No. ____________________

____

IN THE

SUPREME COURT OF THE UNITED STATES

____

Eric MAPES — PETITIONER
(Your Name)

vs.

Indiana Court of Appeals — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the 7th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mr. Eric MAPES
(Your Name)

P.O. BOX 47181
(Address)

INDIANAPOLIS, IN 46247-0181
(City, State, Zip Code)

(360) 660-8296
(Phone Number)

QUESTION(S) PRESENTED

I. Question: To reslove a fee waiver denial , under what cirmcumstances may a Court deny a IFP(In forma pauperis) fee waiver with no reason given and demand a payment from SSI and SSDI income?

II. Question: To reslove a denial of eqal access on the basis of my disability and health conditions , under what circumstances may a Court use someone's conditions to dissuade other audieneces to deny access on the basis of a speech disoder, hearing loss, and disability that they were made aware of and had knowledge of in Court records requesting ADA accomodations and requests for expert counsel to ensure that the substantive due process was upheld regarding the accessibilty and cost?

LIST OF PARTIES

[X] 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:

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STATUTES AND RULES

OTHER

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

[X] For cases from **federal courts**:

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

[X] reported at Unknown; 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[ ] is unpublished.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

[X] reported at Unknown; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[X] For cases from **state courts**:

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

[X] reported at Unknown; 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[ ] is unpublished.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

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 10/26/2017.

[x] 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. ________.

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

[X] For cases from **state courts**:

The date on which the highest state court decided my case was 8/18/2017. A copy of that decision appears at Appendix B.

[ ] 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. ________.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Issue one--the right to have a fee waiver(IFP) granted--is based on the exemption under 42 U.S.C. 407(a), which provides that the right of any person to any future payment under this subchapter shall not be transferable or assignable, in law or in equity, and none of the moneys paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law. Title II, Section 208 of the Social Security Act of 1935 provides the most broadly applicable exemption. It exempts Social Security benefits from all legal process, including garnishment. The statute provides broad protection from any practice rendering benefits "subject" to "legal process." The Due Process Clause of the Fifth and Fourteenth Amendments, which provides that "no person . . .shall be deprived of life, liberty, or property wihtout due process of law."; and No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. U.S. CONST. AMEND. V, XIV.

Issue two--deliberate ignorance-- is based upon the Due Process Clause, Equal Protections Clause,and ADA(Americans with Disabillities Act), as well as the text of relevant statutes:28 C.F.R. § 35.164 ; IN CONST. ART. 1 SEC. 12 ; Federal Rule Civil Procedure(FRCP) 5.(d)(4) ; 42 U.S.C. §§ 12131-34 ; 28 C.F.R. § 35.160(a) (2003)) ; 42 U.S.C. § 12115 ; 42 U.S.C. § 2000a(a) ; 42 U.S.C. § 2000a-6(a) ; 28 U.S.C. § 1331 ; FRCP 4.3.B ; 28 C.F.R. § 36.206 ; Section 504 of the Rehabilitation Act of 1973 ("Section 504") ; 42 U.S.C. § 12203 ; 18 U.S.C. § 242 ; RI SUPREME COURT ART. VI.I ; ; CANONS 1, 2, 3.B.6 ; 42 U.S. Code 12182(b)(1)(E) ; IC 35-31.5-2-292(4) ; 18 U.S.C. § 241 ; 42 U.S.C. § 407(a) ;Title II, Section 208 of the Social Security Act of 1935; Code of Civil Procedure section 704.080; 28 U.S.C. 1915(a)(1) ; 42 U.S.C. § 9902(2);Public Services Act § 12101(a)(3) ; 28 C.F.R. § 35.130(b)(1)(iii), (vii) ; 42 U.S.C. § 12101(b)(1) ; and Article VI of the United States Constitution , which are shown in actions found in Appendix A , B, and C.

STATEMENT OF THE CASE

On or about 6-5-2017 , around or about 10:38 a.m. , the Petitoner's filings were received by the party found in Appendix C. At no time did the listed party found in Appendix C ever assign a case number. Employees of the party found in Appendix C continued to state they would send the filing documents back if payment wasn't made before the fee waiver was decided upon. Concerns where brought up with many employees of the party found in Appendix C regarding the fee waiver and affidavit on file and how a non tribunal employee make a legal determination and request payment before it was decided by the tribunal since the employees were in a ministerial position and continue to do so with knowledge of the source of income ,disability ,speech disorder ,and hearing loss and why no accommodations where ever made. The employees where using the Petitioner's speech disorder and disability to further portray him in a false light. On 6-13-2017 the party found in Appendix C denied the fee waiver with no reason given. On 6-16-2017 the party found in appendix C received the motion to appeal for fee waiver order. It is shown that motion of appeal was also denied on 6-20-2017 knowledgeable on the income type and exemption and no reason given. On those fee waiver orders it is shown and found in Appendix C where the conduct would appear egregious since there was no listed Case number nor the party listed in the original filings on that record and Order. All the documents and orders were returned via email and US priority mail.

On or about 6/26/2017 a Notice of Appeal, In Forma Pauperis(IFP), Affidavit of Indigency, Form #App. R. 40-1 , and the order found in Appendix C where sent to the Respondent. From the original date of filing it has been shown employees of the Respondent continuosly penalized filings and lack of payment notated through out the docket by employees of the Respondent and the ADA coordinator for both the Respondent and the Supreme of Indiana. The ADA coordinator at no time provided a valid reason for denail of accomodations pursuant to 28 C.F.R. § 35.164. It is uncertain how the non tribunal employees may also demand payment and make threats to close the case and dissuade other audiences (see IN Const. Art. 1 Sec 12) in docket records for not being the correct □ form prescribed by a local rule or practice.(FRCP □5.(d)(4)). In light of similar treatment shown by both the party found in Appendix C and the Respondent fully aware the Petitioner'd speech disorder, hearing loss, and disability...(see 42 U.S.C. § 12131-34);(also see 28 C.F.R. § 35.160(a)); (also see 42 U.S.C § 12115). Throughout the month of June 2017 to present day the Disability Rights of the State, ACLU, and many various legal services has refused service to assist in this matter while the counsel for the action in the Respondents Court was also made aware through electronic and contact with their office(Office of the Attorney General) regarding this matter also found in □42 U.S.C. § 2000a□ (a) and □42 U.S.C. § 2000a-6(a). These concerns were also brought up with the US Attorneys Office of the State and the DOJ. At no time were any rights upheld or enforced throughout this entirety.

This matter was filed with the party found in Appendix B regarding the jurisdiction pursuant to 28 U.S.C § 1331 regarding disability accessibility, discrimination, and fee waiver harassment. On 8/18/2017 , Docket # 5 the party found in Appendix B denying the leave to proceed IFP . It is shown a Notice of Appeal was filed(FRCP 4.3.B) with the party found in Appendix A regarding the denial of the IFP from the party found in Appendix B.(See Lister v. Department of Treasury, 408 F.3d 1309 ,1310-11(10th Cir. 2005)("Although the district court's ruling is not a final order, 'denial by a District Judge of a motion to proceed in forma pauperis is an appealable order' under the Cohen doctrine."); see also Roberts v. United States District Court, 339 U.S. 844,844(1950).)The IFP was DENIED by the party found in Appendix A on or about 9/22/2017, Docket # 18 with no valid explanation given found in Docket# 18 it is shown , " The motion for leave to proceed on appeal in forma pauperis is DENIED. Appellant shall pay the required docketing fee within 14 days, OR ELSE (see 28 C.F.R. § 36.206) This appeal will be dismissed for failure to prosecute pursuant to Circuit Rule 3(b). The party found in Appendix A was also aware of the source of income was shown with other valid documents were provided in support of the IFP found in Appendix A. It is uncertain the Respondent , the party(s) found in Appendix A,B, and C would act in the same mannerism regarding the very ubiquitous problem and concern that has been appealed to these parties(See Section 504 of the the Rehabilitation Act of 1973 ("Section 504)).". It is uncertain how the party listed in Appendix A would demand payment to then to show On 9/28/201, found in Docket# 24, " The appellant is assured, however, that this court does not garnish wages or Social Security payments to collect the fee. The consequence of the appellant's failure to pay the full fee on or before October 12, 2017, will be dismissal of his appeal. See Circuit Rule 3(b)." It is uncertain in the actions of this Court why it is shown further retaliation and interference(see 42 U.S.C. § 12203) ; (see 18 U.S.C. § 242);(also see 28 U.S.C § 455(b)(1).); (see 25 C.F.R. § 11.448(b)). It is shown on 10/26/2017, found Docket 29-1 , "that the cause docketed on August 17 2017, is DISMISSED for failure to timely pay the required docketing fee, pursuant to Circuit Rule 3(b).". (See Marshall v Jerrico Inc., 446 US 238, 242, 100 S.Ct. 1610,64 L. Ed. 2d 182 (1980). ; (Also see Article VI of the United States Constitution and Stone v Powell, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976)).; (Also see RI Supreme Court Article VI and Canons 1, 2, and 3.B.6.).

It is unceratin how all these parties listed and found in the Appendices would deny access based on disability and income related.(See 42 U.S.C. 12182(b)(1)(A)(i)): Also see 42 U.S.C. 12182(b)(1)(E).). The Petitoner is now coming to this Court in fear for further retalaition and harm from the unwanted emtoional distress that have been inccurred due to the Petitoners disability and stress created with knowledge of the aforementioned parties found in the Appendixes and that stress factor that does in fact causes long term phisical harm due to disability and the stress factor created by these parties(See Schaumber v. Henderson, 579 N.E.2d 452, 454 (Ind. 1991); K.D. v.Chambers, 951 N.E.2d 855, 862-63 (Ind. Ct. App. 2011); Indiana Patient's Compensation Fund v. Winkle, 863 N.E.2d 1, 6-7 (Ind. Ct. App. 2007).; also see the "direct impact" rule. Ketchmark,818 N.E.2d at 523 ; also see IC 35-31.5-2-292 , Sec. 292 (4) since the stress caused does damage the Petitoners brain that could/should have been avoided by the parties mentioned might accomodations been allowed and made. It is uncertain why these parties would deny an ADA accomodation request for counsel to ensure the equal protections of a disabled person where updeld in light of what these listed parties found in the Appendices incurred upon further expesne and financail harships to the Petitioner by actions found in 18 U.S.C. § 241.

REASONS FOR GRANTING THE PETITION

Federal law (42 USC 407(a)) protects Social Security benefits even after deposited into a claimant's bank account.Title II, Section 208 of the Social Security Act of 1935 provides the most broadly applicable exemption. It exempts Social Security benefits from all legal process, including garnishment. The statute provides broad protection from any practice rendering benefits "subject" to "legal process." The Kilkers opposed Stillman's claim of exemption, arguing that under Code of Civil Procedure section 704.080,only Social Security funds directly deposited into a bank account by the government are protected by the exemption. (All further statutory references are to the Code of Civil Procedure unless otherwise specified.)True, under section 704.080, subdivision (b), a judgment debtor, who receives Social Security payments by direct deposit, does not need to prove that the funds are exempt (up to certain amounts). Section 704.080, by providing such automatic exemption for direct deposit amounts, provides additional protection to Social Security payments that are directly deposited. But neither section 704.080, nor any other legal authority cited by the parties, supports the interpretation that section 704.080, subdivision (b) eliminates the availability of the 42 United States Code section 407(a) exemption as to Social Security payments that are not directly deposited into a bank account.If funds are directly deposited by the government, there is no need to trace their source.(See Kilker et al., v Stillman G048473 (Super. Ct. No. 30-2008-00106524)).(See also 28 U.S.C. § 1915(a)(1).) The Petitoners income also falls under 42 U.S.C. § 9902(2).

Congress' finnding Congress' finding in the ADA that "discrimination against individuals with disabilities persists in such critical areas as ... access to public services," § 12101(a)(3) (also see 28 C.F.R. § 35.130(b)(1)(iii),(vii).);, together with the extensive record of disability discrimination that underlies it, makes clear that inadequate provision of public services and access to public facilities was an appropriate subject for prophylactic legislation. Congress enacted Title II against a backdrop of pervasive unequal treatment of persons with disabilities in the administration of state services and programs, including systematic deprivations of fundamental rights. The historical experience that Title II reflects is also documented in the decisions of this and other courts, which have identified unconstitutional treatment of disabled persons by state agencies in a variety of public programs and services. With respect to the particular services at issue, Congress learned that many individuals, in many States, were being excluded from courthouses and court proceedings by reason of their disabilities. Congress was justified in concluding that the difficult and intractable problem of disability discrimination warranted added prophylactic measures. Hibbs, 351 U. S. 12, and Gideon v. Wainwright, 372 U. S. 335, make clear that ordinary considerations of cost and convenience alone cannot justify a State's failure to provide individuals with a meaningful right of access to the courts. Judged against this backdrop, Title II's affirmative obligation to accommodate is a reasonable prophylactic measure, reasonably targeted to a legitimate end.

In Fitzpatrick v. Bitzer, 427 U. S. 445 (1976), held that Congress can abrogate a State's sovereign immunity when it does so pursuant to a valid exercise of its power under §5 of the Fourteenth Amendment to enforce the substantive guarantees of that Amendment. Citing Ex parte Virginia, 100 U. S. 339, 346 (1880). It includes "the authority both to remedy and to deter violation of rights guaranteed [by the Fourteenth Amendment] by prohibiting a somewhat broader swath of conduct, including that which is not itself forbidden by the Amendment's text." Kimel, 538 U. S. 721, 727-728 (2003). See also City of Boerne v. Flores, 521 U. S. 507, 518 (1997). The Eleventh Amendment renders the States immune from "any suit in law or equity, commenced or prosecuted by Citizens of another State, or by Citizens or Subjects of any Foreign State." Even though the Amendment "by its terms applies only to suits against a State by citizens of another State," The United States Supreme Court's cases have repeatedly held that this immunity also applies to unconsented suits brought by a State's own citizens. Garrett, 528 U. S. 62, 72-73 (2000). The United States Supreme Court has also held that Congress may abrogate the State's Eleventh Amendment immunity.

It is not difficult to perceive the harm that Title II is designed to address. The historical experience that Title II reflects is also documented in the United States Supreme Court's cases, which have identified unconstitutional treatment of disabled persons by state agencies in a variety of settings. Notably, these decisions also demonstrate a pattern of unconstitutional treatment in the administration of justice.Found pursuant to the ADA Title II (access) is a valid abrogation of the 11th Amendment (Tennessee v. Lane, 541 U.S. 509 (2004)) , and Access to the courts shown being a fundamental right. See Tennessee v. Lane, 541 U.S. 509, 522, 524,529, 531, 534 (2004). Found in the Supremacy and Preemption Clause of Article VI of the U.S. Constituion would be applicable since these matter have been left unadressed in this particular circumstance.(see 42 U.S.C. § 12101(b)(1)).

CONCLUSION

Disability discrimination and income associated is a " ubiquitous and persistent problem when it comes to accessibility.... We must consider several factors, including whether the Petitoner has shown that it is likely to succeed on the merits of its request, the degree of hardship caused by a request or its denial, and the public interest in granting or denying a hearing. We assess those factors in light of the evidence put forward by by the Petitoner at this very preliminary stage and are mindful that our analysis of the hardships and public interest in this case involves particularly sensitive and weighty concerns on both sides. Nevertheless, we hold that the Petitioner has shown a likelihood of success on the merits of its request.
The Petitioner has shown that he is entitled to the protection of law in threating and appalling situation for this, and is requesting [I]mediate relief and the protections entitled to him under the law.

The petition for a writ of certiorari should be granted.

Respectfully submitted in good faith this 22 of November 2017.

"Without prejudice UCC 1.207/1-308"

Date: 11-22-2017