. Iqbal, 129 S.Ct. 1937 (2009); Turner v. Safley, 482 U.S. 78 1987). Supreme

Court found RLUIPA constitutional in *Cutter v. Wilkinson*, 544 U.S. 709 (2005).

And he knew that Christmas was on protective custody. This court should reversed the district court's decision denied Mr. Christmas appoint of counsel and the court did not let his have (discovery) denied that to... And amend his complaint. See Rec, Doc # 18 See in this cases *Hamilton v. Lewis*, 117 F.3d 742, 1997 U.S. court of Appeal third circuit LEXIS 16598 No. 95-7309, June 30, 1997). *QUINONES v. Nettleship* 773 F.2d 101st Cir. 1985

■) Case was dismiss without prejudice but did not give Christmas leave to amend a prison civil rights filed under 42 U.S.C. § 1983 which are accompanied by a request to proceed in forma pauperis are considered conditionally filed. These cases undergo an initial review by the court as authorized by 28 U.S.C. § 1915. During this review the appellant Christmas may not proceed with any part of his case, including the submission of discovery, unless ordered by the court. Additionally, the court may (1) permit appellant to proceed on some or all his claims (2) require that the complaint be amended corrected before proceed on some or all of his claims (2) require that the complaint be amended (corrected) before proceeding, or (3) dismiss the complaint if it is frivolous, malicious, or fails to state a claim upon which relief can be granted. Christmas may amend his pleading once as a matter of law. Course at any time before a responsive pleading is served. Fed. R. Civ. P. 15(a). See *Marshall v. Knight*, 445 F.3d 965, 968 7th Cir. 2006); *Donald v. Cook County Sheriff's Dept.* 95 F.3d 548, 555 7th Cir. 1996), Motion necessary, *Foreman v. Davis*, 371 U.S. 178, 182 (1962) is one case in which a court talk about how important it is to give pro se prisoners a chance to amending their complaints. *Shomo v. City of New York*, 579 F.3d 176 2d Cir. 2009).

In *Estelle v. Gamble*, 429 U.S. 97 (1976), said pleadings § 130 pro se #12 A pro se complaint, however inartfully pleaded must be held to less stringent standards than formal pleadings

drafter by lawyers and only be dismissed failure to state a claim if appears beyond that petitioner Mr. Christmas can prove not set of facts in support of his claim which would entitle him to relief. See Christmas v. Avoyelles Correctional Center Medical, et al., No. 1:13-cv-02595-DEW-JDK) and Rayshaun J. Christmas #433850 aka Rayshawn J. Christmas et al., v. Jeff Jackson, 21-6947.

In this Supreme Court of the United States, the court must either exclude those materials Rule # 12(d), Fed. R. Civ. P. If it convert the motion the court must give all parties a reasonable opportunity to present all the materials that is pertinent to the motion. Rule 12(d) Fed. R. Civ. P. See Whitssel v. Sengenberger, 222 F.3d 861, 866 (10th Cir. 2000); Iamaker v. Weiner, 179 F.3d 48, 57 2d Cir. 1999); McElyea v. Babbitt, 833 f2d 196, 200 9th Cir. 1987).

And their wrongful conduct further injury would have been avoided see U.S. District court Western District of Louisiana Alexandria et al., No: 1:17-cv-00587-JDK); Tiberi v. Cigna Corp., 89 F.3d 1423, 1430-31 (10th Cir. 1996) applying New Mexico holding claims accrues and limitation period runs from date of the last injury or when the wrong is over with or done with). Christmas complained of his injury is when he was transported to the hospital on the date July 20, 2020 to the emergency trip to the emergency room to the Lady of Lake hospital. The knife pinched a nerve so it is numb on the right side of his mouth.. The time started to running when Christmas appellant injury period ended, which his injury never ended. Because he suffering from pain and suffering from being stabbing on the side of his mouth.. The knife pinched a nerve so it is numb on the right side of his mouth and he will not get that feeling back again!!! However Christmas even if it started outside the limitations period. Heard v. Sheahan, 253 F.3d 316 2001 U.S. App. LEXIS 12870 No. 00-2903 May 3, 2001 submitted June 13, 2001); Hensley v. City of Columbus, 557 F.3d 693, 697 6th Cir. 2009). A violation is called continuing, signifying that he can reach back to its beginning even if

that beginning lies outside the statutory limitations period, (when) it would be unreasonable to require or even permit him to sued separately over every incident of the defendants appellees unlawful conduct. The federal doctrine of continuing wrongs is applicable to suits under 42 U.S.C. § 1983).

Discovery the keeping of medical records mental health records is unnecessary. Johnson-El v. Schoemeh, 878 F.2d 1043, 1055 8th Cir. 1989). And see in Hutchings v. Corum, 501 F.Sup. 1276, 1288, 1297 (W. D. Mo. 1980) adequate and accurate records are of critical importance... Prisoners are generally entitled to have access to their own medical records and mental health records. See in Necessity Benavides v. Bureau of Prisons, 995 F.2d 269 D.C. Cir. 1993).

"HOW TO SERVE HIS LEGAL PAPERS"

Besides sending his summons and complaints to the district court, also have to "serve" both papers on each defendants appellee in this case. The way to serve papers is explained in Rule #4(c) of the Federal Rules of Civil Procedure. The U.S. Marshal's office or a professional process server it and Christmas was granted inform a pauperis status directs that his complaints will be served quickly and with cost by the U.S. Marshals service is Erin Wilder-Doomes, United States Magistrate Judge said on August 9, 2021, Granted for the purpose of service of process by the United States Marshal's office, as provided in Rule 4(c)(3) of the federal rules of civil procedure. The clerk of court is directed to withhold issuance of summons until further order of the court. And she said no service shall be made by the United States Marshal's service at this time. 'Service' is necessary. See Christmas v. Jackson, No: 5:19-cv-00629-TAD-MLH) Rayshawn J. Christmas, aka Rayshaun J. Christmas v. Jeff Jackson, et al., No. 21-6947, Petition for writ of certiorari denying and petition for rehearing denying Supreme Court of the United States. Rec Doc. # 5, 7, 9, 11, 12,

14, 15, 22, 25, 20. Service of U.S. M. # 285 form summons by the clerk deputy Tony R. Moore. See *Castrillon v. United States Department of Justice Washington D.C., et al.*, 903 F.2d 1011, 1990 U.S. app. 5th Cir. LEXIS 10993, 16 Fed.R.Serv.3d (Callaghan) 1207 No. 89-2572, summary calendar 4/15/90); *Kersh v. DeRoziert*, 851 F.2d 1509, 1988 U.S. App. 5th Circuit, LEXIS 11130, 11 Fed.R. Serv.3d (Callaghan) 1505 No. 87-2589, 8/15/88).

(14) XIV CONCLUSION

Wherefore, the petition for a writ of certiorari should be granted. Should be granted vacating Judgment of the District Court, and the Court of Appeals. Liable damages assessed, compensatory damages, \$ 500,000 (five hundred thousand dollars), and punitive damages \$ 500,000 (five hundred thousand dollars).

Executed on Done and signed this 18 day of AUGUST, 2023.

Respectfully Submitted,

BY: PRO-SE LITIGATOR MR. RAYSHAUN J. CHRISTMAS
AKA. RAYSHAUN J. CHRISTMAS #433850

Rayshaun J. Christmas # 433850
Louisiana State Penitentiary
TU-Lower-C-cell # 13
17544 Tunica Trace
Angola, LA 70712

- ✨ VERIFICATION ✨ -

RULE #13,1,5 CERTIFICATE

RULE #10(a)(b)(c) CERTIFICATE

RULE #17,1,2,4,6,7 CERTIFICATE

RULE #18 CERTIFICATE

RULE #19 CERTIFICATE

RULE #20 CERTIFICATE

RULE #38 CERTIFICATE

RULE #42.1 CERTIFICATE

RULE #43,2,3,4,5,6,7 CERTIFICATE

RULE #45,1,3, CERTIFICATE

RULE 20.1,2 CERTIFICATE

I RAYSHAUN J. CHRISTMAS aka RAYSHAUN J. CHRISTMAS #433850 certify
Petitioner PRO-se LITIGANT PURSUANT to 28 U.S.C. 1746
declare under PENALTY of PERJURY that the foregoing
following is true and correct of the UNITED STATES OF
AMERICA.. PART III. JURISDICTION ON WRIT OF CERTIORARI
CONSIDERATIONS GOVERNING REVIEW ON CERTIORARI, AND
AFFIDAVIT OR DECLARATION IN SUPPORT OF MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS. I have read the foregoing complaint, and hereby
VERIFY that the matters alleged on INFORMATION AND BELIEF, and
to those, I believe them to be true...

#1 THIS petition for WRIT of CERTIORARI CONSIDERATIONS
GOVERNING REVIEW ON CERTIORARI IS PRESENTED IN good
faith and NOT for delay...

Executed ON AUGUST #8 2023
BY: PRO-se LITIGANT Mr. Rayshaun J. Christmas #433850
Respectfully Submitted
BY: PRO-se LITIGANT RAYSHAUN J. CHRISTMAS
aka. RAYSHAUN J. CHRISTMAS #433850