

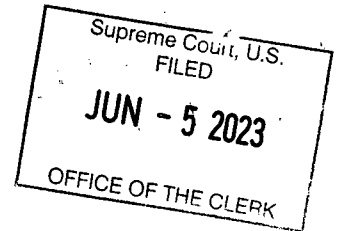
No. _____

23-5580

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Richard Barroso (TDCJ-CID #1452245)

— PETITIONER

(Your Name)

vs.
Texas Department of Criminal Justice (TDCJ)
Executive Director, Bryan Collier

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF TEXAS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Richard Barroso

(Your Name)

Ramsey Unit
1100 FM 655

Rosharon, Texas 77583, Brazoria County

(Address)

Rosharon, Texas 77583

(City, State, Zip Code)

Ramsey Unit Phone: 281-595-3491

(Phone Number)

QUESTIONS PRESENTED

ONE. At what point has petitioner had a Constitutionally protected right to DUE PROCESS of his numerous requests for EQUAL PROTECTION OF THE LAWS, RELEVANT TO JUDICIAL PROCEEDINGS AGAINST HIM & AS A PETITIONER, AS A QUALIFIED INDIVIDUAL WITH DISABILITIES WHICH ARE BOTH PHYSICAL & MENTAL AND WHICH SIGNIFICANTLY IMPAIR HIS PARTICIPATION IN RELEVANT GOVERNMENTAL INSTRUMENTALITIES' PROVIDED SERVICES, PROGRAMS, OR ACTIVITIES, NAMELY HIS RIGHT TO PETITION WITHOUT CRUEL & UNUSUAL PUNISHMENTS due to both petitioner's disabilities and those governmental actors' acts interfering with petitioner's protected civil rights, AND GIVEN THAT THIS QUESTION ANSWERED WILL ANSWER THE QUESTION OF WHETHER PETITIONER'S CONSTITUTIONALLY PROTECTED RIGHTS IN IN BOTH HIS CONDITIONS OF CONFINEMENT & HIS EFFORTS TO EXERCISE RIGHT TO PETITION FOR REDRESS OF HIS GRIEVANCES TO THE GOVERNMENT IN STATE & FEDERAL JUDICIARIES THUS FAR, "DOES PETITIONER HAVE A DUE PROCESS RIGHT TO BE HEARD & DETERMINED AS TO WHETHER HIS PHYSICAL & MENTAL DISABILITIES ARE SIGNIFICANT IMPAIRMENTS TO SUCCEED 'OFFICIALS' RATIONAL RELATIONSHIP' AND STATE & FEDERAL COURTS' STANDARD PROCEDURAL REQUIREMENTS, WHICH PETITIONER, DUE TO DISABILITIES & CONDITIONS OF CONFINEMENT EVADING & DENYING REQUESTED ACCOMMODATIONS TO PARTICIPATE MORE/MOST FULLY, WILL THIS SUPREME COURT HOLD HEARING & DETERMINATION OR ORDER HEARING & DETERMINATION OF PETITIONER'S INDIVIDUAL SPECIAL/DISABILITY NEEDS/ACCOMMODATIONS RELEVANT TO APPLICABILITY OF STANDARD PROCEDURAL PROCESSES UNCONSTITUTIONALLY BAR PETITIONER'S RIGHT TO PETITION?

TWO. WHETHER NOTICE TO THIS COURT THAT EIGHTEEN YEARS OF NOTIFYING COURT OFFICIALS, COUNTY & STATE OF TEXAS OFFICIALS, & UNITED STATES COURTS & COURT OF APPEALS OFFICIALS, AND NOW THIS SUPREME COURT OF PETITIONER'S INCOMPETENT CAPACITY HAS BEEN RELEVANT TO STATE CRIMINAL PROSECUTIONS AGAINST HIM & RELEVANT TO HIS FUNDAMENTAL CONSTITUTIONAL

TWO. cont'd

RIGHTS BEING PROTECTED & EXERCISED IN EACH OF THE ABOVE, ALL OF WHICH HAVE FAILED DUE TO INCOMPETENT CAPACITY TO LITIGATE IN HIS DOMICILE TIMELY & EFFECTIVE ACCORDING TO STANDARD RULES OF CIVIL PROCEDURE, DUE TO HIS PHYSICAL & MENTAL DISABILITIES AND HIS CONDITIONS OF CONFINEMENT DENYING DISABILITY ACCOMMODATIONS, HARASSING/RETALIATING/DISCRIMINATING AGAINST PETITIONER & HIS LEGAL MATERIALS FOR ASSERTING HIS CIVIL RIGHTS, GRIEVING DENIALS THEREOF & FILING LAWSUITS, ALL OF WHICH ARE THE ATTEMPTED AND INTENDED CIVIL ACTIONS IN USDC SD, ND, AND ED, AS WELL AS THE 5th CIRCUIT COURT OF APPEALS, "WILL THIS SUPREME COURT, AS PETITIONER REQUESTED IN THE FIFTH CIRCUIT, IF GRANTED THE HEARING & DETERMINATION IN # ONE ABOVE, GRANT FOR SAID HEARING AND DETERMINATION, APPOINTMENT OF COUNSEL WITH EXPERTISE IN DISABILITY LAWS/RIGHTS/ACCOMMODATIONS RELEVANT TO EQUAL PROTECTION RIGHTS OR CONSTITUTIONAL RIGHTS OF PETITIONER (PRISONER) WHO SEEKS TO EXERCISE RIGHT TO PETITION FOR REDRESS OF HIS GRIEVANCES TO THE GOVERNMENT IN STATE & FEDERAL COURTS TO BE PROTECTED OF HIS RIGHTS THEREOF & APPOINT SPECIAL MASTER, ALSO AS REQUESTED IN 5TH CIRCUIT, BOTH AS ACCOMMODATION & EQUAL PROTECTION IN THESE PROCEEDINGS SEEKING THIS COURT AND/OR U.S. CONGRESS TO MANDATE IN ALL STATE & FEDERAL COURTS TO IMPLEMENT A NEW STANDARDIZED RULE OF CIVIL PROCEDURE BY WHICH CITIZENS WITH DISABILITIES IM-PAIRING COMPLIANCE TO RULES OF PROCEDURE WITHOUT ACCOMMODATIONS MAY BE FACILITATED OF BEING HEARD AND DETERMINED OF ACCOMMODATION NEEDS TO PETITION TIMELY & EFFECTIVELY THEREBY MINIMIZING DISCRIMINATING PROCEDURAL PATTERNS & PRACTICES BY COURT OFFICIALS?

THREE..ARE ANY OF THE FOLLOWING **NOT** GOVERNMENT INSTRUMENTALITIES OR PUBLIC ENTITIES PER THE REHABILITATION ACT OF 1973 OR THE AMERICANS WITH DISABILITIES ACT OF 1990 and/or AMENDMENTS THEREOF:

THREE. cont'd

STATE OF TEXAS JUDICIARIES:

UNITED STATES JUDICIARIES;

TEXAS DEPARTMENT OF CRIMINAL JUSTICE (STATE OF TEXAS PRISON SYSTEM)?

FOUR. HAS THE PRISON LITIGATION REFORM ACT AND/OR GOVERNMENTAL INSTRUMENTALITIES' PATTERNS OR PRACTICES THEREOF USURPED THE AUTHORITY OF THE CONSTITUTION OF THE UNITED STATES WHEREIN PROTECTED CIVIL RIGHTS ARE NOT CONSIDERED FIRST & FOREMOST, ESPECIALLY THOSE OF QUALIFIED INDIVIDUALS WITH DISABILITIES WHICH SIGNIFICANTLY IMPAIR REACHING THE STANDARDS SET OUT BY THE PLRA TO BE MET, EVEN PRIOR TO CONSIDERATION OF THE UNCONSTITUTIONAL CIRCUMSTANCES CAUSED BY THE APPLICATIONS OF THE PLRA AND SET OUT BY THOSE FEDERAL RULES OF CIVIL PROCEDURE WHERE TIME LIMITATIONS, SUCH AS 42 U.S.C.S. § 1997e IN RELATION TO PROPERTY AND LIBERTY INTERESTS ARE AT STAKE OF IRREPARABLE HARM & THE COURTS ARE INFORMED, BUT DISREGARD DUE TO UPHOLDING PROCEDURAL RULES AND/OR PLRA RULES WITHOUT RA/ADA EQUAL PROTECTION CONSIDERATIONS, AND SUCH OTHER LIKE STATUTES, STATE & FEDERAL WHICH HAVE NO TOLLING PROVISIONS OR SEPARABILITY PROVISIONS; AND WILL THIS SUPREME COURT ALLOW PETITIONER WITH SPECIAL COUNSEL & SPECIAL MASTER GATHER EVIDENCE THAT HE, AS A STATE OF TEXAS PRISONER, IS DENIED TO OBTAIN, HOLD & STUDY FOR PRESENTMENT TO THIS COURT ONLY THAT RESOLUTION TO PREVENT FURTHER DISCRIMINATIONS AGAINST CITIZENS SIMILARLY SITUATED?

FIVE. GIVEN THAT THIS PETITION IS STILL UNPERFECTED, DESPITE THE EXTENDED TIME GRANTED UNTIL JUNE 05, 2023, AND DESPITE PETITIONER DID SUBMIT ON APRIL 21, 2023 ANOTHER APPLICATION FOR A SECOND EXTENDED TIME TO AND INCLUDING AUGUST 05, 2023, WHICH FOR SOME REASON WAS NEVER RECEIVED BY THIS COURT, HENCE THIS UNPERFECTED PETITION BEING PREMATURELY FILED TO BE TIMELY FILED, EXACTLY WHAT PETITIONER SEEKS THIS COURT

FIVE. cont'd

TO GRANT HIM LENIENCY, SPECIAL COUNSEL & SPECIAL MASTER TO RECOMMEND SOLUTION TO BE CONSIDERED FOR MANDATE, WILL THIS COURT SET ASIDE OR STAY THESE PROCEEDINGS PENDING HEARING AND DETERMINATION OF PETITIONER'S EQUAL PROTECTION NEEDS RELEVANT TO THIS PETITION AND THE MANY MERITORIOUS CLAIMS RELEVANT TO THESE PROCEEDINGS, THE SEVERAL, ABOUT TWENTY QUESTIONS PETITIONER SEEKS TO PRESENT, BUT THAT DISABILITIES GET IN THE WAY IMPAIRING COMPLETING TIMELY & EFFECTIVELY?

SIX.

WHETHER THE SUPREME COURT OF TEXAS, BEING THE ONLY AUTHORITY JUDICIALLY IN THE STATE OF TEXAS WITH JURISDICTION TO ORDER THE ACTS OR OMSSIONS OF THE EXECUTIVE DIRECTOR OF THE TDCJ, ABUSED IT'S DISCRETION VIA IT'S DISMISSAL OF PETITIONER'S WRIT OF MANDAMUS SEEKING ORDER THAT BRYAN COLLIER, EXECUTIVE DIRECTOR OF THE TDCJ, ACCESS PETITIONER'S PERSONAL HEALTH RECORDS, DOCUMENT HIS DISABILITIES AMONG THOSE RECORDS ROUTINELY ACCESSED BY TDCJ OFFICIALS FOR THE DETERMINATION OF THE PROPER CARE, CUSTODY, CONFINEMENT, AND CONTROL OF PETITIONER AND PETITIONER'S PROPERTY, TO ASSESS THOSE REASONABLE ACCOMMODATIONS, "PREVIOUSLY AFFORDED TO PETITIONER THEN AT THE WHIM OR CAPRICE OF THOSE ON DUTY TAKEN AWAY WITHOUT DUE PROCESS OR CONCERN TO INJURY HARM CAUSED" AND DOCUMENT ASSESSED REASONABLE ACCOMMODATIONS AMONG THOSE RECORDS ROUTINELY ACCESSED BY TDCJ OFFICIALS..., AND DID THE SUPREME COURT OF TEXAS ABUSE IT'S DISCRETION IN SAID DISMISSAL WHEN WITHIN SAID PETITION INCLUDED, ON PAGE -9- THAT PETITIONER'S "EXTENSIVE REQUESTS/NOTIFICATIONS OF HIS EQUALITY UNDER THE LAWS, DUE COURSE OF LAW OF DENIED EQUALITY UNDER THE LAWS RELEVANT TO RELATOR'S ACCESS TO COURTS, SPEECH, RIGHT TO PETITION FOR REDRESS OF HIS GRIEVANCES TO THE GOVERNMENT AND MUCH MUCH MORE,...", PAGE-10-SEEKS THE COURT'S ATTENTION TO HIS RESTRAINT OF HIS LIBERTY TO

QUESTIONS PRESENTED p.5

SIX.cont'd

OF HIS LIBERTY TO CHALLENGE HIS CONVICTIONS GIVEN THAT VIA TDCJ ACTORS' ACTS OF RETALIATION FOR ASSERTING THESE VERY RIGHTS HIS LEGAL MATERIALS GERMANE TO CHALLENGING HIS CONVICTIONS WERE TAKEN BY FORCE UNDER COLOR OF LAW, HE WAS DENIED TO MAKE DISPOSITION, THIS FACT WAS FALSIFIED IN A CONCERTED EFFORT TO CONSPIRE TO OBSTRUCT JUSTICE AGAINST PETITIONER AND EVIDENCE IS ALREADY IN USDC RECORDS, MORE IS AVAILABLE TO SUPPORT THIS FACT, AND SAID LEGAL MATERIALS WERE MALICIOUSLY DESTROYED, WHICH TO DATE DENY PETITIONER TO CHALLENGE THE CONSTITUTIONALITY OF, MINIMALLY THE CONVICTION CURRENTLY BEING SERVED OF 35 YEARS, AS WELL AS OTHER CLAIMS IN THAT STATE PETITION RELEVANT TO TDCJ ACTORS' ACTS OR OMISSIONS TWICE MORE OF INTERFERING WITH HIS LEGAL MATERIALS, ONE OTHER OF DESTRUCTION BOTH OF ATTEMPTED COMPLAINTS WITH CAUSES OF ACTION WHICH HAVE NOT BEEN ADJUDICATED, IN FACT NOT ONE OF PETITIONER'S CLAIMS HAVE BEEN ADJUDICATED, STATE OR FEDERAL, YET COURTS WERE QUICK TO APPLY PLRA AND RULES OF PROCEDURE DEFAULTS WHILE PLEADINGS FILED FOR RELIEF FROM PREVIOUSLY STATED INTERFERENCES, AND SOUGHT REPLACEMENT OF DESTROYED REPORTER'S RECORDS AND APPELLATE RECORDS THAT PETITIONER MAY BEGIN TO RE-RESEARCH THOSE LEGALITIES ON GROUNDS TO CHALLENGE CONVICTIONS WHICH TOOK PETITIONER OVER SIX YEARS DUE TO DISABILITIES AND DENIED ACCOMMODATIONS AND HARASSMENTS/RETALIATIONS/DISCRIMINATIONS TO PREPARE AND THERE ARE SUBSTANTIAL REASONS TO HAVE SAID REDRESS HEARD, BUT NEAR IMPOSSIBLE FOR PETITIONER WITHOUT PROTECTIONS?

SEVEN. WILL THIS SUPREME COURT CONSIDER THE CONSOLIDATION OF ALL PETITIONER'S USDC SD, ND, ED, AND FIFTH CIRCUIT ACTIONS OR AT LEAST GRANT PETITIONER TO SET FORTH SUPPORTING GROUNDS WHY IT SHOULD?

EIGHT. WILL THIS COURT GRANT PETITIONER MEANS TO PRESENT SUPPORTING

EIGHT.cont'd

could not
get ready in
time to
enclose

EVIDENCE AND DOCUMENTS OF HIS PERSONAL HEALTH INFORMATION, AND/OR AS PETITIONER HAS PREVIOUSLY GRANTED VIA HIPAA AUTHORITY OF THE UNITED STATES JUDICIARIES TO ACCESS HIS PERSONAL HEALTH INFORMATION (PHI) AS IT IS ON SAID RECORDS OF PETITIONER'S PHYSICAL IMPAIRMENTS RELEVANT TO BEING ABLE TO USE RIGHT (WRITING) HAND & DUE TO BEING SUBJECTED TO EXTREME TIME LIMITATIONS PETITIONER HAS PUSHED TO AND BEYOND PHYSICAL LIMITATIONS ATTEMPTING TO MEET DEADLINES OVER THE YEARS ~~WITHOUT~~ CONSIDERATIONS/ACCOMMODATIONS THAT SERIOUS PHYSICAL INJURIES HAVE RESULTED AND USES OF LEFT HAND WHERE RIGHT DOES NOT FUNCTION HAS DEGENERATED AND APPOINTMENT WITH SPECIALTY CLINIC WILL RESULT IN SURGERIES AS THE RIGHT HAND, ALL OF WHICH SUPPORT PETITIONER'S relief sought in ENCLOSED MOTION, BUT AS DISABILITIES ARE SIGNIFICANTLY IMPAIRING, SIGNIFICANT LENIENCY AND CONSIDERATIONS ARE SOUGHT IN THESE VERY EXTRAORDINARY CIRCUMSTANCES RELEVANT TO INCOMPETENT CAPACITY TO LITIGATE IN HIS DOMICILE?

NINE. WHETHER THE PLRA THREE STRIKES APPLIED AGAINST PETITIONER, DUE TO BEING APPLIED WITHOUT CONSIDERATION OF REQUESTED EQUAL PROTECTION OF THE LAWS RELEVANT TO EXERCISING RIGHT TO PETITION, FILED PRIOR TO DISMISSAL IN EACH STRIKE FOR THE PURPOSE OF PROTECTING PROPERTY AND LIBERTY INTERESTS IN THE RELEVANT INSTANT CASE, WAS UNCONSTITUTIONALLY APPLIED;;AND DID THE FIFTH CIRCUIT ABUSE IT'S DISCRETION IN DENYING PETITIONER TO PROCEED INFORMA PAUPERIS TO CHALLENGE THE CONSTITUTIONAL VALIDITY OF EACH STRIKE APPLIED, EVEN OR ESPECIALLY UPON REQUEST TO PROCEED IN FORMA PAUPERIS UNDER THE EXCEPTION VIA IMMINENT DANGER OF SERIOUS PHYSICAL INJURY, EVEN ONGOING SERIOUS PHYSICAL INJURIES AS NOTED IN EIGHT ABOVE AND WITHIN PHI?

QUESTIONS PRESENTED p.7

TEN. WHETHER THE TEXAS CIVIL PRACTICES & REMEDIES CODE § 14.005(b) is facially UNCONSTITUTIONAL AND/OR UNCONSTITUTIONAL AS APPLIED TO PETITIONER AS A QUALIFIED INDIVIDUAL WITH DISABILITIES WHICH IMPAIR HIS CAPACITY TO COMPLY WITH THE STATE OF LIMITATION OF FILING HIS COMPLAINT WITHIN 31 DAYS FROM THE RETURN OF THE STEP TWO GRIEVANCE AND THIS IS "ONLY" APPLIED TO POOR INMATES;;AND HAS BEEN DETERMINED BY STATE COURTS TO BE SUFFICIENT TIME TO FILE A COMPLAINT, YET SAID TIME LIMITATION HAS FAILED TO BE APPROPRIATELY FOR ALL PETITIONERS AND/OR ATTORNEYS, WHICH LEADS TO THE PARALLEL QUESTION OF WHETHER THE SUPREME COURT OF TEXAS ABUSED IT'S DISCRETION IN DISMISSAL OF PETITIONER'S ACTION WITHOUT HEARING OR DETERMINING THESE CONSTITUTIONAL QUESTIONS RELEVANT TO PETITIONER'S CONSTITUTIONAL RIGHTS?

ELEVEN. WHETHER THE TDCJ HAS A DUTY TO ACCESS PETITIONER'S PERSONAL HEALTH INFORMATION, AS REQUESTED AND AS HAS BEEN PROVIDED RELEASE OF PERSONAL HEALTH INFORMATION TO TDCJ; TDCJ EXECUTIVE DIRECTOR, BRYAN COLLIER FOR THE PURPOSE TO DOCUMENT FOR PROPER CARE, CUSTODY, CONFINEMENT, AND CONTROL OF PETITIONER AND PETITIONER'S PROPERTY, NAMELY LEGAL MATERIALS AND TO DOCUMENT RECORDS ROUTINELY ACCESSED PREVENTING THE STANDARD RESPONSE THAT""WE HAVE NO RECORD OF YOUR DISABILITIES AND NO WE HAVE NOT ACCESSED YOUR MEDICAL RECORDS" AND "MEDICAL HAS NOT INFORMED US OF YOUR DISABILITIES", YET HIPAA IS LAW AGAINST IT, AND YET AGAIN THE HSM-18 in FACT DOES DISCLOSE IMPAIRMENTS SUFFICIENT TO CAUSE REASONABLY MINDED OFFICIALS TO ACT IN THE INTEREST OF UPHOLDING GOVERNING AUTHORITIES RELEVANT TO PETITIONER; AND DID THE SUPREME COURT OF TEXAS ABUSE IT'S DISCRETION VIA IT'S DISMISSAL WITHOUT CONCERN TO THESE ESTABLISHED LAWS & RIGHTS?

TWELVE. WHETHER THIS SUPREME COURT WILL REVIEW PETITIONER'S USDC ND

TWELVE. cont'd

CA NO. 2:14-CV-0256 December 28, 2014 motion & PETITIONER'S ATTEMPT TO COMPLY SUBMITTING FOR FILING IN 2020 HIS AMENDED COMPLAINT & HIS AFFIDAVIT IN SUPPORT OF AMENDED COMPLAINT, WHICH TOOK PETITIONER YEARS TO PERFECT AND PREPARE TO FILE DUE TO DISABILITIES AND INTERFERENCES WITHIN HIS CONDITIONS OF CONFINEMENT, BUT THE VERY SIGNIFICANT AND VERY MERITORIOUS CAUSES OF ACTION TO INCLUDE RICO VIOLATIONS ONGOING CAUSING PETITIONER INJURY AND HARM AS WELL AS HIS CAUSES OF ACTION AS EVIDENCED IN PETITIONER'S COURT RECORDS. THE REVIEW, IF GRANTED, WOULD SUPPORT GRANTING OF BOTH SPECIAL COUNSEL & SPECIAL MASTER IF THIS COURT FINDS THIS WORTHY OF FURTHER REVIEW?

THIRTEEN. WHETHER THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ'S); TDCJ'S EXECUTIVE DIRECTOR'S OFFICE, VIA PETITIONER'S REQUESTS AND GRIEVANCES, EVEN VIA SERVICE OF PROCESS VIA TRAVIS COUNTY COURT AND CONSTABLE OF THE ORIGINAL PETITION IN TRAVIS COUNTY, TEXAS JUDICIAL DISTRICT COURT OF IMPROPER JURISDICTION BEFORE THE SUPREME COURT OF TEXAS, THROUGH SUBORDINATE TDCJ PERSONNELS' RESPONSES AND NONRESPONSES TO PETITIONER'S EFFORTS TO BE PROTECTED OF RIGHTS AND FROM CRUEL & UNUSUAL PUNISHMENTS, CONSTITUTES DELIBERATE INDIFFERENCE AND CAUSING UNDUE INJURY & HARM SUFFICIENT FOR THIS COURT TO GRANT RELIEF OF FURTHER INQUIRY?

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:

NOTE TO COURT: All parties do appear in the caption of the case on the cover page until such time as this Court grants CONSOLIDATION, which will be motioned for once the Court determines to hear this MOST IMPORTANT CASE RELEVANT TO SOCIETY AS A WHOLE AND CITIZENS', EVEN PRISONERS' RIGHTS TO BE CONSTITUTIONALLY PROTECTED. ESPECIALLY QUALIFIED INDIVIDUALS WITH DISABILITIES!

RELATED CASES

USDC ND Amarillo CA NO.2:14-cv-0256; 2:22-cv-0235; 2:22-cv-0236;Galveston #3:23-cv-00001;
USDC SD Houston CA No. 4:15-cv-03139; 4:16-cv-03235;4:19-cv-02092; #H-13-3671⁷¹
USDC ED Tyler CA No. 6:17-cv-0405;
State of Texas CA No. 83217-I; 92497-I;110208-I Brazoria County, Texas
(several others filed or sought to be filed & denied in Brazoria County. Texas)
State of Texas CA No. 4977-H, Hartley County, Texas & 7th COA#7-16-00317-cv;
State of Texas Fort Bend County, Texas#'s FOUR HABEAS RELEVANT TO UNLAWFUL RESTRAINT
OF RIGHT TO EXERCISE CHALLENGE TO UNLAWFUL CONVICTIONS DUE TO TBCJ UNLAWFUL SEIZURE
& DESTRUCTION OF LEGAL MATERIALS STATING "NOT A CHALLENGE OF OR TO CONVICTIONS BUT
OF UNLAWFUL DENIAL TO CHALLENGE CONVICTIONS" YET TREATED AS A CHALLENGE TO CONVICTIONS
AND DENIED FOR LACK OF FORM, ALSO VIOLATION: 06-ocr-45590HC1/WR-87.204-02;
05-ocr-42920 HC1/WR-87. 204-03; 05-ocr-42922HC1/WR-87.204-04; 05-ocr-042923 HC1/
WR-87. 204-05 , which denial of right to challenge convictions to date is remaining
denying this right though Petitioner NOT GUILTY of the 35 year sentenced conviction
per Reporter's Record and victim's testimony, yet destroyed by state actors relevant
to above; PRIMARILY RELATED ARE CONVICTIONS:42920, 42922, 42923,& 45590.
All addressed in Supreme Court of Texas No. 22-0952, which this Certiorari is directly
redressing for abuses of discretion of Constitutional rights.Petitioner has been
seeking remedy of law in all above and NOT ONE MERIT HAS BEEN ADJUDICATED!

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APPENDIX A	AFFIDAVIT OF FACT IN SUPPORT OF CERTIORARI CA 31 page section of facts relevant to disabilities from 2020 AMBIVORD COMPLAINT AFFIDAVIT Amarillo
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TABLE OF AUTHORITIES CITED

CASES

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NOTE: UNDER DURESS OF SUFFERING SEVERE PAIN AND DEGENERATING DISABILITIES WHILE PRISON ACTORS INTERFERE WITH CIVIL RIGHTS & disability rights AND UNABLE TO PERFECT AND COMPLETE THIS PETITION AS U.S.CONSTITUTION PROVIDES PETITIONER HAS RIGHT TO EQUAL PROTECTION TO EXERCISE RIGHT TO PETITION. PETITIONER SEEKS LENIENCY, ACCOMMODATIONS, THREE MORE FORMS, COUNSEL TO BE CONSIDERED, AND/OR SIGNIFICANT TIME FOR PETITIONER TO WORK AROUND PHYSICAL & mental impairments. PLEASE PLEASE!

STATUTES AND RULES

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 _____ 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 _____ 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**:

DENIED IT. THE SUPREME COURT OF TEXAS PROBABLY NEVER EVEN READ THE CASE JUST

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

2:14-cv-0256

[X] For cases from federal courts: Relevant to USDC ND AMARILLO CA NO. @:
5th Circuit No. 21-10701 and others.

The date on which the United States Court of Appeals decided my case
was September 24, 2021.

[] 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).

[X] For cases from state courts:

The date on which the highest state court decided my case was December 02, 2022

A copy of that decision appears at Appendix NOTE: Submitted with first Application
for extended time to file along with Motion for leave to proceed in forma pauperis
and six month inmate trust acct. statement & affidavit of imminent danger of serious
physical injury. [X] A timely petition for rehearing was thereafter denied on the following date:
January 06, 2023, and a copy of the order denying rehearing
appears at Appendix NOTE: Also with granted application for extended time.

[X] An extension of time to file the petition for a writ of certiorari was granted
to and including June 05, 2023 (date) on March 31, 2023 (date) in
Application No. 22 A 852. Additionally, Petitioner via unit
law library indigent legal mail, mailed on April 21, 2023 a subsequent
Application for second extended time to August 05, 2023, somehow not received by Ct?
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a), and
84 search & seizure
28 U.S.C. § 1331; U.S. Constitution Amendments 1, 5, 6, 8, 10, and 14; The Rehabilitation
Act of 1973; The Americans with Disabilities Act of 1990; the Prison Litigation Reform
Act; Common Law

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution Amendments 1,4,5,6,8,10, and 14; Article I §§ 9&10

The Rehabilitation Act of 1973;

The Americans with Disabilities Act of 1990;

Administrative Procedures Act;

Health Insurance Portability & Accountability Act;

Interference with Civil Rights 42 U.S.C. § 1985;

Obstruction of Justice 18 U.S.C. § 1506;

and

State of Texas equivalent and coexistent laws.

AND Prison Litigation Reform Act;

Separability provisions & tolling provisions;

and others unable to access in time to include.

STATEMENT OF THE CASE

1. Petitioner's case comes to the jurisdiction of this Supreme Court from the Supreme Court of Texas, case number 22-0952, in which due to TDCJ's actors' acts and omissions, petitioner has suffered cruel & unusual punishments via denied requests for accommodations to his disabilities and via harassments/retaliations/discriminations, petitioner's property and liberty interests have suffered injury/harm, some due to his legal materials irreparable which to date from 2014 have interfered with and denied petitioner's right to challenge the convictions against him as unconstitutional as due to TDCJ actors concerted efforts to destroy his legal materials germane to exercise habeas corpus, then concerted efforts to conspire to falsify government documents of the facts relevant to the destruction of his Reporter's Record, Appellate Record, Convicting Court Records, petitioner's six plus years of painfully gained legal research on the grounds in support of habeas corpus relief documented, (Note: six years to gather legal research to perfect habeas claims due to disabilities and conditions of confinement adverse to those authorities governing the operations of the TDCJ, which caused additional and undue suffering, even more time in prison as Reporter's Record shows beyond reasonable doubt that petitioner is NOT GUILTY of 35 year conviction, even the alleged victim testified it did not happen, only influenced prosecutor's testimony in court swayed jury of "digital penetration", which the alleged victim adamantly argued against, "ON RECORD").
2. Petitioner began his petitions in USDC SD Houston because they are relevant to his right to challenge his convictions, even though civil action claims and petitioner had only researched and studied sufficient to challenge convictions and no clue as to civil procedure, yet as it turns out, claims or pleadings sufficient to minimally preserve claims,

STATEMENT OF THE CASE p.2

2. cont'd

petitioner thought, until he would be able to be protected of his rights as a qualified individual with physical & mental disabilities; however, he never believed he would receive so much evasion, side-stepping the subject of disability rights in courts, in prison. Petitioner's pleadings began with "Emergency Ex Parte Preliminary Motion For Injunctive Relief" seeking court orders to protect seized legal materials from being destroyed until such time as petitioner could manage through disabilities and his conditions of confinement adverse to these to perfect his complaint, but that the TDCJ had policy allowing it's actors to move to destroy his legal materials only seven (7) days from date step 2 grievance returned, not enough time for petitioner to suffer around his disabilities to have complaint filed, court reviewed, order issued to protect Reporter's Record, etc., especially those six plus years of legal research notes, which petitioner even sought to "Deposit in court as evidence", but this too was evaded and malicious efforts of state actors' retaliations and their conspiring to obstruct justice, at least to date has succeeded. The case was transferred to USDC ND Amarillo CA No. 2:14-cv-0256 where the above occurred and was dismissed February 10, 2015 for failure to exhaust administrative remedies, which were just not completed, but filed timely, hence petitioner's continued efforts and 2020, 2022, and 2023 efforts in Amarillo pending in ca's 2:22-cv-0235 & 0236, and 0235 was transferred to USDC SD Galveston incomplete and dismissed as if federal court conspiracy to evade prison disability issues become disability issues to participate in petitions to the courts? Dismissal counted as strike or motion did?

The same legal material incident occurred in USDC ED Tyler CA No. ~~XXXXXX~~ 6:17-cv-0405, complaint filed prior to completion of

STATEMENT OF THE CASE p.3

2. cont'd

exhausted administrative remedies, but with "MOTION TO SUSPEND EXHAUSTION RULE SOLELY TO ISSUE COURT ORDER TO PRESERVE SEIZED LEGAL MATERIALS FROM DESTRUCTION", ALSO DISMISSED WITHOUT PROTECTING PROPERTY AND COUNTED AS A STRIKE, STRIKE # 3.

Strike number 2 is from USDC SD Houston CA No. 4:15-cv-03139 removed from Brazoria County Judicial District Court by Defendants, filing fee paid, this action "IS" EQUAL PROTECTION/DISABILITY RIGHTS/CRUEL & UNUSUAL PUNISHMENTS AND IS SOUGHT TO BE CONSOLIDATED WITH OTHER IN FEDERAL AS ALL SAME QUESTIONS OF LAW AND FACT WITH DIFFERENT ACTORS AND DATES , THE ISSUES OF STRIKE TWO LEGAL MATERIALS INTERFERED WITH GRANTED AMENDMENT OF THIS ACTION, WHICH CAUSED NO ACCESS TO LEGAL MATERIALS TO ACCESS TO COURTS ON THIS AMENDED ACTION, THE ACTION WAS DISMISSED FOR FAILURE TO STATE A CLAIM FOR WHICH RELIEF COULD BE GRANTED, DESPITE THAT THE BRAZORIA COUNTY COURT JUDGE FOUND SUFFICIENT MERIT WITH PETITIONER'S ORIGINAL COMPLAINT AND MOTION FOR TRO THAT A HEARING DATE WAS SET, YET REMOVED TO FEDERAL COURT JUST BEFORE THAT DATE, AND STRIKE WAS ISSUE ..."AND IT WAS/IS APPLIED despite removals not counting as strikes". Fifth Circuit attempts denied as three-strikes innate, INVALIDLY.

3. State court efforts were even more adamantly against providing to petitioner protections relevant to his disabilities, even the Texas Commission on Civil Rights claims in responded letters to petitioner that it has no jurisdiction over civil rights in prisons. Only one state court, the court of the above case removed to federal intervened and did so concerning the legal materials seized of subject in USDC ED Tyler above and in TRO teleconference on the legal materials ordered that they be returned and they were, but with intensified retaliations against petitioner and petitioner's disabilities, and his auxiliary aids from

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3. cont'd

Assistive Disability Services taken & thrown away without confiscation papers, not providing requested passes to law library, his cell door not opening to get out to go to law library, or just staying closed four hours denying ingress/egress and other harassments/retaliations/discriminations, to which petitioner responded to the same court as previous TRO for TRO for disability rights to be protected result in TRO teleconference January 25, 2018 resulting in "AGREEMENT OF DISABILITY RIGHTS/ACCOMMODATIONS" being expedited the following day. All; however, was denied within one month and to date has been denied, as well as all of petitioner's petitions/pleadings in that Brazoria County, Texas Court since previous presiding judge retired. The District Clerk w Donna Starkey was ordered to not file petitioner's petitions, but to forward them to the Administrative Judge Patrick E. Sebesta, who has been just sitting on them since 2020. [sorry for so many errors as typewriter is messing up and petitioner just learned Friday night, June 02, 2023, that he had to get this filed by June 05, 2023 because his subsequent Application for second extended time mailed out April 21, 2023 never made it to this Court for consideration and petitioner is suffering severe pain attempting to present a viable unperfected petition to cause this Court to find legal reasons to grant the relief it deems relevant to justice being served].

4. Mandamus was filed originally in Travis County, Texas pursuant to Texas Civil Practices & Remedies Code § 15.014 seeking court order directing TDCJ Executive Director concerning ministerial duty to document petitioner's disabilities & those reasonable accommodations previously agreed to in TRO teleconference with Judge Denman presiding, two Assistant Attorney Generals, TDCJ State Classification Supervisor,

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4. cont'd

TDCJ State Access to Courts Supervisor, but in the response to that service of citation to Bryan Collier, the Attorney General's Office responded stating that the Court had no jurisdiction, to which petitioner learned of Texas Government Code § 22.002(c) stating that only the Supreme Court of Texas has jurisdiction and authority to order head of Executive Branch Agency ...and petitioner filed voluntary dismissal to file in proper jurisdiction. The Supreme Court; however, just denied to hear & determine of Bryan Colliers acts or omissions relevant to petitioner's claims of cruel & unusual punishments, denied Equalitu Under the Laws, denied Due Course of law, obstruction of justice, disability rights violations, violation of contractual & verbal agreement to provide disability accommodations, serious physical injuries, and more.

5. Now petitioner has exhausted all State of Texas Remedies or at least has given opportunity to attempt some resolution and the TDCJ actors' acts merely continue with the same failure to properly train and supervise according to governing authorities, even conspiring with University of Texas Medical Branch personnel to deprive resolution of continued putting petitioner's health & safety at risk unnecessarily via denied facilitation of proper TDCJ Office, NOT MEDICAL PERSONNEL, concerning accommodations, not medical treatments, but TDCJ states that any medical issue or concern in a grievance is answered by medical, yet disability accommodations are a prison security/administration issue and TDCJ instructs medical to answer, to which grievances are responded by medical that medical does not interfere with security issues and this has been TDCJ's Actors' acts to evade for decades, two that petitioner has experienced.

6. Likewise petitioner has exhausted all federal judiciaries up to this

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6. cont'd

Supreme Court and fails to perfect his petition due to advanced degenerations, not only of his impaired hand, but also of his left hand causing his standard 80% impairment to produce papers to the courts to be significantly more, hence NEED/REQUIREMENT of ACCOMMODATIONS and to make it worse, the severe pain robs articulation increasing incompetent capacity in this petition.

The evidence to support all these unperfected claims are available, much in United States Court Records, but it should be evident that too much is amiss and this Court has original jurisdiction and authority to accept this petition for writ of certiorari ~~and~~ and accommodate petitioner to participate more/most fully in this Court's provided services, programs, or activities to ensure justice is done/served and consider petitioner's proposed new rule of civil procedure for hearing and determination of disabilities and accommodations thereof to constitute Equal Protection of the Laws for qualified individuals with disabilities to exercise right to petition in judiciaries with minimized discriminations, and minimized suffering cruel & unusual punishments.

REASONS FOR GRANTING THE PETITION

1. Honestly because this is obviously the only court with the final say so and petitioner is currently unconstitutionally confined due to unconstitutional conviction and the only way petitioner is going to be able to challenge his convictions is for a judiciary to accept the reins of jurisdiction, and set a course that will reveal the facts and evidence in this case or these cases consolidated, AND, if so, petitioner would likely begin to be granted accommodations, find that TDCJ's Actors' acts of harassments/retaliations/discriminations would diminish, perhaps this Court would actually find the idea of new rule of civil procedure and the public concern of rising incidents of mental illness petitioners claims warranting it also.

2. It is time that a realignment of judicial patterns and practices relevant to PLRA protections against prisoners' civil actions against prisons and prison officials for violations due to known protections via the PLRA. Petitioner's United States Court records alone, if reviewed should shock consciences, but do you believe it will?

3. Granting this petition would be an accommodation to petitioner's disabilities, granting it would allow this Court to consider via hearing and determination, the appropriateness of appointing special counsel and special master, AND FORGIVE AND EXCUSE PETITIONER FOR INCOMPLETE PETITION, UNPERFECTED PETITION & ALLOW LENIENCY TO FOLLOW UP WITH MOTION FOR APPOINTMENT OF COUNSEL & MOTION TO AMEND GRANTED COUNSEL OR CONSIDERABLE TIME TO PERFECT AND TO COMPLETE THE PETITION.

Petitioner prays this Court find that his petition has been sincerely submitted with genuine intent for justice to be served with the greatest legal minds in the world to see through petitioner's incompetent capacity to litigate and see clear to his justified relief sought and perhaps along the way mandate for a reasonably more facilitated access to right to petition for qualified individuals with disabilities.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Richard Barroso

Richard Barroso pro se

Date: June 04, 2023