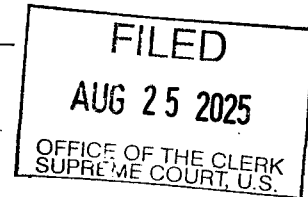


25-6262

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Stevie Wyre — PETITIONER
(Your Name)

vs.

State of Texas et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals, Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Stevie Wyre #1858012

(Your Name)

Wainwright Unit
2665 Jovian Motley Blvd.

(Address)

Lovelady, Texas 75851

(City, State, Zip Code)

936-636-7321

(Phone Number)

QUESTION(S) PRESENTED

- 1). Did the Court's abused its discretion, in Wyre's § 1983 Complaint by dismissing, in postjudgment motion to Amend invoking Federal Rule of Civil Procedure 59(e).
- 2). Did the Court's abused its discretion, in Wyre's § 1983 Complaint for Authorization to proceed (IFP) in forma pauperis on appeal, which constitutes a challenge to the district Court's Certification that any appeal would not be taken in good faith.
- 3). Did the Court's abused its discretion in Wyre's § 1983 Complaint by dismissal, against the State of Texas and State Court under doctrine of Sovereign immunity, . . . and Claims against Jane and John Doe of Harris County, Texas.
- 4). Did the Court's abused its discretion in Wyre's § 1983 Complaint, when the Court decline to exercise supplement jurisdiction over any state law or denied of his request to Amend his Complaint § 1983.
- 5). Did the Court's abused its discretion in Wyre's § 1983 Complaint, by dismissing his Claim against Rachel Palmer, Karen Parker and Ted Doebbler, where he alleged facts, demonstrating they conspired in violate his Constitutional rights by introducing, inadmissible unsworn witness statement into evidence during his criminal proceeding.
- 6). Did the Court's abused its discretion, in Wyre's § 1983 Complaint, where the Court stated, Doebbler, Wyre's Court-Appointed Attorney was not acting under color of state law for purpose of § 1983 liability, when representing Wyre in his Criminal Proceeding.

"see Continuing Questions"

7). Did the Court's abused its discretion, by dismissing Myre's 1983 Complaint, where the Court stated, Palmer has absolute immunity, as an advocate for the State: Related to Myre's Criminal prosecution,
• • Also stated PARKER was entitled to Absolute immunity as a testimonial witness in Myre's Criminal proceeding.

8). Did the Court's abused its discretion, by dismissing Myre's §1983 civil rights Complaint, for failure to state a claim upon which relief may be granted, . . . also by Denying and Dismissing as frivolous. . . . Also for failure to state a claim resulting in a strike pursuant to 28 U.S.C. § 1915(g)

9). Did the Court's abused its discretion, by dismissing Myre's §1983 Complaint, where Collateral review of state claim and federal claim, were not address by the Court's, depriving Myre of Constitutional rights, and in violation of procedural Due Process.

10). Did the Court's abused its discretion, by dismissing Myre's §1983 Complaint, although Myre has Standing due to the judicial power of Federal Court under U.S. Const. Art III § 2.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

✓ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

United States Court of Appeals, Fifth Circuit entered:

- Wyre v. Texas 2025 U.S. App. Lexis 15265; June 20, 2025 No. 24-20523
- Wyre v. Texas 2025 U.S. App. Lexis 20038; August 7, 2025 No. 24-20523

United States District Court, Southern District of Texas entered:

- Wyre v. Texas 2024 U.S. Dist. Lexis 184294 S.D. Tex., Oct. 8, 2024, decided Oct. 8, 2024 filed, Oct. 9, 2024 entered Civil Action No. 4:24-cv-3425

RELATED CASES

- 1). Wyre v. State, 2014 Tex. App. Lexis 9726, Court of Appeal, 1st Dist. entered August 29, 2014; NO. 01-13-00414-CR
- 2). Wyre v. State, 2014, Tex Crim App. Unpub. Lexis 1034, Court of Criminal Appeals, entered November 19, 2014 filed No. PD-1317-14
- 3). In re Wyre, 2015 Tex. Crim App. Lexis 84, Court of Criminal Appeals entered February 4, 2015 decided No. PD-1317-14, refused.
- 4). Wyre v. Davis, 2016 U.S. Dist. Lexis 146767 S.D. Tex. Sept. 7, 2016 decided Sept. 7, 2016 entered Sept. 9, 2016 Civil Action No. H-16-0681
- 5). Wyre v. Davis, 2016 U.S. Dist. Lexis 205900 S.D. Tex. Oct. 12, 2016 decided Oct. 12, 2016 filed Civil Action No. H-16-0681
- 6). Wyre v. Davis, 2018 U.S. Dist. Lexis 80871 S.D. Tex. May 11, 2018 decided May 11, 2018 filed entered Civil Action No. 4:18-cv-1401
- 7). Wyre v. Davis 2019 U.S. Dist. Lexis 247866 S.D. Tex. Oct. 30, 2019 filed Oct. 31, 2019 entered Civil Action No. 4:19-cv-4168
- 8). Wyre v. Davis 2020 U.S. Dist. Lexis 268499 S.D. Tex. entered July 31, 2020

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3, 4
STATEMENT OF THE CASE	5
REASONS FOR GRANTING THE WRIT	6, 7
CONCLUSION.....	7

INDEX TO APPENDICES

APPENDIX A - U.S. Court of Appeals, 5 th Circuit No. 24-20523; USDC, S.D. Tex No. 4:24-cv-3425; On Petition for Rehearing; August 7, 2025
APPENDIX B U.S. Court of Appeals 5 th Circuit No. 24-20523; USDC, S.D. Tex No. 4:24-cv-3425; Before Smith, Graves and Engelhardt; June 20, 2025
APPENDIX C USDC, S.D. Tex No. H-24-3425; Order Granting Motion for leave to Proceed Informa paperis and Denying Motion for Appointment Counsel; September 20, 2024
APPENDIX D USDC, S.D. Tex No. H-24-3425; Memorandum Opinion and Order October 9, 2024
APPENDIX E USDC, S.D. Tex No. H-24-3425; Order Denying Motion for leave to Amend; November 4, 2024
APPENDIX F USDC, S.D. Tex No. H-24-3425; Appeal No. 24-20523; Order Denying Motion to Proceed Informa Paperis on Appeal; December 18, 2024.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Adickes v. S.H. Kress Co.,	398 at 152
Adepegba v. Hammons,	103 F.3d.383, 388
Ashcroft v. Iqbal,	556 U.S.662, 678, 129 S.Ct. 1937, 173 L.Ed. 2d 868 (2009)
Austin v Borel,	830 F.2d. at 1362 1363
Baugh v. Taylor	117 F.3d. 197, 199, 201, 202 n. 24
Bell Atl Corp v. Twombly,	550 U.S. 544, 553, 556 558, 570, 127 S.Ct. 1955, 167 L.Ed. 2d. 929 (2007)
Buckley v. Fitzsimmons	509 U.S. 259, 265, 267, 268 269 270 271, 280;
Buckley v. Fitzsimmons	919 F.2d. 1230; 502 U.S. 801, 116 L.Ed.2d. 19, 112 S.Ct. 40;
Burn v. Reed,	500 U.S. 478, 114 L.Ed. 2d. 547, 111 S.Ct. 1934 (1991)
<u>see next page for continue (CASES)</u>	

STATUTES AND RULES

Fed R. App. P. 24(a); 8(a)(2); 59(e)
 Fed R. Civil Rule 15(a); 15(c)(1)(C); 12(b)(6); 12(b)(1)
 28 U.S.C. § 1291; § 1915(a)(2); § 1915(a)(3); § 1915(b)(1); § 1915(e)(2)(B);
 § 1915(f)(2)(A); § 1915(g) § 1746
 Title 8 U.S.C. § 801
 Title 18 U.S.C. § 241; § 371; § 1001; § 1348; § 1349; § 1621; § 1623
 Title 42 U.S.C. § 1983; § 1985; § 1986; § 1986; § 1981

OTHER

U.S. Const. ART. III § 2

Table of Authorities cited

CASES	Page Number
Calhoun v. Colliers, 78 F.4 th 846, 850 (HN2) 851 (HN3, HN4) 852 (HN5) 853, 854;	
Caine v. Hardy, 905 F.2d. 858, 863	
Carson v. Polley, 689 F.2d. 562, 584	
Cibola Waste Inc. v. City of San Antonio, 718 F.3d. 469, 473	
Cinel v. Connick, 15 F.3d. 1338, 1342	
Coleman v. Holman, 2024 U.S. Dist. Lexis 52381 n 2	
Coleman v. Tollefson, 575 U.S. 532 at 537	
Couley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 101-02, 2 L.Ed. 2d. 80	
Cupp v. Naughten, 414 U.S. 141, 148, 94 S.Ct.	
Darden v. McNeel, 978 F.2d. 1453, 1454	
DuBose v. Kelly, 187 F.3d. 999, 1003	
Dussouy, 660 F.2d at 589	
Floyd v. United States Postal Serv., 105 F.3d (at 278, 279)	
Foman v. Davis, 371 U.S. 178, 182, 83 S.Ct. 227 9 L.Ed. 2d. 222 (1962)	
Gray v. Nether, 518 U.S. 152, 159, 164, 165, 170, 171, 116 S.Ct. 2074, 135 L.Ed. 2d. 457 (1996)	
Guizmero v. Enter Holding Inc., 39 F.4 th 309, 314, 316	
Hafez v. Melo, 502 U.S. 21 (1991)	
Harrison v. United States, 387 F.2d. 614	
Heuslee v. Ketter, 681 F.3d 538 (at 541 n. A)	
Hogan v. Midland County Commissioner Court, 680 F.2d. 1101, 1103-04	
Howard v. King, 707 F.2d. 215, 220 221 (HN8)	
In re Prison Litig. Reform Act, 105 F.3d. 1131, 1133	

Table of Authorities Cited

Cases

Page Number

- In re Winship*, 397 U.S. 358, 360, 363, 364 (1970)
Ion v. Chevron USA Inc., 731 F.3d. 379, 382 n.2
Jackson v. Shinnett, 102 F.3d. 132, 134, 135, 136
Lockhart v. Fretwell — U.S. — 113 S.Ct. 838, 844, 122 L.Ed.2d. 180
Lujan v. Defender of Wildlife, 504 U.S. 555, 112 S.Ct. 2130, 2136
 119 L.Ed.2d. 351 (1992)
Marebury v. Madison, 5 U.S. 137 (1803)
Maro v. Thouto, 100 Vol. Supreme Court Report 2502 (1982)
Massay v. Fed. Corr. Institution Texarkana, 243 Fed. App. 871 (HN9)
Manell supra, 436 U.S. at 690, 694, 98 S.Ct. 2036, 2038
Morgan v. Haro, 112 F.3d. 788, 789
Mylett v. Jeanne, 879 F.2d. 1272, 1275, 1276 (HN2 n III)
Nat'l Solid Waste Mgmt., 389 F.3d. at 498
Naughton v. Cupp, 476 F.2d. 845, 846
Nelson v. Campbell, 541 U.S. 637, 643, 650 124 S.Ct. 2117, 158 L.Ed.2d.
 924 (HN8, HN9, HN10)
Nissho-Iwai Am Corp. v Kline, 845 F.2d. 1300, 1306 (HN9)
Osborne, 557 U.S. at 76, 129 S.Ct. 2308, 174 L.Ed.2d. 38, 56
Preiser, 411 U.S. at 491, 93 S.Ct. 1827, 36 L.Ed.2d. 439
Preister v. Lowndes County, 354 F.3d. 414, 421
Reed v. Goertz, 598 U.S. 230-35 (at HN1, HN2, HN4); 236 (HN5, HN6);
 237;
Richard v. Fleming, 651 F.2d. 366, 368 (HN3) 369, 370, 371, 372, 373, 374, 375
Roberts v. United States, 339 U.S. at 844, 845
Rosenzweig v. Azurix Corp., 332 F.3d. 854, 864
Stewart v. Guzman, 555 F.App'x 425 431-32

Table of Authorities Cited

CASES

Page Number

- Skinner, 562 U.S. 524, 540, 541, 542 (footnote 6)
 Strickland v. Washington 466 U.S. at 687, 104 S.Ct. (at 2064)
 Spokeo Inc., v. Robin, 578 U.S. 330
 Spokeo, 575 U.S. 482, 135 S.Ct. 1892, 191 L.Ed. 2d. 762
 Trans Union LLC. v. Ramirez, 141 S.Ct. 2190, 2203, 210 L.Ed. 2d. 568
 (at 2204, 2208)
 Taylor v. Gibson, 529 F.2d. 709, 713 (5th Cir. 1976)
 Tower v. Glover, 467 U.S. at 923-24, 104 S.Ct. 2826 "footnote"
 Villanueva v. McClunis, 723 F.2d. 414, 418 (5th Cir. 1984)
 White v. McKinley, 519 F.3d. at 813, 814, 815, 816 (HN5)(N.3)
 Wright v. El Paso County Jail, 642 F.2d. 134, 135 (5th Cir. 1981)
 Zlawey, 209 U.S. 123 1908 (at 155, 156)
 Zlohey v. Collins 985 F.2d. (at 228; 229) (HN 4 HN6)

ENCLOSURE

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

☒ reported at Wyre v. Tex., 2025 U.S. App. Lexis 15265; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix C,D,E,F to the petition and is

☒ reported at Wyre v. Texas U.S. Dist Lexis 184294; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 20, 2025.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: August 7, 2025, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment 5 Criminal Action - Provision concerning - Due Process of Law and Compensation Clause.

- No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprive of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 6 Rights of Accused

- In all criminal prosecutions the accused shall enjoy the right to speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense.

Amendment 8 Bail - Punishment

- Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Constitutional and Statutory provision involved

Amendment 14

- Sec. 1 [Citizen of the United States.] All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.
- Sec. 2 [Representative - Power to reduce apportionment.]
- Sec. 3 [Disqualification to hold office.]
- Sec. 4 [Public debt not to be questioned - Debts of the Confederacy and claims not to be paid.]
- Sec. 5 [Power to enforce Amendment.]

STATEMENT OF THE CASE

This Application for writ of Certiorari asserts, whether Wyre stated a plausible claim of Ineffective Assistance of Counsel; Cruel and Unusual Punishment and Denial of Due Process, Due Course of Law and Equal Protection of the Law, that violated, Wyre's 5th, 6th, 8th and 14th Amendment of the United States Constitution, ... by way of a Conspiracy where private actors and state actors conspired against him to violate his Constitutional rights, "As an actual deprivation" were they acted with or in concert, under the color of law in the entire proceedings, which was an on going process, where Preliminary injunction was repeatedly ignored by the Courts. (see Nelson v. Campbell, 541 U.S. at 643; Muhammad v. Close, 540 U.S. — 540 U.S. 749, 158 L.Ed.2d 32, 124 S.Ct. 1303 (2004) (per curiam) (also see) Preiser supra at 448-499, 36 L.Ed. 2d 439, 93 S.Ct. 1827.

REASONS FOR GRANTING THE PETITION

Whether Plaintiff Wyre, *in pro-Se* has set forth enough factual allegation to nudge his Claims across the line from conceivable, to plausible or the Complaint must be dismissed *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 569-70, 127 S.Ct. 1955, 167 L.Ed. 2d. 929 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S.Ct. 1937, 173 L.Ed. 2d. 868 (2009) - where a Claim has facial plausibility, when the Plaintiff pleads factual context that allow the Courts, to draw the reasonable inference that the defendant(s) is liable for the misconduct alleged.

Wyre contends, where cases or controversy requirement requires a plaintiff to establish he has standing to sue (see *Cibola Waste Inc., v. City of San Antonio*, 718 F.3d. 469, 473 (5th Cir. 2013)) - To have standing the party invoking federal jurisdiction that must show: 1). that he suffered an injury in fact that is concrete, particularized and actual or imminent; 2). that the injury was likely caused by the defendant(s); 3). that the injury would likely be redressed by judicial relief. (see *Trans Union LLC, v. Ramirez*, 141 S.Ct. 2190, 2203, 210 L.Ed. 2d. 568 (2021) - A court should assess whether the "alleged injury to the plaintiff has close relationship to harm traditionally recognized as providing a basis for a lawsuit in American Courts, *id* (at 2204). - Standing is not dispensed in gross; Rather Plaintiff must demonstrate standing for each that they press and for each form of relief that they seek, for example "injunctive relief and damages" (*id* at 2208, 2209) (see) *Davis*, 554 U.S. at 734, 128 S.Ct. 2759, 171 L.Ed. 2d. 737; *Friend of the Earth Inc., v. Landlaw Environmental Service (TOC) Inc.*, 528 U.S. 167, 185, 120 S.Ct. 693, 145 L.Ed. 2d. 610 (2000).

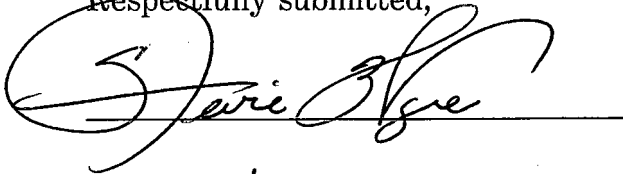
The Standard for a preliminary injunction requires a movant to show: 1). the Substantial likelihood of success on the merits; 2). that he is likely to suffer irreparable harm in the absence of a preliminary injunction; 3). that the balance of equities tip in his favor and 4). that an injunction is the public interest. (see Benisek, 138 S.Ct. (at 1944) cited in Louisiana v. Becerra 571 F. Supp. 3d. (at 531).

CONCLUSION

The petition for a writ of certiorari should be granted.

Wherefore, this Court should Grant relief "as Vacate" and is adamantly opposed to all of the misconduct and will remain firm in promoting Constitutional law and condemn all unlawful acts and omissions committed.

Respectfully submitted,



Date: August 21, 2025