

25-6160

No. _____

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

ORIGINAL

PAMELA SHORT POWELL,
PETITIONER

v.

ANTHONY DECICCO, VANITY DECICCO, JANE DOE1, JOHN DOE,
BRENT J. LALIBERTE, ET AL.
RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Respectfully submitted,

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Appearing as Petitioner-Appellant

QUESTIONS PRESENTED

- A. Whether the Fifth Circuit erred by not addressing whether the district court should have first ruled on a motion for recusals about several conflict issues raised before issuing a *sua sponte* dispositive judgment.
- B. Whether the Fifth Circuit erred by not ruling the issuance of a *sua sponte* dispositive judgment irregularly out-of-sequence of all filings with the Clerk of Court records that retroactively captured prior filings to be deemed moot.
- C. Whether the Fifth Circuit erred by not considering Plaintiffs' appeal brief, including twenty-six (26) cases and twenty-eight (28) rules and statutes/ Acts in its decision since it only reiterated language authored by the district court, never specifically mentioned any arguments of Plaintiffs' and never cites any of Plaintiffs' supporting cases.
- D. Whether the Fifth Circuit erred by ratifying the moot nature of a prior motion for recusals without considering the sequence of filings in the records held by the keeper of records, Clerk of Court, and that there was sufficient reason for the district court judge to recuse himself, based on customary conflicts of interests listed, a bribery scheme involving real estate he listed as his Homestead Exempted residence which steeply devalued on a *redfin.com* online price graph upon the time the district court case was filed which reversed to increase in value concurrent with the case being dismissed, *sua sponte*, and continued to increase so long as the case was remaining dismissed.
- E. Whether the Fifth Circuit erred by not determining the district court attempted to interfere with Plaintiffs' inherent rights to appeals in his *sua sponte* dismissal by stating the case was "CLOSED" and this false allegation was evidence of his biases and the bribery scheme ensuing for his personal enrichments so long as he kept the case dismissed.
- F. Whether the Fifth Circuit erred by not ruling it was improper for the district court to avoid ruling on a recusals request which denial would become appealable.

- G. Whether the Fifth Circuit erred by not identifying that the *sua sponte* dismissal was meant to be instrumental to interfere with Petitioners' rights to seek his disqualification after he refused to voluntarily recuse himself.
- H. Whether the Fifth Circuit erred in alleging the case was 'frivolous' and worthy of being dismissed without a prior memorandum allowing for the supplementation of any facts to assist with determining its seriousness.
- I. Whether the Fifth Circuit erred in alleging the case was implausible to be able to be proven due to the lack of a foundation.
- J. Whether the Fifth Circuit erred in concurring the case was not filed in good faith and *in forma pauperis* was denied after the appellate brief was filed; whether the Fifth Circuit erred by not allowing the good faith appellate brief to be allowed to proceed *in forma pauperis* as a bona fide case under review; and whether the Fifth Circuit erred by denying an ability to proceed *in forma pauperis* based on the low-income low-asset financial status of Petitioners.*
*There are 'deceased' Petitioners whose interests do not qualify for statutory estates to be probated; however, have rights for their financial estates to be 'made whole', financially, through a court proceeding.
- K. Whether the Fifth Circuit erred by alleging Plaintiffs had an obligation to 'plead her best case' before the *sua sponte* dismissal was issued without any prior notice.
- L. Whether the Fifth Circuit erred by not reversing the case to the district court with a determination the recusals motion is not moot and should be either determined that the recusal of the judge is granted or required to be ruled upon after being remanded.

LIST OF PARTIES

No Respondent-Appellee is involved.

LIST OF PARTIES

Pamela Short Powell, Pro Se, as Petitioner-Appellant

(This is regarding *sua sponte* dispositive activities in a United States District Court, Western District of Louisiana – Shreveport Division case by a judge assigned to and presiding in the Alexandria Division. Therefore, there is no Respondent-Appellee that will appear as a Party.)

RELATED CASES

1. *Powell, et al. v. Decicco, et al.*, United States Court of Appeals for the Fifth Circuit, Case No. 24-30402; and
2. *Powell, et al. v. Decicco, et al.*, United States District Court, Western District of Louisiana, Shreveport Division, Civil Action Number 5:24-cv-24-511; and
3. *Powell v. Brown, et al.*, Middle District of Florida, Orlando Division, Civil Action Number 6:17-CV-00528 [This case was listed, as required, as part of the Complaint identified in Item 2 above. Therefore, it was requested of the Appeals Clerk in writing that this record be included as part of the appeal listed above as Item 1 above. This request generated neither any written or oral response nor generation of this record as part of the record on appeal. It is requested this insert be deemed as a 'non-substantive change' to explain why no substantive change occurred herein by deleting this entry since there is record history with the district court record on appeal and since the district court judge and magistrate(s) have reviewed the existence of same during the review of the Complaint for rendering relevant undocumented and documented decisions rulings and/or orders].

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APPENDIX A

1. United States Court of Appeals for the Fifth Circuit, Case No. 24-30402, Opinion Dated February 5, 2025.
2. United States District Court, Western District of Louisiana, Shreveport Division, *Powell, et al. v. DeCicco, et al.*, Civil Action Number 5:24-cv-24-511 Memorandum Ruling dated and entered on May 24, 2024.
3. United States District Court, Western District of Louisiana, Shreveport Division, *Powell, et al. v. DeCicco, et al.*, Civil Action Number 5:24-cv-24-511, Judgment dated and entered May 24, 2024.
4. United States District Court, Western District of Louisiana, Shreveport Division, *Powell, et al. v. DeCicco, et al.*, Civil Action Number 5:24-cv-24-511, Memorandum Order dated and entered July 25, 2025.

OPINIONS/DECISIONS WITH CITATIONS

1. United States Court of Appeals for the Fifth Circuit opinion filed February 5, 2025, *Powell v. Decicco*, No. 24-30402 (5th Cir. 2025), unpublished; see Appendix A for copies;
2. United States District Court, Western District of Louisiana, Shreveport Division, *Powell v. Decicco*, No. 5:24-cv-24-511, Memorandum Ruling filed on May 24, 2024; see Appendix A for copies;
3. United States District Court, Western District of Louisiana, Shreveport Division, *Powell v. Decicco*, No. 5:24-cv-24-511, Judgment filed on May 24, 2024; see Appendix A for copies;
4. United States District Court, Western District of Louisiana, Shreveport Division, *Powell v. Decicco*, No. 5:24-cv-24-511, Memorandum Ruling filed on July 25, 2024; see Appendix A for copies;

JURISDICTION

The date on which the United States Court of Appeals decided my case was February 5, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

1. United States Creator. (1789) Bill of Rights. Number I: Freedom of religion or no religion to the extent that a judge has decided a case within the structures of a religion being a Islam Muslim Qati who adjudicates Sharia laws, through the determination that his dismissal “CLOSED” the case, conveying the decision was final with no appellate rights available which is customary to Sharia laws determined by a Qati synthesizing facts with the Qu’ran which is a Muslim religious code of laws. Qati decisions are only appealable when a decision has contradicted the Qu’ran.
2. United States Creator. (1789) Bill of Rights. Number V: Right to petition the government.
3. United States Creator. (1789) Bill of Rights. Number VI: Right to equal protection under law.
4. United States Creator. (1789) Bill of Rights. Number VII: Right to
5. U. S. Const. amend. IV. The right of the people to secure in their persons, houses, papers and effects against unreasonable searches and seizures.
6. U. S. Const. amend. V. which protects individuals from the federal government’s actions that could deprive them of life, liberty, or property without due process. The Due Process Clause also substantive due process, which protects fundamental rights from government interference, even if procedural safeguards are followed.
7. U. S. Const. amend. XIV. which extends protections of the Fifth Amendment to the states, ensuring that state governments also cannot deprive individuals of life, liberty, or property without due process.
8. Federal Appellate Procedure Rules 3 and 4
9. Federal Rules of Civil Procedure 15

10. Federal Civil Procedure Rule 60

11. 28 U.S.C. § 454, Prohibition Of Any Justice or Judge Appointed By The United States From Practicing Law (including Sharia law outside the scope of normal and reasonable duties defined for appointed judges)

12. 28 U.S.C. § 455, Motion to Recuse and Disqualify a Judge and Magistrate Judge

13. 28 U.S.C. § 144, Biases or Prejudices by a Judge

14. 28 U.S.C. § 1254(1), Right to United States Supreme Court reviews.

TABLE OF AUTHORITIES CITED

CASES	PAGES
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<i>Worley v. United States Borax and Chem. Corp.</i> , 78 N.M. 112, 114, <u>428 P.2d 651</u> , 653 (1967).....	19
<i>Borax and Chem. Corp.</i> , 78 N.M. 112, 114, <u>428 P.2d 651</u> , 653 (1967).....	19
<i>Howard v. King</i> , 707 F.2d 215, 220 (5 th Cir. 1983).....	19
<i>Lee v. Kennard</i> , 176 Wn. App. 692, 310 P.3d 845 (2013)...	20, 28
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STATEMENT OF THE CASE

A Motion for Recusals of Jerry Edwards, Jr., Judge, and Kayla Dye McClusky, Magistrate Judge, was filed on May 20, 2024, and a Verification of same was filed on May 23, 2024. On May 24, 2024, Judge Edwards, Jr. filed a Memorandum Ruling and related *sua sponte* Judgment of dismissal alleging there was no merit to the case because it was frivolous, involved Powell being delusional, fantastical, and other insulting allegations stating he was presuming facts asserted was not provable while vastly mischaracterizing the issues while omitting pertinent matters which was a fraudulent tactic. He also *explains* the case was not dismissed by him earlier because it was not an *in forma pauperis* case. The judgment erroneously stated the case was 'CLOSED' which was not true insofar as cases are administratively closed after all appeals delays are expired after the period to file an appeal begins to run thirty (30) days from the entry of the dispositive instruments which had not begun at the time of the signature of said judgment. Additionally, closing of appealed cases occur only after they are fully resolved with appellate courts. There is no legal basis for a statement that the case was 'CLOSED' as of May 24, 2024, since it is an administrative function for the Clerk of Court and not appropriate to be adjudicated by a judge.

On June 10, 2024, Powell timely filed a motion to reopen the case and also sought to vacate the judgment dated May 24, 2024, with exhibits and a proposed order. On June 21, 2024, a motion to proceed *in forma pauperis* on appeal was filed and required form affidavit with a proposed order filed on June 25, 2024. A Notice of

Appeal with the Fifth Circuit Court of Appeals was timely filed on June 27, 2024. The docket shows the pending district court motion was referred to Magistrate Judge McClusky who has never ruled on any matter in this case. By operation of law, all subsequent appealable decisions are deemed part of the appeal which applies to the motion to reopen and to vacate the sua sponte judgment. The appeal was filed before the appellate thirty (30) day time to file had expired. It is believed the review was delayed with the idea that the issues would not be appealable if Powell had not timely filed an appeal, pursuant to the Federal Rules of Appellate Procedures. These facts convey illegal activities involving misleading, fraudulent information to avert an appeal being filed with higher courts to challenge the legality of the sua sponte judgment and manipulative delays occurred when the subsequent motion to reopen and vacate the judgment which Powell asserts the delay shows no intention to rule on the merits of the issues raised, but the decision(s) would relate solely to whether it would be scrutinized during an appeal. After the case was submitted for review by McClusky, per the docket sheet, the case was returned to Edwards, Jr. to handle without an updated docket entry. The timely Notice of Appeal includes all these issues. Obviously, the district court refused reopen and vacate the sua sponte judgment for further progression. The motion for recusals was deemed 'moot' in the non-sequential judgment dismissing the case which shows the motion credibly outlined legitimate reasons he should have recused himself and referred the case to a different judge without any legally supported conflicts of interests and biases. There was no customary memorandum order issued, allowing Powell to comply with

provision of answers regarding alleged deficits in the Complaint, as amended and supplemented without any answer filed. Also, in the sua sponte dispositive judgment, Edwards, Jr. threatened a Federal Civil Procedure Rule 60 sanction against Powell. Part of the reasons for recusal of Edwards, Jr. was his non-disclosure of all aliases he used as the first answer in his Confirmation Questionnaire. Powell submitted proof he had primarily practice law under a different name and only used 'Jerry Edwards, Jr.' with regard to his residence and being considered for a federal judge. He was registered with the Louisiana State Bar under 'Jerry Edwards' only. He had registered his residence as his Homestead Exemption while residing in Alexandria, Louisiana which portrays moral turpitude through tax-evasion. The questionnaire stated he was a member of an all black male fraternity while stating it was not prejudiced. He also failed to list he was not biased against people based on 'age', a core protected class under Title VI of the Civil Rights Act of 1964 while listing the other four core protected classes of which he affirmatively stated has no prejudices. Not using 'Jerry Edwards' with the Louisiana licensing agency appears to be to manipulate searches of 'Jerry Edwards, Jr' when determining business decisions relating to suspensions and/or revocation of his license to practice in Louisiana while he was not a judge. Proof was submitted showing his property was not redacted from public view with two property tax agencies, as is customary with judges for security reasons, which supports to do so would be contrary to the powers of those agencies since there was evidence he was fraudulently confirmed based on his disclosures and omissions. Proof was filed in exhibits that the value of his Shreveport, Louisiana,

property began to steeply decrease at the time of the filing of the district court case and reversed steeply when the case was dismissed. Since the incline was continuing to exceed the value at the time the case was filed at the time the recusals motion was prepared, Powell asserted the excess value was evidence of a bribery scheme during the pendency and after the case. Powell further asserted personal relationships of Edwards, Jr.'s showed Powell had a cause of action possibly against them in an additional case or to amend the instant case to include him as a defendant with them. Therefore, the non-sequential *sua sponte* judgment of dismissal deeming the pending recusals motion was 'moot' averted Powell's rights to a possible interlocutory appeal regarding the non-recusal of Edwards, Jr. While these pleadings were under review, the caption changed from 'Jerry Edwards' from 'Jerry Edwards, Jr.' as admission he is the same person listed in the Louisiana State Bar as 'Jerry Edwards' using two names with the public for professional business purposes. Powell being committed to the truth in this matter was hesitant to refer to Edwards, Jr. as a judge while highlighting issues raised in the congressional confirmation process involving the omission of relevant information which Powell believes could have averted a full investigation with the Louisiana State Bar so long as he did not provide his 'Jerry Edwards' name he primarily used during his practice of law in Louisiana. The case shows many defendants involve elderly people, including Powell, and management of housing for elderly people, as well as deaths of elderly plaintiffs who were parents of Powell's.

REASONS FOR GRANTING THE WRIT

The burden is on the moving party to show an absence of a genuine issue of fact, and that it was entitled as a matter of law to judgment in its favor. *Koenig v. Perez*, 104 N.M. 664, 665, 726 P.2d 341, 342 (1986); see also *Worley v. United States Borax and Chem. Corp.*, 78 N.M. 112, 114, 428 P.2d 651, 653 (1967) ("If upon consideration of all material undisputed facts, a basis is present to decide the issues as a matter of law, summary judgment is proper."). The sua sponte activities of the courts fail to meet any burden of proof regarding lack of merit and that the Petitioners' allegations were fictitious and unprovable. The courts should not have alleged the extent of success being able to be achieved is impossible without stating why this was alleged with an opportunity for a response. Even if the district court does not give an ability to amend, it must give sufficient statements to proceed with an appeal on a dismissal based on lack of merit and other insulting non-merited statements regarding attacking the Plaintiff's credibility to prove her case against each defendant with and without the case attaching with any answer. Many cases cannot be proven without proceeding with discovery being allowed and case are not required by law to be proven at the point of filing the Complaint. It was inappropriate for the Fifth Circuit Appeals Court to cite *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) due to facts do not substantially align with a sue sponte dismissal alleging lack of merit and credibility of the case which has never been allowed to be proven in open court. Furthermore, lack of merit does not mean any of the allegations are frivolous and the case cannot proceed further. *Lee v. Kennard*, 176 Wn. App. 692, 310 P.3d 845 (2013).

The appellate court must review the cases as a whole and resolve all allegations of frivolity and in this case Petitioners' claims (and Appellant who prepared it and compliant Appeal brief in support of the validity of the matters discussed) is described by the district court as "fantastical, irrational, delusional and without plausible foundation". Appellate courts will not impose sanctions for a frivolous appeal if the appeal raises at least one debatable issue, *Lee*, Wn. App. At 692, 310 and Appellant achieved that threshold regarding the discussion about the Motion For Recusals which was never mentioned by the Fifth Circuit while reiterating the same language in the district court's document without synthesizing the Petitioner's appellate brief timely filed with the Fifth Circuit. None of the twenty-six (26) cases, were mentioned in its denial and dismissal. Additionally, none of the twenty-nine (29) Rules and Statutes were discussed, either. The district judge's rearranging the order of the pending recusals motion already on record with the dismissal decision was not discussed insofar as this supported the case was not frivolous which is why the matter was irregularly dismissed without a memorandum to amend or supplement pleadings. The Fifth Circuit does not address the inordinate number of repeated reviews of the case are typically not allowed when there is only 'a brief review' allowed upon filing to determine if cases is frivolous at the point of filing of the case. Dismissing frivolous cases upon inception avoid unnecessary costs by the Plaintiff and Defendants since service of process is not effected without any Summons endorsed by the Clerk of Court. When Edwards, Jr. explained why it was not dismissed at the point of filing, due to the Petitioners paying the filing fee and

the self-represented case was not referred to him with an Application To Proceed In Forma pauperis, this is an admission his opportunity to allege it is frivolous and without legal merit and not reasonably purposeful and relates to dismissing in forma pauperis cases which are typically submitted by indigent people seeking to not pay the filing fee. The Fifth Circuit reiterated insults without any supporting information with regard to contents of district court materials or the appellate brief. Appellant presents in the brief that a Motion For Recusals was filed with supporting exhibits showing that property of the judge's steeply depreciated on a real estate website redfin.com, continue to depreciate during the period between the filing date of the case until the sua sponte dismissal and then reversed the value of the property very steeply, surpassing the value it showed at the timing of the case being filed. Since the value of the property was still increasing steeply at the time of the supplemental recusal motion, Appellant alleged the assigned judge was participating in an act bribe with regard to how the case was handled and more supporting exhibits showed the other half of his townhouse did not have the same valuation activities despite being in substantially the same location and the footprint of the two residences were substantially similar. The adjustments involved thousands of dollars and the reversed amount was still increasing at the time of his sua sponte efforts starting. Supporting documents with the City of Shreveport tax records, at that time, was alleging that property was illegally in a Homestead Exempted status despite the owner/judge residing in Alexandria, Louisiana (while the District Court was a 'Shreveport Division' case (assigned to him and the magistrate irregularly which was

also sought to be reassigned in the recusal document because both were from the Atlanta, Georgia, area and the magistrate locked public access to her online work history information which forbade assessments regarding more conflicts of interest and/or disqualifications in the case). The record shows two recusal instruments were filed before the *sua sponte* efforts began and the judge used *sua sponte* privileges to avoid ruling on the recusal by illegally having the recusal documents deemed moot while also fraudulently stating the case was ‘CLOSED’ despite Appellants having appeal rights available for a period of thirty (30) days from the date of entry of the dismissal order. This aligns with Sharia Law regarding Qati decisions that are not appealable unless decisions contradict the Qu’ran, an Islam Muslim code that is the basis of a religion. The Fifth Circuit erred by not deciding on whether the motion for recusals should have been ruled upon first and separately in proper sequence of submissions filed and docketed by the Clerk of Court as keeper of the records before any *sua sponte* Judgment could be generated by any judge, including a new assigned judge after the recusals motion was timely decided as a priority matter in the sequence of filing thereof. It is asserted the recusals motion should have been denied, if applicable, before a dismissal could occur. Merging the two issues adversely affects the docket sheet after it was clear in the record there had been a motion pending that did not relate with any proposal of a dismissal. The Fifth Circuit also erred by not concurring the ‘CLOSED’ fraudulent allegation in the *sua sponte* Judgment was evidence of profuse impropriety by the judge based on an ulterior agenda to keep Powell from proceeding with an appeal being timely filed with the Fifth Circuit. The

dispositive judgment was with prejudice which preempted Powell's ability to file a motion to disqualify the judge under 28 U.S.C. §§455, 144 for not recusing himself.

During his confirmation hearing process while he cited he was a member of a black male fraternity and omitted 'age' as one of the five classic classes listed in the Equal Employment Opportunity Commission Title VI of the Civil Rights Act of 1964 while it was clear in the Complaint the case involved many people who reside(d) in a United States Housing Urban and Development senior housing building and Powell's mailing address shows residents are in independent units\apartments. A copy of the confirmation questionnaire was attached to the recusal pleading(s) showing his written answers which did not disclose his use of an alias (Jerry Edwards, Jr.) during his private practice in many filings of legal entities for clients with the Louisiana Secretary of State and the Louisiana State Bar Licensing Search Website or as a federal judge in captions of his initial pleadings in this case until after the recusal was requested and this issue was raised as one of the reasons. The first question in his confirmation questionnaire requested for disclosure of his name and aliases to which he responded, "Jerry Edwards, Jr." only. The only time this name was used in public records was when he was involved in the real estate property, i.e. taxes, and as a federal judge, showing the two are interconnected, i.e. a bribe involves both the real property (while not using "Jerry Edwards, Jr." elsewhere, including before and after the acquisition of the property eight years prior to his appointment date as a federal judge). Unethically stating the case was 'CLOSED', unnecessarily, was also a basis for his recusal especially done in tandem with a Rule 60 retaliatory threat.

His only use of 'Jerry Edwards, Jr.' name found at that time was regarding ownership of the real property that was listed as his Homestead Exemption which was involved in the bribery scheme relating directly with the file date of the District Court case, sua sponte dismissal activities (interfering with the fair review of recusal pleadings that were already pending) and the time immediately afterward. Had the case begin to involve another judge, any bribery scheme would interfere with his full compensation(s) to the judge for illegal activities in the case that are contrary to law(s) and, since the recusal instruments thoroughly showed conflicts involving him it would have reasonably been likely that an investigation would have ensued regarding the illegal activities raised and supported with copies of official state and federal records. He had a three choices: resign, place himself on disability to reassign the case informally through as an administrative tactic, recuse or create an illicit and illegal sua sponte dismissal which he did while attempting to create an illusion there were absolutely no appeal rights available for additional people to scrutinize the case documents and exhibits. This dismissal also interfered with one or more amendments to which Appellants were entitled under the Federal Rules of Civil Procedure 15 which would have included the likely source of the bribery payment(s) as it related to the case and possibly others. Instruments filed were authenticated before a fully qualified Notary Public under oath including stating there were no changes to the computer prints which were generated from screenshots as exhibits. A Verification executed by Powell with a Notary Public supporting the recusals motion was filed on May 23, 2024. There were no specific denials made regarding the

invalidity of allegations made about the bribery by Edwards; however, the case caption of at least one pleading was changed to 'Jerry Edwards, Jr.', as opposed to prior captions, which shows an admission to him being the same person related to the real property valuation report. This is one example that he could have supported his allegation of 'fantastical, irrational, delusional, and without plausible foundation' as the reason for the dismissal but he did not attempt to support his abusing allegations at all and, as such the dismissal was a malicious abuse of power against people whom he already evidenced during his confirmation process that he held a prejudice. All these arguments and proofs in the file are reasonable with ethical and legal merits. This obvious conversion is proof there is at least one legal merit that existed for his recusal (and the case as a whole since it also proved Appellant was not 'delusional') and it should have been granted which would have removed him from the case without his *sua sponte* efforts being pursued. Appellant also alleged the City of Shreveport, with the aid of public service personnel from the Caddo Parish Sheriff's Office, had determined there were substantial questions regarding whether he was legally installed as a federal judge which has led to the Caddo Parish Tax Assessor's Office and the City of Shreveport Tax Assessor's Office not allowing him a 'normal privilege' associated with public servants (judges) to have their residential real estate property records redacted from public view. In fact, this privilege not being extended to him supports a professional investigation has determined he has not been legally employed by the United States government, generally. If he did not request the redaction while claiming it as a Homestead Exemption as his resident, it supports he

was cognitive he was aware certain privileges were not available to him because he was not residing in the Caddo Parish, City of Shreveport property as his resident. Being aware a judge is a personal of 'moral terpitude', minimally, due to illegal tax evasion is enough reason for a recusal and for disqualification if a recusal was not self-generated. Powell showed Edwards, Jr.'s Homestead Exemption property address in pleadings which was previously owned with conflicts of which Powell was entitled to proceed with a discovery phase to determine validity of criminal scheming with Edwards prior to the case being filed since he was personally involved in 2016 when the real property was acquired and continued into the pendency of this case which underscores the valuation activities relate to expecting the case after four of the plaintiffs were deceased giving rise to valid remedies sought by Powell. Clearly, the record shows the financial investment and number of deceased relatives was not filed to harass any party. Acquisition of real properties and tangibles occurred illegally through inordinate business practices which are provable through documentations used while the thefts were done over a period of time. Plaintiffs' assets stolen represent their life's legacy involving a substantial amount as the result of conservative lifestyles with an idea their legacies would continue through sharing those assets with their surviving child(ren) and grandchild(ren). The way they lived, died and were exploited are not frivolous issues and is a paramount statement about their personal values. There were many parties who could argue frivolity in any motion for a dismissal without the sua sponte intervention and Powell asserts the judge's immediate dismissal decision while his voluntary recusal was very germane

and a disqualification motion could be expected to be filed by Appellants if he denied the motion. Furthermore, the redfin.com documents with the sworn statement affirming it was not changed was enough reason to recuse himself before another could handle the case without such conflict of interest. The price graph showing changing values of real estate filed with two tax assessor offices as his Homestead Exempted property owned by him showed his dismissal activities are self-serving for personal financial gain and are not coincidental with succinctly aligning with the file date of the case after values being primarily level for an extended period of time, and the case's dispositive activities occurring by him and the matter not progressing successfully. Allowing through a memorandum an ability to supplement or further clarify the Complaint would defeat a bribery scheme that appears to exist before 2016 when he acquired the real property from another lawyer (straw man as a middle person who intermediates real estate rights held for a hidden future owner) and he began to use "Jerry Edwards, Jr." only with regard to that real property and his own judgeship activities. His long-term scheme is 'fantastical', no doubt, when it extends longer than a decade. It has the markings of deliberate planning by those with knowledge of the law regarding criminal statutes of limitations, probate lineage laws, civil judicial powers, conflicts of interest laws and real estate ownership involving lender and title matters. No doubt there is not any convicted criminal who believed it was 'plausible' it would be caught, otherwise they would have likely to have avoided crimes for which they are incarcerated (or there was an insufficient foundation to be indicted). Many prisoners would admit it was 'delusional' to believe they would never

be incarcerated for criminal activities that they believed could not be proven or no prosecution team would invest in the time necessary for them to vigorously prosecute the case. Powell alleges the dismissal was to control pre-ordained enrichment outcomes that would not occur if he were to recuse himself and there was sufficient proofs in the record showing the value of real property he owned, or was seeking to own, are related to the non-progress of the case. Since McClusky had received the case after the *sua sponte* judgment, she formally became aware of concerns of existing conflicts involving Edwards, Jr. including before the case was initiated. The docket does not show the date the record was referred from her to him to review a pending motion to vacate the dismissal and reopen the case. Conflict of interests discussed regarding recusing McClusky, also, have never been addressed to date.

An appeal that is unsuccessful simply because the arguments are rejected is not necessarily frivolous. *Lee*, 176 Wn. App. at 692. The Court erred by alleging 'Powell fails to present a nonfrivolous argument that the district court abused its discretion in denying her motion to recuse out of the filing sequence as 'moot' was also in error. The entire appellate brief served this purpose, including rebuttals to the memorandum and order cases. Abuses are discussed regarding the short limited time for a judge is allowed to file *sua sponte* dismissals which was referenced in the dismissal documents while the judge explained it was not dismissed immediately after the case was filed. It was explained the case had to be reviewed by the judge's office before the case number was assigned, as was advised by the front desk deputy clerks which necessitated Powell calling for the case number some days later. A

mandate was issued to file a pleading regarding all entities involved which was reviewed, timely filed and docketed. The district court could determine credibility existed after several blank (useless) summonses were generated by the Clerk of Court which created a delay in service upon defendants. Further abused his powers*, the district court judge threatened Rule 60 sanctions, further interfering with rights of access to due process which could relate to seeking his approval in an order to file any future cases. The Fifth Circuit further erred by citing *Mendoza-Terango v. Flores*, 982 F.3d 395, 402 insofar as it was a six year old immigration prisoner case that was certified that there was no nonfrivolous issues in the case before counsel for an appellant counsel withdrew. The case ruled appellant failed to allege the district court was aware of its failed duties. In this matter, it was the district court which was aware it was required to review and rule pending motions, such as the motion for recusal, customarily in the sequence motions are filed and he failed in properly performing his duties. He alleged the recusals motion was moot in the sua sponte dismissal while the recusals pending motion should have been reviewed and ruled upon prior to any subsequent document of record was filed in the case. The recusals motion was filed May 20, 2024, and the sua sponte dismissal was filed on May 24, 2024. There was no legitimate reason not to have ruled on the recusals motion, first, since it had docketed as pending with no delay required. *Powers may not have conveyed if fraud was factually involved with the congressional confirmation process since his appointment may be void and/or voidable. In light of his and the district court's specific uses of 'Jerry Edwards, Jr.' and the valuation of his real property

reacting to activities known regarding the district court case, and perhaps subsequent cases on appeal, this status may have been deliberate. ‘Abuse of powers’ may, technically, not be applicable at this time.

Also, ‘Notice and an opportunity to amend are not required, however, if the claimant has pleaded her best case or the allegations are patently frivolous or based on fantasy or a meritless legal theory.’ is incoherent in the Fifth Circuit dismissal and should be struck from consideration with this Court. This is especially so since there is no ability to ‘plead a best case’ when there is no prior notice of an impending dismissal, *sua sponte*, at which time a ‘best case’ could be plead prior to the dismissal. When prior notice is given by the district court, the necessary information is identified in a memorandum ruling while the party is given a period to respond or the case will proceed with a *sua sponte* dismissal. It is customary for a notice to dismiss for failing to timely respond to the memorandum ruling giving the party another opportunity to submit necessary information. Considering the facts herein, there are many indicators there is no fraud on Appellants’ part, i.e. Powell paying all the district court filing fee despite qualifying as an *in forma pauperis* petitioner, investing approximately \$300 in effecting service through the United States Postal Service at least paying \$9.95 per package and anticipating more necessary copying and mailing costs to complete service on all parties, repeatedly providing notarized sworn statements with pleadings and supporting exhibits, providing several proofs from legitimate online sources, including from federal and state government agencies.

The case was filed on April 12, 2024, invalid summons was issued on April 22, 2024 (for Powell to answer her own Complaint) and valid summonses were partially issued on May 1 and May 7, 2024. Had Powell been provided valid summonses at the timing of filing, as was customary for years by this particular court when Powell worked there and supervised the intake department that received new cases and endorsed Summons for immediate service to defendants, the case would have been ripe for default judgments to be submitted and the case scheduled for hearing, if necessary, to prove the damages after twenty-one (21) days plus three days for mailing from April 12, 2024, being May 7, 2024. Had the April 22, 2024, summonses been generated properly for all defendants, the case would have been ripe for default activities on May 17, 2024, forty-two (42) days after filing. May 17 is William Jefferson Clinton's paternal parent's death date and he is known as the 42nd president. Co-plaintiff Daniel Alan Short's 2018 autopsy for his Bossier City, Bossier Parish passing in the Short home on Brent Street was done by a medical company based in Little Rock, Arkansas, which can be easily proven. Not having a Louisiana licensed medical professional performing his autopsy is contrary to Louisiana statutes requiring autopsies to be governed by the state with each parish which can be easily proven. The school involved is ranked as sixth in the state for suicides: Parkway High School, Bossier Parish, Louisiana (not in Bossier City, despite having a Bossier City address on Colleen Drive). When Powell began publicly discussing the tactics, Franklin Graham visited the largest Bossier City Baptist church and U. S. Speaker of the House 'Mike' Johnson (Baptist) was installed in 2023 which can be

easily proven. As a resident of Benton, Louisiana, he residence is located in the same city as Defendants Bossier Parish Sheriff's Office and the parish seat. Benton is 11.3 miles to the Bossier City Court where Rogers 'Mickey' Prestridge presided when Diana Lynn Short was lead into her death after he handled juvenile delinquency matters the year before. He left the bench before the end of his four year term to represent her parents in a civil case involving being enriched. Prestridge was involved with the Athletic Booster Club at Parkway High School while his spouse ran an adoption business from their home on Schuler Drive in Bossier City near the Short residence and the gate into a huge air base. The year Jack W. Short, Jr. was told he had stage four cancer, Stephanie N. Prestridge of Baton Rouge began a general practice law firm which converted on Margaret Julia Short's February 15, 2010, birthday to Lineage Law, LLC ("Lineage") the year Jack W. Short, Jr. was told he had 3-6 months to live due to lung cancer. Cancer, backward like 'hebrew', phonetically sounds like 'rise nazi'. A Last Will and Testament of Margaret Julia Short, allegedly, that was prepared by Lineage did not list Powell's name correctly by adding fictitious first and middle names which Powell has never held. The converted law firm illegally handled the probate transfer of the Short real property with a deed that does not have the proper name of the owner, using a fatally defective durable power-of-attorney, and more fraud occurred by the title company, seller's company agents, an illegally-obtained administratrix status in the parish probate case and the illegal transfer is subject to be set aside after a proper and fair court review. Powell was not advised of the death of her mother who had no obituary published anywhere by a fraudulent

administratrix who stated all the assets ‘are gone’ while the residence was listed for sale. She called Powell more than a year after her mother’s passing on February 13, 2023. The administratrix had access to Powell’s phone number from the time Powell’s daughter was advised of Margaret Julia Short’s passing. There are squatters who can acquire title later and stop paying the mortgage which does not have a legal lien. The squatters in the Brent Street property also created defects in their conveyance deed for real property in Texas, creating an opportunity to allege the single woman occupant never obtained ownership and has been occupying the property without any legal rights, unless as a squatter. These issues are replicated, generally, with a property where Powell resides in Arkansas where many squatters in her building are entitled to seek title due to long-term occupancies without any valid rental contracts existing. There are many commercial mortgages involving the U. S. Department of Housing, Urban and Development (Fort Worth, Texas Office) paying the owner who is not listed on the rental contracts and likely does not have a valid mortgage lien on the property. Not paying many residential or commercial (million-dollar mortgages) after ownerships transfer individual units, parking spaces and easements of common areas to many squatters will cause another large-scale mortgage crisis involving government insured loans (two prior crises occurred while George H. W. Bush and George W. Bush were in the Whitehouse).

Judge Prestridge’s biography does not mention his private practice law firm existing in 1974. Since Appellants’ family deaths continued until 2022, the statutes of limitations have not prescribed.

In the district court caption, involving Margaret Julia Short's passing, Marlene Simonton was listed as a defendant whose name is the same as a judge's wife to whom Edwards, Jr. gave full credit during his federal confirmation hearing. Defendant Simonton held real estate in the same neighborhood as the judge and his spouse during the time of Daniel Short's passing and she spent the evening with Margaret Julia Short immediately prior to his at-home unexpected passing in the home and she was present immediately after his passing before medical personnel arrived. Rogers "Mickey" Prestridge attended a very large religious facility (as does Louisiana Appellate Justice Scott Chrichton, to whom Edwards, Jr. paid homage for whom he had clerked in Caddo Parish Court) in the Byrd High School District which is the same district as Marlene Simonton's non-residential real property was located in 2018 which is also very near Edwards, Jr.'s Homestead Exempted property and many others who are involved as almost life-long friends as graduates of Byrd High School. The school district is known for high-income, educated professionals while the Short/Prestridge neighborhood is known for military retirees and middle to low-income residents. Prestridge's widow has moved into the Byrd High School area while his remains were distributed on the religious facility property. Parkway High School built a replacement facility, to the credit of long-term fund-raising by the Athletic Booster Club and other financial resources. Colleen Drive named the entry road, in lieu of the mascot 'Panther Drive' like many high schools or the name of the frontage road. Colleen Shuster was the fraudulent administratrix involved in releasing title illegally lower than the statutorily allowed price without prior consent

of all heirs. Properties owned in Minnesota relates to 14-15 year intervals of three sequenced deaths, including Margaret Julia Short's, who was in pursuit of acquisition of clear title on a long-term family estate through rights that was to ripen less than six months after her passing. (Minnesota Statute 541.01 and .02) The Fifth Circuit brief discusses Plaintiff Diana Lynn Short being sacrificed for financial enrichments after being raped by her paternal parent, beaten and maligned for being a 'juvenile delinquent', despite a victim, which put her under review with Judge Prestridge. Having since learned methods of German Nazi's, her death was manipulated precisely, including the date of her impregnating rape on July 20 and the time officers knocked appeared at the Brent Street door to advise the family of her death at 7:20 a.m, calculated with the 7:22 a.m. time on the wall clock checked by Powell very shortly after the officers arrived, viewed while Margaret Julia Short was intensely grieving after almost collapsing having received the devastating news. It was cultivated as predictably as a billiard game player shooting balls into certain pool table pockets.

The Fifth Circuit erred by not synthesizing in any way the Appellants' arguments against the discretion of the district court to dismiss a case without giving prior notice to cure any alleged deficits and not to decide upon the use of a *sua sponte* dismissal at any time in the case up to the issuance of a final judgment. The records show that use of *sua sponte* dismissals are primarily, if not exclusively, used to dismiss cases of self-represented plaintiffs which regularly involve the inability to employ counsel due to their low-income status which relate to the impact from

disabilities and prejudice that relate to class protections including political affiliations. The *sua sponte* dismissal, as in this case, was used as a self-defense by a person whose confirmation process was defective with admissions of biases based on ages and omission of an alias used exclusively during his licensure as counsel which also was removed from the use during pre-confirmation and post-appointment security investigations and other relevant purposes.

The language in any order that cites profuse insults conveys the dismissal of not only the case but the petitioners as individuals. Not only is this form order filed in cases for the public record, it is maliciously posted by court personnel on the internet to further malign petitioners. This is of national importance. This act conveys bias that is meant to further harm petitioners and aid all defendants with far too much power with a substantial delay and denial in allowing an ability to litigate efficiently. Regarding national importance, dissidents and ex-patriots in the United States of America without any visa from this country who are against the survival of constitutional rights, domestically, are not inclined to submit to a judicial processes as if it exists, since it contradicts their ideology that the United States of America does not exist and annulment of the United States Constitution has already occurred in a war movement. Defendant Tanika Tyronda Parham appeared in a civil matter in a state court at which time she also lied about her identity, about proper service of a necessary notice and other matters which led to a dismissal before plaintiff rested their case. Parham's employer, a management company that is another defendant in this case, also lied in their case by alleging in writing it owned

the property. It improperly cited wrong paragraph references in a void rental contract. This all created a dystopic record showing disrespect for due process rights as if those rights were a inapplicable and the process was comical. The case was an exercise of harassments and to erode financial resources with the knowledge that stress kills. Powell has alleged an illegal occupancy of the property she manages as an agent for the property management company, allowing only German nazi related residents to move in and stay (becoming squatters without valid rental contracts). Sua sponte dismissals aid ex-patriots and others who are committed to a movement against the United States of America, internally, by protecting them from entering in any civil case. In a war, there is no conscience for serial murders of the Plaintiffs and some of their relatives. Powell asserts posting these type of orders on the internet poises more family members of assertive plaintiffs to be targeted, long-term, for more losses of assets and lives with no powers for redactions from publication despite the instruments are required not to be published outside the records of the court held by Clerks of Courts as the official keeper of the records. The Fifth Circuit erred by reinforcing the district court's form order while tracing most of the same language and conveying insults as factually proven as being true, such as stating "...because Powell's claims are fantastical..." and [since Appellant] "...fails to show a nonfrivolous basis for challenging the dismissal" with the district court language regarding not vacating the self-serving sua sponte dismissal without any evidence the appellate brief was read to consider any argument through addressing any statement from Powell's arguments was in some way inapplicable. Accordingly, the higher court has

become complicit with several murders which are politically motivated against civilians in the United States of America. Just because something is restated louder with a microphone, or in this case through the Fifth Circuit court, does not make it more true without any additional supporting information. However, “the fantastical, delusional, and without plausible foundation” allegation would relate to the plaintiffs’ misunderstanding the court is available for self-represented litigants. To rephrase, it asks, “What are you doing here without counsel and what makes you think the courts will support you all having any rights to litigate without one?” It is ‘a fantasy’ [fantastical] to present your case for fair adjudication while being deluded with your idea this country is not already a plutocracy. The Fifth Circuit states *sua sponte* dispositive decisions are normally preceded by a memorandum allowing for supplements but one is not required. Powell asserts not having one in this case supports judicial misconduct and judicial [self-serving] biases unless one can prove that the district judge never allows any opportunity to supplement Complaints before *sua sponte* dismissals. Powell asserts self-representing litigants threaten the safe ‘untouchability’ of corrupt judges while they are more prone to address judicial misconduct without having representing counsels being concerned of harming other clients’ abilities to be successful due to retaliation by judges in other cases in the future. If a memorandum is normal before *sua sponte* dispositive decisions are issued, then one should ask why this did not occur as this judge’s normal course of business. The record shows details of conflicts existing which dictate a recusal of the district court judge occurring before any dismissal judgment can be ethical

established. The Fifth Circuit erred by not acknowledging any of these facts which are also self-proving in the pleadings and related exhibits. Powell had no legal obligation to provide exhibits to the Complaint or to prove her case in that pleading and, therefore, lack of more details or proofs should not be prejudicial to the case.

CONCLUSION

Petitioner submits that this Petition for Writ of Certiorari should be granted.

Respectfully submitted,


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