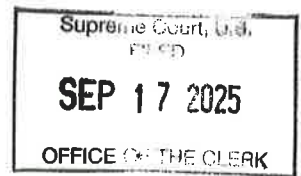


25A360



EMERGENCY MOTION FOR INJUNCTIVE RELIEF LIFE OF DEATH-EMERGENCY

Case Caption:

IN RE Henry B. Berrocal, et al.,

v.

Jason Pulliam, federal district judge

Henry Benphorad, magistrate, district judge

5th Circuit Federal Court of Appeals, unknown judges

U.S. Court of Appeals, Fifth Circuit – Case No. 25-50742

I. Introduction / Summary

This motion is based on:

- Overlooked key facts demonstrating ongoing irreparable harm;
- Overlooked controlling legal authority, including Supreme Court precedent, supporting emergency relief;
- Clear evidence of judicial bias and systematic obstruction in the Western District of Texas and the United States Fifth Circuit Court of Appeals;
- Prior recognition by the U.S. Supreme Court, including two rulings allowing Appellant to proceed in forma pauperis, confirming the merit of filings and proving illegal incarcerations (all cases already dismissed as of September 16, 2025).

Life-or-Death Emergency:

Appellant faces ongoing detention, harassment, obstruction of court access, and abuse, creating an imminent threat to life and physical safety. Prior experiences—including multiple arrests, physical attacks, shots at my vehicles with firearms, and repeated attempts on Appellant’s life—demonstrate that the risk of irreparable harm is immediate and severe. Courts recognize that threats to life constitute the highest form of irreparable harm.

(*Nken v. Holder*, 556 U.S. 418 (2009); *Winter v. NRDC*, 555 U.S. 7 (2008); *Hope v. Pelzer*, 536 U.S. 730 (2002)).

Appellant requests urgent consideration due to systemic bias, ongoing threats to life, and repeated obstruction by lower courts.

II. Grounds for Reconsideration**1. Overlooked Facts**

Appellant continues to face retaliatory arrests, harassment, and obstruction of legal filings. Documented incidents include:

- Arrest at federal courthouse around day 8 and 15th January 2024, while filing legal documents, including a default judgment (video evidence exists in Western District of Texas, San Antonio Division);

- Over 3 false arrests and fabricated psychiatric claims (2023–2025) described in multiple lawsuits: *Berrocal v. San Antonio*, *Berrocal v. Texas*, *Berrocal v. Bondi*, *Berrocal v. Bexar County*.
- Recently May 28th, I was illegally arrested by police who stole my house, cars, clothing, and court evidence to block justice and make me homeless, US federal court case Western District of Texas *Berrocal vs Bondi*, and 5th Circuit appeal case 25-50617, described in more detail
- Physical abuse and torture near to death and restraint in Bexar County custody (Nov 17, 2024); placed with killers in jail and massive 1 million bond without 0 evidence described in *Berrocal vs Texas* (federal supreme court intervened 2 times)
- Repeated harassment, threats to life, and attacks on personal property, including vehicles, described in the federal district court Western District, *Berrocal vs Bondi*, and the 5th circuit case number 25-50617

These facts demonstrate **immediate and irreparable harm absent intervention.**

2. Overlooked Legal Authority / Supreme Court Precedent

Appellant's motion cites controlling Supreme Court authority supporting emergency relief:

- **Nken v. Holder, 556 U.S. 418 (2009)** – standards for emergency relief

- **Elrod v. Burns, 427 U.S. 347 (1976)** – irreparable injury from First Amendment and other constitutional violations (4th, 5th, 8th, 14th Amendments)
- **Hope v. Pelzer, 536 U.S. 730 (2002)** – state actors liable for constitutional violations
- **Manuel v. City of Joliet, 580 U.S. 357 (2017)** – detention without probable cause
- **Bounds v. Smith, 430 U.S. 817 (1977); Christopher v. Harbury, 536 U.S. 403 (2002)** – denial of access to courts
- **Hartman v. Moore, 547 U.S. 250 (2006)** – retaliation for exercising legal rights
- **Monell v. Dept. of Social Services, 436 U.S. 658 (1978)** – municipal liability for patterns of abuse

These authorities support granting emergency relief, protecting life, and ensuring access to courts, all ignored in the federal district court and federal 5th circuit Court of Appeals

III. Judicial Recusal A. Legal Standard 28 U.S.C. § 455(a) & (b)(1) – judges must recuse where impartiality may reasonably be questioned

- Supreme Court precedent:
Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)
Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988)

B. Specific Grounds

- Denial of emergency motions without addressing evidence of abuse or obstruction
- Patterns of dismissals, delayed rulings, and disregard for civil rights
- Connections between presiding judges and state actors involved in Appellant's cases.
- Supporting affidavit and prior motion for recusal in the federal court Western District of Texas, Judges Orlando Garcia, Jason Pulliam, Xavier Rodriguez, Magistrate Judges Elizabeth Chestney, Henry Bemporad
- Threats to Appellant's safety, ongoing retaliation, and multiple attempts on life

C. Previous Recusals and Systemic Conflict

- Judges in the Fifth Circuit and Western District of Texas have been recused in related cases, creating conflicts for fair adjudication
 - The Western District shows systematic denial of petitions, obstruction, and bias, undermining fair review
 - U.S. Supreme Court rulings and in forma pauperis recognition confirm merit and inconsistencies with lower court denial
-

IV. Argument

A. Likelihood of Success Appellant's civil rights claims implicate the First, Fourth, Fifth, Eighth, Ninth, Thirteenth, and Fourteenth Amendments.

Incidents alleged—retaliatory arrests, obstruction, and abuse—are supported by evidence and Supreme Court precedent.

B. Irreparable Harm Physical abuse, false detention, obstruction of court access, and retaliation cannot be remedied monetarily.

Harm is imminent without emergency relief. **C. Balance of Harms** The state has no legitimate interest in retaliation or obstruction.

Emergency relief minimally protects constitutional rights.

D. Public Interest Upholding civil rights and access to courts serves the public interest.

(Planned Parenthood v. Abbott, 734 F.3d 406 (5th Cir. 2013))

V. Relief Requested

Appellant respectfully requests that the Court:

1. **Issue an emergency injunction** protecting Appellant from any further:

- Arrests, detention, or forced psychiatric evaluations without a valid judicial warrant;

- Interference with filings or court access, including rejection of legal documents or obstruction of litigation;
- Retaliation, harassment, or abuse for exercising constitutional rights, including filing lawsuits or appeals;
- Physical threats, attacks on property, or any actions that put Appellant's life in imminent danger;

2. **Due to biases, civil rights indifference and judges' misconduct, I request recusal** of all my pending lawsuits in the federal western district, including 1. Berrocal vs Texas, 2. Berrocal vs San Antonio police, 3. Berrocal vs Bondi, 4. Berrocal vs valdespino, 5. Berrocal vs auto club county insurance, 6. berrocal vs nissan, 7. Berrocal vs Samsung, and all my cases pending in the 5th Circuit.
3. **Enforce sanctions and default judgments** due to the repetitive civil rights violations and retaliation across related cases in the federal court Western District of Texas, *Berrocal v. Bondi*, *Berrocal v. Texas*, and *Berrocal v. San Antonio*, *Berrocal vs Valdespino*;
4. **Open a criminal investigation** into conspiracy against civil rights under 18 U.S.C. §§ 241 & 242, relating to multiple government misconduct cases;
5. **Provide a protective order** against all state and local government actors who have engaged in harassment, retaliation, or threats to life, property, or legal filings;
6. **Transfer or reassign cases** to other neutral federal jurisdictions (preferably Washington D.C., Southern District of New York, or Northern District of California) due to systemic bias, repeated obstruction, and risk of continued retaliation in Texas, Louisiana, Oklahoma, and Mississippi, with related confederate culture and covering the 5th circuit jurisdiction in systematic indifference for civil rights.

7. **Provide any other relief the Court deems just and proper**, including measures to safeguard Appellant's safety, access to the courts, and ability to litigate without fear of violence or obstruction;
 8. **IF I'M KILLED, ASSIGNED AN AUTOMATIC APPOINTED ATTORNEY, AND DONATE ALL MY MONEY TO any federal criminology and CIVIL RIGHTS ORGANIZATIONS LIKE MINE**
 9. **Confirm that all federal Supreme Court precedent** cited in this motion is followed, ensuring the protection of Appellant's rights, life, and access to justice.
-

In the name of Jesus Christ, amen

Matthew 5:10–12 (KJV)

**10 Blessed are they who are persecuted for righteousness' sake:
For theirs is the kingdom of heaven.**

**11 Blessed are ye, when men shall revile you, and persecute you,
and shall say all manner of evil against you falsely, for my sake.**

**12 Rejoice, and be exceeding glad:
For great is your reward in heaven:
For so persecuted they the prophets who were before you.**

Respectfully submitted,

/s/ Henry B. Berrocal

berrocalhenry08@gmail.com, humanityforwisdomllc@gmail.com

Date 09/17/2025

IN THE SUPREME COURT OF THE UNITED STATES

In Re Henry B Berrocal

V

Jason Pulliam District Judges

Henry B. Benporad Federal Magistrate District Judge

Unknown 5th Circuit federal judges

Respondents

CERTIFICATE OF SERVICE

I, **Henry B. Berrocal**, hereby certify under penalty of perjury pursuant to 28 U.S.C. § 1746, that on the **17 day of September, 2025**, I served a copy of the following document:

- **Emergency Application for Injunctive Relief under Supreme Court Rule 22**
- **Notice of Application for Emergency Relief under Rule 29**

upon the following parties by **certified U.S. Mail** in person and/or **electronic service**, in accordance with **Rule 29 of the Rules of the Supreme Court of the United States**:

Judge Jason Pulliam District Judge United States District Court Western District of Texas 262 West Nueva Street San Antonio, TX 78207

Federal Magistrate Judge Henry B. Benphorad United States District Court Western District of Texas 262 West Nueva Street San Antonio, TX 78207

Unknown 5th Circuit United States Court of Appeals judges 600 Maestri Place, New Orleans 70130

Executed on date 09/17/2025

Respectfully submitted,

/s/ Henry B. Berrocal

Henry B. Berrocal

Phone: 210-773-1148

Email: Berrocalhenry08@gmail.com, humanityforwisdomllc@gmail.com

Henry B Berrocal
09/17/2025

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Henry B Berrocal — PETITIONER
(Your Name)

VS.

Jason Polliam — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Federal Supreme Court

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____, or

☐ a copy of the order of appointment is appended.

Henry B Berrocal
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Henry B Beaton, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ 0	\$ N/A	\$ 0	\$ N/A
Self-employment	\$ 0	\$ /	\$ 0	\$ /
Income from real property (such as rental income)	\$ 0	\$ /	\$ 0	\$ /
Interest and dividends	\$ 0	\$ /	\$ 0	\$ /
Gifts	\$ 0	\$ /	\$ 0	\$ /
Alimony	\$ 0	\$ /	\$ 0	\$ /
Child Support	\$ 0	\$ /	\$ 0	\$ /
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ /	\$ 0	\$ /
Disability (such as social security, insurance payments)	\$ 0	\$ /	\$ 0	\$ /
Unemployment payments	\$ 0	\$ /	\$	\$ /
Public-assistance (such as welfare)	\$ 300	\$ /	\$ 300	\$ /
Other (specify):	\$ 0	\$ /	\$ 0	\$ /
Total monthly income:	\$ 300	\$ /	\$ 300	\$ /

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Humanity For Wisdom	8402 Timber belt	From 2019-current	\$ 0
	San Antonio TX		\$
	78250		\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ N/A
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$	\$
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value N/A

☐ Other real estate
Value

☐ Motor Vehicle #1
Year, make & model na
Value

☐ Motor Vehicle #2
Year, make & model N/A
Value

☐ Other assets
Description N/A The Texas govt went stole
Value everything working with criminals

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>no dependents</u>	_____	_____
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>500</u>	\$ <u>N/A</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>/</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>/</u>
Food	\$ <u>200</u>	\$ <u>/</u>
Clothing	\$ <u>0</u>	\$ <u>/</u>
Laundry and dry-cleaning	\$ <u>15</u>	\$ <u>/</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>/</u>

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>/</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>/</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>/</u>
Life	\$ <u>0</u>	\$ <u>/</u>
Health	\$ <u>0</u>	\$ <u>/</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>/</u>
Other: _____	\$ <u>0</u>	\$ <u>/</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>/</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>/</u>
Credit card(s)	\$ <u>0</u>	\$ <u>/</u>
Department store(s)	\$ <u>0</u>	\$ <u>/</u>
Other: _____	\$ <u>0</u>	\$ <u>/</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>/</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>/</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>/</u>
Total monthly expenses:	\$ <u>715</u>	\$ <u>/</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

The Texas government with criminals stole all my property
I don't have nothing no even IDs and I can't access my
funds

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Henry B Berrocal, 2025

Henry B Berrocal
(Signature)

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2025

Lyle W. Cayce
Clerk

No. 25-50742

HENRY B. BERROCAL,

Plaintiff—Appellant,

versus

SAN ANTONIO POLICE DEPARTMENT-HEADQUARTERS; WILLIAM MCMANUS, *Chief of Police*; BEXAR COUNTY ADULT DETENTION CENTER; JAVIER SALAZAR, *Individual and Official Capacity*; MUNICIPAL COURT; FREDERICK P. GARCIA, JR.; SAN ANTONIO DEVELOPMENT SERVICE; MICHAEL SHANNON, *Director of Development Services for the City of San Antonio, Professional Engineer and Code Enforcement Officer, in his Individual and Official Capacity*; Director of Development Services for the City of San Antonio, Professional Engineer and Code Enforcement Officer, in his Individual and Official Capacity; SAN ANTONIO IMPOUND FACILITY; RON NIRENBERG, MAYOR, *in his Individual and Official Capacity*; ALANIS WRECKER SERVICE; JAMES M. GARCIA; GILBERT MACIAS,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:23-CV-1319

UNPUBLISHED ORDER

Before STEWART, WILLETT, and WILSON, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that Appellant's motion for an injunction pending appeal protecting him from any further detention, arrest, retaliation, abuse, or interference by the appellees is DENIED.

IT IS FURTHER ORDERED that Appellant's motion to take judicial notice of Appellant's other lawsuits including *Berrocal v. Bondi*, and *Berrocal v. Texas*, is DENIED as unnecessary.

IT IS FURTHER ORDERED that Appellant's motion to be provided with a protective order is DENIED.

IT IS FURTHER ORDERED that Appellant's motion to Recuse District Court Judge Jason Pulliam and Magistrate Judge Henry Bemporad is DENIED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

September 16, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 25-50742 Berrocal v. San Antonio Police Department
USDC No. 5:23-CV-1319

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Casey A. Sullivan, Deputy Clerk
504-310-7642

Mr. Henry B. Berrocal
Mr. Paul A. Fletcher
Mr. Mark Kosanovich