

NO. 23-7507

Date: August 20, 2024

IN THE

Date Sent: 08-23-2024

Supreme Court of the United States

KENNETH ALLYN WASHINGTON,

Petitioner

v.

DEPUTY RAYL, et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

REPLY BRIEF IN OPPOSITION TO BRIEF IN OPPOSITION TO
PETITION FOR A WRIT OF CERTIORARI

KENNETH A. WASHINGTON

Pro se of Record

St. Joseph County Jail

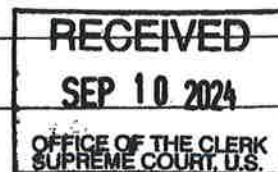
401 W. Sample St.,

South Bend, IN 46601

August 20, 2024

Pro se Petitioner

G115 Cell D.C.A. #112153



COUNTERSTATEMENT OF QUESTION PRESENTED

Whether the Court of Appeals and District court Followed well established law, ABUSED ~~his~~ their discretion, or error in denying Petitioners' Motions For Extension of Time to File his notice of Appeal in the presents of excusable neglect, ~~an~~ Good Faith, ~~and~~ good cause, for ~~the motions;~~ and in the intrest of Justice for all Americans for the motions; and

Whether Petitioners' request to proceed in forma pauperis was erroneously denied based on the District Court's written ABUSE OF DISCRETION Certification that the appeal was not taken in good faith because the ~~plaintiff~~ ^{whether the District Court should} have allowed the plaintiff to proceed with his appeal ~~because~~ plaintiff Petitioner paid a full Final Payment of ^{doc # 69 filed 07-30-21} \$ 350.00; and

Whether the Supreme Court should Consider Petitioner's first request for the his Great Court to review the underlying facts when Petitioner's appeal was never reviewed by the court of Appeals due to court's ABUSE OF DISCRETION which ~~the~~ Petitioner filed two timely Motions For Extension of Time to file a notice of appeal doc # 258-1 dated 05-28-2023 an doc # 258 dated 06-21-2023; and ~~whether~~ whether District court denied Petitioners' Kenneth Allen Constitutional Rights to discovery request of relevant discovery tools of Video Cameras, Production, Photos ect. See doc # 1-273, see

documentr number: doc # 114 filed 01/10/2022, doc # 117 filed 01/31/2022, doc # ¹¹⁹ ~~119~~ filed 02/09/2022, doc # 120 filed 02/11/2022, doc # 121 filed 02-18-2022, doc # 122 filed 02-18-2022, doc # 126 filed 03/01/2022, doc # 131 filed 03-14-2022, doc # 133 filed 03/21/2022, ~~doc # 135~~ doc # 135 filed 03/21-2022, doc # 136 filed 03-2-2022, doc # 140 filed 03-25-2022, doc # ~~141~~ 141 filed 03-25-2022, doc # 142 filed 03-28-2022, doc # 156 filed 04/01/2022, doc # 163 filed 04/21/2022, doc # 164 filed 04/21/2022, doc # 165 filed 05/05/2022, doc # 167 filed 05/11/2022, doc # 168 filed 05/16/2022, doc # 169 filed 05-16-2022, doc # 170 filed 05/23/2022, doc # 172 filed 05/31/2022, doc # 173 filed 06/01/2022, doc # 176 filed 06/06/2022, doc # 179 filed 06-22-2022, doc # 181 filed 07/05/2022, doc # 182 filed 07-07-2022, doc # 185 filed 07-27-2022, doc # 191 filed 08-11-2022, doc # 192 filed 08/11/2022, doc # 197 filed 08-16-2022, doc # 197 filed 08-25-2022, doc # 199 filed 09-08-2022, ^{doc # 175} filed 08-19-2022

RELATED CASES

United States Court of Appeals for the Seventh Circuit, Case NO. 23-2461,
Kenneth Allen Washington V. Rayl, et al., December 15, 2023.

United States District Court, Case NO. 3:20-CV-00461-DRL-MCLT, Kenneth
Allen Washington V. Rayl, et al., April 20, 2023.

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District Court. 4

II. Plaintiff's Motion to Proceed In Forma Pauperis improperly denied as was an ABUSE OF
DISCRETION by the District Court and Court of Appeals 8

III. Plaintiff's motion to file an Extension of Time to file an Notice of Appeal should have
been allowed to proceed with his Notice of Appeal when Plaintiff paid the full Final Payment of
\$350.00 doc#69 filed 07-10-2021, which was denied by District Court and Court of Appeals improperly.

IV. Plaintiff was denied numerous motions of Relevant Discovery see doc#114-191.

V. Plaintiff Request to Review the underlying facts should be denied Plaintiff Appeal was timely.

TABLE OF AUTHORITIES

CASES	Page(s)
2d FED. R. APP. P. 4 (a) (5), Federal Rule of Appellate Procedure 4 (a) (1) (A), Federal Rule of Appellate Procedure 4 (a) (6), United States V. Faulk 453 Fed Appx. 236 (2011) (citing Boole V. Family Boole V. Family Court of New Castle City, 386 F.3d F.3d F.d263 246 (3rd Cir. 2004) Rule Federal Rule of Appellate Procedure 4(a)	8
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SYLVIA H. RAMBO United States District Judge Carl Stewart Plaintiff V. David Varanoy et al., Defendants, Civil No. 1:10-CV-1701 (Judge Rambo Civil No. 1:10-CV-1701 (Judge Rambo) Magistrate Judge MARIO ORDER In accordance with the accompanying memorandum, It is Herby ORDER That, upon Remand, see motion RECEIVED FEB 14, 2024 Federal Rules of Civil Procedure Rule 26 (b) (1), Rules 26-37	8 5 9 5, 6
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INTRODUCTION

A Writ of certiorari is a matter of judicial discretion which should be granted when there exist compelling reasons of improper denial of law, evidence, fact, errors, ABUSE OF DISCRETION, violations of Federal law and Rights, and in the record, and in the interest of Justice for all Americans. The District court and even more so The United States Supreme Court has a grand reservoir of equitable power to do justice in a particular case such as this one in clause of Rule 60 see Case: 7 moore, Federal Practice at p. 308 (1950 ed.) Pierre V. Bernuth, Lembcke Co., 20 F.R.D. 116, 17 see Sweet Water Utilities, Inc. Le Fevre, 701 N.E. 2d 745, 261 Ind. 260 (Ind. 1973) Rule 60(b)(6). The Judge also has the power under Rule 56(f) to "make such other order as may be just see Harris v. Pate, 440 F.2d 315, 318 (7th Cir. 1971), see Hardy, 412 F.2d 1091, 1095 (D.C. Cir. 1968). The Pro se Petitioner Kenneth A. Washington has raised matters of Public importance see doc#1 Filed 06-08-2020, see doc#75 Filed 08-19-2020, see doc#228 Filed 11/02/2022, see doc#236, see petition For A writ of Certiorari Case NO. 23-7507 dated April 27, 2024 all pages, see documents number 1-273. see documents 165 Filed 04-21-2022 through document number 198 Filed 08-26-2022 all pages, see doc#120 Filed 07-07-2022.

This is a matter of great importance and compelling reason for this court to grant writ in the interest of justice. The Respondents and their counsel has repeatedly submitted false statements, false evidence, misappropriated the law, misconceive, misconduct, misconstrue, misguided, misinformed.

misjudged, misread, and misinterpreted the law on the Federal Rule of Civil Procedure Rule 26(b)(1) Rules 26-27, summary judgement doc#253 filed 04/19/2023, Fed. R. Civ. P. 56(c) *Adickes v. S. H. Kress & Co.*, 398 U.S. 144, 157, 160 (1970); see also *Curry v. Scott*, 149 F.3d 493, 505 6th Cir. 2001 which also District Court misinterpreted the law above. The District Court and the defendants misinterpreted and improperly applied *Scott*, 550 U.S. at 380-81 and *Williams v. Brooks*, 809 F.936, 942 (7th Cir. 2016 (citing *Scott v. Harris*, 550 U.S. 372, 379-80 (2007), see doc#266 filed 09/07/2023 pages 2 of 3 through 3 of 3, see doc#253 filed 04-19-2023, see doc#129 filed 07-07-2022, see doc#215 filed 09-27-2022, see doc#228 filed 11/02/2022, see doc#226 filed 11/09/2022, see doc#142 filed 03-28-2022, see doc#121 filed 02/18/2022. The Defendants produced an Altered, Edited, false version of the ^{actual} incident to hide the fact that the defendants did turn the plaintiff upside down while completely restrained into S.R.C. and dropped the plaintiff one time into his forehead which caused the plaintiff a lot of pain in his neck, head, and back. So they can falsely claim that the plaintiff version of the facts was contradicted by their Altered edited videos which doc#129 filed 07-07-2022 in doc#215 filed 09-27-2022 can be cross examined in trial see all above. In *Scott*, 550 U.S. at 380-81 and *Williams v. Brooks*, 809 F.936, 942 (7th Cir. 2016 (citing *Scott v. Harris*, 550 U.S. 372, 379-80 (2007) no one claimed that the videos were altered or documents. Edited like the prose plaintiff recently have on the record case NO. 3:20-cv-00461-DRL-MSG.

Summary Judgement should not have been granted for the defendants/Respondents see doc#75 filed 08-19-2021 pages 1-18, see doc#165 filed 05-05-2022 all pages, doc#67 filed 05-11-2022 all pages, see doc#169 filed 05/16/2022 all pages, see doc#99 filed 11/09/2021 all pages, see doc#142 filed 03-28-2022, see doc#164 filed 04-21-2022 all pages, see doc#228 filed ^(all pages) 11/02/2022, see doc#226 filed 11/09/2022, see doc#129 filed 07-07-2022. See *Scott*, 550 U.S. at 378, 127 S.Ct. 1769 202-479-700 TTY: 202-479-3000 TTY: 202 479-3472 In assessing the constitutionality of law officers' actions is to determine the relevant facts. "Scott, 550 U.S. at 378, 127 S.Ct. 1769. To the extent there is disagreement about

we must review the evidence in the light most favorable to the plaintiff, and draw all inferences in his favor. *McKenna V. Edgell*, 617 F.3d 432, 437 - 38 (6th Cir. 2010) (citing *Champion V. Outlook Nashville, Inc.*, 380 F.3d 893, 800 (6th Cir. 2004), see *Jerry T. Coble, Plaintiff - Appellant, City of White House, Tennessee and Curtis Carney Jr., Defendants - Appellees*. NO. 09-6156. United States Court of Appeals Sixth Circuit. Argued: Dec. 10. 2010. Decided and Filed Feb. 11, 2011. [634 F.3d 865], see *Seattle Times Company V. Rhinehart*, 467 U.S. 20, 104 S. Ct. 2199, 81 L. Ed. 2d 17 (1984) most states, including Washington, have adopted discovery provision modeled on Rule 26 through 37 of the Federal Procedure 179 (1977). 14 Rule 26 (b)(4) provides that a party "may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action." See *Oppenheimer Fund, Inc. V. Sanders*, 477 U.S. 340, 351 (1978) Citing *Hickman V. Taylor*, 329 U.S. 495, 501 1947, see *Fed. R. Civ. P.* 37 (a).

The plaintiff was granted leave to proceed against defendants on his claims of Fourteenth Amendment see doc# 02 filed 06/08/2020, see doc# 4 filed 06-22/2020, see doc# 74 filed 08/19/2021, see doc# 75 filed 08/19/2021 all pages, see doc# 69 filed 07-30-2021 FINAL PAME PAYMENT FROM PRISONER \$ 350.00 receipt # 3027377 the plaintiff should have been allowed to proceed with his appeal doc# 259 filed 06-30-2023, doc# 266 filed 09-07-2023, doc# 258-1 filed 06-22-26, 2024, doc# 258 filed 06-26-2024 November 17, 2023 ORDER see Circuit Rule 3 (b)

The plaintiff was prevented from filing his notice of appeal which District Court Judge Damar R. Leichter admitted himself in doc# 259 filed 06/30/2023 page 3 of 5 line 1 "but was thwarted by his arrest on the day of deadline itself". The plaintiff was arrested on May 22, 2023 which should have changed the deadline since now he is incarcerated. The plaintiff is innocent until proven guilty. The plaintiff notified the District Court at his earlier

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Reply Brief In opposition TO Brief In opposition TO petition
for A writ of Certiorari Case NO. 23-7507 date: 08-20-2024

See documents numbers 258-2 filed 06-05-28-2023 filed stamped 06-26-2023,
and doc# 258 filed 06-21-2023 filed stamped 06-26-2023 plus the prison Post
mail box Rule applies. Judge Ramon R. Leichty also stated in doc# 259 filed 06/20/
2023 page 2 of 5 "As such, the deadline for filing a motion for extension of time
was June 21, 2023 See FED. R. App. P. 4 (a)(5). Mr. Washington's motion was
filed within the specified time period." ~~Washington~~ Washington did provide compelling reasons
why he didn't submit the notice of Appeal the plaintiff on May 22, 2024 still had
the option to manually file his notice of Appeal but was prevented by his arrested.

Therefore plaintiff file his notice of appeal in a timely fashion see Federal Rule of
Appellate Procedure 4(a)(1)(A) when this court applies the rule above to Stewart's case (plaintiff
~~Washington~~ Washington) we find that even tho the thirty day period one day prior to Stewart's case,
we find the notice of appeal, if the notice of Appeal is viewed as a motion for an Extension
of time to file appeal, that motion is timely. Thus Stewart's (plaintiff Washington) notice
of appeal is timely filed. This court is reluctant to treat the notice of Appeal as a motion
to reopen the time to file an appeal under Federal Rule of Appellate Procedure 4
(a)(6) based on the holding in United States v. Faulk 453 Fed Appx. 236 (2011) citing
Boile v. Family Court of New Castle City, 386 F.3d 263 246 (3rd Cir. 2004),
which held that a notice of appeal may be treated as a motion to reopen under Federal
Rule of Appellate Procedure 4(a). An Appropriate Order will be issued SYLVIAH.
Amso United States District Judge Carl Stewart, Plaintiff V. David Varano, et al.,
Defendants Civil NO. 1:10-cv-1701 (Judge Rambo) Civil NO. 1:10-cv-1701 (Judge Rambo)
Magistrate Judge Manno ORDER In accordance with the accompanying memorandum, it is
hereby ORDER THAT, UPON remand, see Motion RECEIVED FEB 14, 2024 OFFICE
OF THE CLERK SUPREME COURT PAGES 1-6. The seventh circuit denied Plaintiff's request
which was an abuse of discretion for reasons already mentioned herein. The Plaintiff has
requested this court to allow him to file his appeal because the district court has abused

its discretion through out this case denying plaintiff relevant Discovery under Federal Rules of Civil Procedure Rule 26(b)(4) Ruler 26-37, of relevant video evidence, an abuse discretion in doc # 253 filed 04/07/2023 an doc # 254 filed 04-20-23. Defendants submitte False evidence to hide the fact that Defendants Ray, Raven, Mirrille did in fact turn the plaintiff Kenneth A. Washington upside down while completely restrained into a St. Joseph County Jail inmate inmate Safety Restraints Chair (S.R.C.) on September 02, 2019 an dropped the plaintiff one time into the concrete floor of the Booking Intake Shower area floor which caused the plaintiff alot of pain in his head, neck, back, and left a bruise an scrap on his forehead for over a month. see doc # 75 filed 08/09/2021, see doc # 165 filed 05/05/2022, doc # 62 filed 05/11/2022, doc # 168 filed 05/16/2022, doc # 94 filed 10/27/2021, doc # 99 filed 11/09/2021, doc # 228 filed 11/02/2022, doc # 236 filed 11/09/2022, doc # 128 filed 02-07-2022 all pages

The Defendants would like to get off (away) with there violations of Plaintiff Fourteenth Admmendment Rights see doc # 1-272, see see all documents above. I believe that the United States Supreme Court Should not allow the Defendants an there counsels to prevent Justice with there altered, edited, false evidence doc # 128 filed 02/07/2022; [doc # 228 filed 11/02/2022] [doc # 236 filed 11-09/2022] doc # 210-215, see all documents listed above. This court has the power to prevent there in Justice regarding this civil case herein. Sgt. Zawtawski stood close by an didn't intervene. doc # 236 filed 11/09/2022 see documents listed above. Therefore the Petitioner's Petition For A Writ of Certiorari should be granted by this Great High Court. Sincerely Petitioner Kenneth Allen Washington, Kenneth A. Washington.

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STATEMENT OF THE CASE

The following facts are relevant to this Appeal: On August 18, 2024 the District Court executed an opinion and order granting plaintiff's motion to amend his complaint, and granting plaintiff leave under the Prison Litigation Reform Act (PLRA) see doc # 1 filed 06/08/2020 all pages, see doc # 74 filed 08/19/2021, see doc # 75 filed 08/19/2024, see doc # 99 filed 11/09/2021. Plaintiff paid the ^{Final} ~~Final~~ Full Payment of \$ 350.00 see doc # 68 filed 7/30/2024

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Reply Brief In Opposition To Brief In Opposition
To Petition For A writ of certiorari case No. 23-7507
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on September 27, 2022, Defendants filed their motion for Summary Judgment see Documents 210 through 215 filed 09-27-2022. On November 02, 2022 and November 11/09/2022 Plaintiff filed his Responses. On April 19, 2023 doc # 253 filed 04-19-2023 Court entered its Opinion and ORDER Granting Defendants Summary Judgment which was an ABUSE OF DISCRETION. On 04-20-2023 Clerk entered the judgment which was also an Abuse of discretion, because when a judge considers a motion for Summary judgment, he or she is supposed to view ^{all the evidence} ~~the evidence~~ submitted by both sides "in the light most favorable to the party opposing the motion." *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 157, 160 (1970); see also *Curry v. Scott*, 249 F.3d 493, 505 (6th Cir. 2001); see doc # 229 filed 11/02/2022 all pages, see doc # 276 filed 11/09/2022 all pages. The District Court denied relevant Discovery tools. See doc # 114 through doc # 191 which denied Plaintiff's right to Federal Rule 26(b)(1) and Rule 26 through 37, plus doc # 128 filed 03-07-2022 was altered and edited see above documents to hide the truth, doc # 75 filed 05/17/2021. On May 22, 2023 Plaintiff was thwarted (prevented) from filing his Notice of Appeal manually on the deadline it self, see doc # ~~258~~ 258-1 filed 05-28-2023 filed stamped 06/26/2023, see doc # 258 filed 06/21/2023 filed stamped 06/21/2023 filed stamped 06-26-2023, see doc # 259 filed 06/30/2023 page 2 of 5 lines 9-10 and page 3 of 5 line 2. U.S.C.A. 7th Circuit ORDER November 13, 2023 was an Abuse of Discretion Plaintiff filed his motion for Extension Timely. See pages 1-10 herein see documents above plus Plaintiff paid Final payment doc # 69 filed 07-30-2023 Plaintiff should have been able to appeal doc # 257 filed 04-18-2023 and doc # 254 filed 04-20-2023.

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REASONS FOR ACCEPTING THE PETITION

I. PLAINTIFF'S MOTIONS FOR EXTENSION TO APPEAL WERE ~~IMPROPERLY~~ IMPROPERLY DENIED

THE DISTRICT COURT. "A timely notice of appeal is timely see Federal Rule App. 4 (1)(A), 4(G) and 6(a) & see *Calteco v. G. H. Food, Inc.*, 16 Civ. 1705 (VMS) (E.D.N.Y. Jun 13, 2023). see CF NO. 131, II. DISCUSSION [2] in accordance with Federal Rule of Appellate Procedure 4(a), to be timely, an amended Notice of Appeal must be filed either (1) Prior to expiration of the time to file a notice of 4, see ^{the} ~~Rule~~ "Rule 60(a) Order", or appeal

(2) as permitted in relation to a motion for an extension of time to file a notice of appeal. See *Gusler v. City of Long Beach*, 700 F.3d 646, 650 (2d Cir. 2012) (reasoning that "the notice fails to meet basic requirement of informing the court and the opposition of who is taking the appeal" and that the amended notice of appeal does not fix the problem" because it was filed after the time to appeal had run" pursuant to Federal Rule of Appellate Procedure 4(a)(1)(A) and because the Defendant did not seek an extension of time to amend and correct the notice of Appeal" in accordance with Federal Rule of Appellate Procedure 4(a)(5) and the Procedure 4(a)(5)(C), see also *Dudley ex rel. Estate of Patton v. Penn-America Ins. Co.*, 713 F.3d 662, 666 (2d Cir. 2002). The Plaintiff Kenneth Washington requested a timely Extension of Time to file a notice of Appeal pursuant to Federal Rule of Appellate Procedure 4(a)(5)(A), see also *Hodge v. Hodge*, 269 F.2d 155 (2d Cir. 2001). See also *Soft Water Utilities, Inc. v. Le Ferre*, 301 N.E. 2d 745, 261 Ind. 260 (Ind. 1973), see Rule 60(b)(6), see doc# 258-1 filed 05-28-2023 but wasn't filed stamped until 06-26-2023, an doc# 258 filed 05-06-21-2023 but wasn't filed stamped until 06-26-2023. A district court Abuse its discretion when the record contains no evidence on which it could have rationally based its decision when the decision rest on an erroneous view of the law see pages 1-11 herein.

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II. PLAINTIFF'S MOTION TO PROCEED IN FORMA PAUPERIS WAS IMPROPERLY DENIED BY THE DISTRICT COURT AND COURT OF APPEALS PLAINTIFF SHOULD HAVE BEEN ALLOWED TO APPEAL PLAINTIFF FINAL PAYMENT OF \$750.00 doc# 69 filed 07/30/2021.

In response to plaintiff's Notice of Appeal filed doc# 258-1 (filed 05-28-2023), doc# 258 filed 06-20-2023, and doc# 260 filed 07-19-2023 the U.S.C.A. 9th Circuit issued an order requesting the District Court to review and rule upon Plaintiff motion for permission to Appeal in forma pauperis. On September 07, 2023 doc# 266 District court improperly denied Plaintiff motion. The Plaintiff's Motions for Extension of Time was timely see pages 1-11 herein, see Federal Rule of Civil Procedure 4(a)(6)², see Federal Rule of Appellate Procedure 4(a)(1)(A), see *United States v. Faulk*, 453 Fed Appx. 236 (2011) citing *Pooler v. Family Court*

of New Castle City, 386 F.3d F.d 263, 264 (3d Cir 2004). The District court
relied on altered, edited, false evidence which plaintiff swore to see doc# 228 filed
11/02/2022, see doc# 236 F.led 11/09/2022. The ~~fact~~ Defendants and their counsels altered
and edited the doc# 129 U.S.D. Brief filed 03-07-2022 with another incident that
occurred in August of 2019 when plaintiff was arrested for a misdemeanor and placed in
the S.R.C. see doc# 1 see all pages herein 1-12. see doc# 1-273. The District court
~~misapplied~~ ABUSED its Discretion in its ~~off~~ opinion doc# 253 filed 04-19-2024 because
doc# 129 F.led 03/07/2022 U.S.B. Brief can be cross-examined in a trial court you here
plaintiff say he was turned upside down in the S.R.C. and draped over his head,
expert testimony can be given to prove doc# 129 was altered and edited, the plaintiff
have a witness seen him still hung upside down in S.R.C. see doc# 75 F.led
08-19-2021, see doc# 228 F.led 11/02/2022 and doc# 236 F.led 11/09/2022.

The ~~Star~~ Plaintiff should have been appointed counsel by the District Court.
The *in forma pauperis* law, 28 U.S.C. § 1915(c)(4), allows a U.S. District Judge to
"request an attorney to represent any person unable to afford counsel." On the basis
of this law, district judges have appointed lawyers for prisoners who filed Section
1983 suits on their own behalf. Generally when deciding whether or not to appoint a
lawyer for you the court will consider: How well can you present your own case?
How complicated are the legal issues? Does the case require investigation that you will
not be able to do because of your imprisonment? Will credibility (whether or not
a witness is telling the truth) be important, so that a lawyer will need to
conduct cross-examination? see doc# 129 F.led 03-07-2022, see doc# 210
through doc# 215, see doc# 228 F.led 11/02/2022, see doc# 236 F.led 11/09/2022,
see doc# 75 F.led 08-19-2021 see doc# 1 through 273, will expert testimony be
needed see doc# 129 F.led 03-07-2022, see doc# 142 F.led 07/28/2022, see
doc# 164 F.led 04/21/2022, can you afford to hire a lawyer on your own?

These factors are listed in *Montgomery V. Pinchak*, 294 F.3d 492, 499 (3rd Cir. 2002). There have been cases in which a court held that a judge ~~abuse~~ abuse this discretion. In *Hendricks V. Coughlin*, 114 F.3d 390 (2d Cir. 119 1997), a U.S. Court of Appeals found that the district court had abused its discretion in refusing to appoint counsel for a prisoner in a section 1983 case. In *Parham V. Johnson*, 126 F.3d 454, 461 (3d Cir. 1997), another court of Appeal said that "where a plaintiff's case appears to have merit and most of the aforementioned factors have been meet, courts should make every attempt to obtain counsel. This is one of those cases see doct# 74 filed 08/19/2021, see doc # 1 filed 06/08/2020, see doc # 2 filed 06/08/2020, doc # 5 filed 06/22, 2020, see doc # 13 filed 07/23/2020, doc # 15 filed 07/28/2020, doc # 90 filed 10/20/2021, doc # 92 filed 10/22/2021, doct# 97 filed 11/09/2021, ~~doc #~~ see documents 1-268.

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III. PLAINTIFF'S REQUEST TO REVIEW THE UNDERLYING ^{FACTS} ~~FACTS~~ SHOULD BE GRANTED AS PLAINTIFF'S APPEAL WAS ~~WAS~~ TIMELY.

In Defendants Brief In opposition TO petition For A writ OF certiorari which Plaintiff recieved on July 18, 2024 refer to Rule 10. (1), (2), and (3). The Plaintiff Petition For A writ an his Reply Brief In opposition TO Brief In opposition TO petition For A writ OF certiorari pages 1-15 here in meets Rule 10 require meets. Plaintiff request that the united stater supreme court use it judicial discretion an grand reservior of quitable powers to do justice in this particular case see Rule 60 (b) (6) see Case: 7 Moore, Federal Practice at p. 308 (1950 ed.); *Pierre V. Bernuth, Lembecke Co.*, 20 F.R.D. 116, 117. The Defendants seem to think that this ^{court doesn't possess} ~~court possess~~ this quitable power to do justice in this case herein where the defendants an there counsels have violated the plaintiff Consitutional

rights of the fourteenth Amendment see doc# 74 filed 08/19/2021, see doc# 95 filed 08/18/2021 all pages, see doc# 98 filed 11/09/2021 all pages, see doc# 165 filed 05/05/2022, see doc# 167 filed 05/11/2022, see doc# 169 filed 05/16/2022, see doc# 142 filed 03/28/2022, see doc# 164 filed 04-2021-2022, see doc# 228 filed 11/02/2022, see doc# 226 filed 11/09/2022, see doc# 128 filed 03/07/2022.

The Defendants thinks that they can violate the plaintiff fourteenth Amendment Rights of Excessive ~~Force~~ Force, alter, edited, give false statements, deny plaintiff his rights to relevant Discovery tools see doc# 114 through doc# 191 and there nothing the Supreme Court can do about it. However the plaintiff have faith that the United States Supreme Court Justices will review this petition and care and uphold its law and the plaintiff rights mentioned in here.

The District court and Court of Appeals misapplied the rule of law through out this civil case Original NO. 3:20-CV-00461-DRL-MGG, U.S.C.A. NO. 23-2461. The plaintiff request the United States to properly apply the rule of law herein and use its discretion and grand reservoir of equitable power to do justice under Rule 60 (b) (6).

10, 11

CONCLUSION

The Plaintiff prays that the United States Supreme Court will grant his Petition For A writ of Certiorari, use its discretion to properly interpret the law that was misapplied by the defendants and their counsels, District court, and U.S.C.A. 7th circuit. The plaintiff prays the United States will use its grand reservoir of equitable power to do justice in this case herein to reverse the summary judgement doc# 253 filed 04/19/2023, judgement entered doc# 254 filed 04/20/2023,

Reply Brief In opposition to Brief In opposition
to petition for a writ of certiorari: case No. 23-7507
date August 20, 2024

doc #259 filed 06/26/2023, doc #266 filed 07/07/2023, U.S.C.A. 7th
Circuit November 17, 2023 ORDER, doc #114 through 191, U.S.C.A. 7th Circuit
doc #25 filed 12/15/2023, U.S.C.A. doc #24 filed 11/13/2023, see doc #26
U.S.C.A. 9th Circuit, and Any additional relief this court deems just, proper,
and equitable see documents 1-27 1-268, see doc #1-26 U.S.C.A. 7th
Circuit. I Kenneth Allen Washington swear under the penalties of perjury
the foregoing information is true and correct to the best of my knowledge. Executed
at the St. Joseph County Jail date: August 20, 2024, Kenneth Allen Washington,

~~Kenneth A. Washington~~ G115 Cell. (Sent Inmate services request to collect, copy, envelope
On August 21, 2024) NOTE: Defendant Deputy Rayl choked me again on November 19, 2024
after I was completely restrained into the S.R.C. full restraints. Defendant
Rayl walked up behind me like he did in doc #127 filed 07-07-2022 and choked me both hands
I Kenneth Allen Washington swear under the penalties of perjury this foregoing
information is true and correct to the best of my knowledge. Kenneth A.
Washington Date: August 20, 2024.

see
Cruz V. Betto, 405 U.S. 319, 322 (1972).
In that case, the court stated that a complaint
should not be dismissed for failure to state
a claim unless it appears beyond doubt
that the plaintiff can prove no set of facts
in support of his claim which would entitle
him to relief. "see also Conley V. Gibson,
355 U.S. 41, 45-46 (1957), the Supreme
Court said that in considering a motion to
dismiss, a pro se complaint should be held
to less strict standards than a motion
drafted by a lawyer.

Respectfully submitted,

Kenneth Allen Washington

~~Kenneth A. Washington~~

401 W. Sample St.

South Bend, IN 46601

St. Joseph County Jail

G115 Cell

O.C.A. # 112153

Date sent: August 23, 2023