

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

BORIS TWAIN CLEWIS _____ — PETITIONER
(Your Name)

vs.

BILLY HIRSCH, ET AL _____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BORIS TWAIN CLEWIS _____
(Your Name)

2661 FM 2054 #694570 _____
(Address)

TENNESSEE COLONY TEXAS 75884-5000 _____
(City, State, Zip Code)

00 903.928.2211 _____
(Phone Number)

QUESTION(S) PRESENTED

QUESTION 1: Isn't it true that Petitioner has a constitutional right under the Federal Due Process clause to defend himself from a lawsuit, if incarcerated and pro se without interference from State official? (E.g., but true, say Petitioner has a home left to him by a deceased parent and being incarcerated he has not paid any ad valorem taxes and the taxing authorities file suit to take the home, But Petitioner has an arguable defense based in Law. Does he have a constitutional right to present his defense in State court without interference from State official?)

QUESTION 2: Does Petitioner have a constitutional right under the federal due process clauses to defend his vested property rights pro se in Court? (E.g., but true, say Petitioner's deceased parent left to him and his siblings by will the rest and residue of his Estate to share and share alike; And, later in the Will there's a condition subsequent which revokes the prior devise if the decedent's instructions are not carried out. And one or more of Petitioner's siblings effectuated the condition subsequent, (which must be enforced in Court), does Petitioner have a constitutional right under the Federal due process clause to enforce the condition subsequent without interference from State officials if he is incarcerated and pro se?)

QUESTION 3: Does Petitioner have a right to Trial by Jury under Federal Law?

QUESTION 4 : Does Petitioner have a constitutional right under the Federal due process clauses to re-address his Void conviction or judgment(s) by a Writ of Mandamus and/or by a Repetitive Injunction? See, ROA. 1001, (Miscarriage of Justice), Boris Clewis vs. Janie Cookrell, Writ No. H-01-1547. SEE, ROA. 328 thru 480.

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:

LIEUTENANT BILLY D. HIRSCH; LIEUTENANT KEVIN G. MAYFIELD, aSSISTAN
Warden: LAWANDA M. HIGHTOWER, Property Officer: INEEQUA A. FISHER,
Property Officer: ROBERT H. QUADA, JR., Librarian 3; CAPTAIN
GREGORY M. VAUGHN; MAJOR CORTNEY SCOTT; CAPTAIN BRUCE D. BAGGETT;
GARLAND R. GOODRUM, Correction Officer V; MAJOR ROBERT J. JENKINS,
JR.; CAPTAIN KENDRIC M. DEMYERS; TERRILYN H. MERCHANT, Corrections
Officer: LIEUTENANT J.G. BURLESON; LIEUTENANT B.D. RIGSBY; UN-
KNOWN SELMAN, Assistant Warden: VICKIE BARROW.

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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

TOO COMPREHENSIVE TO STATE HERE. FOR THE CONVENIENCE TO COURT
PETITIONER HAS ATTACHED HIS APPELLANT'S BRIEF AT APPENDIX C;
PLEASE SEEPAGE 4 THEREOF.

OTHER

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

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

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

The opinion of the United States district court appears at Appendix B to the petition and is

[] reported at UNKNOWN; 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 OCTOBER 31, 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: _____, and a copy of the order denying rehearing appears at Appendix _____.

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

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

[] For cases from **state courts**: N/A

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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

TOO COMPREHENSIVE TO STATE HERE. FOR THE COURT'S CONVENIENCE PETITIONER HAS ATTACHED HIS APPELLANT'S BRIEF AT APPENDIX C; PLEASE SEE PAGE 4 FOR THE CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

However, This case involves Amendment XIV to the United States Constitution, which provides:

Section 1. 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 without the process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * *

Section 5, The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The Amendment is enforced by Title 42, Section 1983, United States Code:

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

STATEMENT OF THE CASE

Petitioner Boris Twain Clewis a State inmate currently incarcerated by the TDCJ-CID filed his pro se civil rights complaint in a declaration under the penalty of perjury pursuant to 42 USC § 1983 and Title II of the Americans with Disabilities Act, 42 USC § 12102, et seq, ROA. 152 - 153, for various events which allegedly occurred over the course of about two years and involved numerous defendants. Petitioner's principal complaints appear to be, among other things, to involve the management, confiscation, and eventual disposal of some of his legal materials/work products, (case research data, legal theories pertaining to his current cases and supporting records), ROA. 1403 - 1407, and an objection to the record on appeal has been filed along with a request for appointment of counsel. By various officials at TDCJ's Wynne Unit. This civil rights action is also for damages and Injunctive/Mandamus relief under 42 USC § 1983, alleging, among other things, Procedure and substantive violation of the Due Process Clauses of the First, Fifth and Fourteenth Amendments to the U.S. Constitution and violation of the Eighth Amendment to the U.S. Constitution (cruel and unusual punishment by the wanton and unnecessary infliction of pain). ROA. 37 And for Retaliation for exercise of Constitutional rights, for legal activities and for access to the courts, pursuant to the 1st Amendment to the U.S. Constitution.

REASONS FOR GRANTING THE PETITION

CONFLICTS WITH DECISIONS OF OTHER COURTS

TOO COMPREHENSIVE TO STATE HERE. However, the reasons for granting the Writ are the same reasons the U.S. Court of Appeals should've reversed the U.S. District Court's decision had there not been inaccuracies in the Record, (the missing 9 Exhibits), see APPENDIX E and Petitioner's note thereto. *SEE Appendix C.* The above is incorporated herein; In Snyder v. Nolen, 380 F.3d 279 (7th Cir. 2004)(per curiam), the court said:

"In one line of cases, the Supreme Court has held that the fundamental right of access to the courts requires prison authorities to provide prisoners with the tools necessary "to attack their sentences, directly or collaterally, and in order to challenge the conditions of their confinement. Lewis v. Casey.... However, the Supreme Court also has held that the First Amendment right to petition the government includes the right to file other civil actions in court that have a reasonable basis in law or fact Id. 290-91

This case presents a fundamental question of the interpretation of this Court's decision in Lewis v. Casey; The questions presented is of great public importance because it affects the operations of the prison systems in all 50 states, the District of Columbia, and hundreds of city and county jails. In view of the large amount of litigation over prisoner related general legal matters, (i.e., divorce, taxes, inheritance,(property)), guidance on the question(s) is ~~and~~ also of great importance to prisoners and their family, because it affects their ability to receive fair decisions in these court proceedings which they will not receive if the government is allowed to interfere with their efforts to use these courts.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

BORIS TWAIN GLEWIS

Date: **JANUARY 09, 2018**