

APPENDIX A-A

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

NO. 21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

OPINION

After independently reviewing the entire record in this case and for the reasons set forth in the Magistrate Judge's Report dated May 1, 2024 (Doc. 32), to which an objection was filed and considered (Doc. 33);

IT IS ORDERED that this action is dismissed, pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 41, for failure to comply with this Court's order and to prosecute this action.

Judgment shall be entered accordingly.

Signed in Baton Rouge, Louisiana, on May 29, 2024.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

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MARK HANNA (#132872)

CIVIL ACTION

VERSUS

NO. 21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

JUDGMENT

For written reasons assigned,

IT IS ORDERED, ADJUDGED, AND DECREED that judgment is entered, dismissing this action, pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 41, for failure to comply with this Court's order and to prosecute this action.

Signed in Baton Rouge, Louisiana, on May 29, 2024.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2025

Lyle W. Cayce
Clerk

No. 24-30557

MARK HANNA,

Plaintiff—Appellant,

versus

JOHN BEL EDWARDS; JAMES LEBLANC; EUGENE POWERS;
WHALEN GIBBS; JOHN HOOPER; ET AL.,

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:21-CV-537

Before JONES, SMITH, and HIGGINSON, *Circuit Judges.*

PER CURIAM:*

Mark Hanna, Louisiana prisoner # 132872, moves for leave to proceed in forma pauperis (IFP) on appeal from the district court's dismissal of his civil rights action for failure to comply with an order of the district court and for failure to prosecute, as well as from the denial of his postjudgment motions. By moving for leave to proceed IFP on appeal, Hanna challenges

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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the district court's certification that the appeal was not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

As a preliminary matter, we must examine the basis of our jurisdiction. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). A timely notice of appeal in a civil case is a jurisdictional prerequisite when, as in the instant matter, the time limit is set by statute. *See Bowles v. Russell*, 551 U.S. 205, 213-14 (2007); 28 U.S.C. § 2107(a).

The district court dismissed Hanna's civil action on May 29, 2024. Hanna then filed for reconsideration on July 8, 2024. Because Hanna's motion for reconsideration of the dismissal of his civil action was filed outside the 28-day period allowed for filing a Federal Rule of Civil Procedure 59(e) motion, it did not toll the time for filing a notice of appeal. *See* FED. R. CIV. P. 59(e); *Vincent v. Consol. Operating Co.*, 17 F.3d 782, 785 (5th Cir. 1994). Hanna's notice of appeal, filed on or about August 19, 2024, was therefore not timely from the judgment dismissing his civil action and this court lacks jurisdiction over Hanna's appeal of that judgment. *See Bowles*, 551 U.S. at 214. Accordingly, the appeal is DISMISSED IN PART for lack of jurisdiction.

Hanna has timely appealed from the August 7, 2024, denial of his motion for reconsideration, which is properly treated as a Federal Rule of Civil Procedure Rule 60(b) motion. *See Frew v. Young*, 992 F.3d 391, 397 (5th Cir. 2021); FED. R. APP. P. 4(a)(1)(A). He has also timely appealed from the October 7, 2024, denial of a Rule 60(b)-denominated motion. *See* FED. R. APP. P. 4(a)(1)(A). Rule 60(b) permits relief from a final judgment if the party shows: "(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud . . . , misrepresentation, or misconduct by an opposing party; (4) the

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judgment is void; (5) the judgment has been satisfied, released, or discharged; . . . or (6) any other reason that justifies relief.” FED. R. CIV. P. 60(b). A Rule 60(b) motion “may not be used as a substitute for the ordinary process of appeal once the time for such has passed.” *Chick Kam Choo v. Exxon Corp.*, 699 F.2d 693, 695 (5th Cir. 1983).

In his IFP pleadings, Hanna lists a number of issues for appeal. He contends that he was unable to comply with the district court’s order that he file an amended and superseding complaint because he did not have a copy of his pleadings and did not have enough time to obtain a copy. He asserts that prison officials were at fault with respect to his inability to comply with the district court’s order. Hanna also argues that the magistrate judge’s assessment of the improper joinder issue lacked sufficient detail to guide the district court to a correct result as to the application of Federal Rule of Civil Procedure 20(a) and that the district court’s conclusion regarding improper joinder under Federal Rule of Civil Procedure Rule 18 was incorrect. He contends that the district court’s judgment dismissing his case should be reversed because Federal Rule of Civil Procedure 21 prohibits dismissing a case on account of misjoinder of claims or parties. Hanna also takes issue with the “Blanket Policy” of allowing only 14 days to file objections to reports of the magistrate judge, and with the district court’s practice of requiring prisoners to handle account statements that must be processed by prison officials. Additionally, Hanna asserts in conclusory fashion that striking his pleadings was inappropriate and prejudicial, that his claims were not unexhausted, and that the magistrate judge provided inadequate details to guide the district court to a reliable result on the exhaustion issue.

However, Hanna makes no mention of his postjudgment motions, or the district court’s denials of such motions, in his listing of issues. Though timely, his appeals of the denial of his Rule 60(b) motions did not bring the underlying judgment up for review. *See Bailey v. Cain*, 609 F.3d 763, 767 (5th

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Cir. 2010). Hanna thus fails to raise any discernible reason that the district court abused its discretion in denying his Rule 60(b) motions. *See Halicki v. Louisiana Casino Cruises, Inc.*, 151 F.3d 465, 470 (5th Cir. 1998). He has failed to brief, and has therefore abandoned, the relevant issues. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993) (holding that even pro se appellants must brief arguments in order to preserve them).

Because Hanna fails to show that his appeal raises a nonfrivolous issue, his motion to proceed IFP is DENIED, and the appeal is DISMISSED IN PART as frivolous. *See Baugh*, 117 F.3d at 202 n.24; *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.

United States Court of Appeals
for the Fifth Circuit

No. 24-30557
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 20, 2025

Lyle W. Cayce
Clerk

MARK HANNA,

Plaintiff—Appellant,

versus

JOHN BEL EDWARDS; JAMES LEBLANC; EUGENE POWERS;
WHALEN GIBBS; JOHN HOOPER; ET AL.,

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:21-CV-537

JUDGMENT

Before JONES, SMITH, and HIGGINSON, *Circuit Judges*.

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the appeal is DISMISSED IN PART for lack of jurisdiction and DISMISSED IN PART as frivolous.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See FED. R. APP. P. 41(B). The court may shorten or extend the time by order. See 5TH CIR. R. 41 I.O.P.

APPENDIX-BB

United States District Court
Middle District of Louisiana

Mark Hanna

vs

John Bel Edwards, et al

Civil Action

No. 21-537-

JWD-RLB

Motion for Reconsideration, to Alter or Amend

Preliminary Discussion

The present motion is filed in pursuance of Rule 59(e), Fed. R. Civ. P., for reconsideration of the Doc-35 dismissal Judgment of May 29, 2025, received by myself in the mail June 4, 2024. As related at page 24 of the Doc 33 Written Opposition, persons recruited on my behalf downloaded off the clerk of court's website a copy of the Doc-1 Complaint in the present case and mailed it to me May 15, 2024, a few days before the time limit for filing the Doc 33 Written Opposition lapsed. I mailed the Written Opposition May 20th. I received in the mail the copy of the Doc-1 Complaint May 21st. The Doc-32 Magistrate Judge's Report and Recommendation [MJ's R&R] of May 1, 2024, was attached to an Order, separate and signed by the MJ, alerting that "Absolutely No Time Extensions Will Be Granted to File Written Objections to the Magistrate Judge's Report." Hence, I was deterred in the path of that Notice from asking the Court for more time within which to receive the down-loaded-and-mailed copy of the Doc-1 Complaint for including its information in the Written Opposition of May 20, 2024 [Doc-37]. A retaliation claim asserted at Aver't 333 of the Doc-1 Complaint is premised on allegations that the Hunt Prison officials prevented me from obtaining copies of my legal documents [the Doc-1

Complaint] when I was held in their cellblocks and without usable ink pens with which to rewrite and thereby provide myself with a verbatim duplicate of it. The rejoinder appearing at Pages 5-6 of the Doc 33 Written Opposition was written in response to the Magistrate Judge's [MJ's] finding at Pages 1-2 of the Doc 32 Report and Recommendation {R&R} that nothing had stopped me from hand-rewriting the 222-page Doc-1 Complaint, so as to secure a copy of it and thereby forestall the crisis I encountered in the present litigation without one; also making it clear there that having no copy of the Doc -1 Complaint is not why the Court's Doc 29 order to rewrite and divide my claims into eighteen separate cases was not followed [the MJ never making it clear in his Doc.s 24 and 32 Order and R&R in what ways my claims are not related]. The MJ's joinder analysis regarding my 222-pages of pleadings is entirely contained within a few sentences at Pages 3 and 4 of his Doc-24 R&R. There is no description of each or either of the claims and I am unable to discern by the MJ's analysis whether the claims are found to be not related to only the suicide watch cell confinement claim or to each or either to all the others. Those are the only instructions the MJ provided that I have been expected to rely on to rewrite my claims. Regarding the MJ's brevity, I brought it to the Court's attention in each of my Doc.s 27, 31, and 33 responses to the MJ's Order and R&R, respectively. The rough draft averment references that I relied on before obtaining a copy of the Doc-1 Complaint on May 21st are reflectively incoherent, because the rough draft of my Doc-1 Complaint does not coincide with the finished Doc-1 Complaint [as explained in the claim asserted by Aver't 333, Aver'ts 965-966; see, e.g., Condensed Statement of Claim #4, Detail # 27, *infra*].

It remains my understanding that the rules for joinder of parties and for claims and the rules for relation back of amendment have not changed for prisoners because of the Prison

Litigation Reform Act [PLRA]. See, e.g., *Jones v. Bock*, 549 US 199, 216-217 (2007). It has always been the rule that joinder is appropriate where claims are transactionally related [Rule 20(a)], or as many claims as a party has against a Rule 20(a) properly-joined party may be asserted in Rule 18(a) and an amendment by Rule 18(a) or Rule 20(a) is permitted if relation back of amendments by Rule 15 (c) 1 (B) is simultaneously satisfied.

The actual Doc-1 Complaint references to averments in the present motion are made accurate and coherent by the recently-obtained copy of the Doc-1 Complaint I obtained by due diligence. Before turning to the substance of the motion, I urge the Court to also consider how, in the moments prior to mailing the Doc-1 Complaint to the Court on September 9, 2021, with knowledge that the document would be difficult to follow from claim to claim in its protracted scope and chronologic intermittently-sequenced and segmented formatting, I had begun the project of drafting a guide to it with which the court would be enabled to follow it in its claim-assessment project. I brought those developments to the Court's attention at Aver's 392-394 of the Doc-2 Complaint, alerting that activities of the defendant prison officials had momentarily compelled me to mail the Doc-1 Complaint on a moment's notice to prevent it from getting stolen by those same prison officials as they had engaged the process of attempting to guide my presence back into the suicide watch cells where the materials would be prohibited. See, e.g., Page 6, Doc 1-7, of the Doc-1 Complaint, the single-page start-up rough draft of such a document, which was mailed to the Court during those moments of haste. A finished product of that guide has been drafted and is included after the collection of endnotes of the present document. In the path of those developments, had I been provided with usable ink pens with which to accomplish it, I would have nevertheless been [and was] prevented from

rewriting that document for the luxury of having a copy of it. And hence, I could no sooner by due diligence have discovered the precise contents of the Doc-1 Complaint; and therefore, I do not now rely solely on the described Aver't-333 retaliation claim in my posturing for due diligence by bringing new evidence [the Doc-1 Complaint] to the Court's attention, whereby I respectfully urge reconsideration in pursuance of Rule 59(e). The Court could not have reached a reliably correct result if it relied on the references to my rough drafts of the Doc-1 Complaint reflected in the references to pleadings set out in the Docs 27, 31, and 33 responses I submitted. Succinctly stated, at Page 2 of the Doc-31 Memorandum Response, [in more ways than one] "Obstacles Laid Beforehand by the Defendants and the Court's Failure to Recognize Them Remain About." The Court's present disposition follows from that path of damage-control, information (truth)-quelling activity [the defendants' custodial policy failure to provide access to carbon paper, usable ink pens, and photocopies (that I offered to pay for) in their cellblocks, an ongoing unconstitutional impediment of my access to courts, prospectively, in the present case that looms to become a claim, resetting the line of scrimmage for exhausting administrative remedies on such a new claim that any sensible inmate would rather avoid. See, e.g., *Christopher v. Harbury*, 536 US 403 2002 (actual injury versus ongoing or prospective injury)].

The Court's PLRA-inspired interest in preventing inmates from flouting filing fees might should be considered against the equally legitimate background interest that inmates have in avoiding unnecessary filing fees that they will eventually be required to pay if they do not prevail on their claims. I submit that the rules controlling joinder [18(a), 20(a), and 21,

Fed.R.Civ.P.] adequately handle the prospect of misjoinder equally well to all litigants. The cases need to be rewritten into chapters of claims that form what I understand are two cases.

Wherefore, I pray that by the present motion the Court is guided to a final coherent assessment of my claims regarding joinder of them in reconsideration of its Doc-35 dismissal Judgment.

Argument

The twenty-nine attempted statements of claims, proposed for the First Case [Case-1], condense into:[1] the Suicide Watch Cell Confinement claim; [2] the Inadequate Lighting claim; [3] the Prison-Wide Mojo-Dope Tobacco-Dope (with accoutrement Toilet Paper Rope Burnings claim); [4] the Cellblock Fires of Milk Cartons, Plastic Bags, Jumpsuit, Blanket, and Bedsheet Burnings there (and accoutrement Toilet Paper Rope Burnings there) claim;[5] the Pattern of Officially Rejected and Confiscated ARP Grievances claim; [6] the similar Concealment of Disciplinary appeals claim; [7] the Pattern of Collected Confiscated Legal Work claim; [8] the Absence of Available Carbon Paper, Photo Copies , and Usable Ink Pens claim;[9] the Extra-Statutory Court Costs Collection claim; [10] the Delinquent Conversion of My Inmate Account Funds Clothed as "Court Costs" claim; [11] the Withheld Medical Records claim: [13] the Retaliation for Self-Defense Kinetic Encounter Prison Disciplinary Proceedings claim. The claims having Detail Numbers 1, 2, 3, 4, 9, 21, and 22 are components of a broader Suicide Watch Cell Confinement claim. The Claims having Detail Numbers 24, 32, 33, and 38 are components of a broader Inadequate Lighting claim. The Claims having Detail Numbers 25, 35, and 36 are

components of a broader Toxic Smoke Exposure claim. See, e.g., "Details for Statements of Claims," at Pages 115-118, *infra*. 15-18

The Inadequate Lighting and Exposure to Toxic Smoke claims, Rules 18(a) and 20(a), are transactionally related by a common operative factual allegation prison-wide stand-down policy in place among the Hunt Prison employee population, whereby the inadequate lighting and smoke exposure were both in and of themselves, unconstitutional and harmful to myself. End Note-1 [EN-1]. The Pattern of Rejected and Concealed ARP Grievances and Disciplinary Appeals were an extension of the described Stand-Down Policy in place, both implemented with successful purpose to conceal and hence to perpetuate the smoke-producing activities, EN-2, actuated with simultaneous purpose to deter my constitutionally-protected corruption-exposing ARP grievance activities, EN-3; the ever-present, over-arching objective among higher-ranking DOC Security personnel and DOC executives being to maintain reliable, continuous, wealth-producing revenues in prison commissary tobacco dip sales, actuated and increased by inmate-to-inmate dope-for-commissary transactions. EN-4. The opposition and conflict I encountered in the path of those developments with officers and other inmates regarding inadequate mob rule provisions of lighting twice precipitated the transfer of myself to protective custody, making it an extension of the described Stand-Down Policy in place, that encloses the Inadequate Lighting and Toxic Smoke Exposure claims, N-5, but forthwith [repeatedly] substituted with a suicide watch cell, EN-6, actuated in a DOC Security, Hunt Warden historical tradition of it occurring. The transfers were arranged by the Hunt dorm officers and accomplished with inmates they delegated control of the lighting to, making the transfers an extension of the stand-down policy in place [that encloses the inadequate lighting

and smoke-producing activities]; EN-7, and hence by these developments [at least twice] the suicide watch cell confinement of myself was transactionally related to the inadequate lighting and smoke-producing activities. The suicide cell confinement of myself, in and of itself and by manner of my placement there ["no space available elsewhere" given as a reason for it and/or as a substitute for protective custody] was unconstitutional and harmful to myself. EN-8.

The Louisiana Governor, the DOC Secretary, his Under Secretary, Assistant Secretary, and Chief of Operations, the Hunt Top Warden, and Assistant Warden, together with Hunt Subdivision Wardens [x 2] are all cited in Averments [Aver'ts] 3-5 and 10 as being the policy makers regarding prison overpopulation control, housing arrangements for inmates deemed a suicide risk, inmate living area lighting provisions and fire control there, the processes of collecting court costs and filing fees from inmates, inmate access to their own medical records, and tobacco product sales in the state's prison commissaries. Being the policy makers of all these things makes those individuals potentially liable parties if it is eventually proved that [1] the manner of my placement into the suicide watch cells, "no space available elsewhere" given as the reason for it, took place in prison overpopulation control responses [e.g., by a prison-wide routine practice of using suicide watch cells as substitutes for furnished protective custody cells]. EN-9; [2] the inadequate lighting took place by a systemic absence of lighting controls [e.g., by prison-wide ongoing routine practice of permitting inmates or groups of them to have control of the lighting provisions]. EN-10; [3] the smoke-producing activities took place by a systemic absence of fire control [e.g., by a prison-wide ongoing routine practice of having smoke detector operation blunted], EN-11, or, with knowledge that the urge to smoke tobacco is a mental health problem beyond the capacity of what ordinary people, once hooked, can

control, to then make tobacco dip available to them [e.g., by selling it to them in the state's prison commissaries], EN-12, or with similar knowledge that mojo dope [also to be smoked] will also be encountered in the context of these developments, EN-13, as the described stand-down policy regarding inmates smoking substances in the Hunt Prison complex ongoing for many years. EN-14.

The Absence of Available Carbon Paper, Usable Ink Pens, and Photo Copies claim, regarding the named Hunt Wardens is joinable by Rule 18(a) and is transactionally related to the Inadequate Lighting and Exposure to Smoke claims by the described Stand-Down Policy in place. EN-15. The Patten of Officially-Rejected ARP Grievances claim is transactionally related to the Inadequate Lighting claim and Exposure to Smoke claim by the describe Stand-Down Policy in place. EN-16. The Extra-Statutory Court Costs Collection claim, regarding the named governor and DOC Secretary, is joinable by Rule 18(a) by the suicide watch cell confinement practice, and by the sales of tobacco in the state's prison commissaries where both are DOC-Secretary-permitted activities. EN-17. The Delinquent Conversion of My Inmate Funds Clothed in "Court Costs" claim is transactionally related to all my claims by, where those activities formed retaliation in response to the present litigation and to almost all prisoner litigation activities in Louisiana. EN-18. The Breach of Due Process Right to Self-Defense claim is transactionally related to the Suicide Watch Cell Confinement claim where it shares common operative factual allegations with the claim, e.g., the path of my transfer to protective custody by disciplinary action response to it in sans-due process proceedings and short circuited disciplinary appeals, then substituted with a suicide watch cell. EN-19.

The Pattern of Unofficially-Concealed ARP Grievance Disciplinary Appeals claim is transactionally Related to the Case-1 Breach of Due Process Right to Self-Defense claim, both having common operative fact allegations, e.g., the prison-wide policy historical tradition of failing to present misconduct reports prior to, during and after disciplinary hearings. EN-20. The DOC-Hunt Policy Withholding of my Medical Records claim is transactionally related to both my Suicide Watch Cell Confinement claim and my Excessive Force with Restraints on the ATU Walk claim, since the suicide watch cell confinement of myself produced an alleged agitation in a pre-existing "chipped vertebrae" I suffered with, which was allegedly reinjured during the alleged episode of excessive force on the ATU Walk a few weeks later. Hence, those claims involve common operative fact allegations and overlapping evidence, e.g., the disputed medical records themselves. The suspected unconstitutional DOC Medical Record Policy, at once being harmful personal to myself by impeding my ability to be adequately involved in my own medical care and to my ability to adequately assess potential medical deliberate indifference and/or malpractice claims [a recognized property interest], make the claims joinable by Rule 18(a), where the suicide cell confinement of myself and the DOC medical record withholding both involve DOC Secretary-permitted activities. EN-21. The Pattern of Collected and Confiscated Legal Work claim and the Terrorizing of Myself with a Pocket Knife claim are hereby voluntarily dismissed. Neither one of them appear to be joinable to each or either of the other claims.

Forty-five security corrections officers are named in Aver't-11 of the Doc-1 Complaint before inclusion of the DOC Secretary, his Under Secretary, Assistant Secretary, and Chief of Operations, etc., cited as managers of fire control, inmate movements, generally, or medical

care appointments and inmate disciplinary hearing attendance. The inmate living area lighting control management was inadvertently not included in that paragraph. "Inmate Movements" should be understood to mean escorting inmates to assigned cellblock locations or scheduled appointment Hunt Compound locations, but it also necessarily includes meaning to make making moment-to-moment discretionary decisions to determine inmate housing location transfers. The precise contours of what guides or channels that discretion is presently not known or knowable personal to myself. The present degree of discretion delegated to what officers relevant to management of lighting provisions in the Hunt inmate living areas is also not presently known or knowable personal to myself. Hence, those questions are likely to become genuine issue of material fact for trial.

It is also not presently possible for myself to know the identity, moment-to-moment or daily, etc., of every security officer, or groups of them, whose decision it was, for example, to adjust inmate housing lighting or whose decision was to relocate my housing assignment to "protective custody", or the decision that it should be substituted with a suicide watch cell moments prior to each or either of the seven times I was relocated to them. Inadequate control or management policy for each or either of these conditions of confinement regarding delegation of discretion in management of them is a premier theory of liability asserted, unless malevolent purpose is evident or pleaded regarding the several claims.

It is obvious to me that Aver't-11 should be divided into plural [at least two] similarly-provisioned paragraphs to coincide with as many cases as the present one should be divided into. Because the identities of officers, or groups of them, who were at sundry times involved in the lighting provision adjustments and suicide cell decisions is presently not known to me, each

such paragraph should describe the alleged management duties that the several officers I am able to name have, pending discovery.

In Aver't-13 I joined all the named defendants by an allegation that each or either of them, "...jointly or severally," have designed, promulgated, implemented, or acquiesced in [1] a policy or practice in place within the HCC and within the HCC D1 and D3 Cellblocks whereby on a routine or arbitrary basis inmates who have not been deemed a suicide risk are housed on the HCC Suicide Watch Cell Tiers as if on suicide watch but not on suicide watch, indefinitely or for inordinate durations of time with "no space available elsewhere" given as the reason for it; [2] a policy or practice in place within the HCC and within the HCC D1 and D3 Cellblocks whereby fires are permitted to burn and smoking dried tobacco dip products purchased in the prison commissary is permitted to continue without abatement." Inadvertently, not included in the paragraph is a similar allegation disclosing where a policy or practice is in place within the HCC dorm living areas whereby inmates or groups of them are delegated with power to control the lighting provisions, with a result where during most of the activity hours daily, all the lights there are dimmed, making reading and writing there impossible and/or harmful. The paragraph is necessary because, as previously related in the discussion, it is presently not known to myself the identities of the officers involved in the decisions to cause my transfers [seven times] from protective custody to a suicide watch cell, the identities of officers who permitted the fires to burn and smoking to take place and the identities of the officers giving control of the lighting in the dorm living areas over to inmates or groups of them. The paragraph puts each or either of the defendants on reasonable notice of the activities they can be sued for in the present case.

The proposed Second Case [Case-2] includes twenty-three proposed attempted statements of claims, condensed into [1] Excessive Force with Restraints on the ATU Walk; [2] Excessive Force with Restraints in the D1 Cellblock; [3] Excessive Force with Handcuffs; [4] Officer Solicited Assisted Inmate Assault of Myself; [5] Due Process Right to Self-Defense Violated; [6] Pattern of Unofficially Rejected ARP Grievance and Disciplinary Appeals; [7] Medical Deliberate Indifference Delay for Spider Bite; [8] Medical Deliberate Indifference Delay for Hunger Strike Examination; [9] Failure to Cause my Presence During the Disciplinary Hearing; [10] Retaliation Prison Disciplinary Due Process claim regarding myself Failing or Refusing to Stand and Walk Without My Wheelchair on the ATU Walk Episode; [11] Retaliation Prison Disciplinary Due Process claim Regarding Myself Failing or Refusing to Stand and Walk Without My Wheelchair During the D1 Cellblock Excessive Force Episode.

The proposed claims for Case-2 are obviously not transactionally related or joinable by a common defendant. The Pattern of Unofficially Rejected ARP Grievances and Disciplinary Appeals claim is transactionally related to the Case-2 Breach of Due Process Right to Self Defense claim and to the Officer Solicited Assisted Inmate Assault of Myself by common operative fact allegations, also having the common defendant Chapman, making them joinable by Rule 18(a). EN-22. Two of the Case-2 excessive force claims [the Excessive Force with Restraints on ATU Walk claim and the Excessive Force with Restraints in D1 Cellblock claim] an alleged momentary episodic conspiracy involving Defendant Chapman to deprive me of my wheelchair and/or to force me into walking to the SNU without it, Chapman's involvement in both claims making them joinable by Rule 18(a). EN-23. The other named defendants are joinable by their described involvements as described in the written claims. EN-24. Two other

excessive force claims [the Excessive Force with Handcuffs claim and the Excessive Force with Restraints in D1 Cellblock claim], both having the common Defendant, Booker, by his momentary episodic involvement in both claims, making them joinable by Rule 18(a). EN-25. The Medical Deliberate Indifference Delay for a Spider Bite claim, the Medical Deliberate Indifference Delay for my Hunger Strike Examination claim, and the Failure to Cause my Presence During the Disciplinary Hearing claim all involve the common Defendants Chapman, Short, and Mimms, making them joinable by Rule 18(a). EN-26. The Retaliation Prison Disciplinary Due Process claim regarding myself Failing or Refusing to Stand and Walk Without my Wheelchair during the ATU Walk Excessive Force episode is transactionally related to the Retaliation Prison Disciplinary Due Process claim regarding myself Failing or Refusing to Stand and Walk Without my Wheelchair during the D1 Cellblock Excessive Force episode by both reports being factually entangled with each of the excessive force episodes, respectively, which are transactionally related by the common Defendant, Chapman, in Rule 18(a). Chapman also was an officer who may have written the disciplinary reports (not presently known because no report was ever presented, forming an incorporated due process claim in itself). EN-27. I urged the Court, at page-13 of the Doc-31 Traverse Memorandum Response to stay proceedings for interlocutory appeal of the matters presented there, and ruminated here. There was no judicial response.

End Notes

EN-1. Aver'ts: 13(2); 285; 289; 305; 307; 309-314; 410; 477; 498- 490; 518-520; 527-528; 534; 538-539; 880; 986, and sequence of Aver'ts 213, 404 405.

EN-2. Aver'ts: 54; 188-192; 214; 246; 505; 518-520; 529; 802; 969-971; sequence of Aver'ts 188-191; sequence of Aver'ts 54, 192, 214; sequence of Aver'ts 213, 404, 406.

- EN-3. Aver'ts 802; 804;
- EN-4. Aver'ts: 302-304; 306.
- EN-5. Aver'ts: 34-37(279-281); 886; 891;893-894.
- EN-6. Aver'ts: 24;25; 37; 41; 53; 58; 894.
- EN-7. Aver'ts: 3-6; 11; 13; 34-37(279-281); 886-894; 967; 256 of EN-1.
- EN-8. Aver'ts: 21;27; 29-30; 44.
- EN-9. Aver'ts: 24;25;37; 41; 53; 58; 256; 894.
- EN-10. Aver'ts: 880; 975.
- EN-11. Aver't: 301.
- EN-12. Aver'ts: 302-304 from EN-4.
- EN-13. Aver't: 304; 306.
- EN-14. Aver'ts: 297; 488; 490; 534; 969.
- En-15. Aver'ts: 327-333; 394; 965-966.
- EN-16. Aver't: 518; 520.
- En-17. Aver'ts: 3-5.
- EN-18. Aver'ts: 419-420; 982.
- EN-19. Aver'ts: 42; 47; 52-53; 55; 63-66; 67-68.
- EN-20. Aver'ts: 47; 55-58; 61-63; 174-177; 243-245; 247; 258; 531; 358.
- EN-21. Aver'ts: 3-5; 13; 21; 30; 42; 44; 77; 80-86; 92; 985.
- EN-22. Aver'ts: 8; 112-116; 128(b)-129; 132-134; 505.
- EN-23. Aver'ts: 86; 115.
- EN-24. Aver'ts: 115-121; 79-87.
- EN-25. Aver'ts: 109-118; 120.
- EN-26. Aver'ts: 11; 79-87; 91;95; 106-108; 121-123; 136-137; 140.
- EN-27. Aver'ts: 8; 86; 115; 135; 128(a), (b); 136-137.

Condensed Statements of Claims

Case-1:

1. Suicide Watch Cell Confinement: Claim Detail Numbers [Details]: [1]; [2]; [3]; [4]; [11].

2. Inadequate Lighting: Details: [24]; [31]; [29] (518-520); [35]; [36].
3. Toxic Smoke exposure: Details: [25]; [31] (518-520); [34]; [36].
4. Unavailable Legal Supplies; Details: [27].
5. Retaliation Extra-Statutory Court Cost Deductions; Details: [26].
6. Retaliation Conversion of my Inmate Funds Clothed as "Court Costs": Details: [37].
7. Official Retaliation Rejected ARP Grievances: Details: [34]; [21].
8. Pattern of Unofficially Concealed ARPs and Disciplinary Reports, Case-1: Details: [22]; [28]; [29].
9. Policy Historical Tradition of Withholding Disciplinary Reports: Details: [5]; [6]; [23].
10. Retaliation Disciplinary Proceedings for Self-Defense; Details: [5]; [6].

Case-2:

1. Excessive Force with Restraints on ATU Walk; Details: [7].
2. Retaliation Disciplinary Proceedings for Refusing to Walk Without My Wheelchair on ATU Walk; Details: [15].
3. Excessive Force with restraints on in D1 Cellblock; Details: [12].
4. Retaliation Disciplinary Proceeding for Refusing Stand and Walk in D1 Cellblock; Details: [14].
5. Excessive Force with Handcuffs in D1 Cellblock; Details: [11].
6. Pattern of Unofficially Concealed and ARPs and Disciplinary Appels, Case-2; Details: [15]; [16]; [17]; [20]; [22]; [28]; [30].
7. Goodtime Forfeited in My Absence; Details: [18].
8. Officer Told Disciplinary Committee Falsely that I Refused to Attend the Hearing; Details: [19].
9. Officer Solicited Assisted Inmate Assault of Myself; Details: [39].
10. Medical Deliberate Indifference Delay for Spider Bite; Details: [10].
11. Medical Deliberate Indifference Delay for Hunger Strike Examinations; Details: [8].
12. Retaliation Disciplinary Proceedings for Self-Defense, Case-2; Details [16].

Details for Statements of Claims

[1] Case-1. Statement of Claim Averment 21 [Claim Aver't 21]; suicide watch cell confinement; Aver'ts: 3-6; 9-12; 25-33; 34-37(279-281); 38-41; 42-53; 70-75, 226-231; 246-247; 280; 886-894; 899; 967.

[2] Case-1. Claim Aver't 25; "no space available elsewhere" given as the reason for it; Aver'ts:3-6; 9-12; 13-23; 25-33; 34-37 (279-281); 38-41; 42-53; 55-58; 70-75; 226-231; 246-247; 256; 280; 886-894; 899; 067.

[3] Case-1. Claim Aver't 26; malevolent purpose in my placement there; Aver'ts:3-6; 9-12; 13-23; 25-33; 33-37(279-281); 38-41; 42-53; 55-58; 226-231; 246-247; 280; 886-894; 899; 976.

[4] Case-1. Claim Aver't 27; cold air temperatures there; Aver'ts: 3-6; 9-12; 13-23; 25-33 (24); 33-37 (278-281); 38-41; 42-43; 55-58; 70-75; 226-231; 246-247; 280; 886-894; 899; 976.

[5] Case-1. Aver't 67; Prison Disciplinary Due Process, Fox-6 Dorm imbroglios of 2/2/21; Aver'ts: 8; 11; 38-41; 47-53; 63-68; 177; 247; 505; 509-510; 538; 531.

[6] Case-1. Claim Aver't 68; prison disciplinary due process retaliation for self-defense; Aver'ts 3-6; 8; 11; 38-41; 47-53; 63-68; 177; 247; 505; 509-510; 529-530.

[7] Case-1. Claim Aver't 87; excessive force with restraints on ATU Walk; Aver'ts: 11; 79-86.

[8] Case-1. Claim Aver't 91; deliberate indifference delay of hunger strike examinations; Aver'ts:11;76; 91.

[9] Case-2. Claim Aver't 93; doctors Roundtree and Monroe; Aver'ts:3-6; 9-10; 12-23; 25-27; 71-75.

[10] Case-2. Claim Aver't 95; medical deliberate indifference delay for spider bite; Aver'ts:11; 95; 106-108; 121-123;

[11] Case-2; Claim Aver't 109; excessive force with handcuffs; Aver'ts: 108-111;

[12] Case-2; Claim Aver't 120; excessive force with restraints in D1 cellblock, conspiracy to withhold wheelchair; Aver'ts: 115-121.

[13] Case-2; officer told disciplinary committee, falsely, that I refused to attend the hearing; Aver't 140; 8; 10-11; 79-87; 138-140; 505;

[14] Case-2. Claim Aver't 131; retaliation disciplinary proceedings for my refusal to stand and walk without my wheelchair in D1 Cellblock; Aver'ts: 8; 115-118; 128; 135 ;505.

[15] Case-2. Claim Aver't 132; disciplinary proceedings impinged the right to self-defense; 8;112-118; 128-130; 132; 505;

[16] Case-2; Claim Aver't 133 disciplinary proceedings instituted to conceal officer misconduct in officer solicited assisted inmate assault of myself; Aver'ts: 7-8; 10-11; 112-118; 128-130; 133; 505.

[17] Case-2; Claim Aver't 134; disciplinary appeals confiscated and concealed; Aver'ts: 7-8;10-11;112-118; 128-130; 134.

[18] Case-2; Claim Aver't 136; disciplinary proceeding convened in my absence to forfeit my goodtime credits; Aver'ts:8;11; 79-87;136-137; 139-140; 505.

[19] Case-2; Claim Aver't 138; retaliation disciplinary proceedings because I refused to stand and walk without my wheelchair on ATU Walk; Aver'ts 8;11; 79-87; 136-137; 138-140; 505.

[20] Case-2; Claim Aver't 141-142; disciplinary appeals confiscated and concealed; 7-8;10-1; 78-87; 136-142.

[21] Case-2; Claim Aver't 214; HCC Warden Hooper and Secretary LeBlanc, HCC Greg Polazola and Shelia Robinson, denied relief with knowingly false information that precipitated housing of myself with my enemy and return to suicide watch cell; Aver'ts:3-8; 10-11; 46; 54;61; 69; 143; 147; 191-192; 208(3); 214; 225-226.

[22] Case-1; Claim Aver't 246; Hooper, Barrarre, Robinson; Polazola; Bourgeois joined by their failure to respond to ARP grievance with purpose to cover up officer misconduct precipitated housing of myself with my enemy and return to suicide watch cell; Aver'ts:3-7; 9-11; 13-23; 25-26; 55-58; 226-231; 237; 246; 255-256.

[23] Case-1; Claim Aver't 247; in keeping with a historical tradition of it occurring, Withholding disciplinary reports prior to, during and after the hearings; Aver'ts:3-6; 13-23; 25-26; 42-47; 55-58; 174-177; 243-245; 247; 248; 400-404; 421; 503-510; 760-763; 784.

[24] Case-1; Claim Aver't 285; all HCC dorms have inadequate lighting; 3-6; 11-13; 24-37 (279-281); 261-286; 518-520; 819-847; 856-859; 868-894; 950-959; 963-964; 967; 975-076; 980; 983.

[25] Claim Aver't 314; Fires in cellblocks of burning toilet paper ropes, milk cartons, jumpsuits, blankets, bedsheets, plastic bags; 3-6; 11-13; 96; 287-293; 295-298; 299-301; 310-314; 407-410; 477; 487-488; 496; 518-520; 526; 786-788; 931; 980; 986-987.

[26] Case-1; Claim Aver't 324; retaliation extra-statutory court cost deductions; 2-6; 11; 13; 315-324.

[27] Case-1; Claim Aver't 333; unavailable usable ink pens, carbon paper, and photocopies in HCC cellblocks; Aver'ts 3-6; 11; 13; 327;333; 394; 399; 965-966.

[28]. Case-1; Claim Aver't 529; intercepted and concealed disciplinary appeals; 505-511; 529.

[29] Case-1; Claim Aver't 531; supplemental jurisdiction applied for; Aver'ts: 8; 10-11; 79-87; 136-137; 139-140; 505; 529-531.

[30] Case-2; Claim Aver't 533; supplemental jurisdiction applied for; Aver'ts: 8; 10-11; 182-183; 184.

[31] Case- 1; Claim Aver't 542; supplemental jurisdiction for RICO claims; Aver'ts: 540; 518-520.

[32] Case-1; Claim Aver't 843; ad hoc mob-rule inadequate lighting , unequal protection of law; Aver'ts: 3-6; 11; 13; 518-520; 819-843; 845-847.

[33] Case-1; Claim Aver't 975; inadequate lighting mob-rule policy in place; 3-6; 11;13;819-843; 975-976.

[34] Case-1; Claim Aver't 979; Shelia Robinson retaliation rejection of ARP grievance; Aver'ts: 7; 518-520; 800-805; 860-861; 967-971; 979.

[35] Case-1; Claim Aver't 980; unprevented ongoing fires burning in HCC cellblocks; Aver'ts: 3-6; 15-13; 96; 287-293; 295-298; 299-301; 305; 310-314; 407-410; 477; 487-488; 496; 518-5120; 526; 786-788; 800; 931; 980; 986-987.

[36] Case-1; Claim Aver't 981; unprevented ongoing tobacco-dip and mojo-dope smoking and toilet paper rope burning in HCC living areas; Aver'ts: 3-6; 11-13; 294; 305; 474; 489-490; 502; 518-520; 527-528; 789; 855; 975; 981.

[37] Case-1; Claim Aver't 982; delinquent retaliation conversion of my inmate funds clothed in "court costs;" Aver'ts: 3-6; 11; 13; 411-420; 793-798; 982.

[38] Case-1; Claim Aver't 983; mob-rule lighting in HCC dorm living areas; Aver'ts: 3-5; 11; 13; 34-37 (279-281); 261-268; 518-520; 819-857; 856-859; 868-894; 963; 975-976; 983.

[39] Case-2; Claim Aver't 126, officer solicited assisted inmate assault of myself; Aver'ts: 112-116.

Respectfully,

Mark Hanna 132872
RCC
27268 Hwy 21 N.
Angie, LA 70426

APPENDIX-CC

United States District Court
Middle District of Louisiana

Mark Hanna

Civil Action No. 21-0537

v.

JWO-RLB

John Bel Edwards, Et Al

Traverse Memorandum Response
To the Document-30
Order

On March 6, 2024, I was served with the Magistrate Judge's [MJS] Doc 30 order instructing me to explain why the present case should not be dismissed for the failure of myself to comply with the court's Doc 29 order instructing me to submit rewritten claims that it determined were unjoined in a single case [to divide the claims into numerous cases].

I am not abandoning my claims. In my Doc 27 objections to the MJS' Doc 24 Report and Recommendation [RandR] I attempted to explain why it would be impossible at the time to rewrite my claims. In adopting the RandR the court struck one-hundred-fifty-seven pages of my pleadings and the remaining sixty-five pages of the latest attempted amendment supplement was rejected. Those documents enclosed about twenty-plus asserted constitutional tort claims

I encountered at the Hunt prison in Saint Gabriel, Louisiana, the court finding ~~that~~ that the claims asserted in the latest Doc 21 amendment, prior to service and answer, were unexhausted in available administrative remedies by the Prison Litigation Reform Act Σ PLRA3, and that all my claims are misjoined in one case with purpose to evade the Three-Strikes and Fee provisions of the act.

Obstacles Laid Beforehand By the Defendants and the Court's Failure to Recognize Them Remain About

One of the claims included in one of the amendment complaints that the court rejected and struck over my written objections as misjoined, etc., pertains to the circumstances created in the Hunt prison officials making carbon paper unavailable to me with which to make copies of my pleadings and providing no way of securing photocopies of my legal documents { Averments (Aver's), approximately, 337-339, 9653 in the cellblocks there. $\rightarrow$ I was eventually transferred to the Rayburn prison Σ RCC3 in Angier, Louisiana, which also does not make carbon paper available, but does have a process where inmates in the dorms are expected to hand their legal documents over to inmate counsels for obtaining copies of them. The times that I tested that process at the RCC it failed. I was provided with incomplete sets of copies, one time my originals were lost, and the copy of my Doc 27 objection to the MO's Doc 24 ReandR has a page missing. That particular method of processing inmates' legal work was renounced as unconstitutional in Ruiz v. Estelle, 503 F. Supp. 1215, 1369 (S.D. Tex. 1980), affirmed

on appeal, 679 F.2d 1115, 1153 (5th Cir. 1982). Without copies of my pleadings I was unable to rewrite them.

Until a few days ago I had no copies of the amendment complaints. At Hark and at Rayburn I mailed my copies of those to a person at large to secure them and for making copies of them. But the first one-hundred-twenty page initial complaint was never carbon copied. The person at large I rely on for those things is very busy and not always there when I need help. The defendant Hark prison officials managed the present crisis for me in their failure to provide access to carbon paper or provide document copy process in their cellblock when I drafted the initial complaint I described. I have some scraps of roughdrafts of the initial complaint. They are incomplete, the arguments are scrambled, and what is there has been rewounded in the draft I submitted September 9, 2021.

The court has declined providing me with any copy of the docket report in the present case in its Doc 25 order citing decisions from inapposite cases where inmates had reached out to the clubs for free copies of documents they had submitted. Having no copies of my pleadings after the defendant prison officials declined providing me with access to them, I have been deterred from knowing the names of all the defendants and hence to a clue of the claims asserted in the initial complaint, with unfair advantage going to the defendants by their damage-control claim-management gained in their custodial free-attorney positions.

The MS's failure to describe the "eighteen" § Doc 24, page 13 claims he labeled as misjoined to my Suicide Watch Cell claims and to each or either of the others strikes at the heart of the Fifth Amendment's Due Process Clause by judicial misconduct that is actionable under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics* in pursuance of those exceptions to judicial immunity that are written into the Federal Courts Improvement Act codified in 42 USC, Section 1983, where declaratory judgments and injunctions are involved. *Snow v. King*, 2018 WL ~~10373699~~ 10373699, at *6 (N.D. Ala., 2018); *Jones v. Newman*, 1999 WL 493429, at *5 (S.D.N.Y. June 30, 1999); *Campbell v. Scullins*, 889 F. Supp. 194, 201-202 (N.D.N.Y. Oct. 6, 1997).

With knowledge that doing so would perpetuate my inability to rewrite the pleadings because according to them I had no copy of them, convincing the court that the rewrites of all of them are necessary in the context of my efforts to circumvent strictures of the PRA, the MS in doing so engaged in judicial misconduct by his failure to describe the claims he contends are the work product of my prisoner plaintiff misconduct. Where I had no copy of my claims, had the MS in his RandR described the claims he labeled ~~misjoined~~ ^{mis} it would have enabled ^{me} at the time to discern ~~at the time~~ that he was not completely incorrect in his assessment regarding the claims in relation to Rules 18 and 20 of the Fed. R. Civ. P.

Joinder Is Appropriate For Some of My
Claims and Not Appropriate For Others

The Three-Strikes and Fee provisions of the PCRA are not relevant to the joinder or misjoinder of my claims. The Supreme Court has held that the joinder of prisoner's claims are controlled by Rules 18 and 20 of the Federal Rules of Civil Procedure. Jones v. Boock, 549 US 199, 214-215, 224 (2007). There are no separate rules of court to be applied for enforcement of the ~~PCRA~~ PCRA.

I tried to explain in my Doc 27 objections how [some of] my claims, contrary to the MO's finding [that the court adopted without viewing the complaint and amendment complaint documents for itself], are not misjoined, because they involve operative factual allegations common to the several claims. I now have a better knowledge of the claims with the procurement of pages 121 through 222 of the case that that were recently mailed to me.

The proximate cause Suicide Watch Cell claim should be joined with the proximate cause inadequate lighting claim; the proximate cause environmental smoke from burning toilet paper ropes, willowbushes, weed-dope and tobacco claim; the proximate cause epidemic smoke from burning jumpers, blankets and bed sheets claim; the proximate cause retaliation by obstruction in the ACP procedure claim; the proximate cause Hunt DOC employee stand-down policy claim, together with its tolerance for lives and live-stating implements, combined with incentives to protect their tobacco dip commissary-sale revenues and revenues tied to drug transactions forming a claim that flushes out a proximate cause criminal enterprise; possibly forming a proximate cause private

RICO claim § 18 USC, Section 19643 and/or conspiracy claim § 42 USC, Section 19853. The lighting is dimmed in the dorms to facilitate an attenuated officer stand-down response policy regarding the dope-smoking taking place in plain sight; the dope-smoking is camouflaged in the tobacco-smoking also taking place in plain sight. The viewability of one proximate cause illegal activity § felony dope-smoking3 eclipses and seems to conceal itself in another proximate cause illegal activity § misdemeanor tobacco-smoking3 by manner of the dimmed lighting that gives security and comfort to the dope-smokers and distributors that made it impossible ~~me~~ to read, write, study, and prepare legal documents personal to myself. Officers involved simply pretended to think only misdemeanors were taking place in front of them in actual dope-smoking activities as they relied on the inmate thugs to control the light switches in perturbation of the policy stand-down. See, e.g., [approximately] Aver's 15-30 (27-29); 12; 93; 819-846; 856-857; 875-876; 983 (statement of claim).

In the transactions of these developments I was twice removed from a dorm unit to the Suicide Watch Cells [no space available elsewhere" given as the reason for it] when the thugs were momentarily recruited by officers to force me out. Aver's 54-56; 886-903. Hence, the Suicide Watch Cells were used ~~by~~ by the networks of officers to retaliate in response to my efforts to have constitutionally adequate lighting, and making the placement of myself into them an extension of their criminal enterprise. The very first disciplinary action instituted at the Hunt prison about me was in response to myself simply asking an officer of thirty years tenure there for the common pleasure of having a

a few lights on in the dorm. Avert 18: during daytime activity hours.

The smoke coming from the burning toilet paper ropes used to keep ready access to lighting the dope and tobacco joints in the dorms, cellblocks, and Suicide Watch Cells, together with the campfire-like milk carton fires burning there to dry out the moist tobacco dip for smoking [microwave ovens were used for this purpose in the dorms producing its own form of harmful gasses] produced copious deadly plumes of smoke that permeated the prison environment. Avert's 315-326; 330-336; 474; 489-490; 502; 527-528; 526; 534; 786-787; 789; 855; 930; 788; 981. I also chronicled a sequence of twenty-seven-plus jumpsuit, blanket, and bedsheet fires burning on my cellblock tier [the Suicide Watch Cell writing material restrictions prevented me from recording the fires taking place there] produced clouds of smoke thick enough to blacken the air, reducing visibility to arm-length. Avert's 407-410; 446-447; 463; 477; 487-488; 496; 526; 786-787; 788; 931. All the fires are connected by the stand-down policy in place regarding the permitted presence of live, live-creation, implements, all a part of the dope and tobacco-smoking stand-down, and the overarching proximate cause incentive among the wardens and DOC executives by revenues harvested in the tobacco dip commissary sales and increased sundry commissary sales generated in on-site inmate-to-inmate drug-for-commissary-item transactions [racketeering, if the town has a national

definition]. Aver's 319; 320-335; 326; 327-333; 334-335; 472-474; 489-490; 502; 527-528; 855. After suing the tobacco companies in windfall mega-claim-of-the-century recoveries gained on behalf of the state and its addressees, it now takes a mega-measure of effrontery to sell tobacco dip to its prisoners, knowing those prisoners have zero-ability to refrain from smoking it, knowing that substantial unethical [criminal] highway revenues would come from it. Aver's 535-541; 534.

At the apex of it all locally, the Hunt ARP Screening Officer, "Warden's Designee" [making the warden a potentially-liable party in reference to state law, Doc v. Rains, 66 S.3d 1402, 1407 (5th Cir 1995)], all my ARP grievances submitted at Hunt exposing the corruption [at least twenty-seven of them] were rejected with purpose to further conceal it, preclude documented knowledge of it, and short-circuit exhaustion of available administrative remedies about it to undermine my claims. Aver's 195-210; 514; 518-520; 535-541; (538); 400-406; 426-427; 791; 791-805; ~~819-845~~ 967-969; 970-972; 979. The reasons given for the rejected grievances were not valid ones. When I nevertheless reworded and resubmitted some of them, they were intercepted by Hunt DOC prison officials and concealed from the light of day with same purpose, perpetuating the corruption. Nothing changed after I exhausted that grievance issue in the ARP system. Aver's 860-861; 967-969; 970-971; 979. Having done so, the DOC officials were put on notice &

of the conviction [and of being detected] regarding the issues of the grievances enumerated in the grievance I exhausted [Shelia Robinson], No. EHCC-2022-216.

In separate cases my excessive force claims, together with my disciplinary due process claims should be joined; my medical deliberate indifference claims should be joined with my obstructed access to my medical records claims. My claims asserting that the ARP Backlog process forms a violation of the Separation of Powers of the judicial and executive branches, and that the DOC manner of collecting court costs forms retaliation can't be joined in the present case. My claims for obstruction of courts by mail-shut also can't be joined in the present case. My other claims, ~~using~~ prison officials using the Suicide Watch cells to destroy my ETCAs case, housing my violent enemies in my living area with me, and my claim for obstruction of courts by confiscation of my legal work are mooted by a motion I prevailed on to reinstate my appeal, by my transfer from Hurl to Rayburn, and by the eventual return of my legal work at Hurl.

I won't be attempting to amend the complaint to assert a Bivens claim for judicial misconduct. If I do eventually assert what I perceive might be made into such a claim, it will be filed as original action, risking the loss of a filing fee and/or getting a strike in the PLRA in an effort to get it straight [since there are no reported decisions of a success-

but claim of that kind appearing in our jurisprudence, indicating that no judicial officer has ever violated the constitutional rights of a litigant in United States history and/or those exceptions to judicial immunity written into 1983 are just window dressing.

Regarding the amendment supplementing complaint that the court rejected on the premise that I failed to exhaust available administrative remedies on the claims asserted there, in my humble opinion that finding is clearly erroneous and an abuse of discretion because §13 failure to exhaust is an affirmative defense that cannot be pleaded on behalf of a party, Jones v. Boock, 549 US, at 214-215, and §23 the court's finding of failure to exhaust is incorrect in and of itself because the pleadings relate back by their permissive joinder with the claims§3 asserted in the initial complaint and subsequent amendment supplementing complaint claims in the way I described them in the present memorandum.

In the court's assessment of my pleadings regarding joinder of claims, I propose it should notice how the overments of developing factual details were eventually gathered into explicit statements of claims, the sequence of numbers of those overments conveniently included in paragraphed statements that coincide ~~with~~ chronologically with exhaustion of administrative remedies demonstrated, making them timely because they relate back by joinder with each

or either of the claims in the way I described them in the present memorandum. Had I not relied on that moment-by-moment manner of developing the factual details [in comparison to a manner of pleading everything in after-the-fact chapters], the document[s] would not have been given a chance to be completed and mailed to the court by the prison officials who anticipated my legal movements in the Hunt cellblocks with purpose to steal them by steering my presence back into the Suicide Watch Cells where I would be vanquished and plundered, my pleadings likely to never be seen again. Aver's 392-393; 428-457; (443); 464; 478-484; 486; 491.

I made a point to wait until the factually-developing claims were exhausted before actually including them in explicit paragraphed statements of claims in the amendments. Hence, those claims relate back because they are correctly-joined by factual allegations common to the several claims. Many of the averments set out in the pleadings augment or complete some of claims that developed into supplementing claims by the precepts described in Ashcroft v. Iqbal, 556 US 662, 678-679 (2009), regarding Rule 8, Fed. R. Civ. P.

In his document-29 order the MO proceeds in suggesting that I might have failed to prosecute my claims. A diatribe recital of the present case might spend some of the court's patience. But in the MO's suggestion I am reminded of the time wasted in the Hunt prison officials' delay with providing to me the IFP state-

ment of my prison account, bringing the case to a standstill and dismissal, calling for my motion for reinstatement of the case, and the prospect of the same thing taking place with the Rayburn prison officials comes to mind [multiplied times however many cases my claims get divided into], the prison officials not being inside the court's in personam jurisdiction for compelling their compliance without a subpoena, and the time consumed in those developments before the several [or few] of my motions for reinstatement could get processed. I had no control over the defendants legal inactivities.

I might venture the notion that the MO or the court itself has timed its Dec 29 order [or Dec 30 order] to coincide with a favored appeal court panel in its annual rotation cycle. But its docket might be crowded and busy up-to-the-minute and/or it has been simultaneously patient with what ^{it} genuinely has perceived is my failure to prosecute. I explained in the present memorandum how the defendants created my inability to obtain a copy of my initial complaint in their prison cellblock and I mentioned the delay they also created in failing to provide the IFP account statement.

With an abundance of sobriety, I am unable to avoid asking the court for an extension of time to re-write my claims in the manner I described in the present memorandum.

[1] The Suicide Watch Cell claim, joined with the prison

overcrowding auxillary claim, joined with the inadequate lighting claim, joined with the burning tobacco/marijuana claim, joined with the burning toilet paper, with caution, claim, joined with the burning blanket, jumpsuit, bedsheet claim, joined with the corruption/conspiracy claim {§§} and the ARP obstruction claim that is a part of it; {2} The excessive force claims, joined with the disciplinary due process claims, joined with the hungerstrike examination delay and spider bite examination delay medical deliberate indifference claims {see, e.g., overments (approximately) 53 through 95}; {3} The cardiologist examination delay medical deliberate indifference claim, joined with the medical record withholding claim {unable to recall its pages in the initial 1200-page complaint}.

The person at large who I requested to download the initial complaint did so and then soon faded out in possession of it. He accessed the clerk's PACER system for it. I respectfully pray that the MO consider putting together a description of the claims that form the eighteen he alluded to in his Dec 24 R and R, with a reconsideration of how some of the claims can be joined in the manner I described in the present memorandum. I also need a free copy of the docket report, which is not a photocopy service product, but an essential litigation record provided for free in most of the district courts. Alternatively, I'm asking for a stay for taking an interlocutory appeal of these matters.

Mark [Signature]

APPENDIX-DD

United States District Court
Middle District of Louisiana

Mark Hanna

Civil Action

vs

John Bel Edwards, et al

No. 21-CV-0537-JWD-RLB

Written Opposition to the Magistrate
Judge's Report and Recommendation

II.

Preliminary Discussion

I was served with a copy of the Magistrate Judge's [M.J.'s] Report and Recommendation [R&R, Doc 32] on May 8, 2024. The present objections are lodged in response to it. A notice was attached to the R&R alerting that no time-extension will be permitted for filing objections beyond the routine fourteen days provided in the Federal Rules of Civil Procedure, Rule 72, Fed. R. Civ. P. In the Doc 32 R&R the M.J. urges dismissal of the present case for the perceived [or purported] failure of myself to prosecute it under Rule 41(b), Fed. R. Civ. P., after I did not comply with the court's previously-entered Doc 29 order instructing me to divide my 222-page twenty-plus-claim-complaint into as many separate cases.

The court's Doc 29 order was premised on the M.J.'s finding, briefly [but inadequately] explained in his Doc 24

First R&R that the litany of claims [eighteen by his counting] are unjoined by Rules 18 and 20, Fed. R. Civ. P., beginning in which he perceives is the premier claim, being one of those set out in the 120+ page initial complaint document [Doc-1]; specifically, ^{the} claim asserting that I was unconstitutionally ^{held} in a suicide-watch cell for reasons unrelated to any mental health crisis, consistent with what is set out in my most recently-submitted document [Doc 31, "Transverse Memorandum Response to the Document-30 Order"] where I explained with careful specificity how I am in partial agreement with the general thesis of the MS's misjoinder assessment. Hence, the intended purpose of the present written opposition is to convince the court that the MS's misjoinder assessment wrong in part because joinder is appropriate for some of my claims and inappropriate for others in the way I described them in my Dec 31 memorandum response.

III. Having No Copies of the Pleadings Is Not Why the Court's Dec 28 Order Did Not Get Followed, But It Is Why I Was Unable to Adequately Explain In My Dec 27 Written Opposition that Misjoinder Is Inappropriate For Some of My Claims But Appropriate For Others

Attached to the Dec 31 R&R is a notice like the one attached to the Dec 24 R&R, stating that no time-enlargement will be permitted beyond the routine fourteen days for filing objections. When I was served with the First [Dec 24] R&R I did not have a copy of my possession of the pleadings in the

present case. They had been mailed to persons at large for safe-keeping and for getting copies of them. On receiving the Dec 24 R & R, knowing there would ~~be~~ not be enough time inside the fourteen days to obtain my copies [of pages 121 - 222] of the pleadings, I relied on my memory of the claims and some rough drafts [of pages 1 - 120] for writing my Dec 27 written opposition to the first [Dec 24] R & R. In thirty-two handwritten pages [Dec 27] I objected to the MO's finding that I should divide my ~~an~~ claims [eighteen, by his counting] into eighteen cases and I objected to the MO's finding that my pleadings should be stricken from the records. On Bastille Day [July 14, 2024, Dec 28] the court adopted the MO's Dec 24 R & R over my written opposition.

After transfer from Huch to Rayburn I experienced anomalous results in accessing the Rayburn prison's procedure for obtaining copies of some documents, pages of the sets of them were [one missing] and some of my originals were lost after handing them over to inmate counsels. These details are also set out in the Dec 31 memorandum response at pages 2-4. That's one of the reasons why I mailed my carbon copies of pages 121 - 222 to persons at large to serve them and to obtain copies of them. The primary reason for doing that, however, was for my own safety. The factual allegations involve the misconduct of inmates inside the Huch prison who violently attacked and injured me, some allegations involve illicit inmate tobacco-use and illegal inmate drug-use, inmates torching and setting fires inside the Huch cellblocks, and ongoing

conflict between myself, other inmates and officers who worked all the lights off in the dorms during daytime activity hours, giving comfort and security to do the illegal activities taking place, the inadequate lighting provided in the path of those developments [that impeded my ability to read and write] being a premier claim asserted at the outset of the pleadings, throughout the amendment supplements, and in the final arguments, consistent with what I wrote in the Doc 31 memorandum response at pages 4-8. Having those pleadings over to inmate counsels for getting copies of them would have exposed myself to the hazard of inmate ~~reversals~~ reversals. That's one of the reasons why the Fifth Circuit Court of Appeals found the process unconstitutional in *Rule v Estelle*, 679 F.2d 1115, 1153 (5th Cir. 1982), from *Rule v Estelle*, 503 F. Supp. 1215, 1369 (S.D. Tex. 1980), consistent with what I wrote in the Doc 31 memorandum response at pages 2-3. There has been no en banc Fifth Circuit reversal of that holding, the Northern District of Texas opinion given in *Bond v Gellien*, 2022 WL 223376301 (N.D. Tex. Jan. 13, 2022), cited at page 2 of the ALJ's Doc 32 RFR, holding that inmates must dispense with purchasing photocopies by handwriting duplicates of ~~their~~ their legal documents, therefore, it is not binding precedent.

Summelly stated, at page 2 of the Doc 31 response, "Obstacles Lay Beforehand By the Defendants and the Court's Failure to Recognize Their Remedy About," regarding the development where Hunt prison officials prohibited carbon paper and refused to provide the

purchasing of photocopies so me when I was housed in them cellblocks. This was the Hunt Warden's policy in place there, making Jailer of said Warden appropriate on that claim by Rule 20, Fed. R. Civ. P., and for any and all other claims that can be stated personal to said Warden by Rule 18, Fed. R. Civ. P. See, e.g., Averitts [approximately] 353-359, Doc 1. Contrary to the MS's insinuation of it at pages 1-2 of his Dec 32 RFR, I never asked the court, its clerk's office, or prison officials for free copies of pleadings and I never asserted a claim based on prison officials' failure to provide anything free. I have asked for a free copy of the docket report in the case. The court in *Board v. Galtier*, supra, provided its inmate litigant with a free copy of the docket report. In his Dec 32 RFR at page 2 the MS cites *Harrell v. Bedshaw*, 621 F.2d 1059, 1061 (10th Cir. 1980), for the contention that the First Amendment does not obligate prison officials to provide inmates with "unlimited free access to a photocopying machine or stamps." But in that same case the inmate was provided with a typewriter and carbon paper. *Harrell v. Bedshaw*, 621 F.2d, at 1060. *Harrell's* case was litigated prior to the Fifth Circuit's decision on the point in 1982, in *Rain v. Estelle*.

It would have been impossible for myself to handwrite another 120-page duplicate of my Dec 1 initial complaint document where I almost did not accomplish getting the first [only] copy completed because the ink pens provided to the Hunt cellblock inmates were defective. One of the claims asserted in that document pertains to that ink development. See, e.g., Averitts [approximately] ~~350-352~~ of the Dec 1 complaint, and Averitts 394-396 of the first amendment supplemental complaint. Hence,

the MT's finding that I "too ha[ve] not shown that [I] was unable to transcribe a duplicate of [my] original complaint." Apparently overlooks the pleadings on this issue. I plan to prove it in a trial of the matter.

Having no copy of pages 121-222 of the pleadings in my possession when the first [Doc 24] RER was entered, combined with that fourteen-day time-limit attached to the Doc 24 RER [giving inadequate time to retrieve my copies of these pleadings], did prevent me from stating with adequate specificity in my Doc 27 written opposition to the Doc 24 RER why the MT was wrong [in part] in his assessment of the case. I have now rough drafts of ~~the~~ page - 121 - page - 222 pleadings that I kept carbon copies of. And because I did have a copy of those pleadings when the Doc 30 order [instructing me to explain why I did not comply with the court's Doc 24 order] was entered, my Doc 31 memorandum response to that order is much more than a mere recital of my Doc 27 written opposition. Having my copies of pages 121-222 enabled me to rely on them in drafting the memorandum response by citing to those documents where they establish the same transaction or occurrences or series of transactions or occurrences a requirement of Rule 10 for joinder of defendants. These details are also set out at pages 429 of the memorandum response ["Joinder Is Appropriate For Some of My Claims and Inappropriate For Others"]. Also set out in the Doc 31 memorandum response are references to documents in the Doc 1 complaint [approximated] taken from the rough drafts sufficient for their purpose, explaining how groups of my claims are related to one another and, hence, appropriate

for grounds. The Dec 31 memorandum response, therefore, is not a "reiteration" [Dec 32 R&R, at page 1] of my Dec 27 written opposition, and where I was housed at not provided me with "golden paper," i.e., that has not prevented me from undertaking the re-writings ordered. But thinking, incorrectly, that the Dec 31 memorandum response was simply a reiteration of my Dec 27 written opposition tends to increase the likelihood that the MT misapprehended the value of its controls.

III. An Absence of Factual and Legal Analysis Apparent of the MT's Decs 24 and 32 R&R's Renders Them Inadequate for Guiding the Court to the Conclusions Reached in Both of Them, Respectively

At pages 12-13 of the Dec 31 memorandum response, based on the explanations given at pages 4-9 of it, I proposed to reduce the number of severed cases to three, compound to the MT's finding that eighteen cases should be formed out of the eighteen claims asserted [his counting]. I conceded abandonment to a few of the pleaded claims [page 9 of the memorandum response], and at page 4 I brought to the MT's attention how I perceive to legally characterize his manner of representing that my claims and/or defendants are unjoined, but providing no factual or legal analysis to any of them with which to guide the court to his conclusion, and I cited some of the cases, together with the Federal Courts Improvement Act that I know about in explaining how the silence violates due process of law. In response to my Dec 31 explanations the MT by his Dec 32 R&R provides a verbatim of the Dec 24 silence disavowals on the details. At page 3 of the Dec 31 R&R there is (again) there is no factual or

legal analysis that should have followed from my explications.

Misjoinder of claims and defendants is an affirmative defense. *Owens v. Michigan Dept. of Corrections Parol Management Committee*, 2017 WL 8883594 (E.D. Mich. Aug. 21, 2017). "Moving party bears the burden of demonstrating that severance is needed to avoid prejudice or confusion and to promote the ends of justice. *Owens*, at #7, citing *Beg v. City of N.Y.*, 2008 WL 1917412, at #1 (S.D. N.Y. Jan. 30, 2009) (citing *Lewis v. Turbrough* [Bridge & Tunnel Auth.], 2000 WL 423517, at #2 (S.D. N.Y. Apr. 19, 2000). Fed. Rule 21 [F.R.C.P.] is concerned with a procedural misjoinder, not a jurisdictional one. *POU Connections, Inc. v. Pothos*, 2019 WL 11545515, at #2 (D. Puerto Rico Jan. 13, 2019). Had the ATF been a defendant asserting an affirmative defense for misjoinder of claims or defendants, in the present case, I perceive that his arguments for it would have failed in the same way that the defendants' argument for res judicata failed in *Owens*, supra. It was observed there that the "[d]efendants' conclusory argument, without more, do not sufficiently demonstrate [the defense they asserted]... Stated differently, other than generally stating that the Plaintiffs' § 3 claims [support the defense the defendants asserted], the § 3 Defendants have failed to provide any analysis regarding the specific factual allegations or claims set forth by Plaintiff in his two complaints in order to [sustain the defense they asserted]... For these reasons the Court Defendants have failed to

meet their burden of proving that they [should prevail on the defense they asserted]." Owens, at ¶ 4.

In both of his Docs 24 and 32 RRR in the present case his assessment of my claims and treatment of my explanations provide far less than what the Defendants provided in Owens, supra. There is no trace of factual analysis and no more than a hint of legal analysis for the court to rely on for the conclusion offered. The MS's path to his Doc 32 RRR

conclusion is empty of analysis and in keeping with his Doc 24 RRR pattern, it also falls way short of what's called for in the Fifth Amendment's Due Process Clause in the way I described that page 4 of my Doc 31 memorandum response. Regarding the Doc 24 RRR, other than a brief abbreviated description of my Suicide Watch Cell Confinement Claim, the MS simply mentions that eighteen claims [his counting] asserted in the pleadings somewhere in his opinion, without explanation, are not viable to it. In his Doc 32 RRR the MS merely mentions that in my Doc 31 memorandum response, I gave some reasons why I disagree with his assessments. He gives a two-sentence paragraph leading up to the Rule 41 (b) dismissal he wants. There are two-hundred-twenty-two pages of pleadings and five pages of explanation in my Doc 31 memorandum response explaining with carefully specified detail why my claims should be divided into three cases, compared to the MS's recommended eighteen. Notably, while the MDOC Defendants' Motion to Sever values generally to Plaintiff's eleven claims, it does not mention or address Plaintiff's eleven claims with even an ~~adequate~~ rate of specificity." Owens, at ¶ 7, footnote 4. Hence,

severance of all the plaintiff's claims in Owsen was deemed inappropriate and the defendants' motion to dismiss was denied.

IV. Because I kept the Court informed of My Disagreement With the MD's Misjoinder Assessment to the Best of My Ability When First Confronted With Learning Dismissal, It I Failed to Amend My Complaint In the Manner Described in the Court's Dec 29 Order, Dismissal for Failure to Prosecute by Rule 41(b) is Inappropriate In the Path of these Developments and I Have Preserved My Right to De Novo Appeal Reviews Regarding Misjoinder of Defendants on the Merits of My Complaint.

Regarding my dispositions in relation to the MD's sensenblysis assessments, these developments precipitated more of my visits to the present law library to research the procedural mechanics of Rules 18, 20, 21, and 41, Fed. R. Civ. P. The searchword phrase, "misjoinder of defendants is not an affirmative defense" produced a single case law. In Owsen v. MDOC, supra, the inmate plaintiff's case was served and the defendants raised an affirmative defense of misjoinder of defendants. Assuming, arguendo, that nothing is wrong with the MD's inclusion of prisoner misjoinder assessment by Rule 41(b) dismissal posture, eclipsing Rule 21 analysis, "[f]our main factors determine whether a complaint is properly dismissed for failure to prosecute or failure to comply. First, whether the failure [was] due to willfulness, bad faith, or fault. . . . Second, whether the adversary was prejudiced by the failure to prosecute. . . . Third, whether the court issued any warnings that failure to cooperate could lead to dismissal. . . . Finally, whether the

court imposed or considered before dismissal any other less drastic sanctions. . . . Moreover, although typically none of those factors is outcome dispositive. . . , a case is properly dismissed where there is clear record of delay or contumacious conduct. . . . "Cook v Huss, 2022 WL 1197698 (W.D. Mo. Mar. 21, 2022)." Rule 41(b) centers on a district court the authority to dismiss an action for failure of the plaintiff to prosecute the claim or to comply with the Rules of the court. . . . The rule prevents the court to enter summary orders of dismissal. . . . This ~~measure is~~ ^{measure is} available to the district court as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts and opposing parties." Cook v Huss, at *21. However, a court must consider that the dismissal of a claim for failure to prosecute is a harsh sanction which the court should order only in extreme situations showing a clear record of contumacious conduct by the plaintiff. . . . Contumacious conduct refers to conduct that is perverse in resisting authority or stubborn disobedience. "Id. Rule 41(b) Dismissal" operates as adjudication on the merits." Harrell v Keane, 621 F.2d, at 1065. Rule 41(b), Fed. R. Civ. P.

"The failure of a plaintiff eventually to respond to the court's ultimatum—either by amending the complaint or by indicating that it will not do so—is properly met with the sanctions of Rule 41(b) dismissal. Where, however, the plaintiff makes an choice not to amend, and clearly communicates that choice to the court, then there has been no disobedience to a court's order to amend. . . . (T)he plaintiff has the right to stand on the pleadings." Edwoods v. Marvin Park, Inc., 356 F.3d 1052, 1064-1065 (9th Cir. 2004), 57 Fed. R. Serv. 3d 812 (9th Cir. Jan. 20, 2004). Hence, in that situation, Rule 41(b) dismissal " . . .

would unjustly deny plaintiffs [I], who exercise their right to an appeal on the merits, of the question whether the complaint is adequate as a matter of law. *Edwards v. [?]*, 1055.

Adapted to the the circumstances of the present case, where I have communicated to the court in my Decs 27 and 31 responses, together with the present written opposition, my intention to re-write and divide my conglomeration of claims into three separate cases, giving the court carefully specified reasons with references to averments in the pleadings that I perceive to be appropriate joinder under Rules 18 and 20, Fed. R. Civ. P., the precepts violated in *Edwards v. [?]*, supra, which dismissal by Rule 41(b) would be inappropriate at the present time. In all the responses I gave to the ALJ's orders and RRs I have asked the court for more time to divide and rewrite my claims in the manner I described in those documents. See, e.g., Dec 27 at page 19; Dec 31 at page 12; and in the present document at page —.

Where dismissal of my case prior to service for misjoinder is not permitted in Rule 21, the ALJ's manner of setting up the court's orders with Rule 41(b) dismissal consequences in the posture of a remedy for misjoinder of defendants serves as inappropriate Rule 41(b), circumstances the protection of Rule 21, to capture my appeal review on the merits of my complaint for misjoinder, and unfairly violates the defendants of their burden of proving misjoinder by an affirmative defense (by pleading misjoinder on behalf of the defendants' position officials in presence of the ALRA and by pleading the misjoinder defense with insufficient detail for guiding the

court to his dismissal conclusion, which has prevented the court from discovering that his recommendation for deciding my claims into eighteen cases is pernicious in the way I described in my responses and in the present written opposition. Asserting affirmative defenses on behalf of prison officials in pursuance of the PLRA was revocable in *Toner v. Brock*, 549 U.S. 199, 214-215, 224 (2007). As unfair as it is, the convention of waiving Rule 41(b) - dismissal in the posture of a misjoinder of defendants' assessment, however, does appear to be deeply entrenched in parts of the judiciary and my adverse opinion of it is not why the courts' Dec 28 order has not been followed.

Rule 41(b) is Also Inappropriate Because
In the Aftermath of My Timely -
Submitted Claims Would Lead Outside
Limitations By Operation of Statutory
Reversed Tolling; So, the Disposal of
My Claims by Summary Would Not
Comport With Rule 21 Provision that
Remedy for Misjoinder Be Accomplished
On Terms That Are Just

"If Rule 21's test for permissive joinder is not satisfied, Rule 21 gives the court discretion on motion of any party or of its own initiative at any stage of the action and on such terms as are just to add or drop parties so as to avoid dismissing the action . . . When a court drops a defendant under Rule 21, the defendant is dismissed from the case without prejudice. *Cook v. ~~Bliss~~ Bliss*, at ⁴⁴ ~~70~~ 70.
"At least three judicial circuits have interpreted 'on such terms as are just' to mean 'qualitative harm to the parties' . . . Such qualitative harm exists if the dismissed parties lose the ~~the~~ ability

to prosecute an otherwise timely action such as when the applicable statute of limitations has lapsed *etc.*" *Id.*, at 10.

The Louisiana civil code [L.C.C.] provides a liberative prescription of one year on the kind of claims asserted in the present case ["delictual actions"]. Article 3447, L.C.C. Interruption of the prescription [tolling] occurs when a suit is filed in a court of competent jurisdiction and venue. Article 3413, L.C.C., and continues suspended as long as the suit is pending. ~~Id.~~ Article 3462, L.C.C. But, "Interruption is considered never to have occurred if the plaintiff abandons, voluntarily dismisses or on fails to prosecute the suit at the trial." *Id.* Hence, in Louisiana the one-year prescription is tolled when the suit is filed, dismissal without prejudice of a claim or party interrupts tolling that dismissal for failure to prosecute pre-sumpts tolling as if the suit had never been filed. Therefore, at the present time [more than one year after my claims accrued upon exhaustion of administrative remedies], a Rule 41(b) dismissal would have catastrophic consequences personal to myself with total destruction of my claims that were otherwise timely submitted within one year after I exhausted all administrative remedies connected to them.

Contrary to the Supreme Court's holding in *Toves v. Boock*, *supra*, the MS in his Dec 24 R & R, at page 3, has represented to find that I failed to exhaust administrative remedies on my claims asserted in my ordinary supplement pleadings. But, exhaustion of administrative remedies is an affirmative defense that cannot be pleaded ~~as~~

by the court on behalf of a party. Jones, *supra*. The MS
finds that because the claims were asserted after the
case was filed, exhaustion of administrative remedies
could not have been pleaded, but giving no citations
of authority in support of this theory at all. But
I devoted about fifty pages in the pleadings to
explaining how one of the defendants systematically
rejected all thirty-plus grievances I filed on
my claims, giving factually-false reasons for the
rejections. Local precedent indicates that all
those grievances are unequivocally exhausted by
the written terms of the Corrections Administrative
Remedy Procedure rules. LAC Title 22, Part 1, Section
325 B, a, viii, (c), and 325 I, i, a, ii. See, e.g.,
Moore v. Com., 2017 WL 5831457 at *4 (W.D. La. ~~2017~~
2017), 301 2017; Wade v. Com., 2016 WL 5429671, at
*4-5, 6 (M.D. La. Aug. 24, 2016); Dent v. Dept. of
Corrections, 2016 WL 4211842 (W.D. La. Aug. 8, 2016);
Anderson v. Wilkinson, 2014 WL 892072 (W.D. La.
May. 13, 2014). If the claims connected to those
grievances were pleaded less than one year after
the grievances were rejected, and the claims are
otherwise correctly joined by Rules 48 and 20,
then they relate back and remain viable for
purposes of the Federal Rules of Civil Procedure
"on such terms as are just." On just terms should
protect my claims from dismissal because they
relate back and at the earliest opportunity for doing
so after encountering looming dismissal under Rule
41(b) (in the A.C. RSC 30 order), I notified the
court in my Dec 31 response ~~with~~ with careful
specified explanation that, because my groups of
my claims are functionally-related, they should
be divided into three separate cases. *Edwards v. Meunier*

Park, Inc., *supra*.

The M's Misjoinder Assessment is Incorrect On the Merits of My Complaint Pleadings As Set Out Here and In My Traverse Memorandum Response and Amendment Consistent With What is Written There Would Form an Appropriate Remedy For the Existing Misjoinders, Calling For Rejection of the M's Recommendation and For Revision Of the Court's Opinion on the Matter

"When considering a Rule 21 motion to sever, courts look to Rule 20 for guidance. . . . Under Rule 20(a)(2) joinder of defendants is proper if (A) any right to relief is asserted against [the defendants] jointly, severally, or in the alternative with respect to or arising out of the same transaction or occurrence, or series of transactions or occurrences; and (B) any question of law or fact ~~is~~ common to all the defendants will arise in the action. Fed.R.Civ. P. 20(a)(2)." *Owens v MOC*, 2017 WL 8893594, at *6. "The joinder of claims, parties, and remedies is strongly encouraged when appropriate to further judicial economy and fairness. . . . Nevertheless, parties should not be given free reign to ~~join~~ join multiple defendants into a single lawsuit when the claims are unrelated. . . . Thus, in determining whether severance is appropriate courts consider (1) whether severance would serve judicial economy (2) whether prejudice to the parties would be caused by severance; and (3) whether the claims involve different witnesses and evidence. . . . *Owens*, at *7.

"The 'same transaction or occurrence' requirement in Rule 20 refers to similarity in the factual

background of a claim; claims that arise out of a systematic pattern of events . . . and have a very definite logical relationship arise out of the same transaction or occurrence." *Harris v. Lapping*, 2009 WL 789756, at *5 (C.D., E.D., Cal. Mar. 19, 2009). "[C]ourts are inclined to find that claims arise out of the same transaction or occurrence when the likelihood of overlapping proof and duplicative testimony indicates that separate trials would result in delay, inconvenience, and added expense to the parties and to the courts." *Harris v. Lapping*, at *5.

Hence, a review of my claims is in order to determine if some of them should be grouped into separate cases.

The proximate cause Suicide Watch Cell claim should be joined with my proximate cause inadequate lighting claim; the proximate cause environmental smoke from burning toilet paper ropes, with cartoons, marijuana and tobacco claims [in the cell blocks and in the dorms because they are linked by the same criminal enterprise stand-down policy in place that extends from the named officials in the office of the Secretary of DOC or down through the wardens and officers and administrative personnel]; the proximate cause episodic smoke from burning jumpsuits, blankets, bed sheets, and plastic bags claim [linked by the same (described) stand-down policy]; the proximate cause retaliation by obstruction in the ARP system claim [linked by the same stand-down policy]; the proximate cause conversion of my funds [\$22.74 and \$97.95] clothed in fake court costs, retaliation claim [that could be pleaded as EPI fund conversion that violated federal

law. The claim is related by retaliation for filing a lawsuit and grievances connected to the complaint allegations and related in court costs that were not paid; the proximate cause Hunt/OOG employee stand-down policy claim, actuated in the court costs retaliation claim, the mojo dope, tobacco-smoking, toilet paper rope burning, jumpsuit, blanket, bedsheet fires, million dollar fires claims, with its tolerance for illegal fires burning, and tolerance for fire-starting implements, combined with incentives to protect tobacco dip commissary sale revenues tied to drug transactions forming a claim that flushes out a proximate cause criminal enterprise [42 USC, Section 1985], possibly forming a proximate cause RICO claim [18 USC, Section 1964 (c)].

The lighting is dimmed in the dorms to facilitate a stand-down response policy regarding the dope-smoking taking place in plain sight of officers [and of OOG Secretary employees by remote video camera observation at all times]; the dope-smoking is camouflaged in the tobacco-smoking also taking place in plain sight. The viewability of one proximate cause illegal activity [long dope-smoking] eclipses and conceals itself in another illegal activity [unadmission tobacco-smoking] by manner of the dimmed lighting that gives comfort and security to the dope-smokers and distributors [including officer distribution of same and prison commissary distribution of tobacco dip] that made it impossible to read, write, study, and prepare legal documents personal to myself. Officers involved [named in the pleadings] simply pretended to think only unadmission.

tobacco-smoking taking place in front of them in actual
dope-smoking activities as they relied on the inmate
things {smokers and distributors} to control the light
switches in perpetuation of the policy stand-down.
In the transactions of these developments I was
removed from a down unit to a Suicide Watch Cell
["no space elsewhere" given as the false reason
for it (alternative prison overcrowding claim)]
when the things were momentarily recruited by
officers to force me out. Hence, the Suicide
Watch Cells were used by networks of officers to
retaliate in response to my efforts to have
constitutionally adequate lighting, making the
placement of myself into them an extension of
their criminal enterprises. The very first
disciplinary report written about me at that was
in response to myself asking an officer of thirty-
years tenure there for the common necessity of
having a few lights on in the down during
daytime activity hours.

The smoke coming from the burning toilet paper
ropes used to keep ready access to lighting the
dope and tobacco joints in the downs, cellblocks,
and Suicide Watch Cell tiers, together with the
campfire-like toilet carton fires burning there
to dry out the moist tobacco dip for smoking
[microwave ovens were used for this purpose in
downs producing its own form of harmful gasses]
produced copious deadly plumes of smoke that
polluted the prison environments. I also
chronicled a sequence of twenty-seven jumpsuit,
blanket, and bedsheet fires burning on my cellblock
tier [the Suicide Watch Cell tier] with
material restrictions prevented me from recording
the fires taking place there] produced clouds of
smoke thick enough to blacken the air, reducing

visibility to sunlight.

All the Rivers are connected by the stand-down policy in place regarding the permitted presence of live, and live-standing implements, all a part of the dope and tobacco-smoking stand-down and the over-arching proximate cause incentives among the Wardens and DOC executives by revenues harvested in the tobacco dip commissary sales and increased sundry commissary sales generated in on-site inmate-to-inmate drug-for-commissary-item transactions [racketeering]. After suing the tobacco companies in world-fall mega-claim-of-the-century recoveries gained on behalf of the state and its attorneys, it now takes a mega-measure of effrontery to sell tobacco dip to its prisoners, knowing those prisoners have zero-ability to refrain from smoking it, knowing that substantial unethical [criminal] hygiene revenues would come from it.

At the apex of it all [central] locally, the Hunt ARP Screening Officer, "Warden's Designee" [making the warden a potentially liable party in reference to state law, Doe v. Rums, 66 F.3d 1402, 1407 (5th Cir. 1995)], all my ARP grievances submitted at Hunt [about thirty-five of them] were rejected with purpose to further conceal it, preclude documented knowledge of it, and shroud about exhaustion of administrative remedies written about the corruption to undermine my claims. The reasons given for the rejections were not valid ones; they were also factually untrue. When I renewed and resubmitted them with assistance of at-large persons, they were intercepted by Hunt/DOC officials and concealed from the light of day with same purpose, to perpetuate the corruption. Nothing change after I exhausted that grievance issue in the ARP system.

Regarding myself having done so, the DOC Secretary, officials and Hunt warden were put on notice of the corruption [and of being deflected] regarding the practice of rejecting ARPs to circumvent official investigations of the corruption [Defendant Shelia Robinson, ARP No. EHC-2022-216], the only one out of thirty-five that did not get rejected in her hands.

The averments of the above-described related claims are referenced from the pleadings. There are no averments having numbers 545-745. But all the page numbers are continually-sequenced throughout the initial and all subsequent amendment supplement document pleadings. Averment numbers 1-394 are approximated [the initial complaint pleading]s.

Inadequate Lighting

16-30; 54-61; 819-847; 856-859; 862-864; 867-896;
915-976; 963; 968-920; 926-946; 950-962; 964

Suicide Watch Cells

31-53; 62-66; 81-90; 95-100; 786-787; 886-909;
511-512

Inadequate Lighting in Cellblocks

433; 456; 460-471; 475-476; 487-500; 980

Ongoing Rape and Tobacco Smoking

474; 490; 502; 527-528; 789; 855; 975; 981

Fires Burning in Cellblocks

407-410; 447; 463; 466; 486-489; 477; 496; 526;
786-788; 931

Conversion of Funds Called "Court Costs"

411-420; 436-437; 793-798; 983 (RICO)

Rejected ARPs, Court Op (RICO)

800-805; 860-861; 967-971; 979; 518

RICO Claim

503-505; 514-520; 529-530; 534-544; 860; 882;
967-971; 486

the Hunt officials withholding carbon paper and failing to provide purchases of legal documents is also a part of the corruption and laid the groundwork for what I am now encountering with the present documents. The defective interpreters made the work of rewriting impossible. 350-352; 353; 359.

In a separate case, my excessive force claims, delay in medical care claims, and disciplinary due process claims should be joined.

Excessive Force

34-65

Disciplinary Due Process

29-33; 67-68, 77-78

Hunger Strike Extended

24-28

My excessive force, delay in medical care (hunger strike extended), and disciplinary due process claims are joined also by Rule 18(a), Fed. R. Civ. P., because the claims have common defendants.

My Suicide Watch Cell, inadequate lighting, smoke and fumes, and rejected ARP claims are common to the DOC Secretary officials and Hunt wardens under Rule 18(a) with the EICO corruption claim. The details related in the averments describe how the named defendants guided my presence into their Suicide Watch Cells, in connection with the inadequate dorm lighting, in connection with the major dope and tobacco-smoking, in connection with the defendants' increasing revenues, in connection with the rejected ARPs cover-ups, in connection with the defective interpreters, absence of carbon paper and absence of available means to obtain copies of legal documents. Once a defendant has been properly joined by Rule 20, the plaintiff may join as many claims as it has personal to that defendant. Rule 18(a) Fed. R. Civ. P.

Separation of Powers Ribbin the
A.R.P. Grievance Backlog Procedure

This claim should form a separate case.

Detention in the Louisiana Docs
Manner of Collecting Court Costs

This claim should form a separate case.

The claims that I have chosen for your review have
simultaneously in the factual background and arose out of
a systematic pattern of events. There is a likelihood
of overlapping proof and duplicative testimonies to
develop and present at trial.

"To allege conspiracy under Section 1983, a plaintiff must
assert facts to show (1) a single plan; (2) that the alleged
co-conspirators shared in the general conspiratorial
objectives; and (3) that an overt act was committed in
furtherance of the conspiracy that deprived the plaintiff of
his civil rights." *Michigan v. Moore*, 475 U.S. 105. The defendants'
single plan is to rob the revenues for tobacco dip. One of
several overt acts in the conspiracy was the rejection of all
my A.R.P. grievances; another was permitting inmate thugs
to control the lighting in the living areas, giving comfort
and security to the tobacco/marijuana-dope-smokers. The
lights were dimmed to unconstitutional levels. Officers
there were directly instrumental on two occasions in
guiding my presence back into the Suicide Watch Cell in
connection with my efforts to have adequate lighting and
"no space available elsewhere" was always the false
excuse to accomplish it. The named warden, colonels,
captains, lieutenants, and sergeants encountered me
there and turned their backs on me when I alerted
them of ~~the~~ my circumstances. My back was seriously
injured by the Suicide Watch Cell "mattress". I was
without every basic privilege and clothing for several
months in the cold rigid environment. I was completely
cut off from the outside world for the duration. The
smoke from the fives in the cell blocks almost killed

who. Less than five months ago I underwent triple-bypass surgery in the path of the smoke and fumes everywhere in the Hunt prison. One of the surgical team recently admitted during a tele-med video conference at the RCC prison admitted that the smoke described in the present case could very likely have made the bypass surgery necessary. When the present case has the misjoinder of defendants resolved, I will need to amend the complaint for this detail.

I formally object in the manner described in this written opposition. The MS's recommendation should be rejected and court's opinion should be revised after careful consideration.

On May 15, 2024, persons at large recruited on my behalf downloaded and printed a copy of the 128-page complaint Deal of the present case. It was put in the mail to me May 16, 2024. I sent a letter to the RCC warden alerting that the document will be arriving in the mail here. I am able to comply with the specific pleading orders included in the MS's R&R in relation to naming defendants in the context of my claims but I maintain to contend that I did that in all the claims in the present pleadings [I will double-check that instruction in drafting the the amendment complaints in the manner described in this written opposition]. The only claim that is perverse might strain the Rule 20(a) requirement in and of itself is the inadequate lighting claim in the cellblocks. And if the court concedes that I have properly joined the named DOC Secretary officials and Hunt wardens, then my claims for the pleaded Separation of Powers Bill in the APP Circumference Backlog Procedure and Retaliation in the Louisiana DOC's Manner of Collecting Court cost claims should be joined by Rule 18(a), Fed. R. Civ. P. because are the unconstitutional policies of those defendants.

I am unable to locate in the roughdraft pleadings I have the
instruments that form the Separation of Powers Bill in the
ARP Guidance Backlog Procedure and the Retaliation in the
Louisiana OGC's Method of Collecting Court Costs Blame.

I swear under oath and penalty of perjury that all of the
factual details included in the present written opposition
are true and correct to the best of my knowledge and
belief.

May 18, 2024

Mark J. Blaine

Mark Blaine 132872

ROC

27268 Hwy 21 N.

Angie, LA 70426

APPENDIX-EE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The *pro se* Plaintiff, an inmate currently confined at the Rayburn Correctional Center Angie, Louisiana, filed this proceeding pursuant to 42 U.S.C. § 1983 against 45 defendants complaining that his constitutional rights were violated in numerous ways while housed at the Elayn Hunt Correctional Center. Plaintiff requests monetary, declaratory, and injunctive relief.

Plaintiff's Complaint is what is often referred to by the courts as an "everything but the kitchen sink" complaint asserting claims of alleged constitutional violations in different facets of his prison life, occurring at various times, and against various and oft unrelated sets of defendants. A "kitchen-sink" complaint inappropriately "brings every conceivable claim against every conceivable defendant." *Gurman v. Metro. Hous. & Redev. Auth.*, 842 F. Supp. 2d 1151, 1153 (D. Minn. 2011).

Plaintiff has combined approximately 18 claims, against 45 defendants, that are factually unrelated. Federal courts are called to be wary of prisoners who attempt to combine unrelated claims into one suit as this practice strikes at the heart of the Prison Litigation Reform Act of 1996 ("PLRA"), which makes prisoners ultimately accountable for filing fees in every case, even pauper cases. Because of the PLRA's fee payment schedule, inmates often attempt to include numerous claims and defendants in one complaint to avoid owing multiple filing fees. However, it is because of the PLRA's fee schedule that the courts are insistent that "[u]nrelated claims

against different defendants belong in different suits.” *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Indeed, the Fifth Circuit discourages the compiling of unrelated claims by prisoners, noting that the court “doubt[s] that Congress intended that § 1915(g) could be so facilely circumvented by the creative joinder of actions.” *Patton v. Jefferson Corr. Ctr.*, 136 F.3d 458, 464 (5th Cir. 1998); *Bonner v. Bosworth*, No. 10-CV-2150, 2010 WL 11534476, at *1-2 (N.D. Tex. Nov. 30, 2010) (“Requiring parties to assert unrelated claims against different defendants in separate complaints avoids unduly cumbersome litigation, and in the context of prisoner litigation, ensures that prisoners pay the required filing fees under the Prison Litigation Reform Act.”); *Bangmon v. Lance*, No. 17-CV-138, 2018 WL 496956, at *2 (S.D. Tex. Jan. 22, 2018) (“The Fifth Circuit has discouraged the ‘creative joinder of actions’ by prisoners attempting to circumvent the fee-payment and three-strikes provisions of the Prison Litigation Reform Act.”) (citing *Patton*, 136 F.3d at 464).

In addition, courts have held that combining multiple lawsuits into one, as plaintiff has done, is violative of the federal rules. *See Bangmon*, 2018 WL 496956, at *2 (“An attempt to file multiple lawsuits in one complaint violates Federal Rules of Civil Procedure 18 and 20, which set out the limits on joinder of claims and parties.”). Accordingly, the court must remedy the plaintiff’s improper joinder of unrelated claims in this civil action.

The first claim asserted by the plaintiff in his initial complaint (R. Doc. 1 at 9) pertains to being temporarily housed, on one or more occasions, in an area meant for inmates on suicide watch due to an alleged lack of space. During these times the plaintiff was not on suicide watch. Plaintiff alleges that while being housed on this tier suicide watch precautions were implemented, including but not limited to, clothing being taken and only a thin mattress being provided. Additionally, the plaintiff was denied access to the courts and suffered unconstitutional

conditions of confinement on the tier. Plaintiff alleges that he was housed on the suicide watch tier as a form of punishment. The remainder of the plaintiff's claims are unrelated and should be stricken. Plaintiff may, if he so chooses, pursue these other claims in separate suits filed in accordance with the Federal Rules of Civil Procedure and pay the required filing fees under the Prison Litigation Reform Act for each suit.

Additionally, the plaintiff should be required to file an amended and superseding complaint herein limited to the single claim of being housed on suicide watch as described above. The amended complaint should name as defendants only those persons alleged to have some form of involvement in this claim and should state facts as to each defendants' personal involvement, i.e., stating what actions or inactions on the part of each defendant caused the alleged violation.

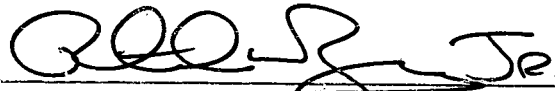
Turning to the plaintiff's Amended Complaint and Second Amended Complaint (R. Docs. 2 and 4), these pleadings largely pertain to events occurring after the filing of the plaintiff's original complaint. As such, these claims could not have been exhausted prior to filing suit as mandated by 42 U.S.C. § 1997e. These claims are also improperly joined. Accordingly, the plaintiff's Amended Complaint and Second Amended Complaint should be stricken.

RECOMMENDATION

It is recommended that the plaintiff's claims, with the exception of the plaintiff's claim pertaining to being housed on a suicide watch tier, be stricken. It is further recommended that the plaintiff be ordered to file an amended and superseding complaint, within 30 days of the date of the order, limited to the single remaining claim, naming as defendants only those persons alleged to have some form of involvement in the claim, and stating what actions or inactions on the part of each named defendant caused the alleged violation(s). It is further recommended that the

plaintiff's Amended Complaint and Second Amended Complaint (R. Docs. 2 and 4) be stricken. It is further recommended that the plaintiff's pending Motion to Amend (R. Doc. 21), seeking to add additional unrelated and unexhausted claims, be denied, and that this matter be referred back to the Magistrate Judge for further proceedings herein.

Signed in Baton Rouge, Louisiana, on June 22, 2023.

A handwritten signature in black ink, appearing to read "R. L. Bourgeois, Jr.", written over a horizontal line.

RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On July 14, 2023, the plaintiff was ordered to file an amended and superseding complaint pertaining to being housed on a suicide watch tier, naming therein only those defendants alleged to have some form of involvement, and stating what actions or inactions on the part of each named defendant caused the alleged violation(s). *See* R. Doc. 29. A review of the record revealed that the plaintiff failed to comply with this Court's Order. On February 28, 2024, the plaintiff was ordered to show cause, within 21 days of the date of the Order, why his action should not be dismissed for his failure to comply. *See* R. Doc. 30. On or about March 27, 2024, the plaintiff filed a Response (R. Doc. 31).

In his Response, the plaintiff reiterates his objections to the Magistrate Judge's Report and Recommendation (R. Doc. 24) and Order denying his Motion for Provision of Status and Docket Report (R. Doc. 25). These objections have already been considered by the District Judge. *See* R. Docs. 28 and 29.

As to why the plaintiff has failed to file an amended and superseding complaint as ordered, the plaintiff first asserts that none of the prisons where he has been housed will provide him with carbon paper. However, carbon paper is now rarely, if ever, used for pleadings due to the use of photocopiers. The plaintiff asserts that while housed at Hunt he was not provided with a way to receive photocopies of his pleadings, and that upon transfer to Rayburn he did not trust

the copying process in place. Due to the inability to make a copy of his pleading, the plaintiff alleges he does not have a copy of his initial complaint but that he has rough drafts of the same. The plaintiff also asserts that he has been unable to get assistance from a friend, and that this Court has wrongfully denied him a free copy of the docket sheet. Plaintiff further asserts that the Magistrate Judge's failure to reiterate his numerous claims has prohibited him from having a copy of his claims.

As noted by the Court in *Bond v. Collier*, 2022 WL 223376361, (N.D. Tx. Jan. 13, 2022), "Inmates are generally responsible for retaining their own copies of Court-filed documents, *e.g.*, by handwriting duplicates of each document they submit to the Court." Additionally, the Fifth Circuit has recently affirmed denial of a *pro se* inmate's motion requesting a copy of his complaint free of charge where the plaintiff failed to offer evidence to indicate he was unable to bear the cost for a copy of his pleadings. *See Stilley v. Garland*, No. 21-60022, 2022 WL 1568363, *4 (5th Cir. May 18, 2022). Furthermore, as noted by the Court in *Parker v. Ritter*, 2009 WL 243186 (D. Colo. Feb. 2, 2009) when denying a *pro se* inmate's motion seeking access to photocopies, "The Court reminds Plaintiff that he is a voluntary litigant in a federal lawsuit. He chose to bring this action *pro se* knowing the limitations that he would face given his status of incarceration and lack of funds. A prisoner's right of access to the court does not include the right of free unlimited access to a photocopying machine or stamps. *Harrell v. Keohane*, 621 F.2d 1059, 1061 (10th Cir.1980); *see Twyman v. Crisp*, 584 F.2d 352, 359 (10th Cir.1978)."

In the instant matter, the plaintiff has not shown that he was unable to handwrite a duplicate of his original Complaint or provided evidence that he cannot bear the cost for a copy of his pleading. Nor has the plaintiff sufficiently explained why he cannot use the rough drafts he has available to him to construct his amended and superseding complaint as ordered.

Additionally, the plaintiff's Response indicates that even if he were to be provided with a copy of his original Complaint as a onetime courtesy, that he would not comply with this Court's Order to limit his amended and superseding complaint to being housed on a suicide watch tier, naming therein only those defendants alleged to have some form of involvement, and stating what actions or inactions on the part of each named defendant caused the alleged violation(s). The bulk of the plaintiff's Response details the plaintiff's disagreement with this Court's Rulings and argument that the plaintiff has numerous claims, including claims not exhausted until after the filing of his initial Complaint, that are proper to join with his claim for being housed on a suicide watch tier. As such, the plaintiff appears to indicate that he will not comply with this Court's Order.

RECOMMENDATION

It is recommended that this action be dismissed, pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 41, for failure to comply with this Court's order and to prosecute this action.

Signed in Baton Rouge, Louisiana, on May 1, 2024.

A handwritten signature in black ink, appearing to read "R. L. Bourgeois, Jr.", written over a horizontal line.

RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE

APPENDIX-FF

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

NOTICE

Please take notice that the attached Magistrate Judge's Report has been filed with the Clerk of the United States District Court.

In accordance with 28 U.S.C. § 636(b)(1), you have fourteen (14) days after being served with the attached Report to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. Failure to file written objections to the proposed findings, conclusions, and recommendations within 14 days after being served will bar you, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions of the Magistrate Judge which have been accepted by the District Court.

ABSOLUTELY NO EXTENSION OF TIME SHALL BE GRANTED TO FILE
WRITTEN OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT.

Signed in Baton Rouge, Louisiana, on May 1, 2024.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE

APPENDIX-GG

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

VERSUS

JOHN BEL EDWARDS, ET AL.

CIVIL ACTION

NO. 21-537-JWD-RLB

OPINION

After independently reviewing the entire record in this case and for the reasons set forth in the Magistrate Judge's Report dated June 22, 2023 (Doc. 24), to which an objection was filed and considered (Doc. 27);

IT IS ORDERED that the Plaintiff's claims, with the exception of the plaintiff's claim pertaining to being housed on a suicide watch tier, are stricken.

IT IS FURTHER ORDERED that the Plaintiff is ordered to file an amended and superseding complaint, **within 30 days of the date of this Opinion**, limited to the single remaining claim, naming as Defendants only those persons alleged to have some form of involvement in the claim, and stating what actions or inactions on the part of each named Defendant caused the alleged violation(s).

IT IS FURTHER ORDERED that the Plaintiff's Amended Complaint and Second Amended Complaint (Docs. 2 and 4) are stricken.

IT IS FURTHER ORDERED that the Plaintiff's pending Motion to Amend (Doc. 21), seeking to add additional unrelated and unexhausted claims, is denied, and that this matter is referred back to the Magistrate Judge for further proceedings herein.

Signed in Baton Rouge, Louisiana, on July 14, 2023.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

APPENDIX-HH

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

RULING

Before the Court is the plaintiff's Motion for Reconsideration (R. Doc. 42) wherein the plaintiff asserts that the Court should reconsider its Judgment (R. Doc. 35) dismissing the plaintiff's claims for failure to comply with the Court's orders and to prosecute this action.

Procedural History

The plaintiff filed this proceeding against 45 defendants complaining that his constitutional rights were violated in numerous ways while housed at the Elayn Hunt Correctional Center. On June 22, 2024, the Magistrate Judge issued a Report and Recommendation recommending that the plaintiff's claims, except for the plaintiff's claim pertaining to being housed on a suicide watch tier, be stricken and that the plaintiff be ordered to file an amended and superseding complaint limited to the aforementioned claim. The Magistrate Judge noted that the plaintiff's approximately 18 claims were factually unrelated, and stated which claims were related to the plaintiff's claim of being housed on a suicide watch tier. *See* R. Doc. 24.

On July 12, 2023, the plaintiff filed an Objection asserting that his claims were properly joined. *See* R. Doc. 27. On July 14, 2024, the District Judge adopted the Report and Recommendation, and the plaintiff was ordered to file an amended and superseding Complaint within 30 days. *See* R. Doc. 29. The plaintiff failed to file an amended Complaint as ordered, and

several months later, on February 28, 2024, the Magistrate Judge issued an Order for the plaintiff to show cause why his action should not be dismissed for failure to comply with the Court's Order (R. Doc. 29).

On March 27, 2024, the plaintiff filed a Response. In his Response, the plaintiff primarily reiterated his objections to the Magistrate Judge's Report and Recommendation (R. Doc. 24) and Order denying his Motion for Provision of Status and Docket Report (R. Doc. 25). The plaintiff also asserted that he could not file an amended Complaint as ordered because the prison would not provide him with carbon paper or photocopies, and that he did not trust the photocopying process at another facility. Additionally, the plaintiff was unable to receive assistance from a friend and cited the Magistrate Judge's failure to reiterate the plaintiff's numerous claims. The Magistrate Judge recommended that the plaintiff's claims be dismissed, pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 41, for failure to comply with this Court's Order and to prosecute this action. *See* R. Doc. 32.

On May 22, 2024, the plaintiff failed an Objection wherein he continued to assert that his claims were properly joined. On May 29, 2024, the District Judge issued an Opinion (R. Doc. 34) adopting the Report and Recommendation (R. Doc. 32) and issued a Judgment (R. Doc. 35) dismissing the plaintiff's action for failure to comply with this Court's order and to prosecute this action. The plaintiff was later allowed to supplement his Objection which was filed on June 27, 2024. The supplemental objection was a listing of numerical averments that the plaintiff asserted were related to what he proposed as Case 1 and Case 2.

On July 8, 2024, the plaintiff filed the instant Motion for Reconsideration (R. Doc. 42) and a Motion for Leave to Amend (R. Doc. 41), which requests to add some missing pages to his Motion for Reconsideration.

Rule 59

When a motion for reconsideration “ ‘calls into question the correctness’ of the judgment,” the Court considers it under Fed. R. Civ. P. 59(e). *Allen v. Envirogreen Landscape Prof'ls, Inc.*, 721 F. App'x 322, 328 (5th Cir. 2017) (quoting *Templet v. HydroChem Inc.*, 367 F.3d 473, 478 (5th Cir. 2004)). “Rule 59(e) motions serve ‘the narrow purpose of allowing a party to correct manifest errors of law or fact or to present newly discovered evidence.’ ” *Id.* (quoting *Templet*, 367 F.3d at 479). “ ‘Reconsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly.’ ” *Id.* (quoting *Templet*, 367 F.3d at 479). “Accordingly, a motion for reconsideration ‘is not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment.’ ” *Id.* (quoting *Templet*, 367 F.3d at 479).

Courts have considerable discretion in deciding whether to grant such a motion. *Edward H. Bohlin Co., Inc. v. The Banning Co., Inc.*, 6 F.3d 350, 355 (5th Cir. 1993). In exercising its discretion, however, “[t]he court must strike the proper balance between two competing imperatives: (1) finality, and (2) the need to render just decisions on the basis of all the facts.” *Id.* “Because of the interest in finality, motions may only be granted if the movant shows there was a mistake of law or fact or presents newly discovered evidence that could not have been discovered previously.” *Robertson-CECO Corp. v. Lab Project Resource Group, Inc.*, 2006 WL 2224759, *1 (E.D. La. Aug. 2, 2006).

In the instant matter, the plaintiff asserts that the Magistrate Judge’s instructions to file an amending and superseding Complaint were unclear and that he has brought this to the attention of the Court several times. The plaintiff further asserts that his initial Complaint was difficult to follow due to its “protracted scope and chronologic intermittently-sequenced and segmented

formatting.” Therefore, the plaintiff has now provided the Court with a guide to his Complaint wherein he details 13 claims which he deems are related to being housed on a suicide watch tier (“Case 1”) and 11 claims which he states are not transactionally related or joinable by a common defendant (“Case 2”).

Joinder

The plaintiff has not shown a manifest error of fact or law. Rule 18 of the Federal Rules of Civil Procedure is a broad joinder rule that allows parties to “join as many claims as it has against an opposing party.” The official commentary of Rule 18 states, “it is emphasized that amended Rule 18(a) deals only with pleading,” and “a claim properly joined as a matter of pleading need not be proceeded with together with the other claims if fairness or convenience justifies separate treatment.” *See* Federal Rule of Civil Procedure 18: Notes of Advisory Committee of Rule—1966 Amendment.

Rule 20 permits joinder of defendants if “any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and “any question of law or fact common to all defendants will arise in the action.” Further, under Rules 18(a) and 20, if the claims arise out of the different transactions and do not involve all defendants, joinder should not be allowed. *See Shafer v. Davis*, No. 2:20-CV-167, 2020 WL 6489094, at *5 (S.D. Tex. Nov. 4, 2020), citing 6A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* § 1583 (2d ed. 1990).

In other words, in a multiparty case, 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 claims arise from different

transactions and do not involve all defendants, joinder should not be allowed. *See* 6A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure § 1583 (2d ed. 1990).

In the instant matter, the plaintiff's Motion makes it clear that the plaintiff's claims are not properly joined. The plaintiff does not assert that that all 13 claims he proposes to join as "Case 1" are all asserted against all defendants, or that all these claims arose out of the same transaction and present common questions. Likewise for the 11 claims he proposes to join as "Case 2."

It is also clear that the plaintiff still does not intend to comply with this Court's Order to limit his amended and superseding complaint to being housed on a suicide watch tier, naming therein only those defendants alleged to have some form of involvement, and stating what actions or inactions on the part of each named defendant caused the alleged violation(s). Instead, the plaintiff rehashes his earlier arguments and legal theories. As such, the plaintiff has not shown a mistake of law or fact that would merit relief under Rule 59. Accordingly,

IT IS ORDERED that the plaintiff's Motion for Leave to Amend (R. Doc. 41) is **GRANTED**, and the Clerk of Court shall file the proposed pleading (R. Doc. 41-1) into the record as supplement to the plaintiff's Motion for Reconsideration (R. Doc. 42).

IT IS FURTHER ORDERED that the plaintiff's Motion for Reconsideration (R. Doc. 42) is **DENIED**.

Signed in Baton Rouge, Louisiana, on August 7, 2024.



**JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

APPENDIX-II

**United States District Court
Middle District of Louisiana**

Mark Hanna

Civil Action

v.

No. 21-537

John Bel Edwards, et al

JWD-RLB

Motion for Rule 60 (b) Relief

The present motion is filed in pursuance of Rule 60(b), Fed. R. Civ. P., for clarification and correction of findings premised on clerical error, erroneous case history, and mistake of law. An inadvertent typographical error appears in the argument of the recently-submitted Doc 42 Motion for Reinstatement of July 8, 2024, that the court relied on in its adverse decision. The Court also applied an historically erroneous hypothesis of law to its Doc 43 Ruling analysis of the case. And some misleading factually-inaccurate [false] statements have been re-entered into the text of the Court's Doc 43 Ruling after I already [at least once] dispelled them in previously-submitted responses.

Clerical Error

At page 12 of the Doc 42 Motion for Reinstatement, what would appear to be a self-destructive statement reads: "The proposed claims for Case-2 are obviously not transactionally related [] or joinable [] by a common defendant." The phrase "...to the proposed claims for Case -1..." is missing from the sentence where I inserted the brackets here

for illustration. The sentence that I committed to the prison's computer word processor before I eventually printed it included the described phrases, making the sentence conform to the argument that appears after it, e.g.: "The proposed claims for Case-2 are obviously not transactionally related [to the proposed claims for Case-1] or joinable [to it] by a common defendant." The document was altered after its creation and saving on the prison's computer word processor that is not protected by a password from other inmates having access to it.

At the fourth page of its Doc 43 adverse Ruling on the Motion for Reconsideration, the Court relied on the altered text in its conclusion that the "...11 claims which he states are not transactionally related or joinable by a common defendant ('Case-2')." In doing so, the Court apparently disregarded my arguments beginning there and extending into page 13 of the motion, explicitly contending that those claims are indeed transactionally related to either one or to each other and joinable by a common defendant to either one or to each other in critical detail, making it plausible that the cited intro-statement is a typographic error. The group of eleven claims of proposed Case-1 are obviously not joinable to the group of thirteen claims of the proposed Case-1, because they involve a separate group of defendants engaged in a sequence of excessive force activities and related cover-ups of it only among themselves in a remote area of the prison that have nothing to do with the group of thirteen proposed claims of Case-1 that are transactionally related to each other by an alleged prison-wide stand-down policy in place and cover-ups of illicit drug use and accoutrement harmful smoke-producing fires and inadequate provisions of lighting. The Court focused its attention on the described typographic error cited in giving its opinion that I have not shown that the eleven claims [or any combination of them] are appropriately joinable in [a] separate case[s]. Drilling down further on

the point, the Doc 42 Motion for Reconsideration is not where I first made the arguments. They were presented in previous written oppositions and objections I submitted, but in drafting those I was unable to reference pinpoints in the Doc 1 Complaint [new evidence I recently obtained by due diligence, that some of the named defendants (by a warden's policy directive, as pleaded in one of the claims asserted in the present case) prevented me from obtaining in the prison's cellblocks] that are meticulously referenced in the Motion for Reconsideration.¹ The claims are accurately referenced and tracked by the "Endnotes," "Condensed Statements of Claims," and "Details for Statement of Claims," that are set out at pages 13-14, 14-15, and 15-18, respectively, of the Motion for Reconsideration. Given the quantity of materials where I explicitly argued that my claims are transactionally related or joinable by common defendants, the one odd outlying suspicious sentence worded to the contrary should not justify overlooking all the remainder.

Rule 60(b) is an appropriate procedural mechanism for correcting the kind of error presently described as an inadvertently submitted typographic anomaly that the Court relied on in its finding that I inexplicably reversed all of my previously-submitted contentions in a single dubiously-situated statement. The defendants would not incur prejudice if the Court examined the possibility of a differential error manifested in this development and correcting it where it came to pass prior to service of the case.

Mistake of Law

¹ In its Doc 43 Ruling, the Court seems not to acknowledge that the motion is premised on new evidence recently obtained by due diligence, the copy of the Doc 1 Complaint that was recently printed off the clerk's website by persons at large and mailed to me [briefly explained, *infra*, with citations to other response documents I submitted fully explaining it].

Rule 60(b) is also an appropriate procedural mechanism for correcting errors of law. *Kemp v. United States*, 596 US 528, 533-34 June 13, 2022). In reaching its adverse opinion regarding the joinder of my claims [at the fourth through fifth pages of the Doc 43 Ruling], the Court looks back to an interpretation of Rules 18(a) and 20(a) that was not only rejected about sixty years ago, but which was so incorrect that it had to be cited in *the Notes of Advisory Committee* as one that the 1966 amendment to the Rule 18(a) was made in response to. See, e.g., *Federal Housing Admr. v. Christianson*, 26 F. Supp. 419 (D. Conn. 1939) [cited in the *Notes of Advisory Committee for the amendment of Rule 18(a)*], where a federal Connecticut district court adopted the practice of declining amendments “...to a suit in which the complaint asserted some claims against fewer than all the defendants and other claims against all the defendants,” with erroneous understanding that doing so was appropriate by Rule 20(a) where the old language of the rule “...had led some courts to conclude that the rules regulating joinder of parties intended to be superimposed on Rule 18(a) and encouraged them to apply special restrictions to the joinder of claims in multiparty situations...” [6A Fed. Prac. & Proc. Civ., Section 1583 (3d ed.) (Wright & Miller), Chapter 5. Parties, June 2024 Update].

“[F]or 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 and fact was interpreted as restricting the operation of Rule 18(a) in multiparty cases to the joinder of only those claims that arose out of a transaction common to all the defendants.” *Id.*, describing *Federal Housing Admr. v. Christianson*, *supra*. “If the Court’s view is followed, it becomes necessary to enter into speculations about the exact relations between the claims sought to be joined against fewer than all the defendants properly joined in the action and claims asserted

against all defendants...It is more compatible with the design of the rules to allow the claim to be joined, leaving the question of a possible separate trial of the claim to be later decided."

*Notes of Advisory Committee for the 1966 Amendment of Rule 18(a).*²

At the fourth page of its Doc 43 Ruling on the Motion for Reconsideration, the Court presented piecemeal language extracted from the *Notes of Advisory Committee to Rule 18(a)* having the language "separate treatment" of claims. But that note, to the contrary, refers to separate trials for peculiar claims, not to separate cases for them. That opinion followed in the path of my Doc 42 detailed references to the Doc 1 Complaint showing unequivocally by plural angles of reference to the Doc 1 Complaint and subsequent amendments to it that my group of thirteen proposed Case-1 claims are explicitly pleaded sufficient by Rule 8 to allege an interlinking operative factual basis [the described stand-down policy in place] for the contention that my claims are transactionally related, involve common questions of law, and that my group of eleven claims for Case-2 are likewise revealed. Further showing that those claims not joinable by Rule 20(a) are otherwise joinable 18(a). The Court implicitly acknowledges that to be the case in its manner of shifting to the described long-ago repudiated legal hypothesis in which Rule 18(a) was subordinated to the strictures of Rule 20(a) in a way that was never intended in the history of procedural rule-making.

² Averments 11-13 of the Doc 1 Complaint might serve as examples of how to reduce "speculation" about such relations. Those averments are necessary to accommodate multiples of liability or alternative individuals or groups of potentially liable individuals and are pleaded with purpose of "...putting each or either of the defendants on reasonable notice of the activities they can be sued for in the present case." Page 11 of the Motion for Reconsideration. Advancement of that purpose is observed in those and in subsequent averments of Complaint and Amendment Complaint documents that I have already conceded should be rewritten into separate cases [two] like I described at pages 15-18 of the Motion for Reconsideration.

To be sure, and with adequate certainty, "...[t]he 1966 amendment to Rule 18(a) was designed to make certain that once parties are properly joined, any party who asserts a claim (whether an original claim, counter claim, cross claim, or third-party claim) may join as many claims as the party has against an opposing party or parties, even though they arise out of different transactions and do not involve common questions of law and fact common to all parties. Of course, Rule 18(a) only deals with joinder of claims as an initial matter, the district court may decide that for convenience or to avoid prejudice, properly joined claims should be treated separately for trial purposes." 6A *Section 1583 (3d ed.) of Wright & Miller, supra, June 2024 Update*. Emphasis added.

"The 1966 amendment eliminated any confusion on the point, and it should now be clear that the court actually has no discretion to determine what claims a party may or may not join in the pleadings. As a pretrial matter, however, Rule 18(a) must be read in conjunction with Rule 42(b), which gives the court extensive discretionary power to order separate trials of claims or issues. Whenever the court determines that this type of treatment will be conducive to the expeditious handling of the action, will promote judicial economy, or will avoid prejudice to the litigants, it may order a properly joined claim or claims to be tried separately." 6A *Fed. Prac. & Proc. Section 1586 (Rule(a) Joinder of Claims Under Rule 18(a), Relationship Between Rule 18(a) and 42(b), June 2024 Update)*. "Rule 18(a), as amended, only deals with pleading. Inconvenience to the parties cannot result from joinder of any two or more matters in the pleadings, but only from trying two or more matters together which have little or nothing in common. Accordingly, the court is provided with sufficient power to direct an appropriate procedure for trying the claims. See, e.g., Rule 42(b), 20(b), and 21." *Kaminsky v. Abrams*, 41

F.R.D. 168, 171-71 (S.D.N.Y. July 1, 1966), cited in footnote 8 of the referenced *Wight & Miller Digest 6A Fed. Prac. & Proc. Section 1583, supra*, and included in the *Notes of Advisory Committee to Rule 18(a)*, after its 1966 amendment.

Erroneous Case History

At the second page of its Doc 43 Ruling the Court stated, "...plaintiff asserted that he could not file an amended Complaint because the prison would not provide him with carbon paper or photocopies and that he did not trust the photocopy process at another prison." I explained at page-1 of the Motion for Reconsideration how that statement [which was included at the first page of the Magistrate Judge's [MJ's] Doc 32 Report and Recommendation (R&R)] is false. There was a time when I was unable to rewrite the pleadings because I had no copies of them in my possession after my copies of the Amendment Complaints had been mailed home for security. A claim I asserted in the Doc 1 Complaint of the present case is based on a Hunt Prison warden's policy directive that prevented me from having a way of securing to myself a copy of the document [previously explained, at pages 2-3, *supra*]. Attached to the MJ's Doc 24 R&R was a Notice alerting that there would be no time extensions for filing objections. In the path of that notice my Doc 27 Written Opposition was submitted only on what I could recall of the described Amendment Complaints, having no time to retrieve them inside the Court's described Notice. By the time the MJ entered the Doc 29 Order instructing me to explain why I had not rewritten the pleadings, I had obtained in the mail copies of the Amendment Complaints with which to reference in the Doc 31 Traverse Memorandum Response. But, in the path of the described Hunt warden's policy directive, I never had a copy of the Doc 1 Complaint until someone at large printed it off the clerk's website and mailed it to me.

Attached to the MJ's Doc 32 R&R was another Notice alerting that there would be no time extensions for filing objections. In the path of that notice, again, I was unable to include information from a record document [the Doc 1 Complaint] in my Doc 33 Written Opposition, having no time to retrieve it inside the time of the Court's described Notice. At page 24 of the Doc 33 Written Opposition I alerted the Court that the document had been mailed to me.³ Where those developments were also brought to the Court's attention at page 1 of the Doc 42 Motion for Reconsideration, the Court's replay of the false information at the second page of its Doc 43 Ruling [described] further indicates a loose and imprecise analysis of my claims and responses, treating what I propounded in them with less than appropriate gravity. The false statement seems to make out like I had given some nonsensical excuse for not rewriting those pleadings. So, I am here once again making it precisely clear that it is my disagreement with the Court's finding that my claims are not transactionally related that has prevented me from rewriting them. I also made it clear at pages 2-7 of the Doc 33 Written Opposition and throughout pages 1-5 [Preliminary Discussion] of the Doc 42 Motion for Reconsideration. I am once again here dragging out my defenses to a false turning of the screw in what amounts to a nuanced tampering of case history appropriate for Rule 60 (b) correction.

At the first page of its Doc 43 Ruling, the Court announced that I am "...proceeding against 45 defendants," that regarding some eighteen claims he counted, the "Magistrate Judge...stated which claims were related to the plaintiff's claim of being housed on a suicide watch tier." There appears afterward a citation to "R. Doc 24" in its entirety. Thus the MJ has

³ After obtaining those in the mail, but before I could draft an amended Written Opposition, the Court entered its Judgment of dismissal.

been so loose and imprecise [again] in his analysis of my claims that he miscounted their number [there are twenty-four], and he miscounted the named defendants [there are fifty-one]. And, contrary to his claim of doing so, there has been no MJ's statement of the content, category, or classification of which or either of the claims he finds are not transactionally related to my suicide watch cell claim, and likewise regarding my excessive force claims. The Endnotes, Condensed Statement of Claims, and Details of Statements of Claims set out in the Doc 42 Motion for Reconsideration demonstrate, in scope, what an outline of the work would look like. The MJ never touched the surface of the work until he glanced at the Doc 42 described materials and discovered how cogently pleaded and transactionally related my claims actually are in the way I divided them into the described cases, referencing their averments by number to the Doc 1 and subsequent Amendment Complaints.⁴

In the path of that development, I am up to the moment unable to discern the Court's view [if it has one] of whether each or either of the eighteen claims [MJ's counting] form separate cases to be filed. Consistent with my contentions previously related in the objections, written oppositions, and in the Motion for Reconsideration, I am left with no alternative than to stand on the pleadings, as-is, until I am instructed on how to proceed on the conglomeration of claims. In simplified terms, am I being expected to file eighteen [or twenty-four] separate lawsuits to satisfy the Court's obsession with the PLRA's lust for filing fees in prisoner cases?

⁴ Keeping in mind that my disagreement with the Court's joinder analysis of my claims is the primary reason why they are not yet rewritten. And it remains my position that Rule 41(b) dismissal is inappropriate in the context of these developments, where "...the plaintiff has a right to stand on the pleadings." *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1064-65, 57 Fed. R. Serv. 3d, 812 (9th Cir. Jan. 20, 2004), in this context [Pages 11-12, Doc 33 Written Opposition], because there has been no "contumacious conduct" or "disobedience" to a court's orders in doing so. *Cook v. Huss* 2020 WL 119798 (W.D. Mich. March 21, 2023), and my right to appeal is preserved. *Marin Park, Inc.*, supra.

Would the Court consider having oral argument about why the described stand-down policy in place fails to transactionally relate my thirteen claims, or by what pretext a sixty-years-dead legal hypothesis can be interred from its grave to circumvent Rules 18(a) and 21 [supplanted by Rule 41(b)] in the evisceration of Rules 18(a) and 21 to improvidently decimate my claims?

Not Unnoticed

I noticed that the Court might should instruct its "pro se staff attorney" to start using an upper-case alphabet "P" for my Plaintiff pronoun, since it combines with what appears to be a spirit of animosity that's effecting the Court's judgment enough to resurrect a long-dead legal hypothesis. I also have to recognize that anything judicial taking place by the hand of a pro se staff attorney took place beyond a modicum of Article III jurisdiction in the present case. During pendency of the *informa pauperis* proceeding in the present case, on February 3, 2022 [Doc 6], a pro se staff attorney [no name given] caused me to be served with an order of "the Court" instructing me to provide the Court [or its pro se staff attorney] with the prison officials' statement of my monthly revenues. After failed attempts at obtaining those from the prison officials being sued who ignored the staff attorney's orders, on March 31, 2022, I submitted the *Objections to Handling of the Case by Pro Se Staff Attorney*: "The case was dismissed without direct involvement of a clerk or deputy clerk or involvement of a magistrate judge." Pages 1-2 of the Objection.

Other Rejoinders

I am urging the Court to consider the propriety of following the line of cases ending with the one it cited in its Doc 42 Ruling [*Shafer v. Davis*, 2020 WL 6489094 (S.D. Tex. Nov. 4, 2020)]

(citing *Wright & Miller 6A, Section 1583*)). That case is not binding precedent in the Middle District of Louisiana and I have shown how its thesis fails regarding Rules 18(a) and 20(a), Fed. R. Civ. P. I have also shown in previous responses that embracement of judicial policies regarding the fee provisions of the PLRA are not acceptable considerations for departing from the rules of court in prisoner cases. *Jones v. Bock*, 549 U.S. 199, 216-217 (2007). I have also explained at pages 4-5 of the Doc 42 Motion for Reconsideration, that prisoners [myself included] have a compelling interest in avoiding the assessment of PLRA filing fees that would follow from erroneous findings about the joinder of their claims and parties. A pragmatic interpretation of the Court's findings in the present case would precipitate twenty-four separate lawsuits, with twenty-four separate filing fees, and as many failure-to-state-a-claim PLRA strikes that the Court could manage by that pathway. Now is the appropriate time to begin the process of ironing out the wrinkles that encumber recovery on my claims, and otherwise loom to have me saddled with inappropriate excessively-numerous filing fees per adventure of judicial obsession with the Clinton Era Congress PLRA. A Motion for Oral Argument is attached.

Relief

Wherefore, I am at once asking the Court to acknowledge the cited typographic error and to adjust its decision, making it responsive to a correct interpretation of the argument I presented in its vicinity, by giving a descriptive analysis of my claims regarding how they are or are not transactionally related in the way I described them in the Doc 42 Motion for Reconsideration. I am further asking the Court to acknowledge that, contrary to his claim of having done so, the MJ has not "...stated which claims were related to plaintiff's claim of being

APPENDIX-JJ

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

RULING

Before the Court is the plaintiff's Motion for Rule 60(b) Relief (R. Doc. 48) and Motion for Oral Argument (R. Doc. 49).

Rule 60

Federal Rule of Civil Procedure 60(b) provides that relief from a judgment or order may be had for (1) mistake, inadvertence, surprise, or excusable neglect, (2) newly discovered evidence, (3) fraud, misrepresentation or misconduct by an opposing party, (4) a void judgment, (5) a judgment that has already been satisfied, is no longer equitable, or has effectively been overturned, or (6) any other reason that justifies such relief. A Rule 60(b) motion is not an opportunity for a party to relitigate its case. *See Triple Tee Golf, Inc. v. Nike, Inc.*, 485 F.3d 253, 269 (5th Cir. 2007). Nor is the motion an opportunity to rehash prior arguments. *See Stewart v. Leonard*, 695 F. App'x 800, 801 (5th Cir. 2017).

In the instant Motion (R. Doc. 48), the plaintiff largely rehashes his prior arguments asserting that his claims are properly joined. The Court has already considered these arguments numerous times. Moreover, no argument presented by the plaintiff justifies relief pursuant to any provision of Rule 60(b). Accordingly,

IT IS ORDERED that the plaintiff's Motions (R. Docs. 48 and 49) are **DENIED**.

Signed in Baton Rouge, Louisiana, on October 7, 2024.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

APPENDIX-LL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

NO. 21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

ORDER

Before the Court is the plaintiff's Motion for Leave to Appeal in Forma Pauperis (R. Doc. 53). The required Statement of Account form is not attached. Plaintiff was twice directed by the United States Court of Appeals to obtain this form from prison authorities. *See Hanna v. Edwards*, 24-30557 at R. Docs. 6 and 7. Accordingly,

IT IS ORDERED that the plaintiff's Motion (R. Doc. 53) is **DENIED AS DEFICIENT**.

Signed in Baton Rouge, Louisiana, on October 29, 2024.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

21-537-JWD-RLB

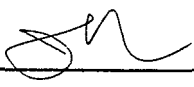
JOHN BEL EDWARDS, ET AL.

ORDER

Before the Court is the plaintiff's Motion for Leave to Appeal in Forma Pauperis (R. Doc. 56). The required Statement of Account form is not attached. *See* 28 U.S.C. § 1915(a)(2). Without this form the Court cannot determine the plaintiff's indigency or make the required statutory calculation of the initial partial filing fee. *See* 8 U.S.C. § 1915(b). Copies of the required forms are attached hereto. Accordingly,

IT IS ORDERED that the plaintiff's Motion (R. Doc. 56) is **DENIED AS DEFICIENT**.

Signed in Baton Rouge, Louisiana, on November 5, 2024.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

APPENDIX-NN

United States District Court
Middle District of Louisiana

Mark Hance

vs

John Bel Edwards, et al

Civil Action

No. 21-537

JWD-RLB

Objection to Method

Used to Transmit the

ISP Account Statement

On 1/3/25 the Court granted my Motion to Compel Reliable ISP Account Statement Process § Doc 593, and on 1/8/25 the custodians were served with the Court's order for it and the account statement, ISP motion form attached. The accounts manager quickly processed the account statement, citing \$62.00 the average monthly deposits and \$3.00 the average monthly balance. But instead of instructing the custodians to mail the statement back to the Court, the custodians were instructed to deliver it to me for mailing to the Court. The custodians seized that opportunity to deprive me with it by mismanaging its delivery to me.

On 1/9/25 at 9 AM the custodians escorted me to their warden's office and scolded me. The return service document was amiss, but the documents handed over to me without my signature applied to the return service papers. On 1/13/25 I mailed the completed ISP motion form and account statement to the Court. The Court's method of returning the documents to the Court exposed everything to subversion and abuse, hence my objection.

Mark Hance

Mark Hance 132872
DCC
27268 Hwy 21 N.
Bogalusa, LA 70426

APPENDIX-OO

APPENDIXS

Appendix – A

Aver'ts: 1 – 16; Caption

Appendix – B

Aver'ts: 34 – 37; 55 – 58; 278 – 281; 481 – 484; 886 – 894

Appendix – C

Aver'ts: 287 – 314; 407 – 410; 487 – 489; 786 – 788; 931; 933

Appendix – D

Aver'ts: 514 – 520; 526 – 588; 534 – 542

Appendix – E

Aver'ts: 881

Appendix – F

Aver'ts: 882 – 894

Appendix – G

Aver'ts: 975 – 987

Appendix – H

Aver'ts: 144 – 153; 183 – 239; 400 – 406; 424 – 427; 800 – 805; 860 – 864; 967 – 971

Appendix – I

Aver'ts: 819 – 847; 856 – 859; 868 – 878; 897 – 908; 909 – 928

Appendix – J

Aver'ts: 315 – 324

Appendix – L

Aver'ts: 327 – 336

Appendix – M

Aver'ts: 392 – 393

Appendix – N

Aver'ts: 428 – 440; 441 – 457

Appendix – O

Aver'ts: 24 – 32; 70; 75

Appendix – P

Aver'ts: 415 – 420

Appendix – Q

Aver'ts: 764 – 785; 790 – 793

Appendix – R

Aver'ts: 761 – 763

Appendix – S

“Notice” (No Document Number)

Appendix – T

Document # 1 – 7, Start-up Rough draft of Guide

Appendix – U

Aver'ts: 52; 77 – 93; 106 – 126

Appendix – V

Aver'ts: 42 – 50; 61 – 68; 128 – 142; 174 – 176; 243 – 247; 258

Appendix – W

Aver'ts: Document # 43 Ruling

Appendix – X

Aver'ts: 6A Federal Practice and Procedure (Wright & Miller) Civil Section 1583 (3d ed. June 2024 Update) Section 1583 Joinder of Claims Under Rule 18(a) – The 1966 Amendment, Westlaw Next

Appendix – Y

Aver'ts: Federal Rule of Civil Procedure Rule 18(a) Joinder of Claims, Notes of Advisory Committee on the 1966 Amendment to the Rule, Westlaw Next

Appendix – Z

Document # 63: Declining IFP Status

APPENDIX-PP

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK HANNA (#132872)

CIVIL ACTION

VERSUS

21-537-JWD-RLB

JOHN BEL EDWARDS, ET AL.

ORDER

Before the Court is the plaintiff's Motion to Compel Reliable IFP Account Statement Process (R. Doc. 59). Plaintiff's Motions for Leave to Appeal in Forma Pauperis (R. Docs. 53 and 56) have been denied as deficient for failure to attach the required Statement of Account form. *See* R. Docs. 54 and 57. Plaintiff asserts that he has twice submitted a Statement of Account form to be completed but has not received a response. He requests that a Statement of Account form be sent directly to his custodian for processing. Accordingly,

IT IS ORDERED that the plaintiff's Motion (R. Doc. 59) is **GRANTED**.

IT IS ORDERED that the Clerk of Court shall send a copy of this Order and its attachments to the inmate accounts manager at the Rayburn Correctional Center, and the account manager shall return the completed Statement of Account form to plaintiff Mark Hanna (#132872) within 14 days of the date of this Order.

IT IS FURTHER ORDERED that the plaintiff shall have 30 days from the date of this Order to file the completed Statement of Account form along with the completed Motion to Proceed in Forma Pauperis attached hereto.

Signed in Baton Rouge, Louisiana, on January 3, 2025.



JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

APPENDIX-QQ

RECEIVED

FEB 19 2025

U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DEPUTY CLERK

United States District Court
Middle District of Louisiana

Mark Hanna

vs

John Bel Edwards, et al

Civil Action

No. 21-537

JWD-RLB

Small Amended Notice of Appeal

Notice is hereby given of my appeal:

from the Doc 28 Ruling and Order of July 14, 2023;
from the Doc 29 Opinion of July 14, 2024; from the
Doc 30 Order of February 28, 2024; from the Doc 34
Opinion of May 29, 2024; from the Doc 35 Judgment
of May 29, 2024; from the Doc 43 Ruling of
August 7, 2024; from the two documents
entitled, "Notice," of May 1, 2024, and June 22,
2024, having no document number assigned to
them; from the Docs 50 and 51 Order and Ruling
of October 7, 2024; and from the Doc 61 Order of
January 3, 2025, to the United States Court of
Appeals for the Fifth Circuit.

Respectfully,

Mark Hanna

Mark Hanna 132872

RCC

27268 Hwy 21 N.

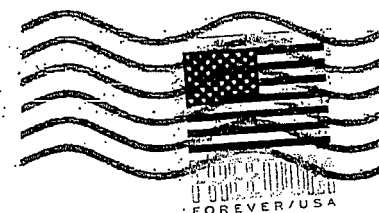
Augie, LA 70426

MARK HANNA

Mart Staller 132872
RCC
27268 Hwy 21 N.
Angie, LA 70426

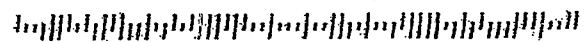
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Michael L. McGounell, Clerk
U.S. District Court
777 Standa St, Ste 139
Baton Rouge, LA 70801-1712

70801-171739



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RAYBURN CORRECTIONAL CENTER

APPENDIX-RR

**Additional material
from this filing is
available in the
Clerk's Office.**