

No

24-5879

ORIGINAL

SUPREME COURT OF THE
UNITED STATES

Supreme Court, U.S.
FILED

OCT 24 2024

OFFICE OF THE CLERK

In re HENRY B BERROCAL

ON PETITION FOR A WRIT
OF MANDAMUS

PETITION FOR A WRIT OF MANDAMUS

HENRY B BERROCAL

(Your name)

200 N COMAL

(ADDRESS)

SAN ANTONIO TX 78207

(CITY STATE ZIP CODE)

Phone number

RECEIVED

OCT 24 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1 Civil Rights
- 2 Habeus Corpus

LIST OF PARTIES

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

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Stephanie Boyd, State of Texas District Judge, individual-official capacity.
2. Joel Perez, state of Texas District Judge, individual-official capacity.
3. Xavier Rodriguez, USA District Judge Texas western District San Antonio division individual and official capacity.

RELATED CASES

6-17-10-00000

Corporal Disclosure Statement
under rule 14(a)(b)

I, Henry B Berrocal under Penalty of
perjury declares that I do not own an
10% or more of any public trade company

Henry B Berrocal

List of All Proceedings state and Federal court(s)

Under rule 141(b)(III) List of all proceedings in state and Federal court(s) related to this case
name of the court:

1 State of Texas Bexar County Criminal District Court

- Name of the case: State of Texas vs Henry B Berrocal

- Case number: 2024CR1587

- Motion to increase bond Psychological Evaluation GRANTED by Stephanie Boyd and Joel Perez Date 01/10/2024

- Motion for Bond Reduction Denied Joel Perez on 03/15/2024

- Motion for Speedy Trial Denied Joel Perez 04/19/2024

- Writ and Motions File by myself (attorney anthony cantrell deny to do it) motion to quash indictment, motion to suppress evidence, writ of Habeas release due to delay, motion for bond reduction, Hybrid Pro Se, Habeas Corpus Excessive Bail NO RESPONSE

2 State of Texas Bexar County Court of Criminal Appeals

- Name of the case: No response or filing by court

- Case Number: no response or filing by court March-April

- Writ and Motions File by myself: Writ of Mandamus, Appeal of Speedy Trial and Reduction of Bond, motion to suppress evidence, Bond reduction, writ of Habeas Corpus challenge confinement NO RESPONSE

List of Proceedings

3 Texas Supreme Court

Name of the case: NO RESPONSE

Case Number: NO RESPONSE

writ and cases file by myself: writ of Mandamus,
writ of Habeas Corpus, excessive bail, challenge illegal
confinement, release due to delay, Motion to suppress evidence
Quash indictment NO RESPONSE Date April - May

4 USA Court Western District of Texas San Antonio division

Name of the case: Berrocal VS Salazar

Case NO: SA-24-CA-0196-XR

writ of Habeas Corpus: claiming civil right violations,
Special Conditions and Incurable harm, Denied by
Judge Xavier Rodriguez Date 04/26/2024

5. USA Court of Appeals 5th Circuit

Name of the case Berrocal VS Salazar

Case No 24-50270

Appeal file case dismissed by clerk 06/06/24

NO Reason, other than excessive request of
Payment.

Henry B Berrocal

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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

OTHER

Table of Contents and cited Authorities under rule 14(E)(C)(D)

Citation and opinions by Court of administrative agencies

- State of Texas Deker County District Court: never provide a copy of the judgment or rulings (I knew about denial because March 30th 2024 I speak to the judge in person for the 1st time in 4 months)
- State of Texas Court of appeals 4th: no response, orders, judgment provided nothing was provided
- State of Texas Supreme Court: no response, orders, judgments provided nothing
- USA Court Western District of Texas San Antonio division. The judge denied my writ of Habeas corpus special conditions and Incommunicable Harm because State Texas Pending trial and exhausted state Texas remedies
- USA Court of appeals 5th Circuit: The court denied my appeal no reason provided, but the court demand payment too many times when explain I cannot pay, access or ability to do it in jail. The court demand inmate trust fund, but the jail never provided

Federal, Table of cited authorities

USA Court Western District of Texas San Antonio division 28 U.S.C. § 2254(b)

USA Court of Appeals 5th Circuit 42.3, 5th Cir. Rule

The federal constitutional right for speedy trial *Klopfer vs North Carolina* 386 US (9 Cir, 1967) *Mcneely vs Blanas* 336 F. 3d 822 (9th Cir 2003)

Violation of speedy trial immediate release after delay 3 years

Texas state

- Judicial delay violates 6th amendment and presecutorial delay violates Speedy Trial Act *Hull vs State*, 699 S. W 2d 220 (Tex. Cir. App. 985)
- If trial court denies speedy trial. The court of appeals can issue a writ of Mandamus to compel speedy trial (Tex Cir App. 1978)
- 180 days require dismissal *Lasiter vs Texas State* (TX Houston 2 Dist 2019)

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

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix D to the petition and is

☒ reported at USA Court of Appeals 5th Circuit; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix D to the petition and is

☒ reported at US Court House Western District of Texas ^{San Antonio division}; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix D to the petition and is

☒ reported at Texas Supreme Court and Court of Appeals; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Court of Appeals and District court appears at Appendix D to the petition and is

☒ reported at Bexar County State of Texas; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 06/06/24.

☒ No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was Texas criminal appeal court
A copy of that decision appears at Appendix no response D.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Appendix B

Basis For Jurisdiction in this court 1(e)(i)

The judgment to be review is in compliance under rule 12. There is NOT case pending to be review

(ii) no date for rehearing or extension of time was granted other than the dismissal

(iii) Under rule 12.5 crosspetition writ of certiorari is file under rule 39 former pauperis under rule 29 I am an inmate confined in an institution no represent by counsel

(iv) the statutory provisions on this court jurisdiction under rule 20, U.S.C. 28 & 1651(a) writ of mandamus and prohibition

(v) Notification is require under rule 29

What exceptional circumstances warrant the exercise of power from the court. Why adequate relief cannot be obtain in other courts

- Violation of all my civil rights
- Block or no response of motions by State Courts and writs
- USA District Court Denied writ of habeas corpus
- USA Court of Appeal dismiss case for not reason
- I am torture everyday with the most dangerous - wanted criminals
- I file any writ or motion with a response or denied
- Violation of Speedy Trial Act
- illegal arrested 2 times with 0 probable cause
- Judge misconduct and police misconduct
- I can stay my whole life 100 years waiting for the state of Texas Trial (Lack of supervisory power from federal courts) 28 U.S.C. & 2254(b) states are free to violate all civil rights and do whatever they want with no supervisory power

Henry D Berrocal

Appendix C

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Federal

- 1st Amendment: Freedom of speech, press and Religion
- 2nd Keep and Bear arms; 4th illegal search and seizures
- 5th and 14th Deprivation of life, liberty and property, due process of law, the right to remain silent
- 6th Right for speedy trial and a fair trial
- 8th Excessive Bail, fines, cruel and unusual punishment
- Federal Speedy Trial Act
- Younger Eligibility for Irreparable harm and special conditions
- The Right for Habeas Corpus

Texas law statutory constitutional Texas articles

- Article 8 Freedom of press to investigate public officers
- Article 9 illegal search and seizures
- Article 11 right to bail
- Article 11(a) invocation of second amendment the right to keep and bear arms
- Article 12 The right of Habeas Corpus
- Article 13 Excessive Bail

Appendix D

Statements of the case(s)

On April 24, 2023 I was illegally arrested and charge with Aggravated Assault with a deadly weapon with 0 evidence, confessions, witnesses, no bullets discharge, nobody was hurt physically nothing at all. The San Antonio Police department believe a lie of a mental impair person called Samuel M. Garcia said to the police. The police misconduct create an illegal warrant with a misdemeanor in less than an hour based on 0 probable cause in both charges in retaliation of my civil rights investigation and cover their corruption. Violation of My Federal amendments 1st Freedom of press, 2nd The right to keep and bear arms 4th illegal search and seizure, 5th The right to remain silent, 14th due process of law to deprive liberty, life or property. I was illegally confined in jail Bexar County Adult Detention Center in violation of my 8th amendment, excessive bail, cruel and unusual punishment denial of medical service Hepatitis C, Extreme dirty conditions, Heat, missing food. I paid the 25,000 bond and I was release 06/11/23 Federal lawsuit civil rights pending Filed

On 01/09/24 In My Federal investigation concern of my illegal arrest I investigate more cases. The Family Gonzalez 4 immigrants illegally arrested with 0 evidence. I help the Family with legal paperwork and I present to trial to witness the Gonzalez family trial. The State of Texas Stephanie Boyd to cover her corruption she arrested me

For no reason, my bond was increase from 25K to 500K and I was arrest by the marshal in the USA District Court Western District of Texas San Antonio Division. (Stephanie Boyd is in USA custody for her crimes). The Judge Joel Perez State of Texas helped Stephanie with the deprivation of rights a crime under 18 USC 240 and 18 USC 242. My attorney Anthony Contrell participate filing in bad faith with malice Motion for psychiatric evaluation. The Texas district judge Joel Perez 1 month later increase my bond from 500K to 750K in the month of January. The following month February and March the state of Texas Joel Perez deny my motion for bond reduction and in April my Motion for speedy trial in effort to cover his corruption. Both judges Block me to file my motions and ~~are~~ filing malicious paperwork to deprive me liberty, property in psychiatric evaluations. In violation of my federal Amendments 1st, 2nd, 4th, 6th right for speedy trial and fair trial 5th and 14th due process of law and 8th amendment massive excessive Bail 8th amendment. In Texas law violation of Articles 8, 9, 11, 12, 11a, 13. I Filed in the District Court Motions) speedy trial, Motion to suppress evidence, Quash indictment, Prose hybrid, reduce bond, I never receive a response Writ(s) Habeas corpus, excessive bail, reinstate bail, release - due to delay, and 0 response

Between February and March I contact the Texas Beaureau Court of Appeals to file for a writ of Mandamus

Writ of excessive bail, release due to delay and explain the illegal arrest. I file motion(s) for bond reduction, suppress evidence, Quash indictment and to compel speedy trial, but 0 response. I send the paper work over 3 times

Then I contact the Texas Supreme Court filing the same writ(s) and motion(s) writ of Mandamus to compel my bond reduction, release or speedy trial and nothing 0 response

Motion(s) suppress evidence, Quash indictment, speedy trial
Writ of Habeas corpus(s) release due to delay, challenge my confinement, excessive bail and 0 response

Federal Court(s)

On February 22/2024 I file a writ of Habeas Corpus Berrocal VS Salazar case No SA-24-CA-0196-XR USA Court Western District of Texas San Antonio Division I explain all the civil rights violations and irreparable harm and special conditions. The judge for 2 months keep referring 28 USC § 2254(b) to wait for state pending trial and exhausted all my state law remedies. But now I am going to exhausted all state remedies if the state is not responding to over 40 motions in all state District, Appeals and Supreme Court. Also I file speedy trial and the state denied it. I AM IN AN ENDLESS LOOPHOLE stuck in jail for no reason with all my civil rights violated, The state courts do nothing

and The Federal Court repeating like a brainless robot
state pending trial and exhaust state law remedies, in
violation of all my civil rights. The federal government
lose all the supervisory power to compel states
wrongdoing. However the USA is a accomplice does nothing
to protect people's civil rights no wonder why the
USA is the 1st country with the most incarcerated
people in the world.

On April I filed an appeal in the 5th circuit court
of appeals 09/10/2024 case name Berrocal vs Salazar
Case NO 24-50270. The court over demand the
court filing payment for 2 months. I explained the court
I can't make payment. The clerk close my case for
no reason

Now I am here in the Federal Supreme Court if it
is any resolution. Here incarcerated with all my civil
rights violated, no state court response, and the
federal courts act as robots repeating 'Court filing fees,
wait for the state pending trial, exhaust state laws' Peem.
Peem tama robot, your civil rights do not matter.

This is the USA of liberty

this is no the USA of waiting, licenses or permits
Where is the USA? Has depart from usual course
of proceeding Where is the USA exercise of
court supervisory power to protect civil rights?

In review of the Texas state courts)

It is massive deprivation of civil rights due to the law to wait for state pending trial and exhaust state law remedies

Basically is to say that the state can violate all civil rights when the USA is the foundation of civil rights

This is not the USA of incarceration

This is the USA of freedom, the federal government must intervene in protection of the civil rights. The states do not protect the civil rights. The USA does. The law 28 U.S.C.

§ 2254(b) must be eradicated-abolish and the USA must intervene at any time for any reason to protect the civil rights with Felony examination and Felony bond examination to protect people's civil rights. In all state cases. The state have people waiting in jail for trial 8 years 5 years 3 years why people has to wait for so long in torture conditions. Jails were meant for short term 3 months or 6 months no years or wait for trials for months speedy trial acts depends 60 days with all advance in technology it should be 21 days. If the state(s) change anyone it means they have all evidence to prove I am guilty. I don't need to sit here for months myself waiting for 9 months for nothing when a felony examination, bond examination will close my case in hours. The conditions in jail are torture with low food intake, 23 hrs lockdown, wake up at 1am 2am everyday shackle with chains all day, next to the most dangerous criminals

In review of Federal Court(s)

The USA's obligations is to protect civil rights of the people. The United States cannot sit waiting for the states violate and witness all people's civil rights. The USA must ACT at any time for any reason.

This is the USA of liberty, not the USA of incarceration. The USA is the 1st country with the most incarcerated people in the world. It is an massive threat internal to the USA. The USA must keep its supervisory power for any time at any reason. The writ of Habeas Corpus in Federal Court is the only supervisory power deprived now with useless laws to make people wait for nothing.

The 5th Court of appeals should be out of the State of Louisiana for the following reasons

1. The Louisiana state has the most incarcerated people in the USA 1st state, Texas is number 6th
2. Louisiana is the most poor state in the USA

The 5th circuit never care for my civil rights. They only care for court filing fees even when explain that I can't pay it over 3 times. The state is open for massive corruption

The United State must enforce court for self defendants waiting for years for trial instead for a 30 days pre-trial if the person in question use self defense

The USA drugs cause 90% of all crimes and it is not a matter to over criminalize crime or to decriminalize crime it is a matter to rehabilitate

People with drug courts. They have been successful in the last 16 years, but barely enforce. Domestic violence cases? enforce family courts? Gun violence? enforce gun court education and so on. Everything I said is in the Department of Justice data. It is so much worse in the USA. We have to stop torture, punishment policies why? 90% of criminal will be released again how? worse or better? The jails are perfect places to make criminals worse than before this is why mostly all of them keep repeating the same crimes or other crimes over and over and over is not education, discipline, rehabilitation. The USA criminal system is torture, waste of time and money, with 0 rehabilitation. In the USA 99% of people will never file a lawsuit

Henry D Berrocal

Chief Executive Officer of the USA

Reasons For Granting the writ Appendix E

I am in jail illegally arrested 2 times in violation of all my civil rights as already explained. I am in a law loophole waiting for the state to arrange trial and no state court is responding to my filings. I have an massive bond impossible to be release in violation of Federal and Texas law. Millions of people in Texas and the USA have waited for the states 10 years 8, 5, 3, years. I met an inmate here waiting for trial 8 years that's already a sentence. The State of Texas denied my speedy trial. I don't know what else to do. The conditions in jail are a torture, the main reason so many people commit suicide in this jail. I am here in jail waiting for nothing and probably thousands of USA citizen in Texas and the whole USA because is not federal power to compel the states when they violate the law. It is not felony examination and examination. We can all feel proud the USA is number 1st with the most incarcerated people because we ^{are} all waiting for the states and federal government to act and protect the civil rights. No wait for the states to enforce the law because attorneys do nothing the judges violates people's civil rights and states do not care about people's civil rights. I am here already 6 months illegally incarcerated 2 times with 0 evidence. I have to wait 10 years for the state of Texas? to bring me in trial or can the USA LAW enforce supervisor power to compel the state of Texas ~~to~~ do (s) the Law?

Henry B Beppocal

06/24/24

Chief executive officer of the USA

Conclusion Appendix F

The USA has a massive internal threat. The 1st country in the world to incarcerate the most amount of people. We urgently need supervisory power, no to wait for the states who are not in charge to protect people's civil rights. Jail(s) and prison(s) need education-rehabilitation no torture

In respect of my 2st USA amendment freedom of religion. In the name of God Jesus Christ I will leave 4 bible verses(s)

1. John chapter 4 verse 20 "If a man say I love God and hate his brother, he is a liar; for he that loveth not his brother whom he has seen, how can he love God whom he has not seen

2 John chapter 14 If ye shall ask anything in my name I will do it.

3. Matthew chapter 19 verse 26 But Jesus beheld them and said unto them, with men this is impossible, but with God all things are possible.

Romans chapter 13 verse 1 Let every subject sail unto the higher powers. For there is not power but of God. The power that be are ordained of God.

1 Timothy chapter 1 verse 8 But we know the law is good if a man use lawfully.

In the name of millions of Americans with their civil rights violated specially Black people and hispanics who are over criminalized with hate and torture in Texas

Henry B. Berrocal 10/12/24

Chief Executive officer of the USA

Conclusion

The petition for a writ of Mandamus should be granted.

respectfully submitted

Henry B Berrocal

Date 10/12/24