

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Joshua Lamont Sutton — PETITIONER
(Your Name)

vs.

Matthew VanLeeuwen, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court Of Appeals For The Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joshua Lamont Sutton
(Your Name)

Trinidad Correctional Facility, 21000 Hwy 350 East
(Address)

Model, Colorado 81059
(City, State, Zip Code)

719-845-3226
(Phone Number)

QUESTION(S) PRESENTED

1. Which of the U.S. Courts Of Appeals provides the most correct interpretation for considering this Pro Se litigant's briefs (when I am imprisoned - with little to no legal access due to proven Dyslexia, and my reply brief moved to amend my opening brief);
2. Which of the U.S. Courts Of Appeals provides the most correct interpretation for considering this Pro Se litigant's petition for rehearing (which requested: a) reconsideration of leave to amend opening brief, b) to subpoena lost documents from the appellees, and c) to appoint counsel - all for good cause-proven); And
3. Based on this Honorable Supreme Court's never having answered the previous question(s): a) should the Tenth Circuit's order dismissing my appeal for not presenting a reasoned argument be reversed, b) should its denying my motion to file an amended opening brief be reversed, and c) should its denying my petition for rehearing be reversed.

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:

Matthew Van Leeuwen,

Brian Gowin,

Anthony Roderick,

and

Fran LePage.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	7

INDEX TO APPENDICES

APPENDIX A	<i>Decision of Tenth Circuit Court of Appeals - On Briefs</i>
APPENDIX B	<i>Decision of Tenth Circuit Court of Appeal - On Rehearing</i>
APPENDIX C	<i>Decisions of U.S. Court of Colorado - On Prisoner Complaints</i>
APPENDIX D	<i>Docket of U.S. Court of Colorado - On All 272 Filings</i>
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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Gaines-Tabb v. ICI Explosives, USA, Inc., 160 F.3d 623-4 (10th Cir. 1998)	5
Garrett v. Selby Connor Maddux & Janer, 425 F.3d 840-1 (10th Cir. 2005)	6
* ... 389 Fed. Appx. 539 (7th Cir.)	6
... 426 Fed. Appx. 285 (5th Cir.)	6
... 423 Fed. Appx. 213 (3rd Cir.)	6

STATUTES AND RULES

Bill of Rights	5
Fed. R. App. P. 28(a)(7)-(8)	5
Fed. R. App. P. 28 Interpretive Note No. 14 ("Pro se Litigants")	4, 6
Federalist Paper No. 10, ph. 11	5

OTHER

*

My secondary source only gives these short citations of F.R.A.P. 28's Interpretive Note No. 14. Source: Prisoners' Self-Help Litigation Manual, 4th Edition.

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

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

OPINIONS BELOW

☒ For cases from federal courts:

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

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

The opinion of the United States district court appears at Appendix C-D to the petition and is

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

☐ For cases from state courts:

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

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

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

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

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was September 19, 2017.

☐ 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: October 16, 2017*, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

** Note: the 90 days fail on a holiday (Jan. 15th); so cert. was logged and mailed Jan. 16th, after Martin Luther King Jr.'s holiday.*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Bill of Rights.

2. *Id.*; especially, Amendment VII (1791) [Right of complainants in civil cases]:

"In suits at common law [] the right of trial by jury shall be preserved []."

3. [] To secure the [] private rights, against the danger of [corruption]

and

[] the spirit and the form of [this]

government []. Federalist Paper No. 10,

paragraph No. 11. [Brackets added, and language modernised therein.]

[1787]

STATEMENT OF THE CASE

I sued Defendants, all law-enforcement officials, because they stopped me and my wife for no reason, made-up reasons not to release us (including my dark skin color), charged me with crimes they later said I did not commit, and hit and choked me. However, after many motions by Defendants, I became confused and didn't respond correctly; and my case was dismissed. I appealed.

On appeal, I did my best in briefing, but the appellate court said that my opening brief argument did not meet its standards, denied my reply brief's motion to amend, and denied my rehearing petition to reconsider allowing amendment (even after I exhaustively explained, gave proof of my Dyslexia, and that I lost most of my legal access).

However, F.R.A.P. 28, Interpretive Note No. 14 stated several cases by other appellate courts that give others like me varying degrees of leniency that I also would like to have and, thus, I petition.

REASONS FOR GRANTING THE PETITION

Dear Court,

1. When Defendants hurt me (as stated above), the only comfort I had was knowing that one day a jury would hold them accountable (because of what I knew about the Bill of Rights and the Federalist Paper, also stated above), and that the court would treat me fairly. However, the Defendants have used their due process rights to try everything to prevent this justice (but the district court did not stop these actions/conspiracys against my rights), and repeatedly (on the news) I see all over our county that many other minority persons are saying that the same or similar is happening to them.

2. Then when the appellate court considered my briefs and petition (per F.R.A.P. 28(a)(7)-(8)) and did not/does not show any leniency to imprisoned, and reading disabled Pro Se litigants (with legal access) like myself (please see *Gaines-Tabb v. ICI Explosives, USA, Inc.*, 160 F.3d

623-4 (10th Cir. 1998), and *Garrett v. Selby* (Inner Maddux & Janer, 425 F.3d 840-1 (10th Cir. 2005)), but the other appellate courts do (please see 389 Fed. Appx. 539 (7th Cir.); 426 Fed. Appx. 285 (5th Cir.); and 423 Fed. Appx. 213 (3rd Cir.)). For the complete citations, please see F.R.A.P. 28, Interpretive Note No. 14 ("Pro Se Litigants").

3. Nor has this Honorable Court ever ruled on how much, if any, leniency we should be given. *Id.*

4. Sincerely, I (and all of the many persons similar to me) am losing all trust in the fairness of this government because the Defendants, and courts seem to us not to really care for minorities of any kind - still.

5. Please prove us wrong, and grant this petition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joshua Lamont Sutton

Date: 01-13-2018