

26-5540

No. _____

ORIGINAL

FILED

MAR 10 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Stephen Phillips

— PETITIONER

(Your Name)

vs.

Correctional Officers, et al

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS (Sixth Circuit)

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

PETITION FOR WRIT OF CERTIORARI

Stephen Phillips

(Your Name)

NW 960 State Route 212

(Address)

Tiptonville, TN 38079

(City, State, Zip Code)

731-253-5000

(Phone Number)

QUESTION(S) PRESENTED

1. How is it that plaintiff didn't allege facts when he filed his complaint, he was in imminent danger of serious physical injury due to the defendants actions and "inside the "civil complaint form" that was directly sent to plaintiff from the clerk (Wendy Oliver) of the United States District court, for plaintiff to fill out "gave direct instructions on the same page for plaintiff to "just explain what happened," but "Do Not!" use any "legal argument" "citations," "Statutes," or cases to explain facts in your complaint?"
2. How is that, judge Samuel H. Mays, Jr., of the United States District court for the Western District of Tennessee "clearly know that plaintiff's U.S. Constitution Rights are above his Federal Rights and his State Rights and knowing that plaintiff's Eighth Amendment Right was clearly violated and did not give plaintiff his requests (reliefs)?"
3. How is it that, judge Samuel H. Mays, Jr., of the United States District court for the Western District of Tennessee and the Circuit Judge KUTHLIDGE (UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT) "see clearly that ^{my} before (3) complaints express facts involving my "U.S. Constitution Rights" and never should have been considered (3) strikes and only these (3) strikes come from, judge Samuel H. Mays, Jr., in agreement with, circuit judge Kuthledge and only show truthfully their "abuse of discretion?"

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Jensen v. Shinn, United States District Court, D. Arizona
June 30, 2022, 604 F. Supp. 3d 789 (Please read Headnote [¶] also)

Thomas v. Ponder, 611 F.3d 1144 (Please read Headnote [¶] also)

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CASES

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was November 12, 2025.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First and Eighth and Fourteenth Amendment.

STATEMENT OF THE CASE

On August 26, 2024 plaintiff filed a 42 U.S.C. § 1983 Civil Rights Complaint, regarding that on August 17, 2024 and August 18, 2024 defendants denied him fruit that goes along with his breakfast and these defendants were "well aware" of their depriving actions "that psychologically and physically" put plaintiff in a "susceptible position" to face imminent danger of serious physical injury." On November 14, 2024 the judge (Samuel H. May Jr.) U.S. District Judge denied plaintiff's complaint for not alleging he was in imminent danger and so did judge of Sixth Circuit (Kethledge) deny plaintiff's complaint to appeal on *in forma pauperis* on November 12, 2025 due to (B) strike rule, not stating imminent danger and fail to reopen case within 28 days. But plaintiff did send "motion to alter or amend judgment" with the U.S. District Court within those 28 days to serve as his reopening the case on "personal challenging grounds under rule 59(c) of Fed. Civ. P. and to not assess \$405.00 filing fee on plaintiff. The U.S. District Court judge denied plaintiff's motion to alter or amend judgment and he should have not denied it due to "plaintiff reminding him in regards to the 42 U.S.C. § 1983 Civil Rights Complaint Form that was sent to plaintiff directly from the clerk of office (Wendy Oliver) via U.S. mail service and on that same complaint form" the instructions on either page 2 or 3-5 "precisely stated to just explain what happen to you in facts and 'DO NOT' use any citations, statutes, rules, cases, or legal arguments." So, with that being said plaintiff "could not express the 'imminent danger of serious physical injury law'." And, lastly the U.S. Court of Appeals (Sixth Circuit) denied plaintiff's *in forma pauperis* for (B) strike rule and failing to state imminent danger rule and lack of prosecution (\$405 filing fee to the U.S. District Court within 30 days). And, plaintiff assert that both Sixth Circuit judge and U.S. District judge "lack jurisdiction" in regard to the 42 U.S.C. § 1983 Civil Rights Complaint Form that was sent to plaintiff via clerk of office with those instructions on it.

REASONS FOR GRANTING THE PETITION

Plaintiff should be granted writ of certiorari because U.S. District Court and U.S. Court of Appeals (Sixth Circuit) were erroneous regarding plaintiff's Eighth Amendment Right under the U.S. Constitution (Cruel and unusual Punishment) and "clearly knowing" that these defendants did the same thing regarding plaintiff's Eighth Amendment Right. See, *Deerman v. Woodson*, 429 F.2d 1288, 1290 (10th Cir. 1970) (two days' deprivation of food stated a constitutional claim).

Plaintiff should be granted writ of certiorari because U.S. District Court and U.S. Court of Appeals were erroneous regarding plaintiff's First and Fourteenth Amendment Right under the U.S. Constitution and they both showed "abuse of discretion" and "lack of jurisdiction" regarding plaintiff's complaint against defendants.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Stephen Phillips

Date: 3-10-26