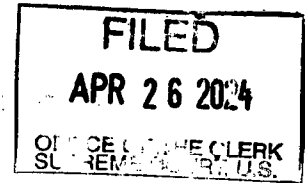


23-7510 ORIGINAL
No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

TIDIANE KONE — PETITIONER
(Your Name)

vs.

FOLTZ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

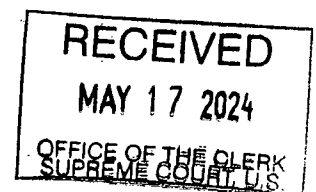
PETITION FOR WRIT OF CERTIORARI

Tidianne Kone
(Your Name)

339E Dogwood Av
(Address)

Palmer AK 99645
(City, State, Zip Code)

(Phone Number)



A 1-18

QUESTION(S) PRESENTED

Whether a court applied the correct standard in dismissing Complaint against Spring Creek correction staff is a question of law. And Denied Mr. Kone for Discovery request over *Forma* pair's.

ARGUMENT

The District Court Erred in Dismissing Kone's Complaint ~~for~~

A. Alaska courts have an obligation to ensure zealous and competent representation by Discovery.

An individual seeking complaint relief has a constitutional right to the effective assistance of counsel in litigation his application, and courts bear responsibility for ensuring an applicant receives the representation to which he is entitled.¹ As this court has explained, "courts have the constitutional responsibility ~~app~~ to make sure that an indigent application is resolved in a way that is related to the merit of the petition - not dismissed simply because he could not pay for the Discovery."

¹ Alaska Const., art 1, Sec 7; *Howarth v. State*, 13 P. 3d 754, 756 (Alaska App. 2000).

²

Griffin v. State, 18 P. 3d 71, 75 (Alaska App. 2001).

LIST OF PARTIES

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

[X] 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:

RELATED CASES

JUSTIN BROWN, lieutenant; COX, SSGT; LAPINSKAS; KAMARA, Sgt;
FOLTZ, officer; GACEL, officer; JOSHUA KOMAREK; KEVIN NIISHART;
DOYLE BRUECKNE; BAUER, officer; BRIAN MORRIS; JASON BROWN;
COOP STORE, Spring Creek Coop store

TIDIANE KONE v. Justin Brown, et al No. 22-35797, U.S. Court of
Appeals for the Ninth circuit. Judgment entered MAR 25, 2024

TIDIANE KONE v. FOLTZ, et al, No 3:19-cv-00307-RRB U.S. District
Court for the State of Alaska. Judgment entered 09/30/2022

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Hudson v. Johnson, 242 F.3d 534, 536 (5th Cir. 2001)
Gluth v. Kangas, 951 F.2d 1504, 1510 (9th Cir. 1992)
Matthews v. Eldridge, 424 U.S. 319, 96 S.Ct. 893, 47 L.Ed.2d 18 (1976)
Hebbe v. Plier, 627 F.3d 338, 342 (9th Cir. 2010)
Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 342, 69 S.Ct. 85, 93 L.Ed. 43 (1948)

STATUTES AND RULES

28 U.S.C. Sec 1915A(b)
28 U.S.C. Sec 1915(c)(2)(B)
42 U.S.C. Sec 1997e(c)(1)
AS 11.40.270
AS 11.60.130
28 U.S.C. Sec 1915(a)(1)
28 U.S.C. Sec 2101(e)

OTHER Due Process

Prisoners, like other U.S. citizens, are assured by provisions of the Fifth and Fourteenth Amendments to the U.S. Constitution that they cannot be deprived of life, liberty, or property without due process of law.

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

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 A 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 B 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 MAR 25 2024.

☐ 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: APR 18 2024, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

Fourteenth Amendment Section 1, which states that "Nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws."

Alaska Const. Art. 1 Sec 7

Due Process No person shall be deprived of life, liberty, or property

STATEMENT OF THE CASE

1. Mr. Kone file complaint against staff at Spring Creek Correctional Center for retaliation and racial discrimination or employment. The staff from Spring Creek Correctional Center fail to release video involve racial Discriminal and harassment against Mr. Kone under material fact dispute after of the staff let on of inmates threw urine at Mr. Kone. On March 2019. Then another CO Foltz walk around and show Kone request to call law enforcement to gang member by encouraging them for more racist harassment against Mr. Kone that lead to another incident under the video that the defendant refusing to release. The District mistacking by Dismiss the case because Mr. Kone could not pay for Disposition. The District Court agree to litigat the complaint after Mr. Kone had file and fully inform the court about Mr. Kone been indigent under FORMA PAUPER'S. During the pending case Mr. Kone request for pro bono who later try to mislead Mr. Kone was later remove from the case. This prejudiced Kone given the likelihood that the counsel would have be more favorable to Kone litigation.

The District Court dismiss the complaint for failure to present a physical evidence against Defendant under Defendant failure to release physical evidence material fact under dispute to release. Under Due process right was not reasonably foreseeable by a judge or a competent lawyer to a motion for summary disposition - the effective equivalent of a motion for summary judgment under Alaska Civil Rule 56. See *Larson v. State, Dep't of Corrections*, 284 P. 3d 1, 7 (Alaska 2012). ("In reviewing a motion to dismiss, we generally do not consider matters outside the complaint, although we may consider attachments to the complaint. Summary disposition may be granted when no genuine issues of material failed to establish a prima facie case that Kone had not been provided no physical evidence. The court add that Kone had not established the Discovery request, he could not show ~~his~~ prejudice mitigating factor.

Court should "hold a hearing to determine whether the appointed attorney will elect to cure the defect, or instead file a certificate of no merit. The court has not defined the bounds of facial deficiency, but it has explained that "[a] petition that is plainly deficient on its face generally" falls within one of several "narrow categories" for litigation. As these categories demonstrate, the fundamental question.

It established presumptive evidentiary Hearing Request, which represented "the appropriate Deposition for typical cases in that class, a relatively broad category into which most cases will fall.

Aggravating and mitigating factors identify the "relatively narrow circumstances that tend to make a case atypical and place it outside the relatively broad presumptive middle ground where "manifest injustice would result from failure to consider relevant aggravating or mitigation factors not specifically include would result in manifest injustice.

Kone was not subject to pay for the lawsuit against the Defendant which he was subject. The Deposition of physical evidence failure against indigent rested on an incorrect legal premise - i.e., under FORMA PAUPERIS conflict with payment for Deposition under indigent statutes of plain error denied of fair trial. Congress first enacted an in forma pauperis statute in 1892. See Act of July 20, ch. 209, 27 Stat. 252. Congress recognized that "no citizen should be denied an opportunity to commence, prosecute, or defend an action, civil or criminal, in any court of the United States, solely because his poverty makes it impossible for him to pay or secure the costs."

REASONS FOR GRANTING THE PETITION

TIDIANE KONE appeals to this court from the order dismissing an application for civil complaint distributed by U.S. Appeal court. This merit appeal is brought as a matter of right accordance with Appellate rule 321 and this court has jurisdiction over this appeal from a final judgment.

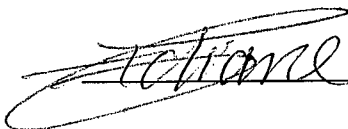
The fact that the Plaintiff already demonstra in District court the staff retaliation repeatedly firing with no disciplinary action to prove they case under 3 to 5 time get in fine by the same staff should be enough to prove retaliation or discrimination.

The Allegations regarding claims of failure to protect that the District fail to consider findings that viable Eight Amendment claim was stated when prisoner alleged psychological injury for fear of harm, absent actual physical injury in alleging that prison officials labeled him as a "snitch," thus exposing him to harm). Under FORMER PAUPER'S the was denied for Deposition create plain of error or denied of fair trial the case pending against employment discrimination and failure to pay legal fees against me without Deposition this case is improper methods calculated to produce a wrongful judgmental. TIDIANE Kone respectfully this Court reverse the District Court decision against Discovery Deposition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: _____

10/28/24