

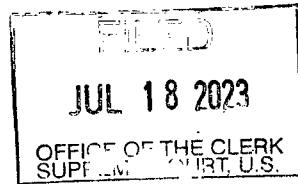
No. 23-5615

23-5615

ORIGINAL

In The  
Supreme Court of the United States

Pet



Roosevelt L Linicomm Jr- (Petitioner)

v.

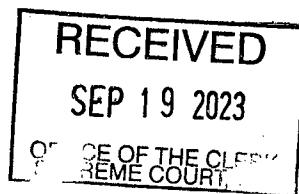
Michelle Anderson (district attorney) 482nd-

"et al"

On Petition For Writ Of Certiorari  
To the: 5th Circuit Court of Appeals  
600 S. Maestri PI  
New Orleans LA 70130

**PETITION FOR WRIT OF CERTIORARI**

Roosevelt L Linicomm Jr  
3401 Fannin st  
Houston Tx 77004  
[Mikelincilm@gmail.com](mailto:Mikelincilm@gmail.com)  
713-256-6878



No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Roosevelt G. Lincoln (P.) PETITIONER  
(Your Name)

vs.  
482<sup>nd</sup> District Atty "et al" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

5<sup>th</sup> Circuit Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Roosevelt G. Lincoln (P.)  
(Your Name)

3401 Ann St.  
(Address)

Houston, TX 77004  
(City, State, Zip Code)

(413) 256-6878  
(Phone Number)

**QUESTION(S) PRESENTED**

**Appeal Case #23-20100- "Questions of Law"**

**Does the Constitution ensure that a person is entitled to section 242 of title 18..?**

(If a person is truly deprived); of a right or privilege protected by the Constitution or laws of the United States.?

Does this Law apply to District Attorneys, Police Officers, and Court Appointed Attorney's as well?

**42 U.S Code 1985 {Conspiracy to interfere with civil rights}** States that no two persons shall come together to interfere with civil rights, deprive a person of any Court Proceedings, or Conspire against a person...Does this apply to Court Appointed Lawyers; and District Attorneys as well?

The 4th Amendment says that a person should not have to go through unreasonable arrest (Search and Seizure)..without "Probable Cause"

..is this True?.

And if that happens will the Record be Expunged?

**And what is Probable Cause?**

Does it have anything to do with a person once being a child,..???

prob-a-ble cause

reasonable grounds (for making a search, pressing a charge, etc.).

"warrants allow police to detain people, but not handcuff and search them without probable cause"

**(Is?..Probable cause")** a stronger standard of evidence than a reasonable suspicion,..(?)

And does a Judge (at least) have to check out the evidence before making a decision?

Finally: what does Rule 4 (Part B) mean..?

When it talks about "if one party is" apart of an agency- (or an Official) of the U.S. **"ANY PARTY" MAY FILE THE NOTICE OF APPEAL WITHIN 60 DAYS,..**

**AND...I'M I CONSIDERED TO BE A PARTY IN THIS LAWSUIT...???**

Roosevelt L Linicomm Jr  
3401 Fannin st  
Houston Tx 77004  
713-256-6878  
[Mikelincollm@gmail.com](mailto:Mikelincollm@gmail.com)

## LIST OF PARTIES

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

"View Next Page"

## RELATED CASES

Linicomm (v.) Harris County Constable Office  
(et al); No. 20-cv-4207 U.S Southern District of Houston. Judgment entered: April 20th 2022/

Linicomm( v.) Harris County Constable Office. (et al); No. 23-20092 U.S 5th Circuit Court of Appeals- (Pending)

Disclosure (Rule 29)

This is a list of Parties including Addresses addresses; phone numbers available Email Addresses:

(1) #1) 4 Harris County Sheriff's Officer(s-)  
{case 1912-06825}

- 1)(Onsite)>E.CRAIN(unit# 41F35)
- 2)(Onsite)>B.EVANS(badge#S28959)

3)(investigator)>E.Willrich (badge#S26983) 4(Supervisor)>Hulsey A.C (badge# S27083)

{Officers: (work) Location:}

6831 Cypresswood Dr,  
Spring, TX 77379  
Phone# 281-376-2997

> Court Appointed <

(5) #5) John Clark

440 Louisiana street (suite#660)  
Houston tx 77002  
713-225-1055

> Complaint Department <

(2) #2) Usatxs.civilnotice@usdoj.gov  
Civil Process Clerk;  
United States Attorney's Office  
1000 Louisiana street (suite# 2300)  
713-567-9000

> DISTRICT ATTORNEY <

(6) #6) Steven Belt. {D.A.#

(Work Location:)  
1201 Franklin St, Houston, TX  
Harris County Criminal Courts at Law  
Court 176th

> Complaint Department <

(3) #3) Harris County Commissioners Court  
1001 Preston st (suite# 610)  
Houston, TX 77002

> DISTRICT ATTORNEY <

(4) #4) Patrick J Ruzzo

4500 Montrose blvd  
Houston Tx 77006  
Ruzzolawfirm@gmail.com

(7) #7) Michelle Anderson

(Work Location:)  
1201 Franklin St, Houston, TX  
Harris County Criminal Courts at Law  
Court 482nd

281-497-0778

**List of Proceedings**

**(Proceedings in case # 168420301010**  
**State Court 176th-Harris County Criminal Courthouse.**

1201 Franklin st  
Houston Tx 77004

1) Warrant requested w/o Probable Cause..

July 30th 2020; (Harris County Sheriff's Officers)...Took regular pictures of Michelle Macon and Submitted them for A warrant for my arrest.(No Medical, witness, or any "facts" Supports this Cause; Roosevelt L Linicomm Jr was Arrested on terms of "Here-Say" only; which is not Admissible in Court.

2) Preliminary Hearing August 16th 2020- My bond was lowered and I was told of "No Probable Cause" for my arrest; but a warrant in the 176th Court that had to be dismissed before I went home.

3) This case was later transferred to 482 court on: July 1st 2021 and dismissed August 19th 2022 [District Attorney Claim]: Missing Witness

---

**Proceedings in Case# 4:22-cv-1979 (Court 9B)**  
Southern District of Houston Texas  
515 Rusk St Houston Tx 77002

1) District Court Case# 4:22- cv-01979 was open; directly after the case# 168420301010 / (Police Report 1912-06825) was Dismissed...

...and then Quickly closed without the Judge:SIM LAKE EVEN LOOKING INTO THE "FACTS OF THE CASE"- The case was dismissed on February 3rd 2023;

Judge: Sim Lake Claim that (i) didn't have a Reason for this Suit, but fails to look into the information available In Court 482nd or 176th in which Michelle Macon(a 59 year old white female)(has pictures) that does not says I punched her twice in the face..these pictures have no bruises, no witnesses in the Report, no medical history attached; and a story that sounds like a kids story book!

2) After Requesting Fact finding Evidence and Relief under Rule 60; The Judge finds order was dated: April 20th 2023

---

**Proceedings in Case# 23-20100**

5th Circuit Court of Appeals

600 S. Maestri Pl

New Orleans, La 70103

1)Notice of Appeal filed on March 8th 2023

2)Was Dismissed on: April 27th 2023; May22nd 2023; and June 12th 2023..

3)This above Court fail to see and apply the Law as it says in: Rule 4 (part B) Appeal as of Right when Taken. **Which gave Roosevelt L Linicomm Jr 69 days to file Notice of Appeal.**

## Table Of Contents

pages)Table Of Cited Authorities.....1
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Opinions Below.....3
Jurisdiction.....4
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(11 Pages) Statement of the Case.....6
(2 Pages) Reasons for Granting the Writ.....7
Pages) Motion for Leave....8
Pages) Declaration.....9
pages)Writ.....10
Conclusion.....11

## INDEX TO APPENDICES

APPENDIX "A"- STATE COURT PROCESS A

APPENDIX "B"-FEDERAL COURT PROCESS B

APPENDIX "C"- APPELLATE COURT PROCESS C

APPENDIX "D"- JOHN CLARK CONSPIRACY

A APPENDIX "E"-PATRICK RUZZO CONSPIRACY

A APPENDIX "F"-MALICIOUS PROSECUTION 176

A APPENDIX "G"- MALICIOUS PROSECUTION 482

A APPENDIX "H"-AGG ASSLT. POLICE REPORT

A APPENDIX "I"- MEDICAL HISTORY 2020

A APPENDIX "J"-MEDICAL HISTORY 2022

A APPENDIX "K"-FAILURE OF PROSECUTION

Abandonment of Duty by District Attorney

606.19 DERELICTION OF DUTY

Table of Contents

{Below is a list of Appendix A}

**State Court:**

**Harris County Criminal Courthouse**  
**1201 Franklin st; Houston, Tx 77002**

**1) Violation of 4th Amendment (Court 176th) Harris County-Warrant {7/30/2020}  
{Case# 168420301010}-  
Police Report# 1912-06825**

**2) Preliminary Hearing- Acknowledgement of No Probable Cause; (Bond lowering)  
{8/16/2020}**

**3) {42 U.S. code 1985}  
Conspiracy to interfere with civil rights by: "John Clark" {8/19/20} -through- {6/1/2021}**

**4) Malicious Prosecution- Court #176 /  
Case #168420301010  
District Attorney "Steven Belt" {8/19/2020}-through-{6/1/2021}**

**5) Aggravated Assault on Roosevelt L Linicomm Jr (by inmates;) {10/1/2020}  
Police Report# 201-000826 -(Officer Brown)**

**6) Medical Attention- from Aggravated Assault Harris County Health Systems  
{x-rays of Face and Head } {10/1/2020}**

**7) Abandonment of Duty by Harris County District Attorney's Office  
606.19 DERELICTION OF DUTY-  
8th Amendment Violation**

**8) Roosevelt L. Linicomm Jr (Posted Bond)  
15,000\$  
February 2021**

**9) 42 U.S. code 1985}**

**Conspiracy to interfere with civil rights by: "Patrick J. Ruzzo"  
{June 2021} -through- {April 2022}**

**10) District Attorney "Michelle Anderson"**

**(Revoked Bond) {April 20th 2022} due to**

**Medical & Stressful Reasons**

**Roosevelt L Linicomm Jr, admitted to drinking because of Stress due to Conspiracy from:**

**"Patrick J Ruzzo"...**

**..... {Fruit of the poisonous tree}**

**11) ( Self-Representation )**

**Roosevelt L Linicomm Jr**

**April 28th, 2022**

**Farettta/admonishment hearing;**

**12) Malicious Prosecution- Court # 482nd**

**Case #168420301010**

**District Attorney "Michelle Anderson" {7/1/2021}-through-{9/19/2022}**

**13) Roosevelt L Linicomm Jr**

**ROBBERY BODILY INJURY -**

**{Dismissed - {8/19/2022}-**

**-(No Witnesses)-**

**No Medical Report, No Injury, No Video footage, No Injury seen on photos,**

**No Probable Cause for Arrests ever existed..!**

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**{Below is a list of Appendix B}**

**Federal Civil Courthouse  
515 Rusk St / Houston Tx 77004**

**Judge: Sim Lake**

**Court: 9B**

**List of Proceedings**

{Below is a list of Appendix A}

**State Court:**

**Harris County Criminal Courthouse  
1201 Franklin st; Houston, Tx 77002**

- 1) **Violation of 4th Amendment (Court 176th) Harris County-Warrant {7/30/2020}  
{Case# 168420301010}-  
Police Report# 1912-06825**
- 2) **Preliminary Hearing- Acknowledgement of No Probable Cause; (Bond lowering)  
{8/16/2020}**
- 3) **{42 U.S. code 1985}  
Conspiracy to interfere with civil rights by: "John Clark" {8/19/20} -through- {6/1/2021}**
- 4) **Malicious Prosecution- Court #176 /  
Case #168420301010  
District Attorney "Steven Belt" {8/19/2020}-through-{6/1/2021}**
- 5) **Aggravated Assault on Roosevelt L Linicomm Jr (by inmates:) {10/1/2020}  
Police Report# 201-000826 -(Officer Brown)**
- 6) **Medical Attention- from Aggravated Assault Harris County Health Systems  
{x-rays of Face and Head } {10/1/2020}**
- 7) **Abandonment of Duty by Harris County District Attorney's Office  
606.19 DERELICTION OF DUTY-  
8th Amendment Violation**
- 8) **Roosevelt L. Linicomm Jr (Posted Bond)  
15,000\$  
February 2021**

1)Case 4:22-cv-01979 Open: September 2022

2)Granted proceed IFP: October 2022

3)Roosevelt L Linicomm Jr-(Filed Documents)  
Including: IFP for Clerk to serve Defendant's

4)Judge: Sim Lake: "Memorandum" -not to file any more paperwork until case is scanned- December 2022

5)February 3rd 2023- Case Dismissed -  
with Prejudice

6) Roosevelt L.Linicomm requested; Rule 60 relief and fact finding. (View Photos of Case)

7) Motion for Relief (Rule 60) Denied/ Ifp(Notice of Appeal) Granted -April 20th 2023. (Last Judgment)

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{Below is a list of Appendix C}

**U.S 5th Circuit Court of Appeals**  
600 S. Maestri PI  
New Orleans, LA 70130

1)Notice of Appeal filed: March 8th 2023- with District Court (and) Appeals Court.

2)April 27th 2023- Roosevelt L.Linicomm Jr filed- Motion for leave to file Notice of Appeal out of time. MOTION DENIED (May 22nd 2023)

3)Roosevelt L Linicomm Jr renamed Motion and resubmitted: (May 23rd 2023) Motion Unheard or Denied.

4)Roosevelt L Linicomm refiled a more simple motion, and resubmitted: (Final Judgment) the same, motion Unheard or Denied.

June 12th 2023

# Table of Cited Authorities

\*\*\*\*\*  
***In a nutshell, "Malicious Prosecution" happens when someone — either a police officer or a private citizen — maliciously causes a judicial process to commence (often through criminal charges or a civil lawsuit) against you without evidence or probable cause, and with malice.***

~{June 12, 2022}~

<https://www.rightslitigation.com> › fi...

*Fighting back against malicious prosecution*

***"District Attorneys", combined with "Malicious Prosecution Laws", and Fourth Amendment Violations of the United States Constitution, being;***

\*\*\*\*\*

**"Without Probable Cause" gives entitlement to a 1983 lawsuit.**

prob·a·ble cause

/'präbəbəl kôz/

nounNORTH AMERICAN·LAW

reasonable grounds (for making a search, pressing a charge, etc.).

"warrants allow police to detain people, but not handcuff and search them without probable cause.

: defined as "[a] reasonable ground to suspect that a person has committed or is committing a crime or that a place contains specific items connected with a crime." Over 50 years ago, the Supreme Court elaborated on probable cause.

#### Abstract

The U.S. Supreme Court's decision in *Buckley v. Fitzsimmons*, 113 S.Ct. 2606 (1993), points to a growing recognition of the difficulty of maintaining absolute prosecutorial immunity when the system imprisons the wrong person for the wrong reason, i.e., when exculpatory evidence has been concealed or incriminating evidence has been fabricated. When prosecutors abandon traditional advocacy roles to participate pretrial or pre charge in police investigative work in collateral law enforcement administration on a day-to-day, case-by-case basis, they may enjoy only qualified immunity for that conduct. This article discusses in some detail the Court's opinions in *Buckley* and *Imbler v. Pachtman*, 424 U.S. 409 (1976) and briefly covers the Court's opinions in other related cases. To assist in forecasting *Buckley's* impact on malicious prosecution cases against prosecutors, the author examines cases involving police officers, who are protected only by qualified immunity for their roles in mishandling exculpatory evidence, and situations involving police/prosecutor interaction including release-dismissal agreements. In light of the decisions discussed, the author predicts that prudent prosecutors will be more cautious about the point at which they enter a police investigation. Participating in the actual formulation

of the investigation and advising the police in preliminary stages, or fabricating evidence seems sure to result in qualified immunity when a section 1983 follow-on suit is filed by a defendant after acquittal or dismissal of a criminal charge.

\*\*\*\*\*

**(Court Appointed Lawyers and Conspiracy Laws)**  
**{ see: section 2 and 3 }**

***LII U.S. Code Title 42 CHAPTER 21 SUBCHAPTER I § 1985***

***42 U.S. Code § 1985 - Conspiracy to interfere with civil rights.***

**(1) Preventing officer from performing duties**

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

**(2) Obstructing justice; intimidating party, witness, or juror**

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

**(3) Depriving persons of rights or privileges**

If two or more persons in any State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified

person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

(R.S. § 1980.)

**Absolute Immunity for District Attorneys is not established at the time of the investigation phase, or after finding No Probable Cause - which results in "Malicious Prosecution"**

Despite prosecutorial immunity's fundamental flaw, there is only one carveout to this otherwise impervious protection: **It does not shield prosecutors from being sued for actions that are not related to advocating for the prosecution, such as acting as an investigator or police detective.**

<https://ij.org/immunity-for-prosecutors>

Prosecutorial Immunity - The Institute for Justice

**(Strong-Hold)**

**LOSS OF ABSOLUTE IMMUNITY BY PROSECUTION (OR) DISTRICT ATTORNEYS**

- **In the United States District Attorneys enjoy broad but not complete immunity. They're absolute immunity from civil liability in anything they may do performing as an advocate( otherwise known as conduct in the action while in the scope of his duties, initiating and pursuing criminal prosecution.(see: Imbler v.Pachtman);424 u.s.409,410.**
- **; on the other hand the prosecution is not absolutely immune from those aspects of the prosecutor's role and responsibility that cast him in the administration and the investigation phase- (rather than that of an advocate), id @430-1... for example a prosecutor has been held not to be absolutely immune for the conduct during the execution of a search warrant, when district attorney went along with officers, for the legal advice given to officers regarding a permissible scope of search, are for false information giving in a case, or for policies, given by the DA's office which may cause constitutional violations. All of these are viewed as investigative or administrative function, and are only permitted qualified immunity**
- **Like the conduct of most other government actors.**

# CITATIONS



THE STATE OF TEXAS

v.

LINICOM, ROOSEVELT

DOB: December 20, 1981

§ IN THE 176th DISTRICT COURT

§

§ HARRIS COUNTY, TEXAS

Pgs-2

OTRRE

OTFAP  
BABS

ADDO

OTPCII

OTSWC

998

## STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared  in person  by video teleconference and I admonished the defendant as follows:

You are accused of 2ND DEGREE FELONY, namely, ROBBERY-BODILY INJURY.

- You have the right to hire an attorney to represent you. 997
- You have the right to remain silent. 001
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state. 996
- You have the right to stop any interview at any time. 997
- You have the right to an examining trial in a felony offense. 998
- You are not required to make a statement and any statement you make can be used against you. 998
- You have the right to request the appointment of counsel if you cannot afford counsel. 998

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over?  NO  YES— Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Hundemer, Robert

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

NO  YES— The Court ORDERS Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

**CONSULAR NOTIFICATION:** If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a:  United States citizen  foreign national of (country).

The accused requests notification of consular officials.

**MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

### PROBABLE CAUSE FINDING AND ORDER

- The Court FINDS that probable cause for further detention DOES NOT EXIST. The Court ORDERS the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- The Court FINDS that probable cause for further detention EXISTS. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court ORDERS the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- Probable cause previously determined. The Court ORDERS the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

SEE NEXT PAGE FOR BAIL ORDER

August 16, 2020 14:14 PM

Date and Time

Magistrate Courtney St.Julian (SPN 02129400)

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

## STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

## PERSONAL BOND / BAIL ORDER

Having found probable cause exists for the further detention of LINCOLN, ROOSEVELT, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- Personal Bond Recommended
- Personal Bond NOT Recommended
- Personal Bond Recommendation referred to Magistrate
- PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond  Requested  Opposed  
 No Position
- Bail Request  No DA Bail Request  
 Higher \_\_\_\_\_  
 Lower \$50,000.00  
 No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond  Requested  Opposed  
 No Position
- Bail Request  No PD Bail Request  
 Higher \_\_\_\_\_  
 Lower \$5,000.00  
 No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn:  Yes  
 No

## ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at:  No Bail  \$15,000.00  
 Conditions

Personal bond is:  Not Approved prior convictions for violence against women  
 Approved  Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

*Cleopatra St. Julian* 0212-14-06

August 16, 2020 14:14 PM

Date and Time

Magistrate Courtney St.Julian (SPN 02129400)

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 2 of 2

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

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

**OPINIONS BELOW**

For cases from **federal courts**:

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

reported at website (or) Appendix C; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

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

reported at website (or) Appendix B; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at website (or) Appendix A; 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.

STATEMENT OF  
JURISDICTION

## JURISDICTION

### For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 27<sup>th</sup> 2023; May 22<sup>nd</sup> 2023; June 12<sup>th</sup> 2023

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: June 12<sup>th</sup> 2023, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

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

### For cases from **state courts**:

APR 1 20<sup>th</sup>  
(2023) The date on which the highest state court decided my case was Feb 3<sup>rd</sup> 2023 - Also.  
A copy of that decision appears at Appendix B.

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 Provisions

## **"Constitutional Provisions"**

**#1) Rule 4. Appeal as of Right When Taken**

**(Part B) has not been applied: there are 4 Police Officers,(and) 2 District Attorney's in Appeal Case # 23-20100**

**#2) 4th Amendment- (Violation)- False Arrests**

**/ No Evidence / No Probable Cause / No Facts.**

**#3) 5th Amendment-(Violation)- No Due Process**

**/No investigation Done/ No Supervisor Supervised- (No one paid attention)**

**#4) 8th Amendment-(Violation)- cruel and unusual punishment..!.... / lost of all property without a Reason; incarcerated without a reason.**

**#5) 13th Amendment- (Violation)- Slavery without any conviction; no reason for incarceration; no evidence to support the claim.**

**#6) 14th Amendment- (Violation) No equal rights reserved in case # 168420301010 (or) police report 1912-06825**

# STATEMENT OF THE CASE

~~Document 34~~  
Argументы в пользу вынесения приговора

Final judgment came from Judge: Sim Lake; On February 3rd 2023.

After the notice "not to file any more documents" until he scanned the case..., (Document 34) was The brutal response, since that notice.

■ (Page #2) document 34 talks about Frivolous and malicious claims,(in paragraph 1)-

Nothing in my claim is frivolous (or) malicious at all..! {Police report # 1912-06825} States these facts plainly in clear site, Along with the "INDICTMENT" which states: **INTENTIONALLY, KNOWINGLY AND RECKLESSLY CAUSE BODILY INJURY (to) "MICHELLE MACON" BY STRIKING THE COMPLAINANT WITH HIS HAND...**( if none of these things are seemingly true; then how could any of the story be true?)

**...all who have eyes can see that "No Injury" was done to 59 year old Michelle Macon, who is also a "white female" who happens to live in a senior citizen's building. Located at 16354 Ella boulevard in Houston, Tx. This is also a gated building which is surrounded by cameras..**

The Apartment buildings are also closely related.(close together)..Making it impossible for any of this to happen without a witness!

■ "Michelle Macon" ; STATED THAT I "PUNCHED HER"... TWICE..! (WITH A CLOSED FIST).. on the left side of her face in the eye area.. Till she fell down, and passed out at one point.! But somehow got up in enough time to get my license plate by writing it down....

{Let's not forget that this was also supposed to happen at 11pm (night-time)}- according to the Police Report.

**Afterward, in which way, is it possible that all this happened and there would be no witnesses?..**

■ ... And where are the bruises located within the 5 regular pictures that the State of Texas has in its possession?.. (this is the same police report and pictures) which Harris County Sheriff's Officers **E. CRAIN (Unit# 41F35) (and) B.EVANS (badge#S28959)** took while on duty; And then attach them to a **frivolous, and malicious police report**, which was also submitted with a **sworn affidavit for a warrant for my arrest; (Without Probable Cause);**

**Two (other) Officers signed off on this Report;in which upheld it; without a trustworthy, true (evident) investigation; these Officers are:**

> **Investigator:E.Willrich (badge#S26983)**  
> **Supervisor:Hulsey A.C (badge# S27083)**

Argument for: Allowance Of The Wait

- These same Pictures and Police Report in which Judge: "Sim Lake" would not allow me to press forward to obtain; which would prove Malicious Prosecution.

Leaving a question to:

Did Judge: Sim Lake actually view the full Police Report Along with pictures?

Or did he just become Bias or Prejudice, concerning my case and only used what was on file in case# 2022-01979...?

- Judge: Sim Lake was pretty confident in his judgment; knowing that he had already stopped me in my bounds of requesting "The Full Police Report" through the Court Clerk; (by Subpoena); being that: THE ONLY WAY TO OBTAIN "THAT INFORMATION" (IS) THROUGH A CIVIL SUIT/ COURT SYSTEM..-

(otherwise I would never get the "Pictures" that are on file to prove my case.)

**(Government Policy)**

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Is it also against policy if a police officer, peace officer, sheriff, or any other officials of the state makes a **police report but does not allocate the injuries!(?)..or the facts..?**

**No one in the report #1912-06825 "described" any injury.**

But only details; which Michelle Macon gave (which) were false and realizable stupid;

- Furthermore a normal **police officer** would have not left the scene without **calling the ambulance..(if these injuries were truly real and obvious)**.
- Even if "Michelle Macon" did not want to receive medical care, she would still have to sign a Release form (from) the Ambulance service, proving injuries. <> (none of this was done)
- **No video footage, No Ambulance details , No witnesses statements , No bruises were revealed, and none of this "could not be present"; because it never happened.**
- **These Cops, looked at my past "ONLY" and made a judgment based (only and solely) on that; as the report describes: a known offender.**

The police report, indictment, dismissal, and Preliminary Hearing facts are attached / all facts, considering Roosevelt L Linicomm Jr in this above case. (See:Appendix;Citations)

-----**(Request)**-----

**Roosevelt L. Linicomm Jr; has read the rule book and today: August 25th 2023; Request this "Justice"**

Argument for: Allowance Of The Writ

to Cite the full Police Report with Pictures from case number# 168420301010.

(Page 9,(paragraph 7) of the Rule book; allows me to cite these records.)

(Which contains physical proof of:

**No Probable Cause)**

X \_\_\_\_\_  
X \_\_\_\_\_

**This request is truly correct under penalty of perjury.**

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**August 16 2020; (Preliminary hearing)**

Judge; (said directly) I find "no probable cause" in this case. But you do have a warrant in the 176 court. That has to be dismissed before you go home. You should go home when you get to that courtroom. My bond was dropped from 50,000\$ to 15,000\$ (based solely on a warrant in the 176th court room).

(See: Citations)

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**Conspiracy to Interfere with Civil Rights**

**42 U.S. code 1985**

**August 19th 2020-**

■ (John Clark) approached me,took me to a bond hearing;after reading the report; and told me he was going to hire a private investigator. ...{But he did not have a purpose for the long ongoing means of an investigation; or for any reason whatsoever}.

**November 10th 2020-**

(90 days later) That (investigator) came; {name unknown}; he visited me at: 1200 Baker st.; Houston Tx 77002 while incarcerated @ Harris County Sheriff's Office Jail.

He told me that he didn't know why I was in Jail; showed Me the "5 Regular Pictures" of "Michelle Macon"...told me that I needed to talk to my lawyer, and that I should be getting out, as soon as he release his report to "John Clark";, he also responded: I DON'T EVEN KNOW WHY HE HIRED ME FOR THIS!

**February 2021;**

(90 days after) "John Clark " asked me, " Could I bond out; after I told him what the private investigator said..{why did he tell you that(?) He remarked}..along with his statement about Bonding out.

He then showed me only a few pictures (not all) of Michelle Macon, (while laughing) and told me that "I beat the lady" and that it was a medical report, so I asked him to show it to me.. I also told him that I wrote to the State Bar.

John Clark; told me "Fuck You" you going to have to work on it..reset me again and never did anything as far as any defense on my behalf. No motion for dismissal was ever filed by him.

Investigators notes were "NEVER" discovered; no evidence was available; not even common sense; But conspiracy by "John Clark" continued: while looking at me and saying: "THIS IS STUPID"...he still conspired...

See: (Appendix)- State Bar grievance / complaints.

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■ **Malicious Prosecution** = is the ongoing prosecution of a person after no finding (in the investigation stage) of probable cause.

This was done by Steven Belt - (D.A. No.# 2963459; Courtroom 176th from: August 19th 2020 (through) June 1st 2021.

Case#168420301010  
Police Report # 1912-06825

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While incarcerated for the 6th month time period; Roosevelt L. Linicomm Jr. was Severely beaten by inmates with Sticks, (on October 1st 2020)..(4 inmates were caught on camera);

Officer Brown took the report. I received x-rays of my face and head, which were both swollen and bloody;

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(I received medical treatment as well) My right hand was Previously broken on "the arresting date" of August 16th 2020, (By the arresting Police Officer)...

I also received Medical Malpractice,(leaving my Right hand deformed) (See: Appeal Case# 23-20092)

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This case was deemed:

■ **AGGRAVATED ASSAULT"**

Case# 201-000826 >[Officer Brown-(badge#28771)took the report, reviewed the camera; (and I received "Medical Attention")

... (X-rays) The doctor; talked of seeing bruises, and knots in my head and face. Other direct details came from the investigating Officer.. who spoke of reviewed camera footage in (Report# 201-000826) > (also documented in: Civil Suit #2022-01979)  
Because all these things happen simultaneously.

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### **Abandonment of Duty by District Attorney**

#### **606.19 DERELICTION OF DUTY**

■ Failure of Prosecution"; and or "Abandonment of Duty"; came when The lead D.A (or) Prosecutor of the Case "failed to see the damage; made no note of the Injuries done to: Roosevelt L Linicomm Jr; and had no intention of doing "policy of law" on a case that had all available "Facts" and "Evidence" including: "A Truth Speaking Police Officer who did the report", video footage, and a Cooperating witness.

(Almost) Every person in the Report had their case dismissed.

#1)(Joseph Bright)dismissed February 2021

#2) (Carl Washington) sign for 90 days

#3) (Ronnie Hunt) dismissed on October 28th 2021

#4)(Otavis Lavallais) dismissed June 21  
...{because he already had a Murder case}

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(Police Report # 201-000826 (was) Filed in district court on: 10/16/2022)

(Thus): "The Harris County District Attorney Office" abandoned its duty" to support By Defense and Advocate for a true Crime!

Only one person received 90 days, (Misdemeanor) for a full fledged "AGGRAVATED ASSAULT" which was documented, caught on camera, and had proof of medical damages.

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February 2021;

Out on bond..

Roosevelt L Linicomm Jr, stayed out on bond for a total of 14 months.  
(From Feb 2021 through April 2022)

In this time range, (Roosevelt L Linicomm Jr) did everything that the court system asked him to do.

(Roosevelt) also took medications for pain, (from a pain management doctor); Torn ligaments, broken bones, done by Constable J.Riley;... also noted Different times that (i) had therapy, along with a list of medications and what they were likely to do to the human body,..

These things were submitted to court 482nd. Roosevelt L. Linicomm Jr's court was changed; on July 1st 2021.

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■ **Patrick J Ruzzo- (Court Appointed Attorney)**

Had the most aggressive Conspiracy that I have ever experienced in my life; he was assigned to my case- (June 2021)

**"Patrick J Ruzzo" told me that I was disrespectful because I asked him about my case..it was to the point that I blocked him on my phone and told him to just email me.**

Patrick J. Ruzzo went to the point of no return after that.; his emails say it all..

He never showed me what I was going to court for (in which he said that I'm going to lose in trial).... as if he was going to do something particularly to make me lose!

This was scary...!!!

It made me feel like he had a little bit more control and power than what I thought he had; I had not done anything at all to Michelle Macon..

But this guy made me feel like: even though I was scared..(and did not know anything about defense at that moment).. I would rather do self-representation (in this courtroom) than allow this guy any kind of pleasure...

**After 6 months, I still had to beg to see the pictures that he said I was going to lose in Trial on.. even after he hired a private investigator that told me there is nothing in this case that you should worry about..**

"Patrick J. Ruzzo" - hired the Private Investigator; but told me: "NOT TO TALK TO HIM"..

There is not a trustworthy bone in his body!

Argument for Allowance Of The Wait

It took much Prayer and Learning, (filing), State Bar complaints, petitions to the court with copies of his Emails to get to the point of Self-representation. Which came 10 months later; (April 28th 2022)

Patrick J.Ruzzo told me I was stupid (for basically) fighting for my rights, at one point he even told me that I had a rape case; new found DNA on a victim in another state linking me to the case!

(I knew that wasn't true; but I still had to use it for proof of Conspiracy in Court 482nd; these documents are also here:

■ (See: Appendix)- Patrick J Ruzzo/State Bar complaints)

■ (See: Appendix)- POWER OF ATTORNEY

"Patrick J Ruzzo" (and) "John Clark" - put together a long lengthy "POWER OF ATTORNEY" in hopes that they would get me: TO SIGN OVER MY FULL RIGHTS TO MAKE DECISIONS FOR MYSELF...

This would have given them the full benefit of attaching me to the court case indefinitely.! (without evidence, proof, or anything else)

This would have also made me look like I'm a poor decision maker for myself; this document also asked for private information that should not have been asked for, ..

They also directed this document to each other, so both of them would be able to have power of attorney over me.

This was indeed:

"Conspiracy To Interfere With Civil Rights".

Which Violates {42 U.S.code 1985}- In which I was highly intimidated and violated; also stripped of my right to "due process" from both of these court appointed attorneys.

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June 1st 2021-

■ The New District Attorney in the Case became:  
"Michelle Anderson"- D.A. # (unknown)

Court# 482nd  
Case# 168420301010  
Police Report # 1912-06825

■ Mrs. Michelle Anderson offered me five years TDC in connection with the "Malicious Prosecution" that she "Transcribed" into Court Reporters (Records) throughout this time.

"Michelle Anderson" also (revoked my bond) due to medical reasons, which were on file with the court. (April 20th 2022 I return to jail)

■ (See:Appendix→ Transcripts: April 28th, 2022, a Faretta/admonishment hearing; case # 168420301010

Her last offer in July 2022 was an offer for time served.

(Roosevelt L. Linicomm Jr, declined that offer).

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**August 19th 2022:**

(2 years later)

■ ROBBERY BODILY INJURY

Case# 168420301010 /"DISMISSED";-

(No Witness)

■ Having Probable Cause completes the actions taken by these Officers; (but if) No Probable Cause exists..this indeed is a 4th Amendment Violation by Official(s) of the United States.

■ PROBABLE CAUSE- is the existence of Evidence.

■ "HERE-SAY"- is Inadmissible in Court without Evidence. (It begins to be only words spoken to prove a Fact).. but if that Fact doesn't exist it's "HERE-SAY"

■ I represented myself at this time in court 482nd, and finally was able to see up close all of the "Hearsay Evidence Which Is On File".

■ This includes: "5 Regular Pictures" of Michelle Macon; which is attached to Police Report # 1912-06825- (and does not constitute a person that has been Punched in the Eye, Twice).

A Motion to View all Exculpatory Evidence; was submitted on \_\_\_\_\_

Roosevelt L. Linicomm jr. Received the Right to View the Evidence in Court 482nd by Judge: Maritza Antu.

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August 9th 2022

Roosevelt L. Linicomm Jr received 10 staples in his head; from an inmate that was in a rage for no reason at all.

{See: Appendix- (medical reports)}

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These are the things that led me to the Appellate Court Case# 23-20100;

Being that this was a New Court, with New Rules, I paid attention to everything in detail, I listened faithfully to the lady (Mrs. Rebicca) that I spoke with; I did exactly what she asked me to do and filed the petition that she asked me to file; which was: "MOTION FOR LEAVE TO FILE NOTICE OF APPEAL OUT OF TIME"

She told me to be specific, with given thoughts and details about everything that I thought about the law; which gave me 60 days to file the Notice of Appeal.

See: Appendix- (Motion 1 and 2)

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**#1) Motion for leave to file Notice of Appeal out of time.**

Dismissed:

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Later Mrs. Rebicca. told me that this came back to be incorrect; and should be titled:

**#1)"MOTION FOR RECONSIDERATION"**  
(I promptly "RETITLED" this and sent it in)

Dismissed:

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**#2) The last thing Mrs. Rebicca told me was to refile this motion and be more basic.**  
**"Motion For Reconsideration"**

(This Motion was Unheard);  
and Dismissed:

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The below laws( were input into all motions): except I kept only one law and was basic to the point on the last Motion..(which was not ruled on).

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~~REDACTED~~  
Arguement For Allowance Of The Writ

■ Rule 4 (part B)-  
**Appeal as of Right when taken**

**There are four police officers and two district attorneys in my case!**

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Rule 4 part B" Appeal as of Right When Taken"

B) The notice of appeal may be filed by any party within 60 days after entry of the judgment or order appealed from if one of the parties is:

- (i) the United States;
- (ii) a United States agency;
- (iii) a United States officer or employee sued in an official capacity; or
- (iv) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf — including all instances in which the United States represents that person when the judgment or order is entered or files the appeal for that person.

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I also read a law while reading the "appellate rules" of Civil Procedure.

That I would be entitled to (90) ninety days to file the "Notice of Appeal",... (if) I did any request of fact finding from the judge, prior or before, Filing the Notice Appeal.

It also just happen to come that: I requested fact finding evidence after Document 34 (and also used this law) with Presented Evidence, which is a "Response to Document 34"

**Requesting Modification of Judgement under:**

**Rule 60**

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**See: Rule 26-1 Civil Cases (below)**

(a) the notice of appeal must be filed within 90 days after the judgment is signed if any party timely files:

- (1) a motion for new trial;
- (2) a motion to modify the judgment;
- (3) a motion to reinstate under Texas Rule of Civil Procedure 165a; or

(4) a request for findings of fact and conclusions of law if findings and conclusions either are required by the Rules of Civil Procedure or, if not required, could properly be considered by the appellate court;

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**THIS CONCLUDES: "STATEMENT OF THE CASE"**

# ARGUMENT (AND) CONSIDERATIONS

Rule 10

**Rule# 10**

**Argument for: Allowance Of The Writ**

**Roosevelt L Linicomm Jr, looks for Justice in this 4th Amendment Violation; in which made him lose his family, friends, Property and Time out of his life, along with funds that were needed for other matters!**

**The above things were Constitutional Violations; by 4 police officers; 2 District Attorneys; and 2 Court Appointed Attorney's.**

**Harris County Commissioners Court (as well as) Harris County District Attorney's Office: Are Responsible for these activities and actions. (under Section 242 of Title 18)**

**Other things that happen while incarcerated gave Pain and Suffering; while on this 4th Amendment Violation.**

**The Appellate Court at:**  
**600 S. Maestri Place (Suite# 115)**  
**New Orleans, LA 70130**

**Did not recognize the Law(s) that applies to Roosevelt L Linicomm Jr's; {Case# 23-20100}**

**Instead The Appellate Court "Dismissed" Roosevelt's claim; without applying the Given Law.**

**And therefore has given Jurisdiction to the Supreme Court at:**

**1 First Street, NE.**  
**Washington, DC 20543**

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**In Respect of this: Roosevelt L Linicomm Jr, Prays that "This Justice" will apply the Law to Roosevelt L. Linicomm Jr; and that "The Justice" will "View" all given "Evidence" and "Cite" the Pictures that are involved in  
Police Report # 1912-06825 (and/or)  
Court Case #168420301010 .**

**Which will give Proven Evidence of a 4th Amendment Violation...  
Along with Given Evidence of all other Clams in Appeal Case# 23-20100**

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**Roosevelt L Linicomm Jr Request the Redress amount of:**

**Rule# 10**

**Argument for: Allowance Of The Writ**

**1.2 million for each officers x(4)**

**\$200,000 lost wages**

**1.2 million for each DA x(2)**

**1.1 million each attorneyx (2)**

**2.2 for "failure of prosecution" on the Aggravated Assault case**

**260,000 past pain suffering and 130,000 for future pain and suffering**

**This totals= \$13,390,000 in Total Damages**

**...for case case number# 168420301010**

**(a) 4th Amendment Violation which led to the above things.**

**Respectfully submitted;**

**Roosevelt L Linicomm Jr**

**3401 Fannin st**

**Houston Tx 77004**

**713-256-6878**

**Mikelincolm@gmail.com**

# **“WRIT OF CERTIORARI”**

# "Writ of Certiorari"

Roosevelt L. Linicomm Jr.  
Mikelincolm@gmail.com  
3401 Fannin st  
Houston, Tx 77004  
Cell Phone# (713-256-6878)

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To:

Supreme Court of the United States of America."  
1 First St. NE  
Washington D.C. 20543.

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{ Pro'se }

Roosevelt L Linicomm Jr; in this below Appeal Case# 23-20100..is Asking this Supreme Court to grant a Writ Of Certiorari.

Upon the Following grounds:

{See:} (Part B) {of}:

"(Rule 4) Appeal as of Right When Taken"

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Roosevelt L. Linicomm Jr.  
(VS)-  
District Attorney

Appeal Case# 23-20100

Roosevelt L. Linicomm Jr has read that; **the Supreme Court's task is to interpret the meaning of a law, to decide whether a law is relevant to a particular set of facts, or to rule on how a law should be applied.**

Roosevelt L. Linicomm Jr moves this "Supreme Court" to see the following: **(Laws And Facts)**

Roosevelt L. Linicomm Jr; Prays this Court will make Rulings on: **"Standard Laws" (Verses)** **"Other Laws" which uphold "Federal Civil Rights"; (and) "Appellant Rule 4-[section B]"** **(which entitle: Roosevelt L. Linicomm Jr to the extended time period of (60 days) to file the "Notice of Appeal"):**

**This Law is presented on (Page "4") of the Past: Reconsideration Motion.**

Roosevelt L. Linicomm Jr also filed this Motion Amendment, with other Laws and Definitions; being that "An Employee" from the Appellate Court "implied" that: **"A MOTION FOR LEAVE TO FILE OUT OF TIME"** Was the appropriate Motion, and that (i) should definitely explain any laws or other things that may imply to that motion..(And that I should add details and thoughts.)

{After which that Motion was later said to be incorrect; and that it should be titled}: **"Motion For Reconsideration".** *Dismissed: (April 27th 2023)*

I made that change promptly.

"The Motion for Reconsideration was Denied and Dismissed" (May 22nd 2023)

I was then told to be more direct;

(After the case was dismissed.) When asking questions; about the process of that Appellate Court;

"I did so" ...

No Law was ever applied In that Appellate Court.

**(Rule 4) Appeal as of Right When Taken"**

**PART "B"**

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(USDC No. 4:22-cv-01979) -was dismissed: Feb 3rd 2023.

**"Notice of Appeal"-** was filed by: **United States Post Office (Mail Delivery Service)**; and uploaded March 8th 2023.

**Roosevelt L. Linicomm Jr filed the "Notice of Appeal" within a timely manner;** anyone who misread the Law (or) "Did Not" apply the Law "should not" fault me for reading,(or) learning, (or) knowing the Appeal Law or **"Rule 4 Appeal as of Right- When Taken" ...**

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☆Fact# (1) = {"The Sherriff's Department"}☆

Roosevelt L Linicomm Jr is a United States "Private Citizen" ; but the other Parties in this Case# 23-20100- are "Official Citizens" indeed;

**"Officials Citizens"- of the United States of America, are those who are working under a Government Policy = (which is) a part of an United States Agency.**

[ Police Department ]

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☆Fact# (2) = {"District Attorney's Office"}☆

Roosevelt L Linicomm Jr is a United States "Private Citizen" ; but the other Parties in this Case# 23-20100- are "Official Citizens" indeed;

**"Officials Citizens"- of the United States of America, are those who are working under a Government Policy = (which is) a part of an United States Agency.**

[D.A. // Advocate for the State of Texas]

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**(So)...AM I ENTITLED TO THE SAME LAWS THAT APPLY TO MY CASE AND SITUATION..?**

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According to Rule 4 > Appeal as of Right when taken; **(section B)**

Roosevelt L. Linicomm Jr is Entitled to 60 days to file the Notice of Appeal,...

... being that "4 Sheriffs" are involved in {Appeal Case# 23-20100} ...and 2 District Attorneys are involved in {Appeal Case# 23-20100}

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**(all of these parties are apart of a United States Agency -)**

(See): "Agency" United States Government Codes below:

■ **31 U.S. Code § 101 -(Agency)**

■ **18 U.S. Code § 6 - Department and agency defined**

■ **5 U.S. Code § 551 - Definitions**

{The "Parties" in Appeal Case# 23-20100 are Represented by a United States Agency...and are either (an) United States "Officer" or "Employee" being Sued in an Official Capacity;}

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- "This Appeal Law" (**Rule 4- Appeal As Of Right When Taken**)

Roosevelt L Linicomm Jr Prays:This Law will be applied as follows;

- because of the involvement of the "United States Agencies that are involved... (Which are Police and District Attorneys)
- because they are "being sued" in an official capacity,
- because) these are United States Officials or Employees...
- because there is at least "ONE PARTY" that is an Official ; which gives "ANY PARTY" the right to file the "NOTICE OF APPEAL" WITHIN 60 DAYS!

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(These Officials are involved in the United States District Court Case# 4:22-cv-01979 (and) Appeal Case# 23-20100 ; as Follows;)

- #1) (**4) Harris County Sheriff's Officers** •

There are a total of ( "4" ) police officers Who made:(Police Report# 1912-06825)

-Without Probable Cause information

**(No Facts, and "One Witness" who was without any injuries: (also): a police report that sounds like a kids story book.)**

{The case was a Robbery Bodily Injury}

No Medical Report (and)

No investigation facts were available at all throughout the full process,which led to a "Frivolous Warrant".

{ And a 4th Amendment Violation}

These officers are:  
E.CRAIN(badge# 41735 unit  
B.EVANS(badge#S28959)

(investigator)>E.Willrich (badge#S26983) and (Supervisor)>Hulsey A.C (badge#S27083)

The Warrant had: No Available Facts or Supporting Information that is "Required" for a Warrant. {This is also and otherwise known as: "NO PROBABLE CAUSE".}

This happened in Houston Tx on Dec 19th 2019 and the Warrant was promoted on July 30th 2020 all the above officers names are attached to this Police Report #1912-06825.

• #2) Harris County District Attorney's Office •

The case was referred to:  
(D.A. No.#2963459) STEPHEN BELT"  
-Court 176th

And later was transferred to:  
District Attorney: "Michelle Anderson"  
-Court 482nd

Both of these District Attorney's did "MALICIOUS PROSECUTION"

... "WITHOUT ANY SUPPORTING FACTS, DETAILS, LEADS, CAMERA FOOTAGE, MEDICAL REPORT, OR SIGNIFICANT GROUNDS;

[no evidence was gathered, no investigation was done].

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•••• Law(s) for Filing Notice of Appeal ••••

(See: Part B)

LII Federal Rules of Appellate Procedure Rule 4. Appeal as of Right—When Taken

—  
(a) Appeal in a Civil Case.

(1) Time for Filing a Notice of Appeal.

6

(A) In a civil case, except as provided in Rules 4(a)(1)(B), 4(a)(4), and 4(c), the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from.

>> (B) The notice of appeal may be filed by "any party" within 60 days after entry of the judgment or order appealed from "if one of the parties is" :

- (i) the United States;
- (ii) a United States agency;
- (iii) a United States officer or employee sued in an official capacity; or
- (iv) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf — including all instances in which the United States represents that person when the judgment or order is entered or files the appeal for that person.

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**" Conclusion "**

Roosevelt L Linicomm Jr understands that: "EACH AND EVERYONE INVOLVED IN A LAWSUIT ARE LABELED AS PARTIES"

Parties in a lawsuit are as follows:

**{Defined by Law}**

"Parties" in a lawsuit are the plaintiff or petitioner bringing the case, or the defendant or respondent defending against one.

Cornell University  
party | Wex | US Law | LII / Legal Information

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**End of Conclusion:**

Roosevelt L. Linicomm Jr. Is Known As:

"ONE OF THE PARTIES INVOLVED IN DISTRICT COURT CASE 4:22-CV-01979" (also)  
Appeal Case# 23-20100

Roosevelt L. Linicomm Jr. is also considered to be titled as one of the "ANY PARTY" (included) in the case that is able to file "Notice of Appeal" in the 60 day deadline; being that the following "Law is Established" ... (below) because of the involvement of only "(1)" Police Officer; (or) "(1)" Employee; which is;

(ii) a United States agency;

(iii) a United States officer or employee sued in an official capacity; or

(iv) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf — including all instances in which the United States represents that person when the judgment or order is entered or files the appeal for that person.

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Note:

Under No Circumstances did the Law say that only An Agency (involved person) Could be the only one to file in the 60-day deadline..

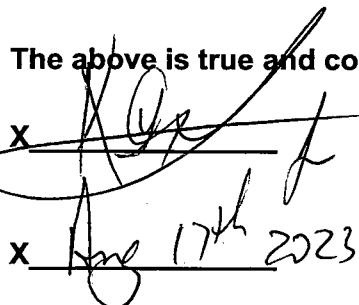
But indeed it says: "ANY PARTY" CAN FILE IN THE 60 DAY DEADLINE "IF" ONE OF THE PARTIES IS AN AGENCY/ OFFICIAL; OR BEING SUED IN A OFFICIAL Capacity.

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The above is true and correct under penalty of perjury.

X

X



Aug 17<sup>th</sup> 2023

By the above "FACTS AND LAWS".

Roosevelt L Linicomm Jr Prays that this Supreme Court will Grant this:

" Writ Of Certiorari "

Order

Granted: \_\_\_\_\_

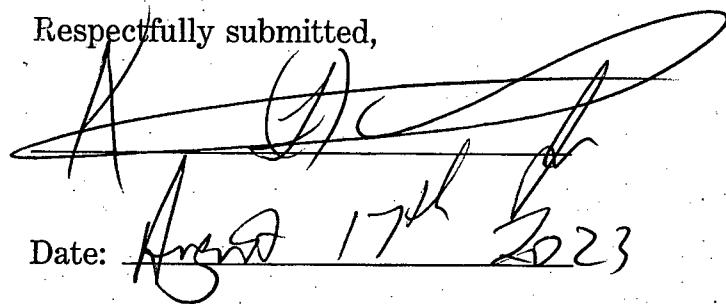
Judge Presiding:

Denied: \_\_\_\_\_

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Doe".

Date: August 17th 2023

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