

No. 17A521

IN THE
SUPREME COURT OF THE UNITED STATES

William A. Coyle — PETITIONER
(Your Name)

VS.

Cynthia A. Jackson, NP, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Tenth Circuit Court of Appeals, United States
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

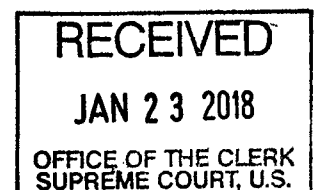
PETITION FOR WRIT OF CERTIORARI

William Andrew Coyle
(Your Name)

5589 Krameria st
(Address)

Commerce City CO 80022
(City, State, Zip Code)

(970)571-4251
(Phone Number)



QUESTIONS PRESENTED

1. Exactly where does a Magistrate Judge authority and Jurisdiction end with 28 U.S.C. 636(B) Jurisdiction, powers, and temporary assignment IN REGARDS TO:

- A. Does a magistrate Judge have the authority to unbind himself from the (1) case law? (2) Appointing Authority? (3) Jurisdiction?
- B. Does the Magistrate have the authority to oppress and deny constitutional authority?
- C. Does a magistrate Judge have the rendering authority to dismiss a claim for (1) failure to state a claim upon which relief can be granted? (2) Injunctive relief? (3) Judgement on the pleadings?
- D. Does a magistrate judge have rendering authority to go beyond Jurisdiction of Federal Law, by his own appointment in discretion to give judgement and orders?
- E. Does a magistrate Judge have rending authority to order upon the court to deny process due for the complaint and summons with seal upon a Plaintiff approved motion to proceed in forma pauperis?

District Court Judge Jurisdiction in regards to:

Does a District Court Judge have personal Jurisdiction, founded on the Magistrate Judge pre-trial actions, to sue sponte dismissal of a claim without required process in procedural hearing? Does a District Court Judge have Jurisdiction to deny hearing for depravity of Due process and accessing the Court in redress? Does a District Court Judge have Jurisdiction in authority to

order sue sponte a hearing for depravity of Due process and accessing the Court in redress to properly dismiss with merit?

F. Can the District Court render Judgement on the same day without giving process to action? Does a Plaintiff have a right-privilege-liberty in time to take action prior to District Court rendering Judgement?

G. District Court Judge have Jurisdiction in Discretion to sue sponte dismiss a claim upon requiring a pleader to rise above and beyond what is ordinarily required pertaining to Rule 8(a) of the federal rules of civil procedure? Under rule 8 of the federal rules of civil procedure does the requirement in form be in the same order as shown to the rule? When pleading in form does section (d)(1) of rule 8 of the federal rules of civil procedure have standing in that there is no technical form required? Is the placement of requirement of rule 8(a)(2) of the federal rules of civil procedure allowed to be shown in a pleaders section of choosing so long as it is shown in the complaint form?

H. Is a pleader required by order to use the court provided form in complaint? If the Court provided form for complaint does not shown to requesting-customary required placement of rule 8(a)(2) can the pleader place its section of his choosing?

Rule 41(b) of the federal rules of civil procedure in regards to:

I. Can a district court sue sponte dismiss an action under rule 41(b) of the federal rules of civil procedure without merit for lack of (1) Jurisdiction? (2) Failure to join a party under rule 19 of the federal rules of civil procedure?

- J. Does lack of personal Jurisdiction fall into the boundaries' of the "exception" clause of rule 41(b) of the federal rules of civil procedure? Does the district court action of not perfecting process by order of the District Court for the complaint-summons fall into the boundaries to the exception clause of rule 41(b) of the federal rules of civil procedure for failure to join a party under rule 19?
- K. Does a plaintiff have merit in Appealing in regards to being denied perfecting due process and accessing the Court?
- L. Should a pleader have another go around at pleading when action-claim is dismissed without prejudice of the District Court?
- M. Can a Judge be in contrary of case law and be able to substitute his discretion in judgement for that of the jury? Can a Judge be in contrary of case law when statute and rule rise to the occasion?
- N. Can a pleader be denied Appealing through forma pauperis when showing non-frivolous issues? can a pleader be denied action in appeal for De Novo Review in showing denial of accessing to the Court? Is the burden on the Appellant application to show that his Appeal has merit?

LIST OF PARTIES

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

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

Cynthia A. Jackson, NP.
Brian "DOE"

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<u>16-CV-0333 Coyle v. Jackson et al.,</u>	<u>11, 23</u>
<u>17-1152 Coyle v. Jackson NP., et al,</u>	<u>8, 11</u>
<u>Bell Atl. Corp. v. Twombly 550 U.S. 544 (2007)</u>	<u>17</u>
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<u>Coppedge v. United States at P. 369 U.S. 446 (1962)</u>	<u>19</u>
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<u>Coppedge v. United States Pp. 369 U.S. 444-445 (1962)</u>	<u>19</u>
<u>Coppedge v. United States Pp. 369 U.S. 450-454 (1962)</u>	<u>19</u>
<u>Cruz v. Hauck, 404 U.S. 59, 92 S.Ct. 313, 30 L.Ed.2d 217 (1971)</u>	<u>19</u>
<u>Jackson v. Dallas Police Dep't, 811 F.2d 260 (5th Cir.1986)</u>	<u>19</u>
<u>Martin v. Mathews, No. 11-3057 (10th Cir. May 8, 2012)</u>	<u>17</u>
<u>Mathews v. Eldridge,</u> <u>424 U.S. 319, 335, 96 s. ct. 893, 903, 47 l. ed. 2d 18 (1976)</u>	<u>15, 18</u>
<u>Ngiendo v. Soc. Sec. Admin., No 13-3174 (10th Cir. Dec. 16, 2013)</u>	<u>17</u>
<u>Payne v. Lynaugh, 843 F.2d 177 (5th Cir.1988)</u>	<u>19</u>
<u>People v. Martin 382 Ill 192, 46 NE2d 997 (1942)</u>	<u>15, 23</u>
<u>People v. Martin 382 Ill 192, 46 NE2d 997 (1942)</u>	<u>15, 23</u>
<u>Rocky mountain Christian church v. Bd. of Cty. Comm'rs</u> <u>613 F.3d 1229, 1239-40 (10th Cir. 2010)</u>	<u>19</u>
<u>Rocky Mountain Christian Church v. Bd. of Cty. Comm'rs</u> <u>613 F3d 129, 1335-36 (10th Cir. 2010)</u>	<u>17</u>

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<u>Swierkiewicz v. sorema 534 U.S. 506 (2002)</u>	<u>17</u>
<u>United states v. Black (CA4 NC 2013) 707 F3d 531</u>	<u>15, 23</u>
<u>Wright v. Dallas County Sheriff Dep't, 660 F.2d 623 (5th Cir.1981)</u>	<u>19</u>

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Martin Luther King Jr. "Letter from Birmingham Jail," 16 Apr. 1963

"History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. He who passively accepts evil is as much involved in it as he who helps to perpetrate it. He who accepts evil without protesting against it is really cooperating with it..."

p. 14

"Whatever affects one directly, affects all indirectly. He who passively accepts evil is as much involved in it as he who helps to perpetrate it. He who accepts evil without protesting against it is really cooperating with it..."

p. 21

"Of all the forms of inequality, injustice in health care is the most shocking and inhumane."

p. 14, 21

INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE

p.13

Whatever affects one directly, affects all indirectly"

p. 23

**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

The opinion of the United States Court of appeals appears at Appendix B to the petition and is Unpublished

The opinion of the United States District Court appears at Appendix C to the petition and is Unpublished

JURISDICTION

The date on which the United States Court of Appeals decided my case was July 27, 2017.

A timely Petition for rehearing was denied by the United States Court of Appeals on the following date August 21, 2017, and a copy of the order Denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including January 18, 2018 on November 14, 2017 in application No. 17A521.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTION, providing to:

Amendment V

page 2,8,13,14,17,20,22

“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 naval 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.”

Amendment I

page 2, 8, 13, 14, 17, 20, 22

“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 peaceably to assemble, **and to petition the government for a redress of grievances.**”

Amendment IV

page 2, 13, 15, 22, 23

The right of the people shall be secure in their persons, property and effects ... shall not be violated

UNITED STATES CODE, TITTLE 28, § 2071 RULE MAKING POWER GENERALLY

subsection (a)

page 2, 13

(a)The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules shall be consistent with Acts of Congress and rules of practice and procedure prescribed under section 2072 of this title.

UNITED STATES CODE, TITTLE 28, CHAPTER III, § 636 - Jurisdiction Powers and

Temporary Assignment, Subsection (B) page 2, 8, 13, 17, 18

(1)Notwithstanding any provision of law to the contrary—
(A)a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress

evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

(3)A magistrate judge may be assigned such additional duties as are not inconsistent with the Constitution and laws of the United States.

UNITED STATES CODE, TITLE 42, CHAPTER 21, CIVIL RIGHTS, SUBCHAPTER I GENERALLY

§ 1981 Equal rights under the law

page 3, 13, 19, 21

(a)STATEMENT OF EQUAL RIGHTS

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b)“MAKE AND ENFORCE CONTRACTS” DEFINED

For purposes of this section, the term “make and enforce contracts” includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c)PROTECTION AGAINST IMPAIRMENT

The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

§ 1982 Property rights of citizens

page 3, 13, 21

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

§ 1983 Civil action for deprivation of rights

page 3, 21

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other

proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

(1) PREVENTING OFFICER FROM PERFORMING DUTIES

If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

(2) OBSTRUCTING JUSTICE; INTIMIDATING PARTY, WITNESS, OR JUROR

If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

(3) DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding \$5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

The United States attorneys, marshals, and deputy marshals, the United States magistrate judges appointed by the district and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of section 1990 of this title or of sections 5506 to 5516 and 5518 to 5532 of the Revised Statutes, and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense.

(a) APPLICABILITY OF STATUTORY AND COMMON LAW

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

UNITED STATES CODE, TITLE 42, CHAPTER 21, CIVIL RIGHTS, SUBCHAPTER IX

2000d-1 Federal authority and financial assistance to programs or activities by way of grant, loan, or contract...requirements; reports to Congressional committees; effective date of administrative action page 6, 21

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 2000d of this title with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or

2000d-4 Federal authority and financial assistance to programs or activities by way of contract of insurance or guaranty: page 6, 21, 22

Nothing in this subchapter shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

2000d-4a "Program or activity" and "program" defined page 6, 22

For the purposes of this subchapter, the term "program or activity" and the term "program" mean all of the operations of—

(1)

1 (A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

3 (A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship, (ii) which is principally engaged in the business of providing education, **health care**, housing, social services, or parks and recreation

(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

(1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section, title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

STATEMENT OF THE CASE

The Case comes before the Supreme Court pursuant to 28 U.S.C. 1254(1) to Petition for a Writ of Certiorari for Judicial Review of the Judgement, Order and Opinion Appeals council of the United States 10th Circuit Court of Appeals issued on July 27, 2017 electronic Document number: 01019846887 Appendix B, and the Appeals Court ORDER denying petition for Rehearing En Banc Electronic Document number: 0101985126 issued On August 21, 2017 Attachment A. The Petitioner, who is the Judgement Debtor, under the lower Courts judgment and opinion filed a timely Petition for rehearing En Banc pursuant to Federal Rules of Appellate Procedure Rule 35(c) on August 10, 2017. For purpose of this case Appellant is seeking on certiorari for the Appeals Court Judgment and Order as attached hereto and incorporated herein: the Circuit panel issued its Judgment, Opinion, and ORDER (case no 17-1152 Coyle v. Jackson, et al.), giving Judgement and Order inconsistent to United States law and civil procedure rules in regard to the District Court Abuse in discretion of sue sponte Dismissal in Orders and action that is without Jurisdiction of Federal law and is standing outside and beyond Authority-powers of legislation IN declaration 28 U.S.C. 636, AND Constitutional law being that my First and Fifth amendment protection have been continually denied, and infringed upon by the District Judge Sue Sponte Order that is standing in ignorant oversight Attachment C.

The District Court Judge order to sue sponte dismissal through Federal Rules of Civil Procedure Rule 41(b) because of Rule 8 is without Jurisdiction and the Joining of required Party(s); *Arbitrary*, capriciously, and whimsically dismissed founded on a Magistrate Summary Judgement inconsistent to Federal law 28 U.S.C. 636(B) for (1) Summary Judgement on the pleadings, (2) Dismissal for failure to state claim upon relief can be

granted, (3) unreasonable judgment to a standard of requirement pursuant to rule 8 being placed above and beyond what is required and allowed by overcoming the hurdle of the rule 8(a), Rule 8(d) and Rule 8(e) of the Federal Rules of Civil Procedure.

Upon the District Court Judge Review and oversight of the Record, as shown in the District Court Judge Order Attachment C, in written acknowledgement of actions prior taken in proceeding(s) in claim to the District Court Judge proceeding and Ordering the sue sponte Dismissal without a competent Jurisdiction, Joining of Required Party, and required procedural hearing to the Infringing action of my protected right-privilege of due process denied by the Magistrate Judge.

The District Court then issued the Judgement of the Court to its dismissal by its Judgement on the same day without notice or service of process upon me within s timely manner, therewith disallowing time in motion for me to object or motion to reconsiderations' to the Courts abuse in Discretion and denial of the Courts actions to my standing of due process and accessing the court. Pursuant to Federal Rules of Civil Procedure, Tittle VII. Judgement, Rule 54 Judgement;Costs, section (a) Definition;form - with the inclusion of directive Order of the District Judge Dismissal through rule 41(b) because of rule 8, the Appeal pursuant to Rule 54 Lies IN action of the Unlawful standing of the District Court sue sponte action of ordering the dismissal of claim, and Judgment rendered same day. Upon receiving Order-judgement via U.S.P.S. general mail days later of the District Court actions I proceeded in Motion to the 10 circuit Appeals Court for Appealing the District Court Judge Order-Judgement by Petitioning for Permission to appeal, because having been denied Appeal in the District Courts with Denial of *Forma*

Pauperis, undocking claim with Judgment being rendered prematurely, and in *complete absence of Defending Party*. Due to Costs-Time for action to take in appeal to the Courts for the abuse of Discretion to the authority and power of the District court the only Competent Jurisdiction post the rendering Judgement would be with the Appeals Court pursuant to Federal Rules of Civil Procedure, Tittle VII. Judgement, Rule 54, and within the evolvment to writ by the Supreme Court pursuant to 28 U.S.C. 2072 AND 28 U.S.C 1292(e) based on the Final Decision of the District Court for the Appeals Court to *overturn the Judgement rendered, redocket the Plaintiff/Appellant claim, Order process Upon the Defendants of the complaint-summons, and proceed in procedure with competent Jurisdiction by writ pursuant to 28 U.S.C. 2072.*

In my Appellant opening brief and submitted Motion that was approved to proceed to appeal pursuant to Federal Rules of Appellant Rule 5. My issues on proceeding in appeal are:

1. Issue - *The magistrates order, shown in district Court Writ Senior District Court Judge Lewis T. Babcock dated April 19, 2017, is Erroneous, and contrary to law and fairness. Plaintiff Raised Constitutional right to Due Process which has been, and is still being Denied DUE PROCESS beyond Plaintiff Amended Complaint [EFC No. 14] ISSUES PRESENTED also in good Cause shown section, p. v and p. 2-7 of the Petition for permission to appeal.*
2. Issue - *ORDERED of the Court of the District Judge, senior District Court Judge Lewis T. Babcock dated April 19, 2017 [EFC No. 14], is ERRONEOUSLY Dismissing Plaintiffs Claim pursuant to FRCP Rule 41 (b) without proper Adjudication of the case being contrary to law and fairness for lack of subject-matter and failure to Join a Defendants' and Plaintiffs' Party under*

rule 19 ISSUES PRESENTED also in good Cause shown section, p. v and p. 8-15 of the Petition for permission to appeal

3. Issue - *ORDERED unfairly upon Plaintiff, Writ of the Court that "leave to proceed in forma pauperis on appeal is denied without prejudice to the filing of a motion seeking leave to proceed in forma pauperis on appeal in the United States Court of Appeals for the Tenth Circuit Senior District judge Lewis R. Babcock dated April 19, 2017. ISSUES PRESENTED also in good Cause shown section, p. v and p. 15-16 of the Petition for permission to appeal.*
4. Issue - District Court Claim, in Erroneous action Dismissed EFC No. 16 dated April 19, 2017 by Clerk of Court, Due to Erroneous Writ of the Court EFC No. 15, in COMPLETE ABSENSE of DEFENDANTS' MOTION, and Failure to Afford response of Plaintiff in any action." *ISSUES PRESENTED in good Cause shown section, p. v and p. 16-17 of the Petition for permission to appeal.*

Upon concluding in review of the appellant Briefs petitioning in appeal for the District Court Abuse in United States district Court for the District of Colorado case number 16-CV-0333 Coyle v. Jackson et al., the Appeals Court entered into the Appeals record by Judgement and Opinion:

"We AFFIRM the district court's dismissal without prejudice for failure to comply with rule 8 of the Federal Rules of Civil Procedure. And because we agree with the district court that this appeal was not taken in good faith, we DENY Mr. Coyle's request to proceed in *forma pauperis* on appeal." Judgement, and Opinion of the United States 10th Circuit Court of Appeals issued on July 27, 2017 electronic Document number: 01019846887.

On August 10, 2017 I motioned for a petition to en banc determination; reinstatement onto the docket with showing that the last amended complaint in the District Court does overcome the hurdle of Federal Rules of Civil Procedure Rule 8 with subsection (a) of showing to the who, what, when, where, and how, and a ¹. *Short plain statement* of the claim showing that the pleader is entitled to relief Federal Rules of Civil Procedure Rule 8 with subsection (c); PRIMA FACIE; DUE

PROCESS GUARENTEED; In further exceptional public importance in the publics welfare, safety, and peace.

RELIEF, SEEKING ON CERTIORARI

The Petitioner will be seeking Relief to the Appeals Judgement and Order to: (1)*Reversing order to*, allowing Petitioner to proceed on appeal with case in Appeal by *forma pauperis* (2) *Reversing order of affirming the district court's dismissal without prejudice for failure to comply with rule 8 of the Federal Rules of Civil Procedure* (3) As shown by explanation in section IV. below of this Petition at hand, titled REASONS FOR GRANTING THE PETITION in good cause to the Actionable Judicial Review necessary compelling reasons for an exercise of the Supreme Courts supervisory power of a writ of this court pursuant to 28 U.S.C. 2072 AND 28 U.S.C 1292(e) to secure and protect the rights of the captioned applicant and the United States Citizens' in Constitutional protection of civil rights and civil liberties, and to secure and maintain uniformity to the Circuit Courts abuse and unlawful Decisions with discretion in its issued Judgment and Order of the sue sponte dismal action that is in contrary, oppressive and offensive to the United States Constitution, Federal laws, and Rules of civil procedure (4) Lastly the intended purpose of focusing the Supreme Courts supervisory power to the issues raised of the lower court case in whole, due to ***Exceptional Public Importance*** in the Publics welfare, safety, and peace.

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1. The short plain statement that I used for compliance with Rule 8(a)(2) of the Federal Rules of Civil Procedure is placed on the Complaint, in section IV Request for Relief, marked subsection 3. Showing in paragraph-section prior to the signature and date. Pursuant to Rule 8 (d)(1) of the Federal Rules of Civil Procedure No technical form is required.

REASONS FOR GRANTING THE PETITION; GOOD CAUSE IN A CIVIL RIGHTS

ACTION

INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE *Martin Luther King*

Jr. "Letter from Birmingham Jail," 16 Apr. 1963

UNITED STATES CODE, TITTLE 28, § 2071 RULE MAKING POWER GENERALLY

subsection (a)

(a)The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules shall be consistent with Acts of Congress and rules of practice and procedure prescribed under section 2072 of this title.

UNITED STATES CODE, TITTLE 28, CHAPTER III, § 636 - Jurisdiction Powers and Temporary Assignment, Subsection (B)

UNITED STATES CODE, TITTLE 42, CHAPTER 21, CIVIL RIGHTS, SUBCHAPTER I GENERALLY ,§ 1981 Equal rights under the law, § 1982 Property rights of citizens

UNITED STATES CONSTITUTION, providing to: Amendment V, Amendment I, Amendment IV

Upon the 10TH Circuit Appeals concluding of the Appeals case 17-1152 Coyle v. Jackson NP., et al, Judgement and Opinion on July 27, 2017 electronic Document number: 01019846887 of placing into the appeal record ordered affirmation that the actions of the District court sue sponte dismissal of the claim was properly dismissed. The adverse and oppressive action of the lower courts are brought before this this court because of Injustice that can affect all in the same manner (Abuse in Judicial Discretion when statute and rules are up to the task

Chambers v. Nasco, Inc. 501 U.S. 32, 50 (1991)). When the discretion of the law in statute and rules are not at the helm and placed in the backset justice is lost and placed off course.

Martin Luther King Jr. wrote to the topic civil rights that hits the nail on the head

“History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly. He who passively accepts evil is as much involved in it as he who helps to perpetrate it. He who accepts evil without protesting against it is really cooperating with it...

Of all the forms of inequality, injustice in health care is the most shocking and inhumane.” *Martin Luther King Jr. "Letter from Birmingham Jail," 16 Apr. 1963*

Such adverse actions in my Appellant case of the affirming of the Appeals Court for the lower courts actions of not placing the discretion of the law at the helm for the direction and stirring to stay true, as such the Appeal Counsel order of *Affirming* is causing further injustice on natural rights and liberties with and through continued infringement on my first and fifth amendment guaranteed protection of the United States Constitution, because by allowing the District court Judge to abuse the discretion of a courts authority-power by the unlawful dismissal through unmerited sue sponte action by and through the foundation of a Magistrate Judge *Summary Judgment* and *Infringement Order* of denying my right-privilege IN Due process with further capricious actions standing beyond Jurisdiction of federal law-rules as shown in the record as a whole; without and in ignorance of viewing my protected constitutional standing with a First amendment right of accessing the court, and my Fifth amendment right of due process IN direct correlation of a right of being given the privilege that ALL persons in litigating circumstances are given freely in seeking redress of placing upon a Defending party in process with a merited

complaint-summons with the courts personal jurisdiction in accessing proper adjudication of merits to proceed to hear fairly and allow me to take corrective actions in due care to repair, to make whole what has been damaged and injured, and to prevent a Defending parties malice intent in action from further effecting Injury, damage, and further infringements on civil liberties-rights. As such the unlawful action of the District court affirmed by the Order of the Appeals court is causes an injustice, and hinders procedure and action demanded by Federal Law. The oversight of the District Court Judge in record could be viewed as a human error. I think it is reasonable and can be agreeable that Judges are human too, However an over sight in ignorance to the record-Order as a whole, as the district Judge sights in review to pre-trial prior actions, is not a reasoning excuse to excusable neglect to a required process to law IN hearing over denying a litigant of right-liberty-privilege to Accessing the court and Due process that all persons are so freely and granted in protection procedural due process purposes, fairness is assessed by application of the three-factor test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 s. ct. 893, 903, 47 l. ed. 2d 18 (1976), which requires consideration of three distinct factors see also “it is the duty of the Courts and all officers of the government to enforce rights of the fourth amendment” See People v. Martin 382 Ill 192, 46 NE2d 997 (1942) and that the Courts MUST insure that fourth amendment Rights of all individuals are protected see United states v. Black (CA4 NC 2013) 707 F3d 531.

In Action by the Appeals Court Judgement and Order of Affirming the actions of the district court order sue sponte dismissal through the showing of the record and Appellant Briefs to the sue sponte Dismissal of improperly and unlawfully adjudicating without

merit-Jurisdiction of federal law-Procedure is offensive-biased to the legal process that we as United States citizens have in process of Law. The Lower Courts Injustice by self-action, would place all individuals coming before our Government in complaint seeking *Redress* with showing factual content of unlawful malicious actions causing injury and infringements on a complaining party by the Defending party, because it allows a magistrate and District Judge to stand in authority and power beyond what is given to in legislated declaration to unlawfully dispose a claim in ignorance after review of factual content showing in the record-complaint in seeking redress. In short it gives power and authority in discretion of a lower court outside and beyond declaration of Law.

In further, Action by the Appeals Court Judgement and Order of Affirming the actions of the district Judge sue sponte dismissal through rule 41(b) that is without merit in action, and by rule 8 is unjustly allotting allowance of authority without competent Jurisdiction-procedure to the Defendants unlawful actions, (1) to malice intent (2) cause me injury (3) and discredit-conceal factual content-evidence of civil-criminal wrongs. I showed to the record and Appellant Briefs that my pro se complaint construed to best of my ability as to do justice in redress upon the defendants that the complaint has standing of factual content-evidence of who caused injury, where-when it was caused, what was in performance causing the injury-infringement, how its performance caused me injury-infringement and what was further effecting in performance to cause injury; short plain statement required to Rule 8(a)(2) to Federal Rule of Civil Procedure. In short the District court is requiring of me in A Specific Form of Rule 8 unknown to my mental capacity, and to go above and beyond what is ordinarily required of rule 8 for others, after showing Factual content-evidence with overcoming the hurdle of the requirements' of the rule. It is unreasonable for a pro se Plaintiff to be held to a legal standard of requiring such a person to overcome a bar

that is set above the standard that a trained legal professional or other pro se litigant would originally be held to, and it is capricious for a court to sue sponte dismiss a claim in an arbitrary, whimsical action through an adjudicating rule without merit while the pro se plaintiff is under a direct Court order of infringement of civil right and civil liberties protected by the United states Constitution First and Fifth amendment; lastly it is unreasonable for the Judgment to be effected prematurely by the clerk upon the same day, because it infringes upon a pleading in time for redress to be brought up in action-motion to object or request reconsideration while the claim was in docket. The District court action of Summary dismissal holding to requirements' of rule 8 place the Courts want is beyond the requirements' in Rule 8(a) and rule 8(d) and Directly ignore Rule 8(e) - see bell Atl. Corp. v. Twombly 550 U.S. 544 (2007), Facial Plausibility – factual content Ngiendo v. Soc. Sec. Admin., No 13-3174 (10th Cir. Dec. 16, 2013) see also Martin v. Mathews, No. 11-3057 (10th Cir. May 8, 2012), substituting Judicial Judgment for that of the Jury see Rocky Mountain Christain Church v. Bd. of Cty. Comm'rs 613 F3d 129, 1335-36 (10th Cir. 2010), Abuse in Judicial Discretion when statute and rules are up to the task Chambers v. Nasco, Inc. 501 U.S. 32, 50 (1991); see also U.S. Supreme Court standard in "Flexibility Evidentiary standard" Swierkiewicz v. sorema 534 U.S. 506 (2002).

I as a legal citizen, I have a Legal recognized right-privilege of due process to the United states Constitution - amendment V with holding to 28 U.S.C. 636 (b)(3) for the district court action of Improperly dismissing the claim without merit.

ABUSE IN DISCRETION WITH THE DISTRICT COURTS SUE SPONTE DISMISSAL

Federal Rules of Civil Procedure Rule 8, rule 41(b), rule 4(c)(3), 28 U.S.C. 636

§ 1987 Prosecution of violation of certain laws

§ 1988 Proceedings in vindication of civil rights

The District Court is without Jurisdiction to Summary Dismiss Sue Sponte Pursuant to, 28 U.S.C. 636, Rule 41(b) under requirements' of Rule 8, because In the Construction of context of Federal Rules of Civil Procedure Rule 41(b) in actionable cause to sue sponte dismiss under rule 8 with the Courts Discretion, a pleading must not be dismissed when it "raise a right to relief beyond a speculation level (see *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1965). In an actionable dismissal "the Complaint is construed in light most favorable to the plaintiff" (see *Albright v. Oliver*, 510 U.S. 266, 268). In Further the District Court lacks Jurisdiction pursuant to 28 U.S.C. 636(b)(1)(A) in absence of process of service pursuant to rule 4(c)(3), under the requirements of rule 19, because it lacks significant jurisdiction in personal and subject matter-context of rule 41(b). The actions that the District court took to *summary dismiss* the complaint directly involved the *right to access the court and to due process* by Denying the complaint and summons to be proceeded through service of the U.S. Marshall as the requirements' pursuant in statute of law 28 U.S.C. 636 (b)(3), civil procedure in Fed. R. Civ. P. Rule 4(c)(3), Rule 41(b), and Rule 19(a).

The court still lacks Jurisdiction to sue sponte dismiss the complaint, because the District Court would at the least need the summons to be issued in process; an issuing of the possibility of Defendants" waiving the service of process of complaint pursuant to Federal rules of civil procedure rule 4(d); by legal standing a hearing to the issue of the District court denying due process of a procedural hearing that is legally demanded and required prior to the sue sponte dismissal of claim procedural due process purposes (fairness is assessed by application of the three-factor test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335, 96 s. ct. 893, 903, 47 l. ed. 2d

18 (1976), which requires consideration of three distinct factors.), all of which was denied by the Action of rendered Judgement. IN Short, The district court (1)prematurely rendered Judgement Order causing a denial to action for Object-motion for reconsideration, (2) Unjustly dismissed my complaint without procedural hearing for the infringement of Constitutionally protected right-privilege-liberties freely given for all Citizens of this country, (3) founded on the unmerited grounds through Fed. R. Civ. P. Rule 41(b) that is requiring an unreasonable judgement of bar to rule 8, and further founded on the Magistrates summary Judgement for Judgement on the pleadings to dismiss for failure to state a claim after the district court denied Appellant/Plaintiff service of process of the Plaintiff complaint and issued summons with clerk of court hand-seal. *Simply put, the District court pulled a pink elephant out of the hat and has labeling it a rabbit (see Rocky mountain Christian church v. Bd. of Cty. Comm'rs 613 F.3d 1229, 1239-40 (10th Cir. 2010) for holding that a district court abuses its discretion when it "issues an arbitrary, capricious, whimsical, or manifestly unreasonable judgement").*

The District Court issued Writ for leave to proceed in forma pauperis on appeal is denied without prejudice in doing so bound Coppedge v. United States, 369 U.S. 438 (1962). IN Cruz v. Hauck, 404 U.S. 59, 92 S.Ct. 313, 30 L.Ed.2d 217 (1971) is suggesting that even in the civil context the constitutional right to court access and due process require an appellate court to review de novo a trial court's certification that an IFP appeal is not taken in good faith (Douglas, J., concurring); Payne v. Lynaugh, 843 F.2d 177 (5th Cir.1988); Jackson v. Dallas Police Dep't, 811 F.2d 260 (5th Cir.1986); Wright v. Dallas County Sheriff Dep't, 660 F.2d 623 (5th Cir.1981); MOREOVER Coppedge v. United States, 369 U.S. 438 (1962) as bound in action of the District Court Writ, the U.S. Court gives opinion that the requirement that an appeal in forma Pauperis is satisfied when the defendant seeks appellant review of any issue that is not frivolous ld Pp. 369 U.S. 444-445, if it appears from the face of the papers filed in the court of appeals that the applicant will present issues for review which are not frivolous, the court of appeals should grant leave to proceed in

forma pauperis, appoint council to represent the Appellant, and proceed to consideration of appeal on the merits in the same manner that is considers paid appeals, Id at P. 369 U.S. 446; the burden is not on the application to show that his Appeal has merit in the sense that he is bound, or even likely, to prevail ultimately; the burden is on the Government to show that the appeal is so lacking in merit that the court would dismiss the case as frivolous Id at Pp. 369 U.S. 447-448; On the Record in the Lower Courts' case, taken as whole, it cannot be said that petitioner's claims are so frivolous as to justify the summary disposition of his case, (Id at Pp. 369 U.S. 450-454), because the record will show that court exceeded its jurisdiction and committed abuse of discretion by denying the Plaintiff right to DUE PROCESS and RIGHT TO ACCESS THE COURT, due to the District Court record failed to support or even provide any basis for prohibition of filing additional pleading, or proper Jurisdictional hearing for the District court denying DUE PROCESS and ACCESS THE COURT adjudicating to the sue sponte dismissal so that I as the adversely affected party may have an opportunity to object in action to the District Court abuse in discretion of power and authority.

IN short upon my raising on appeal the issue of being Denied and deprived my right to Access the court and Due process as preserved and protected by the United States Constitution First and Fifth Amendment with the direct standing of legislations declaration in federal law, for non-frivolous issues raised in the appeal, the appeals claim should of proceeded with grant leave to proceed in forma pauperis, appoint council to represent the Appellant, and proceed to consideration of appeal on the merits in the same manner that it considers for paid appeals, Coppedge v. United States, 369 U.S. 446 (1962).

Exceptional Public Importance in the Publics welfare, safety, and peace.

“Whatever affects one directly, affects all indirectly. He who passively accepts evil is as much involved in it as he who helps to perpetrate it. He who accepts evil without protesting against it is really cooperating with it...

Of all the forms of inequality, injustice in health care is the most shocking and inhumane.” Martin Luther King Jr. "Letter from Birmingham Jail," 16 Apr. 1963

**UNITED STATES CODE, TITTLE 42, CHAPTER 21, CIVIL RIGHTS, SUBCHAPTER I
GENERALLY**

§ 1981 Equal rights under the law

§ 1982 Property rights of citizens

§ 1983 Civil action for deprivation of rights

§ 1985 Conspiracy to interfere with civil rights

§1986 Action for neglect to prevent

§ 1987 Prosecution of violation of certain laws

§ 1988 Prosecution of violation of certain laws

**UNITED STATES CODE, TITTLE 42, CHAPTER 21, CIVIL RIGHTS, SUBCHAPTER
SUBCHAPTER IX**

**2000d-1 Federal authority and financial assistance to programs or activities by
way of grant, loan, or contract...requirements; reports to Congressional
committees; effective date of administrative action**

**2000d-4 Federal authority and financial assistance to programs or activities by
way of contract of insurance or guaranty:**

2000d-4a "Program or activity" and "program" defined

2000d-7 Civil rights remedies equalization

First, fourth, and fifth amendment holding with the U.S. Constitution

Amendment V

"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 naval 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."

Amendment I

"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 peaceably to assemble, **and to petition the government for a redress of grievances.**"

Amendment IV

The right of the people shall be secure in their persons, property and effects ... shall not be violated

Lastly, IN Action by the Appeals Counsel Court Judgement Opinion and Order of Affirming the actions of the District Judge sue sponte dismissal through rule 41(b) and by rule 8 that is without merit in action, is unjustly allotting allowance without competent Jurisdiction-procedure to the Defendants unlawful actions, of (1) to malice intent (2) willfully and knowingly cause me injury (3) and discredit-conceal factual content-evidence of civil-criminal wrongs, is of ***Exceptional Public Importance*** in the Publics welfare, safety, and peace, because the defendants wanton actions purposefully-wrongly discharged me as a patient in treatment from an Medical Doctor Ordered medical treatment based on

an tendered unfounded and knowingly false statement. The Defendants' malice action of causing further injury by its unlawful placement in my medical record for the intended purpose of following to cause Inflammatory-prejudice with a direct intent to discrediting and concealing evidence-statements for Hindering process demanded in procedure by Law. The lower court standing in ignorance to the defendants' actions, by the Unlawful-Unmerited Sue sponte action of the District Judge in affirmation of the Appeals Court gives an unlawful action in free passes for other medical professionals to act in the same unlawful manor. As such it places the Public's safety, health, and welfare in jeopardy of the same Injustice that has continually been ignored by the lower courts, because "of all forms of iniquity the injustice in healthcare is the most shocking and inhuman. Whatever affects one directly, affects all indirectly" Martin Luther King Jr. *"Letter from Birmingham Jail," 16 Apr. 1963..*

It is long held in the Courts that "it is the duty of the Courts and all officers of the government to enforce rights of the fourth amendment" See People v. Martin 382 Ill 192, 46 NE2d 997 (1942) and that the Courts MUST insure that fourth amendment Rights of all individuals are protected see United states v. Black (CA4 NC 2013) 707 F3d 531.

In re: District Case of Claim Coyle v. Jackson NP., et al., 2016CV0333 with the District court actions by affirmation of the Appeals Court allows an infringement of my fourth amendment right to be secure in my person, papers, and effects for the defendants' knowingly violated protected rights by the unreasonable seizer through the defendant's actions of Injustice by unlawful conversion in action for their benefit to willfully and knowingly place into my medical record alleging knowingly false statements that were

unfounded, prejudicial, and inflammatory for the intended purpose of hindering and denying Justice and Ordered medical treatment. Their reckless action of malice intent to cause injury places any person seeking medical treatment for criminal abuse suffered to be potentially placed in the same unlawful situation of being (1) unknowing accused of crimes with being denied process required by law, (2) allows unfounded statements to be entered into a medical record by alleged third non-medical party for a giving a medical diagnosis, (3) allows any person under a medical hold of a Medical Doctor Order to be discharged in an unsafe-unprofessional manor that potentially and purposefully place the patient and the public in harm's way.

The Defendants willfully and knowing placed malice intent to be unlawfully processed for the unfounded and false statements into my medical jacket thereafter I Informed and comprised Defendant Jackson and "Doe" of the Criminal abuse-attack and further knowledge to attacks on the judicial system and the public.

The abuse that I suffered while on duty as an Officer of a U.S. Department brought on through conspired plots by Felony Convicted Inmates with the unlawful aid of Mental Health Employees, given in due care of information to the Defendants' were then Unlawfully discredited by their medical Record in statement and Defendants' personal action of hiding the unfounded and false third party statement with the Malice Intent to Unknowingly unlawfully follow me In medical treatment to cause intention to injury with an inflamed prejudice to further denial me in medical treatment, and hinder procedure in Judicial process due. All of which is included therein directly in the complaint with a *concise simple short and Direct Statement In Claim; Jurisdiction; showing entitled relief;*

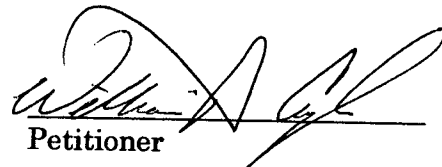
Relief requested in form as to comprise and inform the defendants or their counsel to the direction of my complaint construed so as to do justice.

CONCLUSION

I, William A. Coyle-Petitioner, respectfully and humbly submit this Petition for writ of Certiorari to the United States Supreme Court in prayer that the Petition for Writ of Certiorari should be granted because the Supreme Courts supervisory power to the issues raised and of the District courts case in whole being affirmed by order of the Appeals Court, is being Humbly Requested by Writ of Certiorari for what the lower courts actions that have and are IN Ignorance-Oversight in what the Law request and Demands procedural-process due for Justice; for ***Exceptional Public Importance*** in the Publics welfare, safety, and peace.

Respectfully submitted,

January 17, 2018
DATE


Petitioner