

No. 24-1069

In The
Supreme Court of the United States

IN RE SYMON MANDAWALA,

Petitioner,

ORIGINAL

**On Petition for a Writ of Mandamus to
the Fifth Circuit court of Appeals**

**FILED
MAR 20 2025**

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR A WRIT OF MANDAMUS

SYMON MANDAWALA
P.O. Box 5512
San Antonio, TX 78201
(206) 931-5636

Pro-se Petitioner

**RECEIVED
MAR 26 2025**

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

This case originates from a Texas state district court and involves Baptist's response to a complaint that includes Title IV claims and breach of contract. A demand for full disclosure was made on December 14, 2018, and I submitted my complete disclosure on January 11, 2019. However, the complaint was dismissed after the defense met with the judge privately, and I received the dismissal motion a day later. On August 23, 2022, the trial judge in the federal district court inquired about the number of witnesses each party planned to bring, and we both gave him. Instead of proceeding with the trial, Baptist filed a motion for summary judgment, claiming I refused to provide citizens' documentation. Despite my completely disclosed disclosure in state court, Baptist's silence was deafening, ignoring my attempts to get clarification. I later found out that the case had been discussed ex parte with a Baptist representative. On December 16, 2022, the trial judge called me at 210 244-2899 to inform me of his intention to rule on the motion, giving me only 48 hours to respond. This short response time significantly increased the pressure.

1. Whether writ of mandamus should issue direct to both the Appeals and district court to uphold Article IV of the US constitution "full faith and credit clause." for the discovery process and exchange of evidence in state court apply in federal court proceedings?

2. Whether a district court judge's deliberately ignored his knowledge of witnesses available to testify on a trial date before the defendant files a summary judgement motion are in line with "Facts Unavailable to the Nonmovant" In light of Fed.R.Cv.P 56(d)?

PARTIES TO THE PROCEEDING

Petitioner Symon Mandawala was the plaintiff in the district court and appellant in the Fifth Circuit.

Respondents Baptist School of Heath Professions appellee in the Fifth Circuit.

Baptist School of Heath Professions and others dismissed were defendants in the US district court.

Baptist School of Heath Professions was defendant alone in the Texas district court.

RELATED PROCEEDINGS

This case arises from the following proceedings:

- *Mandawala v. Baptist School of Health Professions, et al.*, No. 24M36, US su0p. (November 12, 2024) (denying motion to file out of time petition for the writ of certiarari);
- *Mandawala v. Baptist School of Health Professions, et al.*, No. 23-50258, 5th Cir. (May 6, 2024) (denying rehearing en banc);
- *Mandawala v. Baptist School of Health Professions, et al.*, No. 21-50258, 5th Cir. (April 2, 2024) (Affirm the defendants' motion for Summary Judgement granting);
- *Mandawala v. Northeast Baptist Hospital, et al.*, 21-1407 (petition for writ of certiorari was denied)
- *In re: Symon Mandawala* 21-op-50023 (petition for writ of Mandamus denied converted to notice of appeal)
- *Mandawala v. Northeast Baptist Hospital, et al.*, 16 F4th 1144 (5th Cir. 2, 2021) (Affirming motion to dismiss other parties and claimes);
- *Mandawala v. Baptist School of Health Professions, et al.*, No. 5:19-CV-01415, W.D. Tex. (March 14, 2023) (granting motion for summary judgement and other defendants' motion to dismiss on September 3, 2020).

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- *Mandawalav. Baptist School of Health Professions, et al., No. 2018CI19490, (October 2, 2018)*

There are no other proceedings in state or federal trial or appellate courts, or in this Court, related to this case under Supreme Court Rule 14.1(b)(iii).

TABLE OF AUTHORITIES

Cases	Pages
<u>Brady v. United States</u> , 397 U.S. 742, 748 (1970);.....	2
<u>Brookhart v. Janis</u> , 384 U.S. 1 (1966));	2
<u>Carnley v. Cochran</u> , 369 U.S. 506, 516 (1962);.....	2
<u>Cheney v United State Dist. Ct.</u> , 542 U.S. 367, 380-81 (2004).).....	1
<u>Coleman v. Thompson</u> , 501 U.S. 722, 752 (1991);.....	3
<u>Faretta v. California</u> , 422 U.S. 806, 835 (1975);.....	2
<u>Godinez v. Moran</u> , 509 U.S. 389, 399–401 (1993);.....	2
<u>Herrera v. Collins</u> , 506 U.S. 390, 404 (1993).....	3
<u>Iowa v. Tovar</u> , 541 U.S. 77, 88 (2004)); <u>Tovar</u> , 541 U.S. at 88	2
<u>Johnson v. Zerbst</u> , 304 U.S. 458, 464 1938));.....	2
<u>Schlagenhauf v. Holder</u> , 379 U.S. 104, 109- 112(1964)).....	1
<u>Schriro v. Landrigan</u> , 550 U.S. 465, 479 (2007).....	2
<u>Tison H. Claude jr., Marcelino Echevarria and Scan realty Service, inc.</u> , 780 F.2d 1567 (11th Cir. 1986).....	2

Wainwright v. Sykes, 433 U.S. 72, 90-91 1977);..... 3

CODE S RULES AUTHORITIES

“Full Faith and Credit” 28 U.S.C. 1738.....	1,6
Fed.R.Cv.P 56	3,13
Fed.R.Cv.P 56 (d).....	35
Fed.R.Cv.P 56 (h).....	2
Tex.Hea.& Saf. code § 161.132 (a)	4,5

PETITION FOR A WRIT OF MANDEMUS

1. (a) The district court has no power to waive Article IV, Section 1 to the United States Constitution "Full Faith and Credit shall be given in each state to the public acts, *Records*, and *judicial proceedings* of every other state. And congress may be general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof coded 28 USC §1738;

A writ of mandamus is properly granted to correct the "usurpation of judicial power." Cheney v United State Dist. Ct., 542 U.S. 367, 380-81 (2004). mandamus an appropriate remedy to review the challenged power of the District Court. see Schlagenhauf v. Holder, 379 U.S. 104, 109-112(1964) Specific to this case, when it was in state district court, *on December 14, 2018 Baptist requested full

* Texas District court record showing Mandawala disclosed.

Bexar County - 02-413-JKF Document 32 Filed on 12/19/2018 Page 1 of 1		
search.bexar.org/Case		
Plaintiff		
Plaintiff Baptist School of Health Professions, Special Exceptions, Jury Demand and, Requests for Disclosure		
P00011	1/11/2019	ORIGINAL DISCLOSURE
P00009	12/14/2018	ORIGINAL ANSWER ON BAPTIST SCHOOL OF HEALTH PROFESSIONS, SP ECIAL EXCEPTIONS, JURY DEMAND AND, REQUE T FOR DISCLOSURE
P00008	12/14/2018	JURY DEMAND JURY FEE PAID
S00001	11/9/2018	CITATION BAPTIST SCHOOL OF HEALTH PROFESSIONS ISSUED: 11/9/2018 RECEIVED: 11/19/2018 EXECUTED: 11/20/2018 RETURNED: 11/21/2018
125-90258-411		

disclosure during state proceeding. First I fully comply with their request at the time and submit my entire disclosure on January 11, 2019. I never verbally or submit to the district court any waiver of Article IV, section 1. while this Court has stated, over and over, that “[w]aivers of constitutional rights not only must be **voluntary** but must be **knowing, intelligent** acts done with sufficient awareness of the relevant circumstances and likely consequences,” Brady v. United States, 397 U.S. 742, 748 (1970) (citing Brookhart v. Janis, 384 U.S. 1 (1966)); see also Schriro v. Landigan, 550 U.S. 465, 479 (2007) (citing Iowa v. Tovar, 541 U.S. 77, 88 (2004)); Tovar, 541 U.S. at 88 (citing Johnson v. Zerbst, 304 U.S. 458, 464 (1938));

I provided Baptist with same material in federal district court docket 63 and 90 respectively. The request that raised the motion for summary judgement was the third time and they claim that I did not comply with Fed.R.Cv.P 56 because this time they added request of my citizenship document which is irrelevant to either of my claims. This is coming from the same record the trial court says there is nothing in the record. See *infra* 21a-22a The constitution right waiver must be reflected in the trial record, and it must be “voluntary,” “knowing,” and “intelligent” acts. See Godinez v. Moran, 509 U.S. 389, 399-401 (1993); Faretta v. California, 422 U.S. 806, 835 (1975); Brady v. United States, 397 U.S. 742, 748 (1970); Carnley v. Cochran, 369 U.S. 506, 516 (1962); Johnson v. Zerbst, 304 U.S. 458, 463-64 *Id.* In state court proceedings Baptist never raised issue of non compliancy when they were fully served. Furthermore, the district court granting the

summary judgement motion and denied to reconsider based on record established in district court without reflect any constitution waiver and affirmed by the panel's is an act of judicial undue hasty. It could have make sense for claiming non compliance in state court and curried on to federal district court on Texas state rules and procedures. See Coleman v. Thompson, 501 U.S. 722, 752 (1991); Wainwright v. Sykes, 433 U.S. 72, 90–91 (1977); see also Herrera v. Collins, 506 U.S. 390, 404 (1993). Baptist requested disclouser and was fully provided while in federal court claiming non compliance is not only contradicting or ignoring the US constitutional requirement of full faith and credit clause for the tril and panel review but as an act of bad faith by Baptist(see Fed.R.Cv.P 56(h)).

If there was no private communications regarding this issue by the district court and Baptist, I could have concluded the court made an error. Ignoring or denying full faith and credit clause, after ex-part with phone calls with Baptist only without me then come to me privatly, is questionable act by the court.

I had expectations that this was going to be resolved with status conference with both parties present but it did not happen so. Unresponsiveness of baptist is being disregarded, how can i take deposition when Baptist were not responding? Baptist seek ex-parte help from trial court after realizing there is no other way to win a case with question number 2 facts and evidence.

1(b) Trial court judge's knowledge of witnesses available to testify on a trial date before the defendant files a summary judgement motion satisfy the "Facts Unavailable to the Nonmovant Party" In light of Fed. R. Cv P 56(d)

During the pretrial conference on August 23, 2022, which was before *Infra* 21a-24a Despite the trial judge having a **clear understanding of the witnesses each party intended to bring, I was unexpectedly held responsible for not complying with (see *infra* 21a-24a) Rule 56 because I didn't provide Baptist's lawyers with copies of my approximately sixty days prior (*contrast infra* 21a-22a) to Baptist decided to file a motion for summary judgment without including any testimony from witnesses who were intended to testify at the trial.

** This triscribe was from August 23, 2022 two month before Motion for summary judgement was filed. Contrary to *infra* 18a-21a claiming Mandawala informed the judge about witness availability during the motion for reconsideration

18 And since we know we're going to have a jury trial at
19 this point, any idea of the number of witnesses, just -- again,
20 just an idea. I'm not going to hold either side to it.
21 But, Mr. Mandawala, do you have any idea of the number
22 of witnesses you might want to call?
23 MR. MANDAWALA: Possibly five or six.
24 THE COURT: Okay. And defense?
25 MR. HOLBROOK: Approximately five, Your Honor. Just

23-50258 1206

The only material never asked in state court was citizenship status. This request, once again as you can see, is completely irrelevant and has no impact or merit on this case, especially when compared to the crucial importance of the witnesses' testimony. Moreover, it's important to note that the trial judge spoke to a Baptist attorney in private before contacting me, which raises concerns about procedural fairness probably they are one team and that cannot be overlooked.

2. This court should stop the district court from rewriting Texas Health and Safety Code § 161.132(a). The district court allows non-state employees, like educators, to handle accusations of patient abuse, whereas state law assigns these claims to a government agency or the state attorney general's office.?

Texas state law disgnate patient complaint of abuse as criminal offense. **The abuse claiems required to be investigated by law enforment agencies of the Texas state. see Texas Health and Safety code § 161.132 (a) Mrs. Frominos who is a private person was claiming to receive two patient complaints and she is recommending school to impose punishment to me. See *infra* 22a-23a That's why I asked the en-banc court of Appeals, where does Mrs. Frominos prosecuteral power to recive the

** Texas Health and safety code § 161.132 (a) A person ... or other person associated withor hospital that provides comprehensive medical rehabilitations services, who reasonably believe that or who knows information that would reasonably cause a person to believe that the physical or mental health or welfare of the patient.... has been, is, or will be adversely - *conti*

patient complaint investigate and recommend the punishment come from. 2, ***was not suppose to be some orth to the state for Mrs. Frominos to prosecute the patient complaint in order for the summary judgement motion to be granted. 3, does the panel and the district court grant the summary judgement motion not endosing private citizen prosecution or its only me where constitution say Symon Mandawala can be prosecuted by anyone who doesn't like him with any crime? This is simply a question of lack of prosecutirial powers by Mrs. Frominos based on Texas Health and safety code § 161.132 (a). the law

Cont - affected by abuse or neglect caused by any person shall as soon as possible report the information supporting the belief to the agency that licenses the facility or to the appropriate state health care regulatory agency.” words ommited

*** Non state employee claiming receiving patient complaint reporting it to school but not reporting to state regulators or agency

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P-

Meppman, Melissa

From: From:mos_Bethra
Sent: Wednesday, May 14, 2014 10:03 PM
To: Mac_men_Melissa
Subject: RE: Next rotation schedule

I find it interesting that the lead tech in a facility who does not even have ONE student, sees fit to apprise you of situations in my department over which I believed I had some authority, but apparently that is not the case when you have a student apparently no one wants. Odd that you have 10 empty clinical sites at this time, but you are questioning my request to not have to overlap two people in training, and yes, they will overlap. I thought it would make more sense to move Systech now rather than wait to its final week and a half here, and have him move to start over at another facility. I also believed we were entitled to request not having a student when we have now new employees in training, as I know St. Lukes and other facilities have refrained from having a student under those conditions. There has NEVER been a time that NBH has not been open to students, and usually two, on occasion three when there was a need. Not only that, I believe we have shown our stand to support for the school, particularly consider the 11 weeks I've taught you, deficit in recent months. So, it's surprising that I cannot make a simple request to you, as a representative of the student or myself. I can understand why you would need another place to train here.

itself says if she was belived Iabused two patients she should have report whereever Baptist Northeast hospital was lincesed. She took matters in her own hards and instructing the school about punishment I can get. The school ended up follow that instruction at the end of the course to remove my name from graduation list despite finishing any other non clinical practise clases despite everything she said never happen with me or my presents.

OPINIONS BELOW

The original opinion of the court of appeals opinion are reported and available as unpublished opinion USCA 23-50258. App. 2a-15a. The denial of rehearing en. Pet. App. 1a. The opinion of the United States District Court for the Western District of Texas granting a motion for summary judgement denying reconsideration. Pet. App. 15a-24a.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1651 to consider this petition because all remedies were exhusted before Appellate court issued case close mandate. there is no available remedy through either state or lower federal court systems only in this court. The Appellate Court's refusal to address a significant issue of district court's self-waiver of authority, as stated in Article IV, Section One of the U.S. Constitution, during my rejected en-banc request. Specifically, the district court lacks both authority and discretion to alter Texas Health and Safety Code § 161.132(a). the Appellate Court issued a mandate in Jun 2024 that closed the action both in the Appallet and district court.

CONSTITUTIONAL, RULES AND STATUTORY PROVISIONS INVOLVED

Article IV, Section 1 to the United States Constitution " Full Faith and Credit shall be given in each state to the public acts, Records, and judicial proceedings of every other state. And congress may be general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof coded 28 USC §1738."

The Federal Rules of Civil procedure 56 (d)
"When Facts Are Unavailable to the Nonmovant"

* * *

Section 161.132(a)(e) Texa Heath and Safety (reporting of abuse and neglect or of illegal, unprofessional, or unethical conduct.) (a)...or other Person associated with..., or hospital..., shall as soon as possible reporting infomation supporting the belief to the agency that licences the facility or to appropriet state health care regulatory agency

STATEMENT

A. Factual background

Eight years ago in 2016, I started my college class in Diognost medical sonography at Baptist school of health Professions. I pass my first classes without any struggle or fail until the school sent me for attachment to their associated hospitals.

¹The hospital department was understaffed, and I was denied access to scan patients by staff members, in particular the primary technicians. However, this was contrary to the course requirements since the course manual requires the student to scan and send images to Mrs Palmer (Class instructor) at school for the student's work to be recorded and evaluated. understaff issue was absolutly affecting my progress. It reached a point where I was asked to patient impersonte for use in the recruiting processf new staff. This was a staff duty, but it was done by a student. Other hospitals like Northeast baptist hospital the problem was staff polical divisions. There was two long time service employees working in Ultrasound department Mr. Virj pascal (retired) and Mrs. Debra Frominos. Because of working closely with Mr. Pascal I become an opponet to Mrs. Frominos unknowingly. That was when

¹ The Email says, "I have a student currently at Missiontral and need to pull the student from the site due to their staffing issue"

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2025 RELEASE UNDER E.O. 14176

ME:Q

10/09/2022
October 01 2017 2:47 PM

SEARCHED

I have a student currently at Mid Penn Trail Hospital and need to pull the student from the site due to their staffing issue. I am opposite class of the other student. This will be the case every Monday (only two Mondays currently) in October 2017 be there. And she did stay that. This student will stay with you through the 1st, as he doesn't know to be informed again. You will only have the two Wednesdays together from the 16th, until the 20th of October. Then you'll only have four Mondays. He will not stay with you after the 11th, and again break through this semester ending December 20. His name is Sprout. Thank you for your understanding with this.

1. 14176_0005_01 (0) (7) (b)(7)
A. TextileBrews Photo/Photographer/Cards

Mrs. Frominos lying about receiving 2 patient complaint that of abuse by me. To suprise of many she reported all sorts of made up stories of patient complaint to School by Email without reporting to the regulatory as Texas law requires. My recollection is only based on the patient who told Mrs. Frominos that she does not want a male student during her scanning and I was outside her patient room the entire time of scanning. Some student before me complained about Mrs. Fromimos preffer white student to be at her site. Another challenge to the hospitals were equipment in some hospitals.

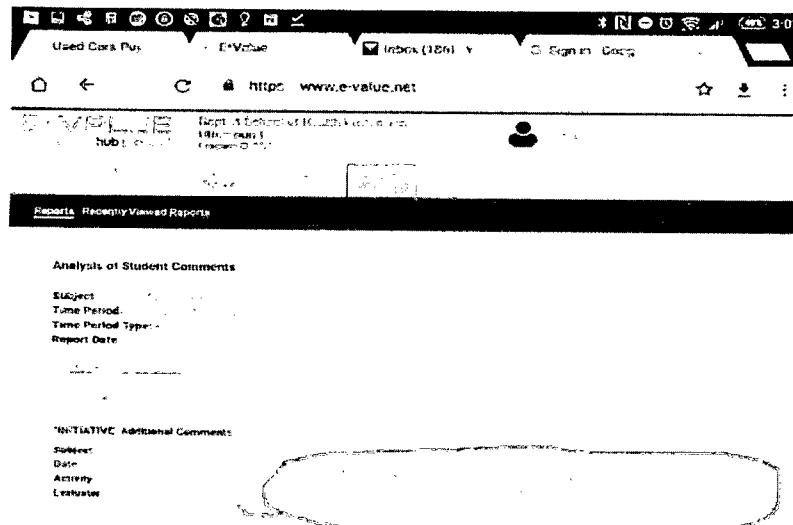
²Some equipment were knew technology that even the people who suppose to assist me needed training for it. Contrast *infra* 22a-24a After numerous discussions with school officials, including two presidents at the time, the school falsely accused me of mistreating the patient, using Mrs. Fromimos's email as evidence. That's where the state lawsuit started in Texas courts. After filing the state complaint on December 14, 2018, Baptist requested full disclosure during the state preceding. I submitted the document and names of the individuals they can contact with full details of their contact numbers on January 11, 2019. After filing the plaintiff's summary judgment, the court scheduled a hearing. However, four days before the hearing, the Baptist filed a motion to dismiss. During the hearing, the judge discussed Baptist's motion, which I had not

² Hospital instructors report to school about staff and equipment issues. "This site was hard for Symon to get scan time due to various obstacles with the site (Tech out, new machines) He did great for what he had to work with" contrast to *infra* 19a-20a - *contd. to 11*

received until after the case was dismissed. I requested a CD-ROM of the record and was surprised to find that the online record stated "case dismissed by plaintiff." As a result, I filed a federal complaint instead of appealing to the state court of appeal. The federal district court dismissed some claims for failure to state the claim e.g. defamation regarding patient complaint that never happen at all and no state agency received any information about it. I tried to appeal the dismissal and the district court office gave me a CD-rom of records without court of appeals record numbers in it. I tried several times to get new CD-rom from the office of the district court clerk while preparing appeal brief. The office never gave me the one until the brief filing period was past. When I contacted the district clerks office to give my grievance the apologized and told me the clerk who

2 Conti. From 10

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The screenshot shows a web browser window with the URL <https://www.e-value.net>. The page title is "Analysis of Student Comments". The form fields for "Subject", "Time Period", "Time Period Type", and "Report Date" are visible. Below the form, there is a large, empty, oval-shaped text area for "INITIATIVE Additional Comments".

was responsible she is no longer in san antoniofederal court house. The no record supported brief went on like that and the court of appeals affirmed the judgement and this court denied my petition for writ of certiorary.

After mediation failed, on a status conference dated 08/23/2022, two months before Baptist filed their summary judgment motion, Judge Pulliam asked me, "Mr. Manadawala, do you have any idea of the number of witnesses you might want to call?" (Id, pg3) I responded, "possibly five or six." Judge Pulliam then said, "Okay," and further asked, "defense?" Mr. Holbrook responded, "Approximately five, your honor." (Id, pg3) Subsequently, the district court issued a discovery period schedule with a confidentiality and protective order in the district docket 117. (Id) The order was issued, blocking me from requesting any material related to what the school and hospital claimed they received - two patients' complaints for abuse by me as shown on *Id* pg 4, paragraph 2, sentence #1. Unfortunately, the order was meant to stop only me, as the defense went on to collect my medical status information from both my counselor and school counselor to be used in this case without my consent. I received an email from the school's attorney confirming that they have my medical status documents and requesting to schedule a deposition with me. Almost 95% of the requested materials were already provided in document 63 and 90. The only requested materials not in document 63 and 90 are my tax returns and citizenship documents, which seem unrelated to the case. These materials do not contain relevant information about my status as an American citizen involved in a court case, discrimination based on gender, or breach of contract.

It seems like the request was made to frustrate or harass me. I made multiple attempts to schedule a deposition with Mr. Holbrook for October 3, 2022, but did not receive a response until December 14, 2022. Despite my efforts, they proceeded to file for summary judgment, alleging that I did not respond to their discovery request. I was deeply concerned about the lack of opportunity to respond, particularly considering their failure to follow up with me after our initial attempt on October 3, 2022. After discovering that I had attempted to contact them on October 3, 2022 (see infra. 17a-18a), she informed me that they needed to inform Judge Pulliam about my attempts before the discovery period ended. I noticed that they had been working with a judge on this motion. We agreed to reschedule for January 4, 2023, and for me to be repositioned after the pivotal pretrial conference on that day. While waiting as agreed with Baptist counsel, I anticipated that there might be a possible status conference. 48 hours later, after speaking on the phone with a Baptist lawyer, Judge Pulliam called me on this number +1210-244-2899. He said he would give me 48 hours to file an answer to Baptist's motion for summary judgment because he wants to rule on the motion and give me that chance to respond before he does so.

They attempted to confuse me by submitting multiple amendments to the motion for summary judgment, despite having previously agreed with the judge not to specify which docket amendment I should respond to. Regardless of which docket I responded to, the judge had already planned to refer to a different one. I inquired of the judge, "Which summary judgment are you referring to? Because there were three different

dockets, each filled with different evidence to support each distinct one. Docket 125 contains three, docket 126 contains four, and docket 127 contains five." Subsequently, I was put on a 5-minute brief hold, and 15 minutes later, the judge's courtroom deputy called me again, informing me that Judge Pulliam was going to issue an order for me to respond. The delay in the response was evident. Later that day, Judge Pulliam indeed issued that order.

When Judge Pulliam granted the summary judgment and dismissed the case, I still had nine days left to respond to the summary judgment amendment motion on the last docket number 127 because the amendments superseded the original time to respond to the original motion. However, the judge said that is not how it works. The presiding judge, through his actions, demonstrated a blatant disregard for the legal process by engaging in inappropriate ex parte court conferences with the defense lawyers. This conduct necessitates a review of the case.

"In discussing this issue with the parties, the Court learned they may have been confused about what effect the defendant's amended motions (ECF Nos. 126, 127) had on the deadline." I understand that he called me on a private phone call where he said I was planning to rule on Baptist's motion for summary judgment. I was not there either when he was discussing it with Baptist attorneys.

I filed an Appeal with the Fifth Circuit Court of Appeals, a crucial step in reviewing the Federal Rules of Civil Procedure 56(d). The trial judge's evident knowledge of the unavailability of facts from

individuals I assured would be available to testify is a crucial aspect of this case. The appeals court affirmed the district court judgment (infra 1After the order was issued on April 4, 2024, by the Fifth Circuit Court, I took immediate action. I filed a motion to request a twelve-day extension and stay of time for filing the petition for rehearing during the period of filing a petition for rehearing, which ends on April 18, 2024. This was because someone seconded my petition for rehearing for grammar and proper language. I also represented myself because the trial judge appointed an attorney I knew well, who is a friend of one of the Baptist lawyers. On April 22, 2024, the court denied the motion. However, the court of appeals clerk never sent any copy of the order denying me an extension and staying the judgment until August 14, 2024.

The lower court denied my request for an extension on April 22, 2024, but failed to inform me as required. As a result, I filed a petition for rehearing on May 1, 2024, only to be denied. When I sought an extension in this court, my application was rejected as untimely. Upon clarification, it was revealed that the lower court had rejected my request on April 22, 2024, but the order was not sent to me until August 14, 2024. The lower court claimed I filed the motion on April 22, 2024, but I actually sent it on April 18, 2024, which was within 14 days from the date of the original order

Reasons for Granting the Petition

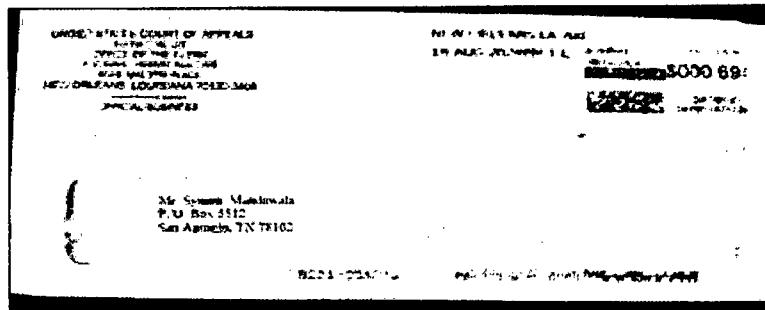
This case has witnessed numerous inappropriate court actions, many of which have taken place in my absence. Baptist, in collaboration with court officials, including judges, has been orchestrating these actions without my presence. From the court of appeals

clerk's offices to the trial court, district court clerk's offices, and even state court offices, there have been instances of Baptist attorneys working with court officers on this case, all without my presence.

*A. Court of Appeals order dated April 22, 2024
denying extention of time not sent until August 14,
2024*

On April 22, 2024, the Fifth Circuit Court of Appeals denied my motion for a twelve-day extension of time, *infra* 1a which I filed on April 18, 2024, to submit a petition for rehearing en banc. However, ³ I received the court's denial order on August 14, 2024. This delay caused me to miss the seven-day window to request a stay of the judgment. Unaware of the denied motion, I went ahead and filed my petition for rehearing en banc, but it was not considered due to the court's order that I had not yet received. Because of that, I also faced significant confusion and challenges when I sought an extension to file a petition for the writ of certiorari. These procedural errors have created a situation that needs to be reconsidered.

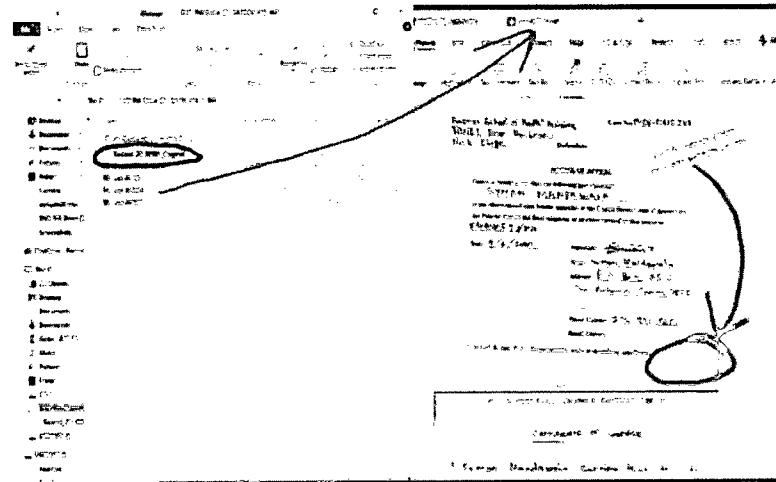
³ The order April 22, 2024 denying twelve days extension to file petition for rehearing is inside but was mailed to me August 14, 2024



B. I received CD-Rom of Records in Appeals court without Electronic record numbers

In 2020, I made efforts to appeal the partial dismissal of my first federal case # 20-50981. I requested electronic records from the trial court clerk for the appeal and ⁴ received a CD-ROM without the necessary appeal numbers. Despite repeated attempts to obtain a new CD-ROM with proper numbering, the issue was not resolved up to the brief filing was due. The clerk verbally apologized but did not provide a written apology, saying the clerk who made the mistake was no longer working at the San Antonio courthouse. I lost the appeal and since it all looks now it wasn't coincident.

⁴ It was beyond my control to force the district court clerk to reproduce the CD after several attempt to get one. The citation number always found at the right bottom corner. (This court's clerk returned this copy of the CD back to me)



C. The district trial court started conducting each individual partie private status conferences since I raise a question of school officials lacking prosecutorial powers.

The presiding judge had expressed to Mr. Hillard, an attorney member of the group of African American lawyers in San Antonio, that he did not like me

because I did not want my case to go to an independent mediator. The presiding judge was a group member before his appointment to the federal bench. By then, I had only two federal cases, 19-cv-0635 JKP and 19-cv-1415 JKP, in my entire life, and both cases were in his court. Mr. Hillard is not part of 19-cv-1415JKP, but he represented one of the witnesses in 19-cv-0635 JKP. Mr. Hillard's remarks to his client about the presiding judge disliking me because I go to court prompted me to find out how Mr. Hillard ended up talking about my dislike of the independent mediator. Meanwhile, it was the only case where 19-cv-1415JKP had been pushing the case to mediation.

Mr. Hillard's comment to his client regarding case 19-cv-1415 JKP prompted me to conduct thorough research about the judge. I discovered that the judge's former employer in private practice is a close friend to attorneys representing the Baptists. Additionally, they shared office space when the judge was in private practice. Furthermore, the judge is a church member and owns the Baptist school in San Antonio, which is the subject of my lawsuit. This information gives me confidence and explains why the Baptist lawyers privately

contacted the judge when I attempted to reach out to them.

The judge issued an order for both parties to attend a status conference to address any procedural issues before he changed to individual party private phone calls. However, when questions arose about Mrs. Fromimos's lack of power to prosecute the patient's complaint, I observed a shift in the situation.⁵ The judge and the courtroom staff began to communicate with me separately through a private phone call. It's crucial to have open communication in order to resolve this matter, and I'm seeking your

⁵ After the judge ex-parte conferecnce with Baptist attorneys regarding their motion of summary judgement below is him and courtroom deputy private call me to respond to Baptist summary judgement motion.

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December 13, 2022

4:22 PM
Incoming call, 17 mins 54 sec

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guidance to ensure that all perspectives are taken into consideration.

D. Baptist lawyers has been working with court officials without me since the matter was in state court. I was served a copy motion to dismiss after it was granted

I didn't appeal this case in the state court of appeals because the state judge, who used to work with the federal judge in this case, included a document in the record stating that I dismissed the case. I didn't dismiss the case. What happened was that the opposing counsel went directly to the judge's chamber while I was waiting in the courtroom, and they filed a motion to dismiss. The judge granted it, and I was served with the motion the day after the case was dismissed. This process was unfair and unjust. The state court record shows that I dismissed the case, making it seem like a voluntary dismissal. Therefore, the court of appeal may deny my appeal as a manufactured appeal.

E. Few examples of many, the court rules not apply to lawyers in presiding trial judge's court when one party is pro-se (judicial undue hastes)

A complaint was filed at 5:22-cv-00052 in the San Antonio Federal Courthouse. The summon was served on March 9, 2022, after several attempts. The defendant in the case evaded being served, and the district court clerk set March 30, 2022, as the due date for the Answer. Surprisingly, a year later, on February 7, 2023, the attorney representing a defendant in this case was the exact defense attorney in my case, 19-cv-635JKP, named David Fritsche. He spoke to Miss Scott, telling her that she could not win

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her case in Judge Pulliam's court. What surprised me even more was that he mentioned Miss Scott could ask me about it. You can find Mushania Scott's sworn statement in Judicial Misconduct complaint No. 05-24-90003. The next day, Mr. Fritsche filed a motion for a more definite statement without providing any cause. He did not seek permission to file such a late motion. Judge Pulliam granted it and later granted the motion to dismiss as well.

This is the same Mr. Fritsche who sued all my witnesses in state court before filing an Answer to my complaint 19-cv-0635 and made a settlement with them not to stand on the trial date. see **US v. Tison H. Claude jr., Marcelino Echevarria and Scan realty Service, inc.**, 780 F.2d 1567 (11th Cir. 1986)

Upon bringing the matter to the judge, I was yelled at like a child and told to stop. This incident is now being used as a reference to highlight how Judge Pulliam treats parties without lawyers, which is a clear case of unfair haste treatment.

Therefore, I'm not the only one who noticed that the judge referred to be nineteen days from December 16, 2022, as the day he Phoned me and December 19, 2022, the day he ordered me to file a response. This doesn't add up to nineteen days, as claimed by the trial judge. That is 48-72 hour mark

RELIEF SOUGHT

As a Petitioner I, Symon Mandawala respectfully requests that the Court, as the upholder of justice, exercise its authority to grant this petition for a writ of mandamus and directing the Fifth Circuit Court Appeal to Stop the District Court from

Western District court Texas clerk

(i) Stop the practice of giving electronic records in appeals court without record numbers, as that aids the opponents in being successful in the appeal.

Fifth Circuit Chief Judge (Hon. Jennifer W. Elrod, official capacity)

(ii) With the U.S. District Court Judge's invocation of Article IV section 1 of The U.S constitutional waiver on its own with Ex-party conference phone calls, it is crucial that this Court orders the Chief Circuit Judge to either reassign the cases to a visiting judge or transfer them to a neutral venue within the circuit. This is a need to ensure a fair legal process.

The trial court indicated disliking me for not taking up Baptist's settlement request to an attorney of the witness in cases 19-cv-635JKP and 5:22-cv-00052, where the corporate defendant can just walk in court one year later to file responses without showing probable cause. It is crucial that the court directs the chief circuit judge to reassign some cases to quickly review these no-discretion actions by the district court, underscoring the importance of the court's role in the legal process.

(iii) In addition, this Court should mandate that any court or judge overseeing this case resolve it solely based on its merits. It should prohibit the district court from altering the Texas Health and Safety Code § 161.132(a), which allows non-state employees, such as educators, to manage accusations of patient abuse. This responsibility is specifically assigned by state law to a government agency or the Texas state attorney general's office, and it is crucial for the court to act to prevent non prosecuters

misuse the state law in federal.

And

Any other relief this court deems appropriate aiding to maintain the integrity of the court system.

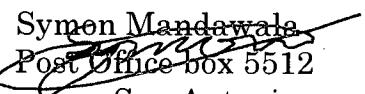
CONCLUSION

It is crucial that this court intervene now to resolve the issue of a defendant who has already received case material in state court but is requesting irrelevant material for a federal case. This intervention is necessary to correct a potential opening door of completely disregarding Article IV, Section 1.

The petition for a writ of mandamus should be granted.

Respectfully submitted

Symon Mandawala


Post Office box 5512

San Antonio,

Texas 78201

Pro-se Petitioner

January 28, 2025