

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In Re: Rayfield J. Thibeaux- PETITIONER

APPENDIX

A

U.S. District Judge Charles Eskridge Order of Dismissal ;
Thibeaux v. Finne, 4:23-cv-03783; and
Motion for Leave To Reopen And File The Pending Complaint

45249201010 and assessed punishment at ten years confinement.

Thibeaux proceeds here *pro se*. He has paid the \$402 filing fee. The United States Court of Appeals for the Fifth Circuit imposed a preclusion order and monetary sanction on July 8, 2021, in Appeal Number 20-30200:

Rayfield Joseph Thibeaux moves to proceed in forma pauperis (IFP) in his appeal of the dismissal of his *pro se* complaint, in which he alleged that when he was incarcerated at the Dixon Correctional Institute the defendants implanted a monitoring device into his body. Thibeaux has filed a motion seeking leave to proceed IFP on appeal and a motion for the appointment of counsel, as well as other motions for protection and assistance.

A movant for leave to proceed IFP on appeal must show that he is a pauper and that the appeal is taken in good faith, i.e., the appeal presents nonfrivolous issues. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). Although Thibeaux has filed an affidavit of poverty that indicates that he qualifies for IFP status, his allegations are fantastic, delusional, and wholly incredible, so they lack an arguable basis in fact and are frivolous. *See Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). Thibeaux has failed to show that his appeal involves “legal points arguable on their merits (and therefore not frivolous).” *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citations omitted). His motion to proceed IFP on appeal is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir.

1997); 5TH CIR. R. 42.2. All other outstanding motions are DENIED.

The claims made by Thibeaux in the instant complaint are repetitive of claims he made in two other appeals that were dismissed as frivolous. See *Thibeaux v. Cain*, 425 F. App'x 399 (5th Cir. 2011); *Thibeaux v. Unknown Psychiatrist*, 751 F. App'x 573, 574 (5th Cir. 2019). In denying his motion for permission to proceed with this appeal in No. 20-90018, we noted the similarity of the allegations, noted their frivolity, and concluded that Thibeaux had not shown that he was raising a nonfrivolous issue. Despite this order, Thibeaux paid the sanctions in No. 18-30457 and sought to reopen this appeal and to proceed with a motion for IFP. Thibeaux has a history of filing frivolous appeals and he has been sanctioned and warned that filing frivolous appeals would result in sanctions. See *Thibeaux*, 751 F. App'x at 574; *Thibeaux*, 425 F. App'x at 399; *Thibeaux v. Fulbruge*, 102 F. App'x 392, 393 (5th Cir. 2004).

Because Thibeaux has failed to heed these warnings, IT IS FURTHER ORDERED that Thibeaux is SANCTIONED in the amount of \$200 payable to the Clerk of this court. Until the sanction has been paid in full, he is BARRED from filing in this court or any court subject to the jurisdiction of this court any pleadings unless he first obtains leave from the court in which he seeks to file such a pleading. Additionally, Thibeaux is WARNED that any future unauthorized, repetitive, or frivolous filings in this court or any court subject to this court's jurisdiction will subject him to

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In Re: Rayfield J. Thibeaux- PETITIONER

APPENDIX

B

U.S. District Judge Charles Eskridge Order of Dismissal ;
Thibeaux v. Cayce, 4:24-cv-02836; copies of the Clerk's office,
and U.S. Attorney General's office signatures, and all three
Certified mail receipts

ENTERED

February 13, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RAYFIELD J.	§	CIVIL ACTION No
THIBEAUX,	§	4:24-cv-02836
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
LYLE W. CAYCE,	§	
Defendant.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Rayfield J. Thibaux filed a motion to effectuate summons and complaint. Dkt 18. The matter was referred for disposition to Magistrate Judge Richard W. Bennett. Dkt 20.

Pending is a Memorandum and Recommendation by Magistrate Judge Richard W. Bennett dated February 4, 2025. Dkt 23. He recommends that Plaintiff's motion to effectuate summons and complaint be denied because Plaintiff did not obtain leave to file any pleadings, despite the Fifth Circuit's order requiring him to do so. Id at 3–4. Alternatively, he found that even if Plaintiff had obtained permission to file suit, he failed to properly serve Defendant Lyle W. Cayce. Id at 6. Also pending are objections to the Memorandum and Recommendation filed by Plaintiff. Dkt 24.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no

clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

Upon *de novo* review and determination, Plaintiff's objections lack merit. The Memorandum and Recommendation clearly details the pertinent facts and correctly applies controlling law.

The objections by Plaintiff to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 24.

No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 23.

SO ORDERED.

Signed on February 13, 2025, at Houston, Texas.



Hon. Charles Eskridge
United States District Judge

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

January 15, 2025

Mr. Rayfield J. Thibaux
8205 Braesmain Drive
Unit 20105
Houston, TX 77225

Dear Mr. Thibaux,

On January 6, 2025, we received a copy of your civil complaint and its attachments filed in the United States Southern District of Texas - Houston, case number 4:24-CV-2836.

In light of the fact that the complaint lists the Clerk of this Court, Mr. Lyle W. Cayce, as the Defendant, the copy has been construed as service of the complaint to Mr. Cayce.

If you intended any other action, then please be advised that we do not accept original civil suits, except in rare exceptions not relevant to your case. We only hear appeals from final judgments of the U.S. District Courts. If the district court has issued final judgment in your case, you may file a notice of appeal in that court.

Sincerely,

LYLE W. CAYCE, Clerk

Dantrell L. Johnson

By: _____
Dantrell L. Johnson, Deputy Clerk
504-310-7689

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

United States Courts
Southern District of Texas
FILED

FEB 10 2025

Rayfield Thibeaux, Plaintiff

Nathan Ochse, Clerk of Court

V.

Civil Action No. 24-cv-2836

Lyle W. Cayce, Clerk
Fifth Circuit Court of Appeals

PLAINTIFF'S WRITTEN OBJECTIONS TO THE COURT'S FINDINGS


INTO Court comes Rayfield J. Thibeaux in his written objections to the court's findings pursuant to **Federal Rules of Civil Procedure** and based on the following grounds:

- 1) The sanction was paid in Appeal No. 20-30200 to the clerk's of this court in Thibeaux V. Finner; 4:23-cv-3783;
- 2) No sanction was ever imposed in Thibeaux V. Cayce; 4:24-cv-2836;
- 3) On 1/08/2025 a motion was again filed with hard copy of signature from the Clerk's office but the signature was not legible. However, an attached copy of the certified mail receipt with tracking number and Lyle W. Cayce, Fifth Circuit Clerk as recipient was named;
- 4) On January 15, 2025 Deputy Clerk Dantrell L. Johnson from the Fifth Circuit Clerk's office acknowledged receipt of the Summon and Complaint mailed January 2, 2025 and a copy of the letter, signature, receipt and this motion will be mailed to **Magistrate Judge Richard W. Bennett's chambers, 515 Rusk Suite 7019, Houston, Texas 77002 ;**

5)The Fifth Circuit Clerk's Office is the reason I filed Thibeaux v. Cayce;24-cv-2836, I could not get permission to file any suit .

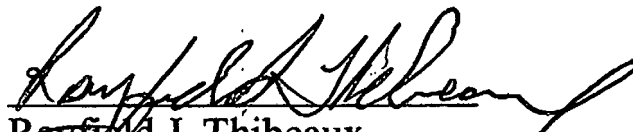
This case should not be dismissed because all the Federal Rules of Civil Procedure Rules for filing were followed ,as well as, all court orders.

Respectfully submitted for filing on February 10,2025.


Rayfield Thibeaux

CERTIFICATE OF SERVICE

A copy of The Plaintiff's written objections were mailed to the U.S. Attorney's office,Eastern District of Louisiana,650 Poydras suite 1600,New Orleans Louisiana 70130.


Rayfield J. Thibeaux



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Total			\$15.30

Grand Total: \$45.90

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Account #: XXXXX XXXXX0159
Approval #: 095314
Transaction #: 458
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Debit Card Purchase: \$45.90
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