

No. 25-7071

**ORIGINAL**

Supreme Court, U.S.  
FILED  
JAN 13 2026  
OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

In Re Nicholas Queen — PETITIONER  
(Your Name)

ON PETITION FOR A WRIT OF MANDAMUS  
United States District Court  
for the Western District of Louisiana  
USDC No. 1:19-cv-1576

PETITION FOR WRIT OF MANDAMUS

Nicholas Queen

(Your Name)

804 Rembarton Ave.

(Address)

Baltimore Md. 21218

(City, State, Zip Code)

410-770-1087

(Phone Number)

## Question(s) Presented

**Should the District Court take into judicial consideration information outside the record of administrative procedure determination, and therefore base the court's determination regarding the incident in violation of Title 5 U.S.C. 556, 706 ?**

## **List of Parties**

A list of all the parties to the proceeding in the court whose judgment is subject of this petition is as follows:

Nicholas Queen  
804 Dumbarton Ave  
Baltimore Maryland  
21218

United States District Court Western of Louisiana  
Judge D. Drell  
300 Fannin St. Suite 1167  
Shreveport Louisiana  
71101

## **Related Cases**

Queen v U.S.A., No. 1-19-cv-01576, United States District Court Western Of Louisiana, (March 24, 2022)

Queen v U.S.A., No. 22-30294, United States Court of Appeals for the Fifth Circuit (July 15, 2024)

In Re Nicholas Queen, No. 25-30328, United States Court of Appeals for the Fifth Circuit, (October 15, 2025)

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## TABLE OF AUTHORITIES CITED

### CASE

Queen v U.S.A., No. 1-19-cv-01576, (March 24, 2022), US District Court  
Of Western Louisiana

Queen v U.S.A., No. 22-30294, (July 15, 2024), US Appeal Court Fifth  
Circuit

In Re Nicholas Queen, No. 25-30328, (October 15, 2025) US Appeal Court  
Fifth Circuit

SEC v Chenery, 318 U.S. 80 (1943)

Loper Bright Enterprises v Raimondo, 603 U.S. 369, 144 S.Ct. 2244 (2024)

Wolf v Mc Donnell, 418 U.S. 539, 94 S.Ct. 2963, 41 LEd 2d 935 (1974)

### STATUTES AND RULES

5 U.S.C. 706

5 U.S.C. 556(e)

### OTHER

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

Petitioner respectfully prays that a writ of mandamus issue.

OPINIONS BELOW

For cases from **federal courts**:

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

reported at IN Re Nicholas Queen, No. 25-30328; 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 is unpublished.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 \_\_\_\_\_ to the petition and is

reported at Queen v USA, 1:19-cv-1576, March 24, 2022  
 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 October 15, 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: \_\_\_\_\_, 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. § 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

First Amendment United States Constitution

Fifth Amendment United States Constitution

Fourteenth Amendment United States Constitution

5 U.S.C. 706

5 U.S.C. 556(e)

## STATEMENT OF CASE

At 55 years old Petitioner was still incarcerated in Federal Bureau of Prisons (BOP), USP- Pollock, Louisiana. On December 19, 2019, Petitioner filed suit in the United States District Court of Western District of Louisiana, under the Federal Tort Claims Act ("FTCA"), 18 U.S.C. 2671, alleging that he is entitled to \$3,000,000., damages as the result of officers violations of BOP policy regarding using force and restraints. Dist. Doc 9.

Upon filing for summary judgment Petitioner was met with a Government defense of which included their filing a mirage of over 800 pages of documents which were unsupported as having been used by the BOP Administrative Tort Claim determination, and dated other than the date of the incident in Petitioner's suit which is January 3, 2019.

These documents included over 26 years of Petitioner's institutional medical and disciplinary history mostly [u]related to the incident and for the purpose of falsely accusing Petitioner of assaulting correctional officers on January 3, 2019 and having minor injuries as the result of this incident in violation of title 5 U.S.C. 556(e), constituting that only the transcript of the administrative proceedings, and exhibits, together with all papers filed in the administrative proceeding constitutes the exclusive record for decision. And demand that the court dismiss the Government defense as in violation of title 5 U.S.C. 706, for being both arbitrary and capricious. Dist. Doc. 70,71, and 75.

But remember Petitioner is a pro se litigant.

None of the Government's arguments even happened to be supported by evidence. And even the Administrative Tort Claim response accusing Petitioner of institutional misbehavior is unconstitutional based on *Wolff v Mc Donnell*, 418 U.S. 539 (1974), holding prisoners have due process rights concerning being deprived of property. Therefore, in the absence of a disciplinary finding that Petitioner assaulted officers on January 3rd, 2019, the day of the incident, he could not be legally deprived of filing suit as the result of the actions of correctional officers which resulted in his injury under *Wolff*.

Furthermore, since the incident happened in the state of Louisiana which state does not allow judges to examine the amount of injury under tort law the Administrative Tort Claim response again must fail for being illegal. See *Queen v USA*, No. 22- 30294, (5th Cir. 2024), holding, the judge does not have statutory authority.

On March 24, 2022, the Magistrate erroneously issued a Recommendation and Report stating that Petitioner should be denied summary judgment on the grounds that he did not file a material statement of facts, and that his injuries were minor based on unsupported documents. Dist. Doc 101

The District Judge adopted the recommendation on May 3rd, 2022, and Petitioner appealed. Dist. Doc. 106. And on July 15, 2024, the Fifth Circuit reversed the denial. In its review the court stated that Louisiana state tort law does authorize judges the statutory authority to focus on Petitioner's injuries as minor, having only filed a tort claim. That court went on to note that Petitioner had filed sufficient evidence in support of his injuries. See *Queen v USA*, No. 22-30294, (5th Cir. July 15, 2024).

On reversal, at a November 5th, 2024, zoom conference, rather than subject Petitioner's summary judgment to an examination of the merits based on the decision of the Fifth Circuit in this case. At the Government's request the court erroneously allowed the Government to seek even more information outside the record of the administrative tort claim response by granting the Government permission to seek discovery through taking a deposition of Petitioner regarding his injuries despite the Fifth Circuit's instruction in this case. The court hit the reset button for a long awaited right to Petitioner's summary judgment by violating title 5 U.S.C. 556(e), and 706. Appendix D. Following completion of the Government's obtaining new information the court later ordered that Petitioner to file [a]nother motion for summary judgment.

Upon doing so again, the Petitioner was met with the new transcript of the deposition taken from Petitioner by the Government under order of the court which was not used during the administrative tort claim response; does not support the Government use of the transcript of the deposition

regarding his injuries; is unsupported as evidence; and does not legally provide the Government immunity. Petitioner was also met with the same Government defense that claimed he assaulted officers without sufficient evidence.

It should be noted that both the Court and the Government were aware since Petitioner's September 17th, 2021, filing before the court a letter from the Department of Justice dated September 10, 2021, stating that there was no documents in [s]upport of the Administrative Tort Claim determination that Petitioner assaulted correctional officers [b]ecause Petitioner's disciplinary exoneration required their destruction. Yet the district court continued to harass Petitioner with unnecessary and illegal litigation without discretion. See Dist. Doc 84

Petitioner filed a writ of mandamus to the Fifth Circuit asking them to intervene because the district court was not following its instructions, but was denied. In *Re Nicholas Queen*, No. 25-30328 (5th Cir October 15, 2025), the appellate court having bluntly stated that the case was lawfully proceeding.

The Magistrate has recently issued Recommendation and Report to deny Petitioner's request for summary judgment purely on the grounds argued by the Government above. On January 14, 2026, Petitioner filed objections. Although the entire lower court review he has been forced to proceed under unlawful judicial proceedings.

## REASONS FOR GRANTING PETITION

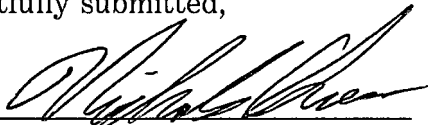
The entire country is currently in disgust over whether to begin to defund certain federal law enforcement agencies because of the repeated alleged use of excessive force claims resulting in even death. In fact, it has shown to be down right public chaos at times all over the country. And this writ will be in aid of the Appellate Jurisdiction to understand how to review administrative determinations under the Administrative Procedure Act where society will be hit head on as the result of the erroneous applications of the lower court. Exceptional circumstances do exist in this case where so many lives are at stake regarding the due process rights of American citizens such as Petitioner. Having our democracy in jeopardy, the unconstitutional review of the lower courts in this case have shown that the Petitioner in this case has no other adequate relief from what is a clear right to summary judgment. Therefore, it is clear that this United States Supreme Court is needed to intervene for the purpose of clarifying the law for an unsettled society.

The prisons in the United States are a part of our society. But for the past six years and pending using documents known to the court to be altered by the Government against Petitioner in violation of Title 5 U.S.C. 556(e). Both the district court and the appellate court should have dismissed the Government's pleadings under Title 5 U.S.C. 706. See *Sec v Chenery*, 318 U.S. 80 (1943), at least five years ago without discretion, but has been a willing partner in defrauding Petitioner's rights. And Petitioner has no other adequate remedy or means of relief of the district and Appellate court's refusal to exercise its duty under 706.

**CONCLUSION**

The petition for a writ of mandamus should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: Feb. 16, 2025