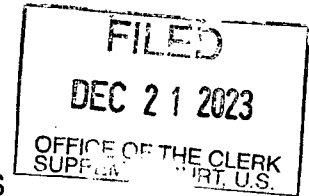


23-6778
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



In re REIDIE JAMES JACKSON — PETITIONER
(Your Name)

VS.

BOBBY LUMPKIN — RESPONDENT(S)

PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS TO
~~ON PETITION FOR A WRIT OF CERTIORARI TO~~

The Fifth Circuit Court of Appeals ~~nor~~ the district court have
ruled on the motions in question.

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

PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS
~~PETITION FOR WRIT OF CERTIORARI~~

REIDIE JAMES JACKSON

(Your Name)

#1164177

Michael Unit - 2664 FM 2054

(Address)

Texas, 75386-0000

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Can the district court or Court of Appeals refuse to rule on Petitioner's motions for 'expedited review' and for 'release pending adjudication' in a habeas corpus proceeding in a case that has been pending two-plus years, despite that there has been a breach of contract established on the record?

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:

- 1.) Reidie James Jackson - Principle;
- 2.) REIDIE JAMES JACKSON - Corporate Person;
- 3.) Judge Robert W. Schroeder, III - Eastern Dist.;
- 4.) Bobby Lumpkin - Director;
- 5.) Michael Britt, Sr. Warden.

RELATED CASES

- 1.) Jackson v. Lumpkin - Cause # 3:21-CV-31
- 2.) Jackson v. Lumpkin - Cause # 22-40220
- 3.) In re Reidie James Jackson # 22-7384
- 4.) In re Reidie James Jackson # 22-40738
- 5.) In re Reidie James Jackson # 23-40420
- 6.) State v. Jackson - Cause # 69111-D, Potter County
- 7.) State v. Jackson - Cause # 77472-D Potter County

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STATUTES AND RULES

28 USC § 2241(c)(2);
28 USC § 1651;
28 USC §§ 1343, 1367;
TEXAS Code of Criminal Procedure (T.C.C.P.) articles
11.04, 11.32;
Rule 23 Federal Rules of Appellate Procedure

OTHER

U.S. Constitution, Amendments 8, 14

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF ~~CERTIORARI~~ ^{MANDAMUS}

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 i to the petition and is

☐ reported at N/A; 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 N/A to the petition and is

☐ reported at N/A; 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 N/A to the petition and is

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

The opinion of the N/A court appears at Appendix N/A to the petition and is

☐ reported at N/A; 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 10, 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: NA, and a copy of the order denying rehearing appears at Appendix NA.

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

The jurisdiction of this Court is invoked under 28 U. S. C. § ~~1254(1), 1651~~, 1652

☐ For cases from **state courts**:

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

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

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

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

1651 All Writs Act

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A.) At the U.S. district court level the petition for a writ of habeas corpus was initially brought under 28 U.S.C. § 2254 but was amended on the second amended petition to be under 28 U.S.C. § 2241(c)(3). so were 28 U.S.C. §§ 1343, 1367, and 1652 as well as Hagans v. Levine, 415 U.S. 545-46 (1974).

Petitioner filed the 'motion for release pending adjudication in a habeas corpus proceeding' pursuant 28 USC § 1651 All Writs Act to address the incorporated issues of the pre-trial detainers from the Galveston Cause # 3:21-cr-31.

B.) The Court of Appeals for the Fifth Circuit granted the motion for in forma pauperis for Case Number: 23-40420, a petition for a writ of mandamus, brought pursuant 28 USC § 1651 All Writs Act.

The Motion for Release of a Prisoner in that court was filed as a Rule 23 motion.

C.) Petitioner filed the instant petition pursuant 28 USC § 1651

STATEMENT OF THE CASE

The instant petition has come to be in this Court after many years of effort on Petitioner's behalf; the two-plus years in the Eastern District only the most recent. The underlying case, CAUSE NUMBER: 5:21-cv-149 has another case incorporated into it: CAUSE # 3:21-cv-31, from the Southern District of Texas.

Cause # 5:21-cv-149 was filed during the Covid-19 pandemic after Governor Greg Abbott signed proclamation GA-13, declaring, pursuant Texas Disaster Act, that, as it turned out, Texas prisoners would not receive any relief because of Covid-19 related issues like similarly situated prisoners Nationwide. It was also filed subsequent to various attacks made against Petitioner because of his participation in Cause # 3:21-cv-31. (See #3 on Civil Docket Motion for Emergency Restraining Order)

Both Causes of Action claim a breach of contract. Cause Number 3:21-cv-31 requests declarations of "void," while Cause # 5:21-cv-149 makes a legitimate claim for forfeiture against the ACCOUNT # 01164177 and the proceeds during periods of undue enrichment.

It appears that neither of the above mentioned CAUSES OF ACTION should leave Petitioner in prison, so he filed a motion for release pending adjudication on his habeas corpus petition on 09-08-2023, after the U.S. Magistrate Judge James Boone Baxter issued a 'Show Cause Order' on 07-18-2023 in response to the 07-17-2023 'Notice that Petitioner had filed a petition for a writ of mandamus' claiming that he had a right to have his habeas petition adjudicated in a timely manner. The petition to the 5th Circuit was denied without prejudice to reinstating in (180) days if an adjudication had not occurred within that time.

Petitioner filed motions to be released pending adjudication in both of the lower courts, to no avail, even though motions for expedited review accompanied them months ago.

REASONS FOR GRANTING THE PETITION

- ① This case involves breaches of contracts as well as equal protections under the law as this Court's appellate authority covers in Hewitt v. Helms, 459 U.S. at 485-86 and Wolff v. McDonnell, 418 U.S. 539, 558 (1974). Petitioner's rights are not being preserved as required by the above cases.

It would aid this Court's Appellate jurisdiction to issue forth a writ of mandamus instructing the district court to rule on the motion within a time period that would logically allow time for this Court time to rule on the issue should it be unfavorable to Petitioner - that is between the October 10, 2023, (US) day deadline given by the 5th Circuit for adjudication.

- ② It would aid this Court's appellate jurisdiction to instruct the district court to hear the motion for expedited hearing and release because Fay v. Noia, 372 U.S. 391, 400 (1963) declared that judges such as Respondent district judge Schroeder, should afford "swift and imperative" remedies in habeas corpus proceedings, such as Petitioner's below.

It appears that material actions have been taken favorable to relief, but we are well past two years with many of the same violations being perpetrated against Petitioner; "swift and imperative" would be instructed through mandamus with immediate relief.

- ③ The circumstances are extraordinary and ongoing, and probably exponentiated all across Texas. Not hearing the motions in question encourage the TDCJ Administrators to inflict irreparable harm while simultaneously refusing any meaningful ministerial duties. This Court has the authority to order the district court to rule under the present circumstances. See Hollingsworth v. Perry, 558 U.S. 183, 190 (2010).

Petitioner has no other adequate remedy at law.

CONCLUSION

The Court would aid its appellate jurisdiction by (1) Instructing the district court to hear motions without delay; (2) Instruct Petitioner be transferred to halfway house without delay; Such other and further relief deemed equitable ^{Mandamus} by law.

The petition for a writ of ~~certiorari~~ should be granted.

Respectfully submitted,

Reidie Jackson

Date: 01-21-2024