

IN THE **23-6603**
SUPREME COURT OF THE UNITED STATES
~~JANUARY~~ TERM 2023

NO.

ORIGINAL

JOHNNIE DEMOND JACKSON
PETITIONER

VS.

SHERIFF KEVIN R. SPROUL, et. al.,
RESPONDENTS

FILED

JAN 02 2024

OFFICE OF THE CLERK
SUPREME COURT OF THE U.S.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE 11 CIRCUIT

PETITIONERS ADDRESS: JOHNNIE DEMOND JACKSON ^{IO#} 22498
D.C.J.F
1302 Evelyn Ave.
ALBANY, GA.
31705

PROSE

Johnnie Demond Jackson

Date:

1/2/24

QUESTION PRESENTED

Whether the district court for the Middle District Albany, Georgia Division erred by not permitting the petitioner Johnnie Demand Jackson to supplement file accordingly to the Federal Rules of Civil Procedure Rule 15(d) to cure his defective Summary Judgment motion (Id. at case # 1:21-cv-00028-LAG-TQL), to file material facts.

PARTIES

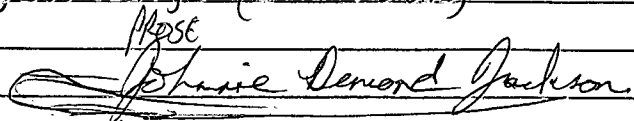
The Petitioner is Johnnie Demand Jackson, who is incarcerated at the Dougherty County, Ga. Jail facility vs. The Respondents Sheriff Kevin R. Sprawl, et. al., defendants.

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PPSE


DECISIONS BELOW:

The decision of the United States Court of Appeals for the 11th circuit is unreported. It is cited in the table as Appendix A.1 and a copy is attached as Appendix A to this Petition for Writ of Certiorari to the United States Supreme Court. The Order of the United States District Court for the Middle District of Georgia is not reported. A copy is attached as (Appendix W1), (Appendix L1), and (Appendix C1) to this Petition for Writ of Certiorari to the United States Supreme Court. Appeal was denied and district court decision affirmed, there was no rehearing en banc available.

JURISDICTION

The judgment of the United States Court of Appeals for the 11th circuit was entered on August 9th, 2023. An Order (unavailable) denying a Petition for Rehearing was entered on December 15th, 2023, and a copy of that order is attached as Appendix B to this petition. Jurisdiction is conferred by 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves Amendment XIV to the United States Constitution, which provides:

section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, without Due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

section 5. The Congress have power to enforce, by appropriate legislation, the provision of this article.

The Amendment is enforced by Title 42, section 1983, United States Code:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or the District of Columbia, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law,

suit in equity, or other proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

STATEMENT OF THE CASE

The petitioner's complaint, is a consolidated case that alleges the defendants violated his U.S. Constitutional Amendments in which caused him more than de minimis injuries, due to the fact of malicious and sadistic conduct the defendants (2X) failed to provide adequate medical care, (b) a First Amendment Mail Interference claim, (c) a Retaliation claim, (d) and a condition of confinement claim. Filed timely (Before summary judgment was granted to the defendants), the petitioner filed his motions to supplement ~~on clearly~~ justified grounds according to Fed. R. Civ. P. 15(d) so far to cure the defects in his Summary Judgment motions and to have his Motion for Summary Judgment filed according to Fed. R. Civ. P. Rule (56). "On just grounds, in which the petitioner ~~clearly~~ showed the district courts that he is the PROSE PLAINTIFF and the defendants are his facilitators," who only permitted him to a limited supply of legal material, "this caused him to have to supplement file his material facts," in which if he ~~would~~ have been permitted to supplement file, ~~clearly~~ he would've been granted Summary Judgment or a ~~Trial~~ date. The following are the ~~Grounds for the conspiracy~~:

(1) Kendrick, Miller, and Joiner knew the petitioner had an arm injury and failed to follow up with the doctors orders after his arm was injured by an officer repeatedly slamming his arm with a metal tray flap. The petitioner was PROSE PLAINTIFF then and still now housed by the defendants, in which only permitted a limited amount of supplies, in which caused him to (in this consolidated case), supplement file his material facts of specific Record two weeks after he filed his Summary Judgment motion in which caused a miscarriage of justice, due to the 13th Cir. district court denying him his Due Process Fourteenth Amendment Privilege to

IN THIS CONSOLIDATED CASE
(THE PETITIONER OBJECTED TIMELY TO NOT BEING GRANTED)
TO SUPPLEMENT FILE DUE TO SHORTAGE OF RESOURCES

Supplement file accordingly to Fed. R. Civ. P. Rule 15(d), consolidated case # 1:21-cv-00028;

(2) In this consolidated case # 1:21-cv-00028, ~~for~~ regarding to his condition of confinement claim, the petitioner lost 40^{lb} beginning at the weight of 205^{lb} then dropped to 163^{lb} due to deprivation of food in which he was in isolated confinement, in which caused a Atypical Hardship. Due to shortage of supplies or limited supplies, on the basis of the defendants who house the petitioner, he filed his summary judgment motion, then once again two weeks later filed his supplement motion and his supplemented material facts accordingly to Fed. R. Civ. P. (56) to show clear and convincing disputable facts, then was again denied to supplement file on this ~~justified~~ grounds on the above grounds of the defendants policy. Due to this miscarriage of justice, I move by this Petition for certiorari for reversal in this United States Supreme Court (district case # 1:21-cv-00028 then Appeal case # 22-13577) see central of Georgia Ry. Co. v. Yesbik, 146 Ga. 620. 91 S.E. 873 (Ga. 1917)

(3) In the Petitioner's Retaliation claim (he based on his Freedom of speech), he showed a documented order from the court to the defendants that ordered him to find out who falsified [sic] your medical record, then the defendants retaliated against him by filing a disciplinary ticket that stated "Jackson brought a Order from the court stating for him to find out who falsified his medical record," The petitioner ~~was~~ then placed in the isolation unit for 18 days, due to the defendants in the retaliation claim (retaliation). In their retaliation, he filed his claim in which got consolidated in case # 1:21-cv-00028. The petitioner filed his summary judgment motion, then filed his supplement motion to supplement file his material facts to his summary judgment motion and was denied his due process rights to supplement file, in which caused a miscarriage of justice, then denied appeal, then rehearing en banc unavailable case # 22-13577, now moves for reversal by this certiorari. see central of Georgia Ry. Co. v. Yesbik.

(4) In this consolidate case # 1:21-cv-00028 due to mail interference, the petitioner filed his summary judgment motion, then filed his supplement motion to file his material facts (accordingly to Fed. R. Civ. P. 15(d)), accordingly to Local district court Rule 56, then he was denied his due process right in case # 1:21-cv-00028 and appeal case # 22-13577, in which his facts would have awarded him with a summary judgment or a Trial date. Due to this miscarriage of justice, the petitioner files this certiorari for reversal. see central of Georgia Ry. Co. v. Yesbik.

(5) Furthermore, there is a supervisory claim in regards to inadequate medical care, in which based on the above grounds, the petitioner filed his motion to supplement file as of limitation of facilitators supplies and he objected due to denial of supplement filing his material facts. There was a miscarriage of justice and due process 14th Amendment violation, in which petitioner was denied. see case 1:21-cv-00028 and Appeal # 22-13577. see central of Georgia Ry. Co. v. Yesbik.

The Petitioner filed his timely objection on the grounds of not being able to supplement file 3 of 6

BASIS FOR FEDERAL JURISDICTION

This case raises a question of interpretation of the Due Process clause of the Fourteenth Amendment to the United States Constitution. The district court had jurisdiction under the general federal question jurisdiction to permit the petitioner to cure his defective summary Judgment Motion to Supplement file his material facts accordingly to Fed. R. Civ. P. (56) and 15(d) in which the petitioner timely filed his objection to denial of supplement filing.

REASONS FOR GRANTING THE WRIT

A. Conflicts with Decisions of other Courts

The holding of the Courts below Rule 15(d), Fed. R. Civ. P.; see U.S. ex rel. Kinney v. Stoltz, 327 F.3d 671, 673 (8th Cir. 2003) ("... [S]upplemental pleadings, not amended pleadings, are intended to cover matters occurring after the original complaint is filed." (citation omitted)).

Quaration v. Tiffany & Co., 71 F.3d 58, 66 (2d Cir. 1995) (the proposed supplemental facts must connect the new pleading to the original pleading); Keith v. Volpe, 858 F.2d 467, 474 (9th Cir. 1989). See All West Pet Supply Co. v. Hill's Pet Products Div., Colgate-Palmolive Co., 132 F.R.D. 202, 204 (D. Kan. 1993) ("unless good reason exists for denying leave, such as prejudice to the defendants, leave to supplement a complaint is to be liberally granted." (citation omitted)); Noval v. National Broadcasting Co., Inc., 724 F. Supp. at 145.

The Court may permit supplementation even when the original pleading is defective in stating a claim or defense. FRCP 15(d); U.S. v. Pharmacia Corp., 809 F.3d 1, 5 (1st Cir. 2015). The Petitioner, should have been permitted to supplement file so that he could provide every element of his case, instead of unjustly granting the defendants summary Judgment causing a miscarriage of justice in which he timely object to. In re Lewis Casing Crews, Inc., No. 11-00137-CV (Tex. App. Jul 10, 2014); Aguirre v. City of San Antonio, 995 F.3d 395 (5th Cir. 2021)

B. Importance of the Question Presented

This case presents a fundamental question of the interpretation of this court's decision in U.S. v. Pharmacia Corp., 809 F.3d 1, 5 (1st Cir. 2015). The question presented is of great public importance because it affects the operations of Fed. R. Civ. P. 15(d) in all 50 states, the District of Columbia, and hundreds of cities and jails, in which the U.S Courts grant Leave of Rule 15(d). Thus the 11th Circuit of middle District of Georgia, ALBANY DIVISION prejudiced and caused injury to the petitioner, by failing to sustain objection and permit supplementation to this consolidated case filed on justified ground accordingly to RULE 15(d)

in which the petitioner Johnnie Demand Jackson should have been granted leave to supplement file accordingly to Fed. R. Civ. P. 15(d) so far to cure his defective declaratory decree. The petitioner, timely filed his grands to supplement file his summary judgment motion (due to his Prose Indigent status in which the defendants were his facilitators only granting him limited supplies), based on justified grounds that would clearly not prejudice the defendants and would allow the petitioner to diligently prosecute his case for the court. The district court, clearly and convincingly prejudiced the ~~petitioner~~ then the 11th circuit Appeal court Affirmed it case #22-13577. Due to this miscarriage of justice, the petitioner files his writ of certiorari for a reversal and so far this Honorable court to exercise her "Inherent Power" to grant Due Process according to the Fourteenth Amendment of the U.S. of America constitution, in which the petitioner has diligently prosecuted his case all the way up to this Honorable United States Supreme Court "clearly and convincingly" showing why this Writ of Certiorari may be granted. Furthermore, "May the court take judicial notice that the petitioner according to the Fed. R. Civ. P. and Appellate Rules filed his objections to his supplemental motions being denied by the district court" clearly based on that ground. Finally, may the court take Judicial Notice that there was no judicial officer requesting nor available for rehearing en banc, furtherly violating the petitioners Due Process Rights. (I.D. at Appendix B). Central of Georgia Ry. Co. v. Yesbik, 146 Ga. 620, 91 S.E. 873 (Ga. 1917). see 28. U.S.C. sec. 2101 Supreme Court time for Appeal or certiorari; docketing; stay (United States Code (2023 Edition) Aguirre v. City of San Antonio, 995 F.3d 395 (5th Cir. 2020)).

CONCLUSION

For the foregoing grounds, the Petitioner prays this certiorari is granted due to this petition being filed within 90 days of Rehearing En banc being denied, "due to [sic] no judge in regular active service on the court having requested that the court be polled on rehearing en banc (I.D. at Appendix B). see US v. Tokars, 839 F. Supp. 1578 (N.D. Ga. 1993) In which, this both clearly violates the petitioners Due Process Rights to his Fourteenth Amendment privileges, due to there being constitutional and statutory provisions involved, that clearly and convincingly violates his rights for a declaratory decree and declaratory relief, due to there being a default in the 11th circuit court of Appeals in which the court filed [sic] no judge in regular active service on the court having requested that the court be polled on rehearing en banc. "clearly, this causes the petitioner a First, Fourth, Fifth, sixth, Eighth, Ninth, and Fourteenth Amendment to the United States constitutional violation, in which he is a born United States citizen." 1/2/24 ^{PROSE} Johnnie Demand Jackson