

SUPREME COURT OF THE UNITED STATES

NO.

ORIGINAL

UNITED STATES CITIZEN

MR. DENNIS HAY DAVIS JR.; ET. AL

FILED  
JAN 13 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

V.

LADDO DEPARTMENT OF PUBLIC WORKS; ET. AL

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

CASE NO. (C);  
23 - 30108

MOTION SEEKING AN EXTENSION  
FOR TIME TO FILE PETITION IN WRIT  
OF CERTIORARI - REVIEWS

MAY IT PLEASE THE CLERK OFFICE,

RECEIVED  
FEB - 5 2024  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

NOW COMES UNITED STATES CITIZEN, MR. DENNIS HAY  
DAVIS JR.; PROCEEDING IN PROSE PLEADING BEFORE THIS  
MOST HONORABLE CLERK OFFICE, UNDER SUP. Ct. R. 30(2)

PC 215

\*MEMORANDUM OF FACT AND LAW

IN SUPPORT OF PRO'SE APPELLANT MOTION SEEKING  
60 DAYS EXTENSION TO FILE PETITION FOR A  
WRIT OF HABEAS CORPUS TO U.S. D.A. 5th.

CASE NO. 23-30108

CITING: \*HAINES V. KENNEY, 404 U.S. 519 [1972], ...

(1). ON OCTOBER 25th, 2023 UNITED STATES COURT  
OF APPEALS, CASE NO. 23-30108, AFFIRMED UNITED STATES  
DISTRICT COURT CASE NO. 5:22-CV-1567, WESTERN DISTRICT OF  
LOUISIANA DECISION FOR DISMISSAL, CLAIMS INVOLVING  
DEPRIVATION OF COMMERCIAL OFFICES / STORES, PERSONAL  
AND COMMERCIAL ASSETS WITHOUT ANY NOTICE AND  
OH OPPORTUNITY TO BE HEARD, CIVIL RIGHTS VIOLATION  
UNDER 42 U.S.C. § 1983 AS UNTIMELY, FAILURE TO STATE  
A CLAIM.

POINT NO. (1)

IN THE ABSENCE OF EVIDENCE IN STRICT COMPLIANCE  
OF LOUISIANA SPECIAL STATUTORY NOTIFICATION SCHEME  
FOR PERSON INCARCERATED; LA. CIV. CODE. P. ART. 1235.1.  
(A) (1), FED. R. EVID. 302; RAISING THE FEDERAL AND  
CONGRESSIONAL QUESTION OF THE CONSTITUTIONALITY  
ART 28 U.S.C. § 1652, STATE LAW OF SERVICE OF  
PROCESS ON INCARCERATED PERSON SHALL BE REGARDED  
AS RULES OF DECISION FOR ACCRUAL THE TOLLING.

(2) COURT OF APPEAL FOR THE UNITED STATES FIFTH CIRCUIT REFUSE TO ADDRESS ANY OF THE OBJECTION WRITTEN AND FILE INTO THE DISTRICT COURT, AND PROPERLY RAISED IN PHOISE APPELLATE BRIEF. ON APPELLATE REVIEWING THE FACTS DE NOVO TO AFFORD THE INCARCERATED PROPERTY OWNER THE EQUAL PROTECTION OF CONSTITUTIONAL RIGHTS PRISONER'S ACCESS TO THE COURT.  
U.S.C.A. 1<sup>st</sup>; U.S.C.A. 14<sup>th</sup>; CLAIM

IN VIEW OF BOSE CORP. V. CONSUMERS UNION, 466 U.S. 485, 104 S.Ct. 1949 [1984], APPLYING DOCTRINE CONSTITUTIONAL FIRST RULE OF LAW, ON "DE NOVO REVIEW"

(3) COURT OF APPEAL ACCEPTED THE \$505.00 DOCKET FEES TO ALLOW THE PHOISE APPELLANT, TO HAVE HIS DAY IN COURT FOR THE ADJUDICATION ON THE MERITS OF CLAIMS INCORPORATED INTO PHOISE BRIEF'S BUT REFUSE TO ADDRESS ANY OF THE COLORABLE CLAIM'S GROSS MISFEASANCE OF JUSTICE ON AUGUST 30<sup>th</sup>, 2016; LOCAL MUNICIPAL ACTORS CONSPIRED TO UNLAWFULLY DETAINED; MR. DAVIS PHICH TO ANY ADJUDICATION OF COURT IN VIOLATION OF U.S.C.A. 8<sup>th</sup>; CRUEL AND UNUSUAL INFLICTED PUNISHMENT; WITHOUT DUE PROCESS; U.S.C.A. 13<sup>th</sup>, U.S.C.A. 14<sup>th</sup>.  
3/5

(4) THIS IS A COMPLEX CASE WHICH CONTAINS SEVERAL  
LADDO PARISH MUNICIPAL POLICY AND PROCEDURES, AND  
CUSTOMS FOR RELEASE ON BOND CONDITION, PROMPT  
COURT APPEARANCE AFTER ARRESTED ON A WARRANT.  
FOR POLICYMAKERS, IN SHERIFF OFFICE, PROPERTY  
STANDARD BOARD; SERVICE OF LEGAL NOTICE'S  
ON A INCARCERATED PROPERTY-OWNER -

(5) THIS IS A COMPLEX CASE WITH DIFFERENT  
SET'S OF DEFENDANT'S IN DIFFERENT DEPARTMENT  
WITHIN LADDO PARISH COMMISSION OFFICES.

(6) THE APPELLANT' LOSS HIS LIBERTY ON AUG<sup>31</sup>  
2016; DUE TO THE UNCLEAN HANDS OF LOCAL  
OFFICIALS, AND IN 2020 LOSS COMMERCIAL AND  
PERSONAL ASSETS; BUILDING OFFICES, SHOPS, NEAR  
LAND / PROPERTY WITHOUT DUE PROCESS OF LAW.

(7) THE 60 DAY EXTENSION IS NEEDED TO BE  
ABLE TO PERFECT THE APPEAL TO THE COURT OF  
LAST RESORT AFTER COURT OF APPEAL DENIED THE  
APPELLANT DUE PROCESS FOR ACCESS TO THE COURT  
DAMAGING THE \*INTEGRITY OF FEDERAL COURT  
JUDICIAL PROCESS 415

(8) THE 60 DAY EXTENSION WILL ALLOW THE PROSE APPELLANT TO REVIEW, CLARIFY, LAWS, CALL OUT TO THE PUBLIC TO ASSIST WITH FINDING A LAWYER TO FILE A BRIEF ON THE MERIT TO THIS COURT.

(9) THE 60 DAY EXTENSION WILL ALLOW THE PROSE APPELLANT TO REQUEST AID FROM THE LAW LIBRARY SERVICES AT DAVID-WADE COLLECTION WITH FRAMING ARGUMENT, ON THE MERITS, AND USING THE TYPING SERVICE IN LAW LIBRARY FOR THE JUSTICES REVIEW OF WELL-PLEAD, "TYPED" PROSE BRIEF.

### CONCLUSION

GRANTING THE MOTION FOR EXTENSION WOULD BE IN THE FUNDAMENTAL FAIRNESS OPINION. THE RULE OF LAW FOR PRISONER ACCESS TO THE COURT, SUBSTANTIAL CONSTITUTIONAL DUE PROCESS LAW, FOR FAIR REVIEW.

# PRAYER FOR RELIEF

THE PROSE APPELLANT, MR. DENNIS HAY DAVIS JR.,  
PRAYS FOR THE RELIEF GRANTING MOTION TO  
SEEK AN EXTENSION OF 60 DAYS TO FILE  
PETITION FOR A WRIT OF HABEAS CORPUS TO  
THE UNITED STATES FIFTH-CIRCUIT  
COURT OF APPEALS, IN THE PUBLIC

INTEREST OF JUSTICE FOR ACCESS TO OUR NATION  
HIGHEST COURT OF LAST RESORT FOR REMEDY BY  
DUE PROCESS OF LAW TO HOLD THE LOCAL  
GOVERNMENTAL OFFICIALS ACCOUNTABLE FOR THEIR  
UNLAWFUL ACTIONS; THAT STOLE THE LIBERTY  
AND PROPERTIES FROM A CLASS OF PERSON  
UNITED STATES CITIZEN BY BIRTH-RIGHTS.

RESPECTFULLY;

SUBMITTED BY:

~~XX:~~ 7/15/2024

UNITED STATES CITIZEN

MR. DENNIS HAY DAVIS JR.

D.O.B.# 469947

DAVID WADE-CORRECTION

670 BELL HILL RD

HOMER, LA - 71040

- CERTIFICATE OF SERVICE -

I Mr. DEEMS HAS DAUS JR, ON JANUARY 15<sup>TH</sup>, 2024 I PLACE THE ORIGINAL HAND WRITTEN MOTION SEEKING AN EXTENSION INTO THE DAVID WADE CORRECTION PRISON MAIL BOX, IN A SELF-ADDRESS ENVELOPE AFFIXED WITH THE PROPER AMOUNT U.S. POSTAL STAMPS, - TO U.S.

SUPREME COURT 1<sup>ST</sup> STREET, N.E., WASHINGTON D.C.  
ATTACHMENT TO MOTION; COURT OF APPEALS  
ORDER/REVIEWING OPINION.

RESPECTFULLY SUBMITTED

~~BY: [Signature] 1/15/2024~~  
~~X.B. [Signature]~~

Mr. DEEMS HAS DAUS JR.

D.O. # 469947

DAVID WADE CORRECTION CENTER.

670 DENIHILL RD.

HOMEY, LOUISIANA - 71040.

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

October 25, 2023

Lyle W. Cayce  
Clerk

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No. 23-30108  
Summary Calendar

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DENNIS RAY DAVIS, JR., *on behalf of* G A P INVESTMENTS  
S.L.L.C., *Individually and, doing business as* DAVIS PRODUCTS &  
SERVICES L.L.C., *doing business as* AFFORDABLE CONSTRUCTION &  
TRACKHOE SERVICE L.L.C., *doing business as* AFFORDABLE FENCE  
COMPANY, *doing business as* UNITED FENCE & SECURITY L.L.C.,  
*doing business as* D P S AUTOMOTIVE & COLLISION CENTER  
L.L.C., *doing business as* JUMPERS & MORE, *doing business as* D P S  
SERVICES & DEVELOPMENT,

*Plaintiff—Appellant,*

*versus*

CADDO DEPARTMENT OF PUBLIC WORKS; JAMES R. MARTIN  
BUILDING & DEMOLITION; WOODROW WILSON, JR., *Individually*  
*and in his official capacity*; JAMES R. MARTIN, *Individually*; JAMES R.  
MARTIN BUILDING AND REMODELING L.L.C.; COMMISSION  
OFFICE CADDO PARISH; SHERIFFS OFFICE OF CADDO PARISH;  
STEVE PRATOR,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:22-CV-1567

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Before HIGGINBOTHAM, STEWART, and SOUTHWICK, *Circuit Judges*.

PER CURIAM:<sup>1</sup>

Dennis Ray Davis, Jr., Louisiana prisoner # 469947, initiated a 42 U.S.C. § 1983 action, alleging his constitutional rights had been violated. Some claims relate to the demolition of his property. Others involve the failure of the defendants to release him on bail after he turned himself in to find out why he had been charged with armed robbery, armed robbery with the use of a firearm, and attempted murder. The district court dismissed Davis's claims concerning the demolition of his property as time barred and, thus, for failure to state a claim for relief and as frivolous. *See* 28 U.S.C. § 1915A(b)(1). The court dismissed Davis's claims regarding the failure to release him on bail as duplicative and, thus, malicious and frivolous.

We find no error in the district court's determination that Davis's claims concerning the demolition of his property are time barred by Louisiana's one-year personal injury statute of limitations. *See Stringer v. Town of Jonesboro*, 986 F.3d 502, 509-10 (5th Cir. 2021). Accordingly, the claims were properly dismissed. *Gonzales v. Wyatt*, 157 F.3d 1016, 1019-20 (5th Cir. 1998).

The district court was correct that Davis's claims concerning the failure to release him on bail are duplicative of claims that Davis raised in other proceedings. *See, e.g., Davis v. Police Dep't of Shreveport*, No. 21-30172, 2022 WL 2867161, at \*1 (5th Cir. July 21, 2022) (unpublished). Those claims were properly dismissed. *Id.*; *see also Shakouri v. Davis*, 923 F.3d 407, 410 (5th Cir. 2019).

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<sup>1</sup> This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

Accordingly, the judgment of the district court is AFFIRMED. We have previously warned Davis that future repetitive filings would subject him to sanctions. *Davis*, 2022 WL 2867161, at \*1. Notwithstanding this warning, Davis has continued to file repetitive pleadings.

Davis is ORDERED to pay a monetary sanction in the amount of \$100 to the clerk of this court. He is BARRED from filing any pleading in this court or in any court subject to its jurisdiction until the sanction is paid unless he first obtains leave of the court in which he seeks to file a pleading.

Davis is WARNED that any future frivolous, repetitive, or otherwise abusive filings will invite the imposition of additional and progressively more severe sanctions, which may include dismissal, further monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction. Davis should review any pending matters and move to dismiss any that are frivolous, repetitive, or otherwise abusive. Davis is REMINDED that he is barred under 28 U.S.C. § 1915(g) from proceeding in forma pauperis in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See Davis*, 2022 WL 2867161, at \*1.