

No. _____

OFFICE OF THE CLERK

IN THE

 SUPREME COURT OF THE UNITED STATES

WASHINGTON D.C. 20543

DAMIEN FORD

(Your Name)

PLAINTIFF
PETITIONER

vs.

JOHN DOE AND/OR JANE DOE, ET AL DEFENDANT(S)
RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

DAMIEN FORD

(Your Name)

2501 STATE FARM ROAD

(Address)

TUCKER AR 72168

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) Presented

1. Should A Court be allowed to dismiss A case based on Filing outside of the statute of limitations even though The plaintiff that's bringing the complaint has brought it beyond the statute of limitations due to censorship, Not seeing the publication before limitations has expired, which is the violation of the 1st Amendment which is not only Freedom to speak but also Freedom to read?
2. Should A Court be Allowed to deny AN Amended Complaint AND Leave to Amend A Complaint, when it is essential in reaching the merits of A case?

LIST OF PARTIES

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

[X] 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:

The Plaintiff DAMIEN FORD has attempted to Amend and/or Supplement New defendants that are in FACT essential in reaching the merits of the CASE, Sheriff of Miller County Jail in Texarkana Arkansas Ron Stovall, City of Texarkana, John and/or Jane Doe town Mayor, John Doe and/or Jane Doe County Governor and John Doe and/or Jane Doe State Governor (all of year 2012), the attempt was in FACT denied.

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	7
CONCLUSION.....	13

INDEX TO APPENDICES

APPENDIX A	U.S. Court of Appeals opinion
APPENDIX B	denial of case in U.S. Western District
APPENDIX C	Order granting IN FORMA PAUPERIS
APPENDIX D	Case transfer From U.S. Dist. of Ark. to U.S. Dist. of Louisiana
APPENDIX E	denial of Amended Complaint
APPENDIX F	ordered to file brief but no action taken
Appendix G	State Crime Lab. Cause and manner of Death
Appendix H	Texarkana publication before Trial (the Gazette)
Appendix I	Texarkana publication during Trial and after (the Gazette)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
King v. Federal Bureau of Prisons, 415 F.3d 634, 638 (4th Cir. 2005)	page 10
Prison Legal News v. Lehman, 397 F.3d 692, 699 (4th Cir. 2005)	page 10
George v. Smith, 507 F.3d 605, 608 (4th Cir. 2007)	page 10
Fiske v. Kansas, 274 U.S. 380, 386-87 (1927)	page 10
Shomo v. City of New York, 579 F.3d 176 (2d Cir. 2009)	page 10
Pace v. Diguglielmo, 544 U.S. 408, 418 (2005)	page 11
Mills v. Kingsport Time News, U.S. Dist. Ct. W.D. Virginia 475 F. Supp. 1005 (1979)	page 11
Macias v. Raul A. (Unknown), Badge No. 153, 23 F.3d 94, 97 (5th Cir. 1994)	page 12
Parker v. Carpenter, 928 F.2d 190, 191 n.2 (5th Cir. 1992)	page 12
Hall v. Bellmon, 935 F.2d at 1109	page 12
James v. Alfred, 835 F.2d 605, 606 (5th Cir. 1988)	page 12
Carbe v. Lappin, 492 F.3d 325, 327-28 (5th Cir. 2007)	page 12
Spears v. McCotter, 766 F.2d 179, 181-82 (5th Cir. 1985)	page 12

STATUTES AND RULES

Federal Rules of Civil Procedure 15(a)	Page 10
Federal Rules of Civil Procedure 15(b)	Page 10
Federal Rules of Civil Procedure 16(c)	Page 10
28 U.S.C. § 1367	Page 11

OTHER

QUESTIONS presented	Page I
LIST OF PARTIES	Page II
TABLE OF CONTENTS	Page III
TABLE OF AUTHORITIES	Page IV

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.

Plaintiff is unsure at this time

The opinion of the United States district 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.

☐ For cases from **state courts**: *N/A*

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 2-7-18.

☒ 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

I, DAMIEN Ford, The plaintiff was subjected to the violations of My 1st Amendment right to Freedom of Speech which also includes Freedom to read, My due process rights were violated which was the 14th Amendment because I never got to see the News or read the Newspapers also My 5th Amendment was violated in which due to this publication which controlled the minds of the country, I Loss Life, Liberty, and Freedom. This ~~ultimately lead~~ Led to the violation of My 8th Amendment right of cruel and Unusual punishment and my Conviction.

I Also had My common LAW rights violated, My character was defamed and I was subjected to Libel and Slander, my reputation was damaged and I suffered From Multiple Special damages For Example: pain and Suffering, depression, humiliation, embarrassment, mental anguish, permanent stigma, emotional distress, ~~and~~ Negligence, etc.

STATEMENT OF THE CASE

ON 7-12-12, I, Damien Ford, The Plaintiff was detained in the Miller County Jail in Texarkana Arkansas for the charges of Battery 1st Degree, Battery 2nd Degree, and Aggravated Assault. I went to Trial ON OCT. 29th 2013 and was Found guilty. IN the prosecutors' opening statement (Stephanie Black) she stated that I was being Tried For My Role in the beating death of A 23 month old child, whose autopsy report reads that Christopher Peoples JR. Cause and manner of death is undetermined, this was never cured or objected to nor was A mistrial declared, Instead the case/Trial went on to ultimately be decided upon fabrications, in which I fight to this very day for Freedom. Little did I know that the Newspaper/Texarkana Gazette ^{and KTBS} had printed ^{and reported} the exact same thing before Trial, long before Trial. I did not find this out until about 9-9-16 when A Family member finally printed the Newspaper off so that I could see it for myself. I was diligent in trying to obtain the Newspaper but had to wait on Family members to Act and get it to me. Once I received A copy to view with my own eyes. IN Miller County the Newspaper was censored and not given to the barracks, News viewing on television was Not Mandatory and A vote decided what would be watched throughout the day, Majority ruled and News viewing loss. ON about 9/9/16 I received A copy of the Newspaper and Filed Suit For Libel and Slander Against both the Texarkana Gazette and KTBS in Louisiana For defamation of character based upon the same reason/reasons. AFTER FILING Complaint and being denied in both ^{cases} For Not meeting the Statute of Limitations it demanded on me that I needed to File an Amended Complaint and Assert the violation of my 1st Amend. The Amended Complaint was meant to be added to not cancel out the original Complaint. The Amended Complaint included violation of 1st Amendment, New defendants who was responsible for censorship ect. The Amended Complaint was needed to reach this cases merits to overcome Statute of Limitations because situation was beyond my control. Amended Complaint was denied. The Plaintiff's ~~original~~ case was cleared

4.

STATEMENT OF THE CASE

Plaintiff D. Ford Filed A 42 U.S.C. § 1983 Lawsuit For libel and Slander Against John Doe AND/OR JANE DOE, KTBS, ET AL. The Case Was First Filed in the United States District Court For the Eastern District of Arkansas Case No 5:16-CV-00339 and this Court granted (IFP) IN-Forma PAUPERIS STATUS. SINCE KTBS is in Louisiana the Case was transferred to the United States District Court For the Western district of Louisiana on 11-28-16, where Plaintiff D. Ford was told by the Court to File For IN Forma PAUPERIS STATUS. (which was really A reFiling) The Plaintiff D. Ford Complied and was granted IN Forma PAUPERIS ON 12-19-16 under the New Case No. 5:16-CV-01608-EEF-MLH pursuant to 28 U.S.C. § 1915(b). The Court assessed the initial partial Filing Fee at \$8.14, ordered the Plaintiff to make monthly payments of 20 percent, and ordered Plaintiff to basically keep the Court updated on current address if transferred of the Plaintiff. This Court ~~then denied IFP~~ then denied IFP after it granted it Stating that Plaintiff had used the wrong Form. Plaintiff D. Ford used AN Arkansas Form For the district Court of the U.S. and Modified For the Western district of Louisiana which was at First granted (the same Form), The Court wanted Plaintiff D. Ford to use A Louisiana issued Form (allegedly) (Plaintiff states that this was AN excuse to deny IFP after it had been granted twice on illegitimate grounds). The Western U.S. Dist. Ct. of Louisiana denied Plaintiff's complaint For untimeliness or Filing beyond the statute of limitations and Not Stating A claim under 42 U.S.C. § 1983 in which relief could be granted on 2-10-17 Case was dismissed with prejudice. Plaintiff appealed and attempted to Amend his Complaint to add the Miller County Sheriff As A State Actor, ET AL For Censorship and of News media dental and Newspaper dental and For the existence of extraordinary circumstances. The Appeals Ct. For the 5th Cir. of the United States, denied the Merits of Plaintiff's Case by refusing to

Allow the Plaintiff to Amend his Complaint which included the Corrections of the Louisiana U.S. Western Dist. Ct's denial. Plaintiff stated how the State created an impediment which kept Plaintiff from the knowledge of the libel and slander through censorship (denial of 1st Amendment's Freedom of Speech right). The U.S. Ct. of Appeals for the 5th Cir. denied Plaintiff's ~~IN~~ Forme Pauperis and granted Plaintiff's Motion to File Supplemental Brief, when Plaintiff filed Brief addressing all issues and covering issues that corrects District Court of the U.S. for the Western Dist. reasons for denial and when Plaintiff submitted Brief the U.S. Ct. of Appeals for the 5th Cir. stated that the case had been closed as if it never denied IFP and granted Supplemental Brief Motion. Plaintiff therefore states that the reasons why the Dist. Ct. of the U.S. for the Western was of No Fault of the Plaintiff D. Ford. Plaintiff D. Ford attempted to litigate this case the best way he could with No Access to Test Law in General, No Access to Louisiana's Local Court Rules, refusal of an address to file in a State Claims Ct. of Louisiana, and no way to get the address. Plaintiff D. Ford has struggled to hold grants (KTBS) responsible for their actions.

REASONS FOR GRANTING THE PETITION

I, The Plaintiff, DAMIEN FORD States that my petition For writ of Certiorari Should be granted because the main reason that my case has been denied is For reasons beyond my control. I can not and could not control the fact that Miller County Jail violated ~~my~~ my 1st Amendment right by censoring the newspaper that had me on the front page for safety measures, according to them, nor could I control the practice that Miller County Jail had on voting on what would be watched and that majority ruled and that news viewing was not mandatory. This is what ultimately caused me to file my action for defamation of character due to libel and slander outside the statute of limitations because had it not been for Miller County violating my 1st Amendment right, I would not have had to ~~worry~~ pester, bug, and nag my family members to ~~obtain~~ send me a copy of the newspaper in order to see it for my self ~~and~~ to keep from filing a frivolous lawsuit that would waste the court's time and waste my time and money. I would have ~~been~~ seen this in the paper or on the news and would have known that I had been defamed and therefore I would have had an opportunity to file my action timely within the statute of limitations which is 1 year for slander and 3 years for libel, due to this being facts and that this incident was beyond my control a writ of Certiorari should be granted ~~in~~ ~~to~~ my behalf to ensure fairness and justice not only in the eyes of the public but also that precedence should be set for others that has to deal with the same issue or that already has but couldn't explain it properly. My Due Process & 9th Amend was violated. 7.

REASONS FOR GRANTING WRIT

A. CONFLICTS WITH DECISIONS OF OTHER COURTS

The holding of the Courts' below that questions may be presented if you have not been allowed to see the Publication see *George v. Smith*, 507 F.3d 605, 608 (7th Cir. 2007). Also that Freedom of Speech is not merely Freedom to speak but often Freedom to read.... Forbid A person to read and you shut him out of the Marketplace of ideas and opinions that it is the purpose of the Free Speech clause to protect, *KING v. Federal Bureau of Prisons*, 415 F.3d 634, 638 (9th Cir. 2005). Also see *Prison Legal News v. Lehman*, 397 F.3d 692, 699 (9th Cir. 2009), This case proved how A County Jail censored the Prison Legal News and was penalized ~~under~~ For it.

The Plaintiff Attempted to Amend his original Complaint with AN Amended Complaint According to Federal Rules of Civil Procedure 15(a), This is Normally granted, the Plaintiff Also Asserts *Shomo v. City of New York*, 579 F.3d 176 (2d Cir. 2009) IN this case A Court Talks about how important it is to give A prose prisoner A chance to Amend their Complaint Maybe More. IF this Amended Complaint would have been granted then the Courts would have been able to reach the Merits of the Plaintiff's CASE or IF the brief Filed had been considered.

REASONS FOR GRANTING WRIT

B, Importance of the question presented

This case presents A Fundamental question of ensuring the plaintiffs' right to be heard on the merits, Also of Fairness and Justice. The question is of great public importance and prisoners since it affects the rights of prisoners 1st Amend and the operations of Jails in all 50 states, The Guidance of this Court is needed to establish the Free Speech and Freedom to read clause of the 1st Amend and to Forever shut any window that may have been left open to violated the 1st Amendment rights of Jail detainees and/or prisoners Across the Country.

In *George V. Smith*, 507 F.3d 605, 608 (4th Cir, 2007) this Court shows how difficult it is for A person who has not been allowed to see the publication Against them, Now this combined with No News viewing on television and Family who barely and or rarely acts on ones legal needs can easily push A person beyond the statute of limitations but one should ~~not~~ have to lean on ones' Family in order to view the News on television or in paper form. Is it not the County who must not censor Newspapers that defame their detainees? shouldn't News viewing have been mandatory? based on all who could and will be affected by this decision in All wrongful Accusations Across Country and printed Libel and Spoken Slander this Court is invoked to uphold the Supreme Law of the Land, The United States Constitutional and to prove that it works equally for us all.

I state in support of my claim of denial of Freedom of Speech 1st Amendment right King v. Federal Bureau of Prisons, 415 F.3d 634, 638 (7th Cir. 2005) which quotes Freedom of Speech is not merely Freedom to speak; It is often Freedom to read.... Forbid A person to read and you shut him out of the Market place of ideas and opinions that it is the purpose of the Free speech clause to protect. See Prison Legal News v. Lehman, 397 F.3d 692, 699 (9th Cir. 2009); See George v. Smith, 507 F.3d 605, 608 (7th Cir. 2007) which quotes that questions maybe presented if you have not been allowed to see the publications (Censorship) See Fiske v. Kansas, 274 U.S. 380, 386-87 (1927) which states that the 1st Amendment Forbids restrictions of Free Speech. The plaintiff had to Amend his Amended Complaint. According to Shomo v. City of New York, 579 F.3d 176 (2d Cir. 2009) A Court talks about how important it is to give A prose prisoner A chance to Amend their Complaint maybe more. The plaintiff ^{Attempted to} file his Amended Complaint under Fed. R. Civ. P. 15(a) and asserted Fed. R. Civ. P. 16(c). The plaintiff seeked permission ~~to~~ to file his Amended Complaint which is normally granted under Fed. R. Civ. P. 15(a) but the plaintiff's was denied. The plaintiff was intending to hold or have held A pretrial conference pertaining to the merits which was framed by both Fed. R. Civ. P. 16(c) and Fed. R. Civ. P. 15(b). The Plaintiff states that since ~~it was~~

the Amended Complaint was essential in reaching the merits of the plaintiff's case then the Amended Complaint should have been granted. The plaintiff next states that he should be subject/entitled to equitable tolling under *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005) which states that a person is entitled to equitable tolling only if he shows that he has pursued his rights diligently or that some extraordinary circumstances stood in his way. The plaintiff was as diligent as could be but it is obvious that extraordinary circumstances stood in his (censorship) of the newspaper, and news viewing was not mandatory, channels were voted on where the news channel loss.

The plaintiff ~~not~~ states case law that shows how news publications loses absolute and qualified immunity by not reporting facts according to public record. See *Mills v. Kingsport Times-News*, U.S. Dist. Ct. W.D. Virginia, 475 F. Supp. 1005, 5 Media L. Rep. 2288 (1979). This is for libel and slander defamation. The court was given supplemental jurisdiction to hear the plaintiff's case according to 28 U.S.C. § 1367. The plaintiff states that this publication influenced the minds of the inhabitants of this ^{Louisiana} ~~country~~ and Texas/Kan and ultimately ^{help} led to the plaintiff's conviction. The defendants should not go unpunished due to extraordinary circumstances that occurred outside of the plaintiff's control.

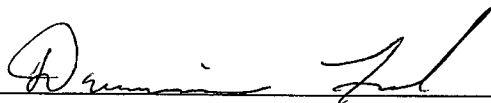
LAST, AS IT PERTAINS TO THE 5TH CIRCUIT CONCERNING THE PROCESS OF HANDLING IN FORMA PAUPERIS SEE *Maestas V. Raul A. (UNKNOWN)*, Badge No. 153, 23 F.3d 94, 97 (5th Cir. 1994) TO ENSURE THAT IFP CLAIMS ARE DEVELOPED ADEQUATELY, OUR CIRCUIT HAS ENCOURAGED DISTRICT COURTS TO HOLD HEARINGS OR PROVIDE QUESTIONNAIRES TO IFP PLAINTIFFS *Parker V. Carpenter*, 978 F.2d 190, 191 n.2 (5th Cir. 1992), *Hall V. Bellmon*, 935 F.2d at 1109, *JAMES V. ALFRED*, 835 F.2d 605, 606 (5th Cir. 1988) IN THE 5TH CIR. THIS PROCEDURE IS CALLED A "SPEARS HEARING" SEE *Carbe V. LAPPIN*, 492 F.3d 325, 327-28 (5th Cir. 2007), *Spears V. McCotter*, 766 F.2d 179, 181-82 (5th Cir. 1985), PLAINTIFF WAS DENIED A "SPEARS HEARING" AND THEREFORE WAS DENIED DUE PROCESS ON THIS ISSUE AS WELL, PLAINTIFF DID NOT RECEIVE OVER 500 DOLLARS IN A SIX MONTH PERIOD AND THEREFORE (AS A POOR PERSON) PLAINTIFF SHOULD HAVE BEEN GRANTED IN FORMA PAUPERIS INSTEAD OF BEING GIVEN TWO STRIKES ARBITRARILY AND CAPRICIOUSLY FOR ONE CASE WHERE PLAINTIFF D. FORD CLEARLY WAS ELIGIBLE FOR IN FORMA PAUPERIS STATUS.

Plaintiff therefore states that every denial at every stage against the Plaintiff should not have been because Plaintiff did everything that was in his grasp, with what little he had to fight with to hold KTBS, ET AL Accountable and to correct all of his errors with limited access to the law pertaining to state tort claims. The Plaintiff can provide a witness affidavit from a former Miller County Jail Worker to show proof of the practices of censorship of newspapers and non ~~mandatory~~ mandatory news viewing practices that deprived the plaintiff of his rights. This court should grant writ for the reason stated/presented to this court and to ensure fairness for public interests.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 4-20-18