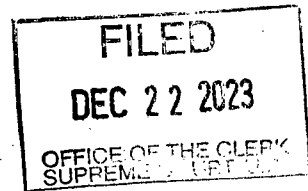


23-6668 ORIGINAL
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Roosevelt L. Linicomn Jr.

(Your Name) — PETITIONER

vs.

Harris County Sheriffs Department; "et al"

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The 5th Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Roosevelt L. Linicomn Jr.

(Your Name)

3401 Fannin st

(Address)

Houston, Tx 77004

(City, State, Zip Code)

713-256-6878

(Phone Number)

QUESTION(S) PRESENTED

1) DOES THE 14th AMENDMENT ; [AND SECTION 242 OF TITLE 18]
CONSTITUTE A MAN JUSTICE?

2) DOES THE DISTRICT COURT JUDGE HAVE ANY RULES TO GO BY UNDER THE
CONSTITUTION?

3) DOES THE 5TH CIRCUIT OF APPEALS HAVE ANY RULES TO GO BY UNDER THWE
CONSTITUTION?

LIST OF PARTIES

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

{DEFENDANTS LAWER}: JIM / JAMES CAROLL BUTT- "HARRIS COUNTY ASSISTANT ATTORNEY"

{DEFENDANTS}: 1) DRAVON, BOLDEN -BADGE #4E08

2) JEREMY, RILEY- BADGE #4E09

3) GASTON, CASILLAS M.D.- "HARRIS COUNTY SHERIFF OFFICE DOCTOR"

4)HARRIS COUNTY COMMISSIONERS COURT- COMPLANT DEPARTMENT

5) SIGMA- HARRIS COUNTY SHERIFF OFFICE- (INSURANCE COMPANY)

RELATED CASES

ROOSEVELT L. LINICOMN JR (VS) DISTRICT ATTORNEY "et al"

NO. 23-5615 UNITED STATES SUPREME COURT.

JUDGEMENT ENTERED: NOVEMBER 20, 2023

TABLE OF CONTENTS

| | |
|--|---|
| OPINIONS BELOW | 1 |
| JURISDICTION..... | 2 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED | 3 |
| STATEMENT OF THE CASE | 4 |
| REASONS FOR GRANTING THE WRIT | 5 |
| CONCLUSION..... | 6 |

INDEX TO APPENDICES

APPENDIX A -DECISION OF 5TH CIRCUIT COURT OF APPEALS

APPENDIX B -DECISION OF UNITED STATES DISTRICT COURT (SOUTHERN DISTRICT)

APPENDIX C -ORDER OF 5TH CIRCUIT COURT OF APPEALS DENYING TIMELY REHEARING

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

| | |
|--|----------|
| <u>Dexter EARL Kemp (Vs) United States</u> | [page 2] |
| <u>City of Santa CLARA (Vs) Daniell Harmon</u> | [page 3] |
| <u>FAIR FAX Hosp Systems (Vs) Nevitt Supreme Court</u> | [page 3] |
| <u>Thrasher (Vs) City of Amarillo</u> | [page 4] |

STATUTES AND RULES

(Rule 60); Relief from Judgement.

OTHER

14th Amendment

9th Amendment

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☐ For cases from **state courts**:

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

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

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

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

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was OCTOBER -27TH -2023.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: OCTOBER 19TH 2023, and a copy of the order denying rehearing appears at Appendix C.

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

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

☐ For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

#1) (from starting below); See: Citation: Document 44-1 in: (Appendix A) 2nd page; first paragraph. (Provisions)

Rule 3. Appeal as of Right—How Taken

(7) An appeal must not be dismissed for informality of form or title of the notice of appeal, or for failure to name a party whose intent to appeal is otherwise clear from the notice, or for failure to properly designate the judgment if the notice of appeal was filed after entry of the judgment and designates an order that merged into that judgment.

#2)_____ See: 2nd page of: (Appendix A) 2nd paragraph.

Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987), "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement."

#3)_____ See: (Appendix A) 2nd page; 3rd Paragraph

Lincoln's IFP motion challenges the district court's determination that the appeal is not taken in good faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry into whether the appeal is taken in good faith "is limited to whether the appeal involves 'legal points arguable on their merits' (and therefore not frivolous) *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (citation omitted)

#4)_____ See: 3rd page, (last paragraph) of (Appendix A).

Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993) (holding that pro se appellant must brief arguments to preserve them);

#5)_____ (Rule 60) See: (Document 100) last page :The Court denied plaintiff's Rule 60(b) motion on December 8th 2022; and these subsequent Rule 60(b) motions reiterate the same arguments on grounds for relief.

STATEMENT OF THE CASE

April 20th 2022 ; I was Incarcerated, on a 4th Amendment Violation, I was incarcerated for 4 months, the case was dismissed on August 19th 2022. One day after my incarceration Judge Alfred H. Bennett gave me the chance to correctly serve the Summons and Complaint by filing the correct paperwork, in case 20-cv-4207.

I wasn't able to accomplish this because I was incarcerated at the time. My case was dismissed because of this.

I found out case# 20-cv-4207 was dismissed by mail after changing the address. I was released on August 19th 2022 and started the process of reinstatement. I filed several motions for reconsideration and sent fact finding evidence of Incarceration to the District Judge in my case. After so much, and so many motions, the District Judge told me I was making the same arguments, and that I had ample time to file correct paperwork during my 1 year and 10 months of being on the case.

I explained to him that I thought I had correctly filed the Summons and Complaint. I also submitted Rule 60(b) and gave him a good reason for not completing the service. I attached facts by jail receipt, and attached {Rule 4} Summons; while requesting Reconsideration for the

flaw. I was thoroughly direct and gave a good cause for the failure and requested extension of time for an appropriate period. Nothing happened.

No Law or Rule was applied to my case, even with several submitted facts as evidence.

After so many motions and begging the District Court, I moved to 5th Circuit Court of Appeals for assistance. I filed a timely "Notice of Appeal". And afterwards the 5th Circuit said they didn't have jurisdiction, and labeled the other half of my Appeal as Frivolous ; my case was dismissed even though I gave fact finding evidence attached with law.

No Rule or Law was applied to my case.

After submitting a timely Motion for Rehearing. The 5th Circuit denied that motion on the 19th of February.

REASONS FOR GRANTING THE PETITION

The Supreme Court as the Highest Court in the land, is the of last resort for those looking for justice. Due to its power of Judicial Review, it plays an essential role in ensuring that each branch of government recognizes the limits of its own power. This is a National Importance.

District Court Case 20-cv-4207 was dismissed; and when laws came into play about reinstatement of the case, none were applied. Not after associating laws with the Case, not after showing evidence of incarceration, and not after several motions requesting {Rule 60(b)} Relief from Judgement.

I reasoned with the District Court, begging that he may apply the rules to the evidence. Still Nothing was good or fair, but very erroneous, especially for not applying the facts, the laws and Rules. How other people feel about similar situations, and circumstances has to be dreadful.

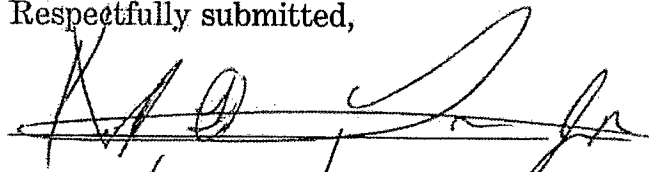
Dealing with these types of Judgement is a crucial thing, especially having your hand broken by a Cop, after calling them for help! The 5th Circuit Court of Appeals said everything I did in District Court didn't happen at all. They said the total opposite of all objectives I accomplished. District Court said I made the same arguments, 5th Circuit said I did not make the same arguments.

End result: No Rule, or Law was applied to my case or situation by either Court. So with all the conflicts involved it is essential that the Supreme Court decide the Questions involved, because the true importance, and factors are that some others are going through the same thing.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "K. A. D. [unclear] Jr.", written over a horizontal line.

Date: Nov 7th 2023