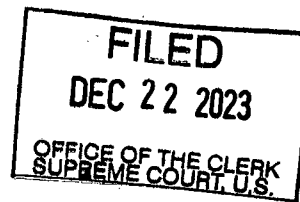


23-6699

No. 23-CV-0008

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

In Re Derlon Crain — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS

PETITION FOR WRIT OF MANDAMUS

Derlon Crain #91405
(Your Name)

Allen CORR. Center / 3741 Lauderdale Woodyard Rd.
(Address)

Kinder, LA 70648
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- ①. Why the Western Dist. Ct. did not honor Duties of Dist. Court by making a De Novo determination of those portions of Report to which objections was made?
- ②. Why same said Court did not honor Rule 5(A) is requesting a ruling as Motion to Reconsider, whereas, Petitioner is entitled to A Judicial Review 5 USC § 702 § 41.52?

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

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

Sheriff Tony Mancuso et al
Warden Buckhalter
Warden Miller

RELATED CASES

Case 2:15-cv-2290 2016 or 2017 where Petitioner Presented Medical Records to the Dist. Ct.

Case 2:15-cv-1033 2017 or 2018

Case 23-cv-0008 2021

DeRon Crain #91405

v.

Tony Mancuso et al

Clerk

#23-CV-0008

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Appendix A

1. Said Recommendations from magistrate Judge Kathleen KAY should have been overturned by District Court's De Novo determination - under 28 U.S.C. § 636 (b)

Appendix B

2.

Western District Court

3. Appendix C

See Page 2 Table of Authorities Cited

4. Appendix D

See Statement of Case - Page 6

5. Appendix E see page 7 Reasons for granting petition

6. Appendix F petitioner prays for a stay & have a day in Court

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STATUTES AND RULES Appendix (C)

72(b) and 28 USC § 636(b) 28 USC § 454. § 636(b)
Cato v. US / Pitman v. Moore / Goad v. MAY / Pliler v. Ford / Fennell v. Davis /
Barclay v. County of Tarrant Tex. / Cantieroz v. Peters / Hebbel v. Pliler /
Mulkey v. Stoney Point Missionary Baptist Church / Francis v. Astrue /
Schaffris Gas Co. v. Evans, Del Superior / Hudson v. McMillin / Lott v. Haley /
Porter v. Smith / Thiringer v. Barlow / Erickson v. Pardus /
Given Actions 16 E-1

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

☐ For cases from **federal courts**:

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

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

☐ For cases from **state courts**:

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

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

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

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

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Around July 2021 And Sept. 6, 2023

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

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: July 2021-Sept 6 2023 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. § 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

See Appendix (c) page number 2

STATEMENT OF THE CASE

2014 Defendants were notified by an administrative Grievance form of Plaintiff being in (harm's way) by not having in place an Professional medical staff doing initial blood screens and (TB) screens. Injuries that were foreseeable see Hessiter v. Southern Equipment Inc.

However, all defendants turned their heads with a Deliberate Indifference Behavioral act. see Brady v. Maryland - Ashcroft v. Iqbal. Because of such acts and not addressing the danger, Petitioner were first exposed - then became contaminated with (Active Tuberculosis).

REASONS FOR GRANTING THE PETITION

PETITIONER'S REASONS FOR GRANTING PETITION is because after (9) Long Years of litigating, for sole reasons of having this DANGEROUS and DEADLY RESPIRATORY disease

In which now have resurfaced from (latent) back TO (Active Tuberculosis) ~~once again~~, and to MOREOVER, the DISTRICT COURT has hindered PETITIONER for getting into their Courts for DUE PROCESS and Redress.

FURTHERMORE, DISTRICT COURT are completely in ERRORS and with violations of Louisiana's Constitutional Guidelines, after PETITIONER Paid complete \$400.00 under Adegbay v. Hammon and to with Guidelines of Federal and State Rules.

2021 PETITIONER refiled from 2014 same said claim into Western DIST. COURT - under Adegbay v. Hammon but (denied). June 2021

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Debra Crain

Date: 1/25/24