

23-6033

No. _____

FILED

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ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

DARRYL SMITH

— PETITIONER

(Your Name)

VS.

U.S. JUDGE JAMES GWIN ET AL.,
U.S. DISTRICT COURT, JAMES KENNARD,
TIM McCONAHAY, LISA BOOTH

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS (SIXTH CIRCUIT) CASE NO. 22-3698
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DARRYL SMITH (PRISON NO. 760166)

(Your Name)

MANSFIELD CORRECTIONAL

1150 N. MAIN ST. (P.O. BOX 788)

(Address)

MANSFIELD, OHIO 44901

(City, State, Zip Code)

MAN.C.I PRISON AT -

419 526-2000

(Phone Number)

LIST OF PARTIES

[] ALL PARTIES APPEAR IN THE CAPTION OF THE CASE ON THE COVER PAGE AND ARE AS FOLLOWS : -

U.S. JUDGE JAMES GWIN ET.AL.,

U.S. DISTRICT COURT (N.D. OHIO),

JAMES KENNARD, LISA BOOTH,

TIM McCONAHAY,

RELATED CASES

DARRYL SMITH V. CLIFFORD PINKNEY; SHERIFF ET.AL.

(U.S. DISTRICT COURT; N.D. OHIO) CASE NO. 18 CV-00163

DARRYL SMITH V. CLIFFORD PINKNEY; SHERIFF ET.AL.

(U.S. COURT OF APPEALS; SIXTH CIRCUIT) APPEAL NO. 21-3486

IN Re; DARRYL SMITH; CASE NO. 22-3698

(U.S. COURT OF APPEALS; SIXTH CIRCUIT)

IN Re; DARRYL SMITH; NO. 23 A-5

(U.S. SUPREME COURT)

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DARRYL SMITH V. CLIFFORD PINKNEY; DIST. CASE NO. 18 CV - 00163

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(2023 U.S. DIST. LEXIS 67114) (EXHIBITS; 14, 26, 136, 137, 138)

DARRYL SMITH V. CLIFFORD PINKNEY; APPEAL NO. 21-3486 (6th CIR.)

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DARRYL SMITH V. DOUGLAS FENDER; DIST. CASE NO. 21 CV - 00934

(2023 U.S. DIST. LEXIS 11340) (EXHIBITS; 13, 79)

IN RE; DARRYL SMITH; APPEAL NO. 22-3665 (6th CIR.)

(2022 U.S. APP. LEXIS 29729) (EXHIBITS; 5, 6, 7)

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HAINES V. KERNER; 404 U.S. 519, 520 (1972)

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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 **EXHIBIT: 5,7**,
the petition and is **2023 U.S. APP. LEXIS 15041**

☒ reported at **2022 U.S. APP. LEXIS 29729**; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at **EXHIBIT: 26,14**,
the petition and is **2022 U.S. DIST. LEXIS 139179**

☒ reported at **2023 U.S. DIST. LEXIS 67114**; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished. **SEE: SMITH V. PINKNEY; CASE NO. 18 CV-00163
AT DOC. 122, 123, 125**

☐ For cases from **state courts**: **N.A. (DOES NOT INVOLVE NO STATE CASE)**

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

☐ reported at **N.A.**; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the **N.A.** court
appears at _____ to the petition and is

☐ reported at **N.A.**; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was OCTOBER 25, 2022 EXHIBIT; 7,

☐ 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 15, 2023, and a copy of the order denying rehearing appears at 2023 U.S. APP. LEXIS 15041 EXHIBIT; 5,6,

☐ 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: N.A. (DOES NOT INVOLVE NO STATE CASE)

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

☐ A timely petition for rehearing was thereafter denied on the following date: N.A., 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 N.A. (date) on N.A. (date) in Application No. A.

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

PRO SE SELF REPRESENTED
PRISONER PLEADINGS AND APPEALS

THE U.S. SUPREME COURT, THE U.S. SIXTH CIRCUIT APPEALS COURT
AND ALL COURTS MANDATORILY REQUIRE THAT A PRISONER'S SELF REPRESENTED
PRO SE PLEADINGS CAN NOT BE HELD TO THE SAME STRICT STANDARDS AS IS
APPLIED TO LICENSED ATTORNEYS AND MUST BE INTERPRETED LIBERALLY.

HAINES V. KERNER; 404 U.S. 519, 520 (1972) U.S. V. HUNT; 940 F.2d. 130, 131,
(1991) U.S. V. GARTH; 188 F.3d. 99, 108 (1999) U.S. V. TORRES; 163 F.3d. 909, 910
(1999) RATLIFF V. U.S.; 999 F.2d. 1023, 1026 (6th CIR. 1993)

IN; GREEN V. UNITED STATES; 260 F.3d. 78 (2001) THE COURT HELD; -

"PRO SE LITIGANTS ARE ENTITLED TO LIBERAL
CONSTRUCTION OF THEIR PLEADINGS AND MUST
BE READ TO RAISE THE STRONGEST ARGUMENTS
THEY SUGGEST....."

ALSO SEE; - CAVER V. STRAUB; 349 F.3d. 340, 347 (6th CIRCUIT 2003)

IN; DUTIL V. MURPHY; 550 F.3d. 154 AT 158-59 (2006) THE COURT
LIBERALLY CONSTRUED A PRO SE STATE HABEAS CORPUS PETITION
BECAUSE THE PETITION WAS "EXPLICIT IN ITS INVOCATION OF
DUE PROCESS" AND BROAD ENOUGH TO ENCOMPASS A CHALLENGE
TO A STATUTE AND IT SUFFICIENTLY STATED THE RELEVANT LEGAL
THEORY UPON WHICH THE PRISONER PROCEEDED,

AND SEE; ANDRADE V. GONZALES; 459 F.3d. 538, AT 543 (2006)

THE PLAINTIFF / APPELLANT

THE PLAINTIFF / APPELLANT IS DARRYL SMITH, 71 YEARS Old (DATE OF BIRTH; AUGUST 2, 1951. - LAST 4 DIGITS OF SOCIAL SECURITY NO. 2329). He HAS BEEN IMPRISONED IN OHIO PRISONS (ONGOING) SINCE BEING INITIALLY JAILED IN 2017. He IS CURRENTLY INCARCERATED IN MANSFIELD CORRECTIONAL INSTITUTION (KNOWN AS MAN.C.I.) IN RICHLAND COUNTY, OHIO.

THE APPELLANT IS IMPRISONED UNDER A SENTENCE OF 8 1/2 YEARS (SINCE 2017) FOR CRIMINAL STATE COURT CONVICTIONS IN THE CUYAHOGA COUNTY COMMON PLEAS COURT IN CLEVELAND, OHIO. (SEE; DARRYL SMITH V. DOUGLAS FENDER; CASE NO. 21 CV-00934 (N.D. OHIO))

THE APPELLANT IS MEDICALLY DIAGNOSED WITH SEVERAL PERMANENT SERIOUS PHYSICAL DISABILITIES THAT INCLUDE; - A FAILING HEART DISORDER - IS SEMI-DEAF HEARING IMPAIRED - HAS FAILING DEGENERATING IMPAIRED VISION - A BLIND LEFT EYE - HAS PERMANENT CONCUSSION DISORDERS - HE REQUIRES A WALKING CANE TO BE MOBILE. (EXHIBITS; 101, 102, 104, 105, 98, 99, 100, 94)

THE APPELLANT WAS INCARCERATED IN THE CUYAHOGA COUNTY JAIL (IN CLEVELAND, OHIO) FROM AUGUST 2017 TILL JANUARY 2019 AS A PRE TRIAL DETAINEE. WHILE THERE, JAIL GUARDS AND 2 DEPUTY SHERIFFS REPEATEDLY SEVERELY BEAT APPELLANT (AND IMPOSED PHYSICAL TORTURE ACTS) CAUSING SEVERE INJURIES AND PERMANENT PHYSICAL DISABILITIES AS SAID. (EXHIBITS; 94, 95, 96, 97, 98, 99, 100) THE STATE OPENLY ADMITTED AND CONFIRMED THIS AS TRUE FACT IN OPEN COURT (EXHIBITS; 94 (AT T.P. #90, 89))

IN MARCH 2022 IN THE MAN.C.I. PRISON, APPELLANT WAS SEVERELY STABBED BY A YOUNGER VIOLENT CELLMATE CAUSING PERMANENT INJURY. THE STABBING WAS OPENLY PERMITTED AND INTENTIONALLY ARRANGED BY PRISON OFFICIALS. (EXHIBITS; 47-62)

CONFLICT OF PRECEDANT LAW

(DENIAL OF COURT ACCESS)

THE U.S. SIXTH CIRCUIT APPEALS COURT RATIFYING U.S. JUDGE GWIN'S ORDERS TO TOTALLY BAN AND CUT OFF ALL OF A PRISONER'S COURT ACCESS WITHOUT ANY DUE PROCESS AND BANNING ALL APPEALS THEREOF, IS IN DIRECT TOTAL CONFLICT WITH ESTABLISHED PRECEDANT LAW IN THE ELEVENTH AND SIXTH CIRCUIT APPELLATE DECISIONS IN; -

MILLER V. DONALD; 541 F.3d, 1091 (11th CIR. 2008)

ORTMAN V. THOMAS; 99 F.3d, 807, 811 (6th CIR. 1996)

CONFLICT OF PRECEDANT LAW

(BANNING IMMINENT DANGER LAWSUITS)

THE BANNING OF A PRO SE PRISONER'S VALID IMMINENT DANGER / STABBING INJURIES LAWSUIT BY THE SIXTH CIRCUIT APPEALS COURT (AND I.E. BY U.S. JUDGE GWIN) IS IN TOTAL DIRECT CONFLICT WITH PRECEDANT AUTHORITIES OF LAWS ESTABLISHED IN THE 2^d., 4th., 8th., 9th., 11th., AND D.C. CIRCUIT U.S. APPEALS COURTS IN THE DECISIONS OF; - CHAVIS V. CHAPPIUS; 618 F.3d, 162 (2^d. CIR. 2010)

JOHNSON V. WARNER; 2006 U.S. APP. LEXIS 24090 (4th CIR. 2006)

ASHLEY V. DILWORTH; 147 F.3d, 715 (8th CIR. 1998)

MCALPHIN V. TONEY; 281 F.3d, 709, 711 (8th CIR. 2002)

ANDREWS V. CERVANTES; 493 F.3d, 1047 (9th CIR. 2007)

BROWN V. JOHNSON; 387 F.3d, 1344, 1350 (11th CIR. 2004)

IBRAHIM V. D.C.; 463 F.3d, 3, 6-7 (D.C. CIR. 2006)

CONFLICT OF PRECEDANT LAW
(CONFLICT OF SIXTH CIRCUIT DECISIONS)

THE SYSTEMATIC TOTAL BAN OF A PRO SE PRISONER'S VALID IMMINENT
DANGER / STABBING INJURIES LAWSUIT BY THE SIXTH CIRCUIT U.S. APPEALS COURT
IS IN TOTAL DIRECT CONFLICT WITH THEIR OWN CURRENT ESTABLISHED PRECEDANT
AUTHORITIES OF LAW IN;

LAPINE V. JOHNSON; 2018 U.S. APP. LEXIS 26540

2020 U.S. DIST. LEXIS 174403

TUCKER V. PENTRICH; 483 Fed. APP'X 28 (2012)

SUMMARY OF CLAIMS

PETITIONER DARRYL SMITH (A 71 YEAR OLD PRISONER) WAS IMPRISONED FOR 22 YEARS DURING THE PERIOD OF 1983 - 2004 FOR CONVICTIONS FOR FELONIOUS ASSAULT AND INTIMIDATION. He WAS RELEASED IN DECEMBER 2004 AND REMAINED FREE FOR OVER 14 YEARS.

He WAS ARRESTED AND JAILED IN THE CUYAHOGA COUNTY JAIL FOR 475 DAYS (2017 - 2019) IN CLEVELAND, OHIO. He WAS SEVERELY BEATEN DURING HIS ARREST BY DEPUTY SHERIFFS. IN THE JAIL He WAS AGAIN REPEATEDLY BEATEN AND TORTURED BY JAIL GUARDS THEREAFTER. (EXHIBITS; 94, 95, 96, 98, 99, 100)

SMITH FILED A 42 USC 1983 LAWSUIT IN U.S. DISTRICT COURT (N.D. OHIO) IN CLEVELAND, OHIO IN JANUARY 2018. THE CASE WAS ASSIGNED TO U.S. JUDGE J. GWIN. AFTER JAIL GUARDS FREELY MURDERED 9 PRETRIAL DETAINEES (IN 2018) AND ASSAULTED HUNDREDS MORE, ON OCTOBER 3, 2018 JUDGE GWIN ARBITRARILY DISMISSED THE LAWSUIT DEEMING THE CLAIMS AS MINOR, FRIVOLUS AND UNBELIEVABLE. GWIN DEEMED SMITH AS A "VEXATIOUS LITIGATOR" AND ORDERED ALL OF SMITH'S COURT ACCESS PERMANENTLY BANNED. ALL APPEALS WERE ALSO BANNED.

IN JANUARY 2019 A CLEVELAND OHIO JUDGE REVOKED SMITH'S PROBATION AND SENTENCED HIM TO PRISON FOR 8½ YEARS. (EXHIBIT; 94)

IN MARCH 2022 IN MANSFIELD CORRECTIONAL PRISON (MAN.C.I.) IN RICHLAND COUNTY, OHIO SMITH'S CELLMATE STABBED HIM SEVERAL TIMES NEARLY KILLING HIM. (EXHIBITS; 49, 50, 51, 47, 19). PRISON OFFICIALS INTENTIONALLY ARRANGED AND ORCHESTRATED THE STABBING. (EXHIBITS; 50, 56, 58, 74). THE ASSAILANT WAS RELEASED FROM PRISON THEREAFTER AS A REWARD.

SMITH EXHAUSTED NUMEROUS GRIEVANCES RE; THE STABBING AND THE OFFICIALS MISCONDUCT. (EXHIBITS; 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 74, 75, 76,)

IN APRIL - MAY 2022 SMITH MAILED IN REPEATED "MOTIONS FOR LEAVE" WITH A NEW 42 USC 1983 LAWSUIT IN RE; THE STABBING INCIDENT ET. AL AND ATTACHED THE EXHAUSTED GRIEVANCES THEREWITH. (EXHIBITS; 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25,)

JUDGE GWIN USED A SYSTEMIC MAZE OF LIES, DISCARDED GRIEVANCES AND DISCARDED EVIDENCE TO BLOCK THE LAWSUIT AND DENY IT BEING FILED. GWIN ALSO ORDERED ALL APPEALS ARE BANNED. (EXHIBITS; 26, 27, 28, 29, 30, 31, 32) (AND SEE; 2023 U.S. DIST. LEXIS 67114 AND; 2022 U.S. DIST. LEXIS 139179)

THE SIXTH CIRCUIT U.S. APPEALS COURT FIRMLY AND REPEATEDLY UPHELD TOTALLY BANNING THAT LAWSUIT IN SPITE OF THE PROVEN AND PLEADED "IMMINENT DANGER CLAIMS. (EXHIBITS; 5, 7). ADDITIONALLY, THE SIXTH CIRCUIT ALSO UPHELD ALL OF GWIN'S EXTREMIST COURT ACCESS BANS AGAINST SMITH INCLUDING THE 2018 JAIL LAWSUIT. (EXHIBITS; 8, 9, 10, 34, 35, 36)

THE VIOLENCE AND IMMINENT DANGER DONE TO SMITH IS STILL ONGOING NOW EVEN WHILE FILING THIS WRIT OF CERTIORARI. ON SEPTEMBER 1, 2023 AGAIN IN MAN.C.I. ANOTHER INMATE AGAIN ASSAULTED SMITH IN ANOTHER CLEAR FELONY ASSAULT CAPTURED AGAIN ON PRISON CAMERAS VIDEO RECORDED. ONCE AGAIN THIS ASSAULT WAS ARRANGED BY MAN.C.I. OFFICIALS. TWO DAYS AFTER, OFFICIALS ONCE AGAIN RELEASED THE ASSAILANT ON PAROLE TO THE STREET AS A REWARD. (EXHIBIT; 62) (CONTACT ATTORNEY LARRY SHENISE; PHONE # 330 - 472 - 5622)

JUDGE GWIN BANS ANY LAWSUIT OVER THAT NEW VIOLENT INCIDENT.

THE STABBING OF MARCH 18, 2022;
IMMINENT DANGER CLAIMS FILED;
JUDGE GWIN BANS LAWSUIT

IN 2021 PETITIONER DARRYL SMITH WAS IMPRISONED IN TRUMBULL CORRECTIONAL PRISON (T.C.I.) IN OHIO, A GANG OF INMATES ASSAULTED him IN SEPTEMBER 2021 AND OFFICIALS WERE COMPELLED TO PLACE him IN SEGREGATION. (EXHIBITS; 80, 83, 84)

THEREAFTER, THE T.C.I. WARDEN AND OFFICIALS ASSIGNED SMITH TO PROTECTIVE CUSTODY (P.C.) STATUS PURSUANT TO STATE LAWS IN O.A.C. 5120-9-14. (EXHIBITS; 81, 82, 83, 87), THE D.R.C. CENTRAL OFFICE OFFICIALS THEN HAD SMITH TRANSFERRED OUT TO MANSFIELD CORRECTIONAL (MAN.C.I.) IN DECEMBER 2021, (EXHIBITS; 81, 19)

SMITH EXHAUSTED ALL REQUIRED GRIEVANCES RE; THE T.C.I. ASSAULT AND P.C. ISSUES. (EXHIBITS; 83, 84, 85, 86)

THE P.C. ISSUES AND T.C.I. ASSAULT INCIDENTS WERE SPECIFICALLY CLAIMED IN SMITH'S ATTEMPTED 2022 LAWSUIT BANNED BY U.S. JUDGE GWIN. (EXHIBITS; 18, 19)

SMITH WAS NOT PLACED IN A P.C. UNIT AS WAS ORDERED; A D.R.C. CENTRAL OFFICE OFFICIAL RECKLESSLY "OVER RODE" THE P.C. ORDER AND SENT SMITH TO MAN.C.I. IN DECEMBER 2021. (EXHIBITS; 81, 82)

ON THE MORNING OF MARCH 18, 2022 SMITH REPEATEDLY WROTE KITES TO AND SPOKE IN PERSON TO UNIT 4D UNIT MANAGER KENNARD TELLING him his cellmate had made A KNIFE TYPE WEAPON AND his SAFETY WAS ENDANGERED. (EXHIBITS; 50, 51, 53, 54, 56, 58, 19), KENNARD DID NOTHING,

ON THE NIGHT OF MARCH 18, 2022 SMITH'S cellmate STABBED SMITH WITH THE HOMEMADE KNIFE WEAPON NUMEROUS TIMES NEARLY KILLING him. (EXHIBITS; 49, 51, 54, 56, 58, 60, 47)

THEREAFTER A FEW DAYS LATER, THE MAN.C.I. GRIEVANCE INSPECTOR SIEZED AND IMPOUNDED ALL OF SMITH'S COURT CASE MATERIALS AND ISSUED

DISCIPLINARY "TICKETS" FOR - "THREAT TO FILE A LAWSUIT" (THIS CASE AT BAR).
(EXHIBITS; 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 66, 19)

SMITH Filed And Fully exhausted NUMEROUS GRIEVANCES IN Re; TO THE
STABBING, ALLOWING IT TO HAPPEN, SEIZING his LEGAL MATERIALS AND REWARDING
THE ASSAILANT. (EXHIBITS; 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 74, 75, 76, 19)

FOR DOING SO, THE MAN.C.I. INSPECTOR AND CHIEF INSPECTOR ISSUED
WRITTEN ORDERS BANNING All GRIEVANCES submitted by SMITH. (EXHIBIT; 77, 78, 62)

AFTER THE STABBING OFFICIALS REWARDED THE ASSAILANT by releasing
him FROM PRISON TO THE STREET.

IN APRIL 2022 SMITH submitted TO U.S. JUDGE GWIN (I.E. AND THE CLEVELAND
OHIO FEDERAL COURT A "MOTION FOR LEAVE" TO FILE his 42 USC 1983 LAWSUIT
(IN EXHIBIT; 18, 19, 20, 21, 22, 23, 24, 25) (see; EXHIBIT; 17)

LIKEWISE SMITH ALSO submitted THE SAME MOTION FOR LEAVE WITH THE
LAWSUIT TO U.S. JUDGE CARR IN APRIL 2022. (EXHIBIT; 13)

IN MAY 2022 JUDGE GWIN ORDERED SMITH TO SERVE THE MOTION AND
LAWSUIT ON MAN.C.I. OFFICIALS (THE DEFENDANTS) (EXHIBIT; 14)

SMITH BEYOND FULLY complied by IRREFUTABLY SERVING MAN.C.I. OFFICIALS
(I.E. OHIO ATTORNEY GENERAL) NUMEROUS TIMES. (EXHIBITS; 15, 18, 25, 28)

MAN.C.I. OFFICIALS DEFIANTLY DEFAULTED AND NEVER FILED ANY RESPONSE.

IN SPITE OF ALL OF THAT, AND A CLEAR IMMINENT DANGER CLAIM, ON
AUGUST 4, 2022 GWIN DENIED THE MOTION FOR LEAVE AND BLOCKED THE LAWSUIT
by ARBITRARILY FALSELY "DECLARING" THAT SMITH did NOT SERVE MAN.C.I. OFFICIALS.
(EXHIBIT; 26)

IMMEDIATELY AFTER, ON AUGUST 22, 2022 SMITH FILED A MOTION TO
REVERE JUDGMENT AND FOR RELIEF FROM JUDGMENT. (EXHIBIT; 27) SMITH
SUBMITTED UNDENIABLE PROOF AND MAIL RECEIPTS THAT HE DID SERVE MAN.C.I.
OFFICIALS. (EXHIBITS; 15, 16, 25, 29,)

GWIN IGNORED THAT MOTION FOR 6 MONTHS.

FINALLY ON FEBRUARY 12, 2023 SMITH RESUBMITTED THAT MOTION AGAIN
A 2d. TIME. (EXHIBIT; 30,) THAT TOO WAS IGNORED FOR 2 MORE MONTHS.

FINALLY IN APRIL 2023 JUDGE GWIN RULED AND DENIED ALL MOTIONS. (SEE; 2023 U.S. DIST. LEXIS 67114) IN DOING SO, GWIN WAS FORCED TO CONCEDE THAT SMITH DID SERVE THE MOTION AND LAWSUIT ON MAN.C.I. OFFICIALS. HOWEVER NOW GWIN "INVENTED" AND "MANUFACTURED" A NEW FALSE EXCUSE. GWIN NOW DISCARDED THE EXHAUSTED GRIEVANCES THAT WAS ATTACHED TO THE LAWSUIT IN EXHIBIT; 18 (SEE PAGE 12). AND SEE EXHIBIT; 27 AT PAGE 2, GWIN IS A LIAR.

ADDITIONALLY ON AUGUST 12, 2022 SMITH MAILED IN A "NOTICE OF APPEAL", (EXHIBIT; 31, 32). GWIN ORDERED COURT CLERKS TO DISCARD IT AND HE BANNED ALL APPEAL FILINGS BY SMITH. SMITH HAD NO REMEDY OTHER THAN A MANDAMUS.

IN 2022 SMITH PROMPTLY FILED A PETITION FOR A WRIT OF MANDAMUS TO THE SIXTH CIRCUIT U.S. APPEALS COURT (CASE NO. 22-3698) TO ISSUE ORDERS TO HAVE HIS LAWSUIT FILED AND ADJUDICATED.

ON OCTOBER 25, 2022 THE SIXTH CIRCUIT COURT DENIED SMITH'S MANDAMUS PETITION, (EXHIBIT; 7)

ON NOVEMBER 10, 2022 SMITH PROMPTLY FILED FOR AN EN BANC HEARING. (EXHIBITS; 11, 6).

ON JUNE 15, 2023 THE SIXTH CIRCUIT COURT DENIED THE EN BANC MOTION. (EXHIBIT; 5)

SMITH PROMPTLY FILED A TIMELY MOTION FOR A TIME EXTENSION TO FILE A PETITION FOR A WRIT OF CERTIORARI. THE MOTION WAS GRANTED. (EXHIBIT; 1)

THE INITIAL 2018 ORDER BANNING

ALL COURT ACCESS; -

THE CUYAHOGA COUNTY JAIL LAWSUIT

THE VEXATIOUS LITIGATOR ORDER by CLEVELAND OHIO U.S. JUDGE GWIN PERMANENTLY BANNING ALL OF DARRYL SMITH'S COURT ACCESS WAS ISSUED AND IMPOSED EX PARTE ON OCTOBER 3, 2018. (EXHIBITS; 137, 138)

THE ORDERS ALSO BANNED ALL ATTEMPTS AT ANY TYPE OF APPEALS.

THE RECORDS AND DOCKET SHOWS THAT THE COURT AND JUDGE GWIN NEVER SERVED SMITH ANY ADVANCE NOTICE THAT ALL OF HIS COURT ACCESS WOULD BE PERMANENTLY BANNED. THE RECORDS AND DOCKET SHOWS THERE NEVER WAS ANY DUE PROCESS PROCEDURAL HEARING. AT NO TIME DID GWIN PROVIDE SMITH ANY TYPE OF FORUM NOR OPPORTUNITY TO OPPOSE THE BAN. NO DUE PROCESS WHATSOEVER.

THE ORDER WAS NEVER SERVED TO SMITH. FOR NEARLY ONE YEAR SMITH NEVER KNEW ANYTHING ABOUT IT. (EXHIBIT; 38)

SMITH FILED A MOTION FOR DELAYED APPEAL IN APRIL 2020. GWIN REFUSED IT. (EXHIBIT; 39). IT WAS DISCARDED.

IN SEPTEMBER 2019 SMITH FILED A "MOTION FOR RELIEF FROM JUDGMENT". (EXHIBIT; 37). GWIN AND COURT CLERKS DISCARD IT.

EVERYTHING SMITH SUBMITS TO APPEAL THE BAN IS REFUSED BY COURT CLERKS. (EXHIBITS; 45, 46)

IN MAY 2021 SMITH AGAIN FILED A NEW MOTION FOR RELIEF FROM JUDGMENT. (EXHIBITS; 43, 44) GWIN INSTANTLY DENIED IT. (EXHIBIT; 41, 42)

SMITH FILED ANOTHER IMMEDIATE NOTICE OF APPEAL ON MAY 24, 2021. (EXHIBIT; 40) THE APPEAL PROCEEDED IN THE SIXTH CIRCUIT U.S. APPEALS COURT AS SMITH SUBMITTED A DETAILED THOROUGH APPEAL IN EXHIBIT; 33

THE SIXTH CIRCUIT UPHOLD GWIN'S COURT ACCESS BAN BY SYSTEMATICALLY BANNING THE APPEAL. (EXHIBITS; 8, 9, 10, 34, 35, 36, 90, 91, 92, 93,)

THE CUYAHOGA COUNTY JAIL LAWSUIT

CASE # 18 CV-00163 (2018)

(IMMINENT DANGER CLAIMS)

PETITIONER DARRYL SMITH Filed A Clear Detailed Imminent Danger 42 USC 1983 LAWSUIT ON JANUARY 22, 2018 AGAINST THE CUYAHOGA COUNTY JAIL. He Filed IT IN PRO SE; (EXHIBIT; 136)

THIS CASE began IN AUGUST 2017 IN CLEVELAND, OHIO. SMITH Fled FROM Police AND WAS ARRESTED AND JAILED FOR 475 DAYS IN THE CUYAHOGA COUNTY JAIL.

UPON HIS ARREST 2 DEPUTY SHERIFFS severely beat SMITH BEFORE dumping him IN THE JAIL, (AS Admitted To by THE COUNTY PROSECUTOR IN OPEN COURT IN EXHIBIT; 94 I.D. AT PAGES; 90, 89 - AND see EXHIBIT; 95)

THEREAFTER while IN THE JAIL, THE GUARDS Repeatedly ASSAULTED, beat ON AND TORTURED SMITH FOR DAYS WITH extreme violence. (EXHIBITS; 96 w/122, 97, 98, 99, 100, 94). THAT IS ALL UNCONTESTABLE FACTS.

THROUGHOUT THE LIFE OF THE LAWSUIT (during JANUARY 2018 - OCTOBER 2018) NINE (9) INMATES died AND were murdered by JAIL GUARDS AND JAIL OFFICIALS. (EXHIBITS; 106, 108, 109, 110, 111, 113, 119, 120, 135, AND see; 94 I.D AT PAGES # 66-86, 89). THIS WAS clearly PLEADED IN SMITH'S LAWSUIT COMPLAINT. (EXHIBIT; 136)

THROUGHOUT THE LIFE OF SMITH'S LAWSUIT (during JANUARY 2018 - OCTOBER 2018) HUNDREDS OF JAILED UNCONVICTED PRE TRIAL DETAINEES WAS SAVAGELY severely beaten AND TORTURED daily by GUARDS, THE WARDEN AND OFFICIALS. (EXHIBITS; 122, 124, 125, 126, 128, 129, 130, 131, 132, 115, 119, 120, 121)

THE GOVERNOR OF OHIO PERSONALLY WENT PUBLIC IN THE NEWS MEDIA AND deemed ALL OF SMITH'S CLAIMS MORE THAN TRUE. (EXHIBIT; 106, 107)

THE U.S. ATTORNEY'S OFFICE FOUND SMITH'S CLAIMS TO be VERY TRUE. (EXHIBIT; 108)

SMITH'S LAWSUIT AND ITS CLAIMS DIRECTLY CAUSED A FEDERAL TASK FORCE (OF U.S. MARSHAL'S SERVICE, F.B.I. AND U.S. ATTORNEY) TO POUR INTO THE JAIL ARRESTING GUARDS, THE WARDEN AND DIRECTOR. THEY FOUND ALL OF SMITH'S LAWSUIT CLAIMS 100 PCT. TOO TRUE. (EXHIBITS; 107, 108, 111, 113, 114, 115, 119, 120, 130, 131, 132,)

ADDITIONALLY, THE OHIO ATTORNEY GENERAL SPECIAL COUNSEL ALSO ACREDITED ALL OF SMITH'S LAWSUIT AND CLAIMS TO BE VERY TRUE. (EXHIBITS; 116, 119, 120, 125, 131, 132)

COUNTY COURT JUDGES AND THEIR ATTORNEY HUSBANDS PUBLICLY deem SMITH AND WITNESSES AS "SNITCHS" AND TARGETED THEM FOR OPEN VIOLENT RETALIATION. (EXHIBITS; 116, 117, 118 AND 94 (I.D. AT P. 87,))

THE DOCKET AND RECORD OF THE LAWSUIT SHOWS THAT DURING THE LIFE OF THE CASE FOR ONLY 8 MONTHS (JANUARY - OCTOBER 2018) JUDGE GWIN TOTALLY IGNORED ALL OF SMITH'S MOTIONS AND PLEADINGS. NO DISCOVERY WAS ALLOWED NOR PROVIDED TO SMITH. (EXHIBITS; 136)

DURING MAY, JUNE, JULY AND AUGUST OF 2018, HUNDREDS AND DOZENS OF UNCONVICTED JAIL DETAINEES FILED INDIVIDUAL MOTIONS TO BE ADDED AS PLAINTIFFS AND BEGGING GWIN TO ACT TO STOP THE BEATINGS AND MURDERS. (SEE EXHIBIT: 136 - SEE MOTION W/ AFFIDAVIT OF KURTIS FIELDS WHO WAS RAPED BY A GUARD, DOC. 52 - SEE MOTION W/ AFFIDAVIT OF BEATING VICTIM JAVON STUBBS, DOC. 57, 59)

GWIN DENIED ALL OF THOSE DETAINEES PLEAS FOR HELP AND THE DEATH AND SLAUGHTERS INCREASED RAPIDLY. DURING JULY - SEPTEMBER 2018, 6 DETAINEES WERE MURDERED AND DEAD - MOST WHO HAD FILED MOTIONS TO GWIN BEGGING TO STOP THE SLAUGHTER. (EXHIBITS; 106, 109, 110, 111, 120, 121, 135)

GWIN WAS A STATE JUDGE IN NORTHERN OHIO NEAR CLEVELAND FOR MANY YEARS PRIOR TO BECOMING A CLEVELAND FEDERAL JUDGE. HE HAS A CLOSE FRIENDSHIP WITH JAIL WARDEN IVEY, DIRECTOR MILLS, COUNTY OFFICIALS AND DEPUTY SHERIFFS HE DEEMED AS "UPSTANDING PEOPLE".

DURING THE ONGOING JAIL wide SLAUGHTER, IN mid July 2018 THE CUYAHOGA COUNTY PROSECUTOR (defending THE JAIL) Filed A PERJURED FALSIFIED SUMMARY JUDGEMENT MOTION WITH A CLEARLY PERJURED AFFIDAVIT by JAIL OFFICIAL; SGT. CHRISTOPHER. (EXHIBIT; 127)

JUDGE GWIN used AND relied ON CHRISTOPHER'S PERJURED AFFIDAVIT AS THE AUTOMATIC HOLY GOSPEL OF TRUTH IN dismissing SMITH'S LAWSUIT 80 days LATER IN OCTOBER 2018. (EXHIBITS; 138, 137)

IN THE CHRISTOPHER AFFIDAVIT, (dated JULY 2018), he wrote - THERE IS NO RECORD THAT SMITH WAS EVER ASSAULTED by GUARDS ET AL. THAT IS A clear LIE. THE PHOTOS OF SMITH'S BEATEN FACE were clearly TAKEN by HIS ATTORNEY IN THE JAIL. (EXHIBITS; 98, 99, 100)

NUMEROUS VERIFYING OFFICIAL REPORTS were WRITTEN ONE YEAR EARLIER IN 2017 detailing ASSAULTS AND TORTURE done TO SMITH by JAIL GUARDS AND DEPUTY SHERIFFS. (EXHIBITS; 95, 96, 97)

CHRISTOPHER wrote (IN HIS AFFIDAVIT) THAT IN 2018 THE JAIL JUST WAS GIVEN A-1 PERFECT INSPECTION GRADES ON ALL ASPECTS. (EXHIBIT; 127). THAT TOO IS A clear LIE. THE PHONY "INSPECTIONS" were ALL FALSIFIED. THE U.S. MARSHAL TASK FORCE AND THE OHIO GOVERNOR OFFICIALS Repeatedly Failed THE JAIL ON NUMEROUS INSPECTIONS IN 2018 AND 2019. (EXHIBITS; 106, 107)

AT THE EXACT TIME AND SAME date CHRISTOPHER wrote his AFFIDAVIT GUARDS were SAVAGELY BEATING AND TORTURING A FEMALE DETAINEE IN THE JAIL'S "TORTURE CHAIR". (EXHIBITS; 128, 129, 130, 131, 132)

SMITH Repeatedly Filed Pleadings CONTESTING GWIN'S RELIANCE AND PERMITTING THIS clear PERJURY. (EXHIBITS; 37, 38, 39, 41, 42, 43,). He even Filed APPEALS TO THE SIXTH CIRCUIT CONTESTING AND detailing ALL OF THIS PERJURY. (EXHIBITS; 33, 34). GWIN AND THE SIXTH CIRCUIT UPHELD ALL OF CHRISTOPHER'S PERJURY. GWIN wrote THAT ALL OF SMITH'S CLAIMS ARE "TOO FANTASTIC TO believe" AND ALL FRIVOLOUS. GWIN wrote; THE SAVAGE BEATINGS were "MINOR ONE TIME RARE INCIDENTS". (EXHIBITS; 138, 137), THE PROSECUTOR'S MOTION called ALL OF THIS NORMAL "MINOR DISCOMFORTS" DETAINEES SHOULD EXPECT.

THE APRIL 2022 LAWSUIT

Re; THE MARCH 18, 2022 STABBING

IMMINENT DANGER CLAIM

IN SPITE OF Judge GWIN'S ORDERS TO PERMANENTLY AND TOTALLY BAN ALL OF HIS COURT ACCESS, SMITH PROMPTLY Filed A 42 USC 1983 IMMINENT DANGER LAWSUIT W/ MOTION FOR LEAVE IN APRIL 2022 (EXHIBITS; 13, 17, 18, 19, 25) Re; THE Admitted STABBING AND ASSAULTS done TO him. (EXHIBITS; 49, 47, 48,)

ALL GRIEVANCES ON ALL CLAIMS IN THE LAWSUIT WERE EXHAUSTED AND submitted Repeatedly TO ALL COURTS (AND WERE DISCARDED BY GWIN AND CLERKS) (See EXHIBIT; 18 LAWSUIT AT PAGE 12) AND see EXHIBITS; 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 74, 75, 76, 83, 84, 85, 86,)

GWIN AND THE SIXTH CIRCUIT STILL BANNED SMITH'S LAWSUIT AND ALSO INTENTIONALLY delayed ITS PROGRESSION FOR OVER A YEAR. (EXHIBITS; 14, 26, 5, 7) NO APPEAL WAS ALLOWED AND WAS REFUSED. (EXHIBIT; 31)

IN; BOZIK V. BRADSHAW; 2010 U.S. DIST. LEXIS 143879 AND IN; ROSE V. WARDEN OF CHILlicothe CORR. INST.; 2018 U.S. DIST. LEXIS 46940, THE COURTS WROTE; "AN ORIGINAL ACTION IN A MANDAMUS IS AN APPROPRIATE MEANS BY WHICH A VEXATIOUS LITIGATOR COULD EFFECTIVELY challenge ARBITRARY DENIAL OF LEAVE (TO FILE HIS LAWSUIT)."

IN; ANDREWS V. CERVANTES; 2007 U.S. APP. LEXIS 15187 THE NINTH CIRCUIT Ruled; - "IMMINENT DANGER CLAIM DOES NOT REFER ONLY TO EVENTS THAT ARE ALREADY TAKING PLACE, BUT ALSO TO EVENTS Ready TO TAKE PLACE OR HANGING THREATENINGLY OVER ONE'S head. IN OTHER WORDS, A PRISONER who Alleges THAT PRISON OFFICIALS CONTINUE WITH PRACTICE THAT HAS IN INJURED him OR OTHERS SIMILARLY SITUATED IN THE PAST will SATISFY THE "ONGOING DANGER" STANDARD."

AND see; IBRAHIM V. D.C.; 463 F.3d. 3, 6-7 (D.C. CIR. 2006) AND I.E.; - MCALPHIN V. TONEY; 281 F.3d. 709, 711, (8th CIR. 2002)

JOHNSON V. WARNER; 2006 U.S. APP. LEXIS 24090 (4th CIR.)

ASHLEY V. DILWORTH; 147 F.3d, 715 (8th CIR, 1998)

BROWN V. JOHNSON; 387 F.3d, 1344, 1350 (11th CIR, 2004)

IN; CHAVIS V. CHAPPIUS; 618 F.3d, 162, 2010 U.S. APP. LEXIS 17124 THE

COURT Held - "THE DISTRICT COURT ABUSED ITS DISCRETION IN DENY-
-ING PRISONER LEAVE TO AMEND HIS COMPLAINT BECAUSE
ALLEGATION OF RECENT BRUTAL BEATING COMBINED WITH
3 SEPERATE THREATENING INCIDENTS, SOME OF WHICH
INVOLVED OFFICERS WHO PURPORTEDLY PARTICIPATED IN
THAT BEATING WAS CLEARLY SORT OF ONGOING PATTERN
OF ACTS THAT SATISFIED THE IMMINENT DANGER EXCEP-
-TION RULE".

IN; LAPINE V. JOHNSON; 2018 U.S. APP. LEXIS 26540 (6th CIR.) THE COURT

RUled; - "AS TO THE IMMINENT DANGER EXCEPTION..... AT THIS STAGE
OF THE LITIGATION, THE PLAINTIFF NEED ONLY TO ASSERT
ALLEGATIONS OF IMMINENT DANGER, HE NEED NOT PROVE
THOSE ALLEGATIONS..... A DISTRICT COURT ABUSES ITS
DISCRETION WHEN IT RELIES ON CLEARLY ERRONEOUS FIND-
-INGS OF FACT AND WHEN IT IMPROPERLY APPLIES THE LAW,
OR USES AN ERRONEOUS LEGAL STANDARD..... IN ORDER
TO ALLEGE SUFFICIENTLY IMMINENT DANGER, WE HAVE HELD
THAT THE THREAT OR PRISON CONDITION MUST BE REAL AND
PROXIMATE, AND THE DANGER OF SERIOUS PHYSICAL INJURY
MUST EXIST AT THE TIME THE COMPLAINT IS FILED."

AND SEE; TUCKER V. PENTRICH; 483 Fed. APP'X 28 (6th CIR, 2012)

IN; KLINGELE V. EIKENBERRY; 849 F.2d. 409, 412-13 (1988) THE COURT WROTE; - "CLAIM AGAINST JAIL OFFICIALS FOUND BECAUSE THEY FAILED TO PROTECT PRISONER FROM STABBING BY ANOTHER INMATE AFTER THE PRISONER PRE WARNED JAIL OFFICIALS OF THE IMPENDING ATTACK."

(SEE / APPLY EXHIBITS; 50, 51, 54, 56, 49,)

AND SEE; JONES V. SHEAHAN; 2003 U.S. DIST. LEXIS 19804 (N.D. ILL. 2003)

LOPEZ V. LEMASTER; 172 F.3d. 756, 764 (10th CIR. 1999)

PIERSON V. HARTLEY; 391 F.3d. 898, 903 (7th CIR. 2004)

FARMER V. BRENNAN; 511 U.S. 825 (1994)

IN; RICHKO V. WAYNE COUNTY; 819 F.3d. 907 (6th CIR. 2016) THE COURT WROTE;
" A JAIL DETAINEE WAS STABBED AND KILLED BY HIS CELL -
- MATE WHEN OFFICIALS WERE FORWARDED OF A RISK OF
HARM AND THEY DISREGARDED IT, "

AND SEE; WESTMORELAND V. BUTLER COUNTY; 2022 U.S. APP. LEXIS 7772 (6th CIR.)

MANEUM V. REPP; 674 F. APP'X 531, 537 (6th CIR. 2017)

TAYLOR V. MICHIGAN DEPT. OF CORRECTIONS; 69 F.3d. 76 (6th CIR. 1995)

COMSTOCK V. MCCRARY; 273 F.3d. 693, 699 (6th CIR. 2001)

IN; GREENE V. BOWLES; 361 F.3d. 290 (6th CIR. 2004) THE COURT RULED; -

" THE AWARENESS CAN BE DEMONSTRATED THROUGH "INFERENCE
FROM CIRCUMSTANTIAL EVIDENCE" AND A PRISON OFFICIAL CAN
NOT ESCAPE LIABILITY BY SHOWING THAT WHILE HE WAS AWARE
OF AN OBVIOUS SUBSTANTIAL RISK TO INMATE SAFETY, HE DID
NOT KNOW THAT THE COMPLAINANT WAS ESPECIALLY LIKELY TO
BE ASSAULTED BY THE SPECIFIC PRISONER WHO COMMITTED
THE ASSAULT. "

IN AN OHIO PRISON CASE SIXTH CIRCUIT DECISION IN: BELL V. KONTEH, 450 F.3d. 651 (2006) THE COURT RULED AND WROTE: -

"(8th AMENDMENT FAILURE TO PROTECT CLAIM UPHELD AGAINST THE WARDEN), ".... Bell's CASE MANAGER WARN-
-ED WARDEN KONTEH THAT BELL SHOULD NOT be housed WITH CERTAIN OTHER PRISONERS. Bell's CASE MANAGER CALLED KONTEH AND EXPLAINED THAT Bell SHOULD NOT be moved down TO UNIT-B BECAUSE OF AN IMMINENT THREAT TO HIS SAFETY. ".... ONE DAY WHILE Bell WAS sleeping AT LEAST 2 PRISONERS ENTERED HIS cell AND JUMPED HIM PUNCHING him IN THE FACE AND HEAD."

CLEARLY SMITH WAS STABBED ON MARCH 18, 2022, (EXHIBITS; 49, 47) CLEARLY SMITH WARNED PRISON OFFICIALS WELL IN ADVANCE THAT HIS cellmate HAS A KNIFE AND WOULD STAB him. (EXHIBITS; 50, 51, 54, 56, 58). AT THE TIME THAT THE STABBING OCCURED SMITH WAS SUPPOSED TO be IN PROTECTIVE CUSTODY UNITS. HE WAS NOT. (EXHIBITS; 81, 82, 83)

SMITH CLEARLY EXHAUSTED ALL CONCEIVABLE GRIEVANCES ON ALL CLAIMS. (EXHIBITS; 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 74, 75, 76). HE ATTACHED THEM TO HIS LAWSUIT IN EXHIBIT; 18 (AT PAGE #12), AND EXHIBIT; 19, 28, 27, GWIN AND CLERKS DISCARDED THOSE GRIEVANCES AS A CREATED EXCUSE TO BAN THE LAWSUIT. (EXHIBITS; 26)

JUDGE GWIN PERSISTED FROM DAY ONE BANNING THIS clear detailed IMMINENT DANGER claim by lying, DISCARDING MAIL VERIFICATIONS AND INVEN-
-TING CONSTANT NEW REQUIREMENTS TO BAN THE LAWSUIT. (EXHIBITS; 13, 14, 15, 16, 17, 27, 28)

SMITH WAS ASSAULTED AGAIN - DURING THIS APPEAL ON SEPTEMBER 1, 2023, (EXHIBIT; 62)

THE OCTOBER 2018 ORDER
COURT ACCESS PERMANENT BAN
THE CUYAHOGA COUNTY JAIL
(IMMINENT DANGER CLAIMS)
(DEATHS, MURDERS, BEATINGS)

PRISON RECORDS VERIFY THAT PETITIONER (DARRYL SMITH) WAS IN OHIO PRISONS FROM 1983 UNTIL HIS RELEASE IN DECEMBER 2004. DURING THOSE 22 YEARS HE DID FILE OVER A DOZEN LAWSUITS IN THE 1980'S - 1990'S. MANY / MOST WERE DISMISSED FOR; - FAILURE TO PROSECUTE - AND; - FAILURE TO STATE A CLAIM. MANY WERE FILED PRIOR TO 1996 AND PRIOR TO THE ENACTMENT OF THE P.L.R.A (28 USC 1915).

SMITH WENT FREE TO THE STREET IN DECEMBER 2004. HE REMAINED FREE FOR 13 YEARS. DURING THAT 13 YEARS HE DID NOT FILE ANY LAWSUITS AGAINST NO JAIL NOR ANY PRISON ETAL

IN AUGUST 2017 SMITH WAS ARRESTED AND JAILED IN THE CUYAHOGA COUNTY JAIL (IN CLEVELAND, OHIO). SMITH WOULD SPEND 475 DAYS IN THAT JAIL UNTIL HE WAS SENT TO OHIO PRISONS IN JANUARY 2019

UPON HIS AUGUST 2017 ARREST, THE 2 DEPUTY SHERIFFS SAVAGELY BEAT SMITH REPEATEDLY, (EXHIBIT; 94) INCLUDING INSIDE THE JAIL THE DAY AFTER THE ARREST. (EXHIBIT; 95 AND SEE; EXHIBIT; 94 AT I.D. TP, # 8, 9, 66, 67).

IN OPEN COURT ON RECORD, THE COUNTY PROSECUTOR ADMITTED IT BY STATING; - "THE ALLEGATIONS THAT THE DEPUTIES DID ASSAULT HIM I THINK YOU KNOW ARE ACCURATE" (EXHIBIT; 94 AT PAGE # 90, 89)

THE JAIL GUARDS ALSO IMMEDIATELY SEVERELY REPEATEDLY BEAT SMITH CAUSING ENORMOUS PHYSICAL PERMANENT DAMAGE AND DISABILITIES. (EXHIBITS; 98, 99, 100, 101, 102, 97, 94). JAIL GUARDS STRAPPED SMITH IN THEIR NOTORIOUS "TORTURE CHAIR AND SEVERELY BEAT HIM. (EXHIBITS; 96, 97, 122, 128, 130)

IN ARBITRARILY DISMISSING SMITH'S LAWSUIT (IN OCTOBER 2018) JUDGE GWIN CALLED THE NUMEROUS BEATINGS DONE TO SMITH AS A "MINOR ONE TIME INCIDENT" - AND GWIN WROTE: SMITH'S CLAIMS ARE "TOO FANTASTIC TO BELIEVE." (EXHIBIT; 138)

SMITH FILED HIS LAWSUIT ON JANUARY 22, 2018 (EXHIBIT; 136). IT TOOK A FEW MONTHS FOR SMITH TO RECOVER ENOUGH TO FILE THE LAWSUIT.

IRREGARDLESS, SMITH REMAINED UNDER CLEAR IMMINENT DANGER OF MORE BEATINGS, TORTURE, DEATH AND BEING MURDERED IN THE JAIL EVERY DAY THROUGHOUT ALL OF 2018. DURING 2018, EIGHT UNCONVICTED DETAINEES WERE MURDERED, KILLED AND DEAD IN THE JAIL. (EXHIBITS; 106, 108, 109, 110, 111, 113, 120, 121, 135), BEATINGS AND TORTURES DONE TO DETAINEES BY GUARDS WERE A DAILY ACTIVITY ALL THROUGHOUT 2018 - AND ALL DURING SMITH'S LAWSUIT. (EXHIBITS; 115, 120, 121, 122, 125, 126, 127, 128, 129, 130, 131, 132). GWIN BLEW OFF ALL OF THIS AS "FRIVILIOUS" AND ARBITRARILY RULED THAT THERE WAS NEVER ANY "IMMINENT DANGER" IN THE JAIL. (EXHIBIT; 138). NO DISCOVERY WAS ALLOWED TO SMITH.

DURING THE 8 MONTHS LIFESPAN IN 2018 OF SMITH'S LAWSUIT, NOT ONCE WAS HE EVER CITED FOR ANY MISCONDUCT.

GWIN NEVER GAVE SMITH ANY PRIOR NOTICE GWIN WOULD TAG SMITH AS A VEXATIOUS LITIGATOR. THERE WAS NO DUE PROCESS AND NO HEARING.

GWIN DEEMED ALL OF SMITH'S CLAIMS AS "FRIVILIOUS" AND "MINOR" IN HIS ARBITRARY DISMISSAL IN EXHIBIT; 138. AT EXACTLY AT THE VERY MOMENT GWIN DID THAT, A U.S. MARSHAL / F.B.I. TASK FORCE HAD DAILY BEEN IN THE JAIL ARRESTING THE DIRECTOR AND WARDEN AND DOZENS OF GUARDS. (EXHIBITS; 107, 108, 113, 114, 115, 119, 120), AT THE DATE AND MOMENT OF GWIN'S DISMISSAL, THE TASK FORCE RULED JAIL CONDITIONS "INHUMANE" - "UNCONSTITUTIONAL" AND ABUSIVE. (EXHIBITS; 107, 108, 119, 120, 121). EVEN THE GOVERNOR OF OHIO PUBLICLY DEEMED JAIL CONDITIONS A CRISIS. (EXHIBIT; 106)

IT IS THIS LAWSUIT AND THESE CLAIMS GWIN USED TO TAG SMITH AS A VEXATIOUS LITIGATOR AND PERMANENTLY BAN ALL OF SMITH'S COURT ACCESS.

GWIN'S BAN WENT FAR BEYOND 28 USC 1915 LIMITS AND HE EVEN BANNED SMITH FILING HABEAS CORPUS (28 USC 2254) TO APPEAL HIS CRIMINAL CONVICTION, (EXHIBITS; 90, 91, 92, 93)

ALL APPEALS WERE TOTALLY BANNED BY GWIN AND THE SIXTH CIRCUIT COURT BY EITHER A FLAT OUT BAN (EXHIBIT; 137, 138) - OR REQUIRE SMITH TO PAY "UP FRONT" AN IMPOSSIBLE \$120,000.00 FILING FEE - AND I.E.; CLAIMING SMITH IS NO LONGER IN IMMINENT DANGER BECAUSE GWIN AND THE SIXTH CIRCUIT INTENTIONALLY DRAGGED OUT ALL APPEAL ATTEMPTS FOR 3 YEARS TO USE THAT TACTIC, (EXHIBITS; 8, 9, 10, 33, 39, 40, 41, 42, 43, 44, 45, 46)

GWIN USED, PERMITTED, AND RELIED ON CLEAR PROVEN PERJURY IN SWORN AFFIDAVITS BY HIGH RANK JAIL OFFICIALS TO TAG SMITH AS A VEXATIOUS LITIGATOR. SMITH'S COURT ACCESS BAN IS PROPPED WITH CLEAR PERJURY IN EXHIBITS; 127, 120.

SMITH'S 2018 LAWSUIT CLAIMS ARE OVERWHELMINGLY SUPPORTED IN CONTROLLING LAWS AS FOLLOWS; -

BEATING TO DEATH AND MURDERING UNCONVICTED JAIL DETAINEES IS UNCONSTITUTIONALLY IMPERMISSABLE. VALDES V. CROSBY; 450 F.3d. 1231 (11th CIR. 2006)

IN; WILLIAMS V. BENJAMIN; 77 F.3d. 756 (4th CIR. 1996) - Ruled -

"EXCESSIVE FORCE CLAIM UPHELD WHEN OFFICERS SPRAYED PRISONER WITH MACE AND CONFINED HIM TO A 4 POINT RESTRAINT FOR 8 HOURS BECAUSE ACTIONS NOT JUSTIFIED AND WAS WANTON INTENTIONAL INFLECTION OF PAIN."

SEE ALSO; DANLEY V. ALLEN; 540 F.3d. 1298, 1308-09 (11th CIR. 2008)

JOHNSON V. BLAUKAT; 453 F.3d. 1108, 1113 (8th CIR. 2006)

IN; HUDSON V. McMILLAN; 503 U.S. 1-8, (1992) THE U.S SUPREME COURT RULED; - "PRISON GUARDS STRUCK INMATE IN THE FACE, CHEST, AND STOMACH WHILE HE WAS IN FULL RESTRAINT CAUSING BRUISES, SWOLLEN FACE, BROKEN DENTAL INJURIES". (EXHIBITS; 98, 99, 100)

ALSO See; WATTS V. MCKINNEY; 394 F.3d. 710 (9th CIR. 2005)

UNITED STATES V. COTE; 544 F.3d. 88, 91-99 (2d. CIR. 2008)

COMBS V. WILKINSON; 315 F.3d. 548 (6th CIR. 2002)

SMITH V. MENSINGER; 293 F.3d. 641, 650 (3d. CIR. 2002)

VALENCIA V. WIGGINS; 981 F.2d. 1440, 1447 (5th CIR. 1993)

IN; GOMEZ V. CHANDLER; 163 F.3d. 921 (5th CIR. 1999) CLAIM WAS ESTABLISHED BY HEAD CONTUSION INJURIES, (EXHIBITS; 98, 99, 100) AND See; BROOKS V. KYLER; 204 F.3d. 102 (3d. CIR. 2000)

IN; PARK V. SHIFLET; 250 F.3d. 843 (4th CIR. 2001) DAMAGES WERE AWARDED FOR INJURIES CAUSED BY DEPUTY SHERIFFS EXCESSIVE FORCE

IN; MATHEWS V. CROSBY; 480 F.3d. 1265, 1275 (11th CIR. 2007) THE COURT Ruled; - "THE 8th AMENDMENT WAS VIOLATED BECAUSE THE WARDEN MAINTAINED A REGULAR POLICY / PRACTICE OF PRISON STAFF BEATING INMATES",
(APPLY EXHIBITS; 114, 119, 120,)

GWIN HAD NO VALID CAUSE TO TAG SMITH AS A VEXATIOUS LITIGATOR. HIS ENTIRE LAWSUIT IS BEYOND VALID AND PROVEN FACTS BY A U.S. MARSHAL TASK FORCE, F.B.I., AND OHIO ATTORNEY GENERAL. THE LAWSUIT SURELY SHOULD NEVER HAVE BEEN DISMISSED.

ALL THROUGH 2019 - 2020 - 2021 - 2022 SMITH RELENTLESSLY AGGRESSIVELY APPEALED AND APPEALED AGAIN AND AGAIN. GWIN BLOCKED ALL OF IT. SO DID THE SIXTH CIRCUIT. INCLUDING MANDAMUS' UNDER FEDERAL APPELLATE RULE 21 AND MOTIONS FOR RELIEF FROM JUDGMENT (FEDERAL CIVIL RULE 60-B). EXHIBITS; 8, 9, 10, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46). SMITH'S COURT ACCESS IS AND WAS TOTALLY BANNED IN EVERY ASPECT PERMANENTLY.

REASONS FOR GRANTING THE PETITION

THE FILING OF THIS PETITION SEEKS THE TOTAL ENFORCEMENT OF THE BASIC RIGHT OF ACCESS TO COURTS DEFINED IN THE FIRST AMENDMENT OF THE U.S. CONSTITUTION.

THIS PETITION ALSO SEEKS ENFORCEMENT OF THE EIGHTH AMENDMENT OF THE U.S. CONSTITUTION TO HEAR AND ADJUDICATE VALID PROVEN IMMINENT DANGER CLAIMS AND VALID CLAIMS OF ABUSE AND BEATING PRISONERS BY JAIL GUARDS AND DEPUTY SHERIFFS.

THIS IS A CLEAR CASE OF GREAT INTEREST TO THE GENERAL PUBLIC TO HAVE THIS COURT ENFORCE ALL ACCESS TO COURTS RIGHTS AND NOT PERMIT ONE JUDGE TO ISSUE ARBITRARY TOTAL BANS WITH NO DUE PROCESS AND PROHIBIT VALID IMMINENT DANGER PHYSICAL INJURY CLAIMS.

THIS IS A CLEAR CASE OF GREAT INTEREST TO THE GENERAL PUBLIC TO HAVE THIS COURT ENFORCE THE EIGHTH AMENDMENT CONSTITUTIONAL LAWS THAT PROHIBIT POLICE, JAIL OFFICIALS AND GUARDS TO BEAT, ASSAULT, TORTURE AND MURDER UNCONVICTED PRE TRIAL DETAINEES BY SILENCING SUCH CLAIMS BY INVOKING USE OF VEXATIOUS LITIGATOR LAWS.

THIS IS A CLEAR CASE OF GREAT INTEREST TO THE GENERAL PUBLIC TO HAVE THIS COURT ENFORCE THE EIGHTH AMENDMENT CONSTITUTIONAL LAWS (IN RE; TO IMMINENT DANGER CLAIMS) THAT PROHIBIT PRISON OFFICIALS FROM ARRANGING AND PERMITTING INMATES TO STAB AND CRIMINALLY ASSAULT OTHER INMATES WITHOUT ANY CONSEQUENCE.

IF THIS COURT DENIES THIS WRIT, IT WILL ESTABLISH A PUBLISHED NATION WIDE CLEAR FIRST EVER PRECEDANT THAT OPENLY PERMITS JAIL OFFICIALS AND PRISON OFFICIALS ET AL. TO BEAT, ASSAULT, STAB, TORTURE AND MURDER PRE TRIAL DETAINEES AND PRISONERS BY ARBITRARILY SILENCING ALL CLAIMS AND VICTIMS BY TAGGING THEM AS VEXATIOUS LITIGATORS WITHOUT ANY DUE PROCESS, THERE IS NO EXISTING PRECEDANT THAT CURRENTLY ALLOWS ALL THIS.

THE MANIPULATIVE SYSTEMATIC BANNING OF SMITH'S VALID IMMINENT DANGER LAWSUIT (EXHIBIT; 18, 19, 49) IS IN TOTAL DIRECT CONFLICT WITH ESTABLISHED LAW IN THE 2^d, 4th, 8th, 9th, 11th, AND D.C. CIRCUIT APPELLATE COURTS IN;

CHAVIS V. CHAPPIUS; 618 F.3d. 162 (2^d CIR. 2010)

JOHNSON V. WARNER; 2006 U.S. APP. LEXIS 24090 (4th CIR. 2006)

ASHLEY V. DILWORTH; 147 F.3d. 715 (8th CIR. 1998)

McALPHIN V. TONEY; 281 F.3d. 709 (8th CIR. 2002)

ANDREWS V. CERVANTES; 493 F.3d. 1047 (9th CIR. 2007)

BROWN V. JOHNSON; 387 F.3d. 1344 (11th CIR. 2004)

IBRAHIM V. D.C.; 463 F.3d. 3 (D.C. CIR. 2006)

THIS ALSO EQUALLY APPLIES THE SAME TO THE 2018 COUNTY JAIL BANNED LAWSUIT IN EXHIBITS; 138, 137, 136,

THE SAME MANIPULATIVE SYSTEMATIC BANNING OF SMITH'S VALID IMMINENT DANGER LAWSUIT (IN EXHIBIT; 18, 19, 49) IS ALSO IN TOTAL DIRECT CONFLICT WITH THE SIXTH CIRCUIT COURT'S OWN CONTROLLING LAW ESTABLISHED LAWS IN;

LAPINE V. JOHNSON; 2018 U.S. APP. LEXIS 26540 AND; TUCKER V. PENTRICH; 483 Fed. APP'X 28 (2012)

THE SYSTEMATIC BANS IMPOSED AND CARRIED OUT BY JUDGE GWIN AND THE SIXTH CIRCUIT ON ALL PLEADINGS, APPEALS, AND LAWSUITS SUBMITTED BY SMITH IS A TOTAL BAN OF ALL COURT ACCESS IN TOTAL CONFLICT WITH CURRENT ESTABLISHED LAW IN; MILLER V. DONALD; 541 F.3d. 1091 (11th CIR. 2008) AND; ORTMAN V. THOMAS; (6th CIR. 1996)

PETITIONER SMITH SEEKS FOR THIS COURT TO HEAR THIS CASE AND TO RESOLVE THE CONFLICTS OF THESE LAWS. TO NOT DO SO WILL ALLOW FOR JUDGE GWIN AND THE SIXTH CIRCUIT TO USE SMITH'S CASE(S) AS NEW CASE LAW TO ESTABLISH A FIRST TIME PRECEDANT TO USE TO ABUSIVELY TAG PRISONERS AS VEXATIOUS LITIGATOR WITH NO DUE PROCESS IN TOTALLY PERMANENTLY BANNING ALL COURT ACCESS AND ALL VALID IMMINENT DANGER CLAIMS AND APPEALS THEREOF,

CONCLUSION

IT IS CRYSTAL CLEAR THAT U.S. JUDGE GWIN HAS SINGLEHANDEDLY IMPOSED AND ENACTED A COMPLETE AND TOTAL "PERMANENT" NATION WIDE BAN OF ALL OF SMITH'S FIRST AMENDMENT COURT ACCESS RIGHTS IN EVERY ASPECT, (EXHIBITS; 137, 138, 13, 14, 26, 34, 36, 41, 43, 44, 45, 46, 90, 92, 93). GWIN EVEN BANNED OTHER JUDGES IN OTHERS COURTS FROM PROCESSING, HEARING AND DECIDING ANY "MOTION FOR LEAVE" FILED BY SMITH, ANY LAWSUIT AND OR HABEAS CORPUS CRIMINAL CASE APPEAL. (EXHIBITS; 13, 90, 91, 92). GWIN SELF APPOINTED HIMSELF AS TOTAL ABSOLUTE DICTATOR, LORD AND KING OVER DARRYL SMITH AND CANCELLED ALL OF HIS CONSTITUTIONAL AND PROCEDURE RIGHTS IN EVERY COURT NATIONWIDE. THIS WAS AND IS TOTAL CENSORING AND SILENCING ALL OF SMITH'S COURT ACCESS RIGHTS.

28 USC 1915 DOES NOT CONTAIN NO PROVISION AND NO STATUTORY LANGUAGE TO ALLOW THIS EXTREMISM BY GWIN.

NUMEROUS SERIOUS VIOLENT CONSTANT ASSAULTS HAVE BEEN DONE TO SMITH SINCE 2017 AND STILL ONGOING TO DATE IN EXHIBIT; 62, DEPUTY SHERIFFS ASSAULTED HIM REPEATEDLY IN 2017. (EXHIBITS; 94, 95). THEN JAIL GUARDS REPEATEDLY SEVERELY BEAT HIM AND PUT HIM IN THEIR TORTURE CHAIR. (EXHIBITS; 98, 99, 100, 97, 38,) SMITH LIVED IN A JAIL (FOR 475 DAYS) ALL THROUGH 2018 WHERE GUARDS AND THE WARDEN MURDERED 9 UNCONVICTED DETAINEES. (EXHIBITS; 94, 106, 109, 110, 111, 119, 120, 135)

THEN HE IS SENT OHIO PRISONS WHERE IN 2021 - 2022 - 2023 SMITH IS REPEATEDLY BEATEN, ASSAULTED, STABBED SEVERAL TIMES AND NEARLY KILLED IN MARCH 2022. (EXHIBITS; 62, 49, 48, 47, 50, 54, 80, 83, 84,)

SMITH SHOULD NEVER HAVE BEEN TAGGED BY GWIN IN 2018 AS A VEXATIOUS LITIGATOR WITHOUT DUE PROCESS. HIS 2018 LAWSUIT WAS A VERY VALID IMMINENT DANGER CLAIMS. THE RULE 60-B MOTIONS SHOULD HAVE BEEN GRANTED INCLUDING THE APPEALS IN EXHIBITS; 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46)

SMITH'S APRIL 2022 IMMINENT DANGER LAWSUIT (EXHIBITS; 17, 18, 19, 13) SHOULD NEVER HAVE BEEN BANNED, BLOCKED, AND REJECTED WITH EXTREME 18 MONTHS INTENTIONAL DELAYS, DISCARDED EVIDENCE AND PHONY EXCUSES, (EXHIBITS; 13, 14, 15, 16, 25, 26, 27, 28, 29, 30, 31, 32, 7, 5).

ONE JUDGE (GWIN) ABUSIVELY WEAPONIZED 28 USC 1915, REWROTE THE STATUTE TO HIS LIKING, AND TOTALLY BANNED, SILENCED AND ENDED "ALL" OF SMITH'S CONSTITUTIONAL COURT ACCESS RIGHTS PERMANENTLY NATION WIDE TO WIPE OUT VALID SERIOUS IMMINENT DANGER CLAIMS INCLUDING BANNING ALL APPEALS. (EXHIBITS; 137, 138, 8, 9, 10, 33, 34, 35, 36, 40, 41, 45, 46)

RELIEF SOUGHT

- A) GRANT THE WRIT OF CERTIORARI
- B) ORDER ORAL ARGUMENTS
- C) VACATE AND REVERSE ALL OF JUDGE GWIN'S DECISIONS AND ORDERS IN EXHIBITS; 26, 14 AND - 137, 138 ET. AL. AND REINSTATE ALL CLAIMS IN BOTH OF SMITH'S LAWSUITS IN 2022 AND IN 2018 IN EXHIBITS; 18, 136.
- D) VACATE AND EXPUNGE JUDGE GWIN'S VEXATIOUS LITIGATOR ORDERS.
- E) DISQUALIFY AND RECUSE JUDGE GWIN FROM SMITH'S CASES AND REASSIGN THEM.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



DARRYL SMITH

Date: NOVEMBER 6, 2023