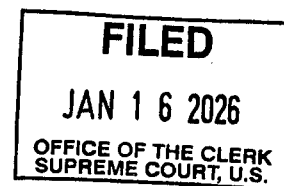


26 - 5042



**IN THE
UNITES STATES SUPREME COURT**

No. 25A495

Mark Hanna,

Plaintiff-Petitioner,

Versus

John Bel Edwards; James LeBlanc;

Eugene Powers; Whalen Gibbs, Et al,

Defendants-Respondents

Mark Hanna

Mark Hanna 132872
LSP, Main Prison, Ash-4
Angola, LA 70712

**On Petition for Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit**

Petition of the Plaintiff-Petitioner, Mark Hanna

20-531

Questions Presented

Question 1. In The Context Of a 1983 Complaint Filed On Behalf Of a State Prisoner, Regarding The Issues That Are Set Out In a Rule 24, Federal Rule Of Appellate Procedure [Fed.R.App.P.] Motion For Leave To Proceed Informa Pauperis On Appeal [Rule 24 IFPA Motion], From The District Court Having Certified That The Appeal Is Not Taken In Good Faith, If Appeal Court Review On The Merits Of The Appeal Has Been Dispensed With On Appeal Court's Finding Of Waived Issues On Appeal By a Purported Briefing Error, Does Appropriate Due Process Of Law Follow From Those Developments To Finding That The Appeal Is "Frivolous In Part" On Its Merits, Or Would a Judgment Entered In That Posture [After The Demise Of a Rule 24 IFPA Motion] Form a Void Nullity And Is The Judgment Entered In The Present Case An Example Of One?

Question 2. Can The Demise Of a Rule 24 IFPA Motion, In And Of Itself, "End" An Appeal [*Cruz v. Hauck*, 404 U.S. 59, 62 (1971)]?

Question 3. Does Appropriate Due Process Of Law Follow From The Demise Of a Rule 24 IFPA Motion, Only If Some Interval Of Time Is Extended To a Litigant After Its Demise For Remitting An Appeal Court's Filing Fee?

Question 4. Regarding Non-Habeas Corpus Litigants Proceeding In The United States Courts, By Appropriate Due Process of Law, Should The Briefing Rules Of The Federal Rules Of Appellate Procedure, Whereby Issues On Appeal Can Be Deemed Waived, Not Be Enforced If They Are Not Firmly Established and Regularly Followed In The Same Way They Are Not Enforced Regarding Habeas Corpus Litigants? And By That Development, Should The Briefing Error Purportedly Identified In The Present Case, Whereby All My Issues On Appeal Were

Deemed Waived, Also Not Be Enforced?

Question 5. If The Purpose Of a Statement Of Issues Mandated For Inclusion In a Rule 24 IFPA Motion And/Or Its Affidavit Is Not To Apprise The Parties Or The Court Of The Issues On Appeal, But Rather Has For Its Purpose to Present "Any Issue Not Frivolous" *Coppedge v. U.S.*, 369 U.S. 438, 445 (1962), By Appropriate Due Process Of Law, Does An Exhaustive Statement Of Issue Mandated In The Rule, Such That Any Issue Not Included In The Statement Can Be Deemed Waived, Form An Arbitrarily-Imposed Impediment To The Continuity Of The Appeal?

Question 6. Do The Panoply Of The Federal Rules Of Appellate Procedure Adequately Instruct Between Rules 27 and 28 Which One Pertains To a Rule 24 IFPA Motion? Combined With That Question, If I Provided Appropriate References To The District Court Record And To My Written Oppositions To The District Court's Findings Everywhere And Throughout My Rule 24 IFPA Motion, Can It Rightfully Be Stated That I Failed To Brief My Issues On Appeal Or Committed a Briefing Error At All Such That All My Issues Presented On Appeal Should Be Deemed Waived?

Question 7. Should Not Naming The Court Being Appealed From In The Statement Of Issues Of a Rule 24 IFPA Motion And/Or Its Affidavit Not Invalidate The Statement In The Same Way That Not Naming The Court Being Appealed To In a Notice Of Appeal Does Not Invalidate The Notice Of Appeal?

Question 8. If The Present Case In The District Court And In The Appeal Court Was Litigated Ex Parte, Could Any Possible Prejudice Have Manifested By The Briefing Error Purportedly Identified In The Present Case [Not Naming The Court Being Appealed From In The Statement Of Issues Of a Rule 24 IFPA Motion], That The Appeal Court Relied On In Deeming All My Issues Presented On Appeal Waived?

Question 9. If a Holding The Fifth Circuit Court Of Appeal Announced In *Baugh v. Taylor*, 117

F.3d 179, 202 (5th Cir. Jun. 30, 1993), Extending Time To Litigants For Obtaining And Remitting Appeal Court Filing Fees After the Demise of a Rule 24 Motion, Forms a Departure From The Supreme Court's Announcement In *Cruz v. Hauck*, 404 U.S. 59, 62 (1971), Holding That The Demise Of a Rule 24 Motion "Ends" The Appeal, By Appropriate Due Process of Law, Are The Fifth Circuit's Extensions Of Time In That Posture Gratuitous, Such That They Can Be Dispensed With On a Random Arbitrary Basis, And Is The Present Case An Example Of Anomalous Outcomes In The Path Of Those Developments?

II

The caption of the case does not contain the names of all the defendants who would be served if the case were reinstated from its dismissal in the District Court. A copy of the Docket report is attached, App'x AK. Only John Bel Edwards; James LeBlanc; Eugene Powers; Whalen Gibbs; and John Hooper are responding parties in this proceeding.

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App'x CC, my Doc 31 traverse memorandum response [TR].

App'x DD, my Doc 33 written opposition [WO].

App'x EE, the DC's Doc 2 w/ MJ's R&R.

App'x FF, the MJ's Notices attached to his Docs 24 and 32 R&Rs.

App'x GG, the DC's Doc 29 Opinion.

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App'x WW, the App Ct Clerk's rejection of my untimely petition for rehearing or for rehearing en banc.

App'x YY, the Statement of Issues I submitted, attached to the Rule 24 motion I submitted to the App Ct in the Appeal USCA5, No.21-30457, *Hanna v. LeBlanc*.

App'x XX, Westlaw copies of previous appeal decisions of the Fifth Circuit involving Mark Hanna: Hanna v. C.C.A., USCA5 No. 03-30495, 95 Fed. Appx 531; Hanna v. Maxwell, USCA5 No. 10-30053; 415 Fed.Appx 533; Hanna v. Anderson, USCA5 No. 14-30845, 624 Fed. Appx 186; Hanna v. LeBlanc, USCA5 No. 17-30457, 716 Fed. Appx 265; Hanna v. U.S.A., USCA5 No. 21-30410, 2021 WL 5237269.

App'x ZZ, my edited copy of the untimely petition for rehearing or for rehearing en banc I submitted to the App Ct.

App'x AB, the DC's Doc 63 Order.

App'x AC, the letter I wrote to the Clerk of the App Ct. alerting that I was not given time for remitting a filing fee after the demise of my Rule 24 IFPA motion.

App'x AD, Westlaw copies of the App Ct's decisions entered in the present case, Hanna v Edwards, USDC No. 21-537, Doc 24 R&R, 2023 WL 4553633, of June 2, 2023; Doc 29 Opinion 2023 WL 4549573, of Jul. 14, 2023; Doc 43 Ruling, declining my Doc 42 MR, of Aug. 7, 2024; USCA5 No. 24-30557, Doc 68-1 Opinion rejecting my Rule 24 IFPA motion as frivolous in part.

App's AE, Westlaw copies of Constitutional Amendments involved: I, V, VIII, and XIV.

App'x AF, Westlaw copies of 28, USC, Section 1914, and 42 USC, Section 1982.

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App'x AH, Westlaw copies of Articles 3492, 3462, and 3463 of the Louisiana Civil Code.

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App'x AJ, Westlaw copy of case, Shafer v. Davis, 2020 WL 6489094 (S.D. Tex. Nov. 4, 2020).

App'x AK, the DC's Docket Report of the present case.

III

Citations to the Case Regarding the District Court and the Court of Appeals

Regarding citations to the present case, some documents are available only in Westlaw: USDC No. 3:21-CV-537-JWD-RLB, 2023 WL 4553633 (M.D. La. Jun 22, 2023 [Doc. 24]; 2023 WL 4549573 (M.D. La. Jul. 14, 2023 [Doc. 29]; 2024 WL 3723840 (M.D. La. Aug. 7, 2025) [Doc. 43]; USCA5, Appeal No. 24-30557, Decision of Aug 20, 2025, 2025 WL 2409072 (5th Cir. Aug. 20, 2025).

IV

Jurisdiction in the Supreme Court

The Petitioner's "Plaintiff's Motion For Leave To Proceed Informa Pauperis On Appeal," together with the appeal having the Appeal Number 24-30557, were simultaneously declined in the United States Court of Appeals for the Fifth Circuit on August 20, 2025. On October 31, 2025, by a motion I submitted for increase of time, Justice Alito set the time limit for the present petition by and including January 17, 2026. Subsequently, by instructions in the Clerk of Court's Office of the Supreme Court [on January 23, 2026, and on March 6, 2026] I was instructed to make corrections to the petition within sixty days after the dates of those letters. The case in the District Court is a 42 USC, Section 1983, Complaint naming only state employee defendants. Jurisdiction for the present petition for writ of certiorari, therefore, is established by 28 USC, Section 1254.

V

Constitutional Provisions Involved

The case in the District Court was brought by a 42 USC, Section 1983, Complaint I submitted to it for recovery in damages, declaratory judgments, and injunctions on alleged violations of my federally-protected constitutional rights under the First, Eighth, and Fourteenth Amendments to the United States Constitution, invoking 28 USC, Section 1331 (a), federal question. The case in the Court of Appeals involves 28 USC, Section 1915, by the Rule 24 IFPA Motion I submitted to it. The Due Process and Equal Protection Elements of the Fifth Amendment, and Access to Courts Element of the First Amendment, to the United States Constitution, are coextensively involved by how the judicial handling of my Rule 24 IFPA Motion did or did not comport with the protections of those constitutional provisions, I am contending by the present writ application, respectfully. Questions involving Rules 18(a), 20(a), and 41(b), Fed.R.Civ.P., pertain to the proceeding and judgment dismissal of the Complaint in the District Court, and Rules 24, 27, and 28, Fed.R.App.P., pertain to the proceedings and Judgment of the dismissed Rule 24 IFPA Motion and appeal in the Court of Appeals.

VI

Statement of the Case

The present writ application pertains to a Federal Rule of Appellate Procedure [Fed.R.App.P.], Motion for Leave to Proceed Informa Pauperis on Appeal [IFPA Motion] I submitted to the United States Court of Appeals for the Fifth Circuit [Appeal Court, App Ct] that was declined there August 20, 2025, on a purported briefing error whereby all my issues stated in the motion [and in its affidavit] were deemed waived by Local Rule 42.2 of the Fifth Circuit. An untimely petition for rehearing or for rehearing en banc I submitted to the App Ct was rejected in its Clerk's Office Oct. 3, 2025. By a motion I submitted for increase of time, Justice Alito set the time limit for the present petition by and including Jan.17, 2026. Appendix [App'x] RR,

attached. The present petition is submitted ex parte because, in pursuance of the Prison Litigation Reform Act [PLRA], there were no defendants served with a Complaint or summonses in the District Court [United States District Court for the Middle District of Louisiana, District Court, DC].

Attached to the present petition are appendices having a double-alphabet numbering system. App'x OO, attached, is a copy of an index to the appendices that were attached to the IFPA motion ["Appendixs," misspelled that way] I submitted to the App Ct. Those have a single-alphabet numbering system[e.g., Appendix A through Appendix Z] and contain copies of the pleadings and some of the documents I submitted of the present case and referenced in the IFPA motion. App'x BB, attached, is a copy of the Doc 42 Motion for Reconsideration, to Alter or Amend, I submitted to the DC from its Doc 35 Judgment dismissal. The other attached double-alphabet-notated appendices are described in the endnotes of the present petition. Some of those contain DC "Details," notated by brackets "[]". Others have citations to a DC "Endnote," e.g., "EN 1." The "Details" appear at pages [pp.] 15 through 18,, and the "Endnotes" appear at pp. 13-14, of the Doc 42 DC motion for rehearing, App'x BB, attached. "Condensed Statements of Claims" appear at pp. 14-15 of Doc 42, App'x BB, and "line" indicates lines of text appearing in cited pages, App'x SS is a copy of the IFPA Motion.

The case in the DC pertains to a Complaint I submitted there by 42 USC, Section 1983 [1983], on claims made personal to numerous corrections officers, wardens, and prison administrators, employees of the Louisiana Department of Public Safety and Corrections [DOC] who, at the time of the incidents forming the basis of the Complaint allegations, managed the Hunt Correctional Center located in Saint Gabriel, Louisiana. The Governor, a few of his cabinet members [executives], and the Secretary of the DOC were named as defendants on theories of

liability that will be momentarily explained. The DC case was dismissed May 29, 2024, by Rule 41(b), Federal Rule of Civil Procedure [Fed.R.Civ.P.], also to be further momentarily explained. The dismissal was denominated as "without prejudice" in the DC. But because a Rule 41(b), Fed.R.Civ.P., dismissal is one for "failure to prosecute," and state law provides the rule for limitations in the United States District Courts, articles 3492, 3462, and 3463, of the Louisiana Civil Code, combine to operate "reversed tolling" dismissal with prejudice to the DCs Docs 34 and 35 Rule 41(b) dismissal of the present case. End Note 1 [EN 1].

The primary claim asserted in the pleadings involves the involuntary confinement of myself in a prison cellblock suicide watch cell [suicide cell], ongoing and intermittently for several months in the Hunt Prison for reasons not related to any mental health crisis. ENs 2; 24; 25. What the DC finds are secondary claims involve inadequate lighting in the Hunt Prison's dorm living areas EN 3, harmful exposure to excessive smoke that inundated those living areas EN 4, [in the cellblock areas EN 5]; and in the systematic destruction of all my written grievances reporting those things [conspiracy, RICO crimes, and retaliation also formed in those activities] with purpose to preterminate investigations of them and to perpetuate them. Pleading that development consumed about sixty-five pages of the pleadings. ENs 6; 20; 21; 22. In the pleadings I called those things a "prison-wide stand-down policy in place" EN 7. Much of the smoke-exposure, I pleaded, came from burning toilet paper ropes ["wicks"] that burned for hours used to keep the joints of mojo-dope and tobacco-dip lit in all the living areas everywhere at all times and ongoing in the presence of officers who did nothing to deter it [the stand-down policy in operation]. EN 8. By the Complaint and its Supplements five times I was transferred to a cellblock protective custody cell, "No space available elsewhere" [prison overcrowding] was given as the reason for it each time. And three of those times I was transferred to the protective custody cell in the context of hostile [a few times violent (and I was violently injured)] conflict that ensued involving myself and other inmates and officers [the stand-down policy in place] who wanted all the lights off in the dorm living areas during activity hours of day when I needed them for reading and writing and studying. ENs 9; 10; 11; 12; 13; 14.

In the Hunt Prison cellblocks, I pleaded, inmates burned milk cartons in the cells to dry out cans of tobacco-dip for smoking, and in episodes of inmate brazen misconduct they burned

sheets, blankets, jumpsuits, and mattresses out on the hall in front of their cells in plain sight of officers who did nothing extinguish them for many long minutes, producing clouds of smoke thick enough to reduce visibility to arm length. ENs 15; 16. Throughout the prison all the smoke-detectors were blunted to deter documentation and routine repetitive responses to the fires: ENs 17; 18; 19.

Having no access to a telephone, writing materials, or paperwork, outgoing mail or grievance procedure during those times in the suicide cells, I entered into a hunger strike with hope of medical personnel contacting higher wardens to alert them of what was happening to me. EN 26. The suicide cell mattress I was given was about 1.5 inches thick that activated a latent back injury I suffered with, documented in medical, and I was assigned a wheelchair after release from about two weeks in the Hunt Prison's Skilled Nursing Unit because of it. That process [the hunger strike] became a disaster by what I encountered in another group of officers in another part of the prison I was transferred to for getting me in closer proximity of the Hunt Unit 1 Infirmary for the hunger strike examination protocols [the Unit 1 Cellblock Suicide Watch Tiers], where officers succeeded in reactivating my back injury again. EN 27. A cluster of tort claims ensued out of the treatment I encountered during those times that are fully chronicled in the Complaint and its Supplements. ENs 28; 29; 30; 31; 32; 33.

After my eventual release from the suicide cells I was transferred to disciplinary detention based on falsified reports written by the officers to cover-up for their own misconduct whereby my back was re-injured. During those times as I was writing the first Complaint document, officers tried to intercept it by guiding my presence back into the protective custody cells and hence from there to the suicide cells where all my pleadings would not be admitted, to disappear never to be seen again. ENs 34; 35. That's one of the reasons the Complaint is not

written in neat chapters of claims. It was during those times that, in pursuance of the the Top Warden[s] prohibition of carbon paper in the cellblocks and his [their] deliberate failure to provide access to photocopies with which to maintain copies of my Complaint, I had no copies of it when I mailed it the DC. EN 36. The claim I asserted in the Complaint on that development was joined with some of his cabinet members based on unconstitutional policies and practices by Rule 18(a), Federal Rules of Civil Procedure [Fed.R.Civ.P.]. Those include [1] Having no access to a way to obtain copies of my Complaint document in the Hunt Prison cellblocks; [2] Conversion of my Federal E.I.P. funds and labeling them "court costs" [that I discovered were not paid to the courts], forming retaliation by the labeling; [3] A practice ongoing for many years of remitting court costs on behalf of inmates out of their inmate accounts [mine included] in a manner not authorized in the informia pauperis statute, actuated in pursuance of the PLRA; [4] the described stand-down policy that I am contending forms RICO and conspiracy; and [5] Based on what I was told by Hunt Corrections officers each time I was held in their suicide cells [described], "no space available elsewhere," prison overcrowding and suicide watch cell confinement policies form claims.

The defendants named by my suicide cell claim are joined by Rule 20(a) to the defendants joined by my inadequate lighting and excessive smoke exposure claims, all forming a "same transaction or occurrence," or series of them, by the prison stand-down policy in place that I am contending has its genesis in revenues gained by tobacco-dip sales in the prison's commissaries that was getting smoked with accoutrements of wicks and common-place fires and smoke everywhere at all times [described]. ENs 37; 38; 39; 40. For pleading purposes, at least, those claims share a same transaction or occurrence with the re-injury of my back claim [described] by the medical records they share. EN 41. Attached to all the Magistrate Judge's

[MJ's] Reports and Recommendations [R&Rs] were his separately signed "Notices" alerting that "Absolutely No Extensions Of Time Shall Be Granted To File Objections To The Magistrate Judge's Report." EN 42. In support of striking my pleadings with finding them mis-joined by Rule 20(a), Fed.R.Civ.P., the MJ gave a single short sentence to describe them [eighteen claims and forty-five defendants by the MJ's count]. EN 43; 44. To be sure, I was three times transferred to the protective custody cells, momentarily substituted by a suicide cell, in operation of the prison-wide stand-down policy in place. EN 45; 46. Having no copies of the pleadings in my possession when I was ordered to rewrite my entire case is not why I declined to do so in the DC, but not having them in my possession did impede my ability to adequately write objections to the MJ's joinder assessments of my pleadings. My disagreement with the MJ's analysis of my pleadings, however, is why I would not rewrite them, and I made it clear that I would not. EN 47; 48; 49. Those terms I used to form my written objections to the MJ's R&Rs, "prison-wide stand-down policy in place," and "claim for having no way to obtain carbon paper and photocopies of my pleadings in the Hunt cellblocks" appear nowhere in the MJ's or DC's assessments of the case. Because some of my pleadings involved activities that took place after the first Complaint document was submitted, the MJ announced finding that those claims could not have been exhausted in a prison grievance procedure in pursuance of the PLRA. EN 50. Some of my claims that were joined by a common transaction or occurrence by Rule 20(a), Fed.R.Civ.P., involved sequences of episodes spanning several months. One such claim spanned about sixty-five pages of intermittently-sequences and segmented activities of the Defendant Shelia Robinson, who rejected about thirty-five of about thirty-seven of my written grievances reporting the other defendant's activities forming the claims I described [the prison-wide stand-down policy in operation]. All those have to be deemed exhausted by a flaw the Louisiana Legislature wrote into

the state's prison grievance procedure that is recognized in the local federal courts. EN 21. The grievance I eventually submitted for bringing a claim personal to Shelia Robinson was the only one up to that time that got processed. ENs 21; 51.

By its Doc 43 Ruling, entered after my Doc 42 motion for reconsideration of the DC's Doc 35 Judgment dismissal by Rule 41(b), Fed.R.Civ.P., sanction, the DC for the first time explained its analysis regarding joinder of my claims by Rule 18(a), Fed.R.Civ.P. EN 52. The DC's finding based on that analysis involved a hypothesis of law so incorrect that the rule had to be rewritten in 1966 to clarify its demise. By yet another enforcement angle of the PLRA, supported in a line of decisions that included *Shafer v. Davis*, 2020 WL 6489094 (S.D. Tex. Nov. 4, 2020), having a squarely contrary and backwards interpretation of the Wright and Miller law review article 6A, Section 1583 (2d ed. 1990), it relies on and the Notes of Advisory Committee to Rule 18(a), Fed.R.Civ.P., The 1966 Amendments, [also misinterpreted in the same direction]. By those terms the DC dispensed with Rule 18(a) to find that all my claims are not joinable by any Federal Rule of Civil Procedure. EN 53. That development will form one of the issues presented regarding the rejection of my IFPA motion. I exposed it in my Doc 48 Motion for Rule 60(b) Relief. The Rule 60(b) motion was denied on an incorrect [I am contending] finding that it was merely a re-argument from my previous objections, citing Three-Strikes and Filing Fee provisions of the PLRA in support of its departure from the Federal Rules of Civil Procedure in what appears to be a de facto repeal of Rule 18(a), Fed.R.Civ.P., by the PLRA [but by the dubious auxiliary path of turning backwards the Wright and Miller law review and Notes of Advisory Committee teachings] EN 54. The case was dismissed in the DC on May 29, 2024, after I declined rewriting it according to the DC's instructions which would have involved at least eighteen separate lawsuits, filing fees, and as many PLRA strikes as the DC could manage by

that pathway. The Fifth Circuit has held that a multi-claim suit filed on behalf of an inmate cannot form a strike under the PLRA unless all its claims are found to be frivolous, etc. *Brown v Megg*, 875 F.3d 278, 292 (5th Cir. Nov 15, 2017).

My first two motions for leave to proceed in forma pauperis on appeal, Docs 53 and 56, submitted Oct. 25, 2025, and Nov. 1, 2025, respectively, were dismissed on having no inmate trust fund account statement attached, on Oct 19, 2025, and Nov. 5, 2025, respectively. But my IFP on appeal was revoked on Jan. 31, 2025, Doc 63, only after I submitted the DOC 61 Objection to Method Used to Transmit the IFP Account Statement in the path of what the prison officials put me through getting the document mailed back from the prison to the DC, which included being shackled and escorted to the warden's office to be served with it per the Doc 59 Motion to Compel Reliable IFP Account Statement Process that was partially granted by the DC on Jan. 3, 2025, Doc 60. ENs 55; 56; 57; 58; 59; 60; 61; 62. There is no claim asserted for that development, but it is the reason I assigned it as an issue on appeal [to be further explained].

Regarding the Rule 24 IFP motion I submitted to the App Ct, I worded each one of the Statement of Issues included in it like I have done so in all the federal appeal court briefs I have submitted to the Fifth Circuit Court of Appeals, by keeping them uncluttered with references to the DC, its record, and to all my written oppositions to the DC's findings everywhere. But the App Ct rejected all my statements and deemed all my issues waived on finding that I made "no mention of his post-judgment motions, or the district court's denials of such motions in his listing of issues." EN 63. Right away, in serial fashion, the DC moved back into position of those purportedly waived issues on appeal and entered judgment on the merits of them [the appeal], finding it "frivolous in part," by operation of its Fifth Circuit Local Rule 42.2. ENs 64. After declining the IFPA motion, nothing was said about extending some

interval of time to me for remitting the App Ct's filing fee. Giving no reason for doing so, on Sept. 12, 2025, Judge Higginson of the App Ct declined my Motion for Increase of Time to File the Petition for Rehearing or for Rehearing En Banc. EN 65.

Jurisdiction in the DC was established by 28, USC, Section 1331(a), on the Complaint I submitted to the DC under 42 USC, Section 1983, for recovery in damages, declaratory judgments and injunctions on violations of my federally protected constitutional rights and on incursions of federal law statutes personal to myself on allegations that I was involuntarily held in a prison cellblock suicide watch cell for reasons unrelated to any mental health crisis, I was subjected to excessive levels of environmental tobacco smoke, mojo-dope smoke, and burning toilet paper ropes, burning milk cartons, jump suits, blankets, sheets, and mattresses, and inadequate lighting by which those things were connected to each other in a prison-wide officer-involved stand-down policy in place; the destruction of all my written administrative grievances reporting all those things destroyed by one of the named defendants with purpose to pre-terminate all investigations of it and to perpetuate it, and all of having for its purpose hefty revenues gained in the prison's commissaries where the tobacco dip was sold and in commissary sales of items traded for mojo-dope that was smoked. EN 66.

VII

Arguments for Granting the Writ

Argument 1. The Demise Of a Rule 24 IFPA Motion Does Not Conclude An Appeal That The Motion Is Submitted On Behalf Of, But It Precludes It Such That There Is No Appeal Unless Or Until An Appeal Court's Filing Fee Has Been Fully Pre-Paid In The Path Of that Development. It Logically Follows That a Judgment Entered In That Posture [If No Filing Fee Gets Paid] Forms a Void Nullity, And The Judgment Of the Present Case Is an Example Of One.

A judicial decision entered on the merits of a Complaint or controversy that has been

presented to a United States District Court before a filing fee has been paid and after inform a pauperis has bee declined regarding it forms a void nullity. EN 67. In the same or in a similar way, and by the same principle, a judicial decision entered on the merits of an appeal that has been presented to a United States Court of Appeals before a filing fee has been paid and after a motion for inform a pauperis has been declined regarding it also forms a void nullity. EN 68. A void nullity decision is one that cannot operate to conclude on the merits a question or controversy encountered between the parties who would otherwise be entitled to rely on it to do so. EN 69. The present petition evolves out of a motion for leave to proceed inform a pauperis on appeal [IFPA Rule 24 motion] that was presented to a United States Court of Appeals and was handled there by the process of declining to even consider the merits of the questions presented in the motion by what it represented to find was a waiver of those issues on a purported briefing error. No filing fee having been paid, that decision precluded the appeal such that no appeal remained for any decision on the merits of the questions presented on appeal to proceed by. Hence, the App Ct's Judgment finding that the appeal is "frivolous in part," entered after declining the IFPA Rule 24 motion, forms a void nullity that cannot conclude on the merits the questions presented on the appeal. EN 70. But a question of three elements remains in the path of that development:

[1] Does Appropriate Due Process Of Law Follow From The App Ct Failing To Or Declining To Extend To An Appellant [Myself] Some Interval Of Time After Declining The IFPA Motion On a Purported Briefing Error For Obtaining and Remitting a Filing Fee For The Continuity Of The Appeal?; [2] Does Appropriate Due Process Of Law Follow From The Appeal Court's Finding That I Waived All My Issues On Appeal By a Purported Briefing Error?; And [3], Was there a Briefing Error To Be Found In The Way I Worded MY Statement Of Issues Presented By The

IFPA Motion?

The first question, "[1]," involves a bifurcated analytic impasse where [i] If the App Ct was correct by entering judgment on the merits of the appeal after declining the IFPA motion, then it would follow that the appeal was concluded on the merits and hence the question regarding a filing fee would fade into mootness. But, [ii] If the App Ct was incorrect by entering judgment on the merits of the appeal after declining the IFPA motion, then the question regarding a filing fee remains to be answered.

The latter question presented in that posture is the question ordinarily encountered when a Rule 24, Fed.R.App.P., IFPA motion gets declined for sundry reasons. At least one of the United States Courts of Appeals in a reported decision has extended some interval of time to an appellant for obtaining and remitting an appeal court's filing fee after a Rule 24 IFPA motion was declined. EN 71. Another multi-layered question appears by that development: Are Decisions To Extend Some Time To a Litigant For Obtaining And Remitting a Filing Fee After a Rule 24 IFPA Motion Has Been Declined [i] Gratuitous?, [ii] Necessary By Law? or [iii] Discretionary?, and If Discretionary, [iv] What Criterion Should Guide That Discretion?

Argument 2. Because a Rule 24 IFPA Motion Is Not An Appeal On The Merits Or The Replacement For One, And It Cannot Be Both a Rule 24 Motion And An Appeal Because a Litigant Cannot Proceed IFP After The Full Payment Of a Filing Fee, The Demise Of a Rule 24 Motion Cannot In Itself End An Appeal. Because An Appeal Is Not Ended By The Demise Of a Rule 24 Motion, But Only Precludes It, An Extension Of Time For Obtaining And Remitting a Filing Fee To a Litigant Is The Only Way To Preserve The Virtue [The Continuity] Of The Appeal That Remains In That Posture.

I am contending that those extensions of time for obtaining and remitting a filing fee after

a Rule 24 motion has been declined are necessary by appropriate due process and equal protection of law. Although an appeal by *informa pauperis* has been deemed not to involve "a fundamental right," EN 72 that same appeal brought after the pre-payment of a filing fee has been deemed "an appeal as of right." EN 73 In that posture the pre-payment of a filing fee is the only qualification for bringing an appeal that is otherwise presented in compliance with the Federal Rules of Appellate Procedure. The App Ct of the present case conceded that I submitted timely notices of appeal from: [a] the DC having declined my Doc 42 Motion for Reconsideration, to Alter or Amend; and [b] from it having declined my Doc 48 Motion for Rule 60(b) Relief. EN 74 The App Ct overlooked, failed to, or declined to acknowledge that [c] the Doc 64 notice of appeal I submitted from the partially-declined Doc 59 Motion to Compel Reliable Account Statement Process was timely-submitted. EN 75. Those are the three decisions [(a), (b), and (c)] I am contending that my right to appeal from survived the App Ct's decision to decline my Rule 24 IFPA motion, where its judgment finding that my appeal is "frivolous is part" on its merits is a void nullity.

Where a Rule 24 IFPA motion is not a full brief on the merits of an appeal, it logically follows that it is not an appeal or the replacement for one; and hence a declined IFPA motion is not, per se, a decision on the merits of an appeal. EN 76. At most, for the sake of argument, even if it might be deemed a decision on the merits of an appeal *by informa pauperis* [not involving a fundamental right], it nevertheless cannot also be deemed a decision on the merits of an appeal where a filing fee has been fully pre-paid [one that has been deemed to be "an appeal as of right"]. It cannot be both at the same time, because, indeed, a litigant cannot proceed IFP on appeal after the full pre-payment of a filing fee.

Argument 3. Because Such a Process Having The Force Of Law Is Needed To Preserve The

Virtue Of [The Continuity Of] An Appeal As Of Right [One Commenced Upon The Full Pre-Payment Of a Filing Fee], Appropriate Due Process Of Law Follows Only If Some Interval Of Time For Remitting a Filing Fee After a Rule 24 Motion Has Been Declined Is Provided.

If the virtue [the continuity] of an appeal as of right is to be preserved with any force of law in this context, I am contending that it might be necessary to extend some interval of time after a Rule 24 motion has been declined. That extension would be a natural corollary of acknowledgment that a declined IFPA Motion is not a decision on the merits of an appeal [at least it not being a decision on the merits of an appeal as of right], because without it the declined IFPA motion would nevertheless operate [however, be it a procedural impersonation of] a de facto decision on the merits of an appeal, there being no other procedural mechanism whereby an appeal as of right might encounter a true Article III reasoned decision on the merits of an appeal as of right. Even had it been a correct decision of the present case in App Ct's finding that the IFPA motion in itself was disqualified by a purported briefing error, that disqualification should not extend to the merits on the questions presented on appeal [or by bootstrapping itself into the impersonation of a decision on the merits], and hence, I am contending that appropriate due process and equal protection of law follows in that context only if some interval of time is extended to an appellant after a Rule 24 IFPA motion has been declined for obtaining and remitting a filing fee on an appeal as of right. EN 77.

If sundry extensions of time for remitting filing fees in this context are merely gratuitous, then they form a random and erratic pall mall breach in due process and equal protection of law. If such extensions are discretionary, then the only criterion appropriate to the circumstances would be finding a reasonable amount of time after the IFPA motion has been declined for obtaining and remitting a filing fee.

Argument 4. Because Habeas Corpus Appellants And Non-Criminal Case Appellants Proceeding In The United States Courts Of Appeals Share The Same Briefing Rules [Federal Rules Of Appellate Procedure], And Hence They Share The Same Criterion Whereby Briefing Errors Are Identified And Handled, Briefing Error Rules Encountered In Non-Criminal Appeals Whereby Issues On Appeal Can Be Deemed Waived On Appeal Should Not Be Enforced If They Are Not Firmly Established And Regularly Followed In The Same Way That Those Kinds Of Rules Wont Be Enforced In Habeas Corpus Cases If They Are Not Firmly Established And Regularly Followed. Because The Briefing Error Purportedly Identified In The Present Case Whereby All My Issues On Appeal Were Deemed Waived Is Not Firmly Established And Regularly Followed Its Rule Should Not Be Enforced In The United States Courts Or In The Present Case In Particular.

Altogether in separate cases there have been a quantity of six non-criminal appeals submitted to the Fifth Circuit Appeal Court on my behalf. Copies of the appeal decisions entered in each one of them are set out in App'x XX, attached to the present petition. That collection of appeal decisions contain the names of only sixteen different appeal court judges because out of the total number [eighteen], two of them have reappeared in the appeal of the present case. Those would be Judge Jones of Hanna v. Maxwell, and Judge Higginson of Hanna v. LeBlanc. Also attached to the present petition, App'x YY, is a copy of the Statement of Issues I included in the appeal brief I submitted in the appeal of Hanna v. LeBlanc. I don't have copies of the appeal briefs of the other cases at the present time. The Statements of Issues presented to the three-judge appeal court panel that included Judge Higginson in Hanna v. LeBlanc and Judge Jones in Hanna v. Maxwell are worded like they are worded in the IFPA motion and in the petition of the present case and in all the others, but nothing was found wrong with them in those cases or in any of the

others. That means that, out of fifteen separate opportunities for doing so, not one of those appeal court judges even hinted that something was wrong with my statement of issues. There are no other decisions entered in the United States Courts of Appeals like the one entered in the present case regarding a purportedly defective statement of issues.

In the context of habeas corpus proceedings brought in the United States Courts by 28 USC, Section 2254, an issue for appeal can be deemed waived by a state procedural rule [state procedural rule bar], only if the rule has been "firmly established and regularly followed." EN 78. Such rules are observed in the United States Courts in habeas corpus proceedings on principles of comity and federalism and to bring about the finality of decisions. EN 79. But such rules are enforced in the United States Courts only if they are firmly established and regularly followed on principles of fundamental fairness and whereby the common law of decisions remains trained on consistent outcomes [i.e., uniformity in decisions]. EN 80.

A state's procedural rule bar in the habeas corpus context can sometimes take the form of a briefing error that is also not enforced if it was not firmly established and regularly followed, EN 81 for the same reason that any other procedural rule bar won't be enforced in that posture. Non-criminal case appeals and habeas corpus case appeals brought in the United States Courts of Appeals share the briefing rules provided in the Federal Rules of Appellate Procedure. Given that the two kinds of litigants share the rules that they must abide by, and hence they share the same criterion whereby briefing errors are identified and handled, it logically follows that the principles guiding those criterion, fundamental fairness and the preservation of the common law of decisions [i.e., uniformity of decisions], should apply equally to the two kinds of litigants. If they do, then briefing errors encountered in the non-criminal case appeal context that form procedural rule bar whereby issues can be deemed waived, on principles of fundamental fairness

and the common law of decisions [i.e., uniformity of decisions], they should not be enforced if they are not firmly established and regularly followed in the same way that such rules are not enforced in the habeas corpus context, I am submitting.

The procedural rule bar waiver of issues applied to the present case that was purportedly identified as a briefing error by my statement of issues presented for review in my Rule 24 IFPA motion is not one that is firmly established and regularly followed, evident by the history of the present case [described] and by its appearance nowhere in the landscape of our jurisprudence, indicating that it should not be enforced in the United States Courts or in the present case in particular.

Argument 5. Because The Purpose Of a Statement Of Issues Mandated In Rule 24 Affidavit Or Motion Is Not To Apprise The Parties Or The Court Of The Issues On Appeal, But Rather Its Purpose Is To Establish "Any Issue Not Frivolous," An Exhaustive Statement Of Issues Included With a Rule 24 Motion Such That Any Issues Not Included In It Should Be Deemed Waived, Forms An Arbitrarily-Imposed Impediment To The Continuity Of The Appeal.

The Supreme Court has held that a Rule 24 IFPA motion is not a full brief on the merits of an appeal. EN 83. Some of the district courts have adopted a practice of dividing up the issues on appeal such that IFP will be granted only for the issues among them that it finds are not frivolous. EN 84. And some of the courts of appeals have declined to do so, such that by showing any non-frivolous issue for appeal, IFP will be granted regarding every issue included in the IFPA affidavit or motion after the IFPA motion is granted. EN 85. Yet in all the courts of appeals an exhaustive statement of issues is demanded by Rule 24, Fed.R.App.P. Evident by the present case, the Fifth Circuit deems waived every frivolous and non-frivolous issue not included in the statement of issues attached to an IFPA affidavit or motion. EN 88. A division of the issues such

that only non-frivolous issues will be handled on appeal in habeas corpus cases might reduce government expense and the logistics of evidentiary hearings, but there are no parallel considerations present in non-criminal appeals litigated in the United States Courts, *ex parte* [per adventure of the PLRA]. Hence, an exhaustive statement of issues is not necessary for that purpose either [reduction of government expense, etc.]. But a Rule 24 appellant need only present and establish "any issue not frivolous" to overcome a district court's finding that an appeal is not taken in good faith. EN 86. Hence, the purpose of the statement of issues in a Rule 24 motion is the purpose of the motion itself; that is, to establish one, and no more, non-frivolous issue for the appeal. Its purpose, therefore, is not to apprise the parties or the court of the issues on appeal, such that any issue not included in it should be deemed waived.

That understanding is perfectly compatible with an understanding that the purpose of a statement of issues included in a full brief on the merits of an appeal is of course to apprise the parties and the court of the issues on appeal, such that any issue not included in it should be deemed waived. Having lost sight of the purpose of a Rule 24 statement of issues, the Fifth Circuit has taken up the mechanical practice of deeming any issue not included in a Rule 24 statement of issues waived, and by extension it proceeds with finding waived any issue that is nevertheless included in a Rule 24 statement of issues having any possible technicality imperfection about it, as if it had not been included in the statement of issues at all, which is what happened in the present case, an unnecessary and hence arbitrarily-imposed impediment to the continuity of the appeal, a departure from the purpose of a Rule 24 motion, with anomalous outcomes in the path of it, my prospectively non-frivolous issues on appeal having never seen the light of day, no rational lesson to be learned from it, and no possibility of advancing the goal of a Rule 24 motion to be seen in it.

In conclusion, I am contending that because the purpose of a Rule 24 motion is to establish only one non-frivolous issue for appeal, waiver of any issue not included in it for any reason, without review, is contrary to its purpose and hence it forms an arbitrarily-imposed impediment to the continuity of the appeal.

The Fifth Circuit Court of appeals itself instructs that "when the prisoner opts to challenge the certification decision, the motion must be directed solely to the certification decision." EN 87. Combined with the Fifth Circuit's practice of deeming waived any issue not included in a Rule 24 motion, that instruction further erodes the virtue [the continuity of the appeal]. Having been instructed by the courts of appeals, to limit Rule 24 statements of issues to only those included in the certification decision, will prospective issues not included by that instruction have to be deemed waived such that if the IFPA motion is granted they will be lost? You would think not, since the purpose of the statement of issues is not to apprise the parties or the court of the issues on appeal. And if the IFPA motion is declined, and the appeal court extends some interval of time to a litigant for obtaining and remitting a filing fee, should the issues not included by the appeal court's instruction be deemed waived for the ensuing appeal? The Fifth Circuit provides for that eventuality. The ramifications of that development are the focus of an upcoming argument.

Argument 6. Regarding The Briefing Rules Set Out In The Federal Rules Of Appellate Procedure, Where Rule 24 Demands a Formal Statement Of Issues, But Rule 27 Does Not, And The Page-Limit Of Rule 27 [twenty pages for a motion] Is Much Smaller Than The Page-Limit Of Rule 28 [thirty pages for an appeal brief], And Rule 24 Also Demands a Statement Of Issues For Its Attached Affidavit, Those Rules Do Not Adequately Instruct, Between Those Rules, Which One Applies To a Rule 24 IFPA Motion And What Quality Statement Of Issues Pertains

To It. Hence, I Was Not Incorrect In Selecting The Less Demanding Instruction Of Rule 27 For Writing My Rule 24 Motion, But I Did Lose Ten Pages Of Argument By That Selection, Unfairly I Am Contending, And It Demonstrates My Good Faith Determination To Abide By The Rules. Combined With That Observation, Where I Provided Appropriate References To The DC And Its Record And To My Written Oppositions To The DC's Findings Everywhere In The Ensuing Arguments Of My Rule 24 Motion, It Cannot Be Rightfully Stated That I Committed a Briefing Error By Not Including In My Statement Of Issues Those Kinds Of References, Such That All My Prospective Issues On Appeal Should Be Deemed Waived.

The third element [3] of the question encountered in the path of observing the void nullity of an appeal entered after a declined Rule 25 motion is ready for analysis, i.e., Was There a Briefing Error To Be Found In The Way I Worded My Statement Of Issues Presented By The IFPA Motion? The App Ct found that the statement of issues included in my Rule 24 IFPA motion were inadequate or defective without references to the DC and its record or to the documents I submitted in opposition to the DC's findings. EN 88 The briefing instructions of Rule 28, Fed.R.App.P., are much more demanding and specific than the briefing instructions of Rule 27, Fed.R.App.P. And the page-limit of Rule 27 [twenty pages for a motion] is much smaller than the page-limit of Rule 28 [thirty pages for an appeal brief]. Rule 27, by its terms does not demand a statement of issues at all, whereas Rules 24 and 28 do. In selecting Rule 27 for my IFPA motion in the blind path of ambiguous rules [described], where a Rule 24 motion is not a full brief on the merits of an appeal, I correctly negotiated the hazard exceeding a page-limit in the margin. Given that Rule 27 does not demand a formal statement of issues at all, the statement of issues demanded in Rule 24 that I put with my IFPA motion [modeled after the statement of issues I included in my affidavit attached to the IFPA motion that the App Ct never

mentioned] having no reference to the DC, etc., nevertheless, it comported with Rule 27. Given that Rule 27 does not demand a formal statement of issues at all, and Rule 24 demands that one be included in the affidavit attached to the motion [but not in the motion itself, the statement of issues I put with both my affidavit and motion are the same ones and all my ensuing arguments were appropriately punctuated with references to the DC and its record, everywhere] it cannot be rightfully stated that I "failed to brief the issues on appeal," EN 89 or committed a briefing error at all by a reasonable path of navigation under the circumstances.

Argument 7. Although The Statement Of Issues Included In a Rule 24 Motion Does Not Have The purpose Of Appraising The Parties Or The Court Of The Issues Presented On Appeal [Previously Observed], But Assuming For The Sake Of Argument That It Has That Purpose, Not Naming The Court Appealed From In a Statement Of Issues Of a Rule 24 Motion Should Not Matter In The Same Way That Not Naming The Court Appealed To In a Notice Of Appeal Does Not Invalidate The Notice Of Appeal Or Impede The Continuity Of The Appeal.

I previously related the plausible intuitive observation that the statement of issues included in a Rule 24 IFPA motion [or its affidavit] does not have for its purpose appraising the parties or the court of the issues presented on appeal synonymous with a Rule 28 brief on the merits of an appeal [that observation being the reason I sacrificed ten pages of argument in selection of Rule 27], because the motion is not a full brief on the merits of the appeal. But for the sake of argument by allowing that to be the reason, not naming the court being appealed from in the statement of issues should not have mattered if there is only one possible court [the district court in the present case] the statement could be referring to, in the same way that not naming the court being appeal to in a notice of appeal does not invalidate a notice of appeal or impede the continuity of the appeal by not naming the court being appealed to in it. EN 90.

Argument 8. Because The Present Case In The District Court And In The App Ct, Per Adventure Of The Screening Provision Of The PLRA, Was Litigated Ex Parte, No Possible Prejudice Could Have Manifested By The Purported Briefing Error [Not Naming The Court Being Appealed From In The Statement Of Issues Of My Rule 24 Motion] That The App Ct Relied On To Deem All My Issues Waived On Appeal.

I included in my statement of issues presented for review of the present petition the precient detail of the case having been early-on and to the present time, in pursuance screening provision of the PLRA, it has been litigated ex parte, because there were no defendant served with a Complaint or summonses in the DC. In those statement of issues I also brought up that element of Rule 21, Fed.R.Civ.P., providing that a remedy for misjoinder be implemented "on such terms as are just."

Where Rule 21 was unilaterally dispensed with in the DC, and coextensively the DC failed to or declined to acknowledge the prison-wide stand-down policy I pleaded for a Rule 20(a), Fed.R.App.P., transaction or occurrence whereby I joined a multitude of of defendants, together with it calling my Doc 48 Rule 60(b) motion exposition of Rule 18(a) a re-argument of my previous objections, a pattern of evasion emerges in it. By its path of entering judgment on the merits of my appeal after declining my Rule 24 motion on a purported briefing error, it also traversed the DC's PLRA-paved ex parte sua sponte path of attenuated adversarial processes such that the defendants were unfairly relieved of their burden of persuasion regarding the joinder issue and I was unfairly removed from an App Ct rebuttal to the DC's findings. EN 91. Previously stated, the Rule 41(b), Fed.R.Civ.P., dismissal of the Complaint in the DC denominated there as "without prejudice," nevertheless formed a dismissal with prejudice by operation of articles 3492, 3462, and 3463 of the Louisiana Civil Code.

Per adventure of the screening provision of the PLRA, there are no appellees appearing in the present case to oppose what I write on appeal, no prejudice, therefore, could have manifested by a purported briefing error the App Ct relied on to decline my IFPA motion, making that finding an arbitrarily-imposed impediment to the continuity of the appeal.

Argument 9. By a Holding It Announced In *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. Jun. 30, 1997), The Fifth Circuit Has Maintained An Option To Extend Time To Litigants For Remitting Filing Fees After The Demise Of a Rule 24, Fed.R.App.P., IFPA Motion That Is a Departure From The Supreme Court's Announcement In *Cruz v. Hauck*, 404 U.S. 59, 62 (1971), Holding That The Demise Of a Rule 24 Motion "Ends The Appeal," Making The Fifth Circuit's Extensions Of Time In That Posture Gratuitous, Such That They Can Be Dispensed With On a Random Arbitrary Basis, a Breach In Due Process And Equal Protection Of Law, That Is Reflected In The Federal Rules Of Procedure By Omission. The Present Case Is An Example Of Anomalous Outcomes In The Path Of That Development. Anomalous Outcomes Following From That Development Wont Be Subsided Unless And Until The Supreme Court Announces a Rule, Making Such Extensions Of Time a Routine Step Regarding Rule 24 Motions In The United States Courts Of Appeals. That Step Would Also Comport With The Purpose Of The PLRA Filing Fee Provision By Putting Prisoner Litigants On The Same Footing With Non-Prisoner Litigants Who Pre-Pay Filing Fees, And Those Extensions Of Time For Remitting Filing Fees Would No Longer So Readily Be Characterized As Gratuitous.

I previously stated that I would return to the ramifications of an appeal court extending time to litigants for obtaining and remitting filing fees after the demise of Rule 24 Motions. Recall the appeal-ending instruction of *Cruz v. Hauck*, 404 U.S., at 62, holding that "If both lower courts refuse permission to appeal *in forma pauperis*, then unless this court vacates the court of appeal's

finding, the pauper's appeal is ended without a hearing on the merits." EN 92. That determined outcome, essentially, is one we previously observed is counter-intuitive to an understanding that, because a Rule 24 motion is not an appeal on the merits, its demise should not extend to the merits of the appeal such that it precludes pre-payment of the appeal court's filing fee. However, many years later, perhaps in response to the filing fee provision of the PLRA, the Fifth Circuit Court of Appeals in *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. Jan. 30, 1997), announced that: "In instances in which we uphold the trial court's determination that the appeal is not taken in good faith and the prisoner persists on taking an appeal on the merits, payment of the full appellate filing fees and costs, less what has already been collected must be paid within 30 days, or the appeal will be dismissed for want of prosecution." EN 93.

Coextensively, there is no appeal court rule making extensions of time to litigants for remitting filing fees after the demise of a Rule 24 motion a routine step in appropriate due process and equal protection of law for every Rule 24 litigant in acknowledgment that the motion is not an appeal, to preserve the virtue [continuity of] an appeal as of right in every case, and also such that where a filing fee is mandated by the PLRA, its mandate purpose of putting prisoner litigants on the same footing with non-prisoner litigants who pre-pay filing fees would be advanced by that final step.

We are mindful that we occasionally have blurred the distinction between motions to proceed IFP and appeals on the merits. In defense of those rulings we observe that the posture of those cases warranted such treatment. Usually, a district court has certified that the appeal was not taken in good faith where the underlying claims of the IFP plaintiff were entirely frivolous and had no possibility of success. The merits of the suit were thus inextricably intertwined with the merits of the certification decision.

Baugh v. Taylor, 117 F.3d, at 201-202.

Understandably, and commendably, counsel for indigent defendants often exert every effort to prove the substantial nature of their client's claims--an extension of

energy that draws similar effort from government counsel. The product of these forces is a procedure which may have close superficial resemblance to the appeal itself.

Coppedge v. United States, 369 U.S. 438, 459 (1962).

The result is that a Court of Appeals may come to think of these preliminary proceedings as tantamount to appeals on the merits, and may tend to decide whether to grant leave to appeal by appraising the entire case in terms of whether or not reversible error appears. By the same token, where leave to proceed has been denied, and the case comes here, the Government has argued, as it argues in the present case, that the preliminary screening procedure was itself an affirmation on the merits.

Coppedge, 369 U.S., at 457.

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This attempted conversion of the proceedings to determine faith into a truncated substitute for an appeal distorts the purpose of Section 1915, and if accepted would raise serious questions of due process. The filing of memoranda in support of an application for leave to appeal is not an appeal. The merits of the ultimate issues are not logically involved at this point, but only the weight of the issues involved.

Coppedge, 369 U.S., at 457.

Hence, the loopholes the Supreme Court Justices Stewart and Brennan warned the Courts of Appeal would make for themselves, we have the decision given in *Baugh v. Taylor*, *supra*.

In the prison's law library I located the cases cited in footnote 20 of the *Baugh* decision that reference back to footnote 18, citing *Cruz v. Hauck's* "suggestion" EN 95 in Justice Douglas' concurring opinion holding that the right to de novo appeal court review in criminal cases is extended to non-criminal cases in the United States Courts and citing some older non-criminal cases it handled on appeal, for its conclusion of "legitimate values such as concerns for judicial economy and prudence." *Payne v. Linaugh*, 843 F.2d 177 (5th Cir. 1988), and *Jackson v. Dallas Police Dept.*, 811 F.2d 623 (5th Cir. 1986), are cited there. Those are two cases where the IFPA motion was granted with no discussion of what is implicated in the *Baugh* decision, so nothing can be learned from them regarding the instructions of *Coppedge* or *Hauck*, *supra*, for handling IFPA motions. *Wright v. Dallas County Sheriff Dept.*, 660 F.3d 623 (5th Cir. 1191), had nothing to do with submitting or handling IFPA motions. I am submitting that nothing about the "posture" EN 96 of those or any

other Fifth Circuit Rule 24 motion handled by that process deserves the Supreme Court's approval.
EN 97.

If the practice of the Courts of Appeals is to defer motions to dismiss said appeals until the court has had the benefit of hearing argument and considering briefs and an adequate record, we hold that it must accord the poor person the same procedural rights."

Coppedge v. United States, 369 U.S., at 448.

In *Cruz v. Hauck*, back in 1971, the Supreme Court made the momentous announcement regarding in forma pauperis litigants:

It is apparent that this disparate treatment has the effect of classifying appellants according to wealth, which like race is a suspect classification...Accordingly, this classification can withstand challenge only upon showing of compelling circumstances. Respondent offers none but simply repeats the discredited maxim that pauper's appeals are privileges, not rights.

Cruz, 404 U.S., at 65.

I am prepared to argue, however, that by ending appeals with the demise of a Rule 24 IFPA motion, the Supreme Court in *Cruz v. Hauck*, itself counteracted the instruction of the Supreme Court in *Coppedge v. United States*, 369 U.S., at 448, to accord poor persons the same procedural rights regarding an appeal as of right in non-criminal case appeals. The finality of that language used in *Hauck*, "the appeal is ended," does not entertain notions that an appeal will be reopened by the simple expedient of an IFP litigant dredging up a filing fee and remitting it. One might subscribe to the theory holding that if a pauper can raise a filing fee, then he is no longer a pauper, and hence, the force of an equal protection claim would be attenuated or alleviated. But the Fifth Circuit's option to extend time to litigants for remitting filing fees after the demise of a Rule 24 motion would remain gratuitous.

The first appearance of a deficit in the panoply of appeal court rules I encountered was an absence of instruction regarding which rule between Rule 27, Fed.R.App.P., and Rule 28, Fed.R.App.P., applies to a Rule 24, Fed.R.App.P., motion. Another is the absence of instruction for

some interval of time extended for remitting a filing fees after the demise of a Rule 24 motion. The former allowed for the purported briefing error of the present case to be purportedly identified, and the latter made it fatal. The rules also fail to make an allowance for non-criminal case appeals litigated ex parte, in comparison to habeas corpus case appeals that are not, such that an exhaustive statement of issues demanded in a Rule 24 motion litigated ex parte calling for waiver of issues not included in it serves no purpose consistent with the purpose of a Rule 24 motion; that is, to establish any issue not frivolous for appeal.

Hence, the panoply of appeal court rules, by appropriate due process and equal protection of law, fail to provide a guide adequately tailored to the needs of non-criminal case appeal court litigants, and whereby in the vacuum of that failure the forces impelling the dissipation of de novo appeal court review in the Rule 24 context have channeled a path of least resistance downward to procedural disorder.

The Fifth Circuit's "melding of decisions," 117 F.3d, at 202, and its gratuitous extensions of time for remitting filing fees, 117 F.3d, at 202, are the very definition of disorder. Given the principles guiding the Supreme Court in *Coppedge v. United States* [cited], and the goal of what it aspired to accomplish in *Cruz v. Hauck* [cited] by extending its precepts to non-criminal case appeals, it looks like the present state of IFP appeals in the Fifth Circuit is not what the Supreme Court ever intended, whereby the decision given in *Baugh v. Taylor* [cited] the Fifth Circuit has subordinated those principles and goals to what it terms "legitimate values, such as judicial economy and prudence [that] justified the melding of decisions." EN 98. I am submitting that those considerations have not shown to form "compelling circumstances" sufficient to "withstand challenge" to the "disparate treatment [of] classifying appellants according to wealth..." EN 99 in the Rule 24 context by manner of ambiguous rules, and absence of rules, such that access to at least

one of the United States Courts of Appeals [the Fifth Circuit] is haphazard, random, and gratuitous for paupers, a breach in due process, equal protection of law, and access to courts. EN 100.

VIII The Merits of the IFPA Issues

The remainder of the present petition pertains to showing that I am able to proceed on at least one non-frivolous issue I submitted to the App Ct. Where Rule 24, Fed.R.Ap.P., demands that an exhaustive statement of issues be set out in the affidavit attached to the Rule 24 motion, the motion I submitted to the App Ct of the present case was provisioned with one. But for the present petition, I have selected only two issues that the DC cited in its Doc 63 Ruling whereby it certified that my appeal was not taken in good faith. See, attached, App'x AB, a copy of the decision citing the DC's Doc 34 dismissal Opinion that pertains to the Rule 41(b), Fed.R.Civ.P., dismissal sanction. That dismissal evolved out of a sequence of the DC's Orders instructing me to rewrite the entire two-hundred-twenty-two-page Complaint/Supplement document by dividing it into [by the MJ's count] eighteen separate lawsuits on his finding that numerous defendants I sued were not joined by any claims having a transaction or occurrence or series of them in common with the primary claim of involuntary suicide cell confinement of myself. For purposes of the present petition, my coverage of those issues will be limited to what is contained in the Rule 24 IFPA motion [App'x SS, attached] I submitted to the App Ct.

In Part V, pp. 6-10, of the IFPA motion I covered what I found was wrong with the MJ's Doc.s 24 and 32 R&Rs that evolved into the DC's Doc.s 34 and 35 dismissal Opinion and Judgment and eventually to the DC's Doc 43 Ruling from my Doc 42 motion for reconsideration. Joinder of defendants is controlled by Rule 20(a), Fed.R.Civ.P. Defendants can be joined under the rule only if the claims they are included by "arise out of the same transaction or occurrence" or series of them and "any question of law or fact common to the all the defendants will arise in the action."

Rule 20(a).

**Much Of What I Wrote About The Rule 20(a) Issue Is Found
At Page 7, Line 9, Through Page 9, Line 16, Of The Rule 24 Motion:**

Discussion of the claims I propose should be joined by Rule 18(a) will be presented separately. Turning to the project of coherently explaining how and which of my Case-1 claims are interrelated by Rule 20(a) involves a dissection of the pleadings that I did not have in my possession until only a few days before my case was dismissed. Doc 33, p. 24; Doc 38, pp. 1-2. I already explained why it was not my fault for having no copy of the pleadings when I needed them [and no time to obtain them]. Attached to the present motion/memorandum are Appendices numbered "A" through "Z". They are copies of the pleadings I am contending the MJ overlooked in finding that my claims of inadequate lighting [Appendix H, Aver'ts 518-520, 882] are transactionally related to my suicide watch cell confinement claim [Appendix O, Aver'ts 24-30, 70, 75] by a prison-wide stand-down policy in place inside the Hunt Prison complex [Appendix D, Aver'ts 151, 518-520], where in actuation of that stand-down policy I was three times relocated to a "protective custody cell" [Appendix F, Aver'ts 34-37 (278-281); 55-58; 886-894] and where the stand-down policy was sustained by and on behalf of the named DOC executives, the Hunt Wardens, the DOC Secretary, and the Governor of Louisiana [Appendix A, Aver'ts 1-16, combined with the other Appendix averments and caption] in efforts to perpetuate continuous revenues of tobacco-dip sales in the prison's commissaries because inmates have to smoke with accoutrements of fires burning ["wicks"] used to keep a ready light for the dip-joints and small cellblock campfires in the cellblocks and in the microwave ovens to dry it for smoking that have inundated the entire with toxic smoke and drug-use everywhere in plain sight as if it were forming RICO and conspiracy [Appendix G, Aver'ts 518-520; 880-881; 975-987]. In relation to how I am contending that the stand-down policy is transactionally related to my suicide watch cell confinement claim, I am not contending that the smoke exposure activities are transactionally related to it merely because those activities sometimes took place in the suicide watch cells and adjacent areas. I am contending that three separate times I was relocated to a suicide watch cell because of the stand-down policy in operation. Hence, by those developments the two kinds of occurrences have a common operative factual background relationship that satisfies the rule. Proving how I was exposed to inadequate lighting, excessive smoke, and retaliation, therefore, involve proving why those occurrences were taking place personal to myself; the prison-wide stand-down policy in place forming a "similarity in the factual background of..." those claims, giving them a "definite logical relationship..." to each other, *Harris*, at *5, *supra*, and providing a "fact common to all the defendants...[that] will arise on the action," sufficient to satisfy Rule 20(a)." See *Harris v. Lappin*, 2009 WL 789756 (C.D. Cal. Mar. 19, 2009).

It can be proved in a trial of the case that the suicide watch cell confinement of myself; the inadequate lighting I was provided with; and the suppression of all my ARP grievances I submitted all came to pass by operation of a prison-wide stand-down policy in place motivated in Louisiana hayride revenue tobacco-dip sales in the Hunt Prison's commissaries, the named DOC executives, the Governor of Louisiana and the Hunt Wardens being the financial beneficiaries of it with Lieutenant Colonel Shelia Robinson a major player in

pretermination of all internal investigations of it. RICO 18 USC, Section 1961, and conspiracy 42 USC, Section 1985, ensue by these developments, all pleadable in a Rule 20(a), Fed.R.Civ.P., Case-1 action. It can be rewritten [in part] by keeping the 1st through 17th and 26th through 33d named defendants of Aver't 11, and by expanding Aver't 13 to plead Part "[3]" a policy or practice of keeping the Hunt Dorm living area lighting reduced with purpose of providing comfort and security to inmates engaged in the smoke-producing activities [tobacco-dip and mojo-dope smoking with accoutrements of fires burning to dry the dip and to keep the joints going]; [4] a prison-wide stand-down policy in place regarding those developments, which includes the suppression of my ARP grievances, motivated in prison commissary tobacco-dip sales. See Appendix A, Aver'ts 1-16, and Caption. Aver't 11 should also be divided and rewritten with better pinpoints of potential individual or disseminated liabilities, the 18th through 25th and 34th named defendants set apart for Case-2. Appendix I, Aver'ts 847, 856-859; 868-878; 909-928, gathers averments reporting typical conflagrations of conflict I encountered with inmates and officers who wanted all the lights off at all times in the Hunt dorm living areas.

Plaintiff's Motion For Leave to Proceed Informa Pauperis On Appeal, Part V, P. 7, Line 9, through P. 9, Line 16.

In Part VI, pp. 10-16, of the Rule 24 motion I covered what I found was wrong with the DC's Doc 51 Ruling from my Doc 48 Rule 60(b) motion. Joinder of my claims is controlled by Rule 18(a), Fed.R.Civ.P. "A party asserting a claim...may join as many claims as the party has against an opposing party." Rule 18(a). The DC has interpreted the rule in pursuance of the PLRA in a way that eclipses it such that it forms a de facto repeal of the rule for prisoners.

**Much Of What I Wrote About The Rule 18(a) Issue Is Found
At P. 10, Line 9, Through P. 12, Line 20, Of The IFPA Motion:**

Regarding the joinder of my claims by Rule 18(a), Fed.R.Civ.P., with purpose to enforce the three strikes provision of the PLRA and contrary to the Supreme Court's teaching that departures from the rules of court for that purpose is prohibited, the DC applied a hypothesis of law so incorrect that the rule had to be rewritten in 1966 to clarify it. "[U]nder Rule 18(a) and 20, if the claims arise out of different transactions and do not involve all defendants, joinder should not be allowed.. See *Shafer v. Davis*, 2:20-CV-167, 2020 WL 6489094, at *5 (S.D. Tex. Nov. 4th, 2020), citing 6A Charles Alan Wright, Arthur R. Miller & Mary K. Kane, *Federal Practice and Procedure*, Section 1583 (2d ed. 1990)." Doc 43, p. 4. The statement is correct only if "18(a)" is removed from it. It is followed by language

reinforcing the error: "In other words, if claim one is against five defendants and claim two is against only one of those defendants, joinder should not be allowed unless all claims arose out of the same transaction and present common questions; if the claim arose out of different transactions and do not involve all defendants, joinder should not be allowed. See 6A Charles Alan Wright, Arthur R. Miller & Mary K. Kane, *Federal Practice and Procedure*, Section 1583 (2d ed. 1990)."Doc 43, pp. 4-5. That language is piecemeal extracted from the Wright and Miller law digest to give a meaning that is squarely opposite to Wright and Miller's teaching.¹

For example, Rule 20(a), which states that parties may be joined if the right asserted against them arises out of the same transaction and raises common questions of law or fact, was interpreted as restricting the operation of Rule 18(a) in multiparty cases to the joinder of only the claims that arose out of a transaction common to all defendants. Thus, a suit in which the complaint asserted claims against fewer than all defendants was permissible under Rule 18(a) and 20 if all the claims arose out of the same transaction and presented common questions. If the court determined that the claims arose out of different transactions and did not involve all defendants, however, joinder would not be allowed."

6A Charles Alan Wright, Arthur R. Miller & Mary K. Kane, *Federal Practice and Procedure*, Section 1583 (3d ed. June 2024 Update) describing how Rule 18(a) was incorrectly applied in *Federal Housing Administration v. Christianson, Et al*, at 26 Fed. Supp. 419 (D. Conn. 1939).

Thus, the 1966 Amendment to Rule 18(a), was designed to make certain that once parties are properly joined, any party asserting a claim...may join as many claims as the has against an opposing party or parties even though they arose out of different transactions and do not involve questions of law or fact common to all parties.

Id. Emphasis added.

It is interesting to note that Rule 18(a) as amended as of this date no longer provides when there are multiple parties that the requirements of Rules 19, 20, and 21 must be satisfied. Inconvenience to the Parties cannot result from joinder of two or more matters in the pleadings, but only from trying two or more matters which have little or nothing in common. *Kaminsky v. Abrams*, 41 F.R.D. 168-172 (S.D.N.Y. 1966).

Footnote 8, Id. Hence, the piecemeal language from the Wright & Miller Law Digest comes from a teaching that repudiates the Christianson hypothesis, and its progeny, not from a teaching that approves it.

Rule 18(a) is amended not only to overcome the Christianson decision and similar authority, but also to state as a comprehensive proposition, that a part asserting a

¹ Section 1583 is titled, "*Joinder of Claims Under Rule 18(a), the 1966 Amendment*."

claim...may, join as many claims he had against an opposing party...This permissive joinder of claims is not effected by the fact that there are multiple parties in the action. Joinder of parties is governed by rules operating independently.

Notes of Advisory Committee to Rule 18(a) regarding the 1966 amendment to the rule. Internal citations omitted. There have been no amendments to the rule after 1966 which would alter these advisories. An, finally, that language used, "a claim properly joined as a matter of pleading need not proceed with together with the other claims..." etc., partially quoting the Notes of Advisory Committee to Rule 18(a), regarding the 1966 amendment to it in the Doc 42 Ruling, at pp. 4-5, the entire text refers to proceeding with separate trials, not with separated and dismissed claims to be reinstated in separate lawsuits. The DC's reliance on cases that indulge the piecemeal extraction of the Wright and Miller law digest and Notes of Advisory Committee to Rule 18(a) have substantially departed from the Federal Rules of Civil Procedure by a misapplication of the filing fee and three strikes provisions of the PLRA that was renounced in *Jones v. Bock* 549 U.S. 199, 216-217 (2007).

Specific pleading requirements are mandated by the Federal Rules of Civil Procedure, and not, as a general rule, through a case-by-case determination of the federal courts. 549 U.S., at 213. "We think the PLRA's screening requirement does not—explicitly or implicitly-- justify deviating from the normal practice beyond the departures specified by the PLRA itself. 549 U.S., at 214. Politely spoken, *Hubbard v. Haley*, F.3d 1195, 1198 (11th Cir. Aug. 21, 2001); *Mitchel v. Farcass*, 112 F.3d 1483, 1489 (11th Cir. 1997), and *Jackson v. Stinnett*, 102 F.3d 132, 135 (5th Cir. 1996), managing opinions inconsistent with the Rules Enabling Act, overruled.

Plaintiff's Motion for Leave to Proceed Informa Pauperis on Appeal, Part VI [excerpt] p. 10, line 9, through p. 12, line 20. EN 103.

IX

Conclusion

I am submitting that the App Ct's decision should be vacated and the appeal remanded to it with instruction to grant the IFPA motion. I am urging the Supreme Court to revisit its decision given in *Cruz v. Hauck*, *supra*, to find that the demise of a Rule 24 motion cannot in itself "end the appeal" without a hearing on the merits, and that extensions of time for remitting an appeal court's filing fee after the demise of a Rule 24 motion is necessary to preserve the continuity of the appeal in all cases, and by announcing rule for it and a rule to clarify what rule applies to a Rule 24 motion. I earnestly pray for it coming to pass by a writ of certiorari. EN104. Respectfully,

Mark Hanna 132872
LSP, Main Prison
Ash 4, Angola, LA 70712



End Notes

- EN 1. App'x AA, Doc 34 DC Opinion; Doc 35 DC Judgment; Doc 68-1 App Ct Opinion; Doc 68-2 App Ct Judgment.
- EN 2. App'x BB, p. 15, Detail [1]; p. 17 [3], [21], [22]; p. 6, EN 1.
- EN 3. App'x BB, p. 17 [24].
- EN 4. App'x BB, p. 18 [36].
- EN 5. App'x BB, p. 17 [25], [35].
- EN 6. App'x BB, p. 17 [31], [34]; p. 6, EN 3.
- EN 7. App'x SS, p. 7, lines 18-19, App'x D.
- EN 8. App'x SS, p. 17, lines 16-17, App'x C.
- EN 9. App'x SS, p. 17 [32], [32]; p. 18 [38]; p. 6, EN 5.
- EN 10. App'x OO, App'x D, Averments [Aver'ts] 527-528; App'x E, Aver'ts 880-881; App'x SS, p. 8, line 7, App'x G.
- EN 11. App'x BB, p. 6, EN 12.
- EN 12. App'x BB, p. 16 [2].
- EN 13. App'x BB, p. 7, EN 7; EN 9.
- EN 14. App'x BB, p. 17 [32], [33]; p. 18 [38]; App'x SS, p. 8, App'x C.
- EN 15. App'x BB, p. 17 [25]; App'x SS, p. 7, line 17, App'x C.
- EN 16. App'x BB, p. 17 [25].
- EN 17. App'x BB, p. 17 [25].
- EN 18. App'x BB, p. 7, EN 11.
- EN 19. App'x BB, p. 8, EN 14.
- EN 20. App'x BB, p. 17 [34]; App'x BB, p. 6; App'x SS EN 2; p. 8, EN 16.
- EN 21. App'x SS, p. 20, line 4, App'x H.
- EN 22. App'x SS, p. 20, lines 6-13, App'x DD, Doc 53, p. 15, lines 1-20.
- EN 23. App'x BB, Doc 42 Ruling, p. 4, lines 4-11.
- EN 24. App'x BB, p. 15 [1]; p. 16 [4].
- EN 25. App'x BB, p. 16 [4], [7].
- EN 26. App'x BB, p. 16 [7]; [11]; p. 17 [19].
- EN 27. App'x BB, p. 16 [8].
- EN 28. App'x BB, p. 16 [7], [9], [12].
- EN 29. App'x BB, p. 16 [10].
- EN 30. App'x BB, p. 18 [39].
- EN 31. App'x BB, p. 16 [9].
- EN 32. App'x BB, p. 16 [14], [16]; p. 17 [19].
- EN 33. App'x BB, p. 16 [6], [13], [14], [18].
- EN 34. App'x BB, Doc 42, p. 3, line 6, through p. 4, line 17.
- EN 35. App'x CC, Doc 31, Traverse Memorandum Response, p. 10, line 21, through p. 11, line 14, citing "Aver'ts 392-393; 428-457 (443); 464; 478-484; 486; 491."
- EN 36. App'x BB, p. 17 [27]; App'x TT, Doc 21-1, Amendment Supplement Complaint, pp. 213-

214, Aver'ts 965-966; App'x SS, -p. 17, line 7, App'x M.

EN 37. App'x BB, Doc 32, p. 8, EN 18.

EN 38. App'x EE, Doc 24 R&R.

EN 39. App'x BB, p. 17 [26].

EN 40. App'x OO, Case-2, pp. 15-16, App'x V, App'x U.

EN 41. App'x BB.

EN 42. App'x FF, Notices attached to the MJ's Docs 24 and 32, of Jun. 22, 2023, and May 2, 2024, separately signed by the MJ, but not appearing in the Docket Report of the case.

EN 43. App'x EE, Doc 24 R&R, p. 3, lines 2-3: "The remainder of plaintiff's claims are unrelated and should be stricken."

EN 44. App'x GG, Doc 29.

EN 45. App'x BB, Docx 42, pp. 5-passim.

EN 46. See EN 41 of the present petition.

EN 47. App'x DD, Doc 33 Written Opposition, p. 2, line 20, through p.7, line 10; p. 24, lines 17-35.

EN 48. App'x CC, Doc 31, p. 5, lines 9-17.

EN 49. See EN 48 of the present petition.

EN 50. App'x EE, Doc 24, p. 3, lines 12-16, App'x CC, Doc 31, p. 10, line 21, through p. 11, line 24.

EN 51. App'x TT, Doc 21-1: pp. 172-173, Aver'ts 802-804; pp. 187-188, Aver'ts 860-861; pp. 214-215, Aver'ts 967-971; p. 218, Aver't 979; Prison Grievance No. EHCC-2022-216.

EN 52. App'x HH, Doc 43, p. 4, line 16, through p. 4, line 3.

EN 53. App's II, Doc 48.

EN 54. App'x JJ, Doc 51.

EN 55. App'x KK, Doc 53.

EN 56. Docs 53; 54; 55; 56, and 57.

EN 57. App'x MM, Doc 59.

EN 58. App'x NN, Doc 61, lines 14-18.

EN 59. App'x AB, Doc 63.

EN 60. App'x QQ, Doc 64.

EN 61. App'x ZZ, Petition for Rehearing or for Rehearing En Banc.

EN 62. App'x AA, Doc 35 Judgment dismissal.

EN 63. App'x UU, App Ct's Doc 68-1 Opinion.

EN 64. Ibid.

EN 65. App'x VV, App Ct Judge Higginson's rejection of my motion for increase of time to submit the petition for rehearing or for rehearing en banc.

EN 66. App'x WW, App Ct Clerk's rejection of my untimely petition for rehearing, etc.

EN 67.

EN 68.

EN 69.

EN 70.

- EN 71. *Roland v. Primesource Staffing, L.L.C.*, 497 F.3d 1077, 1079 (10th Cir. Aug. 7, 2007).
- EN 72. *Adepegba v. Hammons*, 103 F.3d 383, 386 (5th Cir. 1996); *Sartti v. United States*, 415 F.3d 1115, 1116 (5th Cir. (1996).
- EN 73. *Coppedge v. United Sales*, 415 U.S. 438, 441 (1962).
- EN 74. App'x UU, Doc 68-1, App Ct Opinion, p. 2, lines 19-23.
- EN 75. Statement of the Case, p.14, lines 4-13, of the present petition
- EN 76. *Coppedge*, 369 U.S., at 453 and 457.
- EN 77. *James v. Kentucky*, 466 U.S. 341, 348 (1984).
- EN 78.
- EN 79.
- EN 80.
- EN 81.
- EN 82.
- EN 83. *Coppedge*, 369 U.S., at 453.
- EN 84. A damages claim where trial transcripts were involved, IFP, not ex parte. *Dupont v. Southern Pacific Co.* 231 F. Supp. 601, 602 (W.D. La. 1964).
- EN 85. *Dixon Pitchford*, 843 F.2d 268, 270 (5th Cir. 1988).
- EN 86. *Coppedge*, 369 U.S., at 453.
- EN 87. *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).
- EN 88. App'x UU, Doc 68-1, p. 3.
- EN 89. App'x UU, Doc 69
- EN 90. *Bailey v. Cain*, 609 F.3d 673 (5th Cir. 2010); *United States v. Cantwell*, 470 F.3d 1078, 1079 (5th Cir. 2006).
- EN 91. *Owuso v. Mich. Dep't of Corrections Pain Management Committee*, 2017 WL 8893594 (E.D. Mich. Aug 21, 2017), at * 7, citing *Bey v. City of New York*, 2009 WL 1911742 (S.D.N.Y. Jun. 30, 2009); Doc 33, p. 8, lines 3-16, larger argument at p. 7, line 11, through p. 10, line 3.
- EN 92. 369 U.S., at
- EN 93. 117 F.3d, at 202.
- EN 94. PLRA filing fee case S.Ct.
- EN 95. 117 F.3d, at 201, n. 18.
- EN 95. 117 F.3d, at 201-202.
- EN 96. 117 F.3d, at 201-202.
- EN 97.
- EN 98. 117 F.3d, at 202.
- EN 99. 404 U.S., at 65.
- EN 100. App'x AC, the letter I wrote to the App Ct Clerk alerting that I was not extended time for remitting a filing fee after the demise of my Rule 24 IFPA motion.
- EN 101. App'x AD, Copies of the Westlaw-reported decisions entered in the present case.
- EN 102. App'x AE, Constitutional Amendments, Federal Rules, and Statutes involved.
- EN 103. Gaffs. The indented text are not a fully accurate verbatim recitals of the Rule 24 Motion.
- EN 104. And, I am asking the Court to renounce the DC's Rule 18(a)and 20(a) applications.