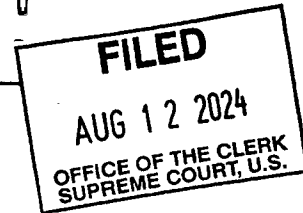


ORIGINAL

No. 24-5901



IN THE

SUPREME COURT OF THE UNITED STATES

Lamont Fitch
(Your Name)

— PETITIONER

vs.

United States of America, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

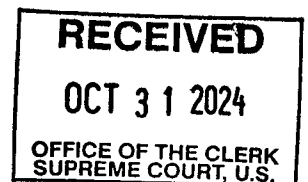
United States Court of Appeals for the Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

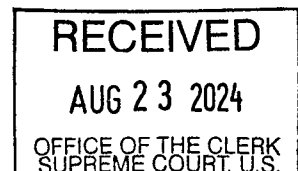
Lamont Fitch Reg. No. 12384-050
(Your Name)

USP Victorville P.O. Box 3900
(Address)

Adelanto, CA 92301
(City, State, Zip Code)



(Phone Number)



1

QUESTION(S) PRESENTED

1. Does a U.S. District Court have jurisdiction over the acts and omissions of the U.S. government, its U.S. Attorney General, FBI, and FBOP, within a conspiracy that enters its jurisdiction and continues to commit torts?
2. Can the United States government block a motion for a Preliminary Injunction against it, the U.S. Attorney General, the FBI, and the FBOP, after a lower Federal Court obstructed justice, and then two other lower Courts misconstrued the facts for the injunction?
3. Can an incarcerated U.S. Citizen seek an injunction against the U.S. government, its Dept. of Justice, FBI, and FBOP for on-going attempts to assassinate him/her?
4. Can an incarcerated U.S. Citizen seek an injunction against the U.S. government, its Dept. of Justice, and Federal Bureau of Prisons for a nation-wide on-going abuse and denial of emergency medical care?
5. Can the U.S. Judiciary "black ball" targeted U.S. Citizens?

LIST OF PARTIES

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

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

United States of America
Merrick B. Garland, U.S. Attorney General, Official Capacity
Christopher Wray, FBI Director, Official Capacity
Michael Carvajal, former PBOP Director, Official Capacity
Kathleen Hawk Sawyer, former PBOP Director, individual; Official Capacity
Charles L. Lockett, Warden of USP Coleman #2, individual; Official Capacity
M. Gutierrez, former Warden of USP Victorville, Official Capacity

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t below.

A to

to

STATUTES AND RULES

28 U.S.C. 1331
5 U.S.C. 702

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This Case involves Statutory provisions 28 U.S.C. 1331, which provides jurisdiction over "All Civil Actions arising under the Constitution, laws, or treaties of the United States." This "Federal question" includes claims alleging violations of Federal Statutes.

This Case involves Statutory provision 5 U.S.C. 702, which provides in relevant part: "An action in a Court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States; Provided, that any mandatory or injunctive decree shall specify the Federal Officer or Officers (by name or by title), and their Successors in Office, personally responsible for compliance."

This Case also involves Statutory provision 18 U.S.C. 4042, which provides:

(a) In general. The Bureau of Prisons, under the direction of the Attorney General, shall -

(1) have charge of the Management and regulation of all Federal penal and Correctional institutions;

(2) provide suitable quarters and provide for the safe keeping, care, and subsistence of all persons charged with or convicted of offenses against the United States, or held as witnesses or otherwise;

(3) provide for the protection, instruction, and discipline of all persons charged with or convicted of offenses against the United States---

STATEMENT OF THE CASE

I, the petitioner, factually puts forth within my Verified Civil Complaint, with Supporting exhibits, that I am targeted for assassination by the Respondents. The residue of the thus far failed attempts on my life has left me seriously injured where I remain the target of abuse, medical neglect, harassment and theft of my property and papers from one facility to the next within the Federal Bureau of Prisons.

This district Court dismissed my motion for injunctive relief, adopting the report and recommendation of the U.S. Magistrate judge. The Court of Appeals affirmed the denial.

REASONS FOR GRANTING THE PETITION

A. Safety of All U.S. Citizens from government arbitrary assassinations and unequal protection from lower courts.

I, the pro se plaintiff, filed a Civil Action under both Bivens and the Federal Tort Claims Act, but the U.S. District Court severed the Bivens claims which left only the FTCA claims in this petition.

In both cases, I seek/sought damages; injunctive relief for on-going plots and attempts to assassinate me by the U.S. government, its U.S. Attorney General, FBI, and FBOP staff. I also seek injunctive relief for on-going intense harassment, abuse, and blatant denial of emergency medical attention, where the conspiracy has recruited medical personnel whom use my health issues as an avenue of attack.

The thus far failed attempt to assassinate me, under the umbrella of "plausible deniability," has left me with very serious injuries (See Civil Complaint No. 1:20-cv-246, 77 pages with over 150 exhibits).

Within the body of my Civil Complaint I listed all defendants directly responsible for the tortious acts, which included Defendants U.S. Attorney General, FBI, and FBOP Director (See Complaint, lines 219, 238-40, 292-318, 328, etc).

Within the body of my Complaint I provided the chronology of a vast conspiracy, on-going, that followed me into the custody of the U.S. Attorney General and the FBOP after a FBI plot to assassinate me failed on February 21, 1997. (See Complaint, lines 295-308, 319-326, also see lines 328, 342-44).

While within the custody of the Attorney General and the Director of the FBOP, I suffered a serious injury defending myself against a government plot to attack me on June 1, 2016 in Coleman, Florida (See Complaint, lines 35-44).

I contacted the U.S. District Court, Middle District of Florida, Ocala Division, as to my FTCA Complaint seeking to toll the statute of limitations due to the suppression and harassment of the conspiracy. However, federal court staff (the government) blocked me from filing my suit there and FBOP staff later joined in on this collusion in Florida, where the Clerk's Office withheld the Civil Rights Complaint form that it falsely stated was "included" within its July 13, 2018 response - there is a practice. See exhibits 10, 11, 12, 13 or line 33 of the Complaint.

I found federal court staff's unprofessional conduct against me to be wide-spread, and on record with the Ninth Circuit Court of Appeals I complained after the U.S. District Court Clerk's Office, for the Central District of California, also withheld forms they said were included. This time I brought this misconduct to the attention of Unit Manager A. Altan and I contacted the Ninth Circuit Court of Appeals (See Appendix C & D)

I've found that I've been "black-balled" by the U.S. Judiciary in response to my expose on the Unprofessional Conduct against me by two former Federal Judges who went into early retirement thereafter. This "black balling" has effectively denied me access to a Court where I could present my evidence to a jury or my peers. I was blocked from bringing Suit in Florida, and blocked from bringing Suit in California, so I brought Suit against the entire on-going Conspiracy in Texas, where I was also seriously injured, Seeking damages and also Seeking an injunction against Co-Conspiring defendants, in their Official Capacities, whom I am in the custody thereof whenever I am transferred to within the FBOP.

A plaintiff has Standing to Sue only if the defendants' conduct has caused him some actual injury or threatens to do so, and if a favorable Court decision is likely to redress the injury. *Sprint Communications Co., L.P. v. APCC Services, Inc.*, 128 S.Ct. 2531, 2535 (2008); *Allen v. Wright*, 468 U.S. 737, 751 (1984)

In cases about the right of access to Courts, the "actual injury" that prisoners are required to show is that "a non-frivolous legal claim had been frustrated or was being impeded." *Lewis v. Casey*, 518 U.S. 343, 351-53 (1996)

After a Conspiracy to block my access to the U.S. District Court in Florida and in California by judicial Officials, a pattern of obfuscation and Misconstruction commenced after I brought my Complaint

against the entire Conspiracy within a jurisdiction (Eastern District of Texas) where I was seriously injured by some of the defendants, which included the U.S. Attorney General, the Director of the FBI, and the Director of the FBI, et al.

"Plaintiff seeks preliminary injunctive relief with respect to events which took place outside this judicial district by people who are not parties to this lawsuit."

- U.S. District Judge Michael J. Truncate

1-27-23

"Throughout these proceedings, Fitch has been imprisoned at the United States Penitentiary, Urebrille in California. However, he filed his instant Complaint in the district Court for the Eastern District of Texas, and he sought P.I. relief as to events and parties who were not located in the Eastern District of Texas."

- Before Higginbotham, Stewart, and Southwick

- 3/15/24

The two quoted opinions of both the U.S. District Court Judge Michael J. Truncale, and Fifth Circuit judges Higginbotham, Stewart, and Southwick are incorrect final decisions. I seek a preliminary injunction against the United States government, the U.S. Attorney General, and the Director of the Federal Bureau of Prisons, as well as the F.B.I.; all of which are named within the Complaint. With the exception of the F.B.I., I am in the direct custody of the defendants wherever I am transferred to within the Federal Bureau of Prisons.

My Complaint was properly filed in the Eastern District of Texas where part of the injury occurred. The federal district Courts have jurisdiction over "all civil actions arising under the Constitution, laws or treaties of the United States." This is called federal question jurisdiction. 28 U.S.C. 1331

Courts have always assumed that they can grant equitable (injunctive) relief against federal officials for such violations, *Given v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 398, 404-05 (1971) (Harlan J., concurring in the judgment); *Simmat v. U.S. Bureau of Prisons*, 413 F.3d 1225, 1231-32 (10th Cir. 2005) (noting that the federal prisoner could seek "an injunction, based on the federal Courts' equity jurisdiction, to enforce the dictates of the Eighth Amendment"), and injunctions have been granted in a number of federal prison cases. See *Gartrell v. Ashcroft*, 191 F. Supp. 2d, 40-41 (D.D.C. 2002); *AshKenazi v. Attorney General of the U.S.*, 246 F. Supp. 2d 1 (D.D.C. 2003). Now a federal statute authorizes injunctive claims against the government itself as well. See 5 U.S.C. 702; *Trudeau v. Federal Trade Comm'n*,

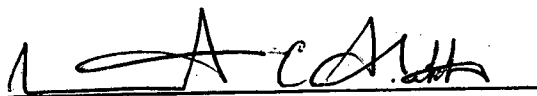
456 F.3d 178, 186-87 (D.C. Cir. 2006) (stating that Section 702 waives immunity for all equitable claims against federal agencies or officers in their official capacities); *Simmat v. U.S. Bureau of Prisons*, 413 F.3d at 1233 (discussing Section 702's scope and waiver of sovereign immunity). The Courts are plainly concerned that the defendants who are named in an injunction case have the ability to end the constitutional violations if so ordered. *Luckey v. Harris*, 860 F.2d 1012, 1015-16 (11th Cir. 1988)

The defendants continue to perform in violation of 18 U.S.C. 4042, and various other state and federal laws. I therefore request that the Supreme Court grant my Certiorari, and excuse my lapses for I am submitting this under extreme duress.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: August 12, 2024