

18-7909

No. \_\_\_\_\_

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Supreme Court, U.S.  
FILED  
JAN 30 2019  
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IN THE  
SUPREME COURT OF THE UNITED STATES

John S. Wilson, Jr. PETITIONER  
(Your Name)

vs.

CONNECT ARE, LLC, ETAL RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals, Eleventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John S. Wilson, Jr. (1986-232)  
(Your Name)  
Martin Correctional Institution  
1150 S.W. ALAPATTAH ROAD  
(Address)

Lawtonville, FL 34956  
(City, State, Zip Code)

772-597-3705  
(Phone Number)

## QUESTIONS PRESENTED

(1) Can cases still under litigation be used as a reason to deny a plaintiff under *threat of imminent injury or loss of life* the right to proceed in forma pauperis? See violations of provisions of 28 U.S.C. § 1915(g), giving rise to this petition.

(2) Can the court deem Plaintiff NOT under threat of imminent physical injury without ruling on operative motion outlining cause for allowing plaintiff to proceed I.F.P.? See D.E. # 10 in this case: “*Application for Temp. Injunction Against Miami-Dade County*” as a jurisdiction, pursuant to “Monell,” failed to be ruled on before erroneous denial to allow Plaintiff to proceed I.F.P.? Plaintiff is, in fact, under imminent physical injury, or very real possibility of *loss of life*, if returned to Miami-Dade County. See D.E. # 10 in the cause (1:16-cv-24174-KMM), failed to be ruled on, prior to erroneous dismissal, constituting plain error, and “manifest injustice,” which must be rectified by this court, as a “venue of last resort.”

(3) Can entire instant complaint be dismissed without operative, “Application for Temporary Injunction” even having been considered, or ruled upon? Which essentially embodies all material evidence of *imminent threat(s)*, and is, in fact, the gist of the overall complaint, of “torture” utilized to induce “pleas,” within the state jurisdiction of Miami-Dade County, Florida.

## 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:

- (4) Correct Care, LLC, 96 SW Allapattah Road, Indiantown, FL 34956.
- (5) Dr. Calderon, MD, of the Treasure Coast Forensic Treatment Center (T.C.F.T.C.).
- (6) Dr. Sanford Jacobson, MD, of Miami-Dade County, Florida.
- (7) Dr. Ditomasso, Ph.D. of Miami-Dade County, Florida.
- (8) Dr. Pedro Saez, Ph.D. of Miami-Dade County, Florida.
- (9) Attorney Charles G. White, of Palm Beach County, Florida.
- (10) Mr. George Gintoli, Chief Administrator of the T.C.F.T.
- (11) Chief Judge of the Eleventh Judicial Circuit of Miami-Dade County, Florida, the Hon. Bertila Soto.
- (12) (M.D.C.R.) Miami-Dade County Dept. of Corrections, Director (former), Ms. Marydell Guevara.
- (13) Circuit Court trial judge of Miami-Dade County, Florida, the Hon. Cristina Maria Miranda.
- (14) Administrative Judge of the Eleventh Judicial Circuit of Miami-Dade County, Florida, the Hon. Nushin Sayfie.

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## INDEX TO APPENDICES

Appendix A: U.S. Court of Appeals Denial for Re-Hearing filed on 11/2/2018.

USCA No. 18-12403-‘F’

Appendix B: U.S. District Court Order on Report and Recommendations

(document #26) in L.T. Case No.: 1:17-cv-24174-KMM, dated 7/6/2018

Appendix C: U.S. Court of Appeals Denial of Appeal in case no.: 18-10291-‘E’

(L.T. No. 1:16-cv-20651-KMW) on 1/9/2019 after the U.S. District Court’s order in 1:17-cv-24174-KMM, proving Plaintiff not in violation of “three strikes rule” as alleged by district court judge, erroneously citing this case as a basis for cause to deny Plaintiff right to proceed I.F.P., pursuant to 28 U.S.C. § 1915(g)

Appendix D: L.T. case docket, 1:17-cv-24174-KMM. See D.E. #10, 15, and 16.

Application for Temp. Injunction, based on imminent threat of physical injury, failed to be ruled on, prior to dismissal.

Exhibit E: Appeal of order

Exhibit F: Motions to rule on application for temporary injunction, based on imminent threat.

## TABLE OF AUTHORITIES CITED

- (i) *Monell v. Dept. of Social Services of the City of New York*, 436 U.S. 659 (1978);
- (ii) *Adepegba v. Hammons*, 103 F.3d 383, 387 (5<sup>th</sup> Cir. 1996);
- (iii) *Campbell v. Davenport Police Dept.*, 471 F.3d 952, 953 (8<sup>th</sup> Cir. 2006);
- (iv) *Daker v. Comm’r, Georgia Dep’t of Corr.*, 820 F.3d 1278, 1283 (11<sup>th</sup> Cir. 2006);
- (v) *Daker v. Comm’r Homer Bryson*, No. 16-cv-538, 2017 WL 3584910, at \*2 n.2 (M.D. GA. Aug. 17, 2017); *Daker v. Bryson*, no. 17-cv-14209, 2017 WL 8292444 (11<sup>th</sup> Cir. Dec. 12, 2017).

## STATUTES AND RULES

- (i) 42 U.S.C. § 1983
- (ii) 28 U.S.C. § 1915(g), “three strike” rule
- (iii) 28 U.S.C. § 636(b)(1); see also Fed.R.Civ.P. 72(b)(3)
- (iv) Fed.R.App.P. 24(a)
- (v) See also Rule 65(a) of the Fed.R.Civ.P. Re: Temp. Injunction, see D.E. #10, 15, and 16 failed to be addressed by either court

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 \_\_\_\_\_; 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 9/7/18.

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: 11/2/18, 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 \_\_\_\_\_ (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).



### OTHER

See Exhibit #1 of Statement of the Case; 42 U.S.C. § 15601(13); 42 U.S.C. § 15602(1); 18 U.S.C. § 1512(a)(2). *Wilson v. Seiter*, 501 U.S. 294 (1991); *Ex Parte Hull*, 312 U.S. 546 (1941); *Procunier v. Martinez*, 416 U.S. 396 (1974); *Canell v. Lightner*, 143 F.3d 1210, 1213 (9<sup>th</sup> Cir. 1998); *Pembaur v. Cincinnati*, 475 U.S. 469 (1986).

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(15) See 28 U.S.C. § 1331 and 1343(a)(3); 42 U.S.C. § 1983. See also 28 USCA § 1915(g), 28 U.S.C. § 1915(e)(1).

(16) Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. section 2283 and 2284.

(17) The court has supplemental jurisdiction over plaintiff's state law claims under 28 U.S.C. 1367.

(18) Plaintiff's 'Federal Tort Claims Act' claims are authorized by 28 U.S.C. § 1346.

(19) As a pretrial detainee, Plaintiff's 1<sup>st</sup> Amendment claims were violated through obstruction to "access to the court."

(20) Plaintiff's 6<sup>th</sup> Amendment rights were violated through the serial deprivation of conflict-free counsel.

(21) Plaintiff's 8<sup>th</sup> Amendment rights were violated through abject "torture" to induce "pleas."

(22) Plaintiff's 5<sup>th</sup> and 14<sup>th</sup> due process rights were violated through the falsification of official court records and transcripts of proceedings in state court case no. F15006748.

### STATEMENT OF THE CASE

#### I.

#### PROCEDURAL HISTORY AND STATEMENT OF FACTS

(23) This case arises out of State of Florida criminal case no. F15001083, whereby Plaintiff was bonded out of jail by operatives of 'T', comprising members of the U.S. security apparatus, who colluded with local law enforcement of Miami-Dade County, to entrap Plaintiff in an intelligence sting at T.D. Bank in north Miami on the 1<sup>st</sup> of April of 2015, resulting in State of Florida criminal case no. F15006748.

(24) All conflict-free criminal counsel was denied in both case no(s) F15001083 and F15006748 through erroneously claimed, and erroneously granted, "conflicts of interest" of the Miami-Dade County Public Defender, and Offices of Regional Counsel, so State co-opted criminal counsel from Palm Beach County could be assigned to both cases, Mr. Charles G. White, bar no. 334170.

(25) To prevent evidence of the "sting" in question in case no. F15006748, and to protect the identities of the operatives in question responsible for bonding

Defendant out of Miami-Dade County in case no. F15001083, Plaintiff was denied “access to the court,” while languishing in county jail, without the ability to post bond, or speak with an attorney.

(26) “Torture” as defined under provisions of C.A.T. (Convention Against Torture) was then utilized to induce “pleas,” to prevent all evidence from reaching the light of a court of competent jurisdiction, or trial scenario, as evidenced under “Application for Temporary Jurisdiction, pursuant to ‘Monell’”, filed under D.E. #10, but failed to be ruled on by either the U.S. District Court, or U.S. Court of Appeals, in lieu of imminent threat of serious physical injury, or very real possibility of loss of life, if remanded back, to Miami-Dade County. See *Monell v. Dept. of Social Services of the City of New York*, 436 U.S. 659 (1978); and *Pembaur v. Cincinnati*, 475 U.S. 469 (1986).

(27) Plaintiff pleads for relief from this court through granting of temp. injunction against Miami-Dade County, based on “*imminent threat*”, and also as a constitutional means of upholding his fundamental 1<sup>st</sup> Amendment right to “*access the court(s)*” of Florida, and alternatively, the United States. See Exhibit #1. *Monell, Id.*; *Pembaur, Id.* See also *Ex parte Hull*, 312 U.S. 546 (1941); *Canell v. Lightner*, 143 F.3d 1210, 1213 (9<sup>th</sup> Cir. 1998); and *Procunier v. Martinez*, 416 U.S. 396 (1974). See D.E. #10, 15, and 16, left unaddressed by both the U.S. District Court, and U.S. Court of Appeals, in lieu of evidence of imminent threat and

despite denials of overall complaint while failing to address said application. See 42 U.S.C. § 15601(13), 42 U.S.C. § 15602(1), and 18 U.S.C. § 1512(a)(2).

## II.

### LEGAL ARGUMENT: PLAINTIFF NOT IN VIOLATION OF 28 U.S.C. § 1915(g)

(28) *Adepegba v. Hammons*, 103 F.3d 383, 387 (5<sup>th</sup> Cir. 1996); and *Campbell v. Davenport Police Dept.*, 471 F.3d 952, 953 (8<sup>th</sup> Cir. 2006) are in direct contradiction to the case law cited by the U.S. District Court to deny Plaintiff his right to proceed I.F.P., to wit:

(a) Case no. 1:16-cv-20651-KMW, cited by the District Court Judge as a “strike” was still under litigation at the time of his order, dismissing the case. See dates of orders, compared: **Appendix ‘B’**, and **Appendix ‘C’**. The U.S. Court of Appeals failed to recognize, or correct this error, resulting in manifest injustice, which must be rectified.

(b) The case law cited by district court judge in **Appendix ‘B’**, is anathema to both *Adepegba, Id.*, and *Campbell, Id.*, regarding 28 U.S.C. § 1915(g), i.e. the “three strike rule.” According to both *Adepegba, Id.*, and *Campbell, Id.*, Plaintiff is not in violation of the “three strike” rule, and should have been granted leave to proceed I.F.P., which he was by the magistrate judge, prior to the District Court Judge intervening and contradicting his initial order, pursuant to 28 U.S.C. § 636(b)(1). 72(b)(3) of the Fed.R.Civ.P., citing *Dakr v. Comm’r, Georgia Dep’t of Corr.*, 820 F.3d

1278, 1283 (11<sup>th</sup> Cir. 2016), and *Daker v. Comm'r Homer Bryson*, no. 16-cv-538, 2017 WL 3584910, at \*2n.2 (M.D.Ga. Aug. 17, 2017); *Daker v. Bryson*, no. 17-cv-14209, 2017 WL 82922444 (11<sup>th</sup> Cir. Dec. 12, 2017).

(c) The difference in this case is that at the time, Pf was a pretrial detainee, not a convict in prison, and his 1<sup>st</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendment rights were being systematically violated through obstruction to the courts, the serial deprivation of conflict-free counsel, and “torture” to induce “pleas” under the 8<sup>th</sup> Amendment’s cruel and unusual punishments clause, to prevent evidence from reaching the light of the record of a court of competent jurisdiction

#### REASONS FOR GRANTING PETITION

(29) Plaintiff is under “imminent threat” if remanded back to Miami-Dade County, and D.E. #10, as well as all subsequent motions (D.E. #15, and 16) were intentionally ignored, and consequently, not ruled upon, prior to erroneous dismissal of the underlying complaint, constituting plain error, and “manifest injustice”, which must be rectified in light of the life-threatening issues at stake, as evidenced herein.

(30) Plaintiff is not in violation of the “three strike” rule, pursuant to 28 U.S.C. § 1915(g), erroneously used as a basis for cause to dismiss this complaint, and resulting in failure by the U.S. court of appeals to correct plain error,

constituting “manifest injustice,” and giving rise to *imminent threat*, based on failure to rule on D.E. #10: Application for Temporary Injunction Against Miami-Dade County as a jurisdiction, pursuant to “Monell.”

(31) This case presents the court with an opportunity to rectify conflicting case law at issue of great public importance, pursuant to 28 U.S.C. § 1915(g), otherwise known as the “three strike” rule, based on citations emanating from the Eleventh Circuit in Atlanta, regarding *Daker v. Comm’r, Georgia Dept. of Corr, Id.*; *Baker v. Comm’r Homer Bryson, Id.*; and *Adepegba, Id.*; *Campbell, Id.*

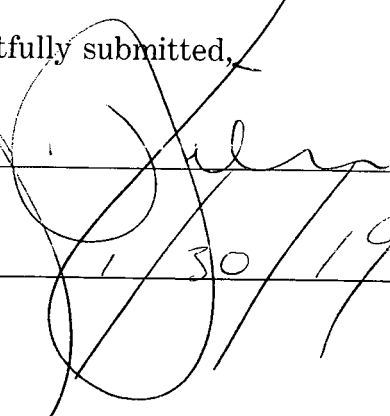
(32) But it also presents the Court an opportunity to further delineate on the differences and rights of pretrial detainees awaiting trial, and their due process rights, right to counsel, and rights to “access the court” while awaiting trial, as opposed to convicted prisoners in prison, as was cited by the L.T. court in this case in *Daker*.

(33) Finally, this court’s decision to undertake review will send a strong message to those parties comprising officials of the southern district, culpable of collusion with county court officials of Miami-Dade County, responsible for the abject obstruction to the courts at issue, and condoned “torture” to induce 6 “pleas” to prevent evidence of the flagrant apparent fraud at issue from reaching the attention of the justices of this court.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*a*   
\_\_\_\_\_

Date: 1/30/19  
\_\_\_\_\_

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