

26-5495  
No. \_\_\_\_\_

"SUPREME COURT"

ORIGINAL

SUPREME COURT OF THE UNITED STATES

Edrick Jamar Dunn #18946519, Petitioner

v.

Tim Bob Darnell, Barbara Suss and Sara L. Smith, Defendants

FILED

JUL 10 2026

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

On Petition for Writ of Certiorari  
To The Five Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Edrick Jamar Dunn #18946519

(Pro se)

McConnell Unit

3001 S. Emily Dr.

Breville, Tx 78102-8696

Staple

QUESTIONS FOR REVIEW

1. Did petitioner properly file dispositive motions between July and September of 2025?
2. Did petitioner file writ of mandamus regarding dispositive motions if they were filed in December of 2025?
3. Was motion for leave to proceed In Forma Pauperis granted?
4. At the time that mandamus was filed was there any other means of obtaining the requested relief?
5. Did relator have a right to the writ at the time it was filed?
6. Should have the 5th Circuit Court of Appeals denied mandamus as moot?
7. Has the 5th Circuit Court of Appeals entered a decision so far departed from the accepted and usual course of judicial proceedings that the Supreme Court's supervisory power is called for by exercise?

LIST OF PARTIES

1. Jim Bob Darnell

Richard Neal Burt, Counsel

Assistant District Attorney

Lubbock County Courthouse

P.O. Box 10536

Lubbock, Texas 79408

2. Barbara Sucus

Matthew D. Matzner, Counsel

Crenshaw, Dupree and Milan, L.L.P.

P.O. Box 64479

Lubbock, Tx 79464-4479

3. Sara L. Smith

Matthew D. Matzner, Counsel

Crenshaw, Dupree and Milan, L.L.P.

P.O. Box 64479

Lubbock, Tx 79464-4479

DISCLOSURE STATEMENT

Petitioner Edrick Jamar Dunn #1896519 is a inmate confined in an institution of the "STATE OF TEXAS" and this petition is being filed pro se.

OPINIONS BELOW

1. Edrick Jamar Dunn #1896519 v. Jim Bob Darnell, Barbara Sucusy and Sara L. Smith, Action was filed in the 237th District Court of Lubbock County, Texas. Case was removed to the Northern District of the Federal District Courts Lubbock Division on June 20th, 2025. Case No. - 06-2023-CV-1533.
2. Edrick Jamar Dunn #1896519 v. Jim Bob Darnell, Barbara Sucusy and Sara L. Smith, Civil Action No. 5:25-CV-00132-H was finally determined on February 6th, 2026 in the Federal District Courts Northern District of the Lubbock Division.
3. In Re Edrick Dunn, No. 25-11384, Petition for writ of mandamus was denied on April 23rd, 2026 in the 5th Circuit Court of Appeals.
4. Edrick Jamar Dunn #1896519 v. Jim Bob Darnell, Barbara Sucusy and Sara L. Smith, No. 26-10273 was dismissed on June 12th, 2026 in the 5th Circuit Court of Appeals.

## TABLE OF CONTENTS

|                                                   | <u>PAGES</u> |
|---------------------------------------------------|--------------|
| Questions Presented . . . . .                     | 1            |
| List of Parties . . . . .                         | 2            |
| Disclosure Statement . . . . .                    | 3            |
| Opinions Below . . . . .                          | 3            |
| Table of Contents . . . . .                       | 4            |
| Table of Authorities . . . . .                    | 5            |
| Citations . . . . .                               | 6            |
| Jurisdiction . . . . .                            | 6            |
| Constitutional and Statutory Provisions . . . . . | 6            |
| Statement of the Case . . . . .                   | 6-7          |
| Argument . . . . .                                | 7-8          |
| Conclusion . . . . .                              | 8            |

## INDEX TO APPENDICES

|                                                                             | <u>PAGES</u> |
|-----------------------------------------------------------------------------|--------------|
| Appendix A (5TH Circuit Court of Appeals Order, April 23rd, 2026) . . . . . | 11-13        |
| Appendix B (5TH Circuit Court of Appeals Order, June 12th, 2026) . . . . .  | 14-15        |
| Appendix C (Civil Docket For Case #: 5:25-CV-00132-H) . . . . .             | 16-23        |
| Appendix D (Rules and Statutes Involved) . . . . .                          | 24-26        |

## TABLE OF AUTHORITIES

1. Edrick Jamar Dunn #1890519 v. Jim Bob Dammell, Barbara Sucusy and Sara L. Smith, No. 26-10373.
2. In re Edrick Dunn, No. 25-11384.
3. In re Willy, 831 F.2d 545, 549 (5TH Cir. 1987).
4. Will v. Calvert Fire Ins. Co., 437 U.S. 655-661-62 (1978).

## STATUTES AND RULES

1. Supreme Court Rule 10 (a).
2. 28 U.S.C. § 1254 (1).
3. 28 U.S.C. § 1651 (2).
4. 42 U.S.C. § 1983.

### CITATIONS

1. Edrick Tamar Dunn #1896519 v. Tim Beto Darnell, Barbara Sursy and Sara L. Smith, No. 26-10273 (USDC No. 5:25-cv-132) (2026).
2. In Re Edrick Dunn, No. 25-11384 (USDC No. 5:25-cv-132) (2026).

### JURISDICTION

The dates on which the United States Court of Appeals decided my case was April 23rd, 2026 and June 12th, 2026. The jurisdiction of this court is invoked under 28 U.S.C. § 1254(1) and furthermore Rule 12.4 is also invoked.

### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 28 U.S.C. § 1254 (1).
2. 28 U.S.C. § 1651 (2).
3. 42 U.S.C. § 1983.

### STATEMENT OF THE CASE

On June 20th, 2025 Civil Action No. 5:25-cv-00132-H was removed from the 237th District Court of Lubbock County, Texas to the Federal District Court for the Northern District of Lubbock Division. Between July and September 2025 Plaintiff filed motion for summary judgment and three motions seeking a temporary restraining order or preliminary injunction. In December of 2025 relator filed mandamus petition claiming that the district court had unduly delayed in adjudication of those motions. In attachment of the mandamus petition relators motion for leave to proceed In Forma Pauperis

was granted. On April 23rd, 2006 the 5th Circuit Court of Appeals entered order stating that "mandamus relief was denied as moot because relator had direct appeal pending in that court" but then dismissed appeal on June 12th, 2006. In the court of first instance suit was removed under 42 U.S.C. § 1983 (Federal Question Jurisdiction). Writ of Mandamus was then filed in the 5th Circuit Court of Appeals seeking resolution of dispositive motions before judgment in aid of jurisdiction.

#### ARGUMENT

Mandamus is an extraordinary remedy that should be granted when compelling circumstances exist. In *Re Willy*, 831 F.2d 545, 549 (5th Cir. 1987), a party seeking mandamus relief must show both that he has no other adequate means to obtain the requested relief and that he has a "clear and indisputable" right to the writ. Mandamus is a possible remedy when the district court has unduly delayed in ruling on a case. See *Wyll v. Colvert Fire Ins. Co.*, 437 U.S. 655, 661-62 (1978).

At the time that mandamus was filed in the case relator had no other means of obtaining the requested relief and in fact had right to issuance of the writ. The motion for leave to proceed *In Forma Pauperis* was granted and relator should have been permitted to proceed.

Therefore because of these facts the 5th Circuit Court of Appeals has entered a decision so far departed from the accepted and usual course of judicial proceedings that the Supreme Court's supervisory power is called for by exercise.

CONCLUSION

Petitioner, PRATYS, that the, Supreme Court, exercises, its, supervisory power.

SO PRAYED.