

24-6479

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

AUG 20 2024

OFFICE OF THE CLERK

~~XXXXXXXXXX~~
THOMAS SAWYER

(Your Name)

— PETITIONER

vs.

CARYN JEE, ET AL.

— RESPONDENT(S)

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

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

THOMAS SAWYER

(Your Name)

3695 FM 3514 LE BLANC UNIT

(Address)

BEAUMONT, TX. 77705

(City, State, Zip Code)

NONE

(Phone Number)

QUESTION(S) PRESENTED

QUESTION PRESENTED NUMBER ONE: CAN THE FIFTH CIRCUIT COURT OF APPEALS OVERRULE THIS U.S. SUPREME COURT'S DECISIONS OF SCHUELER V. RHODES AND HAINES V. KERNER WHICH BOTH PROVIDE THAT PRO SE LAYMAN AT LAW LITIGANTS' PLEADINGS MUST BE LIBERALLY CONSTRUED NOT HELD TO THE STRINGENT STANDARDS OF A LAWYER, FOR THE SOLE REASON WHEN THE PETITIONERS ARE "BL" OR "BLACK" LITIGANTS AS SPECIFICALLY DESIGNATED IN ANY AND/OR ALL THE CAPTIONS OF THEIR CASES BY THE DISTRICT COURT, CO-SIGNED BY THE 5TH CIRCUIT AND THEREFORE CONFIRMING THIS U.S. SUPREME COURT'S REASONING IN BUCK V. DAVIS, 137 S.Ct 759 (2017), THAT IN TEXAS THE COURTS MAKES DECISIONS AND RULINGS BASED SOLELY ON THE COLOR OF LITIGANT'S SKIN, YET WHILE THESE COURTS AT THE SAME TIME OVERRULING BUCK'S REJECTION OF BIAS, PREJUDICE AND RACISM IN DECIDING CASES,

QUESTION NUMBER TWO: WHETHER, ALTHOUGH EVERY SINGLE U.S. CIRCUIT COURT OF APPEALS HAVE SPECIFICALLY HELD THAT "NOTICE OF APPEAL" ENCOMPASSES ALL ORDERS THAT, FOR PURPOSES OF APPEAL, MERGE INTO THE DESIGNATED JUDGMENT OR APPEALABLE ORDER, " EVEN INCLUDING THE VERY 5TH CIRCUIT ITSELF, YET CAN THE FIFTH CIRCUIT KNOWINGLY AND INTENTIONALLY IGNORE THIS PRINCIPLE OF LAW TO DEPRIVE PETITIONER REVIEW OF EIGHT GROUNDS OF ERROR SO THAT IT WOULD NOT HAVE TO ADDRESS THE DISTRICT COURT'S USE OF THE RACIAL DESIGNATOR OR MONIKER OF "BL" IT USES IN THE CAPTION OF PETITIONER'S CASES TO REMIND ITSELF THAT PETITIONER IS "BL" OR "BLACK" SO THAT IT COULD WATER DOWN ITS CASE(S). CAN THE FIFTH CIRCUIT IGNORE THIS LAW AND LEGAL PRINCIPLE TEMPORARILY TO DENY ANY AND/OR ALL "BL" OR "BLACK" LITIGANTS ACCESS TO COURT,

QUESTION NUMBER THREE: CAN THE FIFTH CIRCUIT SIMPLY QUOTE THE SUMMARY JUDGMENT LANGUAGE OF FRCP, RULE 56, OF "THE COURT SHALL GRANT SUMMARY JUDGMENT IF THE MOVANT SHOWS THAT THERE IS NO GENUINE DISPUTE AS TO ANY
IN [PAGES II AND III ELIMINATED ONE TO 9-12-24 ORDER]

MATERIAL FACT AND THE MOVANT IS ENTITLED TO JUDGMENT AS A MATTER OF LAW" AND THAT "THE COURT MUST RESOLVE ANY FACTUAL UNCERTAINTIES IN LIGHT MOST FAVORABLE TO THE NON-MOVANT," THEN SYSTEMATICALLY IGNORE AND TOTALLY DISREGARD ALL OF PETITIONER'S, THE NON-MOVANT, EVIDENCE — INCLUDING MEDICAL RECORDS, DISCOVERY, AFFIDAVITS OR DECLARATIONS, ADMIS- SIONS, INTERROGATORY ANSWERS AND OTHER MATERIALS THAT CLEARLY DEMONSTRATES THAT A GENUINE DISPUTE EXIST, SOLELY BECAUSE THE FIFTH CIRCUIT REFUSED TO ADDRESS, OR REFUSED TO HAVE TO ADDRESS, THE DISTRICT COURT'S DENIAL OF ACCESS TO ^{COURT} TO ANY AND ALL "BL" OR "BLACK" PRISON LITIGANTS.

QUESTION NUMBER FOUR: CAN THE FIFTH CIRCUIT REFUSE TO ENTERTAIN PETITIONER'S GROUND OF ERROR TEN CONCERNING THE DISTRICT COURT'S ABUSE OF DISCRETION IN DENYING HIM TO PROCEED ON APPEAL JFD BY ERRONEOUSLY CONCLUDING THAT IT WAS THE SAME OR SIMILAR ARGUMENTS PRESENTED IN HIS PRIOR MOTION WHEN THE COURT NEVER ADDRESSED THE ISSUE WHETHER PRISON OFFICIALS CONSPIRATORY POLICY OF "INJURY AND SKID; INJURY AND SKID" WHEREBY THEY KNOWINGLY AND INTENTIONALLY AND SYSTEMATICALLY TRANSFERS PETITIONER, AND ALL OTHER PRISONERS SO SIMILARLY SITUATED, TO ANOTHER UNIT EACH TIME THEY SUBJECT HIM/THEM TO UNCONSTITUTIONAL INJURY FOR THE SOLE PURPOSE TO PREVENT HIM/THEM FROM FILING JFD ON APPEAL TO CIRCUMVENT THE ALRA'S PREVISION WHICH ALLOWS JFD ONLY IF PRISONER IS STILL ON THE UNIT OF INJURY, WHETHER PETITIONER MAY BE GRANTED TO PROCEED ON INITIAL SUIT AND APPEAL DUE TO "IMMINENT DANGER," BUT PRECLUDED ON THE 2ND, 10TH OR 100TH APPEAL SIMPLY BECAUSE RESPONDENTS TRANSFER HIM/THEM TO ANOTHER ONE OF THEIR OWN PRISON UNITS (TO CONTINUE THEIR UNCONSTITUTIONAL TREATMENT).

QUESTION NUMBER FIVE: CAN THE LOWER COURTS ALLOW THE RESPONDENTS TO CLEVERLY FILE CREATIVE WAYS TO CAUSE A 2ND, 10TH, 100TH APPEAL FOR THE PURPOSE TO PREVENT PETITIONER, AND OTHERS SO SIMILARLY SITUATED, FROM PROCEEDING UNDER THE 3 STRIKES "IMMINENT DANGER" PROVISIONS OF § 1915G, AFTER THEY HAVE PROCEEDED JFD IN BOTH INITIAL FILING OF SUIT AND FIRST

APPEAL, CAN THE LOWER COURTS CIRCUMVENT OR ALLOW THE CIRCUMVENTION THIS STATUTE.

QUESTION NUMBER SIX: CAN THE RESPONDENTS CONFISCATE PETITIONER'S TWELVE (12) YEAR HISTORY OF HIS MEDICAL RECORDS FROM HIM THAT HE WAS GOING TO USE TO DEFEND THEIR MOTIONS FOR SUMMARY JUDGMENT; CAN THE DISTRICT COURT THEREAFTER INFORM THE RESPONDENTS THAT ALL THEY HAVE TO DO IS CLAIM THEY CAN NOT READ PETITIONER'S HANDWRITING IN HIS MULTIPLE MOTIONS FOR DISCOVERY AND MULTIPLE MOTIONS TO COMPEL DISCOVERY REQUESTING THE VERY TWELVE (12) YEARS OF MEDICAL RECORDS BE RETURNED OR REPLACED (AMONG OTHER DISCOVERY REQUEST); CAN THE LOWER COURTS THEREAFTER REFUSE TO ACKNOWLEDGE PETITIONER'S TWELVE (12) YEARS OF MEDICAL RECORDS WHICH PROVE HE DID IN FACT SUFFER FROM A TORN ROTATOR CUFF DUE TO REPEATED SHOULDER RELOCATIONS BY RESPONDENTS, THAT HE WAS ABLE TO ACQUIRE BY ANOTHER SOURCE AND WAS ABLE TO SUBMIT TO DISTRICT COURT PRIOR TO ANY RULINGS ON SUMMARY JUDGMENT, EVEN THOUGH THE LOWER COURTS WERE FULLY AWARE THAT RESPONDENTS HAD INITIALLY CONFISCATED THEM WHICH PREVENTED THEM FROM BEING SUBMITTED WITH HIS SUMMARY JUDGMENT RESPONSES.

QUESTION NUMBER SEVEN: WHETHER NEVER IN THE HISTORY OF AMERICA HAS A JUDGE, UNTIL NOW, SO BLATANTLY USED A RACIAL DESIGNATOR OR MONIKER OF "BL" IN THE CAPTION OF CASES TO DENOTE THAT A PLAINTIFF OR ANY AND ALL BLACK PLAINTIFFS WERE IN FACT BLACK LITIGANTS FOR THE SOLE PURPOSE TO REMIND THE JUDGE TO LATER DISMISS THE CAUSES OF ACTION SOLELY BECAUSE THE LITIGANTS ARE BLACK THAT GENERALLY AFFECTS THE THIRTY-THREE MILLION (33,000,000) "BL" OR "BLACK" AMERICAN CITIZENS OF THE UNITED STATES "THAT MAY AT SOME POINT FIND THEMSELVES RESIDING UNDER THE 5TH CIRCUIT'S JURISDICTION" AND THAT DIRECTLY AFFECTS THE FOUR MILLION (4,000,000) PLUS "BL" OR "BLACK" AMERICAN CITIZENS "THAT DO RESIDE UNDER THE FIFTH CIRCUIT'S JURISDICTION," WHICH VIOLATES THEIR CONSTITUTIONAL RIGHTS.

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:

THOMAS SAWYER, PETITIONER

CARYN DE; TAMMY MESSMER; DANIEL A. LARKIN; RUBEN SARKIN;
MARCIA ORAL; PEPPER BRADBERRY; MANY OTHERS ERRONEOUSLY
OBSERVED; ET. AL.

RELATED CASES

7:15-CV-092-0; USCA 16-10238
7:15-CV-092-0; USCA 21-10241
7:15-CV-092-0; USCA 19-10642
7-12-CV-185-BL; USCA 14-11165 (14-11164; 14-11174)
7-13-CV-038-BL;
7-13-CV-090-BL;
7-13-CV-243-BL;

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	4
STATEMENT OF THE CASE	5
REASONS FOR GRANTING THE WRIT	6
CONCLUSION.....	23

INDEX TO APPENDICES

- APPENDIX A THE OPINION OF THE UNITED STATES FIFTH CIRCUIT COURT OF APPEALS (MAY 30, 2024; SECOND APPEAL)
- APPENDIX B THE OPINION OF THE UNITED STATES DISTRICT COURT (MARCH 30, 2022)
- APPENDIX C THE OPINION OF THE UNITED STATES FIFTH CIRCUIT COURT OF APPEALS (MAY 25, 2017; INITIAL APPEAL)
- APPENDIX D LETTER 7-21-20: AFTER SENDING SIX (6) LETTERS ADDRESSED DIRECTLY TO JUDGE O'CAMPO REQUESTING WHAT MAGISTRATE "BL" REFERED TO, HE ORDERED CLERK "SG" TO RESPOND.
- APPENDIX E TEXAS LEGAL DIRECTORY; NORTHERN DISTRICT OF TEXAS; DESIGNATORS FOR EACH FEDERAL JUDGE; A 63-666
- APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
ANDERSON V. LIBERTY LOBBY INC, 106 S.Ct 2505 (1986)	16
BAILEY V. PATTERSON, 369 US 31 (1962)	17, 18
BANDS V. O'GUIN, 144 F.3d 883 (5TH CIR 1998)	18
BAKER V. THALER, CAUSE NO. 7-12-CV-183	11
BROCK V. CITY OF N.Y., 2024 US APP, LEXIS 17904 (2ND CIR. 2024).	7
BUCK V. DAVIS, 137 S.Ct 759 (2017)	ii, iii, iv
CLEMENS V. US, DIST. CT., 428 F.3d 1175 (9TH CIR, 2005)	16
COLE V. CITY OF CASSIA, 2021 US APP, LEXIS 24433 (9TH CIR, 2021).	7
DAVIS V. ALLEN, CAUSE NO. 6-12-CV-0033	11
DAWSON V. ARCHAMBEAU, 2022 US APP, LEXIS 30870 (10TH CIR, 2022).	7

STATUTES AND RULES

28 USC § 1253	iii, 4, 7
28 USC § 1651	4, 9
28 USC § 1915	v, 6, 20, 22
28 USC § 2101	17

OTHER

FRAUD, RULE 3	8
FRCP, RULE 56	15

TABLE OF AUTHORITIES CONT'D

PAGE

FISHER V. U.S., CAUSE NO. 3-10-CV-925-0	10
FLORES V. JACOBS, CAUSE NO. 1-09-044-BI	10
FLORES V. WHEELER, CAUSE NO. 1-10-CV-097-BI	10
GUZMAN V. ALL STATE ASSUR CO., 18 F.4TH 157 (5TH CIR. 2021)	15
HAINES V. KERNER, 92 S.Ct 594 (1972)	ii, iv
IN RE HINSLEY, 201 F.3d 638 (5TH CIR. 2000)	8
JANVEY V. CONZELMAN, CAUSE NO. 3-11-CV-2788	11
LITERV V. US, 510 US 540 (1994)	16
MIRELES V. WACO, 502 US 9 (1991)	16
MYERS V. COLLINS, 8 F.3d 249 (5TH CIR. 1993)	16
NORSWORTHY V. HOUS. INSN. SCH. DIST. 70 F.4TH 312 (5TH CIR. 2023)	7, 8, 11, 22
OLD REP. GEN. INS V. VLM FIRE INC CO., 2023 US APP. LEXIS 32549 (7TH CIR. 2023)	7
OSHER V. CITY OF ST. LOUIS, 903 F.3d 648 (8TH CIR. 2018)	7
PALMER V. ROBBINS, 2023 US APP. LEXIS 23774 (11TH CIR. 2023)	7
PEREIRA V. SESSIONS, 585 US 198 (2018)	7
R&C OILFIELD SERV. LLC V. AM. WILD TR. LLC, 45 F.4TH 655 (3RD CIR. 2022)	9
SCARROUGH V. PRINCIPAL, 541 US 401 (2004)	7
SCHUEYER V. AHOBES, 94 S.Ct 1683 (1974)	9, 11
68TH ST STEWART GRO V. ALBAN TRACTOR CO., 105 F.4TH 222 (4TH CIR. 2024)	ii, iv, 16
SEC V. STAN. INT'L BANK, CAUSE NO. 3-9-CV-0298-N	7
STEWART V. GUZMAN, CAUSE NO. 1-11-CV-036-BI	10
STRICKLAND V. US, 32 F.4TH 311 (4TH CIR. 2022)	10
STROBLE V. TDCS, CAUSE NO. 1-11-CV-108-C	16
US V. CASTRO-JIMAREZ, 654 FED. APPX. 364 (9TH CIR 2016)	10
US V. MACDONALD, 435 US 850 (1978)	15
WICHITA FALLS OFFICE ASSO. V. BANC ONE CORP, 978 F.2d 915 (5TH CIR. 1992)	ii, 7
WLODARZ V. CENTURION OF TENN, LLC, 2024 US APP. LEXIS 15166 (6TH CIR. 2024)	16
LABUY V. HOWES, 352 US 249 (1957)	...
GONPO V. SONAM'S STONEWALL & ART. LLC, 41 F.4TH 1 (1ST CIR 2022)	4
	7

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

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

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

☐ reported at N/A; 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 B to the petition and is

☐ reported at N/A; 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 _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; 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 MAY 30, 2024.

☐ 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: SEE ATTACHMENT, 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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).

JURISDICTION CONT'D

YOUR PETITIONER TIMELY FILED HIS "PETITION FOR PANEL REHEARING AND REHEARING EN BANC" ON 6-13-24. ON 6-25-24 THE DEPUTY CLERK ORDERED CORRECTIONS WITHIN TEN (10) DAYS. ON 7-4-24, PETITIONER MADE SUCH CORRECTIONS, ALTHOUGH HE HAS NOT RECEIVED ANYTHING FURTHER FROM THE FIFTH CIRCUIT COURT OF APPEALS, LAW LIBRARY SUPERVISOR MS. MAUFORD INFORMED HIM HIS REHEARING WAS DENIED, EITHER THE FIFTH CIRCUIT IS NOT RESPONDING TO HIS FURTHER INQUIRIES OR PRISON OFFICIALS ARE INTERCEPTING HIS MAIL TO AND FROM THE COURT.

THE 5TH CIRCUIT COURT OF APPEALS DECIDED SANLIVER V. HUE, ET AL., ON MAY 30, 2024. ON AUGUST 29, 2024, PETITIONER FILED HIS WRITS IN THE U.S. SUPREME COURT, ON SEPTEMBER 12, 2024, THE CLERK RETURNED ALEAKING FOR CORRECTIONS WITHIN 60 DAYS. ON OCTOBER 25, 2024, THE CLERK EXTENDED THE DEADLINE TO DECEMBER 24, 2024.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FIRST AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES

FIFTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES

FOURTEENTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES

ALTHOUGH THE WRIT IS USUALLY DISCRETIONARY, IT IS MANDATORY IN THE INSTANT CASE BECAUSE IT IS PROPER WHERE THE 5TH CIRCUIT HAVE FAILED OR REFUSED TO EXERCISE ITS JURISDICTION TO ADDRESS PETITIONER'S GROUNDS OF ERROR 1, 2, 3, 4, 5, 6, 7 AND 9, HIS "REPLY BRIEF" HIS "PETITION FOR PANEL REHEARING AND REHEARING EN BANC," AND HIS "MOTION TO REOPEN APPEAL...; MOTION TO RECONSIDER, VACATE, OR MODIFY COURT'S ACTION" AND IN DOING SO HAS REFUSED TO EXERCISE ITS APPELLATE JURISDICTION AND THAT APPELLATE REVIEW WILL BE DEFEATED IF A WRIT DOES NOT ISSUE, LA BUY V. HOWES, 352 US 249 (1957); ~~28 USC § 1651.~~

ALTHOUGH THE COURT HAS DISCRETIONARY JURISDICTION PURSUANT TO RULES 10, 11 AND 20, THE COURT HAS DIRECT MANDATORY APPELLATE JURISDICTION PURSUANT TO 28 USC § 1253.

STATEMENT OF THE CASE

AFTER THE ~~OLD~~ CASE WAS DISMISSED BY THE DISTRICT COURT, THE FIFTH CIRCUIT DENIED APPEAL ERRONEOUSLY HOLDING THAT PETITIONER'S NOTICE OF APPEAL DOES NOT MENTION GROUNDS OF ERROR ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN AND NINE OR EVIDENCE AN INTENT TO APPEAL THEM AND THEREFORE FAILED AND REFUSED TO ADDRESS THEM ON THE MERITS. THIS RULING CONFLICTS WITH EVERY SINGLE OTHER CIRCUIT COURT OF APPEALS AND THE U.S. SUPREME COURT.

AS TO GROUND OF ERROR NUMBER ~~EIGHT~~ ^{TEN}, IT ERRONEOUSLY CONCLUDED SINCE HE PRESENTED IT FOR THE SAME OR SUBSTANTIALLY SIMILAR ARGUMENTS MAJOR, AND HAD PAID FEE, IT NEED NOT BE ADDRESSED.

CONCERNING GROUND OF ERROR EIGHT, THE COURT ERRONEOUSLY GRANTED SUMMARY JUDGMENT AS TO ALL DEFENDANTS. THE FIFTH CIRCUIT COURT OF APPEALS CORRECTLY QUOTED THE LAW, YET FAILED AND REFUSED TO CORRECTLY APPLY THE SUMMARY JUDGMENT LAW.

THE FIFTH CIRCUIT COURT OF APPEALS REFUSED TO CORRECTLY RULE IN THE INSTANT CASE, ALL FOR THE SOLE PURPOSE NOT TO HAVE TO ADDRESS THE MERITS CONCERNING THE DISTRICT COURT'S USE OF A RACIAL DESIGNATOR OR MONIKER OF "BL" IN THE CAPTION OF ALL PETITIONER'S MAJOR CASES AND ONLY CEASED WHEN PETITIONER BROUGHT IT TO THOSE COURTS ATTENTION, WHICH THE DISTRICT COURT USED TO NOTE THAT PETITIONER, AND OTHERS SO SIMILARLY SITUATED, WERE "BL" OR "BLACK" PRISON LITIGANTS, SO THAT THE DISTRICT COURT COULD LATER DISMISS THEIR CAUSE OF ACTION.

REASONS FOR GRANTING THE PETITION

REASON ONE:

EXTRAORDINARY AND EXCEPTIONAL CIRCUMSTANCES EXIST WHICH HAS NEVER BEEN PRESENTED IN THE U.S. SUPREME COURT AND THEREFORE WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS IN THAT ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT.

AS CLEARLY PRESENTED IN PETITIONER'S BRIEF AND REPLY BRIEF PETITIONER'S NOTICE OF APPEAL IS SUFFICIENT TO PRESENT ALL HIS GROUNDS OF ERROR AS FOLLOWS: (1) THE COURT'S ERROR IN DENYING HIM TO PROCEED IFP ON APPEAL—ITS NOT A MOTION ISSUE JUST BECAUSE HE PAID FEE; (2) THE COURT VIOLATED HIS RIGHTS TO DUE PROCESS, EQUAL PROTECTION, AND ACCESS TO COURT BY ITS USE OF THE RACIAL DESIGNATOR OR MONIKER OF "BL" IN CASE CAPTION—TO REMIND ITSELF TO LATER DISMISS PETITIONER'S CASE; (3) DISMISSING ALL CLAIMS UNRELATED TO HIS IMMINENT DANGER CLAIMS OF EXCESSIVE FORCE BY BACK-CUFFING HIM; (4) ABUSED ITS DISCRETION IN SEVERING HIS CLAIMS; (5) ERRORED IN NOT CONCLUDING THAT 28 USC § 1915's 3 STRIKES PROVISION IS UNCONSTITUTIONAL "IN TEXAS ONLY" (OF WHICH THE PANEL FAILED TO PROPERLY STATE NOR PERCEIVE THIS ARGUMENT/ERROR CORRECTLY; SEE OPINION, P. 2); (6) ABUSED ITS DISCRETION BY REJECTING HIS AMENDED COMPLAINT "OF WHICH THE COURT ORDERED"; (7) DENIAL OF ACCESS TO COURT; (8) VIOLATION OF HIS FIFTH AND FOURTEENTH AMENDMENT DUE PROCESS RIGHTS BY DISMISSING SOME RESPONDENTS TO SUIT; (9) ABUSED ITS DISCRETION BY ERRONEOUSLY GRANTING SUMMARY JUDGMENT FOR ALL RESPONDENTS AND FAILING TO GRANT PETITIONER'S CROSS-MOVE FOR SUMMARY JUDGMENT (FAILED TO EVEN ACKNOWLEDGE IT NOR RULE ON IT); (10) ABUSED ITS DISCRETION BY REFUSING TO GRANT ANY AND ALL MOTIONS FOR TRO/PI AND INJUNCTIVE RELIEF AND VARIOUS MOTIONS, YET GRANTED EVERY SINGLE RESPONDENTS' MOTION IN VIOLATION OF DUE PROCESS AND EQUAL PROTECTION; (11) ERRONEOUSLY FINDING HE IS NO LONGER IN IMMINENT DANGER—EVEN THOUGH PETITIONER HAS PRESENTED STRICK PROOF OF HIS TWELVE(12) YEAR HISTORY OF TORN ROTATOR CUFF TEAR OF WHICH THE DISTRICT COURT AND PANEL

COMPLETELY IGNORES; ALL AS HE HAS SPECIFICALLY STATED IN HIS BRIEF (P. 1-30) AND REPLY BRIEF (P. 1-8), AND THE LOWER COURT FAILED TO ADDRESS THE MERITS OF HIS GROUNDS OF ERROR IN ERROR.

EVERY SINGLE U.S. CIRCUIT COURT OF APPEALS HAVE SPECIFICALLY HELD THAT THE:

"NOTICE OF APPEALS ENCOMPASSES ALL ORDERS THAT, FOR PURPOSES OF APPEAL, MERGE INTO THE DESIGNATED JUDGMENT OR APPEALABLE ORDER."

SEE GONPO V. SONAM'S STONEWALL & ART, LLC, 41 F. 4TH 1912 (1ST CIR. 2022);
BROCK V. CITY OF N.Y., 2024 US APP. LEXIS, 17904 (2ND CIR. 2024);
R & C OILFIELD SERV. LLC V. AM. WIND TR. LLC, 45 F. 4TH 655 (3RD CIR. 2022);
68TH ST. SITE WORK GRP V. ALBAN TRACTOR CO., 105 F. 4TH 222 (4TH CIR. 2024);
WLODARZ V. CENTURION OF TENN, LLC, 2024 US APP. LEXIS 15166 (6TH CIR. 2024);
OLD REP. GEN. INS V. VLM FIRE INS CO, 2023 US APP. LEXIS 32549 (7TH CIR. 2023);
OSHER V. CITY OF ST. LOUIS, 403 F. 3d 648 (8TH CIR. 2018);
COLE V. CITY OF CASSIA, 2021 US APP. LEXIS 24433 (9TH CIR. 2021);
DAWSON V. ARCHAMBEAU, 2022 US APP. LEXIS 30870 (10TH CIR. 2022);
PALMER V. ROBINSON, 2023 U.S. APP. LEXIS 23774 (11TH CIR. 2023);

THIS U.S. SUPREME COURT ALLUDES TO THE NOTICE OF APPEALS ENCOMPASSES ALL ORDERS IN U.S. V. MACDONALD, 435 US 850 (1978). THE FIFTH CIRCUIT, HOWEVER, HAS FAILED AND REFUSED TO TOTALLY AND UNEQUIVOCALLY ACCEPT AND COMMIT TO THIS POSITION IN ALL INSTANCES WHICH DEPRIVES PETITIONER AND ALL OTHERS SO SIMILARLY SITUATED OF A FULL AND ADEQUATE APPELLATE REVIEW, BEING A DENIAL OF ACCESS TO COURT, DENIAL OF DUE PROCESS AND A VIOLATION OF THE EQUAL PROTECTION IN VIOLATION OF THE 1ST, 5TH AND 14TH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

ALTHOUGH THE 5TH CIRCUIT ITSELF HAS HELD THE SAME LEGAL THEORY IN NORSWORTHY V. HOUS. IND. SCH. DIST., 70 F. 4TH 332 (5TH CIR. 2023), IT IS CLEAR THAT WHEN THE DISTRICT COURT DESIGNATES THE PETITIONER AS "BL", THAT IS "BLACK" LITIGANT, THIS LAW DOES NOT APPLY TO HIM,

TAKING A CLOSER LOOK AND ITS SPECIFIC RULING IN PETTYNER'S CASE, THE 5TH CIRCUIT HELD, ERRONEOUSLY, GOING ALONG WITH THE RESPONDENTS ARGUMENT THAT:

"[PETITIONER'S] NOTICE OF APPEAL DOES NOT MENTION THESE RULINGS OR EVIDENCE AN INTENT TO APPEAL THEM," CITING IN RE HINSLEY, 201 F.3d 638, 641 (5TH CIR. 2000)." (SEE 5TH CIR. ORAL ARG. P. 2, 5-30-24).

THE PANEL'S CITING OF HINSLEY 24 YEAR OLD CASE IS MISPLACED IN THAT HINSLEY FILED AN INTERLOCUTORY APPEAL, NOT ONE ON THE FULL CASE OR FINAL JUDGMENT. SEE HINSLEY, SUPRA.

~~N2~~ BUT WHEN IT COMES TO NORSWORTHY, THE 5TH CIRCUIT HELD:

N2 "IN ADDITION TO AMENDING RULE 3(C)(5), THE 2021 AMENDMENTS MADE OTHER CLARIFYING CHANGES TO RULE 3, FOR INSTANCE, THE 'PART THEREOF' PHASE WAS DELETED FROM RULE 3(C)(1), THIS WAS DONE TO AVOID THE MISCONCEPTION THAT IT IS NECESSARY OR APPROPRIATE TO DESIGNATE EACH AND EVERY ORDER OF THE DISTRICT COURT THAT THE APPELLANT MAY WISH TO CHALLENGE." 2021 ADVISORY COMMITTEE NOTES, THE RULE NOW SIMPLY PROVIDES THAT A NOTICE OF APPEAL 'MUST... DESIGNATE THE JUDGMENT— OR THE APPEALABLE ORDER— FROM WHICH THE APPEAL IS TAKEN.' FRAP RULE 3(C)(1)(B), ADDITIONALLY THE RULE NOW EXPRESSLY PROVIDES THAT 'THE NOTICE OF APPEAL ENCOMPASSES ALL ORDERS, FOR PURPOSES OF APPEAL, MERGE INTO THE DESIGNATED JUDGMENT OR APPEALABLE ORDER, IT IS NOT NECESSARY TO DESIGNATE THOSE ORDERS IN THE NOTICE OF APPEAL.' -Id., 3(C)(4). "

★ ★ ★ ★ ★

N3 "AMENDED ~~RULE~~ RULE 3(C)(6) ALLOWS AN APPELLANT TO DESIGNATE ONLY PART OF A JUDGMENT OR APPEALABLE ORDER BY EXPRESSLY STATING THAT THE NOTICE OF APPEAL IS SO LIMITED. FRAP RULE 3(C)(6), NORSWORTHY'S NOTICE OF APPEAL, HOWEVER, CONTAINS NO SUCH EXPRESS STATEMENT, 'WITHOUT SUCH AN EXPRESS STATEMENT, SPECIFIC DESIGNATION DO NOT LIMIT THE SCOPE OF THE NOTICE OF APPEAL.' "

NORSWORTHY, SUPRA. THE ONLY DIFFERENCE IN NORSWORTHY AND PETTYNER IS NORSWORTHY IS WHITE AND PETTYNER IS BLACK.

PETTYNER PRESENTED ALL OF THE ABOVE TO THE 5TH CIRCUIT IN HIS

"PETITION FOR PANEL REHEARING AND REHEARING EN BANC" AND FURTHER PRESENTED THEREIN THAT LIKEWISE, SINCE PETITIONER'S NOTICE OF APPEAL CONTAINS NO SUCH EXPRESS STATEMENT DESIGNATING ONLY PART OF A JUDGMENT OR APPEALABLE ORDER, IT IS CLEAR HIS INTENT IS TO APPEAL HIS ENTIRE CASE WITHOUT LIMIT OF THE SCOPE ON APPEAL AND THAT SINCE PETITIONER DESIGNATES THE FINAL JUDGMENT, IT IS CLEAR HIS INTENT TO EVINCE ALL ISSUES PRESENTED TO THE DISTRICT COURT, HOWEVER, THIS FELL ON DEATH EARS.

THE FIFTH CIRCUIT EXPRESSLY AND SPECIFICALLY PRESENTED IN NORSWORTHY NOW HINSLEY IS NO LONGER GOOD LAW. THE QUESTION IS WHETHER WHEN A, B AND C OCCURS FOR SOME PEOPLE THE COURT LOOKS TO ONE(1) SET OF LAWS, YET WHEN A, B AND C HAPPENS TO ANOTHER GROUP OF PEOPLE, THE COURT LOOKS TO ANOTHER SET.

THIS COURT HELD:

"... IMPERFECTIONS IN NOTICING AN APPEAL SHOULD NOT BE FATAL WHERE NO GENUINE DOUBT EXIST ABOUT WHO IS APPEALING, FROM WHAT JUDGMENT, TO WHICH COURT." SEE SEAROUGH V. PRINCIPAL, 541 US 401 (2004);

SEE ALSO PEREIRA V. SESSIONS, 585 US 198 (2018).

MOREOVER, THE 5TH CIRCUIT HAS ENTERED A DECISION IN CONFLICT WITH THE DECISIONS IN EVERY SINGLE UNITED STATES COURT OF APPEALS AS WELL AS THE UNITED STATES SUPREME COURT ON THIS IMPORTANT MATTER AND HAS SO FAR DEPARTED FROM THE ACCEPT AND USUAL COURSE OF JUDICIAL PROCEEDINGS; HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS NOT BEEN, BUT SHOULD BE SETTLED BY THIS COURT; THE ISSUANCE BY THE COURT OF THIS EXTRAORDINARY WRIT IS AUTHORIZED BY ~~28 USC § 1651(a)~~ AND IS WARRANTED DUE TO NATIONAL CONCERNS AS TO WHETHER THERE ~~EXIST~~ A DIFFERENT SET OF LAWS FOR "BL" OR "BLACK" PEOPLE ONLY, AND WRIT WILL BE IN AID OF THIS COURT'S APPELLATE JURISDICTION PURSUANT TO ~~28 USC § 1651(a)~~; ALSO 28 USC § 1253.

MORE SPECIFICALLY, YOUR PETITIONER PRESENTED ON APPEAL THAT: THE DISTRICT COURT HAS BEEN USING A RACIAL DESIGNATOR OR MONIKER IN THE CAPTION OF HIS CASE NUMBER OF "BL" IN ALL HIS PREVIOUS CASES — IN CASE NO(S) 7-12-CV-185-BL; 7-13-CV-038-BL; 7-13-CV-000-BL; 7-13-CV-243-BL — TO REMIND ITSELF THAT PETITIONER IS A "BLACK" LITIGANT, THE INSTANT CASE IS THE SAME AND AN ONGOING AND CONTINUATION OF ALL THESE STATED CASES, AFTER PETITIONER RAISED THIS ISSUE, THE DISTRICT COURT CEASED TO DO SO. THE DISTRICT COURT ERRONEOUSLY CLAIMS IT IS NOT DISCRIMINATING OR RACIST AND THAT THE "BL" REFERS TO MAGISTRATE JUDGE E. SCOTT FROST, HOWEVER, THE TEXAS LEGAL DIRECTORY CLEARLY DESIGNATES JUDGE FROST WITH "BI" (SEE TEXAS LEGAL DIRECTORIES, FROM 2012 THRU 2021). THESE LEGAL DIRECTORIES DO NOT DESIGNATE ANY JUDGE WITH "BL" (SEE 2012 LEGAL DIRECTORY WHICH SHOWS BK, BM AND BN, ETC., BUT NO "BL").

WHAT SHOULD BE MOST INTERESTING TO THE COURT IS, IF THE DISTRICT COURT CLAIMS THE "BL" REFERS TO MAGISTRATE JUDGE FROST, HOW CAN IT BE EXPLAINED WHEN HE ACTUALLY USES THE ONE THAT IS DESIGNATED TO HIM WHICH IS LISTED IN SAID LEGAL DIRECTORY AS FOLLOWS:

1. FLORES V. WHEELER, CAUSE NO. 1-10-CV-097-BI;
2. FLORES V. JACOBS, CAUSE NO. 1-09-CV-044-BI;
3. STEWART V. GUZMAN, CAUSE NO. 1-11-CV-036-BI;

IT CAN CLEARLY BE PRESUMED THAT THE TWO (2) FLORESES ARE NOT BLACK LITIGANTS; AS FOR STEWART IT COULD BE A SAFE BET THAT HE IS NOT BLACK EITHER, YET PETITIONER CAN NOT SAY FOR CERTAIN.

BUT IF THE COURT USES "BL" TO NOTE MAGISTRATE FROST, YET HE ALSO USES HIS GIVEN DESIGNATION OF "BI" WHAT CAN BE ASSUMED ABOUT THESE CASES OF WHICH HE WAS ALSO ASSIGNED;

1. SEC V. STAN. INTL BANK, CAUSE NO. 3-9-CV-0298-N (SURELY NOT THE "N" WORD);
2. STROBLE V. TUCS, CAUSE NO. 1-11-CV-108-C (SURELY NOT "COLORED");
3. FISHER V. US, CAUSE NO. 3-10-CV-925-D (SURELY NOT "DARKY");

AND HOW ABOUT THE CASES THAT HE USES NO DESIGNATION:

1. JANVEY V. CONZELMAN, CAUSE NO. 3-11-CV-2788;
2. BAKER V. THALER, CAUSE NO. 7-12-CV-183;
3. DAVIS V. ALLEN, CAUSE NO. 6-12-CV-0033.

AGAIN, U.S. MAGISTRATE E. SCOTT FROST RESIGNED AND RULED IN ALL CASES CITED ABOVE. IF THE ALPHABETIC SUFFIX AT THE END OF THE CAUSE NUMBER REFERS TO THE MAGISTRATE JUDGE, AND THE LOWER COURTS VERIFY IT DOES, IT IS CLEAR THAT SOME SORT OF UNCONSTITUTIONAL COOKING IS GOING ON AND THE U.S. SUPREME COURT SHOULD DETERMINE EXACTLY WHAT IT IS.

PUT ANOTHER WAY, IF EACH JUDGE AND U.S. MAGISTRATE IS ASSIGNED A SPECIFIC DESIGNATOR, THEN THIS COURT SHOULD DETERMINE WHY U.S. MAGISTRATE E. SCOTT FROST IS USING SO MANY DIFFERENT MONIKERS (C, D, N, BT, BL, P-BL-1, P-BL-2, P-BL-3, MANY OTHERS, AND MANY TIMES NOTHING AT ALL).

ALTHOUGH THE COURT NORMALLY HAS DISCRETIONARY JURISDICTION, WHEN THE CIRCUIT COURT, AS HERE, HAS DEPRIVED APPELLATE REVIEW ~~AS~~ STATED, THE COURT MUST EXERCISE ITS DIRECT APPELLATE JURISDICTION IN ACCORDANCE WITH 28 USC § 1651(a) TO DECIDE WHETHER THE LOWER COURT MAY TEMPORARILY CHANGE OR IGNORE OR SET ASIDE THE STANDARD OF LAW SET OUT IN NORSWORTHY AND SCARBOROUGH TO DENY PETITIONER AND ALL "BL's" OR "BLACK" A FULL AND FAIR REVIEW ON APPEAL.

REASON TWO:

EXTRAORDINARY AND EXCEPTIONAL CIRCUMSTANCES EXIST, WHICH HAS NEVER BEEN PRESENTED IN THE U.S. SUPREME COURT AND THEREFORE WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS IN THAT ADEQUATE RELIEF CAN NOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT.

THE 5TH CIRCUIT COURT OF APPEALS HAS ENTERED A DECISION IN CONFLICT WITH THE DECISION OF OTHER U.S. COURT OF APPEALS AND THE U.S. SUPREME COURT ON THE SAME IMPORTANT MATTER AND HAS DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT SO FAR DEPARTED FROM THE

ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS THAT IS SHOCKING TO THE NATIONAL CONSCIENCE WARRANTING REVIEW BY THE COURT, RESPONDENTS PRISON OFFICIALS HAVE KNOWINGLY AND INTENTIONALLY AND SADISTICALLY RIPPED PETTYSONER'S SHOULDER OUT OF PLACE OVER 50 TIMES FOR THE SOLE REASON TO RETALIATE AGAINST HIM FOR FILING SUIT, AND THE 5TH CIRCUIT COURT OF APPEALS HAS ERRONEOUSLY GRANTED SUMMARY JUDGMENT FOR ALL RESPONDENTS AND FAILED TO EVEN LOOK AT, LET ALONE GRANT, SUMMARY JUDGMENT FOR PETTYSONER.

PETTYSONER FILED SUIT AGAINST PRISON OFFICIALS AND WENT TO COURT IN 1998. WHEN HE RETURNED FROM FEDERAL COURT, THEY RETALIATED BY SHIPPING HIM TO MAXIMUM SECURITY HUGHES UNIT WHEREBY THEY PUT ANOTHER PRISONER IN HIS CELL THAT JUST GOT OUT OF SEG., FOR KILLING AN INMATE WHEREBY HE ATTACKED PETTYSONER WITHIN 2 OR 3 DAYS DISLOCATING PETTYSONER'S SHOULDER (PETTYSONER ALSO HAS AN AFFIDAVIT FROM A WHITE SUPREMACIST GANG MEMBER STATING RESPONDENTS ORDERED HIM AND HIS GANG TO ATTACK HIM). THEY SHIPPED PETTYSONER TO CLEMENTS UNIT AND WHEN HE PRESENTED HIS "FRONTCUFF ONLY" PASS DUE TO PRESENT DISLOCATION (AS HE WAS SUPER MAX STATUS), THEY FORCED CUFFED HIM BEHIND HIS BACK, RELOCATING HIS AND CAUSING A TORN ROTATOR CUFF IN 2000 (SEE "SUBMISSION OF EVIDENCE"). HE RECEIVED "FRONTCUFF ONLY" PASS FOR THE NEXT 12 YEARS ON THAT UNIT, HOWEVER, AFTER PETTYSONER BROKE HIS HAND AND THEY TOOK CAST OFF AFTER ~~BEING~~ BEING ON ONLY SIXTEEN (16) DAYS, AND THEY UNDERSTOOD HE WOULD SUE BECAUSE THE HAND REBROKE, THEY SHIPPED HIM TO THE ALLRED UNIT ON 8-26-12, WHEREBY, ALTHOUGH MEDICAL PROVIDERS FROM CLEMENTS UNIT HAD PRESCRIBED ONE-YEAR "FRONTCUFF ONLY" PASS ON 11-4-11 AND HEAD HEALTH ADMINISTRATOR ON MONTEFORD UNIT ON 6-25-12 HAD FURTHER PROVIDED / APPROVED THE ONE YEAR PASS TO END 11-4-12, A PROVIDER FROM THE MONTEFORD UNIT FOR NO APPARENT REASON (OTHER THAN BEING ORDERED TO SET UP THEIR NEXT ACT OF RETALIATION - EVIDENTLY KNOWING HE WOULD SOON TRANSFERRED TO ALLRED UNIT) PRESCRIBED

"FRONTCUFF ONLY" PASS ON 8-16-12 WHICH ALLRED UNIT RESPONDENTS ~~WANTED~~ KNOWINGLY AND INTENTIONALLY ERRONEOUSLY CONSTRUED WAS FOR HIS HAND INSTEAD OF FOR HIS SHOULDER, EVEN THOUGH PETITIONER SHOWED THEM HIS TWELVE (12) YEAR SHOULDER RELOCATION HISTORY. ONCE PETITIONER PRESENTED THESE MEDICAL RECORDS SHOWING THAT FRONTCUFF PASS WAS FOR HIS SHOULDER, RESPONDENTS REFUSED TO ACCEPT SAME WHEREBY THEY CONSIDERED IN KNOWINGLY AND INTENTIONALLY AND STATISTICALLY RELOCATED HE SHOULDER MORE THAN 50 TIMES (DUE TO FACT HE WAS IN SUPERMAX AND POLICY WAS TO CUFF EACH TIME PRISONER EXITED CELL, PRISON AUTHORITIES ORDERED CELL CHANGE EVERY 2 OR 3 DAYS JUST SO THEY COULD RELOCATE HIS SHOULDER, PETITIONER WAS LATER TOLD THEY WERE DOING THIS BECAUSE HE HAD 3 STRIKES WHICH MEANT HE COULD NOT SUE JF (AND SINCE HE HAD NO MONEY HE COULD NOT SUE), AND THAT THEY WERE RETALIATING FOR ~~HIS~~ SUING TOCT OFFICIALS SEE 2ND S.J. RESPONSE; 9-17-20) (THEY HAVE PLAINLY LET HIM KNOW THE REASON HE HAS NOT MADE PROGRESS IS DUE TO HIS LAWSUITS).

ALTHOUGH PETITIONER SHOWED EACH OF THE RESPONDENTS HIS "FRONTCUFF PASS" AND HIS TWELVE (12) ^{YEAR} MEDICAL HISTORY OF SHOULDER RELOCATION, THEY ALL ~~CONSIDERED~~ TO RETALIATE AGAINST THE PETITIONER BY STATING SAID PASS AND MEDICAL RECORDS WERE NO GOOD BECAUSE THEY WERE NOT FROM ALLRED MEDICAL STAFF AND THAT HE WOULD NOT BE ISSUED FRONTCUFF PASS ON ALLRED UNIT BECAUSE THE WARDEN DID NOT PERMIT SUCH PASS. RESPONDENT LATER CONFISCATE ALL PETITIONER'S HANDCUFF PASSES AND MEDICAL RECORDS THAT CONSTITUTE "SUBMISSION OF EVIDENCE."

THE MEDICAL RECORDS STATED, THAT WAS CONFISCATED, WERE THE VERY EVIDENCE PETITIONER INTENDED TO USE TO DEFEAT RESPONDENTS' MOTIONS FOR SUMMARY JUDGMENT. WHEN PETITIONER FILED DISCOVERY REQUEST AND THEN HIS PLEAINGS TO COMPEL RESPONDENTS TO PROVIDE DISCOVERY, THE DISTRICT COURT INFORMED THE RESPONDENTS THAT ALL THEY HAVE TO DO IS CLAIM THEY CANNOT READ PETITIONER'S HANDWRITING IN HIS MOTIONS FOR DISCOVERIES REQUESTING THE VERY TWELVE (12) YEARS OF MEDICAL RECORDS BE REPLACED. ALTHOUGH HE NEVER RECEIVED HIS DISCOVERY REQUEST FROM RESPONDENTS, HE WAS ABLE TO RECEIVE THEM FROM ANOTHER SOURCE.

HOWEVER, WHEN PETITIONER PRESENTED SAID MEDICAL RECORDS, THE LOWER COURTS REFUSED TO ACKNOWLEDGE SAID TWELVE (12) YEARS OF MEDICAL RECORDS (SEE "SUBMISSION OF EVIDENCE") NOR ANY OTHER EVIDENCE SUBMITTED BY PETITIONER.

AS PRESENTED IN PETITIONER'S BRIEF AND REPLY BRIEF, PETITIONER PRESENTED FACTS THAT ESTABLISH THAT MEDICAL RESPONDENTS KNOWINGLY AND INTENTIONALLY REFUSED TO TREAT HIM, IGNORED HIS COMPLAINTS, INTENTIONALLY SUBJECTED HIM TO DELIBERATE INDIFFERENCE TO HIS SERIOUS MEDICAL NEEDS AND ENGAGED IN CONDUCT THAT WOULD CLEARLY EVIDENCE A WANTON DISREGARD FOR HIS SERIOUS MEDICAL NEEDS; HE ADEQUATELY PRESENTED FACTS THAT ESTABLISHED THAT PRISON GUARDS WIE, MESSIMER, SHPIN AND LARIN, AND OTHERS EXHIBITEDLY DISMISSED BY THE COURT, KNOWINGLY AND INTENTIONALLY APPLIED MALICIOUS AND SARCASTIC FORCE WITH THE INTENT TO CAUSE HARM (SEE BRIEF, P. 15-21; REPLY BRIEF, P. 9-12); PETITIONER IS A PRISONER, PROCEEDING PRO SE, AND JFP AND UNABLE TO PROVIDE COPIES OF THESE DOCUMENTS NOR ANY OTHERS NOT PROVIDED WITH THIS WRIT).

IN SHORT, RESPONDENTS ERRONEOUSLY PRESENTED TO THE DISTRICT COURT AND 5TH CIRCUIT COURT OF APPEALS THAT THERE WAS NO GENUINE DISPUTE AS TO ANY MATERIAL FACT BECAUSE; (1) PETITIONER DOES NOT SUFFER FROM A SHOULDER DISLOCATION; (2) THAT HE DOES NOT HAVE A HISTORY OF TORN ROTATOR CUFF; AND (3) THAT HE NEVER HAD A FRONT CUFF PASS DUE TO SHOULDER INJURY.

YOUR PETITIONER PRESENTED TO THE LOWER COURTS THAT THERE EXIST A GENUINE DISPUTE AS TO ALL MATERIAL FACTS AND THAT THE MOVANTS, THE RESPONDENTS, ARE NOT ENTITLED TO JUDGMENT AS A MATTER OF LAW IN THAT; (1) PETITIONER SUFFERED FOR MORE THAN TWELVE (12) YEARS FROM SHOULDER DISLOCATION PRIOR TO SUIT; (2) THAT HIS HISTORY OF TORN ROTATOR CUFF DATES BACK TO AT LEAST THE YEAR 2000; AND (3) THAT HE RECEIVED FRONT CUFF PASS YEARLY FOR TWELVE (12) YEARS SOLELY AND SPECIFICALLY DUE TO HIS SHOULDER BEING DISLOCATED — IN HIS PLEADINGS AS FOLLOWS:

- 1, "PLAINTIFF'S PRELIMINARY RESPONSE TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT" (S.J. RESPONSE) WHICH INCLUDES HIS 4 PAGE "AFFIDAVIT OF FACTS" (FILED 7-28-20);
- 2, "PLAINTIFF'S PRELIMINARY RESPONSE TO DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT AND MOTION TO STRIKE; CROSS-MOVE FOR SUMMARY JUDGMENT" (2ND S.J. RESPONSE) WHICH INCLUDES HIS 7 PAGE "AFFIDAVIT OF FACTS" (FILED 9-17-20); AND
- 3, "PLAINTIFF'S SUBMISSION OF EVIDENCE CONCERNING SUMMARY JUDGMENT, THE COURT'S DEMAND FOR ADEQUATE ACCESS TO COURT, AND COURT'S DEMAND FOR A JUST SETTLEMENT" (SUBMISSION OF EVIDENCE) WHICH INCLUDES 40 PLUS PAGES OF EXHIBITS; ALL MEDICAL RECORDS OF TORN ROTATOR CUFF DIAGNOSES).

PETITIONER'S DETAILED AND FACT INTENSIVE AFFIDAVITS ALONE RAISE A GENUINE ISSUE OF MATERIAL FACT THAT PRECLUDES SUMMARY JUDGMENT, ESPECIALLY AS PRESENTED IN HIS "SUBMISSION OF EVIDENCE" THAT IN FACT SUPPORTS AND VERIFIES THE TRUTH OF HIS AFFIDAVITS SUPPORTING THE ABOVE THREE(3) STATED PLEADINGS. NEITHER OF PETITIONER'S AFFIDAVITS SUPPORTING SUMMARY JUDGMENT CONTAIN CONCLUSIVE EVIDENCE; THEY CONTAIN HIS VERY TESTIMONY THAT HE WILL PRESENT IN TRIAL, ALL OF WHICH IS SUPPORTED BY THE EVIDENCE (BRIEF P. 15-21) (HIS BRIEF ENCOMPASSES THE ABOVE STATED THREE(3) PLEADINGS). GUZMAN V. ALL STATE ASSUR CO, 18 F.4TH 157 (5TH CIR. 2022); U.S. V. CASTRO-JUAREZ, 659 F.4TH 364 (9TH CIR. 2016) ("SUMMARY JUDGMENT FOR THE GOVERNMENT IS RARELY WARRANTED" "SWORN STATEMENTS CANNOT BE BELIEVED AT THE SUMMARY JUDGMENT STAGE. SIMPLY BECAUSE [HER] STATEMENTS ARE IN [HER] INTEREST AND IN CONFLICT WITH OTHER EVIDENCE.") (THE 2ND, 5TH, 6TH, 8TH AND 11TH CIRCUITS HELD SAME; CITATIONS OMITTED).

THE LOWER COURTS FAILED TO ADHERE TO FRCP, RULE 56 SUMMARY JUDGMENT LANGUAGE OF "THE COURT SHALL GRANT SUMMARY JUDGMENT IF THE MOVANT SHOWS THAT THERE IS NO GENUINE DISPUTE AS TO ANY MATERIAL FACT AND THE MOVANT IS ENTITLED TO JUDGMENT AS A MATTER OF LAW" AND THAT "THE COURT MUST RESOLVE ANY FACTUAL UNCERTAINTIES IN LIGHT

MOST FAVORABLE TO [PETITIONER] THE MOVING, "MYERS V. COLLINS, 8, 3d 249 (5TH CIR. 1993); ANDERSON V. LIBERTY LOBBY INC, 106 Sd 2505 (1986). TO THE CONTRARY, THE LOWER COURTS NOT ONLY FAILED TO RESOLVE ANY FACTUAL UNCERTAINTIES IN LIGHT MOST FAVORABLE TO PETITIONER, THEY TOTALLY IGNORED EVERY SINGLE FACT AND ALL EVIDENCE PRESENTED BY PETITIONER AND ACCEPTED EVERY ALLEGATION OF RESPONDENTS, ALL IN ERROR. (SEE PETITIONER'S BRIEF, P. 15-21; PETITIONER'S "PETITION FOR ANNEAL REHEARING AND REHEARING EN BANL" (PET. REH.), P. 5-7).

MOREOVER, AS STATED ABOVE, PETITIONER IS A LAYMAN AT LAW AND PROCEEDING PRO SE, YET THE LOWER COURTS HAVE REFUSED TO LIBERALLY CONSTRUCT ANY OF HIS PLEADING, DEMANDING HIS PLEADINGS BE THAT OF THE STANDARDS OF A LAWYER; AND BESIDES, RESPONDENTS FAILED TO PROVIDE NEEDED DISCOVERY TO PETITIONER'S EIGHT (8) DIFFERENT TRO/PJ AND DISCOVERY REQUEST AND THE LOWER COURTS REFUSED TO COMPEL DISCOVERY PROVIDED TO HIM. SCHWEIG, SUMMA, HAINES SUMMA.

CONSIDERATION BY THE COURT IS REQUIRED IN THAT THE LOWER COURTS HAVE TEMPORARILY CHANGED, IGNORED OR SUSPENDED OR EVEN SET ASIDE THE STANDARD OF THE LAW AS SET OUT IN MYERS AND ANDERSON TO DENY PETITIONER, AND OTHERS SO SIMILARLY SITUATED, A FULL AND FAIR REVIEW ON APPEAL SOLELY BECAUSE HE HAS BEEN DESIGNATED AS A "BL" OR "BLACK" LITIGANT. LITELY V. U.S., 510 U.S. 540 (1994). STRICKLAND V. U.S., 32 F. 4TH 311 (4TH CIR. 2022) AND CASES CITED THEREIN. MIRELES V. WACO, 502 U.S. 9 (1991). CLEMENS V. U.S. POST CT, 428 F.3d 1175 (9TH CIR. 2005). FURTHERMORE, PETITIONER POINTED OUT THAT THE LOWER COURTS OVERLOOKED THE 5TH CIRCUIT'S OWN POSITION, AS SET OUT IN HIS S.J. RESPONSE; AND S.J. RESPONSE (P. 22-23), THAT HE CAN NOT ~~BE~~ BE DEFEATED BY RESPONDENTS' FAILURE TO PROVIDE HIM WITH THE VERY DISCOVERY REQUEST THAT HE NEEDS TO DEFEAT SUMMARY JUDGMENT AND WHICH HE NEEDS TO PREVAIL AT TRIAL. (CITING WICHITA FALLS OFFICE ASSO V. BANC ONE CORP., 978 F.2d 913 (5TH CIR. 1992)). HOWEVER, THEY IGNORED THEIR OWN LAW FOR THE SOLE REASON THAT YOUR PETITIONER'S RACIAL DESIGNATION OR MONIKER IS "BL," AND THEREFORE HE CAN NOT RECEIVE RELIEF (SEE PET. REH, P. 6; FILED 6-13-24; BRIEF, P. 18; S.J. RESPONSE, P. 6-7; AND S.J.

RESPONSE, p. 22-23).

FURTHERMORE, THE FACT THAT THE LOWER COURTS FAILED TO EVEN LOOK AT OR EVEN MENTION, LET ALONE RULE ON, PETITIONER'S CROSS-MOVE FOR SUMMARY JUDGMENT DEMONSTRATES A BLATANT DISREGARD TO HIS, AND ALL OTHERS SO SIMILARLY SITUATED, RIGHT TO ADEQUATE ACCESS TO COURT FOR THE SOLE REASON OF HIS DESIGNATION AS A "BL" OR "BLACK" PRISON LITIGANT WHICH EXISTED AND EXCUSED SUCH A DEGREE OF ABUSIVE RESISTANCE AND RACISM THAT SHOCKS THE NATIONAL CONSCIENCE, THUS THE LOWER COURTS ACTION WARRANT REVIEW DUE TO THE EXTRAORDINARY AND EXCEPTIONAL CIRCUMSTANCES IN THAT IT HAS SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AND IS OF SUCH IMPERATIVE NATIONAL PUBLIC IMPORTANCE AS TO JUSTIFY DIRECT APPELLATE JURISDICTION PURSUANT TO 28 USC § 2101(e); RULE 10, ~~AND 20~~.

MOREOVER, 28 USC § 1253, ANCILLARY LAWS AND DIRECTIVES, WARRANT DIRECT MANDATORY APPELLATE JURISDICTION IN THAT THIS SECTION CONSOLIDATES THE PROVISIONS RELATING TO THE DIRECT APPEAL FROM THE 5TH CIRCUIT'S THREE JUDGE PANEL INVOLVING THE HOLDINGS OF THE STATED 5TH CIRCUIT'S FEDERAL LAWS OF "TEMPORARILY CHANGING OR IGNORING OR SUSPENDING OR EVEN SETTING ASIDE THE STANDARD OF LAW SPECIFICALLY TO DENY PRISONER AND OTHER BLACK PRISONER LITIGANTS OF ADEQUATE ACCESS TO COURT SOLELY DUE TO THE COLOR OF THEIR SKIN" (ALL OTHER CIRCUIT COURTS OF APPEALS CONCUR; CITATIONS OMITTED, FOR THE SAKE OF BREVITY, AS THERE IS NO CIRCUIT COURT OF APPEALS THAT PRACTICE SUCH ABUSIVE RESISTANCE AND RACISM IN SUMMARY JUDGMENT REVIEW AS THAT STATED OF THE 5TH CIRCUIT). SEE 28 USC § 1253. SEE BAYLEY V. PATTERSON, 369 US 31 (1962); 28 USC § 1253.

REASON THREE: EXTRAORDINARY AND EXCEPTIONAL CIRCUMSTANCES EXIST, WHICH HAS NEVER BEEN RAISED BEFORE ANY COURT INCLUDING THE U.S. SUPREME COURT, HOWEVER, DUE TO THE FAR REACHING NATIONAL CONSEQUENCES AND CONCERNS WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS AND THAT ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT.

PETITIONER PRESENTED TO THE 5TH CIRCUIT COURT OF APPEALS THAT THE STATE OF THE LAW IS THAT THE IMMINENT DANGER MUST BE PRESENT AT THE TIME PETITIONER FILED HIS MOTION TO PROCEED JFO IN THE INSTANT CASE IN THE DISTRICT COURT OR AT TIME OF HIS INITIAL NOTICE OF APPEAL, SEE SANDS V. O'GUIN, 144 F.3d 883, 884 (5TH CIR 1998), THE MERIT FACT THAT PETITIONER WAS FOUND TO BE IN "IMMINENT DANGER" DURING HIS INITIAL FILING OF SUIT AND INITIAL APPEAL, BEING APPEAL NO. 16-10238; 689 F.2d 814 (5TH CIR. 2017), HE HAS MET THE REQUIREMENT OF § 1915, SURELY CONGRESS DID NOT INTEND FOR THE RESPONDENTS TO CLEVERLY CREATE A MEANS TO CIRCUMVENT THE 3 STRIKES "IMMINENT DANGER" PROVISIONS BY FILING A 1ST, 10TH, 100TH, ETC., APPEAL JUST SO PETITIONER, AND THOSE SO SIMILARLY SITUATED, COULD NOT PROCEED JFO. THESE MULTIPLE APPEALS, SUCH AS THE INSTANT APPEAL, CERTAINLY MEANS NOTHING SHOULD NEVER BE ABLE TO DO AWAY WITH THE INTENT OF ~~CONGRESS~~ THE LEGISLATURE.

IT IS OF NATIONAL IMPORTANCE IN THAT THE LOWER COURTS (THE DISTRICT COURT AND THE 5TH CIRCUIT COURT OF APPEALS) HAVE DECIDED AN IMPORTANT FEDERAL QUESTION IN A WAY THAT CONFLICTS WITH THE INTENT OF CONGRESS AND HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS NOT BEEN, BUT SHOULD BE, SETTLED BY THIS COURT. NONE OF THE OTHER CIRCUIT COURTS OF APPEALS NOR THIS COURT HAVE SPECIFICALLY RULED ON THIS ISSUE AND GUIDANCE IS NEEDED FROM THE COURT ON THIS EXTRAORDINARY AND CRUCIAL POINT OF LAW.

PRESERVATION OF GROUNDS OF ERROR

AS STATED, YOUR PETITIONER IS NOT A LAWYER AND HAS HAD NO FORMAL LEGAL TRAINING IN LAW AND THIS AMOLOGIZES FOR NOT KNOWING WHETHER HE NEEDS TO PRESENT THE GROUNDS OF ERROR NOT SPECIFICALLY ADDRESSED BY THE 5TH CIRCUIT COURT OF APPEALS, HOWEVER, TO BE ON THE SAFE SIDE, THE GROUNDS OF THE LOWER COURT ERRONEOUSLY FAILED TO RULE ON AND GRANT RELIEF ARE AS FOLLOWS:

GROUND OF ERROR NUMBER ONE

THE DISTRICT COURT ABUSED ITS DISCRETION IN THAT IT HAS BEEN USING A RACIAL DESIGNATOR OR MARKER IN THE CAPTION OF PETITIONER'S CASE NUMBER OF "BL" IN ALL ITS CASES IN ORDER TO REMIND ITSELF THAT PETITIONER IS A "BLACK" LITIGANT TO DEPRIVE HIM OF ACCESS TO COURT AND DUE PROCESS AND EQUAL PROTECTION OF LAW IN VIOLATION OF THE 1ST, 5TH AND 14TH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES,

ARGUMENT AND AUTHORITIES

THE DISTRICT COURT HAS BEEN USING A RACIAL DESIGNATOR OR MARKER IN THE CAPTION OF PETITIONER'S CASE NUMBERS OF "BL" — OR "BLACK" LITIGANT — ALL OF WHICH ARE THE SAME AND ONGOING AND CONTINUATION FROM THE INSTANT CASE TO DEPRIVE HIM OF EQUAL PROTECTION AND ACCESS TO COURT (SEE BRIEF, P. 4-8); PETITIONER IN PROCEEDING IFD, DOES NOT HAVE ACCESS TO NOTIFICATION SERVICE AND THEREFORE HAVE NO MEANS TO KNOW COPY OF BRIEF, AND FOR THE SAKE OF BREVITY CITES HIS BRIEF ON APPEAL).

GROUND OF ERROR NUMBER TWO

THE DISTRICT COURT ABUSED ITS DISCRETION IN THAT IT ERRONEOUSLY HELD THAT PETITIONER HAS RAISED NEW CLAIMS AND ALL CLAIMS NOT RELATED TO PETITIONER BEING IN IMMEDIATE DANGER FROM BEING HANDCUFFED BEHIND HIS BACK SHOULD BE DISMISSED,

ARGUMENT AND AUTHORITIES

THE DISTRICT COURT HAS ERRONEOUSLY RULED THAT PETITIONER RAISED NEW CLAIMS AND THAT ALL CLAIMS NOT RELATED TO PETITIONER BEING IN IMMEDIATE DANGER FROM BEING HANDCUFFED BEHIND HIS BACK SHOULD BE DISMISSED, WHEN IN FACT THE 2ND, 3RD, 7TH, 9TH, D.C. CIRCUIT, ETC., HAVE ALL HELD PETITIONER

FILING IFP ON THE BASIS OF THE IMMINENT DANGER EXCEPTION CAN PROCEED WITH ALL CLAIMS IN HIS COMPLAINT. (SEE BRIEF, P. 8-10).

GROUND OF ERROR NUMBER THREE

THE DISTRICT COURT ABUSED ITS DISCRETION BY ERRONEOUSLY ENTERING ORDER SEVERING CLAIMS DENYING APPELLANT OF ADEQUATE ACCESS TO COURT AND DENYING HIM DUE PROCESS OF LAW IN VIOLATION OF THE 1ST, 5TH AND 14TH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

ARGUMENTS AND AUTHORITIES

THE DISTRICT COURT ERRONEOUSLY CLAIMS (SEE BRIEF, P. 11),

GROUND OF ERROR NUMBER FOUR

THE DISTRICT COURT ABUSED ITS DISCRETION IN THAT IT ERRORED IN NOT FINDING THAT THE 3 STRIKE PROVISION OF 28 USC § 1915 IS UNCONSTITUTIONAL IN THE STATE OF TEXAS IN VIOLATION OF THE 1ST AMENDMENT'S GUARANTEED RIGHT TO ADEQUATELY ACCESS THE COURT, DENIAL OF DUE PROCESS AND THE EQUAL PROTECTION CLAUSE OF THE 5TH AND 14TH AMENDMENT OF THE U.S. CONSTITUTION.

ARGUMENTS AND AUTHORITIES

THE 3 STRIKES PROVISION OF 28 USC § 1915 IS PERFECTLY LEGAL, PERHAPS, IN ALL THE OTHER 49 STATES BECAUSE THEY RELEAVE A WAGE, HOWEVER, TEXAS IS THE ONLY STATE THAT DOES NOT PAY ITS PRISONERS A WAGE AND THIS CAN NEVER PAY THE FILING FEE WHEN DENIED TO PROCEED IFP DUE TO 3-STRIKES AS ALL OTHER PRISONERS IN THE OTHER 49 STATES THAT DO RECEIVE A WAGE (SEE BRIEF, P. 11-13).

GROUND OF ERROR NUMBER FIVE

THE DISTRICT COURT ABUSED ITS DISCRETION BY ERRONEOUSLY REJECTING PETITIONER'S AMENDED COMPLAINT.

ARGUMENTS AND AUTHORITIES

THE DISTRICT COURT ABUSED ITS DISCRETION BECAUSE IT ORDERED AMENDED COMPLAINT (SEE BRIEF, P. 13).

GROUND OF ERROR NUMBER SIX

THE DEPUTY CLERK'S ERRONEOUS ACTS OR OMISSIONS DENIED PETITIONER ADEQUATE ACCESS TO COURT.

ARGUMENTS AND AUTHORITIES

THE ACTS OF THE DEPUTY CLERK FARRINGTON DENIED PETITIONER ACCESS TO COURT (SEE BRIEF, P. 13-14).

GROUND OF ERROR NUMBER SEVEN

THE DISTRICT COURT ABUSED ITS DISCRETION BY ERRONEOUSLY DISMISSING PARTIES TO THIS SUIT IN VIOLATION OF 1ST, 5TH AND 14TH AMENDMENTS RIGHTS TO ADEQUATE ACCESS TO COURT AND DUE PROCESS.

ARGUMENTS AND AUTHORITIES

THE COURT ERRONEOUSLY DISMISSED PARTIES IN THE INSTANT CASE (BRIEF, P. 14-15).

GROUND OF ERROR NUMBER EIGHT

THE DISTRICT COURT ABUSED ITS DISCRETION BY ERRONEOUSLY GRANTING SUMMARY JUDGMENT FOR ALL APPELLEES AND FAILED TO GRANT PETITIONER'S CROSS-MOVE FOR SUMMARY JUDGMENT CONTRARY TO THE STATE OF THE LAW, ALL IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES.

ARGUMENTS AND AUTHORITIES

THE COURT ERRORED IN GRANTING JUDGMENT FOR ALL RESPONDENTS, AND DENYING PETITIONER'S CROSS-MOVE FOR SUMMARY JUDGMENT (SEE BRIEF, P. 15-21).

GROUND OF ERROR NUMBER NINE

THE DISTRICT COURT ABUSED ITS DISCRETION BY ERRONEOUSLY FAILING AND REFUSING TO GRANT ANY OF PETITIONER'S MOTIONS FOR TRO/PX; FAILED TO GRANT ANY OF HIS MOTIONS, YET GRANTED ALL MOTIONS FOR RESPONDENTS IN VIOLATION OF PETITIONER'S RIGHT TO ADEQUATE ACCESS TO COURT, DUE PROCESS AND EQUAL PROTECTION AS GUARANTEED BY THE FIRST, FIFTH AND FOURTEENTH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

ARGUMENTS AND AUTHORITIES

THE DISTRICT COURT GRANTED ANY AND ALL MOTIONS FILED BY THE RESPONDENTS AND DENIED ANY AND ALL MOTIONS FILED BY PETITIONER - EXCEPT HIS MOTIONS FOR EXTENSION OF TIME - DEMONSTRATING THE BIAS, PREJUDICE AND RACISM DESIGNATED BY THE COURT'S "BL" MINOR (SEE BRIEF, P. 22-24).

GROUND OF ERROR NUMBER TEN

THE DISTRICT COURT ABUSED ITS DISCRETION IN DENYING PETITIONER'S MOTIONS FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL BY ERRONEOUSLY FINDING HE IS NO LONGER IN IMMINENT DANGER.

ARGUMENTS AND AUTHORITIES

THE DISTRICT COURT HAS ALLOWED RESPONDENTS TO CIRCUMVENT THE 3 STRIKES
(21)

PROVISION OF 28 USC § 1915G) (SEE BRIEF, P. 24-29).

THE 5TH CIRCUIT, AS STATED ABOVE, HAS FAILED AND REFUSED TO ADDRESS GROUNDS OF ERROR 1, 2, 3, 4, 5, 6, 7 AND 9, WHICH DENIES PETITIONER OF HIS RIGHT TO BE HEARD ON APPEAL ON THESE ISSUES; THE 5TH CIRCUIT HAS INTENTIONALLY ERRONEOUSLY IGNORED THE LAW THAT HIS "NOTICE OF APPEALS ENCOMPASSES ALL ORDERS" HE HAS ADDRESSED IN ALL TEN(10) GROUNDS OF ERROR AS THE 5TH CIRCUIT ITSELF HAS CLEARLY SHOWN IT IS PERFECTLY AWARE AND THUS KNOWS THIS IS THE STATE OF THE LAW BY ITS OWN RULING IN NORSWORTHY, SUPRA, HOWEVER, TO PROTECT THE DISTRICT COURT BY NOT RULING ON THESE GROUNDS OF ERROR, THE 5TH CIRCUIT HAS DENIED PETITIONER OF ANY REVIEW ON APPEAL ON EIGHT(8) GROUNDS OF REVIEW FOR THE SPECIFIC REASON SO IT WOULD NOT HAVE TO ADDRESS THE ABUS, PREJUDICE AND RACIST "BL" DISSENT OR MONITOR USED BY THE DISTRICT COURT IN WHICH DEPRIVES ALL "BLACK" PRISON LITIGANTS OF COURT ACCESS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

THOMAS SAWYER

Date: 8-19-24