

JUL 27 2023

OFFICE OF THE CLERK

No.

23-5733

Petition

IN THE

SUPREME COURT OF THE UNITED STATES

Donald D. Higgs — PETITIONER
(Your Name)

vs.

Dept. of Corrections, et al. RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the 3rd Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Donald D. Higgs
(Your Name)

Northern State Prison 168 Frontage Rd.
(Address)

NEWARK, New Jersey 07114
(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. Was the District Courts dismissal with prejudice of defendants who exhibits establish deprivation of Constitutional rights improper?
2. Was the United States Court of Appeals refusal to review appeal improper?

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:

Additional parties:

John Jane Doe, John Blakeslee, Ronald Constantine, Allana Wallbilich, LT. Berryman, Sgt. Callucio, State of New Jersey Department of Risk Management, Department of treasury, Niza Rizvi, Marcus Hicks, Victoria Kuhn, State of New Jersey.

RELATED CASES

1. Roman v Jeffes, 904 F.2d 192, 198 (3rd. Cir. 1990).
2. Christopher v Harbury, 536 U.S. 403, 414, 416 (2002).
3. Monroe v Pape, 365 U.S. 167 (1961).
4. Monell v New York City Dept. of Social Services, 436 U.S. 658 (1978).

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APPENDIX B	Leave to file third amended Complaint. 11 pgs.
APPENDIX C	Leave to file motion for extension of time. 4 pgs.
APPENDIX D	Set deadline for motion of extension of time. 2 pgs.
APPENDIX E	U.S. Marshall form received and Summons issued. 2 pgs.
APPENDIX F	Motion to reopen case. 5 pgs.
Appendix G.	Informal brief. 8 pgs.
APPENDIX H	Request for rehearing. 1 pg.
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APPENDIX CONTINUED

APPENDIX J. Order dismissing motion to reopen, file "second" amended complaint. 3 pgs.

APPENDIX K. Legal mail receipt received by Petitioner. 1. pgs.

APPENDIX L. Third amended Complaint requested by Court. 15 pgs.

APPENDIX M. Request for rehearing, motion, order. 5. pgs.

APPENDIX N. Denial of Petition for rehearing by the full court and also en banc. 2 pgs.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Cases are incorporated in Motion to amend.

STATUTES AND RULES

L.A.R. 35.2 (9)

OTHER

Constitutional violations are incorporated in amended Complaint.

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 N to the petition and is

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

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

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

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

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

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

The opinion of the _____ court appears at Appendix _____ to the petition and is

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

1.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 11, 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: July 11, 2023, and a copy of the order denying rehearing appears at Appendix N.

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

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

☐ For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Petitioner relies on the fourteenth amendment state and federal constitution of the United States of America, secured to citizens of the United States of America.
2. Petitioner relies on the first amendment of the United States of America, secured to citizens of the United States of America.

STATEMENT OF THE CASE

on said dates indicated in complaint and amended complaint, and actions and inactions which still continues, plaintiffs medical documents sent from law firm was stolen outside of the presence of petitioner when his legal mail was opened. These documents relate to, and intended to be submitted as part of damages surrounding illegal arrest in *Higgs v Myers, et al.*

Monies was intentionally withdrawn from account to the total of \$346.⁰⁰ and more as indicated in complaint. Petitioner filed proper grievances to no avail.

The district court dismissed defendants actually responsible for deprivations of petitioners rights with prejudice and ignoring this court, as well as the district courts previous rulings on subject matter.

The district court previously closed the case but recently requested/directed petitioner to file motion to reopen case and to file amended complaint to include defendants previously dismissed with prejudice.

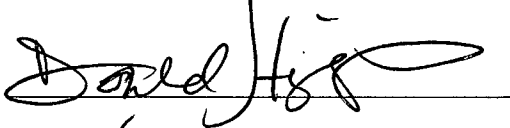
REASONS FOR GRANTING THE PETITION

The Court of Appeals erred in denying petitioners request for rehearing, giving the merits of this case, which further deprives petitioner rights guaranteed under the Constitution of the United States, and requires this Courts Supervisory power.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 