

PETITION FOR WRIT OF CERTIORARI

(Page #1)

D-15 (revised 2-21-2013)

CASE NO. 23-6704

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

JOSHUA P. LINDSEY → - Petitioner;

VS

JUDGE SARAH E. BARTER → - Respondent;
U.S. DISTRICT COURT OF
SOUTHERN INDIANA

FILED

JAN 18 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI

ORIGINAL

AGAINST



THE DECISION OF THE
U.S. COURT OF APPEALS FOR THE
SEVENTH CIRCUIT

Attorney for Petitioner:

Joshua Lindsey

DOC# 112177

Pendleton Correctional Facility
4490 West Reformatory Road
Pendleton, IN 46064-9001

Petitioner / pro se

JOSHUA LINDSEY

PHONE NUMBER

(765) 778-2107 / Ext. 5104

(Page #1)

(QUESTION(S) PRESENTED)

The Question Presented
For Review, Expressed
Concisely In Relation
To The Circumstances
OF Petitioner Joshua Lindsey's
Case CONSIST OF DID
Respondent U.S District Court
Judge OF ~~Southern~~
Indiana, Judge Sarah E Barter
Deliberately And Maliciously
VIOLATE Petitioner. Lindsey's
14TH Amendment U.S
Constitutional RIGHT With
Judge Barter's (TWO)
Consecutive Sanction Orders ✓
That BAR'S Lindsey For (LIFE)
From FILING ANY CIVIL ACTIONS.

()

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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:

CASE RELATED ISSUE

UN-CONSTITUTIONAL SANCTION ORDERS

RELATED CASES

COTNER Vs. HOPKINS

795 F.2d 900

U.S. COURT OF APPEALS FOR
THE TENTH CIRCUIT (1986)

CARTER Vs. U.S.

733 F.2d 735

U.S. COURT OF APPEALS FOR
THE TENTH CIRCUIT (1984)

MARTIN Vs. FOWLER

804 F. APP 414 (7TH CIR 2020)

() (3)

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Appendix B - FIRST SANCTION ORDER U.S. DISTRICT COURT OF SOUTHERN INDIANA

Appendix C - Final Judgment Order / Dismissing Case U.S. DISTRICT COURT

Appendix D - Order Continuing Filing Restrictions U.S. DISTRICT COURT

Appendix E - Order Striking Documents / Return Unfiled U.S. DISTRICT COURT

Appendix F - Notice From Clerk For Perceived Complaint OF JUDICIAL MISCONDUCT AGAINST JUDGE BARTER

Appendix G - Motion To Proceed In Forma Pauperis 28 U.S.C. § 1915(G) REJECTED BY Judge Barter

Appendix H - AFFIDAVIT REJECTED BY Judge Barter

(TABLE OF AUTHORITIES CITED)

CASES:

PAGE NUMBER'S

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IN RE: GREEN, 669 F.2d 779 (1981) PAGE # 21

IN RE: OLIVER, 682 F.2d 443 (1982) PAGE # 21

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STATUTES & RULES:

PAGE NUMBER'S

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OTHER:

PAGE NUMBER:

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

The Petitioner respectfully prays that this Honorable Court issue a writ of certiorari 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 reporter; 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 reporter; or,
☒ is unpublished.

N/A ☐ 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 reporter; 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 reporter; or,
☐ is unpublished.

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 27, 2023

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

No ☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

No ☐ 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).

N/A ☐ 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).

Judge Sarah E Barter's

Two Un-constitutional

Sanction Orders Maliciously

VIOLATE ALL OF The

U.S Constitutional Amendments

And U.S. Statutory Codes

Listed

Below



U.S CONSTITUTIONAL
PROVISION VIOLATIONS OF
14TH AMENDMENT) ~~ACCESS~~ TO
THE COURT'S CLAUSE.
5TH And 7TH AMENDMENT'S

U.S STATUTORY CODE
PROVISION VIOLATIONS OF

42 U.S.C.S § 1981

42 U.S.C.S § 1983

28 U.S.C.S § 1657

28 U.S.C.S § 1915 (g)

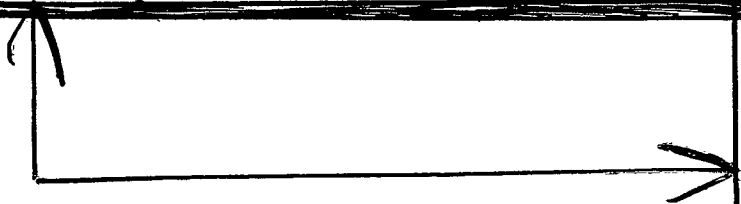
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STATEMENTS

OF THE

CASE

FACTS



(PAGE #10)

(10 ^{Through} 27 pages)

INTRODUCTION

LEGAL

ARGUMENT

STATEMENT'S

OF

THE

CASE - FACTS

(10)

(10)

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INTRODUCTION

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LEGAL

ARGUMENT

INTRODUCTION

① Petitioner Joshua Lindsey,
Pro-Se Counsel is Respectfully
Submitting Petitioner's Petition For
WRIT OF Certiorari To
The Chief Judge of
The United States SUPREME
COURT

In Regards To
The TWO UN-CONSTITUTIONAL,
HARSH MALICIOUS SANCTION
ORDER'S That Were
Issued From U.S Southern
District Court Judge
Sarah E. Barter. To Lindsey.

INTRO.

LEGAL ARGUMENT

② Judge Sarah E. Barter's Two
Consecutive " " Sanction Order's
Completely And/or PERMANENTLY

~~BAR/BAN~~

Lindsey From
Filing Any More 1983 CIVIL
Actions In Any U.S COURT
For (LIFE) Which is A DIRECT
Violation OF Lindsey's 14th Amend-
ment U.S. Constitutional Right.

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(PAGE #12)

STATEMENT OF THE FACT'S

U.S. SOUTHERN

DISTRICT COURT

JUDGE

JUDGE → SARAH E BARKER

(RESPONDENT) →

(12)

(6)

STATEMENT OF THE FACTS

20

JUDGE SARAH E. BARTER

REFERENCE: → LINDSEY VS. NOLL
CASE NO: 1:20-CV-00444-SEB-TAB

BRIEF SUMMARY OF
INFORMATION REGARDING
THE INITIAL ~~REASON~~
FOR THE ISSUANCE OF
JUDGE BARTER'S (FIRST)
SANCTION ORDER.

- ① Judge Barter ~~Accused~~ Lindsey of
Altering I.D.O.C Employee John
Cook's Notary Form During The
Proceedings Regarding Lindsey's Presently
Dismissed Civil Action That Was
Filed Against Wexford
Employee Dentist Greg NOLL.
(CASE NO: 1:20-CV-00444-SEB-TAB).
- ② Judge Barter Ordered A ~~Hearing~~
Parey Hearing For The Date of 3/8/2021.
(DOCUMENT #72)
- ③ Judge Barter Issued Her (FIRST)
Sanction Order Against Petitioner Lindsey on
(DOCUMENT #90-3) The Date of 3/10/2021.

(STATEMENT OF THE FACTS)

20

JUDGE SARAH E BARKER

(REFERENCE: → SUMMARY OF DISMISSED CASE'S SANCTION ORDERS — CONTINUED FROM PAGE #6)

④ On The Date of 3/20/2021, Lindsey Mailed In Lindsey's NOTICE OF APPEAL Directly To Head clerk Roger A.G Sharpe's OFFICE, (Room # 105), Through The U.S Postal Services, Because Lindsey Was BARRED By Judge Barker From Using The E-Filing Process. For Filing Certain Types of Pleadings.

⑤ Lindsey's Notice of Appeal Was In Regards To Lindsey's Urgent Desire To Appeal Judge Barker's Un-constitutional TOTAL MACH BAR Sanction Order That Was Filed On The Date of 3/10/2021.

⑥ Head clerk Roger A.G Sharpe (VIOLATED) The (Terms) Indicated In Judge Barker's Sanction Order And (Refused) To (File) Lindsey's NOTICE OF Appeal And (Mailed) Lindsey's Notice OF Appeal (BACK) TO (Lindsey) With A RESTRICTED — (FILER) NOTICE.

1 1 1

101 114

1 1

(Page #15)

(~~scribble~~)



UNITED STATES DISTRICT COURT
Southern District of Indiana

Roger A. G. Sharpe, Clerk of Court

Birch Bayh Federal Building
& U.S. Courthouse, Room 105
46 East Ohio Street
Indianapolis, IN 46204
(317) 229-3700

U.S. Courthouse, Room 104
921 Ohio Street
Terre Haute, IN 47807
(812) 231-1840

Winfield K. Denton Federal Building
& U. S. Courthouse, Room 304
101 NW Martin Luther King Blvd.
Evansville, IN 47708
(812) 434-6410

Lee H. Hamilton Federal Building
& U.S. Courthouse, Room 210
121 West Spring Street
New Albany, IN 47150
(812) 542-4510

A copy of your submission to this Court is being returned to you, unfiled, as you
have been deemed a 'restricted filer' by Order of this Court or the 7th Circuit Court of
Appeals.

↑ ↑ ↑
(SARAH E. BARBERS COURT)

Sincerely,

Pro Se Administrator

Enclosures

(15)

STATEMENT OF THE FACTS

JUDGE SARAH E BARKER

(REFERENCE:) → JUDGE BARKER'S
UN-CONSTITUTIONAL
SANCTION ORDERS.

⑦ On The Date of 3/31/2021,
Judge Barker Issued Her
Final Judgment Order,
(DOCUMENT # 89)
For Lindsey's Civil Action Regarding
Case No. 1:20-cr-00444-SEB-TAB.

⑧ On The Date of 4/13/2023,
2 Long years After The
Date of 3/31/2021, Lindsey's
Motion For Rescission
OF Judge Barker's
FIRST Sanction Order Was
Filed With The Clerk Only Because
Lindsey Mailed His Motion
Directly To Judge Barker's
Chambers Through The U.S
Postal Services. Which Bypasses
The clerk's office's Negligence.

⑨ On The Date of 9/9/2023, Lindsey's
Motion For Rescission Was (Maliciously
(Denied) By Judge Barker.

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STATEMENT OF THE FACTS 20

JUDGE SARAH E. BARKER

REFERENCE: → JUDGE BARKER'S
(SECOND) UN-CONSTITUTIONAL
SANCTION ORDER

- ⑩ ALSO On The Same Date of 8/9/2023,
Judge Barker Issued Her
SECOND Sanction Order,
DOCUMENT # 104
Case No: 1:20-cv-00444-SEB-TAB

Against Petitioner Lindsey.

- ⑪ The Reason That Judge Barker
Issued Her Second Sanction
order Against Lindsey
Is Because Judge Barker
BiaSLy Convicted Herself That
Lindsey Had Altered A
I. D.O.C Seal Stamped Letter
That Was Typed up In
Support of Lindsey By
Former I. D.O.C Caseworker
William Frame. That Was Filed
With Lindsey's Motion For Rescission
OF Judge Barker's First
Sanction Order.

~~SEE DEPOSITION OF JUDGE BARKER~~
11/17/

STATEMENT OF THE FACTS

20

JUDGE SARAH E BARTER

(REFERENCE:) → JUDGE BARTER'S
PERSONAL, EVIL,
UNPROFESSIONAL GROUPE
AGAINST PRISONER/PETITIONER
JOSHUA LINDSEY.

(12) On The Date of 6/19/2023,

Lindsey Mailed In Directly To
Judge Barter's Chambers, Legal Mail,
Labled Ex-parte Communication
Documents On The Outside
OF The Brown Legal Envelope,
which consisted of Lindsey's Notice To The
Court Regarding Barter's
Deliberate DELAY To Rule
on Lindsey's Motion For
Rescission.

(13) Lindsey's Notice TO The Court
Language Consisted OF Calling
Barter The NOT So Nice,
~~Names~~ Names Listed Below

A) GRUMPY MEAN OLD LADY

B) ARROGANT EGO MANIC CHIEF JUDGE WANNABE

C) OVERLY SENSITIVE AND NON-IMPARTIAL

D) PSYCHOPATHIC, ANTI PRISONER OLD WITCH.

STATEMENT OF THE FACTS

JUDGE SARAH E BARKER

(REFERENCE:) → JUDGE BARKER'S
VIOLATIONS OF
TWO RULES OF THE
FEDERAL RULES OF CIVIL
PROCEDURE.

↓ ↓ ↓ ↓ ↓
⑭ Judge Barker Violated RULE # 11 (C)(3)
OF The Federal Rules
OF Civil Procedure
When Barker Deliberately
(REFUSED) TO Issue A
Show Cause ORDER TO
Lindsey (Before) Barker
Issued Her FIRST Sanction Order.
(Doc# 90-3)
(CASE NO: 1:20-cv-00444-SEB-TAB)

⑮ Judge Barker Also Violated
RULE # 60 (1)(3) OF The Federal
Rules OF Civil Procedure,
When Barker Deliberately
(REFUSED) TO Issue A Ruleing
On Lindsey's Motion For
Reconsideration OF Barthers Denial
OF Lindsey's Motion For Rescission
Which Was Mailed To Barker's
Chambers On "The Date OF 8/15/2023."

STATEMENT OF THE FACTS

JUDGE SARAH E BARKER

(REFERENCE:) → JUDGE BARKER'S LIST
OF ~~U.S.~~ U.S. STATUTES,
AND U.S. AMENDMENTS
VIOLATIONS REGARDING
BARKER'S (MERITLESS)
SANCTION ORDERS.

(16) Judge Barker's Malicious, Evil,
Un Professional Personal Grudge
Possessed Barker To Issue
Two Un-constitutional Back To
Back Sanction Orders That
CONSIST OF A Extremely HIGH
UN-PAYABLE Sanction Order FINE
OF \$2,650.00 Dollars Against
Lindsey, A PERMANENTLY INDIGENT
SENIOR CITIZEN Prisoner With
Serious Life Threatening
Gastrointestinal Health Issues.

(17) Judge Barkers TOTAL mach (BAR) Sanction Orders Execute An
Absolute (Preclusive) Effect On Lindsey's
Access To The Courts.

(VIOLATIONS)

1	28 U.S.C.S § 1915 (9)
14TH AMENDMENT	42 U.S.C.S § 1983
5TH AMENDMENT	42 U.S.C.S § 1981
7TH AMENDMENT	28 U.S.C.S § 1657

Cotner v. Hopkins

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Treatment

Summary

Affirming Imposition of sanctions in civil rights actions

Summary of this case from Cotner v. Known & Unknown Drug Cartel Members
See 13 Summaries

Delegate legal research to CoCounsel, your new AI legal assistant.
Try CoCounsel free

Opinion

Nos. 85-2431, 85-2432.

July 15, 1986. Rehearing Denied September 9, 1986.

Robert E. Cotner, pro se.

Appeal from the United States District Court for the Eastern District of Oklahoma.

Before SEYMOUR and MOORE, Circuit Judges, and KANE, District Judge.

The Honorable John L. Kane, Jr., United States District Judge for the District of Colorado,
sitting by designation.

PER CURIAM.

IN RE: GREEN, 669 F.2d 779 (1981)

IN RE: OLIVER, 682 F.2d 443 (1982)

IN RE: TYLER, 839 F.2d 1290 (1988)

(COTNER VS HOPKINS)
795 F.2d 900 (1986)

file in forma pauperis except upon a showing of good cause). Thus, the restrictions imposed were appropriate.

We turn now to the district court's imposition of the \$1,000 fine pursuant to Fed.R.Civ.P. 11. Rule 11 was amended in 1983 to expand the authority of district courts to impose sanctions to discourage dilatory or abusive tactics by litigants or their attorneys. Under the Rule, the party or attorney, in signing a pleading, affirms that, after making a reasonable inquiry, he believes in good faith that the pleading is well grounded both in fact and in law. *Elliott v. Perez*, 751 F.2d 1472, 1480-81 (5th Cir. 1985). The district court's imposition of a sanction under Rule 11 is subject to review for abuse of discretion. *Chevron, U.S.A., Inc., v. Hand*, 763 F.2d 1184, 1187 (10th Cir. 1985).

Recently, the Eleventh Circuit held that there may be circumstances in which it is appropriate to impose a fine for a violation of Rule 11. *Donaldson v. Clark*, 786 F.2d 1570, 1576-77 (11th Cir. 1986). The court cautioned, however, that when the fine is imposed as punishment, the court imposing the fine must follow the procedures required in criminal contempt proceedings. *Id.* at 1577. In our view, those contempt procedural protections are indicated here where the fine was precipitated, in part, by plaintiff's failure to comply with a previous court order. Thus, we conclude that the district court abused its discretion in failing to afford plaintiff the procedural protections of Fed.R.Crim.P. 42(b) prior to imposing the \$1,000 fine.

Further, the payment of the sanction appears to be an absolute precondition to future filings, and consequently a possible total bar to plaintiff's access to courts. This court, however, has held that sanctions cannot result in total preclusion. *Carter v. United States, supra*. Therefore, we hold that when prepayment of a sanctions has the effect of a restriction of the filing of future actions, findings must be made to determine whether a litigant is able to make such payment so as to avoid an absolute preclusive effect on access to courts.

Finally, plaintiff has filed a motion in this court requesting a stay of the imposition of the fine pending appeal. As the \$1,000 fine is vacated by this order, this motion is now moot and is, therefore, denied.

The district court's judgment is **AFFIRMED** to the extent that it dismisses the complaints on the merits and imposes restrictions on future filings. The \$1,000 fine is VACATED and the case is REMANDED for determination by the trial court whether to reinstitute or vacate the proceedings for assessment of a fine.

The mandate shall issue forthwith.

(PETITIONER'S RELIEF SOUGHT)

RELIEF SOUGHT
PREFERRED OPTION

Petitioner Lindsey Respectfully
Request That The Reviewing
Judges OF The
Supreme Court OF The
United States Issue
A ORDER TO The
Respondent, U.S District Court
Judge Sarah E Barter
That Consist OF
Ordering Judge Barter To
Immediately RESCIND
Her UN-CONSTITUTIONAL
Sanction Order And
Authorize Lindsey To File
His Emergency 42 U.S.C.S. § 1983
CIVIL Actions. That
Lindsey Has Ready To File Right Now !!

Next page →

PETITIONER'S RELIEF SOUGHT

RELIEF SOUGHT

ALTERNATIVE OPTION

IF The Judges OF The
Supreme Court OF The
United States Do NOT
Prefer To Order The
U.S District Court,
Judge Barker To Rescind
Her Sanction Order,
Then Petitioner Lindsey
Request That The
U.S Supreme Court Issue
A (Order) To Respondent
Judge Barker That Orders
Barker To (ALLOW)
Petitioner Lindsey To
File Lindsey's TWO
Emergency IMMINENT DANGER
OF SERIOUS PHYSICAL HARM
CH2 U.S.C.S § 1983 CIVIL Actions
In Forma Pauperis Status
Pursuant TO 128 U.S.C.S § 1915 (g)

(TWO EMERGENCY CIVIL ACTION) Respectfully
CASES → LINDSEY VS. PIERCE Submitted
→ LINDSEY VS PFLEEGER
(24) / 10 / 10

REASON FOR GRANTING THE PETITION

Petitioner Joshua Lindsey's

Reason why The Honorable

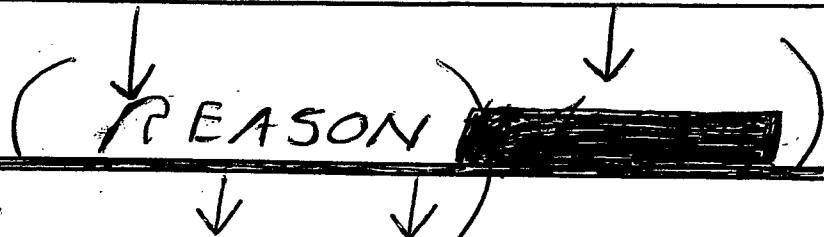
Justices OF The

Supreme Court OF The

United States Should Grant

Petitioner Lindsey's Petition

Are Listed Below



① Respondent Judge Sarah E Barter's
Two Meritless, Malicious
SANCTION ORDERS ~~BAR~~
Petitioner Lindsey For ~~LIFE~~
From Filing Any More
42 U.S.C.S § 1983 CIVIL Actions
In Any U.S District Court.

② Judge Barter's Two Sanction
Order's VIOLATE Petitioner
Lindsey's 14th Amendment's RIGHT,
ACCESS TO THE COURT'S
PROVISION!!!

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CONCLUSION

(26 OF 27 TOTAL PAGES)

(CONCLUSION)

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joshua Smith

PETITIONER

Date: 1 / 13 / 2024

00/26/