

ORIGINAL

No.
In The
Supreme Court of the United States

ANTHONY D. BAILEY, **23-6518**
Petitioner(s),

Supreme Court, U.S.
FILED

NOV 22 2023

OFFICE OF THE CLERK

v.
UNITED STATES DISTRICT COURT/
NINTH CIRCUIT COURT OF APPEALS,
et al.,
Respondents.

On Petition For Writ of Certiorari
To The Ninth Circuit Court of Appeals
AND THE UNITED STATES DISTRICT (Nev. So.) et al. Court

PETITION FOR WRIT OF CERTIORARI

Petitioner: Indro S.
Anthony D. Bailey
P.O. Box 650-36112
Indian Springs, Nevada
89400

Indro S.

Respondent(s)
Judges of The U.S. District Ct. / 9th
Circuit Court of Appeals; P.O. Box
193939, San Francisco, Ca. 94119;
(U.S.D.C.) 333 Las Vegas Blvd
So., Las Vegas, Nevada
89101

V. List of Parties and Related Cases

The first impression the Appellant became aware, aware, the 9th Circuit Court of Appeals Justices in cases: Bailey v. Nevada Parole Board et al. (Declaratory Judgment) No. 2:22-cv-00306-GMN-VCF (heeded litigations as of 1983, to avoid admitting the Appellant held statutory state law and entitlements afforded under U.S. Const.; U.S. District Court for Southern Nevada - Exh. A Bailey v. Nevada Parole Board et al., No. 23-15120, The Ninth Circuit Court of Appeals Judgment Order: August 29th 2023; Re: TASHIMA, S.R. THOMAS, and KOH (denial of appellate review, eluding the judicial record, Check Rule 42-1 Dismissals are strikes in case nos. 95-17213, 98-15212 and 02-16378, to avoid declaring the lower courts' claim of bad faith, blinding the appellate court, it provided any judicial determination, on whether or not, was each case self-both herein provided the mandatory language contained within the Prison Litigation Reform Act (PLRA herein after), mandated its courts (state & federal), to imply the (2) two prong Supreme Court Requirements and Reviews of all prisoners' litigations, prior to involving their ¹⁵¹⁰⁷ excessive Affirmative defense Title 285191519 on behalf of local government and its submitters;

Bailey v. Sney. Ept; et al., No. 15-15944, Judgment Date: October 6, 2016 (lower court and appellate court overlooked upon a grievance being filed, it was the duty of the floor staff of the jail, to ensure grievances filed by pre-trial detainees, are processed from level to level of grievance procedure, pursuant to S.O.P. 14.00.00 et seq.

I
of the Clark County Detention Center, Las Vegas, Nevada; on
Remand; both, the lower court and the Ninth Circuit
Court of Appeals, refused to admit, the relied upon
SOP 14.00.00 (Procedural Guidelines mandated for the "free
sys" are to ensure, it moved all filed inmate grievances
through the grievance procedure), defines not lack of equal
treatment, to deny not trial; Exh. D

Bailey V. Williams, et al., No. 2:22-cv-00381-EDS-NJK (denial
judicial review on claims supported by direct evidence,
of intentional abridgment of the petitioners and those simi-
larly situated) Congressional Given Safeguards, by way of the
PLRA, has established, not Courts mandated protocol, to screen
not complaint, under this courts prior decisions, concerning
claims of merit raised by the petitioners and was this
courts decision favorable to the petitioners raised exhaust-
ed claims of merit, in violation of the U.S. Constitution.
see Title 28 § 1915(A) (Aka) and (4) also Exh. E

Bailey V. N.D.C. et al., No. 2:20-cv-01709-KLD-WF Judgment Date:
May 24, 2023 not mis-application of law, dismissing defendants whom
were shown to be liable under the 600's series of Administrative
Regulations, allowed the Nevada Attorney General Office subcommittee
to represent Defendants Bayan whereabouts, to avoid and pro-
tect, "The Petitioner Was Being Provided An Anti-
Depression Medication; (F.111) (not approved by the
FDA, 2017, that, has caused the Petitioner, to suffer
not re-productive systems loss, due to the medication
being provided to the Petitioner long-term, as not state

CERTIFICATE OF COMPLIANCE

No.

ANTHONY D. BAILEY,

Petitioner,

v.

UNITED STATES DISTRICT COURT
NINTH CIRCUIT COURT OF APPEALS

et al.,

Respondents.

As required by Supreme Court Rule 33.1
(h), I certify, the petition is authored by an
incarcerated state prisoner, Petition for a writ
of certiorari contains ^{UNKNOWN} words, excluding the
parts of the petition that are exempted by Sup-
reme Court Rule 33.1(d).

I declare under penalty of perjury that
the foregoing is true and correct.

Executed On 11-22-2023

Anthony Bailey-Petitioner

IV. Questions Presented

- 1) Did The Lower Court Infringe Upon This Petitioners Provided Statutory Procedural & Substantive Pursuant To Title 28 § 1915 (A), (A)(a) and (d), (a declaratory judgment, supported with direct evidence, A.G.O. and Chapter 23 of Nevada Revised Statutes and 107 prior Ruling From The Supreme Court, that, Entitled The Sought Relief) Before The Lower Court, Flouting The Judicial Record In The Following Case Numbers; 2:22-cv-00306 (GWN-VCF); 2:22-cv-00970 (APG-EJY); (Civil rights complaint supported with direct evidence of merit); 2:19-cv-01704 (KJ) (VCF) (medical case of the Petitioner being provided an anti-depression (Elivil) long term, to where, the Petitioner's sterile and lack of a reproductive system, while the lower court conduct as a Federal judicial officer, operated as an attorney for one of the defendants, where the record shows, it allowed the attorney general office, to keep its court (Place the whereabouts of Defendant Bayan Under Seal), then, upon seeking of that Lower Court, To Enter Default Judgment, for the attorneys, of the attorney general office, accepted service on behalf of that defendant, sought an Order from that court, placing defendant Bayan's whereabouts Under Seal, No Motion Of The Record, the attorney general's office withdrew, now, had its attorney's timely responded (A.G.O.'s) the Petitioner's civil rights complaint withheld, yet, Summary Judgment granted, where material facts, evidences along with the Lower Court's (2) case nos. 22-cv-00381-cv-NSK (dismissed on failure to file) 2023.

IV
Court's non-application of Rule 54(c), then, deciding the appeals are taken in bad faith (Especially in prison litigation), removing the desire of the appellate court, to determine whether or not, did the litigation receive constitutional screening on claims of merit, entitled the Petitioners To Form A Prepaid Status, where The 9th Circuit Court Of Appeals Justices and Lower Court Judges are relying on (3) Three prior precedents: 95-17213, 98-15212 and 02-16378 and Shannon Case, appeals that were denied for failure to prosecute "lacking the ability to pay initial filing fees, does such misfortune as to state prisoners, deprive the Petitioners and those similarly situated, unbars judicial review, his first amendment (access to the court) and the fourth amendment (substantive and procedural due process) to be heard on such allegations supported by sworn authenticated evidence(s) provided under the Federal Rules Of Evidence; Rule 901(11);

2). Did The 9th Circuit Court Of Appeals Properly Possess Statutory Authority During An Appeal, Label A Prisoner's Litigation (frivolous, malicious or failed to state a claim upon which relief can be granted) AFTER, the Lower Court Sequestered The Complaint, Under Those Provisions Substantia In Title 28 USC 1915(e)?

Note: case nos. 2819-CV-01725 (GWN

) crim. case 2259, setting

IV

- 3). If the Federal Appellate Court Justices Lacked Statutory Provisions To Reclassify The Petitioners Prison Litigation in those Prison Relief Alleged (3) Three Strikes, Suggests A Long Term Conspiracy Of both courts To Purposely Impose On The Judicial Record, By Merely Issuing Court Orders That Has Shown, A Failure To Prosecute, Inability To Initially Pay Filing Fees, Rather Than The Fraud Alleged In Courts Orders and The 9th Circuit Court Of Appeals ritual of rubber stamping prison litigation, Because The Petitioners Can Not Head On Relief Sought?
- 4). Can The Petitioners Seek An Order, Ordering Each Case The 9th Circuit Of Appeals Arbitrarily Dismissing On Appeal, Be Re-Opened and Re-Assigned To Justices Who Lacks An Agenda Of Punishing Beyond The Incarceration?
- 5). Should A Prisoner That's Indigent And Have Been Held To Have (3) Three Strikes Under The PLRA, Be Denied Access To Court, Upon The Petitioner's Filing A Civil Rights Complaint, Coupled With Provided Direct Evidence During The Title 28 § 1915 (A), (A)(a) and (4) Screening?
- 6). What Relief Is Available To The Prisoners When Shows Judicial Reviews Are Not Being Provided By both Courts, Due To The Petitioners Lack Of Abilities To Pay Filing Fees?

cont.

even after, judicial notice was provided, filing direct evidence, showing the lower court, judgment of conviction is not, compliance

IV.

with Letter Of Incarceration (14th year and counting, on the reliance of a 'jury verdict, that found the Petitioner guilty of a now-existing state statutory crime), because choosing of representing himself during his criminal trial and prevailed during the 8th Judicial District Court Trial and Verdict, Sept. 20, 4-29-14, surely, has not, allowed the lower court use the appellate court legally, to pick and choose equal treatment and or the application of laws ~~with~~ by this court, for its citizens to be afforded fair, merely understanding of the law and the equally authorized procedural safeguards employed by Congress, for the simple man/poor man substantive rights are commonly violated; should the court determined, as filed complaint support with evidences, in support of the ~~same~~ allegations of the Civil Rights Complaint, upon the initial filing of the Complaint, including the screening judges (2851915(A), (A)6), duties to determine whether or not, claims raised are constitutionally reviewable, by relying upon subsection (g), for its OWN Order reflecting the claims and or grounds; presented in any of the petitions, establishing an intentional disregard for the REQUIRED procedural determination on those claims and or grounds, presented before the screening court, draws inferences, every Order written under its own procedural rules, remaining silent on whether or not, had the Petitioner's screening order reflected, the made

IV.
written Notice shown, it ~~over~~ concerned itself
of determining the constitutional requirements
and whether or not had This Court properly address
ed issues raised in the lower court, before pro-
viding relief. see PRA.

I.

"Prisoners Without" The Approval Of Mental Health, while the lower court surmised the "actual facts" of the proceedings (during screening the lower court found that the Defendant Bayan to be held liable, now, even, after, the attorney general office (attorney's for Defendant Bayan) sealed his whereabouts / no legal strategy chosen by Defendant's attorney (not timely response to the Petitioner's Civil Rights Complaint, was granting the relief sought, in the correct - procedural requirements of Rule 55 of Fed. Rules Civil Procedure, was shown to have permitted the Petitioner the relief available. Rather, the lower court issued its Documents # 46 and 47, there were no genuine material issue of facts, liking on the record, the Petitioner had been seen the same day, he claimed of being beaten by 10-15 spiders, rather than, the actual (57) fifty-seven days, proves through Defendant's Martin's own Declaration in support of their Motion For Summary Judgment, the Petitioner was not treated 11-19- spider bite,

Yet, the lower court granted Summary Judgment on behalf both Defendant's Bayan (Summary Judgment and denial Abult Petition, however, both Orders # 46 and 47 were served upon Defendant Bayan (the Defendant held liable for untreated spider bite during screening, however, held not liable, upon mis-application of Rule 56(c) of the Fed. R. Civ. P. assuming facts in dispute, to claim the appeal was taken in bad faith, seeking of the Justices Of The 9th Circuit Court Of Appeals, the summary affirms the lower courts mis-application of Congressional Intent outlined in the PRA ~

I.

Orders #46 and 47

See case No. 2:20-cv-01704-KJD (JCF); pending on whether or not, on appeal, before the 4th Circuit Court Of Appeals, presently seeking the issuance of said case numbers and equal treatment, afforded upon the lower court screening, allowed in forma pauperis status, (during the Title 28 § 1915 (A), (A)(a) initial screening) the being of the lower courts commonly practiced route, to sabotage any of the pleadings and direct evidences submitted upon that common thinking court of distrust of relying on prison litigation, clearly indifferent to the Defendant's denial of liabilities, required of the lower court to scheduled a trial, to determine, what party truths warranted relief, has the Appellate Court, is, presently ready to rubber stamp, the Petitioner's Appeal based upon the Petitioner's litigation reclassified (taken in bad faith) contrarily outlined in the Petitioner's Notice Of Appeal; see Exh. F (Note: How Defendant Bayan remains receiving the courts Orders # 46, 47 and 54, Samuel Perone, Jr. of the A.G.'s Office of Nevada, is proof the AG's Office had accepted service on behalf of Defendant Bayan, when it sealed the Defendant whereabouts at the request of the AG's Office, approved by the lower court, then denial of Rule 55 petitions, pursuant to Rule 4 of Fed.R. Civ.P., where, the AG's Office went on record, as Defendant's attorney of record, to seal Defendant's Bayan location, was merely last tactical chase to not timely response to the Petitioner's Civil Rights Complaint period, rendering it was impossible grant Summary Judgment for Defendant Bayan or deny Default against Defendant Bayan receives on-going Orders # 46, 47 and 54 from the court, informing Defendant Bayan, the law firm, AG's Office subordinates, Mr. Perone Jr. of the courts Orders, in the elusive perception, Defendant Bayan were

not served, for the lower court intentions to ensure that prisoners (the Petitioner) is not enriched by subordinates of the Nevada Department of Corrections, shown and proven, Director of Nursing 1 and 2, were dismissed during screening, to avoid, declaring the 600's 1 and 2 became liable, under the 600's series of the Administrative Regulations of N.D.C., upon its subordinate. Defendant Rayburn shown, the Defendant Rayburn had not as well provided treatment for spider bite, providing the Petitioner anti-depressants (Elavil) long term, without approval mental health, for a knot in the Petitioner's lower right back (N.D.C. refusal of outside medical care concerning the knot, mentioned,ologist due to the Elavil causing damage to the Petitioner's prostate gland and the final treatment of ridding the Petitioner of Hep-C, while such, "denials of adequate medical treatment continues", the lower court relies heavily on Justice Tashman and three justices assigned to Justices (Nevada Prison Litigation) to simply rubber stamp, the denial relief, when record reflect, both courts have abused their powers as judicial officers, to silence the Petitioner's criminal litigation (falsely imprisoned over 4-29-14, Implied Hospital Verdict, ensuring the Petitioner's litigation does not receive the correct application of review or relief under the law, relying on the Petitioner's "poorly stricken status" and false (3) three prison strike alleged Orders, in reality, dismissed by the courts clerk, pursuant to Rule 42-1, contrary to the provisions relied upon by the "intentional denial justice", where Rule 42-1 dismissal, does not, reach the standards of subsection (g) of Title 20S1915, both courts rely upon to protect prison employees from liabilities shown by the Petitioner, for State Prisoner, kidnapped and held illegally, (since the 4-29-14) Regrant Verdict, see Exhibits 6³ (criminal trial results)

V.

Exhibits B, C and D, claiming influence Justice Tashima influences over ensuring the Petitioner's claims of merit, are NOT to be reviewed because the Petitioner's allegations could not be acknowledged, where direct evidence filed with civil right complaint, hindered the lower court from being able to explain away, there is no genuine material facts, later, upon a Rule 56(e) pleading to purposely avoid pointing at the disputed facts that, required action, as the Federal Rules entitled those procedural safeguards set forth by Congress, requiring of its state and federal courts, to permit in forma pauperis status, where the Petitioner has shown, Neither Court, can produce certified Orders from neither court, the shunder/libel created its own affirmative defense (past and present falls upon (3) ~~where strike~~ ~~where~~ based upon 95, 98 and 02 appeals, being dismissed for the lack of abilities to pay filing fees, to deny equal treatment of the laws and their 'evaded' procedural safeguards for its courts to follow, due to the social norms of OUR society, yet, not implemented even by those who openly breaches its solemn oaths, ensuring the Petitioner's prison litigation fails, since the Appellate Courts October 6, 2016, where that Order established, during initial screening of pre-trial detainees status, case no. 2:12-cv-01954-JCM-CMH and 9th Circuit Court case no. 15-15944, disregarded completely, exhaustion of administrative remedies where waived by the Defendants, in that litigation, due to not invoking at the lower court level, (an alleged Title 42 § 1983(a) violation) prior to appellate review, through screening or raised in its Summary Judgment Proceedings, deprived that Appellate Court (Tashima, S.R. Thomas and KOH) from operating attorneys on behalf jail employees, where upon remand, it indicated, for the lower court, to surmount and or acknowledge, upon re-

IX

View of the S.O.P. 14.00.00 procedural policies (upon a grievance) being submitted by a pre-trial detainee, at the time of filing, required of ~~officer~~ segment of the jail to ~~manage~~ grievances filed by pre-trial detainees, processed through those provisions of the S.O.P. 14.00.00, that, required jail personnel, to process grievances of pre-trial detainees, at every level of the S.O.P. 14.00.00, existing during 15-15944 litigation, while a non-speaking building (North Tower of The Jail) received complete renovation from the Appellate Courts October 6, 2016 Order, compels the lower court, to make a declaration in the form of the Order, disregarding the "actual procedures" mandated in the S.O.P. 14.00.00 grievance, ensuring jail officials, they will not have to explain away, clear violations of the Clean Air Act, after the lower courts erroneous application of a waived affirmative defense, prior to appeal and on-going violations of Title 18 § 241 and 242, as well as, Title 42 § 1985 (2) and (3) and 1986 (receiving notice of constitutional violation and doing nothing to ensure the correct application of law, appearing to be criminally liable, should this court provide counsel, pursuant to Criminal Justice Act (Title 18 U.S.C. § 3006A (d) (1)), especially, where the lower court reclassified the Petitioner's Declaratory Judgment Petition, supported with direct evidence, the Petitioner had not been psycho-assessed prior to any pre-arrest appearance provided by state law, also and the provisions primarily decided by this court, providing the lower court an opportunity to place its biases toward the Petitioner's litigation on the shelf, rather than, the Magistrate making judicial threats of stripping the Petitioner of First Amendments to access to the court, while choosing not to answer, Was the Petitioner Entitled To Provisions of Judgment of Conviction (being psycho-assessed prior to parole)

I-

board appearance, merely indicates N.D.C. subordinates have re-sentenced the Petitioner from Life w to Life wout, whereas the Petitioner could not be legally considered for parole without the Petitioner's being psycho-sexual assessed by Mental Health Of The State Of Nevada. (recorded to ensure Mental Health Employees do not commit a Category C Felony (NRS 239.330), the denial make it easy, for parole board members, reliance of the Petitioner not actually psycho-sexual assessed, to provide a justification of denying # Liberty, after an Implied Acquittal Verdict, (a kidnapping false imprisonment, along with the above-mentioned parties mis-application and circumventions of law, to maintain, old practices that has long conforms, the Respondent's has maintained its case, craftily eluding the hypocrisies of the Petitioner's litigation, adequate judicial practices were afforded, believing the Petitioner would NOT disagree and describe the shortcoming of not being to receive the required procedures outlined by Congress for courts to follow, especially, it has plainly shown by the 9th Circuit Court, it, disregarded Estelle v Gamble, 429 U.S. 104, Peltz v Dillard, F.3d (9th Cir.) to deny a prisoner's relief sought, because Defendants admission of lacking monies to provide adequate medical care to its prisoners suffering from acute illnesses in Nevada's penal system, surely manifest a public concern, why are prisoners of Nevada, are not afforded outside medical, and maintained as an additional punishment within the incarceration punishment.

VII. TABLE OF AUTHORITIES

Page(s)

- 1 U.S. Constitution/Magna Carta #40
- 2 Art. 6, Sec. 2 of the U.S. Constitution
- 3 Bounds VS Smith, 430 U.S. 817 (1977)
- 4 Cassey VS Lewis, 518 U.S. 343 (1996) (actual injury)
- 5 First Amendment (address grievances before a
- 6 court of law, without fear of reprisal from the
- 7 body of government, that DEMANDS equal applicat-
- 8 ion to its citizens and or prisoners (striking)
- 9 Title 28 § 1915 A, (A)(a) (Screening for Constitutional Violations)
- 10 PLRA - (Standard imposed on its courts to follow).
- 11 Anti-Death Penalty Act (Supreme Court Standard; (2)
- 12 two prong test) (first review and favorable determination)
- 13 ^{14th Amendment} Substantive Due Process
- 14 ^{14th Amendment} Procedural Due Process
- 15 (3) ^{State} Provisions (inapplicable, where, neither case
- 16 (95-17213), (98-15212) and (02-16378) were dis-
- 17 missed priorly pursuant to Title 28 § 1915(a))
- 18 Title 28 § 1915(A) (Entitlement to proceed on claims
- 19 of merit) (AGO ^{State} NAC 213.514(3)(b) and
- 20 Title 5 § 706(2)(A) and (D) (Applies to procedural statutes)
- 21 Green VS. United States, 78 S.Ct. 221()
- 22 Bailey VS. State, 688 P.2d 320, 322 (1984)
- 23 Neitzke VS. Williams, 490 U.S. 328 (The meaning of
- Prejudicial)
- 24 Jones VS. Back, 127 S.Ct. 910 (2007) (fail to exhaust is not
- (a) strike.)

IX

Opinions Below

No opinion filed to maintain the silencing the Petitioner's litigation the misapplication and or re-labeling prisoner's litigation, to deny relief, afforded under Congressional Procedural Requirements of the P.L.R.A. see P.L.R.A. and Administrative Procedure Act Title 5 § 552(a)(2)(A)(i), also see Supreme Court Rule 10(a) and (c).

However, such un-acknowledged by Respondents

X

Jurisdiction

The Petitioner filed Notice Of Appeal, August 26, 2023, before the Ninth Circuit Court Of Appeals.

Thus, the Petitioner believes this court possess ^{strict} jurisdiction, that's original and have the judiciary authority to provide the relief sought. see Supreme Court Rules: 10(a) and (c), 13(1), 12(2) and (4) and 16, Also, Rule 19 et seq.; Title 28 § 1254(2).

XI. CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED

United States Constitution :

Article 6 Section 2 of the United States Constitution :

"Supremacy Clause" ;

^{Section 1}
The First Amendment Of The United States Constitution :

"Religion Cl. ; Redress of Grievance Cl. ; And Access To The Courts Cl. ;

^{Section 2}
The 14th Amendment Of The United States Constitution :

"Procedural Due Process Cl. ; Substantive Due Process Cl. and Equal ~~for the~~

Federal Statutes :

Title 5 § 551 and 552 ~~stat.~~ (statute establishing practices and procedures to be followed in rulemaking and adjudication) (basic due process protections, such as the right to present evidence and to be heard by an independent hearing officers (Justices and Judges being officers of the court)

Title 5 § 706(2)(A) and (D)

Title 28 § 1915(A), (A)(a)

Title 28 § 1915(4) (Afforded ~~After~~ An Actual Constitutional procedural screening of pleadings filed by prisoners seeking aid and protection from the courts, where employees of government constantly exploit the un-educated and the poverty-stricken, (re-labeling as Notice Of Appeal, as a failure to prosecute, after examination of the record, establishing, economical poverty (no means as an unemployed state prisoner) to pay filing fees) has shown the Respondent's Orders, disregard any of the substantive and procedural due process allowed to the Petitioner, by way of the Prison Litigation Reform Act -
cont.

cont.

21. ~~21~~ ²¹ Title 18 § 241 and 242 (the appearance of criminal conduct the reliance of fraud, through written announcements, in ^{8th Cir} cases nos. ^{8th Cir} here to Appendix, case nos. 95-17213, 98-15212 and 02-16378 (cases dismissed under Rule 42-1 of the Fed. R. Civ. P., rather than the (3) three strike provision set forth through the P.L.R.A., constantly relied upon by the Respondents, to deny judicial review and determination, required under the P.L.R.A., before granting or the denial of relief - Appendix; Title 42 § 1985 (2) and (3) (I show it has become a practice of the Respondents to invoke an un-applicable provision of Title 28 § 1915(g), without ensuring first, screening the initial filing of complaint and direct evidences in support of the sworn too pleadings, relying upon its in-ability, to take, grant summary judgment, whereas through the Rule 56(a) of The Fed. R. Civ. P., openly express its bias, should it declare, both parties Material Facts & Evidences are not in dispute, draws inferences of an ^{is it} incompetent court, under the CANONS OF THE COURT; see Boilerplate Judicial Determinations - United States Supreme Court Case Law:

1. Apparatus V.S. New Jersey, 120 S. Ct. 2348 (actual innocence doctrine)
2. Blakely V. Washington, 36 F. Supp. 2d 1254, 1259 (1999) (not parties, was NA strike)
3. Blakely V. Washington, 124 S. Ct. 2531 (Counts 1 thru 5 of criminal charging instrument were not proved beyond a reasonable doubt, Clark County, Nevada, Eighth Judicial Dist. Ct., Dept. 20, case No. 253437 for Defendant Verdict, classified under law, and Implied Refusal; see Nev. Rev. Stat. 174.085(3))
4. Baugh V. Smith, 430 U.S. 817 (1977) (access to the court)
5. Casey V. Lewis, 518 U.S. 343 (1996) actual injury, denial of screening of pleadings and evidences, to avoid granting

cont.

XI.

informa purposes, ensuring supported pleadings hide silent for lack of screening, on claims raised with evidences, and constitutional merit, decreed by the Supreme Court prior fact findings and favorable results to the Petitioner and those similarly-situated prison litigators before entitlement relief sought; Initial Screening Sought Procedures

Congress Inc. vs. Alexander, 222 F.3d 561, 567 (2000)

(see Title 5 § 706(2)(A) and (D) (Administrative ^{Proc.} Act))

by way, ~~Narrative~~ ^{Existing} Procedures, to deny, first merit. Next rights also the 14th Amendment (Substantive and Procedural Due Process Cls. while being denied equal of the law, purposely subverting the procedural safeguards required of the judges, to ensure the human factor is not overlooked when entertaining prison litigation, through its of discrediting the poor and/or prisoners litigation, primarily due to social classes and a lack of means, to peacefully protest wrongdoing). see Old Chief vs. United States, 519 U.S. 172, 191-92 (1997) (recognizing what one might call the legal stakes of narrative in adjudication)

Further, Congress did not afford the equate the statutory authority, to dismiss claims of merit for lack of means, to pay filing fees when intent of appeal is shown, yet, it is also established for quite sometimes, the lower courts have been completely denying 'appellate' judicial review and/or partial determination, often, following courts non-application of Rule 56(c) or the actual in-house detainee, without Serial Orders

XII

Statement Of The Case

First, On the 29th day of April, 2014, the Petitioner herein, was subjected to a Replevin Verdict, amounting to an Implied Acquittal..., pursuant to N.R.S. 174.085(3);

That, rather than, the retired-un-elected trial judge (Department 20, of the Eighth Judicial District Court) Charles Thompson, case NO. 253437, issuing an Order to the Clerk of Court, to promptly calculate the Petitioner's pre-jury incarceration, versus verdicts, that, did ~~not~~ amount to ~~101~~ prison term, due to the Petitioner's confinement (2-28-09 thru to the present);

That, the 2-28-09 arrest stemmed from the Petitioner's live-in girlfriend, Crystal Washington, committing a Category 2 Felony (using cell phone belonging to her, calling 911 Emergency Operator, pretending to be her sister, making false statements to the 911 Emergency Operator, she had been raped and beat to death, to have the Petitioner arrested, due to disagreements in the relationship);

That, after the North Las Vegas Police Dept (CSI Investigative Officers) determined there was NO dead body or evidence of rape; the allege victim and uniform in the field officer's (absent ~~any~~ telephonic search) enter ^(sic) ~~wall~~ without the Petitioner's consent discovering ~~any~~ ^(sic) driver license (narrative) with the Petitioner.

court.

XII.

itioner's photo, became the reasons of arresting the Petitioner, rather than, the allege victims libel / slander 911 Emergency Call, 2-28-09, pretending to be her sister;

That, because the Petitioner could not make bail or hire a lawyer, attempted to rely upon independent ^{NRS 333.100} contract attorneys, their courtroom antics soaked the agendas of the State of Nevada, leading in maintaining the Petitioner's arrest, was constitutionally infirm, where the probable cause court, erroneously found probable cause to maintain confinement, absent the arrest reflecting, "this was a complaint from the allege victim, Crystal Washington, indicating pre-trial confinement, was rubber stamped by the probable cause judge, came-up, an arrest and illegal pre-trial confinement, and unchallenged by any of the attorney's provided, that, required of the Petitioner to request for self representation, due to the on-going performance appointed counsel's efforts, to ensure silence on the constitutional infirmities of an arrest, that, prohibited pre-trial confinement; 2-28-09 thru 4-29-14.

That, after many years of pre-trial confinement and the Henderson Court (Dept. 3) and Elissa Luzarch of the D.A.'s Office (both public leftist spearheading Sexual Assault Division of the D.A.'s Office, made sure the means of the arrest and the Las Vegas Police Dept. Forensic Lab Employees, falsifying DNA Reports for Elissa Luzarch, to file in case number above 253437, the Petitioner.

XII cont.

IONER's sperm was found in the alleged victim's, contrary, to CSI fact-finding and sexual assault examination. Note: NRS 239.330 prohibited the filing of any genuine instrument, containing false statements, completely achieved by Judge Heardon, ensuring that, Elissa Luzziach agenda of sending the Petitioner back to prison, after overturning, (2) two life sentences, 1996, Nevada Supreme Court and 2005, State District Court, stemming from an over-zealous want to punish the Petitioner, for notifying un-corrupted government employees, in modern government, biases of prison litigation exist.

Note: Should The Court Review the 253437 case no., the record shows, no regard for civil or human rights of the Petitioner, during the pre-trial stages.

That, On the 17th day of April, 2014, the "Heardon Court" arbitrarily denied every pre-trial petition, without a legal authority justifying the deprivation of the relief sought, while violating Art. 6 Sec. 19 of the Nevada, appointing an unethical retired judge, due to other judges making their determinations, to provide equal treatment of the law, should the Petitioner trial be assigned to their courtroom.

That, after all the evils motives and intentions, as well as, retaliatory conduct of Judge Heardon (previously serving as a District Attorney and co-worker of Elissa Luzziach, ensuring no relief at the pre-jury level, the 4-29-14 verdict, revealed and exposed local government subordinates, intentional misapplication of law, by de-

cont.

~~XII~~ closing; It could give jurors an instruction, the Petitioners could be convicted of a lesser included offense (about the criminal proceeding, indicating the original charging instrument had been dismissed, and rather bill was returned, charging the Petitioners with a now-approved statutory offense: Sexual Assault Without Use Of Deadly Weapon, relieving the Respondents (D.A. Office) proving beyond a reasonable doubt, an actual violation of the law occurred after the testimonies and evidences presented. see Bailey v State, 688 P.2d 320, 322 (1984) (relying upon Green v United States, 72 S.Ct. —, (1957), relief has been denied in state court (Nevada) while, the Nevada Supreme Court (~~James~~ ~~James~~ and ~~Harmon~~ both having admitted on the record, before being seated on the Nevada Court Of Appeals and the Nevada Supreme Court, after, 4-29-14 Verdict, prior to imposition sentencing, November, 14th 2014, Dept. 20 of the Eighth Judicial Dist. Ct., openly admitted, on record, under Nevada Laws, there is no criminal statute under Nevada Law, that, can be found in the Nevada Revised Statutes, giving for criminal liability, to term: Sexual Assault Without Use Of Deadly Weapon, confirmation made before United States Dist. Court Judge (ex-employee of the Clark County Political Sub-division, in the capacity of a federal officer, whom has been provided ^(Public Information Act) judicial notice, the petitioners habeas corpus court, ^{criminal proceedings} case no. 2:19-cv-01725 (GWN) pending (U.S.D.C. So. Nev.) ~~Murphy~~ (The judge who declared and upheld its magistrate denial of relief, by re-labeling the Petitioners Declaratory Judgment petition, supported by uncontradicted direct evidences, AGOs

cont.

~~the~~ opinion, Nevada Administrative Code 213. () and the insurance of this court's prior ruling, in and the Ninth Circuit Court of Appeals reason- ing in, yet, the ~~Nevada~~ Court, conspires with the employees of the Clark County, Nevada and the State of Nevada Judges and Justices, "the petitioner is to be held long as possible" in prison; prison civil litigation sabotage, by the reliance on a ~~false~~ judicial fact-finding, in prior mentioned, Rule 42-1 dismissals, to purposely ~~erase~~ the judicial record, 42-1 dismissals are "strikes", in order, that, the Appellate Court can arbitrarily and bias intent, the denial of determining whether or not, its "claims of bad faith appeals", continued beyond bad faith lower court claims, were made on the Petitioner's inability to pay filing fees as an indigent state prisoner's, rather than, the lower courts nor the Ninth Circuit Court of Appeals, purposely NOT ~~determining~~ the sworn allegations and the authenticated sworn direct evidences, in support, of initial filing, so, required of the screening court, to determine "Claims of Merit", under the Supreme Court, Title 28 of Judiciary and Judicial Procedure, Congressional Intent, so, demanded the PLRA, yet, none of the orders contained in the Appendix herein, suggest, either court, made reference of the "claims of constitutionality, supported with PHYSICIAN EVIDENCE, in compliance with the Federal Rules of Evidence, Rule 901(1), is, the best evidence, for it, to disclose, "Because its well-known common-practice of this court to only entertain (1) one percent of the pleadings submitted upon its court, acknowledged by the Federal Judges Bad Faith Claims, after, denial of a question of law, (showing the judicial record,

cont.

XII.

its screening determined, the claims of constitutionality were NOT determined to be frivolous, malicious failed to state a claim on which relief may be granted, while well-established laws by this court, relied upon, depriving the Respondents any affirmative defenses, justifying their Orders, making the (3) three strike doctrine, each Judge and Justices mislead- ing the Petitioner into rebellion, the indigent state prison- ers, at the criminal judicial level, reintroducing "an arrest made by an alleged victim, pretending to be her sister, making false statements to 911 Emergency Operator, alleging, she had been raped and beat to death, should not to exist, 2-28-09 or judges Implied Agittal Verdict, 4-29-14, 911 sentencing, 12-15-14, using 911 non-existing crim- inal statute (Sexual Assault Without Use Of Deadly Weapon) to capriciously without regard for the Respondent Or Im- plied Agittal Verdicts, along with the prosecutors lack of ability, during the Petitioner's criminal trial, of an actual proving beyond reasonable doubt, the alleged vic- tims, naked allegations of rape beating to death and rape occurred, 2-28-09, with the use of 911 weapon, lawfully deprived the Petitioner's liberty illegally held, where Nevada Court U.S.D.C. Judge, commonly assigned prisoner's litigations, be- cause of the appearance of the Nevada Court, allowing the Nevada Department Of Corrections, resentencing the Petitioner to 911 life w/o prison term, due to N.D.C. and its sub- orinate's deprivation of mental health deprivation (who, what, when, why and the whereabouts (psychological assessment made in a building, and 911 camera footage of the Petitioner's arrival

and/or departure from the Mental Health State Of Nevada
Building to ensure the Respondents will not use its power-
ful resources to allow subordinates of N.D.O.C. create false
documents, altering the judicial record, N.D.O.C. 110SP, the
Petitioner's both appearance before the probation, mental
health, had determined, the Petitioner would be offered, after
being found NOT GUILTY on all Courts of Sexual Assault
With Use Of Deadly Weapon (listed in the 4-7-09 charging
instrument), while being found guilty, on a non-crime approved
Nevada Law Motion, surely, requires intervention of an ORDER
from the United States Highest Court, simply declaring; (1) the
egregious prior reliance of past litigation, denying judicial re-
lief, based upon the appellate's court, unknown methods
communicative to the lower courts, DEMAND filing fees on
the reliance of created by the Tassima three judge panel,
ensuring the rubber stamping of an allege, appeal taken
in bad faith, to sabotage civil litigation, that, prohibited
the, the denial of infama purposes (Title 28 § 1915 (4)) or the
granting of a Defendant's 56(c) Rule petition, when common
sense, gives the legislator's herein, NO defendant being sued
by a prisoner, especially law employee of the penal
system, alleging claims and evidence, submitted
upon the screening courts, "There are no material
genuine facts at dispute for trial or a lack of
constitutional claims, supporting a denial of equal
treatment of the law, after, an on-going conspiracy
strip the Petitioner of his right to the court,
expressing blatant violations Constitution, BICD (Title 185

241, 242 and 1962(b)) and the Administrative Procedure Act, along with the Federal Statutes that imposes punishment on a body of Judges and Justices of Nevada, and its Circuit Court Justices falsifying and/or re-classifying Rule 42-1 dismissals, as 'strikes' without Congress approval, inference must be drawn, despite the common-prime practices of this High Court, to disregard the rights of "prime owned property" (its slaves) even after the 13th and 14th Amendments of the U.S. Const., where the policy-makers of law, and those required to fairly ensure the correct of the law, is applied where procedure safeguards implemented by Congress, the P.L.A. and Anti-Death Penalty Platform, almost always relied by Respondents, including un-educated-indigent state prisoners, the requirements and procedures afforded to the Petitioners and similarly situated (Petitioners and the prisoners' litigation, denial of C.A.A.'s and civil trials, even after, showing genuine material facts, the Defendants will not declare, it agrees with the claims and evidences presented during initial filing of civil rights complaints and the supportive evidence, it could succumb the standards set forth by Congress (P.L.A. Mandated Requirements for bias and/or unfair court, that is, crafty un-noticed by the lay person, in turned, in Mandatory or Discretion language, gave guidance to its

cont -

XII

courts to follow, contrary, to having been Congressional/PLRA screenings followed; none of the Dockets, would have allowed it-self, to expose, Title 28 § 1915 A.(A)(a) and all other standards requirement for the Respondent's Forfeiture of the PLRA was created by Congress/PLRA doctrine, removing the legal basis and fact-finding requiring the overruling of initial complaint, before subsection (g) of Title 28 of 1915, could have legally invoked, should have the Respondents requested of "Martinez Report Form charged Respondent's, seeking of Respondent's to show a judicial authorized investigative report, prepared by prison officials and filed upon the court, the findings of bad faith appeal, is not, supported by any evidence relied upon, other than, poverty as a ^{purpose of} state permits the Respondent's to deny trials, relief on appeals, after, the lower courts view that no jury would found in favor of the Petitioner's litigations herein, did give those courts (Respondent's) the lack of duty, in its Dockets, explain and clarify, why Prisoners poor and un-educated prisoners seeking relief of America and its courts, pre-calculated decisions to maintain incarceration of an Implied Acquittal due to choosing blatantly on the record, not to,

court.
XII -

provide the procedural safeguards required, when
last jury's verdict, mandated calculation of jail
time and promptly released in the year 2014,
Yet, the herein, discovers a (60) sixty years of age, for
Nevada State Prisoner, suffering from acute illnesses -
diabetes - NO eye examination, since 11.14.15, while eye sight
worsen; refusal of neuropathy outside, stemming from the Petitioner's
diabetic condition, and while prison officials and
their independent contractor doctors, were discovered
providing the Petitioner long term usage of the anti-de-
pressant drug (Elvil), without approval Mental Health
Of The State Of Nevada, subjected the Petitioner's re-
productive system, to an unknown level of damage, due
to being provided a medication (Elvil) that, had
been removed from the shelves, (2) two years, prior
to Defendant Martins discontinuation of the drug,
while during the Petitioner, he had been scheduled
for neurologist, requires of the court, to re-
visit the rights of the prisoner's, especially,
dental and medical, where being held since,
2015, and the Petitioner have not been provided
dentures to eat with, the Petitioner, On the 18th
of October, 2023, was required to pull his own tooth
after, having sought follow-up, September 2023,
surely, allows this court to provide the presence
of protection, where last Jurisdiction Intervention by
United States (see Title 28 § 2403 (a)), where the judi-
cial officers herein has surely slain a man's

~~cont.~~

~~Prisoner's~~ Prisoner's Litigation, under the knife narrative
erasing, attached to fraud (Rule 42-1 dismissals
are being relied upon as strikes, has been
a case on all forms, along with dispute in
Circuit, necessitating clarification of the proceed-
ural safeguards that, should have been provid-
ed prior to invoking subsection (g), Requires
the law of the land and the punishments from
kidnapping at gun point, while illegally imprison-
ed since 4-29-19 (Implied Request Verdict), entitles
his actual truths to be heard and determined
under Equal Treatment Of The Law, see Harris Vs.
Harris, 935 F.3d 670, 673 (4th Cir. 2019).

REASON WHY WRIT SHOULD ISSUE

XIII. Surely, it can not be overlooked during screening of the Petitioner's Declaratory Judgment (supported with direct evidence) upon filing the initial pleading, entitled the Petitioner to Informa Pauperis, where the lower court receiving the pleading and the direct evidence, prior to its required screening procedures; see Title 28 § 1915(A).

Such screening concerning the claims of Mist and Ex parte Communication occurred on the 30 day of March, 2022, by a (HKL), in which, could be inferred, Title 5 § 551(14) (prohibiting Ex parte Communication, although by Congress, should the Petitioner show, the Respondent's actions indicate sat finding of conspiracy long ago, Congressional Intent, when it re-label its poor citizens and prisoners throughout America, then the Narrative-Erasing Procedure, covering-up Claims of Mist, raised in the Declaratory Judgment pleading by relying upon sat false - non-existing proof, the pleading complaining about being deprived of sat ^{REQUIRED} procedure outlined in the Petitioner's Judgment of Conviction, Required of the lower court to determine, did prison administrators ensure the Petitioner was physically taken before mental health and assessments determined, not so, provided because, the mental health would have had to report, mental health

XIII
personnel discovery, disguised (the now-
existing criminal (approved) statute relied
upon by the States District Court, to invoke
the habitual statute and falsely imprison, after
both courts were shown later, the Petitioner's
Letter Of Incarceration, does not recognize
the alleged criminal offense, is not acknowl-
edged by the States Data Base Prison System,
yet, prison officials refuses to notify the
court of sentencing. It was a total mis-
carriage of justice for the Magistrate to
purposely twisting the character and mental
state of mind, eluded the Petitioner
had filed a ^{constitutional} rights, rather than,
Declaratory Judgment Petition, while Judge Na-
varro (Judge assigned to this Petitioner's crim-
inal litigation, having judicial notice provided
to the Navarro court, placing J.O.C. and Letter
Of Incarceration under seal, rather than,
requiring of the Respondent's to show cause
why J.O.C. and Letter Of Incarceration, does
not mirror one another, maintaining illegal
confinement, because of favorable jury trial
verdicts, 7-29-14 8th Judicial District Court, Dept
20, during the Petitioner's self representation
of defending an Information issued 4-7-09
stemming from false statements made to 10911
Emergency Center, claiming to be her sister,

XIII.

alleging Rape And Murder to have the
Petitioner arrested, 2-28-09 (at Category C
felony) and pursued by the Clark County District
Attorney's Office for properly showing the Nevada
Supreme Court, the Ringling conviction (1996)
a lack of evidence to affirm, while in (2005) the
Affirmative overruled the Possession Of stolen Pro-
perty, (2005) conviction. Respondents relied upon
constitutionally infirm convictions, to imprison
and reclassify the Petitioner's social status (in-
firmed criminal) in the Eighth Judicial District Court,
because of the common practice of narrative ex-
posing procedures, the Respondents long posses-
sing intelligence & knowing most person-
ers (especially the State whom poor and un-
educated and are recovering to pay an attorney)
are constantly depriving the Petitioner and the
similarly situated, during the initial screening
of Documentary Judgment sworn allegations, its
direct evidence, A.G.O 97-11 (3-27-1997), NRS, 213-
1214(2), Title 28 U.S.C. 2201 and reliance of
this court's Hicks v. Kila, 747 U.S. 343 (1980), "only"
to discover, no available relief in the law for the Petit-
ioner, is to be provided and commonly shown and not
corrected (lawyers and defendants have been silent on
narrative exposing of flawed procedural safeguards
during initial screening, Rule 56(c) proceedings, initial
^{Appeal Court} screening, as well as, the appellate process (civil or
criminal proceedings), relying ANY Affirmative Defense

cont.

~~XIII~~

and hidden biases for jailhouse lawyers who become the only legal assistance the petitioners and others under illegal confinement, deprivation in declaring facts in dispute or declaring within its Orders, whether or not, during the initial screening had the complaint and direct evidence, gave Claims Of Merit, actual judicial review and determination, effected by Congress;

Please take a notice of the denial of being heard and of the formula(s) handed down to judges to comply with, when entertaining the Bailey File and any other prisoner's litigation of merit; see A.R.A. standards

The above mentioned procedural safeguards and the protection of 1st Federal courts, are pushed under courts rugs, where the Respondents have properly calculated for a lower court judge to declare [a] Declaratory Judgment Petition, treated as [a] lawsuit, (a 1983 civil rights complaint) to deny a trial, where law and direct evidence(s), clearly entitled the relief sought. (even Pro-Government Justice Thomas would agree).

Also, [a] sentence based upon a materially untrue assumption, whether counsel or stand-by counsel by careless or design in consistent with due process see Tamm and Burke, 685 Ct. 1262 (1948) (well-established law), after Respondents having shown the intention by the United States and all constitutional questions overruled, prior to Respondents being let off the hook, by its reliance of this court, not to provide the relief, due to the one (1) percent review, limiting the

cost.

XIII.

indigent prisoners, no percent review, another practice that, procedurally, closes the door on those who remained within the rules of the law, as set by prison, while facing judges and justices operating as attorneys on behalf of defendants, as their Orders reflect, goes unchecked, where the appeals get rubber-stamped, due to the lower courts claim Appeal Taken In Bad Faith, silencing the record, because of inability to file, filing fees, or

Moreover, dating back as 2012, the Respondents have been denying Appeal after Review, for there being no lack of means, as that state prisoners to pay filing fees. see 9th Cir. prior percent Orders and their court ruling, in *Take Thomas*, 508 F.3d 1225 (9th Cir. 2007).

Here, is what is unlawful, for many years, the Respondents have been relying on (3) strikes Rule 42-1 dismissals as strikes, "unapproved by Congress", coupled the Prisoner's Notice of Inability To Pay (cases 95-17213, (95) 98-15212 (98) and 12-16378), during the times of that litigation, nor had it been rendered such by this court.

Should the court case, Congress approved the P.L.R.A. (3) strikes, was not means for courts to be allowed to strike a prisoners litigation, for a lack of an inability to pay filing fees. see *Anderson VS King*, 398 F.3d 1113, 1120 (9th Cir. 2005) (P.L.R.A. was designed to stem the tide of egregiously meritless lawsuits) ...

cont.

XIII

And, while the Respondents relies on the Petitioner's poverty to deny judicial fairness, it is, created and entered prior and present litigation of the Petitioner's that conflicts with the decision in Jackson VS. Kern, 2005 WL 3465843, *2 (E.D. Mich., Dec. 19, 2005) also see Morse-Bey VS. Williams, 2005 WL 3276276, the conflicting department of determining 'Claims Of Merit', before it could strip the Petitioner of the statutory provisions of Title 28 § 1915(A) Supreme Court Rule 10(a);

Also, the Petitioner herein has shown compelling reasons for this court to maintain its original jurisdiction and expectations from this court, in further retaliation from the Respondents; Nevada Supreme Court, in case no. 86604 answer: Q⁽¹²⁾ Why Does Not The Letter Of Incarceration Generated And Prepared for the I.R.S. verifying incarceration, That Relies On A Request Verdict amounting to an implied acquittal under N.R.S. 174.085(3) and this court's ruling in Green VS. U.S., 72 S.Ct. (1957).

Q⁽¹²⁾ If The Nevada Department Of Corrections Info-structure Data Base System Did Not Recognize The Language Of Sexual Assault Without Use Of Deadly Weapon, Upon the giving a Letter Of Incarceration for the I.R.S. ? The language relied upon, in retaliation for exercising one of the few constitutional rights left concept

ing prisoners litigation.

Example: If the Nevada Court, capriciously adopts ~~its~~ ~~Magistrate~~ Order, including too, the Petitioner's Declaratory Judgment Petition and direct evidences, was filed as a civil rights complaint, because clear to all with common sense, the Petitioner's 1254, will suffer, especially, should the Nevada Court, ~~but~~ the lower court, but, ex-employee of the State of Nevada, method of aiding its prior employers, in covering-up a state conviction, that, is not, constitutionally affirmed by this court's standards, by placing 'direct evidence' (J.O.C. and letter of Incarceration Under Seal), that, gave Notice of ~~to~~ this court, when it has allowed the prison law library, to deprive the Petitioner legal supplies for the sole purpose of creating impediments upon the Petitioner's litigation, while refusing to issue its Order, compelling Respondents To Show Cause, How Was Sentencing Court, A's Office and Prison Officials Able To Rely On A Non-statutory crime or charged by way of the now-existing criminal offense, while, Southern Nevada (State & Federal Courts) and the 9th Circuit Court of Appeals, remains upholding any unfavorable decisions for the lower court.

Much like the Petitioner present,

(Appellate Court Case No. 2:22-cv-00970 (1) A
Notice Of Appeal, that, outlined the retaliatory claim
and a violation of the Petitioner's First Amend.
"Redress of genuine grievances, reprisal is prohibited;
and where the judicial record dating back to 2010,
case no. 12-80059 as ~~it~~ means to deny appellate
review, to avoid declaring, procedural safeguards
afforded to the Petitioner through Title 28 § 1915
(A)(1)(a) and (1), were and constantly abused by
the lower court, while awaiting of this court, to ~~only~~
enter into the 1% one percent of pleadings filed
before the court; while the rights of "nearly religious
science" were arbitrarily and capriciously denied, for
a period of (3) three months, without an establish-
ment of an actual psychological interest and or
concept; should the court care to apply, briefly,
the Turner Test see 2:22-cv-00381 (APG)

Note: Initial Complaint filed in the lower
court, sworn allegations were supported by direct
evidence¹³ violating the Federal Rules Of Evidence.
see Rule 901(11) of Fed R. Evid., yet, denied re-
view and determination, by the Respondents, because
of the Petitioner's lack of means to pay filing
fees, after presenting Claims Of Merit¹³ before
both Respondent's courts and the Respondent Appellate
Court, (the circuit) refusal to determine after
a challenged review, by incentive - erasing
procedures, violates Congressional Intent, attack

9 he had presented evidence of authentication
within prior Notices Of Appeals, case no.
2:21-cv-00057 (), material facts, that, were
genuine disputes, that court remained on
to grant the prison officials motion for
summary judgment, to deny the Petitioner a
civil trial, afforded them the First Amend-
ment. Bonds v. Smith, and where
Respondents relied upon its "OWN" fraud (Rule
42-1 dismissals are to be treated as strikes, in the
orders continued herein and case nos. 2:22-cv-00970
APG (KID) and 2:20-cv-01769 KID (KID) (both cases) in-
cluding a default judgment, that, was erroneously
denied, after, the lower courts screening
Order announced Defendant Boyan's liabilities,
then, claiming, service had not been served
upon Defendant Boyan, however, it was the
Attorney General's Office, whom, went before
the court to place under seal, the whereabouts of
Defendant Boyan, in order, that, Defendant Boyan
would not be subjected to the discovery phase
of the litigation, to cover-up, subjecting the
Petitioner to a ^{151P} ~~modest~~ day ^(ELVI) ~~custody~~, pro-
ducing anti-depressant for pain and nerves,
potting stemming from the Petitioner's "acute illness"
diabetes, without approval of any members of med-
ical health department of the prison, nor, was Notices
provided to the Petitioner, concerning the side effects

of the anti-depressant (Elavil) would cause during
'long term provided use of Elavil'; (the Petitioner sub-
scribes as possible - unknown and not temporary and
no permanent damage, loss of being able to re-
produce (caused by defendant Boyer, continuous
party, from: 2015 through and until the year, 2019;
(defendant Martin discontinuing of rat drug (Elavil)
'taken off the medical shelves, 2017, however, Defen-
dant Boyer continued providing the Elavil and re-
fusal of unregist and or neurology, both shown to
be debilitating, that, infringes upon prison day to day,
living, especially, where cellmate living has been requir-
ed and the sworn declaration of cellmates etc., dismis-
ed by sentencing judge, as well as, Directors of Nursing
Unit, where who holds liability for disregarded and
or conceal its duties, as superior respondents, well-
established, '600 Series' Administrative Regulations, pro-
vided Rule 56(c) court, whom misapplied the required
standard, by acknowledging, the Petitioner had NOT been
by medical ~~for~~ spider bite, until, (57) fifty-seven days,
rather than, the 'same day' (the court being a third party,
rules on behalf of Defendants' Boyer and Martin, the
Petitioner was provided medical treatment, the same day
the Petitioner was bitten, however, could NOT describe
or provide documentation outlining, outlining date, time
on the treatment and medications made available during
the alleged "one day" treatment for spider bite...

Quickly, presently before the Respondents

shown to this court, inference of retaliation,
inadequate medical care, while respondents
rely on case law, citing Estelle v. Gamble,
429 U.S. 97 (1976) (Petitioner v. Willard, F.3d
() (Case of no ^{out} medical care to be
adequately diagnosed, leaving the Petitioner with-
out clue, of taking a stool or urinalysis, during
the daily calls to nature), caused by prison doc-
tor's, does not leave Defendants' ^{life} in-table (Failure
to act: T.H. 4231986), because of an unchecked
and both claims, right after, misapplying Rule 56(c)
of the F.R.C.P. and receipt of service doctrine
to deny default judgment, after, the Nevada Att-
orney General Office, was shown to have accepted
service, there, placing his whereabouts 'under
seal', could only have been through Pose or
the Attorneys General, who commonly accept re-
presenting prison officials and their subordinates,
plus, the appearance the Respondent's (the Nevada
Court placing under seal: J.S.C. and Letter of
Incarceration, case no 2:14-cv-01725 (am)) and denied
addressing whether or not, should the Petitioner
be seen by mental health, prior to 'both'
people appearance, easily gives reasons of this
court to draw its unbiased inferences, that, has
plans of show-playing 2254 habeas petition,
actual insurance claims and repeatedly erase
the reliance and determinations of this court
Wt. : Slow Justice, Is No Justice.

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correctly applied application of law, relied upon by this court, Ordering of the lower court, cases 2:19 cv 0125 (GMM), to simply show cause, what makes 1.O.C. when it does not confined with Letter of Incarceration, the Petitioner's conviction, constitutionally strict, to maintain prison confinement, stemming from an Implied Acquittal, and violations of the A.P.A. (Title 53 et seq. herein) that set forth critical procedures that, provided a concern for the Petitioner's mental health, in the matter of public safety, and the Petitioner's possibilities of having been granted and on a Court of the United States, stand on its sworn oath, for limited purpose of this court, to provide or monitor from this court that, will ensure, Respondents will go back into the Petitioner's prior litigation, for review of properly filed Notice Of Appeals since, 2012, that, were not reviewed and determined, due to the Petitioner's not being able to file filing fees as a state prisoner, shall be reviewed and determined by the Respondent's up to the present mismanagements of justice's presently before the court, where it has been made clear, fair and unbiased treatment of the law, does not exist, for the Petitioner and for quite sometime, not, because of the Petitioner's erroneous created social status (3) States/Prisoner, its because the Petitioner chose to exercise the provisions of the First Amendment, seeking judicial

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and under the provisions of the PIRA and Title 28 § 1915 (a)(2), that, has not shown, claims of Merits were determined, prior to constantly and expressly created an impediment external while the balance of 42-1 dismissals, relied as strikes, along with conflict in circuits: 9th Circuit Court of Appeals and its Nevada lower court believes, the Petitioner and those state and federal prisoners can be denied and/or inapplication of law, denying fair and unbiased judicial review and determination, provides the court, its, once again, historical moments, to once again, provide its courts the just, proper and unburdened practices of ensuring the law, provides for the rich and poor. see

especially, within prison

litigation also see Casey v Lewis,

requesting

of the Respondents' Be Ordered To Show Cause How Claims And On grounds of Merits were not given meaningful review To Title 28 § 1915(A) (Also see (A), prior to invoking subsection (g))

CONCLUSION

WHEREFORE, It is prayed, an Order is issued that, both courts (Respondents be Ordered to show cause on reversal, how were Claims of Merit, denied statutory review (Title 28 § 1915(A), (A)(a) and (A), prior to invoking subsection (g)), without Congressional approved strikes, 42-1 dismissals appeal, amounts much more, when the courts purposely disregards the Supremacy Clause of Article 6 Section 2 of the United States Constitution - Further, should the record having been

court.

XIII

4

Review and determination so, outlined and required by the provisions of P.L.R.A., did not entitle the Respondents, to acts of fraud on the record declaring price 42-1 dismissals as stales, requiring of the lower court Dodgers to reflect, on actual review and determination was not shown, Claims of Merit, were screened on the grounds and as claims raised, serves as an impediment external to the Petitioner's litigation and his First Amendments of The Bill of Rights, unalienable rights granted by The United States Constitution, especially, when the subject of liberty is, at stake, warrants the appointment of an attorney, whom better understands presenting this Petitioner's "Cause of action", whom has made it clear, prison litigation (indigent) serves as a prospective of receiving and determination of the "Claims of Merit" herein.

Thus, through the act of repetitive exposing, Respondents violates Article 1 Section 10 of The U.S. Constitution states in part:

"No State shall . . . Pass Any . . . Law impairing the obligation of contracts (both between Congress and the Judicial Body of Government - Now - Compliance by Respondents' supersedes required substantive and procedural due process rights afforded Notice and Hearing on claims of Merit prior to the ongoing liberty interest, requiring of the United States to intervene pursuant to and relief sought.

Respectfully Submitted,