



23-848

ORIGINAL

IN THE SUPREME COURT OF THE UNITED  
STATES, WASHING, D.C. 20543-0001

November 3rd, 2023,

Supreme Court, U.S.  
FILED

NOV 14 2023

OFFICE OF THE CLERK

Wen Lian Patience,  
*Petitioner*

v.

Shannon Jackson; Montgomery County District  
Attorney's Department Lee Romero; Carmen Morales;  
Romero Lee,

*Respondents*

ON PETITION FOR WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
FIFTH CIRCUIT *Case No. 23-20270*

*From United States District Court for the Southern  
District of Texas, Houston Division; USDC NO. 4:23-  
CV-00185 & Civil Action No. H-23-185*

**PÉTITION FOR A WRIT OF CERTIORARI**

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November 3<sup>rd</sup>, 2023

January 12, 2024

**QUESTION PRESENTED *Rule 14.1 (a)***

- 1. Did the Fifth Circuit and district court exhibited negligence, violated their discretion, and permit judicial misconduct?**
- 2. Whether the trial court and Fifth Circuit judges mishandle evidence, neglecting rules, and maintain proper control over the proceedings?**
- 3. Did the Fifth Circuit clerk dismissed appellant's appeal and deny the motion to reinstate appeal while adhering Appellate Review Standards by the Fifth Circuit in § 1983 Claims?**
- 4. Was there a Failure to Consider Pleading and Legal Requirements, coupled with an abuse of Discretion and Judicial Misconduct in Favor of the Appellees (DAs) involved in committing a crime with perjury in District Trial Court and Fifth Circuit Court?**
- 5. Whether the district court erred in shielding defendants'(DAs) misconduct, included committing a crime and perjury, and admitting their statements into evidence without establishing their voluntariness and compliance with petitioner's criminal cases?**

**6. Whether the district court abused its discretion in applying Federal Rule 12(b)(6) standards?**

**7. Did the Fifth Circuit apply a de novo standard of review, including Rule 12(b)(6), 28 U.S.C.A. §1291 and 5th Cir. R. 42.3.1.2 when they dismissed petitioner's appeal on August 15, 2023 and denied the Motion to Reinstate Appeal on October 2<sup>nd</sup>, 2023?**

**8. Does an abuse of discretion occur when the Fifth Circuit and district court's decision are arbitrary based on a clear error of law or fact?**

**9. Did the district court err in applying Eleventh Amendment immunity to shield and protect Montgomery County District Attorney's staff from liability for the alleged constitutional violations?**

**10. Can challenges be made against Respondents (DAs) who acted under the color of state law, abused their authority, and engaged in misconduct during official duties?**

**11. Did Respondents violate petitioner's constitutional rights by filing false complaints, fabricating evidence**

and ordering of deferred adjudication of criminal charges without probable cause?

**12.** Did Respondents violate petitioner's constitutional rights by filing false complaints and ordering deferred adjudication without probable cause?

**13.** Is Montgomery County District Attorney's department liable for employees' negligence acting within their scope of employment?

**14.** Did Respondents/Defendants (DAs), Shannon Jackson, Romero Lee and Carmen Morales commit a crime, including perjury, through malicious prosecution, false complaints, and evidence fabrication?

**15.** Do Respondents, have absolute immunity for misconduct, including committing a crime as perjury?

**16.** Did Respondents violate the petitioner's Fourteenth Amendment rights?

**17.** Did Respondents' actions occur outside the scope of their official duties?

**18.** Did the Respondents engage in misconduct beyond their official responsibilities? Should Eleventh Amendment immunity apply?

**19.** Should Eleventh Amendment immunity shield state officials when their conduct infringes on constitutional right?

**20.** Did Montgomery County District Attorneys were act within their official duties, and cause a deprivation of the petitioner's constitutional rights?

**21.** Did the district court cite Eleventh Amendment immunity to shield the Department of Montgomery County District Attorney's staffs (DAs) from federal court suits?

**22.** Did the district court abuse its discretion under Federal Rule 12(b)(6) standards?

**23.** Did the district court properly grant Responds (DAs) motion to dismiss given the legal and factual circumstances?

**24.** Did the district court violate the due process by granting the defendants' Final Judgment?

**25.** Did the district court err in excluding crucial evidence during the trial?

**26.** Did the district court demand excessive specificity and evidentiary support at the motion to dismiss stage?

**27.** Did the district court disregard inferences favorable to the Plaintiff?

**28.** Did the district court prematurely consider defenses and mer-its?

**29.** The Fifth Circuit Clerk dismiss the appeal and deny the motion to reinstate the appeal, raising the question of whether 5<sup>th</sup> circuit had abused the law against the Respondent on a claim?

**30.** Were the district court and Fifth Circuit's judges biased or prejudiced? Was the process fair?

**31.** Was it fair or unjust for the district court to grant defendants' motion to dismiss with prejudice, or for Fifth Circuit Clerk to the appeal and deny the Petitioner's motion to reinstate the appeal?

**32.** Did judicial or professional misconduct occur during the trail and appeal?

**33.** Did the district court consider the evidence, or make a clearly wrong and unjust decision?

**34.** Did the district court judge consider evidence and facts when granting the DAs' motion to dismiss?

**35.** Did the district court judge abuse its discretion in granting defendants' Final Judgment and the motion to dismiss on wrongful termination?

**36.** Was the courts' due process right violated by granting defendants' Final Judgment, dismissing the Petitioner's appeal and denying Motion to reinstate the appeal?

**37.** Did the district court err in excluding critical evidence?

**38.** Is the burden on the movant to establish no genuine issues of material fact in the final Judgment proceeding as a matter of law?

**39.** Did the judges engage in ex part communication and neglect judicial duties?

**40.** Did the court judges make an error regarding the facts and evidence in shielding the crime and protecting the criminals?

**41.** Whether the judges violated the petitioner's constitution rights by ignoring clear evidence provided in support of the petitioner's claim?

**42.** Did the district court and Fifth Circuit Clerk follow either the statute rules and Federal laws in this case that were supposed to apply?

**43.** Do the court judges appear biased or prejudiced?

**44.** Did the judges make an 'error of law' in applying the wrong rule to the facts of Respondents' mis-conduct involving fabricating evidence, false statements wrong-fully complaints and charges?

**45.** Did Fifth Circuit court and district court restrict the appellant's right to conduct discovery, preventing them from obtaining crucial evidence to support their civil rights claim? Such as the clerk received the document then no further action was taken and closed the case?

**46.** Did the Fifth Circuit court fail to provide sufficient explanations or reasoning for its decisions, making it difficult for the appellant to understand the basis for the court's rulings?

**47.** Did the Fifth Circuit provide sufficient notice to the appellant and offer clear instructions on legal procedures?

**48.** Did the Fifth Circuit adhere to the law when the petitioner submitted the brief on time? The judge and clerk dismissed the appeal because the appellant failed to file the appellant's brief timely, denying the Motion to Reinstate the appeal without any explanation or reference to rules?

**PARTIES TO THE PRO-CEEDING AND LIST OF  
DIR-ECTLY RELATE PROCEEDING***[Rule 14.1(b)(i)]*

**Petitioner:**

Plaintiff-Appellant, is Wen Lian Patience

**Respondents:**

Defendants-Appellees, are the Montgomery County District Attorney's Department DAs, including individuals affiliated with **Shannon Jackson** (a/k/a, 'as known as' **Shanna Jackson**, who signed her name under oath as Shanna Jackson, an Affiant/Complainant and a staff of DA's department); **Lee Romero** (a/k/a **Romero Lee**, who signed his name under oath as Lee Romero, Assistant District Attorney); **Carmen Morales** (Attorney for State).

**1. Other Defendants in Underlying Case:**

Ryan McClintock(11401), Unit 2P1018, Deputy Reporter;

R. McCarty R, Unit 2P1004), Responding Officer;

B. Mixon, Unit 83P30, Responding Officer;

B. Ryan, Unit 83P42, Responding Officer;

MCCARTY K, Responding Officer;

CARR D, Responding Officer;

Tamara Tyler, Assistant District Attorney,

SBN 24108509

Hon. Judge Mary Ann Turner.

**2. Potential Necessary Parties.**

Christine Hendricks Hodson (a/k/a Christine H. Hodson, Christine Hodson, Chris Hodson. **Witness** Richard Patience (a/k/a Richard Lewies Patience, Petitioner's Ex-Husband, "Victim")

**RELATED PROCEEDINGS [Rule 14.1(b)(iii)]**

**The following federal cases are directly related to this petition before this Court:**

1. Wen Lian Patience (*Plaintiff*) *v.* Shanna Jackson (a/k/a *Shannon Jackson*), Montgomery County District

Attorney's Department DAs); Lee Romero (*a/k/a Romero Lee*); Carmen Morales.

**Case No.22-DCV-298835.**

Docketed/entered on November 16, 2022.

In the District Court 400<sup>th</sup> Judicial District, Fort Bend County, Texas.

2. Wen Lian Patience v. Shannon Jackson, Montgomery County District Attorney's Department DA; Lee Romero; Carmen Morales; Romero Lee. **USDC No. 4:23-CV- 185.**

On January 18, 2023, the case was removed from District Court 400<sup>th</sup> Judicial District, Fort Bend County, Texas to the United States District Court for the Southern District of Texas, Houston Division.

3. Wen Lian Patience v. Shannon Jackson, Montgomery County District Attorney's Department DA; Lee Romero Carmen Morales; Romero Lee. **Civil Action No. H-23-185**, entered on May 31, 2023.

The United States District Court for the Southern District of Texas, Houston Division.

On May 31, 2023, the case was dismissed by District Judge Ewing Werlein, Jr. who signed a MEMORANDUM AND ORDER and remanded it back to the District Court 400<sup>th</sup> Judicial District, Fort Bend County, Texas.

The FINAL JADGMENT was signed in a dismissal with PREJUDICE.

4. Wen Lian Patience v. Shannon Jackson; Montgomery County District Attorney's department DA; Lee Romero; Carmen R. Morales; Romero Lee;

**Case No. 23-20270.** In the United States Court of Appeals for the Fifth Circuit (Docketed on June 12<sup>th</sup>, 2023).

The CLERK OEDER was signed by United States Fifth Circuit Judge EDITH BROWN CLEMENT dismissing the appeal pursuant to 5<sup>th</sup> Circuit Rule 42, for failure to file Appellant's Brief (*Docket App. # 48*) (*Appendix A*) on August 15, 2023.

Appellant's Motion to Reinstate the appeal was denied by Fifth Circuit Deputy Clerk DANTRELL L. JOHNSON on October 6, 2023. [Appendix A]

5. The Supreme Court of the United States Office of The Clerk, Washington, returned the Petitioner's 40 copies of a writ of certiorari petition for *[Rule 33.1]* non-compliance. A deficiency letter was issued on November 30, 2023. { *Refer to Appendix A [Exhibit A6].*} Postmarked on November 10, 2023, and received on November 14, 2023, the petitioner adheres to the 90 days limit after the Fifth Circuit's judgment on August 15, 2023. Despite the rejection, this corrected submission with 60 days of the Clerk's letter is considered timely under Supreme Court Rule 14.5 & Rule 29.2.

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Reminders: **Separate files** has been submitted to the court clerks long with Exhibit list as shown below:

**1.Certificate of Compliance.**

**2.Certificate of Service.**

**3. Petitioner's Affidavit In Support of the petition**

**4 .Respondents' ORDER OF REMAND from attorney**

Daniel Dale Plake, which contains false statement and misleading information.

**5.Appendix C [Exhibit A]:**

INVESTIGATION #20M3886; State of Texas Vs.  
Affidavit of NO Records. An Affidavit confirming the absence of records for Richard Patience's injuries, NO such medical documentation was found to support the Respondents' claim that Richard Patience was bodily injured by the Petitioner, Wen Lian Patience.

**5. [Exhibit A (1)]:**

The materials encompass pictures showing false blood on Richard Patience's face and head, taken by Deputy and produced or fabricated by Respondents or Deputies.

**6. Appendix C [Exhibit B (1) & B(2)]:**

False statements and reports from witness Christine H. Hodson. [Montgomery County Sheriff's Office Voluntary Statements].

**7. Appendix C [Exhibit B(3)]:**

Case No.22-DCV-290170, The Declarations of Witness Christine Hendricks Hodson and the "Victim" Richard Patience indicated that Christine Hendricks Hodson continued making false statement under oath to the attorney and court.

**8. Appendix C [Exhibit B (3)]:**

On May 27, 2022, 8:20PM, Christine Hendricks Hodson texted Messages to the Petitioner: "Come back to our house, and you will be arrested. Richard wants nothing to do with you. Hates you."

**9. Appendix C [Exhibit B (4)]:**

Commutation between Richard Patience and the Petitioner Wen Lian Patience on July 29<sup>th</sup>, 2020 and 2018.

**10. Appendix C [Exhibit B(6b)]:**

[The Montgomery County Communication Center 911 Call Detail Report] The Respondents intentionally shielded a crime and knowingly protected Christine H. Hodson's criminal actions by abusing 911 call service and providing false statements to the operators On May 28, 2020 and July 20, 2019.

**11. Appendix E [Exhibit C(1)]:**

**TRESOASS WARNING.** Date: 5/28/2020 Case Number: 20 A171266.

**12. Appendix C [Exhibit C(2)]:**

Deputy Report for Incident 20A171266. from Deputy Ryan McClintock (11401) on May 28,2020.

**13. Appendix E [Exhibit C3]:**

*Deputy, Ryan McClintock (11401)'s false statement about harassing and threatening emails were sent to Christine H. Hodson.*

**14. Appendix F [Exhibit D1]:**

The Complaints and Information, Cause No: 20-350258 and Cause No: 20-350259, filed by the Respondents, Shanna Jackson (a/k/a Shannon Jackson) and Lee Romero (a/k/a Romero Lee) clearly indicated that Respondents intentionally and knowingly engaged in malicious demolition against the Petitioner. This was done by deliberately and purposely making false statements and fabricated evidence **based on Investigation #20M3886**, an Affidavit, confirms the absence of records, NO medical documentation was found to support the claim that Richard Patience was bodily injured by the petitioner, Wen Lian Patience. Furthermore, there is NO record of a person named Christine Patience.

**15. Appendix F [Exhibit D2]:**

Charges "ORDER OF DEFERRED ADJUDICATION" on December 1<sup>st</sup>, 2020 by Carmen Morales.

**16. Appendix F [Exhibit D3]**

“MOTITION TO DISMISS”, Assault Causes Bodily Injury Family Violence and Terroristic Threat of Family/Household both cases were dismissed on November 17, 2021 by Hon. Judge Mary Ann Tuener.

**17. eDiscovery Audit Log; County Court at Law #4;**

Control #: 20M-003886,  
Cause # 20-350259 and Cause # 20-350258

**18. Appendix A [Exhibit A6]:**

The Supreme Court of the United States Office of The Clerk, Washington, DC 20543-0001, returned Petitioner’s 40 copies of a writ of certiorari petition for non-compliance with Court Rule *[Rule 33.1]* in good faith. The Clerk issued a letter noting the deficiency.

The Petition, postmarked on November 10, 2023, received by The Supreme Court of the United States Office of the Clerk, Washington on November 14, 2023, falls within 90 days after the Fifth Circuit entry of the judgment on August 15, 2023 and the order denying the Motion to Reinstate Appeal on October 06, 2023, as per Supreme Court Rule 13. This corrected petition, submitted within 60 days of The Supreme Court Clerk’s letter, is considered timely under Supreme Court Rule 14.5 & Rule 29.2.

The materials mentioned above are provided on a separate sheet of paper, distinct from the Petition for Writ of Certiorari.

## TABLE OF APPENDICES

### **APPENDIX A.....1a**

I.The opinion of the United States Court of Appeals Fifth Circuit and the clerk Orders.

II. The decision of State Court in the United States District Court for the Southern District of Texas Houston Division is Memorandum and Order, Final Judgment signed by the Judge Ewing Werlein refer to Appendix B [Exhibit B2].

### **Appendix A [Exhibit A1c].....2a**

The court denied Appellant's motion to reinstate the appeal by Dantrell L. Johnson, Deputy Clerk on October 06, 2023. Case No: No. 223-20270.

### **Appendix A [Exhibit A1a] .....3a**

a). The opinion of the United States Court of Appeals Fifth Circuit is reflected in a dismissal order pursuant to 5<sup>th</sup> Circuit Rule 42, citing the failure to file Appellant's brief [48].[23-20270], which signed by Judge Edith Brown Clement on August 15, 2023.

### **Appendix A [Exhibit A1b]:.....4a**

b). The Office of Clerk of the United States Court of Appeals for the Fifth Circuit issued an "Order" dismissing the appeal on August 15, 2023, for want of prosecution. According to 5<sup>TH</sup> CIR. R. 42.3, the Appellant failed to timely file the Appellant's brief. This order was signed by Dantrell L. Johnson, Deputy Clerk on August 15, 2023.

**APPENDIX A [Exhibit A2]: .....5a-88a**

The Brief of Wen Lian Patience was submitted to the Fifth Circuit Clerk by electronic filing on July 13, 2023, pursuant to Fed. R. App. P 26 and 5<sup>th</sup> Cir. R. 31. NO later than 40 days after the date of the briefing notice on July 07, 2023.

**APPENDIX A [Exhibit A3]: .....89a-90a**

On August 29, 2023, the Petitioner timely submitted a Certificate of Compliance with the Word Count Requirement (Docket No. 51); the total number of words is 12,415, excluding the portions of the Brief exempted by Fed. R. App. P 32(f), which falls within the limit of 13,000 words as specified.

**APPENDIX A [Exhibit A5(a)]: .....92a**

The opinion of the United States Court of Appeals Fifth Circuit is reflected in a denying the Motion to Reinstate Appeal for Non-Compliance with the Word Count Requirement by the Fifth Circuit Deputy Clerk, Dantrell L. Johnson, on October 06, 2023.

**Appendix A [Exhibit A5(b)]: .....93a-95a**

On August 22, 2023, the Petitioner submitted the Motion to Reinstate Appeal for Compliance with the Word Count Requirement to the Fifth Circuit Deputy Clerk by electronic filing.

**Appendix A [Exhibit A5(c)]: .....95a-97a**

The Petitioner submitted the Motion to Reinstate Appeal for Compliance with the Word Count Requirement to the

Fifth Circuit Deputy Clerk on October 2nd, 2023 by electronic filing.

**Appendix A [Exhibit A5(d)]: .....97a-99a**

Certificate of Compliance and Amended Motion to Reinstate Appeal with word Count Requirement submitted to the Fifth Circuit Clerk on October 2<sup>nd</sup>, 2023 by electronic filing.

**Appendix A [Exhibit A5(e)]: .....100a-110a**  
On October 2<sup>nd</sup>, 2023, Pursuant to Fed. R. App. P Rule 27(d)(2)(a), Petitioner submitted a Certificate of Compliance for Motion to Reinstate Appeal, exceeding the word-count limit of 5,200 words set by 5<sup>th</sup> Circuit clerk by electronic filing.

**Appendix A [Exhibit A5(f)]: .....111a-116a**

On October 2<sup>nd</sup>, 2023, an Affidavit of Wen Lian Patience for Certificate of Compliance for Motion to Reinstate Appeal was submitted, pursuant to Fed. R. App. P Rule 27 and 5<sup>th</sup> Cir. R. 28 by electronic filing.

**Appendix A [Exhibit A6]: .....117a-119a**

The Supreme Court of the United States Office of The Clerk, Washington, D.C 20543-0001, returned Petitioner's 40 copies of a writ of certiorari petition for non-compliance with Court Rule *[Rule 33.1]* in good faith. The Clerk issued a letter noting the deficiency on November 30, 2023.

**APPENDIX B: .....120a-149a**

Memorandum Opinion of the United States District Court for the Southern District of Texas, Houston Division, as Appeared in the ORDER OF REMAND and FINAL JUDGMENT Signed by Judge Ewing Werlein, JR on May 31, 2023.

1. MEMORANDUM AND ORDER, signed by Judge Ewing Werlein, JR on May 31, 2023.
2. FINAL JUDGMENT, signed by Judge Ewing Werlein, JR on May 31, 2023.

**Appendix B [Exhibit B1]: .....119a-147a**

Defendants' ORDER OF REMAND Signed by Judge Ewing Werlein, JR on May 31, 2023.

**Appendix B [Exhibit B2]: .....121a-145a**

Respondents' MEMORANDUM AND ORDER Signed by Judge Ewing Werlein, JR on May 31, 2023.

**Appendix B [Exhibit B2].....146a-147a**

FINAL JUDGMENT, signed by Judge Ewing Werlein, JR on May 31, 2023

**Appendix C [Exhibit A]: .....148a-149a**

**[State of Texas Vs Affidavit of NO Records]**  
Investigation #20M3886. Based on An Affidavit confirming the absence of records for Richard Patience's injuries, NO such medical documentation was found to support the Respondents' claim that Richard Patience was bodily injured by Wen Lian Patience.

**Appendix C .....****150a-153a**

**Appendix C [Exhibit B (1)]: .....****154a-155a**

1) Case No. 20A171266, the Voluntary Statement from witness Christine H. Hodson, and victim Richard Patience.

**2) Appendix C [Exhibit B(2)]: .....****156a-157a**

Case No. 20A171266, the Voluntary Statement from “victim” Richard Patience.

**Appendix C [Exhibit B (3) & B(3a)]:.....****158a-165a**

1) Declaration of Christine Hendricks Hodson & Richard Patience in Case No: 22-DCV-290170 indicated that Christine Hendricks Hodson continued making false statement under oath to the attorney and court.

**2) [Exhibit B(3a)]: .....****165a**

On May 27, 2022, Christine Hendricks Hodson texted Messages to the Petitioner if Petitioner came back to Richard’s house, she will be arrested. Richard wants nothing to do with Petition. Hates Petitioner

**Appendix C [Exhibit B (4)]: .....****166a-168a**

The plaintiff posed no threat or harm to her ex-husband, Richard Patience, as evidenced by the communication between Richard Patience and the Petitioner Wen Lian Patience in 2018 and 2020, Wen Lian Patience,

substantiating this fact of No threat to ex-husband; communication evidence.

1. A text message from Petitioner to Richard Patience in 2018 (*Petitioner and Richard Patience divorced on January 30, 2020*).
2. Richard Patience sent a letter to the Petitioner on July 29<sup>th</sup>, 2020. He apologized for the way he left the Petitioner and acknowledged being towards her. He expressed to reconcile and be together.

**Appendix C [Exhibit B (5)]: .....169a-175a**

The Montgomery County District Attorney's Office concealed and protected these crimes, leading to the unjust incarceration of the Petitioner, violating her rights.

**Appendix C [Exhibit B (6a)& (6b)] .....171a-177a**

[The Montgomery County Communication Center Call Detail Reports]: The 911 call detail reports reveal that the witness Christine Hendricks Hodson abused the emergency call service by making false statements to the operators on July 20, 2019, and May 28, 2020.

**Appendix C [Exhibit B (6a)]: .....171a -173a**

The Montgomery County Communication Center 911 Call Detail Report on May 28, 2020.

**Appendix C [Exhibit B(6b)]: .....174a-175a**

The Montgomery County Communication Center 911 Call Detail Report on July 20, 2019.

**Appendix D: .....176a-177a**

Daniel Dale Plake intentionally and knowingly made false statements, misrepresenting information to judges and courts in the "ORDER OF REMAND." On May 31, 2023 potentially violating Tex. Gov't Code Ann §51.904.

**Appendix E [Exhibit C]:.....179a-181a**

TRESOASS WARNING and Deputy Report for Incident 20A171266. The reports from Deputy Ryan McClintock (11401). He knowingly contained false statements, falsely describing paint as blood, fabricating a small cut, and misrepresenting the victim's relationship. Despite video evidence, it incorrectly labeled the petitioner as the aggressor, alleging property throwing and assault. The report inaccurately identified the witness and petitioner's relationship status.

**1) Appendix E [Exhibit C(1)]: .....179a-180a**

TRESOASS WARNING: The plaintiff (Ms. Patience) was wrongfully arrested and sent to jail under the Texas Penal Code Chapter 30, Section 30.05, which, id (Section 30.05) did NOT apply to related to Terroristic Threat of Family/household and Assault Cause Bodily Injury Family Violence.

**2) Appendix E [Exhibit C(2)]:.....181a-186a**

Deputy Report for Incident 20A171266 from Deputy Ryan McClintock (11401), intentionally and knowingly contained false statements, misleading information or fabrication of evidence.

**Appendix E [Exhibit C(3)]:.....186a-191a**

Deputy Ryan McClintock falsely claimed harassing emails from Wei Lan to Christine. In his report, McClintock inaccurately stated that Richard reported such emails between May 20th and May 25th, 2020.

**Appendix F [Exhibit D1]: .....191a-195a**

The complaints and information from Shanna Jackson (a/k/a Shannon Jackson) and Lee Romero (a/k/a Romero Lee) Cause No: 20-350258 and Cause No: 20-350259, were clearly indicated that Respondents intentionally and knowingly engaged in malicious demolition against the Petitioner.

**Appendix F [Exhibit D2]: .....196a-198a**

The Charges “Order of Deferred Adjudication” Assault Causes Bodily Injury Family Violence And Terroristic Threat of Family/Household on December 1<sup>st</sup>, 2020 by Carmen Morales.

**Appendix F [Exhibit D3]: .....199a-203a**

[MOTION TO DISMISS ], the petitioner's both cases Assault Causes Bodily Injury Family Violence and Terroristic Threat of Family/Household were dismissed on November 17, 2021 by Hon. Judge Mary Ann Tuener.

**TABLE OF AUTHORITIES**

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## **INTRODUCTION**

The Petition for a writ of certiorari asserts a compelling case against the district attorneys, highlighting their intentional and purposeful fabrication of evidence, along with the making of false statements and complaints. The evidence presented suggests a pattern of conduct aimed at shielding a crime and protecting wrongdoers who intentional abusing of the 911 service, making false statements to law enforcement deputies, and fabricating evidence. This further underscores the grave nature of the allegations.

The petitioner faced unjust criminal charges as the Montgomery County District Attorneys engaged in severe misconduct. The DA's (Shannon Jackson and Romero Lee) complaints were laden with intentional falsehoods, misleading details, and fabricated evidence, egregiously violating the petitioner's rights. This calls for immediate Supreme Court intervention to rectify the injustice and preserve constitutional principles in legal proceedings. The DA's actions included falsely claiming bodily injury with fake blood, despite an affidavit confirming the absence of records for the alleged injuries. The petitioner's arrest, initially based on a trespass warning, resulted in charges of terroristic threat of family/household and assault causing bodily injury, class A misdemeanor. Urgent Supreme Court

action is essential to address this violation of rights, ensuring justice and upholding the integrity of the legal system.

The actions of the Montgomery County District Attorneys, Texas, not only compromise the integrity of the legal process but also pose a direct threat to the pursuit of justice. The petition argues that such deliberate misconduct undermines the principles of fairness, impartiality, and truth-seeking that are fundamental to our legal system.

By abusing their positions of authority, the district attorneys have allegedly harmed innocent individuals, using false statements and fabricated evidence and misleading information to perpetrate a miscarriage of justice. The conclusion of the petition emphasizes the urgency of intervention by the higher court to rectify these alleged abuses, ensure accountability, and uphold the principles upon which the legal system stands. The petitioner, Wen Lian Patience contends that the intentional acts of the district attorneys require a thorough examination and correction to preserve the sanctity of the legal process and protect individuals from the misuse of power. Urgent Supreme Court intervention is necessary to address the Fifth Circuit's dismissal of the appeal and denial of the Motion to reinstate. Both courts acted arbitrarily and failed to adhere to legal standards under 5<sup>TH</sup> CIR. R. 42.3 and Rule

12(b)(6) motion to dismiss, specifically in relation to documents incorporated into the complaint by reference and matters of which a court may take judicial notice.” [see also *Ferrer v. Chevron Corp.*, 484 F. 3d776, 778 (5<sup>th</sup> Cir. 2007)](reviewing a Rule 12(b)(6) motion and considering the amended complaint and documents attached to the original complaint and later incorporated by reference into the amended complaint).

In response to the petitioner's request, the Fifth Circuit Clerk conveyed the opinion through a dismissal order per 5th Circuit Rule 42. This order, **signed by Judge Edith Brown Clement** on August 15, 2023, resulted from the failure to file the appellant's brief [48] [23-20270]. Furthermore, the denial of the Motion to Reinstate Appeal for Non-Compliance with the Word Count Requirement by the Fifth Circuit is evident. Despite the petitioner not directly receiving the order, she was informed via email by Deputy Clerk **Dantrell L. Johnson** on October 6, 2023. It's important to note that on August 29, 2023, and September 13, 2023, the Petitioner timely submitted **an Updated Certificate of Compliance (The Brief page 74)** with the Word Count Requirement [53].[23-20270] (DLJ); the document's word count is **11,441** words, which falls within the limit of 13,000 words as specified by Federal Rule of Appellate Procedure 32(a)(7)(B). Furthermore, on August 22, 2023, the Petitioner timely submitted “Amended Appellant's Motion to Reinstate

Appeal Compliance with Word Count Requirement by 5<sup>th</sup> Cir, Clerk." with a word count is **3,591** words. Refer to **Appendix A [Exhibit A5(e) or [50-1]] [23-20270]** (DLJ) This revised filing complies with the stipulated word count limit, which is limited 5,200 words under Fed. App. P. Rule 27(d)(2)(A).

The United States Court of Appeals Fifth Circuit issued an unpublished opinion, resulting in a dismissal order on August 15, 2023, due to the petitioner's failure to timely submit the appellant's brief. Despite not directly receiving the order, denied the motion Appellant's Motion to reinstate the appeal; the petitioner was informed via email by Deputy Clerk Dantrell L. Johnson on October 6, 2023. [61]. [23-20270] (DLJ) Seeking redress, the petitioner now pursues a writ of certiorari to examine intentional misconduct by Montgomery District Attorneys and law enforcement, encompassing Evidence of Fabrication, false complaints, false statements, fraudulent court records, and misleading information. **Appendix C [Exhibit A] includes an Affidavit refuting medical records for Richard Patience's injuries, discrediting the Respondents' claims.** Moreover, photographs depict fake blood on Richard Patience's face, arising from a fabricated head injury. This request aims to scrutinize intentional misconduct and rectify wrongful charges, ensuring the legal process's integrity and

shielding individuals from abuse of power, substantiated by detailed fabrications in the appendix and exhibits.

Christine H. Hodson's fabrication of evidence, including false statements and a misleading 911 call, is evident in *{Case No. 20A171266 and detailed in Appendix C [Exhibit B(6a)]} and {Appendix C [Exhibit B (1)] the Voluntary Statement from Case No. 20A171266}*. Despite awareness by law enforcement deputies and the District Attorney (the Respondents), they knowingly shielded her actions, leading to the unjust imprisonment of the petitioner.

On May 28, 2020, the District Attorney (the Respondents) and police knowingly sent the petitioner to jail, they falsely charged her with Assault Causes Bodily Injury Family Violence and Terroristic Threat of Family/Household, Class A Misdemeanor on December 30, 2020. This violated the petitioner's constitutional rights upon include:

**1. Fourth Amendment: unlawful Arrest and Detention.**

The Fourth Amendment protects individuals from unreasonable searches and seizures. Unlawful arrest and detention without probable cause would violate this right. False allegations leading to unwarranted searches or arrests may infringe upon Fourth Amendment rights.

**2. Fifth Amendment: Due Process and Protection Against Self -Incrimination.** Wrongful imprisonment

violates the right to due process. Knowingly sending an innocent person to jail without proper legal procedures infringes upon the Fifth Amendment. Protection against self-incrimination is also implicated if false evidence is used. False charges and fabricated evidence implied a due process violation, compromising fair treatment under the law.

**3. Sixth Amendment: Right to a Fair Trial.** Deliberate actions to send an innocent person to jail while protecting the wrongdoer can undermine the right to a fair trial guaranteed by the Sixth Amendment.

**4. Eighth Amendment: Protection Against Cruel and Unusual Punishment.** If an innocent person is knowingly sent to jail, it may be considered cruel and unusual punishment under the Eighth Amendment. Infliction of mental anguish could be deemed cruel and unusual punishment, infringing on innocent's Eighth Amendment rights.

**5. Fourteenth Amendment: Equal Protection Under the law.** Knowingly targeting an innocent victim and protecting the wrongdoer could violate the principle of equal protection under the law, as outlined in the Fourteenth Amendment. False charges and emotional distress may contravene Fourteenth Amendment protections against deprivation without due process.

The Declaration of Christine Hendricks Hodson & Richard Patience in Case No: 22-DCV-290170 *{Refer to Appendix C [Exhibit B (3)]}* indicates that Christine Hendricks Hodson persisted in making false statements under oath to the attorney and court, constituting the crime of perjury. This behavior was facilitated by corrupt police, District attorneys, and lawyers who provided protection, allowing her to continue breaking the law and harm others in our society.

Daniel Dale Plake, attorney for Respondents, provided intentional false statements and misleading information in the "ORDER OF REMAND," Case No. 23-20270 on May 31, 2023 and DEFENDANTS' MOTION TO DISMISS, Civil Action No. 4:23-cv-185 on February 24, 2023 filing fraudulent court records, potentially committing a crime under Tex. Gov't Code Ann §51.904.

The egregious misconduct displayed by the lawyer, police and county district attorneys is utterly unacceptable and intolerable in our society. These individuals, well-versed in the laws and rules, have instead chosen to misuse and abuse their knowledge to protect wrongdoers and criminal actions. By providing false statements, misleading information, and fabricating evidence, they have tarnished the integrity of the legal system. Filing fraudulent court records to shield a crime and protect the wrongdoer demonstrates a blatant disregard for justice. In particular,

their actions, such as planting red paint as blood on the victim's head and face, along with falsely arresting and wrongful charges, reflect a disturbing pattern of deceit. Such misconduct not only undermines the principles of fairness and truth in legal proceedings but also poses a severe threat to the foundations of our legal system. It is imperative that such actions are condemned and thoroughly addressed to uphold the integrity of the legal profession and ensure justice prevails in the United States of America's society

**The escalating crime rates in Montgomery County and Harris County, Texas, each year may be connected to instances where the Court of Appeal (Fifth Circuit) and the District Court of Houston Division displayed negligence in their rulings, violated their discretion, or tolerated judicial misconduct.**

#### **PETITION FOR A WRIT OF CERTIORARI**

Petitioner, Ms. Wen Lian Patience, respectfully requests the issuance of a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit and United States District Court for the Southern District of Texas, Houston Division in this case.

#### **DECISION BELOW**

**1. Concerning the case from the Fifth Circuit Clerk:**  
The opinion of the United States Court of Appeals appears

in a dismissal order by Judge Edith Brown Clement on August 15, 2023 at (Doc. App. 46). {Appendix A [Exhibit A1]} pursuant to 5<sup>th</sup> Circuit Rule 42, for failure to timely file Appellant's brief [48].[23-20270].

*The plaintiff diligently submitted her Brief on time, precisely adhering to the procedural requirements outlined by the court. The Brief of Wen Lian Patience was electronically filed with the Fifth Circuit Clerk on July 13, 2023, as evidenced by Appendix A [Exhibit A2]. Or refer to [General Docket United States Court of Appeals for the Fifth Circuit. Court of Appeal Docket #: 23-20270, patience v. Jackson] or Appendix G [Exhibit g) This submission was in strict compliance with 5th Cir. R. 31, which mandates that the appellant's brief be filed no later than 40 days after the issuance of the briefing notice, dated July 07, 2023. Despite the timely submission, regrettably, the court dismissed the appeal, citing a failure to file the appellant's brief in a timely manner.*

The Fifth Circuit Clerk denied the Motion to Reinstate Appeal Compliance with the Word Count Requirement by the Fifth Circuit Deputy Clerk, Dantrell L. Johnson, on October 06, 2023, which appears at {Appendix A [Exhibit A5(a)]} to the petition and is unpublished

*On August 22, 2023, the Petitioner diligently submitted the 'Appellant's Motion to Reinstate Appeal Compliance with Word Count Requirement by 5th Cir, Clerk. The attached CERTIFICATE OF COMPLIANCE indicated a word count of 3,591 words, as detailed in Appendix A [Exhibit A5(e) or (Docket No. 50-1 and 54)]. This submission strictly adhered to the stipulated word count limit, set at 5,200 words under Fed. App. P. Rule 27(d)(2)(A). However, despite the timely submission and compliance with the word count, the clerk denied the motion on the grounds of a failure to file a Certificate of Compliance with the word count. Subsequently, the Certificate of Compliance for the Brief was filed on August 29, 2023, while the Certificate of Compliance for the Motion to Reinstate Appeal, in accordance with the Word Count Requirement by the Fifth Circuit, was ultimately filed on October 02, 2023, as detailed in Appendix A [Exhibit A3]*

Both the dismissal order and denial of the motion to Motion to Reinstate Appeal have NOT been published.

**2. Regarding the case from the Federal Courts:** The United States District Court for the Southern District of Texas, Houston Division, issued a Remand Order and Final Judgment dismissal with PREUDIE, signed by Judge Ewing

Werlein, Jr appeals on May 31, 2023, and a copy of the order at {Appendix B [Exhibit B1&B2]}. The order remanded the case to the 400th Judicial District Court of Fort Bend County, Texas, Case No. H-23-185 (Docket No. 21). It's important to note that this remand order is unpublished.

**3. The Supreme Court of the United States Office of The Clerk**, Washington returned Petitioner's 40 copies of a writ of certiorari petition for *[Rule 33.1]* non-compliance. A deficiency letter was issued on **November 30, 2023** { *Refer to Appendix A [Exhibit A6]*.} Postmarked on November 10, 2023, and received on November 14, 2023, the petitioner adheres to the 90 days limit after the Fifth Circuit's judgment on August 15, 2023. Despite the rejection, this corrected submission with **60 days of the Clerk's letter is considered timely under Supreme Court Rule 14.5 & Rule 29.2.**

#### **JURISDICTION**

1. The Fifth Circuit entered judgment on August 15, 2023. *see (23-20270; DLJ, Court App. Docket #46).* In accordance with the Court Order, the appeal was dismissed for failure to file Appellant's brief (Doc. App. No. 48). (23-20270) (DLJ) prosecute under 5<sup>th</sup> Cir. R. 42. (*on July 13, 2023, the Brief of Wen Lian Patience had filed with Fifth Circuit Clerk*). A copy of the Order denying in Appendix A [exhibit A5(a)]. The Jurisdiction of this Court is invoked

under 28 U.S. C. §1254(1). Pertaining to the Courts of appeals, Certiorari, and Certified Questions.

2. The Federal Court's decision of this case includes a remand order signed by United States District Court for the Southern District of Texas, Houston Division's Judge Ewing Werlein, Jr on May 31, 2023, the case was Wen Lian Patience v. Shannon Jackson; Montgomery County District Attorney's department DA; Lee Romero; Carmen R. Morales; Romero Lee (*Defendants*); case No: 4:23-CV-00185 & Civil Action No. H-23-185. A copy of that decision appears at Appendix B [Exhibit B1 & B2]. The Jurisdiction of this Court is invoked under 28 U.S. C. §1257(a).

#### **FEDERAL RULE AND LAWS INVOLVED**

Montgomery District Attorneys (Responders)' and law enforcements' misconduct, including Fabrication of evidence, false complaints, false statements, along with wrongfully charges, violates constitutional rights. The Legal ramifications for such misconduct can span from civil liability to criminal prosecution. The relevant Federal Rules and laws are as follows:

**1. 42 U.S.C. §1983 Civil Action for Deprivation of Rights:** Provides a civil remedy for individuals whose right have been violated by of an individual's those (*Respondents/DAs*) acting under the color of state law, encompassing law enforcement officers and prosecutors.

**2. 18 U.S.C. §242 Deprivation of Rights Under of color of Law** Criminalizes actions committed under "color of law" by government officials that deprive individuals of their Constitution secured right.

**3. Brady v. Maryland (1963).** The landmark Supreme Court case mandates prosecutors to disclose exculpatory evidence to the defense, ensuring a fair trial.

**4. Giglio v. United States (1972):** This provision extends the scope of Brady rule to encompass impeachment evidence related to a witness's dishonesty, potential motive to lie, criminal convictions, and actions that cause the fact finder to doubt the witness's veracity. As a result, it requires the prosecution to disclose such evidence during legal proceedings.

**5. Tex. Gov't Code Ann §51.904 (Vernon 2005)** Criminalizes knowingly filing fraudulent court records, with perjury also considered a crime when committed under oath. in a Judicial Proceeding, Sec. 1623. US v Lopez, 4F, 3d 1455, 1464 9<sup>th</sup> cir, 1993).

**6. Texas Penal Code Section § 37.02 Perjury:** A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath.

**7. Fourteenth Amendment to the United States Constitution:** Ensures equal protection under the law and due process with fabricating evidence and false statements capable of violating an accused's due process rights.

**8. Fifth Amendment to the United States Constitution:** Protects against self-incrimination and ensures due process of law with fabrication of evidence potentially undermining an accused's due process rights.

**9. Fourth Amendment to the United States Constitution:** Safeguards against unreasonable searches and seizures, with fabricating evidence and false statements potentially involving an illegal search or seizure.

**10. Qualified Immunity:** While not a law, it is a legal doctrine that shields government officials, including prosecutors and law enforcement, from being held personally liable for actions taken in the course of their duties unless they violate "clearly established" constitutional rights.

**11. Federal Rules of Civil Procedure (FRCP):** Rule 11 addresses the signing of pleadings, motions, and other legal documents and imposes sanctions for frivolous or improper filings.

**12. Federal Rules of Criminal Procedure (FRCP):** The rules govern the conduct of criminal proceedings, and violations could lead to consequences such as suppression of evidence.

**13. Title 18 of the United States Code:** Various provisions of Title 18, such as perjury (18 U.S.C. § 1621), obstruction of justice (18 U.S.C. § 1503), and making false statements (18 U.S.C. § 1001), could apply depending on the nature of the misconduct.

**14. Texas Code of Criminal Procedure Chapter 103:** addresses compensation to persons wrongfully imprisoned. It outlines the eligibility criteria, the process for filing a claim, and the factors considered in determining compensation. It also specifies the compensation amount per year of imprisonment.

**15 Texas Government Code Chapter 103:** About the compensation of those wrongfully imprisoned, including the amount and method of payment, additional provisions related to compensation and exoneration.

**16. Tom Cole Compensation Act:** Compensation for the wrongfully convicted. It may include provisions to address certain needs of exonerees.

In Summary, the actions described in the case involving the Montgomery District Attorney's department, District Attorneys and law enforcement officials are not only ethically problematic but also potentially illegal under federal laws and constitutional protections. These laws are in place to safeguard the rights and due process of individuals, emphasizing the importance of fairness and

justice in legal proceedings and our legal system

### **STATEMENT OF THE CASE**

In the present case, the issue at hand revolves around the claimed tolerance of judicial misconduct by both the Court of Appeal (Fifth Circuit) and the District Court of Houston Division. It is asserted that these courts allowed the Montgomery County District Attorney's Department, including staff members Shannon Jackson (a/k/a Shanna Jackson, and attorneys Lee Romero (also known as Romero Lee) and Carmen Morales, as well as law enforcement deputies, to engage in judicial misconduct, made false statements and fabricated evidence. The crux of this misconduct centers on deliberate actions taken to shield witness Christine Hendricks Hodson from criminal liability. The petitioner contends that these intentional acts, sanctioned or overlooked by the courts, have resulted in significant societal harm. Additionally, the respondents' attorney, Daniel Dale Plake, is also intentionally and knowingly shielding his clients' criminal activity by providing misleading information about the true facts of the case and making false statement to the court [Appendix D]. The petitioner seeks the Court's intervention to address and rectify these alleged injustices and to ensure the proper administration of justice.

#### **I. Background**

On May 28, 2020, Petitioner Wen Lian Patience visited her ex-husband Richard Patience's residence in Spring Texas for the first time since their January 30, 2020, divorce. Accompanied by a 74 year-old family friend, she was unaware of Richard's affair with Christine Hendricks Hodson (referred to as "Hodson"). During the visit, Hodson intentionally applied red paint resembling facial blood on Richard's face and head. Subsequently, she made a false 911 call *{Appendix C /Exhibit B (6b) 911 call detail report on May 28, 2020 and July 20, 2019}*, alleging that the Petitioner possessed a gun and intended harm and kill her and her husband (Richard Patience), practicing at a firing range, and expressing homicidal intentions. Hodson also provided Deputy Ryan McClintock with a voluntary written statement *{refer to Appendix C /Exhibit B (1)}* and previous 911 call records in 2019, where she had falsely accused Petitioner of attempting harm, asserting that the Petitioner had tried to break into her "house" and attempted to kill her fiancé (Richard Patience) many times. The deputies were on scene, checked area, but did not locate anyone matching Hodson's description.

On May 28, 2020, the Ambulance was on the scene and medics examined Richard's "blood" all overed face without applying any First Aid for his injury before leaving. Deputies obtained reports from Richard and Hodson, then left. Subsequently, Hodson assisted Richard in cleaning the

“blood” off his head and face, **bandaging the cut** {**Appendix C [Exhibit B(3)]** Case No.22-DCV-290170, *The Declarations of Witness Christine Hendricks Hodson and Richard Patience in March 2022*}. Surprisingly, the Petitioner was arrested and sent to jail for two days under the Texas Penal Code Chapter 30, Section 30.05. TRESOASS WARNING {Appendix E [Exhibit C(1)]}. The Petitioner was charged Guilty, Class A Misdemeanor for Assault Causes Bodily Injury Family Violence And Terroristic Threat of Family/Household on December 1<sup>st</sup>, 2020 by Carmen Morales {Appendix F [Exhibit D2]}. However, Petitioner’s both criminal cases dismissed “MOTITION TO DISMISS” on November 17, 2021. Refer to {Appendix F [Exhibit D3]}

Hodson intentionally fabricated evidence, made false statement and misrepresented her relationship status with Richard to the police, claiming to be his wife {Appendix C [Exhibit B (5)]}, leading to potential legal consequences under *Texas Penal Code §37.08 false statement and fabricated evidence, § 42.061 Abusive to 911 Service and Code §37.02 Perjury*

Further Deputy Report for Incident 20A171266 from Deputy Ryan McClinton(11401) on May 28, 2020 {**Appendix C [Exhibit C(2)]**}, the complaints and information Cause No: 20-350258 and Cause No: 20-350259 from Shannon Jackson and Romero Lee on June 1<sup>st</sup>, 2020 {**Appendix F [Exhibit D1]**}, the "ORDER OF REMAND" {**Appendix B [Exhibit**

**B2J}** from Respondents' attorney Daniel Dale Plake perpetuated these misrepresentations to the court on May 31, 2023.

The actions of Deputy Ryan McClintock and Respondents Shannon Jackson and Romero Lee including Daniel Dale Plake, may have legal consequences, potentially constituting a crime under *Tex. Gov't Code Ann §51.904 (Vernon 2005)* which criminalizes knowingly filing fraudulent court records and *Texas Penal Code §37.02* Making a false statement under oath or swear to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath.

Hodson's false report to the police, Shannon Jackson and Romero Lee, Deputy Ryan McClintock false statements and Daniel Dale Plake misleading information to the judges and courts are supported by evidences, including an Affidavit confirming the absence of records for Richard Patience's injuries Investigation (#20M3886) [State of Texas Vs Affidavit of NO Records] refer to **{Appendix C [Exhibit A]}** by **Debra Walker**: NO such medical documentation was found to support the Respondents' claim that Richard Patience was bodily injured by the Petitioner, Wen Lian Patience.

The Respondents intentionally misrepresented Christine Hodson's relationship status as Richard Patience's

wife, falsely stating Hodson and Richard had just married, knowingly shielded a crime and protected criminal activity by offering deceptive information to the judge and courts, the Voluntary Statement from Christine H. Hodson, and Richard Patience's statement, the complaints and information from Shannon Jackson and Romero Lee, Report for Incident 20A171266 from Deputy Ryan McClintock(11401) and the "ORDER OF REMAND" from Daniel Dale Plake. These documents substantiate the Petitioner's assertions and highlight the fabrication of evidence, malicious prosecution and misconducts and a crime in her case.

Additionally, reports from Deputy Ryan McClintock, complaints and information from Shanna Jackson and Lee Romero, Charges "ORDER OF DEFERRED ADJUDICATION," Refer to {Appendix F [Exhibit D2]} and eDiscovery Audit Log provide further context. Both criminal cases against the Petitioner were eventually dismissed on November 17, 2021, through a "MOTION TO DISMISS" Refer to {Appendix F [Exhibit D3]}

Petitioner's defense attorneys, despite hiring four, failed to communicate the nature of alleged wrongdoing, three of them pushing her towards plea deals [Order of Deferred Adjudication] offered by the Montgomery County District Attorneys.

The Petitioner's defense attorneys in the crime case showed her certain portions of the video evidence, including Richard's home video, police footage from the District Attorneys (Respondents) and deputies' dash cameras, which featured an Ambulance arriving at the scene. Despite hiring four defense attorneys, none of them adequately communicated or explained to Ms. Patience the nature of Alleged wrongdoing. Carlos D. Gonzalez (TBN: 24109259) in the initial crime case (Cause No. 20-350259) from June 2020 to November, 2020, but he declined to share evidence with her, claiming it was not in her best interest to know.

Consequently, the judge Mary Ann Turner advised the Petitioner to seek new legal representation. In response, she hired a second defense attorney, Larry B. Douglas (TBN: 06049700) from December 2020 to March 2021. However, the District Attorney's Department immediately added another case (Cause No. 20-350258) resulting in increased legal fees. Larry B. Douglas tried to charge \$7,500. because of two cases, Petitioner paid \$5,000. But he dissuaded the Petitioner from appealing the cases, citing the risk of imprisonment for up to a year if the cases were lost. He also refused to disclose all the evidence to the Petitioner. Subsequently, the Petitioner engaged a third defense attorney, Terri C. Mendez (TBN: 00798371) from March 2021 to October 2021 recommended by the judge Mary Ann Turner, who charged \$ 15,000 due to the two cases. The

petitioner paid \$10,000 but, as Petitioner did not accept the District Attorney's deals and refused to sign ORDER OF DEFERRED ADJUDICATION which charged the Petitioner GUILTY for both cases, with a degree of offense classified as class A Misdemeanor, Terri C. Mendez declined to pursue an appeal, resulting in her withdrawal.

Faced with a challenging situation, the Petitioner paid \$ 15,000. to retain a fourth defense attorney, Charles A. Banker III. met the judge only one time in hearing court on November 17, 2021, resulting in the dismissed of both of the Petitioner's criminal cases immediately even though the Petitioner was isolated from the court hearing room.

## **II. The Government's Circumstantial Case that the Petitioner, Was Wrongfully Arrested and Charged.**

Upon law enforcement deputies' arrival on May 28, 2020, Ms. Patience was wrongfully arrested and sent to jail under the Texas Penal Code Chapter 30, Section 30.05 for Criminal Trespass (case No. 20-35028 and No. 20-35029, Subsequently, on December 1st, 2020, she faced additional charges of Assault Causing Bodily Injury Family Violence and Terroristic Threat of Family/Household, brought forth by Carmen Morales.

In a plea-bargain case, the Trial Court's Certification of Defendant's Right of Appeal was waived, depriving the plaintiff of her appeal rights [Trial Court's Certification of

Defendant's Right of Appeal]. To defend her case, the petitioner hired four defense attorneys, three of whom encouraged her to accept the Montgomery County District Attorney's "Deals" to avoid potential jail time for up to a year. However, both of her criminal cases were ultimately dismissed on November 17, 2021, due to her compliance with court-ordered mental health sessions and a subsequent Motion to Dismiss (Case No. 20-350258 and Case No. 20-350259), thereby demonstrating her innocence.

After the dismissal of the Petitioner's criminal cases, she filed a defamation lawsuit against Hodson on January 06, 2022.

1) *Case No: 22-DCV-290170, Wen Lian Patience v. Christine Hendricks Hodson; 458<sup>th</sup> District Court of Fort Bend County; The Judge: Robert L. Rollnick.*

2) *Case No: 01-22-00599, Wen Lian Patience v. Christine Hendricks Hodson; Texas First District Court of Appeals; The Judge: Richard Hightower;*

3) *Case No: 22-0984, Wen Lian Patience v. Christine Hendricks Hodson The Supreme Court of Texas;*

The lawyer was following the same principle, engaging in attorney misconduct to shield a crime and intentionally protect criminal action in our society. For instance, Christine Hodson's attorney John Ely, TBN: 24002050 who also served as Richard Patience's divorce attorney, knowingly, internally, and purposely presented

false statement, misleading information to the judges and court.

### **III. The Plaintiff's Arrest And Charges Discrepancy**

Ms. Patience was wrongfully arrested and sent to jail under the Texas Penal Code Chapter 30, Section 30.05 for Criminal Trespass, inconsistent with the Assault Causes Bodily Injury Family Violence and Terroristic Threat of Family/Household Cause No. 20-350258 and Cause No. 20-350259). Refer to *{Appendix F [Exhibit D1] and Appendix F [Exhibit D2]}*. The disparity raises concerns about **Probable Cause**, defined as the knowledge of facts justifying a reasonable belief in guilt. Due process was compromised, impacting the Petitioner's defense preparation and infringing on Fifth and Sixth Amendment rights. Inconsistent information indicates a lack of coordination between police and the District Attorney's Department, undermining the criminal justice system's integrity.

### **IV. In Light of False Accusation, Crucial Facts For Court Consideration**

The plaintiff posed no threat or harm to her ex-husband, Richard Patience, as evidenced by the communication between Richard Patience and the petitioner in 2018 and 2020, Wen Lian Patience, substantiating this fact. No threat to ex-husband; communication evidence refer to *[Appendix C & Exhibit B (4)]*.

1. Defendant Shannon Jackson misrepresented witness as "Christine Patience," fabricating charges. {Appendix F [Exhibit D1]} and Appendix C [Exhibit B(5)]}
2. Richard Patience opposed charges, verified by deputies' footage and BWC and his report to the deputy [Appendix C & Exhibit B2].
3. No legal basis for charges, lack of Probable Cause, fabricated evidence and false statements by Defendants/Respondents.
4. False prosecution by Respondents contradicted by Affidavit of No Records *Appendix C [Exhibit A]*: "NO a medical documentation was found to support the Defendants or Respondents DAs' claim that Richard Patience was bodily injured by the Petitioner, Wen Lian Patience. Ambulance presence discredits alleged injuries." These facts highlight petitioner's wrongful conviction, constitutional rights violation, and demand legislative action

## **V. QUALIFIED IMMUNITY**

*(Wearry V. Foster, 52 F. 4<sup>th</sup> 258, 2022 U.S. App. Lexis 29966, 2022 WL 15208074, 5<sup>th</sup> Cir. La. Oct. 27, 2022, clarifies the applicability of absolute immunity, contingent on the nature of the misconduct-advocatory or not:*

1. Absolute prosecutorial immunity should not lead to the dismissal of civil rights claims under 42 U.S.C.S § 1983. It does not extend to alleged malicious prosecution and misconduct involving evidence fabrication and false

statements. These actions resulted in the denial of the criminal defendant's due process and a fair trial. The actions, including the initial evidence gathering in the field, fall beyond the defendants' traditional official function and the prosecutor's quasi-judicial role as an advocate. Thus, they do not warrant absolute immunity.

2. A law enforcement officer, particularly a detective implicated in evidence fabrication, also lacks absolute immunity. Supreme Court case law clarifies that police officers, even when collaborating with a prosecutor, are not entitled to such immunity.

## **VI. Sovereign Immunity in Malicious Prosecution Claims**

Defendants intentionally fabricated evidence and false evidence, resulting in malicious charges dismissed on November 17, 2021, showing **NO Probable Cause**. malicious prosecution elements, including absence of cause, intent, and termination in favor of the accused, are satisfied. The Supreme Court should reverse the Fifth Circuit's dismissal and denial of the Motion to Reinstate Appeal.

Responders, including Shannon Jackson, Romero Lee, and Carmen Morales, committed perjury, violating constitutional rights. Their unlawful actions, fabricating evidence and committing a crime with perjury, waive sovereign immunity under Texas law and Absolute

Prosecutorial Immunity. Furthermore, Responders' attorney also committed a crime perjury based on Tex. Gov't Code Ann §51.904 (Vernon 2005).

## **VII. Prosecutorial Immunity and Its Limits in State and Federal Claims.**

Respondents engaged in intentional misconduct—fabricating evidence, making false statements, and suppressing exculpatory evidence—leading to wrongful charges against the Petitioner, thereby waiving their immunity. They violated Ms. Patience's constitutional rights by concealing a crime, protecting Christine H. Hodson through fabricated evidence, and making false statements with law enforcement deputies, actions that forfeit immunity, as prosecutorial immunity does not cover non-prosecutorial roles (Buckley, 509 U.S. at 2770). The Amended Complaint alleges that Shannon Jackson, Romero Lee, and Carmen R. Morales engaged in malicious prosecution, violating Texas law and the plaintiff's civil rights by falsely imprisoning her and depriving her of due process. Respondents abused their authority to conceal a crime and protect a criminal, Christine Hendricks Hodson, who violated the laws through misuse of the 911 call service, making false statements to law enforcement, and fabricating evidence (Exhibit in District Court clerk documents #1, #6,

#7, #9). Refer to {Appendix C & [Exhibit B(6)] 911 calls. Refer to Appendix C [Exhibit B(6b)]

On November 16, 2022, Ms. Patience filed a malicious criminal prosecution lawsuit against Shanna Jackson in the 400th District Court of Fort Bend County, Texas, Case number 22-DCV-298835, asserting malicious prosecution and perjury. Pursuant to the Texas Tort Claims Act (TTCA), Shannon Jackson's sovereign immunity was waived for claims involving §1983 malicious prosecution and harm to Ms. Patience's reputation and emotional distress. On January 18, 2023, Defendants, Shannon Jackson, removed the case to the United States District Southern District of Texas, Houston Division, Case No. 4:23-cv-00185, Wen Lian Patience v. Shannon Jackson, Montgomery County District Attorney's Department DAs (refer to Docket Entry No 1). On January 27 & 30, 2023, Ms. Patience filed her Second and Third Amended Original Petition Complaint for Violation of Civil Rights, adding Romero Lee and Carmen Morales as defendants (refer to DKT 7 & 8). These amendments alleged violations of Ms. Patience's rights, including the Fifth Amendment self-incrimination rights, the right to due process, and her Sixth Amendment right to a fair trial, Fourteenth Amendment equal protection rights, and deprivation of rights secured by the Constitution and federal law pursuant to 42 U.S.C. § 1983. Their actions, motivated by a personal vendetta, go beyond prosecutorial immunity.

Based on Texas Civil Prac. and Rem. Code 101.021 (West 2019), a government employee's negligence allows the government entity to be sued. According to Texas Civil Practice and Remedies Code Title 5, Chapter 101, when a government employee's negligence leads to harm or damages within the course of official duties, the government entity can be sued.

### **VIII. Defendants' Motion to Dismiss and Crux of the Appeal.**

On February 8, 2023, the defendants filed a Motion to Dismiss (refer to DKT 9) under Rule 12(b)(6), asserting inapplicability and qualified immunity for Ms. Jackson's Section 1983 claims.

**1. False Statements and Fabrication:** The appeal centers on intentional false statements and evidence fabrication, violating appellant's constitutional rights, providing a plausible basis for relief.

**2. Assumed Truth:** At the Rule 12(b)(6) stage, all allegations, including false statements, must be accepted as true.

**3. Constitutional Violations:** Ms. Patience's claims involve constitutional rights, necessitating examination under Section 1983 and state law.

**4. Fact-Intensive Qualified Immunity:**

Defendants cite qualified immunity, requiring later fact

-intensive analysis on whether actions violated established laws and Rules..

**5. Vital Discovery:** Given the allegations' gravity and fact-intensive nature, proceeding to discovery is crucial to unveil the truth.

**6. Favoring Trial:** In cases with factual disputes and constitutional violation allegations, the trial should proceed for justice and due process, allowing thorough resolution.

## **IX. Plaintiff's Opposition to Defendants' Motion to Dismiss And Legal Claims.**

On February 14, 2023, Ms. Patience opposed the Defendants' Motion to Dismiss (DKT No. 13), asserting malicious prosecution with evidence, contending violations of established law, and engaging in criminal perjury. Texas Legislature had waived sovereign immunity for 42 U.S.C.S § 1983 claims, covering malicious prosecution, abuse of process, gross negligence, perjury, fabrication of evidence, defamation under Color of State Law, abuse of power, false allegations intending harm, violating Ms. Patience's rights.

Key violation included:

**1. Fifth Amendment Due Process:** False charges and fabricated evidence implied a due process violation, compromising fair treatment under the law.

**2. First Amendment Infringement:** False allegations

aimed at harming Ms. Patience's reputation might violate her First Amendment freedom of speech.

**3. Fourth Amendment Breach:** False allegations leading to unwarranted searches or arrests may infringe upon Fourth Amendment rights.

**4. Eighth Amendment Violation:** Infliction of mental anguish could be deemed cruel and unusual punishment, infringing on Ms. Patience's Eighth Amendment rights.

**5. Fourteenth Amendment Infringement:** False charges and emotional distress may contravene Fourteenth Amendment protections against deprivation without due process.

These violations erode legal system integrity and safeguards against abuse of power. Defendants(DAs) responded with evidence, alleging intentional protection of criminal actions by Christine H. Hodson, violating Texas Penal Code provisions, including perjury, false statements, evidence fabrication, and 911 service abuse.

#### **X. Defendants' Premature Motion to Dismiss**

Defendants hastily filed a Rule 12(b)(6) Motion to Dismiss (DKT 9), deviating from notice pleading principles. Rule 12(b)(6) demands a plausible claim, but the defendants seek substantive determinations prematurely. Premature dismissal contradicts fairness and due process, hindering a thorough examination of evidence and arguments. Granting

the motion undermines justice, especially given serious allegations of false statements and evidence fabrication.

Ms. Patience, after returning from China on May 25, 2023, filed a Motion for Extension due to "excusable neglect." On May 31, 2023, she responded to the Motion to Dismiss, asserting valid claims that meet minimum requirements, supported by evidence. The defendants' criminal actions, including perjury, undermine any immunity claims.

On May 31, 2023, the District Court dismissed the case with prejudice. The appeal, filed on June 5, 2023, was dismissed on August 15, 2023, for failure to correct deficiencies within 14 days, despite a family emergency and timely submission of necessary documents.

The appellant, facing word count issues in the Motion to Reinstate Appeal, corrected the filing promptly. The dismissal order allowed 14 days for correction, but the appellant, dealing with a family emergency in China, submitted necessary documents within that period. **According to 5th Cir. R. 42.3.1.2., Appeals without Counsel: If the default is remedied within that time, the clerk must not dismiss the appeal. However, the clerk denied the Appellant's Motion to Reinstate the Appeal on October 06, 2023.** However, the clerk denied the Motion to Reinstate the Appeal on October 06, 2023, despite remedied compliance.

In conclusion, the appellant consistently adhered to legal procedures, addressing issues promptly. The dismissal, amid family emergencies and demonstrated compliance, is unjust and should be reversed in the interest of justice and fairness.

### **REASONS FOR GRANTING THE WRIT**

**I. Certiorari is warranted as the Fifth Circuit and the Southern District of Texas, Houston Division displayed negligence, abused discretion, and allowed judicial misconduct.**

The Fifth Circuit's dismissal and denial of the Motion to Reinstate lacked proper legal foundation, erroneously citing judicial impropriety, legal insufficiency, and procedural prejudice. Both courts failed to apply the appropriate statute or case law under Rule 12(b)(6) and 5th Cir. R. 42.3.1.2.

Pursuant to 5th Cir. R. 42.3.1.2., Appeals without Counsel, the clerk issued a BRIEFING NOTICE on July 3, 2023, setting the Appellant's Brief deadline for August 14, 2023. The Appellant filed the Brief with Exhibits on July 13, 2023, in compliance with Federal Rule of Appellate Procedure Rule 28 and 5th Cir. R 28 Brief Procedures. The appeal should not be dismissed. *Refer to {APPENDIX A [Exhibit A2]}*.

On July 26, 2023, the clerk granted 14 days to correct deficiencies in the July 13, 2023 brief, but the Appellant, dealing with a family emergency in China, couldn't comply.

The clerk then ordered the dismissal under 5th Cir. R. 42.3. Contrary to the dismissal order, the Appellant had filed an Emergency Motion and Order before her departure, addressing her family emergency under Fed. Rules App. Proc. R. 27, 28 U.S.C.A. The failure to file a "Certificate of Compliance" was unintentional and was corrected in a timely and proper manner under 5th Cir. R. 42.3.1.2.

On August 22, 2023, the Petitioner submitted the Motion to Reinstate Appeal for Compliance with the Word Count Requirement to the Fifth Circuit Deputy Clerk by electronic filing. Refer to {Appendix A [Exhibit A5(b)]}

On August 29, 2023, the Petitioner timely submitted a Certificate of Compliance with the Word Count Requirement (Docket No. 51); the total number of words is 12,415, excluding the portions of the Brief exempted by Fed. R. App. P 32(f), which falls within the limit of 13,000 words as specified. Refer to {APPENDIX A [Exhibit A3]}.

On September 13, 2023, The Petitioner timely submitted an Update Certificate of Compliance (*The Brief page 74*) with the Word Count Requirement; the total number of words is 14,929, the words not included in the count amount to 3,588. After excluding the portions of the Brief exempted by Fed. R. App. P 32(f), the document's word count is *(14,929 minus 3,588) 11,441 words*, which falls within the limit of 13,000 words as specified. see {APPENDIX A [Exhibit A4]}

On October 2nd, 2023, the Petitioner submitted the Motion to Reinstate Appeal for Compliance with the Word Count Requirement to the Fifth Circuit Deputy Clerk by electronic filing. Refer to {Appendix A [Exhibit A5(c)]}

The Petitioner's Appellate Records, USB/DVD drive, and affidavit in the Southern District of Texas, Houston Division, establish a *prima facie* case with clear evidence for each claim element. The action satisfies the standing requirement of Rule 12(b)(6), preventing Respondents from successfully moving to dismiss the case. Certiorari is necessary for a proper examination of the flawed rulings and misconduct in the lower courts.

**II The Trial Court and Fifth Circuit Judges Abused Discretion by Mishandling Evidence, Neglecting Established Rules, And Showing Bias. Their unfair treatment protected appellees (DAs) And Witnesses, Engaging in Misconduct.**

The exclusion of evidence lacked proper reference to rules, treating factual matters as legal issues. The judges advocated for DAs' protection and ignored misconduct involving perjury and criminal actions. This judicial misconduct, including violations of Texas laws, constitutes a failure to uphold impartial conduct, making the actions incurable and excusing the failure to preserve error.

### **III. Appellate Review Standards by The Fifth Circuit in 42 U.S.C. §1983 claim.**

The Fifth Circuit must apply a de novo standard when reviewing Rule 12(b)(6) motions in §1983 claims. The focus is on assessing the complaint's plausibility, independently evaluating legal sufficiency without deferring to the district court. The plaintiff must present plausible factual allegations, not mere speculation. The Fifth Circuit ensures correct legal standards and sufficient factual support for §1983 claims, emphasizing citizens' right to legal redress (R.S. §1979; Pub. L. 96-170).

The Respondents were negligent, lacking official immunity, as their actions, including committing a crime, perjury, fabricating false evidence, acting in bad faith, and intentionally shielding a crime, fall outside their discretion. Official immunity doesn't cover such actions in malicious criminal prosecution.

In addition to malicious intent, Respondents displayed doubts about false statements, fabricating evidence, and violating constitutional rights. They knowingly presented false statements and fabricated evidence, violating Fifth and Sixth Amendment rights. Their actions jeopardized a fair trial, infringing on due process rights (Johnson v. Mississippi, 403 U.S. 212, Brow v. Vance, 637 F.2d 272.281).

District attorneys violated due process through misconduct, compromising the criminal case and infringing constitutional rights. Prosecutors' misconduct raises ethical and legal consequences, violating their duty to seek justice. Allowing false statements undermines a fair trial, leading to potential disciplinary actions (317, title III §309(c), Oct. 19, 1996, 110 Stat. 3853).

The Fifth Circuit will scrutinize claims related to fabricating evidence and false statements, ensuring immunity doesn't shield misconduct. The burden is on the defendant to prove absolute immunity for the function in question. The court will favor the plaintiff, considering all reasonable inferences.

The court will review claims regarding evidence fabrication and false statements, including collaboration with Deputy Ryan McClintock. Misconduct extending beyond quasi-judicial roles renders them unprotected by absolute immunity. Obtaining known false statements for use in prosecution constitutes fabricating evidence.

The Fifth Circuit must draw all reasonable inferences in favor of the plaintiff, considering both sides. They should not solely focus on facts supporting immunity but also consider evidence challenging or defeating the claim. A fair and balanced evaluation is crucial during immunity claims, ensuring impartiality.

In Conclusion, this Court has Jurisdiction on Appeal: The central issue is whether the Fifth Circuit abused its discretion in dismissing the appeal and denying the Motion to Reinstate Appeal, and if the district court erred in determining the Motion to Dismiss under Rule 12(b)(6). The swift dismissals appeared arbitrary, lacking support in relevant legal standards.

The appeal centers on serious misconduct by the District Attorneys, posing a pivotal question about federal laws governing prosecutorial conduct. Inconsistent interpretation among circuits demand Supreme Court guidance establishing, establishing a standard for uniform justice and fairness nationwide. This case provides an opportune moment for the Court to harmonize interpretations of federal laws and ensure consistent application.

**IV. In District Trial Court and Fifth Circuit Court, there was a Failure to Consider Pleading and Legal Requirements, Along With an Abuse of Discretion and Judicial Misconduct in Favor of Appellees (DAs), Involved in Committing a Crime With Perjury.**

Perjury in Texas involves making false statements under oath [Tex. Penal Code § 37.02(a)]. The Fifth Circuit recognized perjury when a witness didn't candidly respond [United States v. Carter, 566 F. 2d 1265. 1270 (5th Cir. 1978)]. Respondents provided false statements and

testimony under oath, fabricating evidence to shield and protect Christine H. Hodson's criminal actions by submitting false statements misleading information to the court. This may be deemed perjury, a crime under Tex. Gov't Code Ann §51.904 (Vernon 2005), making it unlawful to knowingly file fraudulent court records. Judges applied the wrong rule to facts, including obstruction of justice, perjury, abuse of official capacity, ethical rule violations, and conspiracy, warranting charges for planning and executing illegal activities.

**V. The Petition For A Writ Of Certiorari With The Supreme Court of The United States Is Justified For Several Reasons.**

- 1. Conflict Among Circuits:** The case involves conflicting interpretations of federal law across circuits, requiring Supreme Court resolution for a uniform and definitive nationwide interpretation.
- 2. Importance of the Issues:** The case raises critical constitutional and legal questions about alleged misconduct by the Montgomery County District Attorney's Department, impacting due process and equal protection rights. Resolving these issues is crucial for individual rights and the effective operation of the legal system.
- 3. Preservation of Legal Integrity:** The Supreme Court has the opportunity to reaffirm the legal system's integrity

by providing a clear interpretation of laws governing prosecutorial conduct, thereby maintaining public trust in the justice system.

**4. National Implications:** The case's far-reaching implications extend beyond the involved parties, affecting the legal rights of citizens nationwide. Supreme Court intervention is necessary to ensure a consistent legal framework across all states and territories.

**5. Ensuring Due Process and Fairness:** Alleged misconduct in this case jeopardizes due process and fairness, necessitating Supreme Court review to rectify potential miscarriages of justice and uphold the principles of a fair legal system.

**6. Guidance for Low Court:** A Supreme Court ruling would offer clear guidance to lower courts handling similar cases involving prosecutorial misconduct, promoting consistency and fairness in the application of the law.

**7. Public Interest:** Given the public interest in fair legal proceedings and the implications for the justice system's integrity, this case warrants Supreme Court attention to uphold the principles of justice uniformly and without prejudice across the nation.

## CONCLUSION

For the reasons mentioned above, the petition for writ of

certiorari should be granted. Ms. Wen Lian Patience respectfully urges this Court issue a writ of certiorari.

The petitioner, Ms. Patience, urgently requests this Court to issue the writ for a thorough review of her case by the Supreme Court. This review is crucial to rectify the injustices committed by the Montgomery County District Attorney's Department and its employees, including Shannon Jackson, District Attorneys Romero Lee and Carmen Morales, as well as lawyers such as Daniel Dale Plake and John Ely (TBN 24002050). Furthermore, law enforcement intentionally and knowingly shielded a crime and protected criminal activity through perjury, employing false statements, misleading information, fabrication of evidence and filing fraudulent court records, violating the laws and compromising the integrity of the legal system.

Ms. Patience fully expect that a thorough review of the case by the Supreme Court is essential to rectify the injustices perpetrated by the District Attorneys and law enforcement. She is hopeful that the Court will uphold the principles of justice and safeguard the rights enshrined in the Constitution.

**Summary of the Cases:** Cause No. 20-350258, [*Terroristic Threat of Family/Household and Cause*] and Cause No. 20-350259, [Assault Cause Bodily Injury Family Violence] in 2020. Ms. Patience was wrongfully charged by

the Respondents (Texas Montgomery District attorney's Department and DAs, prosecuted, and sent to jail based on fabricated evidence and false statements orchestrated by the DAs and law enforcement officials, Class A Misdemeanor charges were pursued. However, prosecuted, the cases were dismissed on November 17, 2021. The Petitioner was innocent.

The baseless charges not only led to unwarranted legal expenses, including lawyer's fees (\$ 100,000) for hiring six defense attorneys some of them persuaded Ms. Patience to accept the Respondents' "deal" under the threat of facing one year in jail if not accepted. Additionally, court fees were incurred, inflicting severe mental, financial, and physical harm during the petitioner's time in incarceration.

**To be Grounded for the Supreme Court Review:**

**1. Fabrication of Evidence:** The prosecution, led by the Respondents (Montgomery District attorney's Department DAs), knowingly and intentionally presented false evidence, violating Ms. Patience's constitutional rights and undermining the integrity of the legal process.

**2. False Statements:** The Respondents' misleading information and fraudulent court records, deliberately made false statements, and Fabrication Evidence resulting in Ms. Patience's unjust imprisonment and causing irreparable harm. Their misleading information and fraudulent court

records further exacerbated the unjust circumstances I endured.

**3. Violation of Due Process:** The actions of the Respondents and police officers deprived Ms. Patience of a fair trial, violating her fundamental right to due process.

**RELIEF SOUGHT:**

Under the Texas Code of Criminal Procedure, Chapter 103, *Addressing compensation to persons wrongfully imprisoned, the process for filing a claim, and the factors considered in determining compensation*) and Texas Government Code 103, *Providing the compensation of those wrongfully imprisoned, including the amount and method of payment provisions related to compensation and exoneration*, and Tim Code Compensation Act, *address certain needs of exonerees, wrongfully convicted individual*.

Ms. Patience, kindly requests the Supreme Court to grant certiorari and review her case to ensure justice is served. Additionally, Ms. Patience seeks the following relief:

**1. A Fair Trial:** An opportunity for a fair and unbiased trial free from the influence of fabricated evidence, false statements and fraudulent court records.

**2. Compensation:** Adequate compensation for all legal expenses incurred, including lawyer's fees and court fees.

**3. Damages:** Compensation for the mental, financial, and physical distress endured during the unjust incarceration.

**4. Exemplary Damages:** Punitive damages to discourage future misconduct by law enforcement officials.

Ms. Patience suffers legal wrongs from criminal law violations, resulting in wrongful conviction and unjust punishment. Government misconduct by law enforcement, prosecutors, and district attorney department staff involves perjury, relying on false statements, misleading information and fabrication of evidence. She seeks legal remedies and compensation for damages, including reputation harm, emotional distress, loss of liberty, financial losses, strained relationships, diminished prospects, and psychological and physical harm. The violations are attributed to the Respondents, Montgomery County District Attorney Department including its staff, District Attorney and law enforcement.

The escalating crime rates in Montgomery County and Harris County, Texas, may result from negligence or judicial misconduct in the Court of Appeal (Fifth Circuit) and Houston Division District Court rulings. Urgently, the Supreme Court intervention is needed to resolve federal prosecutorial conduct discrepancies, guide consistent law application, and prevent miscarriages of justice.

The Court has a vital opportunity to reassert its role, providing definitive guidance for a uniform legal framework, fostering public trust, and preserving the integrity of the nation's legal system. Granting this petition is imperative to address pressing issues, set a positive precedent, influence legal proceedings nationwide, reinforcing fundamental values.

Urgently, the Supreme Court must intervene to resolve conflicting interpretations of federal laws on prosecutorial conduct. District Attorneys, lawyers, and law enforcement deputies highlight the need for Court guidance to ensure consistent law application and prevent potential miscarriages of justice.

Respectfully submitted.



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