

NO. _____

in the

SUPREME COURT OF THE UNITED STATES

STACY L. CONNER,
petitioner,

V.

WILLIAM STEPHENS, et al,
respondent(s).

On Petition for Writ of Certiorari
to the 5th Circuit Court of Appeals
in case No.16-40324

PETITION FOR WRIT OF CERTIORARI

Pro Se Petitioner

STACY L. CONNER
#01428940 Stiles Unit
3060 FM 3514
Beaumont, Tx. 77705-0000

QUESTIONS PRESENTED

issue one:

An important Question to the Administration of Justice is: "does the 5th Circuit Court of Appeals' written opinion contain a distinct disingenuous statement that the record itself clearly contradicts, and was Conner (as the Appellant) harmed by the Court's unharmonious position?"

issue two:

"Was this case decided on the merits of a full and complete complaint, or did the District Court willfully deprive the record of crucially important evidence favorable to the Plaintiff?"

issue three:

Another important Question for the Supreme Court to answer is "does the record in this case reflect or even suggest [if only to ascintilla measure] that the lower court may have elected to penalize Conner for actively pursuing his RIGHT to Redress?"

Final issue:

In the eyes of the Sspreme Court, "did this pro se prisoner (Conner) receive a Fair, or adequate, effective, and meaningful appeal from the 5th Circuit?"

LIST OF PARTIES

Stacy L. Conner v. William Stephens, et al.

The undersigned Pro Se litigant of record certifies that the following listed persons and entities have an interest in the outcome of this case as described in Supreme Court Rule 14.1(b). No attorneys for the opposing party were ever introduced during any prior proceedings of the case.

Lori Davis, present Director of TDC-j

William Stephens, Director of TDC-j at the time the incidents complained of occurred, and in a specific way became involved.

Michael A. Roesler, was Head Warden of the Stiles Unit at the time the incidents complained of occurred, and in a specific way became involved.

Darren B. Wallace, was Assistant Warden of the Stiles Unit at the time the incidents complained of occurred, and in a specific way became involved.

Gene A. Kroll, was Assistant Warden of the Stiles Unit at the time the incident complained of occurred, and was definitely involved.

David G. Pille, was the Law Library's Supervisor, & directly involved.

Latasha Joseph, a correctional officer who was directly involved.

Angelique N. Dennis, the property officer who was directly involved.

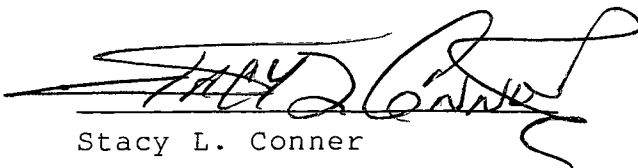

Stacy L. Conner
petitioner, Pro Se

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PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE JUSTICES OF SAID COURT:

NOW COMES, Petitioner Stacy L. Conner, and pursuant to the provisions of Rules 10 and 12, Rules of the Supreme Court of the United States, hereby petitions this Court to issue a writ of certiorari to review the judgment entered by the U.S. Court of Appeals for the Fifth Circuit who AFFIRMED the district court's dismissal of Conner's complaint, which effectively denies him due process and 'meaningful' access-to-the-court.

OPINIONS BELOW

The written opinion of the 5th Cir. in case no.16-40324 is the subject of this petition, it was issued June 13, 2017 and it AFFIRMED the lower court's dismissal of Conner's Title 42 U.S.C. §1983 law suit; a copy is attached hereto in Appendix, Exhibit A.

The 5th Cir. on October 17, 2017 denied Conner's "Petition for Rehearing En Banc" a copy of which can be found in the Appendix, as Exhibit B; and makes this petition to the Supreme Court timely and consistent with their own local Rule 13.3.

The Appellate Court had GRANTED Conner leave to file a petition for rehearing out of time, a copy of that ORDER is in the Appendix, Exhibit C.

JURISDICTION

The United States Court of Appeals for the 5th Circuit issued a written opinion in this case whose veracity is not only in contradiction to the record itself but has so far departed from the accepted and usual course of judicial proceedings as to be considered alarming; they also sanctioned such a departure by the lower district court, which calls for the exercising of this Court's supervisory power.

Conner's appeal was AFFIRMED by the 5th Circuit June 13, 2017.

On August 28, 2017 the Court of Appeals GRANTED Conner leave to file a petition for rehearing out of time.

Conner, submitted his motion for rehearing in a timely fashion.

The 5th Circuit Court of Appeals, on the 17th day of October 2017, denied Conner's "Petition for Rehearing En Banc".

Therefore, this Court has clear jurisdiction to issue a writ of certiorari to review the opinion and judgment of the U.S. Court of Appeals for the Fifth Circuit under 28 U.S.C. § 2101(c) and § 2254(1); also by invoking the Court's own jurisdiction under Art. III of the Constitution of the United States.

CONSTITUTIONAL PROVISIONS INVOLVED

1. This case involves the First Amendment to the United States Constitution, which provides:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or ~~the right of the people~~ **to assemble, and to petition the government for a redress of grievances.**

U.S. Amend. 1 (emphasis added).

2. This case involves the Fifth Amendment to the United States Constitution, which provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or navel forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. Amend. V (emphasis added).

3. This case involves the Fourteenth Amendment to the United States Constitution, which provides, in pertinent part, as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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 any person within its jurisdiction the equal protection of the law.

U.S. Const. Amend. XIV (emphasis added).

STATEMENT OF THE CASE

After a long and fretful deliberation, considering all the potential negatives involved with filing a civil action in a federal court (including failure) Conner, as a layman who is unschooled nor taught in law, felt far more than merely compelled, he was/is still (even now) convinced that the egregious conduct and deliberate indifference exhibited by each and every defendant not only warranted but demanded that an earnest attempt be made in order to exact an equal measure (or pound) of flesh. Otherwise, just as surely as the sun sets in the west, the conduct will continue. Possibly even broaden to other officers; harming other prisoners and encroaching upon their rights protected by the laws of this state, as well as the Constitution itself.

Conner, filed his Title 42 U.S.C. §1983 law suit in the U.S.

1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993.

District Court for the Eastern District of Texas, Beaumont Div., on thursday, September 18, 2014; well within the allotted statute of limitations governing timeliness with such a complaint.

Conner, followed on the heels of his suit, a cognizable motion for appointment of counsel, dated 10-23-14; stating exceptional circumstances and a distinct conflict of interest issue.

The District Court was silent for many months until they assigned U.S. Magistrate Judge Zachery Hawthorn, case no. 1:14-cv-498 Stacy L. Conner vs. William Stephens, et al.

The Magistrate, on the 1st day of April, 2015, issued two orders: (1) an order to amend the original complaint, and (2) an order denying appointment of counsel.

Conner, sought for, and obtained an extension until May 15, 2015; then submitted in a timely fashion "Pro Se Plaintiff's Answer/or Response to Magistrate's Order to Amend Complaint". This is a pleading that was grossly misconstrued which resulted in a pivotal significance towards the direction of the case itself. For immediately afterward, on May 22, 2015, Judge Hawthorn issued a report and recommendation suggesting on page 2 of that document: "By choosing not to comply with the court order, plaintiff has failed to prosecute this case diligently. Accordingly, this action should be dismissed without prejudice for want of prosecution".

Instateously, on June 7, 2015; Conner filed a "Response and/or Objections to the Magistrate's proposed findings, conclusions & recommendations"; and included a valid "Motion for an Order Compelling Prison Personnel to make copies of all Exhibits related to this Case".

On the 2nd day of October 2015, Magistrate Hawthorn issued his 'second' "Report and Recommendation"; but in this one he doubled-down on his original recommendation to 'dismiss' and added: "with prejudice pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted".

Again, without delay (on Friday, Oct. 16, 2015) Conner submitted a "Timely Objections to the Magistrate's findings, conclusions, and recommendations".

The District Court adopted the Magistrate's recommendation as their own, and on January 26, 2016 'dismissed' with prejudice Conner's 1983 civil action.

Conner filed a "Motion for Extension of Time to file Motion for Rehearing" on February 5, 2016 with a reasonable explanation as to why additional time was required.

On February 12, 2016 Judge Hawthorn signed an order denying Conner any extra time; effectively ending any further opportunity for Conner to argue his position before the district court.

Conner, after receiving an extension of time from the United States Court of Appeals for the Fifth Circuit, submitted his Appellant's Brief on July 25, 2016, see Appendix, Exhibit D.

The 5th Circuit's written opinion, which in essence is the subject-matter of this petition [see Appendix, Exhibit A] was issued June 13, 2017 and essentially AFFIRMED the district court's 'Dismissal'.

Because of an apparent mix-up in the mail, Conner sought for, and received, the 5th Cir.'s leave to file a petition for rehearing out-of-time, on August 28, 2017, see Appendix, Exhibit C.

Conner, in a timely fashion submitted his "Petition for Rehearing En Banc", which the Court of Appeals 'Denied' without comment; on October 17, 2017. making this petition for writ of certiorari due on or before January 15, 2018; which is Martin Luther King Jr. Day.

REASONS FOR GRANTING THE PETITION

That which may concern the U.S. Supreme Court and be an affront to the American scheme of judicial fairness, as it relates to due process and access-to-court, is the actual opinion delivered by the 5th Circuit Court of Appeals; see Appendix, Exhibit A.

issue one:

In spite of the fact that neither Conner nor even this case are of any real interest in themselves, the ruling rendered by the court of appeals is a perfect example of the so called 'rubber-stamping' of pro se petitions that is presently being exercised by lower courts nation-wide; and as such, should be of major significance to this Gatekeeper of American Justice, who is the only true protector of the constitution itself.

The 5th Circuit's opinion is grossly (and unjustifiably) inaccurate in a way that harms Conner's constitutional right to due process: see Appendix, Exhibit A, on pg.2 first paragraph, they assert [verbatim] "We start with the due process claim regarding the seizure of property. Conner fails to challenge the district court's determination that he failed to state a cognizable claim because Texas state law provided an adequate remedy for conversion claims". (unquote)

Apparently - as a translation - the 5th Circuit Court of Appeals found that because Conner neglected in his brief to address the district court's allegation that Texas state law provides an adequate means for conversion claims. . . Conner has forfeited his Right to sue in the federal courts.

Whereas in reality, in TRUTH, the 'Appellant's Brief' in this case to the 5th Cir. (see Appendix, Exhibit D) on pg.25, next to the last paragraph, Conner did what their opinion declares he failed to do:

[verbatim] "I'm quite aware of the many rulings the 5th Circuit has rendered (often in relation to prisoners) which establishes that Texas conversion provides an adequate post-deprivation remedy.

I wish to voice a strong objection to this type of reasoning in my case. For prisoners, the Texas conversion act is governed by a stiff statute of limitations period of but thirty (30) days for filing directly after exhausting ones administrative remedies. That's a very very small window of opportunity in and of itself. In my case its a space that was completely impossible to crawl through under any contorted acrobatics' manauver. It just could not of feasibly been done. My complaint is not based on one single act or action committed by one official under the color of state. It was/is based [entirely] on an accumulation of events perpetrated by different individuals in a chronological order that clearly infers retaliatory intent. Each event, on its own, rises to a constitutional violation but together, in the order of their occurrence, enhances and strengthens the overall complaint multitudinously. The exhibits - whose production was disallowed, or prevented from the record are decisive in concreting this contention. So, even if Texas does provide a means for adequate post-deprivation remedy, the 30 day limitations requirement made it an ineffectual avenue for me to travel. The only road which would permit me to reach my desired destination was/is Title 42 U.S.C. §1983". (unquote) see Appendix, Exhibit D, my apellate brief

How was such an extensive argument covering this issue ever overlooked by the appellate court? That, in itself is a good question, but its rather obvious by the "reasoning" within the 5th Circuit's written opinion that it was.

Which bings us to another Question, the very first one that is being presented in this petition:

issue one: "Does the 5th Circuit Court of Appeals' written opinion contain a distinct disingenuous statement that the record itself clearly contradicts, and was Conner (as the Appellant) harmed by the Court's unharmonious position?"

Surely, this U.S. Supreme Court will agree that the answer to the above-asked question is self-evident, because a mere formal Right to access to the court's does not pass constitutional muster, you have always determined that the access be adequate, effective,

and meaningful. In this case, Conner did not receive a just nor an acceptable appeal in conformity to your well established requirements.

issue two:

"Was this case decided on the merits of a full and complete complaint, or did the District Court willfully deprive the record of crucially important evidence favorable to the Plaintiff?"

To enable this Court to make an informed decision regarding this issue it will be helpful to become familiar with the original complaint itself; see Appendix, Exhibit E.

No doubt you'll admit as true that - although a little rough around the edges and written by hand, possibly even a bit amateurishly as well - it is still quite well thought out and readily understood. There are definite grounds for jurist of reason to conclude the possibility that constitutional violations may very well have occurred that would justify a Title 42 U.S.C. § 1983 law suit. Also apparent is the undeniable fact that the complaint itself relies, in a large part, on the exhibits that are distinctly cited: on pg. 4 - exhibits A, B and C; on page 5 - exhibits D, E & F; on page 6 - exhibit G; on page 7 - again exhibits D & E; on page 8 - exhibits H and I; on page 10 - exhibits in J; on page 11 - exhibits in K.

Each and every one of the above mentioned exhibits have a specific role and purpose for their inclusion in the original complaint. In many ways the exhibits **ARE** the complaint. For they take any reader (the Court) through a step by step journey that reflects the one Conner traveled and experienced from the very first incident of Pille taking his personal pictures, to Joseph confiscating his legal box and books; then back again to Pille committing the unusual function (by a law librarian) to actually visit an inmate's cell where he personally took crucial work-product material that unquestionably impeded Conner's ability to effectively seek redress in a criminal prosecution that he has a distinct

liberty interest in.

The exhibits tell their own story and not only merely bolsters Conner's claim, but are in fact the claim itself. They clearly explain to any surveyor of their contents how each of these events followed one another in relation to Conner's many attempts to complain about them. They are written and aligned in a way as to (more than just) infer that retaliation was a motivating factor, for they quote detailed statements made by fellow officers that establish the common knowledge belief that it WAS the basis and cause of the actions taken against Conner.

Conner, was definitely singled out and punished [intentionally made to suffer] solely because he exercised his Right to use the Grievance process.

The exhibits cited in the original complaint are testimony to the complicity of each of the defendants in this case, their significance can not be overrated.

Unfortunately, Conner did not feel comfortable, or was unwilling, to include the 'only' copies (HE HAS) of these important (exhibits,or) documents with his original complaint.

His unit's law library possesses the only copy machine that Conner has even a remote access to, but it might as well be on Mars. For Conner still suffers sever incriminations from the law library personnel because of these very issues and especially the suit itself.

After filing this suit, every subsequent pleading to the district court carried a distinctive request for assistance in producing copies of the exhibits so the Court would have access to all the facts pertinent (necessary) to make an informed Fair decision regarding this matter:

a.) firstly, on May 15, 2015 Conner filed "Pro Se Plaintiff's answer/or response to Magistrate's Order to Amend Complaint" in sec. III, on pages 5 & 6, he points out the crucial importance of the exhibits as they relate to this case and the court's Questionnaire, and how premature it would be for the Court to make any ruling without the benefit of a full and complete record/complaint.

b.) then, dated June 6, 2015 is Conner's "Motion for an Order Compelling Prison Personnel to make Copies of all Exhibits related to this Case", which was a simple [and appropriate] motion or order pursuant to Rule 37(a) F.R.C.P. compelling the defendants to produce for inspection and copying the many exhibits cited in the original complaint; ironically that substantially grounded motion was never so much as mentioned nor acknowledged by the district court. This alone was/is an unfair silence worthy of this Supreme Court's consideration.

c.) next, sent with the above motion and dated June 7, 2015 Conner submitted his "Response and/or Objections to the Magistrate's proposed Findings, Conclusions & Recommendations", in sections III, IV & V, found on pages 2, 3, & 4, he again strongly emphasises why it is so essential for the district court to have access to all the exhibits cited in the original complaint.

d.) lastly, filed October 16, 2015 was Conner's "Timely Objections to the Magistrate's Findings, Conclusions and Recommendations", in sec. V, on pages 6 & 7, Conner once more urges the district court not to make an unfair decision or ruling in this case without the benefit of a full and complete complaint. He repeats the absolute importance of the exhibits to be included in the record itself, and asks for the Court's help.

Each and every one of Conner's many pleas to the lower court [as the record will confirm] were ignored. No response nor even any kind of comment was ever forthcoming.

This entire argument [almost verbatim] was presented to the 5th Circuit in Conner's appellant's brief; see Appendix, Exhibit D, beginning on page 14.

Amazingly, they too, seemed to have overlooked this Due Process and Access-to-the-Courts' claim as well; for there is no mention nor reference to it in their opinion. How is that even possible? and again;

"Was this case decided on the merits of a full and complete complaint, or did the district court willfully deprive the record of crucially important evidence favorable to the Plaintiff?"

issue three:

Another important Question for the Supreme Court to answer is, "does the record in this case reflect or even suggest [if only to a scintilla measure] that the lower court may have elected to penalize Conner for actively pursuing his Right to Redress?"

This is a quite serious allegation, but it's a conclusion any reasonable person who reviews the actual record without prejudice or emotion might reach. It takes only an open mind that thoroughly examines the facts:

1.) After magistrate Judge Zackery Hawthorn was assigned this case and he ordered a amended complaint, Conner answered with an offered explanation that the production of the exhibits cited in his original complaint would easily satisfy the Magistrate's demands and sought the court's help toward that end.

2.) At which point the Magistrate, on May 22, 2015 issued a scorching report and recommendation implying that Conner was being defiant to his order, and on page 2 of that recommendation stated:

"By choosing not to comply with the court order, plaintiff has failed to prosecute this case diligently. Accordingly, this case should be dismissed **without** prejudice for want of prosecution"
(emphasis added)

3.) Conner, submitted a "Response and/or Objections to the Magistrate's proposed Findings, Conclusions, & Recommendations" on June 7, 2015; he included a valid "Motion for an Order Compelling Prison Personnel to make Copies of all Exhibits related to this Case", pursuant to Rule 37(a) F.R.C.P..

4.) On October 2, 2015 Judge Hawthorn issued his 'second' "Report and Recommendation" but, in this one, he double-downed on his recommendation to 'Dismiss' and added "**with prejudice** pursuant to 28 U.S.C. §1915(e) as frivolous and for failure to state a claim upon which relief may be granted". (unquote, emphasis added)

The Magistrate, in a span of slightly under four months issued (2) separate recommendations. Both of them to dismiss. But in the latter one he reconstructed the reasoning and grounds of his first report and

adds: **"with prejudice"**. Which the Supreme Court knows, because of the 'three-strikes provision' of the PLRA under 28 U.S.C.A. §1915(G), inflicts a definite dimension of HARM on Conner.

So what occurred in the record, during that four month period from the first recommendation to the second, that might have changed the Magistrate's perspective or opinion as they relate to the merits of this case?

- NOT ONE IOTA OF CONNER'S CLAIM HAD CHANGED -

The only things that even exist, in the record, between the two opposing recommendations is Conner's "Response and/or Objections to the Magistrate's proposed Findings, Conclusions, & Recommendations" and, the "Motion for an Order Compelling Prison Personnel to make Copies of all Exhibits related to this Case" and both motions were submitted together...there is Nothing else!

The "motion for an Order" was a bonafide request to the lower court that fell into the realm of the 'Rule of Discovery'. Under the given circumstances it warranted [at the very least] some type of acknowledgement; but none was ever forthcoming. Was the Filing of that one request disconcerting to the Magistrate, or did it annoy or offend him in some way?

Solely on the basis of speculation (to propose as a possibility) Conner encourages the Supreme Court to actually READ and scrutinize the above-mentioned motions; see Appendix, Exhibits F&G. Then, ask yourself what they contain that can justify the Magistrate upping his recommendation from **'without'** to **'with'** prejudice? A change in position that HARMS Conner.

There can be no Quibble over the Fact that the Magistrate did (in fact) change his recommendation to a level of severity that distinctly HARMS Conner.

The natural Question is, why did he choose to make this distinction? The complaint itself was/is the same! The only difference in the entire record, from the Magistrate's first recommendation to his second, is Conner's "Response and/or Objections" and the request for an Order or production.

Is there a common-sense basis to infer from the record [and the Facts they present] that the lower court - by adopting the Magistrate's recommendation - may have inadvertently penalized Conner for actively pursuing his RIGHT to REDRESS?

This very issue and argument (almost verbatim) was also presented to the 5th Circuit in Conner's Appellant's Brief; see Appendix, Exhibit D, on pages 19 - 23.

Somehow, it too, was overlooked . . . it was certainly ignored; see the 5th Circuit's opinion in the appendix, Exhibit A. There is absolutely no mention of this Substantially Grounded allegation. Which should surely raise an eyebrow or two in wonder as to whether or not Conner ever received a Fair, Adequate, or even meaningful appeal to begin with?

SUMMATION AND AUTHORITIES

Conner, has presented this protector of the sacred constitution [this Gatekeeper of American Justice] with some seriously poignant Questions to answer which have far reaching significance to the nation's population and its incarcerated people in particular.

Conner, readily concedes that neither he nor even his case are of any major concern per se to this court, but both rulings rendered by the lower courts in this case are a glaring indictment or prime example of the so called 'rubber-stamping' that is practiced all over the country in relation to prisoner litigation; and as such, should be of importance to the U.S. Supreme Court.

A similiar contention was recently determined in the case of Buck vs. Davis, 137 S.ct. 759; 197 L.Ed. 2d 1, 2017 U.S., where you found fault with the very same 5th Circuit Court of Appeals' handling of a prisoner's case as it related to his COA.

Conner, feels certain that if the Supreme Court will only apply the bearest of standard for which it is noted as a Guardian of people's RIGHTS then surely he will prevail in proving that,

in this case, he has not received adequate due process nor an effective and meaningful access-to-the-courts.

The substantive Right to Access to Courts:

The right to access to the courts is basic to our system of government, and it is well established today that it is one of the fundamental Rights protected by the Constitution. In Chambers v. Baltimore & Ohio Railroad, 207 U.S. 142; 28 S.ct.34, 52 L.Ed. 143 (1907), the Supreme Court characterized this right of access in the following terms:

The right to sue and defend in the courts is the alternative of force. In an organized society it is the right conservative of all other rights, and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship, and must be allowed by each state to the citizens of all other states to the precise extent that it is allowed to its own citizens. Equality of treatment in this respect is not left to depend on comity between the states, but is granted and protected by the Federal Constitution. 207 U.S. at 148, 28 S.ct. at 35 (citations omitted). It is clear that the Court viewed the right of access to courts as one of the privileges and immunities accorded citizens under article 4 of the Constitution and the fourteenth amendment.

In California Motor Transport CO. v. Trucking Unlimited, 404 U.S. 508, 92 S. ct. 609, 30 L.Ed. 2d 642 (1972); the Supreme Court found in the first amendment a second constitutional basis for this right of access. "Certainly the right to petition extends to all departments of Government. The right of access to the courts is indeed but one aspect of the right of petition." Id 92 S.ct. at 612.

This court recognized the first amendment right of access to the courts in Wilson [708 F.2d 972] v. Thompson, 593 F.2d 1375 (5th Cir. 1979), where you stated: "It is by now well established that access to the court is protected by the First Amendment right to petition for redress of grievances." Id at 1387. See also NAACP v. Button, 371 U.S.415, 83 S.ct. 328, 336; 9 L.Ed. 2d 405 (1963); Coastal States Marketing, Inc. v Hunt, 694 F. 2d 1358(5th.1983).

A number of courts have recognized that the right to access is encompassed by the first amendment right to petition. See McCray v. Maryland, 456 F.2d 1, 6 (4th Cir. 1972); Harris v. Pate, 440 F.2d 315 317

(7th Cir. 1971); Pizzolato v. Perez, 524 F. Supp. 914,921 (E.D.La. 1981), and Crews v. Petrosky, 509 F. Supp. 1199, 1204 n. 10 (W.D.Pa. 1981).

A third constitutional basis for the right of access to the courts is found in the due process clause. In Wolf v. McDonnell, 418 U.S. 539, 94 S.ct. 2963, 41 L.Ed. 2d 935 (1974), the Supreme Court defined the right of access in a civil rights action under section 1983 in the following terms:

The right of access to the courts upon which Avery [Johnson v. Avery, 393 U.S. 483, 89 S.ct. 747, 21 L.Ed. 2d 718 (1969)] was presented, is founded in the Due Process Clause and assures that no person will be denied the opportunity to present to the judiciary allegations concerning violations of fundamental constitutional rights. It is futile to contend that the Civil Rights Act of 1871 has less importance in our constitutional scheme than does the Great Writ. Id. 94 S. ct. at 2986. See also Mitchum v. Purvis, 650 F. 2d 647, 648 (5th Cir. 1981); Rudolph v. Locke, 594 F. 2d 1076, 1078 (5th Cir. 1979). The due process clause has been construed to allow prisoners meaningful access to the courts. See Bounds v. Smith, 430 U.S. 817, 97 S. ct. 1491, 52 L.Ed. 2d 72 (1977); Boddie v. Connecticut, 401 U.S. 371, 91 S. ct. 780, 28 L.Ed. 2d 113 (1971).

A mere formal right of access to the courts does not pass constitutional muster. This very Supreme Court itself has required that the access be "adequate, effective, and meaningful" Id, Bounds v. Smith; and Rudolph v. Locke. Interference with the right of access to the courts gives rise to a claim for relief under section 1983. Sigafus v. Brown, 416 F.2d 105 (7th Cir. 1969) (destruction by jail guards of legal papers necessary for appeal supports claim for damages under § 1983); which similarly mirrors Conner's original complaint. McCray v. Maryland, 456 F. 2d at 6 ("Of what avail is it to the individual to arm him with a panoply of constitutional rights if, when he seeks to vindicate them, the courtroom can be hermetically sealed against him by a functionary who, by refusal or neglect, impedes the filing of his papers?"); Crews v. Petrosky, 509 F. Supp. at 1204 ("An allegation that a clerk of state court has negligently delayed the filing of a petition for appeal, and that the delay has interfered with an individual's right of access to the courts, may state a cause of action under 42 U.S.C. § 1983.") See also Harris v. Pate, 440 F.2d 315, 317 (7th Cir. 1971) (prison au-

thorities may not place burdens on right of access to courts); Corby v. Conboy, 457 F. 2d 251, 253 (2d Cir. 1972).

It is quite clear that under our Constitution and the many precedents this very Supreme Court has concreted into an established standard of acceptance, the Right of access to the courts and due process are Guaranteed and protected from all unlawful interference and/or deprivations coming from any element or source, and only by compelling interest will such entrusions be justified.

The 5th Circuit's own written opinion in this case is proof that Conner's access was inadequate and fails Constitutional muster.

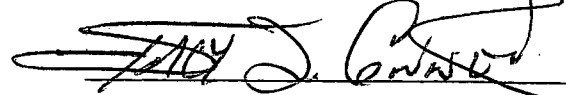
CONCLUSION

Conner, was absolutely correct and within his Rights to utilize Title 42 U.S.C. § 1983 in bringing a valid complaint against the defendants who stole his personal property (the pictures of his wife and children), who with malice took irreplaceable work-product related to the criminal case he was working on and has a distinct liberty interest invested; and likewise, the legal books that he relied upon in order to construct a cognizable argument worthy of any court's attention. They certainly interfered with his Right of access to the courts; and furthermore, when Conner sought relief within the system itself (by filing the appropriate grievances) the defendants orchestrated retaliation against him. Id, Rudolph v. Locke, and Sigafus v. Brown.

Conner, claims that he had a protected Right to seek Redress in the courts and for that access to be adequate, effective, and meaningful. Conner respectfully asserts that he has presented to this Supreme Court irrefutable evidence that conclusively supports the FACT that in his case the RIGHT to due process and access was thwarted at EVERY level.

Conner, PRAYS the Supreme Court will acknowledge that his appeal before the 5th Circuit was not only lacking in general, but was a blatant misrepresentation of what is recognized as meaningful access; and to render a ruling in this case that effectively sends it back to the Court of Appeals for a FAIR analysis of the issues, and to GRANT Conner any additional relief to which he may rightfully be entitled under the dictates of the Constitution.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Stacy L. Conner", written over a horizontal line.

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