

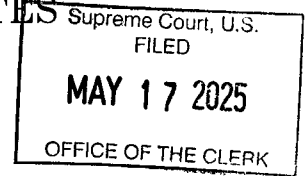
25-5714

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IN THE  
SUPREME COURT OF THE UNITED STATES

Abass Yaya Bamba,  
Petitioner,



v.

United States Court of Appeals  
for the Tenth Circuit,  
Respondent.

PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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Submitted by:  
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Appellate Case No. 25-1073

## QUESTIONS PRESENTED

1. Whether a federal court may constitutionally dismiss a civil rights complaint solely for inability to pay filing fees, in violation of 28 U.S.C. § 1915 and constitutional guarantees of access to the courts and equal protection.
2. Whether the Tenth Circuit may constitutionally deny review of a district court's dismissal for failure to pay filing fees, where such dismissal effectively denies access to the courts despite 28 U.S.C. § 1915.
3. Whether denial of in forma pauperis status based solely on homeownership, despite demonstrated financial hardship, violates the Due Process Clause and equal access to justice.
4. Whether systemic judicial denial of in forma pauperis status without substantive findings constitutes abuse of discretion infringing the First and Fourteenth Amendments.

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## TABLES OF AUTHORITIES

### Cases

Case Name	Citation	Page(s) in Brief
Boddie v. Connecticut	401 U.S. 371 (1971)	9,10
Anders v. California	386 U.S. 738 (1967)	10

### Statutes

Statute Name	Citation	Page(s) in Brief
In Forma Pauperis statute	28 U.S.C. § 1915	1, 6, 8, 10
Right to proceed pro se or with counsel	28 U.S.C. § 1654	1, 6, 8, 10
Appointment of counsel for indigent litigants	28 U.S.C. § 1915(e)(1)	1, 6, 8, 10

### Constitutional Provisions

Provision	Citation	Page(s) in Brief
Right of access to courts and to petition government for redress	U.S. Const. amend. I	6
Due process protections	U.S. Const. amend. V	6
Due process and equal protection	U.S. Const. amend. XIV, § 1	6

## **OPINIONS BELOW**

The orders of the United States District Court for the District of Colorado denying Petitioner's motion to proceed in forma pauperis on January 25, 2025, are unpublished and appear at (Appx 1–5).

The orders of the United States Court of Appeals for the Tenth Circuit denying Petitioner's appeal and affirming the district court's denial of in forma pauperis status on March 7, 2025, are unpublished and appear at (Appx 1–5).

## **JURISDICTION**

Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254(1) to review the judgments of the United States Court of Appeals for the Tenth Circuit and the United States District Court for the District of Colorado. Both courts denied Petitioner's motions to proceed in forma pauperis, resulting in the dismissal of Petitioner's civil rights complaint.

## **PROCEDURAL POSTURE**

Petitioner filed a civil rights complaint in the United States District Court for the District of Colorado. The district court denied Petitioner's motion to proceed in forma pauperis and dismissed the complaint for failure to pay the filing fee.

Petitioner appealed to the United States Court of Appeals for the Tenth Circuit, which denied review for the same reason—Petitioner’s inability to pay the IFP filing fee—and affirmed the district court’s ruling, thereby leaving the complaint dismissed and foreclosing judicial review.

Would you like me to insert the exact decision dates (district court: Jan. 25, 2025; Tenth Circuit: Mar. 7, 2025) and page references to the Appendix, or keep it as-is?

## **STATEMENT OF THE CASE**

Petitioner filed a civil rights complaint alleging retaliatory prosecution based on claims previously dismissed with prejudice. The United States District Court for the District of Colorado denied Petitioner’s motion to proceed in forma pauperis (“IFP”) and dismissed the complaint solely for failure to pay filing fees.

Petitioner appealed to the United States Court of Appeals for the Tenth Circuit, which affirmed the dismissal on the same grounds without addressing the merits of Petitioner’s constitutional claims.

These denials were not merely the result of Petitioner’s personal financial situation, but the product of procedural barriers that deprived Petitioner

of meaningful access to the courts, in violation of the Constitution's guarantees of due process, equal protection, and access to judicial remedies.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- **U.S. Const. amend. I** – Right of access to the courts and to petition the government for redress of grievances.
- **U.S. Const. amend. V** – Due process protections.
- **U.S. Const. amend. XIV, § 1** – Due process and equal protection clauses.
- **28 U.S.C. § 1915** – Governs proceedings in forma pauperis for indigent litigants.
- **28 U.S.C. § 1654** – Provides the right to proceed pro se or with legal counsel in federal courts.
- **28 U.S.C. § 1915(e)(1)** – Authorizes courts to appoint counsel for indigent parties in civil cases.

## **SUMMARY OF DENIALS IN RELATED PROCEEDINGS**

### **A. District Court IFP Denial:**

Petitioner filed a civil rights complaint. The United States District Court for the District of Colorado denied his motion to proceed in forma pauperis (“IFP”) solely due to homeownership, ignoring extensive evidence of

financial hardship, and dismissed the complaint without addressing the merits.

### **B. Tenth Circuit IFP Denial:**

The United States Court of Appeals for the Tenth Circuit summarily denied Petitioner's renewed IFP motion and affirmed the dismissal as frivolous without reviewing the constitutional claims.

### **Reasons for Granting the Petition**

This petition presents questions of exceptional constitutional importance warranting the Court's discretionary review under Supreme Court Rule 10. At its core are fundamental rights: access to courts, fair administration of justice, and proper judicial discretion in denying indigent litigants meaningful federal judicial review.

### **I. The Denial of IFP Status by Both the District Court and the Tenth Circuit Conflicts with Other Circuits and Raises a Substantial Federal Question**

- Both courts denied Petitioner's motions to proceed IFP solely based on homeownership, despite clear evidence of financial hardship.



- Other circuits (e.g., Second and Ninth) have held that homeownership alone does not preclude IFP status when liquid assets and income fall below access thresholds.
- This conflicting approach creates nationwide disparities affecting indigent litigants.
- The lower courts dismissed Petitioner’s constitutional claims as “frivolous” without substantive review, violating:
  - Protections under 28 U.S.C. § 1915,
  - Due process and equal protection under the Fifth and Fourteenth Amendments.

## **II. The Case Reflects Systemic Patterns of Retaliatory State Prosecution and Judicial Gatekeeping**

- The denial of IFP status occurred in the broader context of ongoing civil litigation against state actors, reflecting procedural barriers that have repeatedly foreclosed Petitioner’s claims.
- Lower courts have routinely dismissed cases on procedural grounds without addressing constitutional merits, illustrating a dangerous pattern of judicial gatekeeping. This pattern allows constitutional

violations to persist unexamined, particularly when litigants are indigent, unrepresented, or politically disfavored.

### **III. The Petition Raises Nationally Important Questions About Equal Access to Justice**

- Denial of IFP status to litigants with demonstrated hardship risks making legal redress available only to the wealthy.
- Court review is essential to clarify:
  - Standards governing IFP determinations,
  - Proper judicial discretion in denying indigent litigants access to federal courts.
- The mechanical denial of IFP without considering actual economic hardship violates this Court's precedent in *Boddie v. Connecticut*, 401 U.S. 371 (1971), which requires meaningful access to adjudication for fundamental interests.
- Failure to grant relief will not only harm Petitioner but erode public confidence in the justice system.

### **IV. The Case Raises an Unresolved Constitutional Crisis in Access to Justice**

- Procedural doctrines applied by the lower courts operate as de facto jurisdictional barriers, preventing a harmed individual from obtaining judicial review of alleged constitutional violations.
- This outcome infringes core constitutional protections:
  - First Amendment right to petition the government for redress of grievances,
  - Fifth and Fourteenth Amendments' guarantees of due process,
  - Equal protection principles ensuring access to justice regardless of financial means.
- This Court has held that access to courts is a fundamental right (*Boddie v. Connecticut*, 401 U.S. 371 (1971)) and has rejected rigid procedural barriers that infringe constitutional protections (*Anders v. California*, 386 U.S. 738 (1967)).

This petition presents a recurring issue affecting indigent litigants nationwide: whether procedural rules, applied without consideration of financial hardship, may bar meaningful access to federal courts. The Court should grant certiorari to resolve this pressing constitutional question.

## **CONCLUSION AND RELIEF REQUESTED**

For the foregoing reasons, Petitioner respectfully requests that this Court grant relief to address the constitutional violations arising from the denial of in forma pauperis status and the dismissal of his civil rights complaint.

These procedural barriers, imposed despite documented financial hardship, have eliminated any viable path to judicial review.

Without this Court's intervention, lower courts retain unchecked discretion to deny access to justice based solely on technical or mechanical application of IFP rules, threatening the fundamental constitutional guarantees of due process, equal protection, and access to courts.

### **Relief Requested**

Petitioner respectfully requests that this Court:

1. Reverse the decision of the United States Court of Appeals for the Tenth Circuit and remand with instructions to:
  - Reinstate Petitioner's civil rights action;
  - Grant in forma pauperis status;

- Ensure Petitioner meaningful access to judicial review in light of the constitutional and financial hardships imposed.
2. Reverse the decision of the United States District Court for the District of Colorado insofar as it denied Petitioner's IFP status and dismissed the civil rights complaint.
  3. Provide interpretive guidance or supervisory instruction clarifying that federal courts must not apply 28 U.S.C. § 1915 in a manner that forecloses access to justice where a litigant's indigence is established and constitutional rights are implicated.
  4. Grant any other relief the Court deems just and proper to preserve Petitioner's constitutional rights and prevent further irreparable harm.