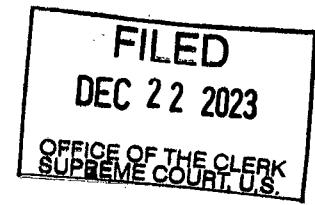


23-6699

No. 23-cv-0008

OPENED

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 Woodard 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) in Requesting a Ruling on 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 BuckHaultier
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

Debtors Crain #91405

v.

TONY MANGUSO et al

#23-CV-0008

Clerk

TABLE of Contents

APPENDIX (A)

1. Said Recommendations from Magistrate Judge Kathleen KAY should have been overruled 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

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

Annotated Table of Contents

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER 2

23-cv-15008

STATUTES AND RULES APPENDIX (C)

72(b) and 28 USC § 636(b) 28 USC § 636(b)
Cato v. US / Pitman v. Moore / Goad v. MAY / Pilzer v. Ford / Fernau v. Davis /
Barcroft v. County of Tarrant Tex. / Rutierrez v. Peters / Hebber v. Pilzer /
Mulkey v. Stovey Point Missionary Baptist church / ~~+~~ Franco v. Astreue /
Schafran Gas Co. v. Evans / Del Supor / Hudson v. McMillis / Lott v. Haley /
Pilzer v. Smith / Thiringer v. Barlow / Erickson v. Pardus /
Biven Actions / 6 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. 16, 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 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).

Page number 5

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} Hessifer v. Southern Equipment Inc.

However, all defendants turned their heads with a Deliberate Indifference Behavioral act. ^{see} Brady v. Maryland - ashcroft v. iqbali. Because of such acts and not addressing the danger, Petitioners 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 error(s) and with violations of Louisiana's Constitutional Guidelines, after Petitioner Paid complete \$400.00 under Adeleqba v. Hammon and to with Guidelines of Federal and State Rules.

2021 Petitioner Re-filed from 2014 same said claim into Western Dist. Court - under Adeleqba v. Hammon but (denied). June 2021

CONCLUSION

The petition for a writ of mandamus should be granted.

Respectfully submitted,

Debra Cram

Date: 1/25/24