

25-7097

No. _____

ORIGINAL

FILED
FEB 19 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

GORDON RAY LEWIS

— PETITIONER

(Your Name)

vs.

RYAN SINCLAIR

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court Of Appeals For The Fifth Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GORDON RAY LEWIS

(Your Name)

3201 FM 929

(Address)

Gatesville, Texas, 76597

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Did the complaint in this case, factual allegations, if taken as true, state a plausible claim for relief that is plausible on its face, and did the District Court violate Federal Rules and Supreme Court Precedent in dismissing it?
2. Was the complaint in this case sufficient to meet the threshold of Rule 8(a)(2) of the Federal Rules of Civil Procedure?

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:

RELATED CASES

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Skinner v. Switzer</u> , 131 S.Ct. 1289, 179 L.Ed. 2d 233, 2011 U.S. LEXIS 1905.	
<u>Reed v. Goertz</u> , 598 U.S. 230, 143 S.Ct. 955, 215 L. Ed. 2d 218.	
<u>Gutierrez v. Saenz</u> , 145 S.Ct. 2258, 222 L.Ed. 2d 531, 2025.	
<u>Swierkiewicz v. Sorema N.A.</u> , 534 U.S. 506, 514, 122 S. Ct. 992, 152 L.Ed. 2d 1, (2002).	

STATUTES AND RULES

Rule 8(a)(2) of the Federal Rules Of Civil Procedure

Article 64.01 of the Tex. Code. Crim. Proc.

OTHER

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 A 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 is unpublished.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 United States district court appears at Appendix A to the petition and is

- reported at _____; 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 is unpublished.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 2/3/26.

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

- Due Process Clause violation for failing to provide access to biological evidence in the possession of the state, for DNA testing.

- Constitutional claim for erred dismissal of the complaint in this case.

STATEMENT OF THE CASE

Gordon Ray Lewis filed a § 1983 action against the District Attorney seeking access to biological evidence under Chapter 64 of the Texas Code Of Criminal Procedure, for new DNA Testing. The District Court dismissed the case citing that Lewis had 'failed to state a claim.' Lewis appealed to the Fifth Circuit Court Of Appeals who upheld the dismissal. Lewis follows with this Petition seeking reversal, remand, and reinstatement of his complaint.

REASONS FOR GRANTING THE PETITION

The District Court erred, in dismissing the complaint, and the Fifth Circuit violated Federal Rule; and Supreme Court Precedent in the affirmation of that dismissal. Under Rule 8(a)(2), a complaint need not pin plaintiff's claim for relief to a precise legal theory. The Rule, generally requires only a plausible "short and plain" version or statement of the plaintiff's claim, not an exposition of his legal argument.

Lewis stated that his due process rights had been violated by the Respondents refusal to release or provide access to the biological evidence for retesting, which deprived him of utilizing Chapter 64 of the Texas Code Of Criminal Procedure to prove his innocence. In the instant, Lewis has on multiple instances requested and failed to obtain DNA testing under the only available state-law procedure as is available in Texas.

This Court has on many instances such as Skinner, Reed, and seemingly yesterday in Gutierrez, held that an inmate in Texas has a standing to bring a § 1983 claim challenging Texas's postconviction testing procedures under the Due Process Clause. What's more, that "individuals convicted of crimes in state court have a liberty interest in seeking and demonstrating [their] innocence with new evidence under state law." District Attorney's Office for Third Judicial District, 557 U.S. 52, 68, 129 S. Ct. 2308, 174 L.Ed. 2d 38.

Because clearly, the Fifth Circuit Court of Appeals, and the Texas District Courts (Federal/State) simply refuse to adhere to this Court's well established precedents related to DNA testing and due process rights related to DNA testing, in Texas, and in § 1983 complaints.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jordan Ray Lewis

Date: 2/9/26