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SUPREME COURT, U.S.

No. 23-943

ORIGINAL

In The
Supreme Court of the United States

Samuel T. Russell,

Petitioner

v.

Ken Paxton, the Attorney General for the State of Texas, and Megan LaVoie
Weaver, the Administrative Director of the Texas Office of Court
Administration,

Respondents

On Petition For Writ Of Certiorari
To The United States Court of Appeals
For the Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

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Question Presented for Review

This Petition presents the following question:

Is it a civil right for citizens to complain against their own state; whereas
Amendment 11 does not justify the traditions of the Courts when these traditions
routinely go against and violates the written rules of justice; and furthermore, have
not the Courts “made the commandment of GOD (the US Constitution) of none
effect by your tradition(s)” (Matthew 15:6b KJV)?

II. Parties to the Proceedings

- (1) Samuel T. Russell
Petitioner/Appellant/Plaintiff
- (2) State of Texas Attorney General, Ken Paxton (Angela Colmenero) &
Administrative Director of the Office of the Court, Megan LaVoie Weaver
Respondents/Appellees/Defendants

There is no counsel of record.

III. Rule 29.6 Statement

The petitioner is not a nongovernmental corporation, nor does the petitioner have a parent corporation or shares held by a publicly traded company.

IV. Statement of Related Cases

Russell vs. Paxton & Weaver, No. 3:22-CV-1648, U. S.

District Court for the Northern District of Texas.

Judgment entered January 17, 2023.

Russell vs. Paxton (Colmenero) & Weaver, No. 23-10160, U. S. Court of Appeals for the 5th Circuit. Judgment entered October 5, 2023.

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VI. Table of Authorities

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VII. Petition For a Writ of Certiorari

Samuel T. Russell, a State of Texas citizen, respectfully petitions this court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit No. 23-10160 on an appeal from the United States District Court for the Northern District of Texas USDC No. 3:22-CV-1648-B.

VIII. Opinions Below

The decision denying Mr. Russell's direct appeal is reported as *Russell vs. Colmenero & Weaver*, No. 23-10160 (5th Cir. 2023). The United States Court of Appeals for the Fifth Circuit denied Mr. Russell's petition for hearing on October 5, 2023. That order and Justices Higginbotham, Stewart, & Southwick dissent is attached at Appendix A, pp. 1-3.

IX. Jurisdiction

Mr. Russell's petition for hearing to the United States Court of Appeals for the Fifth Circuit was denied on October 5, 2023. Mr. Russell invokes this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the United States Court of Appeals for the Fifth Circuit Judgment.

X. Constitutional Provisions Involved

United States Constitution Amendment 11:

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

XI. Statement of the Case

The court of appeals incorrectly stated the nature of this case, which is a Complaint against "pocket-court system" justice and co-habitation practices/promises with State prosecutors, between Petitioner Samuel Russell and Respondents Ken Paxton & Megan LaVoie Weaver.

XII. Summary of the Argument

Petitioner claims that this case is a Complaint against the State of Texas Attorney General Department and the Criminal Interim Administrator Director of the State of Texas Office of the Court as they are the government officials tasked with enforcing all criminal Rules of law in spite of their co-habitational sharing the same address; thus far, the defendants have established out-of-compliance routines and failed to exercise legal practices pertaining to numerous Rules of law statutes.

Petitioner further claims that the merits of this Complaint have never been challenged, meaning the Federal Rule of un-Lawful acts/behaviors have not been opposed; while Federal Rules of Law US Section 1981 and US Section 1983 have also never been opposed.

XIII. Arguments & Authorities

Does not the 11th Amendment of the US Constitution say “... *Citizens of another State...*?”

Does not 42 U.S.C. § 1981 say “**(a) STATEMENT OF EQUAL RIGHTS: All persons within the jurisdiction of the United States shall have the same right in every State ... to sue ... The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law?**”

Does not 42 U.S.C. § 1983 say “**Every person who, under color of any statute (or) ordinance ... of any State subjects, or causes to be subjected, any citizen of the United States ... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law (or) suit in equity...?**”

The Fifth Circuit Appeals Court (“FCAC”) wrote “Samuel T. Russell filed a civil rights complaint under 42 U.S.C. §§ 1981 and 1983 against Ken Paxton, the Attorney General for the State of Texas, and Megan LaVoie Weaver, the Administrative Director of the Texas Office of Court Administration, challenging a decision by Texas authorities...”

Is not Petitioner “challenging” the existence of a co-habitation relationship between the two respondents (“Texas authorities”) and their practice of partnership towards the citizens of the State by the noted prosecutors and judges (which equals a prejudiced pocket-court judicial system); does not this continuously violate the US constitutional guaranteed rights as described “under 42 U.S.C. § 1981 and 1983” (“*sections 1981 & 1983*”)?

The *FCAC* also wrote “Russell appeals from the district court’s dismissal of his pro se civil action for lack of jurisdiction on Eleventh Amendment grounds and from the denial of his motion for default judgment.”

Russell does not agree that the Federal Court “lack(s)... jurisdiction” pertaining to the 11th Amendment; because, does not the 11th amendment say “... *by Citizens ... of any Foreign State...*” and Petitioner is not a “*citizen ... of any Foreign State?*”

Furthermore, the *FCAC* wrote “Federal court jurisdiction is limited by the ... principle of sovereign immunity that it embodies.”

Petitioner’s disagreement: Is “the (only) principle of sovereign immunity that it embodies” based on traditional practices of the courts to fully, wholly, and Oathfully abide by the 11th amendment, and such embodiment of federal court’s jurisdiction routinely or simply the principle of routinely a sign of immunity against its Oath to uphold the written Rules of law, such as the 11th amendment?

The *FCAC* wrote “In particular, “[f]ederal courts are without jurisdiction over suits against a state, a state agency, or a state official in his official capacity unless that state has waived its sovereign immunity or Congress has clearly abrogated it.”

Whereas, is not the 11th Amendment justice outlined for members that are “*Citizens of another State*,” and not for the routine “waived … sovereign immunity” granted under the principle of traditional judgment practices? Is the Court sure that the “Federal courts are without jurisdiction over (civil) suits (brought) against the State(s)” of its union when the federal rules subject all states to the federal jurisdiction of all membering states of the United States?

Surely, are not such statements by the *FCAC* a tradition of all federal court systems and not a routine promised by the Oath of Justices because they lack any counter-constitutional references that challenge the actual writs of the 11th Amendment; and does the 11th Amendment not include sovereign immunity to the citizens within the same state, whether in criminal or civil matters?

However, to take a punch at the bias of routine and traditions that are not written in the 11th Amendment; is it not demonic to serve two gods: for example, in criminal cases Justices attempt to use the written rules of law that send men away to jail for life, but in civil cases Justices attempt to routinely use traditions that are not part of the written Rules of law (see 11th Amendment)?

Next, the *FCAC* wrote “Despite this bar, a federal court may enjoin a state official in his official capacity from taking future actions in furtherance of a state law that offends federal law or the federal Constitution.”

Is not Petitioner disagreeing that any “bar” that is not clearly stated in the 11th Amendment is not only a “bar” against justice as noted in the US constitution, which includes the 11th Amendment; but is not this “bar” a “bar” in spite of the 11th Amendment?

Do not federal courts routinely “enjoin a state official in his official capacity” despite the rights guaranteed by the 11th Amendment?

Furthermore, is it an Oathful duty of Justices to keep “a state official … from taking future actions in furtherance of a state law that (routinely) offends the federal law (sections 1981 & 1983 and) the federal Constitution (11th Amendment)” against citizens that are not “***Citizens of another State, or … Citizens … of any Foreign State?***”

Does not Petitioner call these routine traditions acts openly against justice (11th Amendment)?

Then the *FCAC* wrote “For the *Ex Parte Young* exception to apply, however, a plaintiff must allege an ongoing violation of federal law and seek relief that properly can be characterized as prospective.”

Does not Petitioner claim “ongoing violation(s) of federal law” when such “alleg”ations were claimed in the Original Complaint, even though the “ongoing violation(s)” are continuing to happen to in-state citizens, and not “***Citizens of another State, or … Citizens … of any Foreign State***” as of today?

Is it not clear that Petitioner is not basing his civil Complaint to be guided by the “*Ex Parte Young* exception;” however, is not Petitioner’s civil Complaint to

further stop any “ongoing violation(s) of (civil and) federal law” as outlined in his Original Complaint; and, is it not true that the “relief .. can be characterized as prospective?”

The *FCAC* wrote “Relevant to this case, “Texas has not consented to be sued in federal court by resident or nonresident citizens regarding its activities to protect the welfare of children, nor has state sovereign immunity been eviscerated by Congress with the passage of section 1983.”

By being a court of law, what law says “consent” is needed from the victim to file a Complaint of being victimized and violated when Federal rules of law violations are being alleged in accordance with the 11th Amendment, section 1981, and section 1983, plus other state and federal laws of guiding civil obedience?

Does not Petitioner agree that “Texas has not consented to be sued in federal court;” however, has Texas not been informed of the federal court, complaint in accordance with Texas law, and given a chance to consent in accordance with Texas law (see Dkt. 12, Appeals Court Clerk Record)?

Furthermore, should not “activities to protect the welfare of” all its in-state citizens, and not “*Citizens of another State, or ... Citizens ... of any Foreign State,*” whether good (civil) or bad (criminal), still be governed by the written rules of law violated as alleged in Petitioner’s Original Complaint?

Therefore, should no “state sovereign immunity (needs) be eviscerated by Congress under the passage of section 1983,” when the US Constitution 11th Amendment does not bar the resident of the same state as it does non-resident

citizens (“*Citizens of another State, or ... Citizens ... of any Foreign State*”) which Petitioner sees as being traditionally practiced by the Justice’s routine opinion that residents and non-residents are equal in every state of the Union according to their traditional and routinely practices of not complying with the 11th Amendment?

The FCAC also wrote “Accordingly, the Eleventh Amendment bars federal court jurisdiction over Russell’s claim for money damages against Paxton and Weaver in their official capacities.”

So which part of the “11th Amendment bars ... Russell’s claims for money damages” when sections 1981 says “***All persons within the jurisdiction of the United States shall have the same right in every State ... to sue...***” & 1983 says “***Every person who, under color of any statute (or) ordinance ... of any State subjects, or causes to be subjected, any citizen of the United States ... to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law (or) suit in equity...?***”

Again, are not traditional practices of the Courts’ bias (towards/versus the written rules of justice as outlined in the US Constitution) evidenced in Petitioner’s Appeal Brief; and are not “Russell’s claims for money damages against Paxton and Weaver in their official capacities” justified?

So exactly what federal law is the Appeals Court alleging that sections 1981 & 1983 “bars federal court jurisdiction?”

Next, the FCAC wrote “To the extent that Russell is also seeking injunctive relief against those officials, such claim does not fall within the *Ex Parte Young* exception to the Eleventh Amendment immunity because Russell’s complaint does not allege an ongoing violation of federal law.”

Does not Petitioner disagree that “Russell’s complaint does not allege an ongoing violation of federal law” when Russell’s Original Complaint shows evidence and proof of ongoing violations of both state and federal laws when he filed a Complaint alleging a ‘pocket court justice system’ for which he proved that the state attorneys prosecuting the in-state citizens, such attorneys which are being housed along with the state judicial branch (see Original Complaint)?

Is the court’s Oath to justice an indication of Oathship towards the Creator they made the Oath to when it wrote “the district court should not have granted” its opinion even though the written rules of law, as outlined in the 11th Amendment, sections 1981 & 1983, should guide the Court and not the routine traditional Opinions that go against the 11th Amendment when the 11th Amendment clearly states “***Citizens of another State, or ... Citizens ... of any Foreign State?***”

Is it truly saying that “the District Court should not have granted a default judgment” even if one was warranted under the 11th Amendment, under section 1983, and under section 1981?

The FCAC wrote “Because the district court therefore lacked subject matter jurisdiction over Russell’s claims, the district court could not have granted a default judgment even if one had been warranted.”

Surely, should not justice and the Oath of a Justice be granted “if one had been warranted” when it comes to the guidance of the 11th Amendment, section 1983, and section 1981 for which they promised in their Oath? Then the FCAC wrote “Accordingly, the district court did not abuse its discretion by denying the motion for default judgment.”

When did the Oath of justice towards the written guidance of the 11th Amendment, section 1983, and section 1981 grant the Court the “discretion” to “abuse” the written governing guidelines as noted in the US Constitution “by denying the motion for default judgment?”

And is not such routine practiced tradition seen as “abuse (of this) discretion” when it comes to the Oath for which they have taken when they laid their hands on the Holy Bible?

XIV. Reasons for Granting the Petition

The Appeals Court quoted from *Vogt v. Bd. of Comm’rs of Orleans Levee Dist.*, 294 F.3d 684, 688 (5th Cir. 2002) that “*Federal court jurisdiction is limited by the Eleventh Amendment and the principal of sovereign immunity it embodies*,” but where is it written in the governing Rules of law for the Court or within the 11th Amendment that says a federal court could not entertain a suit brought by a citizen against his own State?

The 11th Amendment failed to include that a (4th variable) citizen is barred from suing his own State, while the State often sues its own citizens.

On the contrary, the 11th Amendment clearly does not have a 4th variable sovereign immunity component that grants sovereign immunity for *'lack of subject matter jurisdiction'* to a State when its own citizen is suing for guaranteed Federal Rules of Law and Bill of Rights violations.

This case presents this Court with a duty to clarify the lack of jurisdiction intent of the 11th Amendment, which is that '*a Federal Court (can) entertain a suit brought by a citizen against his own State*' when Federal rights clearly apply to that citizen.

Absent intervention by this democratically legitimate Court, the Court of Appeals' (5th Circuit) published decision (that was based on a non-Congressionally approved invisible within the 11th Amendment governing Rule of Law, as well as opposed by the Bill of (citizens') Rights, 4th variable component) will work to undermine the carefully-crafted procedural democratic Rules of governing Laws that this Court and the Framers of the Constitution spent years Spiritually developing.

XV. Conclusion

In closing, Petitioner prays for the souls of those that have taken an Oath to the Creator to uphold the written governing laws of the US Constitution when they knowingly practice traditional routines that are in violation of the US Constitution (see Amendment 11), use their "discretion (to openly) deny" justice, and their Oath for which they swore their soul to uphold in this life as well as the next.

With that being said, may GOD the Creator continue to bless the victims (in-state residents) from the judicial "discretion" and failure to comply with their Oath to follow judicial written rules of law.

Is it not tradition versus the Oath to uphold the written rules of laws when the 11th Amendment is very clear and only routine tradition could muddy up the souls of Justices practicing past routine traditions against the written rules of the US Constitution?

Humbly submitted,

A handwritten signature in black ink, appearing to read "S T. Russell", is written over a horizontal line.

Samuel T. Russell