

Case No. 24-5803

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**ORDER**

RICKEY BENSON

Plaintiff - Appellant

v.

CHIEF UNITED STATES DISTRICT JUDGE SHERYL H. LIPMAN

Defendant - Appellee

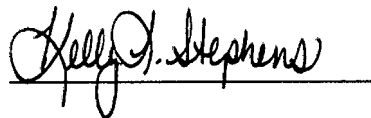
Appellant having previously been advised that failure to satisfy certain specified obligations would result in dismissal of the case for want of prosecution and it appearing that the appellant has failed to satisfy the following obligation(s):

The proper fee was not paid by February 17, 2025.

It is therefore **ORDERED** that this cause be, and it hereby is, dismissed for want of prosecution.

**ENTERED PURSUANT TO RULE 45(a),  
RULES OF THE SIXTH CIRCUIT**  
Kelly L. Stephens, Clerk

Issued: February 24, 2025

A handwritten signature in cursive script, reading "Kelly L. Stephens", is written over a horizontal line.

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Mar 27, 2025  
KELLY L. STEPHENS, CI

RICKEY BENSON, )  
 )  
 Plaintiff-Appellant, )  
 )  
 v. )  
 )  
 CHIEF UNITED STATES DISTRICT )  
 JUDGE SHERYL H. LIPMAN, )  
 )  
 Defendant-Appellee. )

ORDER

Before: CLAY, THAPAR, and DAVIS, Circuit Judges.

Rickey Benson petitions for rehearing en banc of this court's order entered on January 16, 2025, denying leave to proceed in forma pauperis on appeal. The petition was initially referred to this panel, on which the original-deciding judge does not sit. After review of the petition, this panel issued an order announcing its conclusion that the original application was properly denied. The petition was then circulated to all active members of the court, none of whom requested a vote on the suggestion for an en banc rehearing. Pursuant to established court procedures, the panel now denies the petition for rehearing en banc. Unless Benson pays the \$605 filing fee to the district court within 30 days of the entry of this order, this appeal will be dismissed for want of prosecution.

ENTERED BY ORDER OF THE COURT

  
\_\_\_\_\_  
Kelly L. Stephens, Clerk

No. 24-5803

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Mar 12, 2025  
KELLY L. STEPHENS

RICKEY BENSON, )  
 )  
Plaintiff-Appellant, )  
 )  
v. )  
 )  
CHIEF UNITED STATES DISTRICT )  
JUDGE SHERYL H. LIPMAN, )  
 )  
Defendant-Appellee. )

ORDER

Before: CLAY, THAPAR, and DAVIS, Circuit Judges.

Rickey Benson, a pro se inmate at the Shelby County Correctional Center, petitions the court to rehear en banc its order denying his motion to proceed in forma pauperis. The petition has been referred to this panel, on which the original deciding judge does not sit, for an initial determination on the merits of the petition for rehearing. Upon careful consideration, the panel concludes that the original deciding judge did not misapprehend or overlook any point of law or fact in issuing the order and, accordingly, declines to rehear the matter. Fed. R. App. P. 40(b)(1)(A).

The Clerk shall now refer the matter to all of the active members of the court for further proceedings on the suggestion for en banc rehearing.

ENTERED BY ORDER OF THE COURT

*Kelly L. Stephens*  
\_\_\_\_\_  
Kelly L. Stephens, Clerk

RECEIVED  
APR 14 2025  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

RICKEY BENSON, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. 2:24-cv-02021-SHM-tmp  
 )  
 CHIEF UNITED STATES DISTRICT JUDGE )  
 SHERYL H. LIPMAN, )  
 )  
 Defendant. )

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**ORDER DISMISSING CASE;  
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH;  
NOTIFYING BENSON OF THE APPELLATE FILING FEE;  
NOTIFYING BENSON OF THE COURT’S STRIKE RECOMMENDATION UNDER  
28 U.S.C. § 1915(g); AND CLOSING CASE**

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On January 8, 2024, Rickey Benson, who is a three-strike filer under § 1915(g) of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915, *et seq.* (the “PLRA”), filed: (1) a *pro se* civil complaint under 42 U.S.C. § 1983 (ECF No. 1); (2) a motion to proceed *in forma pauperis* (ECF No. 2 (the “IFP Motion”)); and (3) a motion for discovery. (ECF No. 3) On April 9, 2024, the Court (1) dismissed the complaint without prejudice pursuant to 28 U.S.C. § 1915(g). (ECF No. 6 (the “April 9 Order”).) The Court notified Benson that the case would be re-opened if Benson filed a motion to re-open within twenty-eight (28) days, accompanied by the four hundred and five dollar (\$405.00) civil filing fee. (*Id.* at PageID 15.) The Court warned Benson that if he failed to timely comply, the case would be dismissed with prejudice and judgment entered without further notice. (*Id.*)

On April 19, 2024, Benson filed a notice of appeal about the April 9 Order with the United States Court of Appeals for the Sixth Circuit. (ECF No. 7 (the “NOA”).) On June 21, 2024, the Sixth Circuit entered an order that dismissed Benson’s appeal for want of prosecution. (ECF No. 9 at PageID 21.)

Benson’s deadline to file a motion to re-open Case No. 24-02021 and submit the civil filing fee was Tuesday, May 7, 2024. (See ECF No. 6 at PageID 15.) Benson has not filed a motion to re-open the case and has not sought an extension of time to do so.

For these reasons, the Court DISMISSES this case with prejudice in its entirety for the reasons discussed in the April 9 Order. (ECF No. 6.) Judgment will be entered in accordance with the April 9 Order.

The Court RECOMMENDS that this dismissal should be treated as a strike pursuant to 28 U.S.C. § 1915(g). See *Simons v. Washington*, 996 F.3d 350, 353 (6th Cir. 2021).

Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Benson would not be taken in good faith. If Benson nevertheless chooses to file a notice of appeal, Benson must either pay the entire six hundred and five dollars (\$605.00) appellate filing fee or submit a new *in forma pauperis* affidavit and a current, certified copy of his inmate trust account statement for the last six months, in compliance with 28 U.S.C. §§ 1915(a)-(b).

The Clerk is directed to mark this case closed.

IT IS SO ORDERED, this 9th day of August, 2024.

/s/ Samuel H. Mays, Jr.  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE

In The United States Court Of Appeals For The Sixth Circuit

Rickey Benson,  
Plaintiff-Appellant,

v.

Chief U.S. Dist. Judge Sheryl H. Lipman,  
Defendant-Appellee.

Case #: 24-5803

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Petition For Rehearing Order Filed: Jan. 16, 2025, Pursuant To The  
Fed. R. App. P.

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Cause Of Action: The Order Filed: Jan. 16, 2025, denied my motion to proceed i.f.p. to reject my motion for oral argument and petition for en banc hearing in generally because my motion for oral argument and petition for en banc hearing justifies that Lipman and Mays in generally conspired with the defendants/respondents to cause my hernia to kill me by their actions of trying to cover up such civil rights violations due to my motion for oral argument and petition for en banc hearing that I believe the circuit judge has

been paid to cover up by denying my motion to proceed i.f.p. because I am a poor person, for I did alledged in the USCA6 that I was in imminent danger when I filed my appeal due to my petition for crossclaim of petition for en banc hearing, etc. on 10/17/24 which the circuit judge did not acknowledge in the order filed: 61-16-25.

Dated: Jan. 22, 2025

Signed: (Mr.) Rickey Benson

Proof Of Service

I swear that a copy of this Petition was sealed inside a Prepaid Stamped Envelope Addressed to: Office Of The Clerk, U.S. Court Of

Appeals For The Sixth Circuit, 100 E. Fifth Street, Rm. 540 Cincinnati, OH, 45202-3988, and placed in the Shelby Cnty. Div. Of Corr. Mailing system on Jan. 22, 2025.

Signed: (Mr.) Rickey Benson

**NOT RECOMMENDED FOR PUBLICATION**

No. 24-5727

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
May 14, 2025  
KELLY L. STEPHENS, Clerk

RICKEY BENSON,	)	
	)	
Petitioner-Appellant,	)	
	)	
v.	)	ON APPEAL FROM THE UNITED
	)	STATES DISTRICT COURT FOR
FLOYD BONNER, JR., Sheriff,	)	THE WESTERN DISTRICT OF
	)	TENNESSEE
Respondent-Appellee.	)	
	)	
	)	

**ORDER**

Before: NORRIS, MOORE, and BLOOMEKATZ, Circuit Judges.

Rickey Benson, a Tennessee prisoner proceeding pro se, appeals the district court’s denial of his post-judgment motions filed in his 28 U.S.C. § 2241 habeas corpus proceeding. Benson moves to proceed in forma pauperis on appeal. And he petitions for initial en banc hearing and court intervention. As discussed below, Benson must obtain a certificate of appealability (COA) to pursue his appeal, and he has not met the standard for doing so.

Benson is serving a combined five-year prison sentence for two burglary convictions. He filed a § 2241 habeas corpus petition in 2023, claiming, without any supporting facts, that his “civil and constitutional rights ha[d] been violated by the court and jail officials.” The district court denied Benson’s petition and denied a COA. This court also denied a COA. *Benson v. Bonner*, No. 24-5043 (6th Cir. Sept. 9, 2024).

During the same time period, Benson filed a civil-rights case alleging improper medical care for his hernia. *See Benson v. The Healthcare Staff of Shelby Cnty. Crim. Just. Ctr.*, No. 2:23-

cv-02510 (W.D. Tenn.). And he later filed five post-judgment motions in this § 2241 habeas case. Benson's post-judgment motions did not squarely address the district court's reasons for denying his habeas petition. His motions mainly alleged civil-rights violations, such as inadequate medical treatment for his hernia; unconstitutional conditions of confinement, including food contamination and lack of water in his cell; and retaliation and denial of access to the court by prison officials who mixed up his documents when copying them. Benson also alleged that the district court judge in this case, Chief Judge Lipman, and the district court judge in his civil-rights case, Judge Mays, participated in and concealed a plot "to cause [his] hernia to kill [him]," including by separating an injunction motion from the complaint filed in his civil-rights case and treating the motion as the § 2241 habeas petition filed in this case.

As an initial matter, Benson did not obtain a COA to pursue this appeal. A COA is required "for all state-prisoner habeas appeals," *Winburn v. Nagy*, 956 F.3d 909, 912 (6th Cir. 2020) (order), including appeals from the denial of post-judgment motions filed under Federal Rule of Civil Procedure 60(b) in habeas cases, *Johnson v. Bell*, 605 F.3d 333, 336 (6th Cir. 2010). Nevertheless, we may construe the notice of appeal as a COA application. *See id.* A COA may be issued only if a petitioner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). In the Rule 60(b) context, we ask "whether a reasonable jurist could conclude that the District Court abused its discretion in declining to reopen the judgment." *Buck v. Davis*, 580 U.S. 100, 123 (2017).

One of Benson's post-judgment motions mentioned Rule 60 and purported to seek relief from the district court's judgment dismissing his § 2241 habeas petition. Rule 60(b) provides for relief from a final judgment in limited circumstances, including mistake, newly discovered evidence, fraud, a void judgment, or a judgment that has been satisfied or reversed or is no longer equitable. Fed. R. Civ. P. 60(b)(1)-(5). Rule 60(b)(6), a residual clause, permits relief for "any other reason that justifies relief." A motion filed under Rule 60(b)(6) must demonstrate "extraordinary circumstances' justifying the reopening of a final judgment." *Gonzalez v. Crosby*, 545 U.S. 524, 535 (2005) (quoting *Ackermann v. United States*, 340 U.S. 193, 199 (1950)). Even read liberally, Benson's post-judgment motions did not demonstrate entitlement to relief under any

No. 24-5727

- 3 -

of the five specific provisions of Rule 60(b). Nor did his motions demonstrate the requisite “extraordinary circumstances” to justify relief under Rule 60(b)(6). *Id.* Benson’s post-judgment motions did not adequately address the dismissal of his habeas petition or otherwise explain why the district court should relieve him from its judgment denying his habeas petition. Benson’s appellate filings fall similarly short, repeating only his vague allegation that the district court’s rulings were an attempt to “cover up” the plot related to his hernia. In these circumstances, no reasonable jurist could conclude that the denial of Benson’s post-judgment motions was an abuse of the district court’s discretion. *See Buck*, 580 U.S. at 123.

We therefore **DENY** a COA and the petitions for initial en banc hearing and court intervention, and we **DENY** the motion to proceed in forma pauperis as moot.

ENTERED BY ORDER OF THE COURT



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Kelly L. Stephens, Clerk

No. 24-5727

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**  
Jul 11, 2025  
KELLY L. STEPHENS, Clerk

RICKEY BENSON, )  
 )  
 Petitioner-Appellant, )  
 )  
----- )  
 v. )  
 )  
 FLOYD BONNER, JR., Sheriff, )  
 )  
 Respondent-Appellee. )

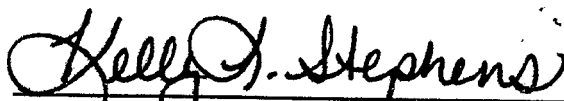
ORDER

Before: NORRIS, MOORE, and BLOOMEKATZ, Circuit Judges.

Rickey Benson, a pro se Tennessee prisoner, petitions for rehearing of our May 14, 2025, order denying a certificate of appealability to appeal the denial of his post-judgment motions filed in his 28 U.S.C. § 2241 habeas corpus proceeding. We have reviewed the petition and conclude that we did not overlook or misapprehend any point of law or fact in denying Benson a certificate of appealability. *See* Fed. R. App. P. 40(b)(1)(A).

Accordingly, the petition for rehearing is **DENIED**.

ENTERED BY ORDER OF THE COURT

  
\_\_\_\_\_  
Kelly L. Stephens, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

RICKEY BENSON, )  
 )  
 Petitioner, )  
 )  
 v. ) Case No. 2:23-cv-02584-SHL-atc  
 )  
 FLOYD BONNER, )  
 )  
 Respondent. )

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**ORDER DENYING PETITIONER'S MOTIONS (ECF NOS. 9, 10, 11, 13 & 15)  
WITH PREJUDICE**

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Petitioner Rickey Benson (“Petitioner” or “Benson”) filed a Petition Pursuant to 28 U.S.C. § 2241 (“§ 2241 Petition”) on September 14, 2023.<sup>1</sup> (ECF No. 1.) Before the Court are five motions that Benson filed after this Court denied the § 2241 Petition and entered judgment on December 6, 2023. (*See* ECF No. 7 (“December 6 Order”); ECF No. 8.) Benson styled his post-Judgment motions (“Five Pending Motions”) as:

- (1) “Motion For Court Intervention To Eliminate Further Violations Under The FRCP” (ECF No. 9), filed January 8, 2024;
- (2) “Motion To Enjoin 10th Crossclaim Relief To Support Document:1 Under The FRCP” (ECF No. 10), filed January 8, 2024;
- (3) “Motion To Enjoin 9th Crossclaim / Relief To Support Document:1 Under The FRCP” (ECF No. 11), filed January 8, 2024;

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<sup>1</sup> When Benson filed the § 2241 Petition, he was confined at the Shelby County Jail (“SCJ”), in Memphis, Tennessee. (*See* ECF No. 1-1 at PageID 2.) Benson is presently assigned to the Probation and Parole Office in Memphis, Tennessee, under Tennessee Department of Correction (“TDOC”) identification number 00241219.

(4) "Motion For Relief From Order Denying Motion For Discovery, Etc. And Judgment Entered:12-06-23, Pursuant To FRCP 60" (ECF No. 13), filed January 9, 2024; and

(5) "Motion Of Crossclaim And Additional Defendant (U.S. Dist. Judge Samuel H. Mays, Jr.) Under The FRCP" (ECF No. 15), filed January 22, 2024.

For the reasons explained below, the Five Pending Motions (ECF Nos. 9-11, 13 & 15) are

**DENIED WITH PREJUDICE.**

**I. BACKGROUND**

In the § 2241 Petition, Benson alleged, without factual detail, that his "civil and constitutional rights has [sic] been violated by the court and jail officials." (ECF No. 1 at PageID 1; *see also* ECF No. 7 at PageID 13.) On December 6, 2023, the Court entered an Order: (1) denying Benson's Motion For Discovery (ECF No. 5); (2) denying the § 2241 Petition; (3) denying a certificate of appealability; (4) certifying that an appeal would not be taken in good faith; and (5) denying leave to proceed *in forma pauperis* on appeal. (ECF No. 7.) The Court denied the § 2241 Petition because: (1) it contained no claims or supporting facts, and therefore it did not satisfy the requirements of Federal Rule of Civil Procedure 8(a)(2) or Rule 2(c)(1)–(2) of the Rules Governing Section 2254 Cases in the United States District Courts (ECF No. 7 at PageID 14–15); (2) the habeas remedy cannot be invoked to raise defenses to a pending state criminal prosecution (*id.* at PageID 15–16); and (3) pursuant to the Anti-Injunction Act, 28 U.S.C. § 2283, the Court lacks the power to order the dismissal of state criminal charges (*id.* at PageID 16). The Court also entered judgment on December 6, 2023. (ECF No. 8.)

**II. ANALYSIS**

The Five Pending Motions do not request reconsideration of the December 6 Order or the claims raised in the § 2241 Petition. Instead, they seek to raise the following new claims that were not asserted in the § 2241 Petition:

(1) claim of deprivation of medical care (ECF No. 9 at PageID 20 (“Medical Care Claim”));

(2) claims seeking \$100,000 for tainted food at the SCJ, sporadic denial of plumbing service in Benson’s cell, one-day deprivation of Benson’s dinner and medication, and a “plot” involving Benson’s hernia (ECF No. 10 at PageID 22 (“Conditions of Confinement Claims”));

(3) a claim seeking “two thousand dollars (\$200,000.00) [sic]” because SCJ personnel photocopied Benson’s “motions for complaints of judicial misconduct forms” in a “disorganized” and “disformed [sic]” manner in order “to confuse me and the court ... which constitutes retaliation to continue to cause my hernia to kill me and generally depriving me of my constitutional rights of access to the courts.” (ECF No. 11 at PageID 24 (“Access to the Courts Claim”));

(4) claims that (a) the SCJ’s “healthcare staff [is] plotting to cause my hernia to kill me” and (b) “Chief Judge Lipman retaliated and caused an injustice to my cases 23-2510 and 23-2584 in a conspiracy with the defendants to cause my hernia to kill me” (ECF No. 13 at PageID 29 (“Retaliation Claim”)); and

(5) a claim of “a plot [between] the defendants and Chief Judge SHL ... to cause my hernia to kill me[,] ... constitut[ing] imminent danger of serious physical injury.” (ECF No. 15 at PageID 33 (“Imminent Danger Allegation”).)

Under federal law, a prisoner has “two main avenues to relief” for imprisonment-related complaints: a habeas corpus petition and a civil rights complaint under 42 U.S.C. § 1983. *Muhammad v. Close*, 540 U.S. 749, 750 (2004). The first avenue, a habeas petition, is appropriate for challenges to the *validity* or *duration* of the inmate’s confinement. *Id.* (citing *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973)); *see also Swafford v. Corr. Corp. of Am., Inc.*, No. 1:08-cv-202, 2008 WL 4646086, at \*1 (E.D. Tenn. Oct. 17, 2008) (“However, habeas is not available to review questions unrelated to the cause of detention. The sole function for a habeas action is to grant relief from unlawful imprisonment or custody and it cannot be used properly for any other purpose.”) (internal citation and quotation marks omitted). The second avenue, a civil rights complaint, is appropriate for challenges to the *circumstances* of an inmate’s

confinement. *Id.* Claims challenging the conditions of confinement may be asserted through a § 1983 cause of action. *Swafford*, 2008 WL 4646086, at \*1.

Benson's Five Pending Motions do not challenge the validity or duration of his sentence or the fact or duration of his detention at the SCJ. Benson, rather, challenges the conditions of his confinement at the SCJ. However, "a federal court's authority in a habeas proceeding ... extends only to determining the legality of a petitioner's state-court conviction and sentence, and not to addressing the conditions of his confinement." *Hodges v. Bell*, 170 F. App'x 389, 390 (6th Cir. 2006). Habeas corpus relief is not available to prisoners who, like Benson, complain only about the conditions of their legal incarceration. *See Hodges*, 170 F. App'x at 392.

Each of Benson's claims challenge the conditions of his confinement, not the validity or duration of his confinement. His Medical Care Claim disputes the "change[] [of] my H[ear]t B[l]ood P[ressure] medication to metoprolol 50mg" and "outside medical care for my hernia." (ECF No. 9 at PageID 20.) The Conditions of Confinement Claims raise challenges to (a) food allegedly tainted with "cleaning chemicals and drugs during breakfast and lunch," (b) intermittent deprivation of sink and toilet water in Benson's cell, (c) deprivation of his dinner and blood pressure medication on December 16, 2023, and (d) "a plot to continue to cause my hernia to kill me." (ECF No. 10 at PageID 22.) His Access to the Courts Claim seeks compensatory damages for "confus[ion]" from SCJ personnel's manner of photocopying Benson's legal documents. (ECF No. 11 at PageID 24.) None of these claims are cognizable as part of a § 2241 petition, although relief may be sought in a § 1983 action. *See Swafford*, 2008 WL 4646086, at \*1.

Benson's Retaliation Claim also has nothing to do with the execution or calculation of his sentence or with a claim for early release from incarceration. *See Heck v. Humphrey*, 512 U.S. 477, 481 (1994) (the habeas corpus remedy is for challenges to the fact or duration of confinement)

(citing *Preiser*, 411 U.S. at 488–90). In fact, Benson alleged an identical claim of retaliation in *Benson v. Chief United States District Judge Sheryl H. Lipman* (No. 2:24-cv-2021, ECF No. 1 at PageID 1). On April 9, 2024, the complaint in No. 24-2021 was dismissed pursuant to 28 U.S.C. § 1915(g) because Benson, who is a three-strike filer under § 1915(g) of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915, *et seq.* (“PLRA”), may not file any further action in which he proceeds *in forma pauperis* unless he first demonstrates that he is in imminent danger of serious physical injury, and he failed in No. 24-2021 to meet that prerequisite. (*See* No. 24-2021, ECF No. 6 at PageID 13–14.)

Lastly, the Imminent Danger Allegation’s claim of “imminent danger of serious physical injury” (ECF No. 15 at PageID 33), is misplaced in this habeas action. The statutory language in 28 U.S.C. § 1915(g) about *in forma pauperis* status for three-strike filers does not give rise to a federal habeas claim. Benson cannot avoid paying the § 1983 civil filing fee by seeking to re-file his previously dismissed civil rights claims from No. 24-2021 as habeas claims in this action. His attempt to do so in the Five Pending Motions is not well taken.

### **III. CONCLUSION**

The Five Pending Motions (ECF Nos. 9–11, 13 & 15) are **DISMISSED WITH PREJUDICE** because these claims are not the proper subject of a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

**IT IS SO ORDERED**, this 18th day of July, 2024.

s/ Sheryl H. Lipman  
\_\_\_\_\_  
SHERYL H. LIPMAN  
CHIEF UNITED STATES DISTRICT JUDGE

In The United States Court Of Appeals For The Sixth Circuit

Rickey Benson,  
Petitioner- Appellant,

Case No. 24-5727

v.  
Floyd Bonner, Jr.,  
Respondant- Appellee.

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Petition To Rehear Order / Judgment Filed: May 14, 2025 Under  
The F.R.A.P.

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Cause Of Action: On 5/14/25, the USCA6 denied a COA, the petition for en banc hearing, court intervention and the motion to proceed i.f.p. as moot after overlooking the fact that the USDC violated my 4th and 14th Amendments rights in these cases: USCA6, No. 24-5043 (S.Ct. Application, No. 24A818) and USCA6, No. 24-5727, for I continue to suffer all legal damages in the U.S. Courts because my motion to grant injunction to transfer plaintiff to another facility on protective custody, etc. was separated from my complaint of USDC, No. 23-02510 as a habeas petition. I did not file a habeas petition, I filed a motion to grant injunction to transfer plaintiff to another facility on protective custody, etc. (See document: 4 of USDC, No. 23-02510 - Benson v. Healthcare Staff of SCCJC (who continuously plotted to cause my hernia to kill me)), in which I continue to fight for justice - See especially document: 28 of USDC, No. 23-02584 and S.Ct. Application 24A818.

For good cause shown, the above-entitled cause of action should be granted under the F.R.A.P.

Filed: May 21, 2025

Signed: Rickey Benson

Proof Of Service: I swear that a copy of this ~~Petition~~ ~~is~~ ~~attached~~ was sealed inside a Prepaid Stamped Envelope Addressed to: Office Of The Clerk, U.S. Ct. Of Appeals For The Sixth Circuit, 100 E. Fifth Street, Rm. 540 Cincinnati, OH. 45202-3988, and placed in the SCDOC mailing system on May 22, 2025.

Signed: Rickey Benson