SUPREME COURT OF THE UNITED STATES

FILED
JUN 17 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

CASE NO. 26-6078

ORIGINAL

***

PAUL M. POUPART

versus

LOUISIANA

***

ON PETITIONER FOR THE GREAT WRIT OF CERTIORARI TO THE LOUISIANA SUPREME COURT, CASE NUMBER: 25-KO-1364, FROM THE COURT OF APPEAL-FIFTH CIRCUIT, CASE NUMBER: 25-CA-102; ORIGINATING IN THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, CASE NUMBER: 856-442, HER HONOR, STATE DISTRICT JUDGE DANYELLE M. TAYLOR, PRESIDING

***

PETITION FOR THE GREAT WRIT OF CERTIORARI

Filed By:

Paul M Poupart

Paul M. Poupart # 357073
LDPS&C – Elayn Hunt Correctional Center
6925 Highway 74, Unit 2, Fox 3C-92
St. Gabriel, LA 70776-0174

RECEIVED
NOV 03 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED FOR REVIEW

Whether the *State of Louisiana* and its *Legislature* constitutionally re-enacted the provisions of *LSA-R.S. 15:529.1*, and its numerical expression after an express repeal of such provisions without a savings clause in violation of the *Eighth* and *Fourteenth Amendment to the Constitution of the United States*.

***

Whether the *State of Louisiana* and its *Judicial Branch* of government have abused their discretion when denying a '*prisoner suit*' to challenge a state statute on its legality under the doctrines of *res judicata*, *subject-matter jurisdiction*, *failure to state a cause of action*, and *no right of action* under the *First Amendment to the Constitution of the United States*.

***

Whether the *State of Louisiana* has violated the Petitioner's federal rights to the *due process of law* under the *Fourteenth Amendment to the Constitution of the United States*.

LIST OF PARTIES TO PROCEEDING

The Petitioner is Paul M. Poupart, the inmate and the petitioner in the Court below. The Respondent is the Attorney General of the State of Louisiana, Liz Murrill, who is the Defendant / Appellee in this Case below.

24th Judicial District Court
Parish of Jefferson
State of Louisiana
State of Louisiana
Case No. 856-442

Fifth Circuit, Court of Appeal
State of Louisiana
Case No. 25-CA-102

Louisiana Supreme Court
State of Louisiana
State of Louisiana
Case No. 25-KO-1364

CORPORATE DISCLOSURE STATEMENT

I, *Paul M. Poupart*, a citizen of the United States of America, declare under the penality of perjury, that, according to my information and belief, I do *not* own any parent corporation in these United States of America nor 10% of any publicly held company or its stock in these United States of America or any other foreign government.

Paul M Poupart

Paul M. Poupart # 357073
Elayn Hunt Correctional Center
6925 Highway 74, Fox 3C-92
St. Gabriel, LA 70776

Honorable Scott Harris
Clerk of Court
Supreme Court of the United States

LIST OF PROCEEDINGS

Docket No. _____
Supreme Court of the United States
Poupart v. Louisiana, _____ U.S. _____ (2026)

Docket No. 2025-KO-1364
Supreme Court of Louisiana
Poupart v. State of Louisiana, 25-1364 (La. 4/9/26); ____ So.3d ____

Docket No. 2025-CA-102
Court of Appeal, Fifth Circuit
Poupart v. State of Louisiana, 25-102 (La. App. 5 Cir. 9/24/25); 2025 WL 2715338

Docket No. 856-442, Section 'O'
24th Judicial District Court – Parish of Jefferson
Poupart v. State of Louisiana, 856-442 (La. J.D.C. 24th 1/27/25); ___ So.3d ___

TABLE OF CONTENTS

Cover Page	1
Questions Presented For Review	2
List of Parties to Proceeding	3
Corporate Disclosure Statement	4
List of Proceedings	5
Table of Contents	6
Table of Cited Authorities	7-8
Citations of Official Reports	9
Basis For Jurisdiction	9-11
Constitutional Provisions Involved (Appendix)	11
Statement of the Case	12
Direct Arguments	13-25
Conclusion/Prayer	25-27
Prayer	27-28
Affidavit of Compliance	29
Declaration	29
Proof of Service	29-30
Appendix A	31

TABLE OF CITED AUTHORITIES

Federal Authorities:

U.S. Constitution, Article III 9

U.S. Constitution, Article III, § 2 9

U.S. Supreme Court Rule 10(C) 9

U.S. Supreme Court Rule 12(2), 13 (1), 14 9

U.S. Supreme Court Rule 14.1(e)(v) 10

U.S. Supreme Court Rule 29(4)(C) 10

U.S. Supreme Court Rule 12(2), 13(1), 14 9

Title 18 U.S.C. § 3006(A)(d)(7) 10

Title 28 U.S.C. § 1257 9

Title 28 U.S.C. § 1651 9

Title 28 U.S.C. § 2101(C) 9

Title 28 U.S.C. § 2403(b) 10

U.S. Const. Amendment VIII 27

Federal Cases:

Daughlia v. DeVry, 547 F.3d 1212 (9th Cir. 2009) 13

Dajan v. Defenders of Wildlife., 304 U.S. 555 (1992) 10, 11, 13, 14, 15

Las Angeles v. Lyons., 461 U.S. 95 (1983) 11

Medimmume, Inc. v. Genentech, Inc., 549 U.S. 118 (2007) 12

Solem v. Helm, 436 U.S. 277 (1993) 12

Weems v. United States, 217 U.S. 349 (1920) 12, 16

Misccosukee Tribe of Indian of Florida v. United States Army Corps of Engineers, 619 F.3d 1289 (11 Cir. 9/15/10) 24

Seals v. McBee, 898 F.3d 589 (5th Cir. 2018) 25

Jaehne v. New York, 128 U.S. 189, 194 (1888) 26

Calder v. Bull, 3 U.S. (3 Bull.) 386, 390 (1798) 26

Lynce v. Mathis, 519 U.S. 433 (1997) 27

State Authorities:

Poupart v. State of Louisiana, 25-102 (La. App. 5 Cir. 9/24/25); 2025 WL 2715338 9

Acts 312, of 1956 (Louisiana Legislature)..... 18

LSA-Constitution, Article 1, § 9 18

LSA-Constitution, Article V, § 16 19

LSA-R.S. Article 2 19

LSA-R.S. 15:529.1 ..... 2, 12, 14, 15, 16, 18

LSA-R.S. 15:1171(B) 24

LSA-R.S. 15:1172(A) 25

LSA-R.S. 15:1172(E) 25

LSA-C.C.P., Article 2 20

LSA-C.C.P., Art. 885.1 ..... 23, 25

LSA-C.C.P., Article 931 21

LSA-C.C.P., Article 1314 ..... 21, 25

Title 15 Louisiana's Revised Statute 24

LSA-R.S. 14:122 25

House Bill 307, Act 311, August 1, 2019 27

LSA-R.S. C.Cr.P., Article 882 28

State Cases:

Carollo v. Dept. of Transp. & Develop, 24-0114 (La. App. 4 Cir. 10/14/21); 366 So.3d 362 20

Fine v. Regional Transit Authority, 95-2603 (La. App. 4 Cir. 6/26/96); 676 So.2d 1134 21

Hughes v. Connick, 06-152 (La. App. 5 Cir. 9/26/06), 942 So.2d 1076, 1079 ..... 20, 23, 28

McLean v. Majestic Mortuary Serv., 11-1166 (La. App. 5 Cir. 5/22/12; 96 So.3d 571 21

Oliver v. Depart. Of Public Safety & Corr., 674 So.2d 262 (96-1041) (La. 5/31/96) 20

Roy Anderson Corp v. 225 Barrone Complex., 280 So.3d 730, 18-0962 (La. App. 4 Cir. 9/25/19) 21

State v. Board of Supervisors – LSU, 84 So.2d 597 (1955) 24

Cellular South, Inc. v. BellSouth Telecommunications, LLC, 214 So.3d 208 (Miss. 2017) 18

Wenice HMA., LLC v. Sarasota County, 228 So.3d 76 (Fla. 2017) 18

Weber v. Estate of Hill, 355 So.3d 1030 (2021) 18

CITATIONS OF OFFICIAL REPORTS

Poupart v. State of Louisiana, 25-102 (La. App. 5 Cir. 9/24/25); 2025 WL 2715338

BASIS FOR JURISDICTION

Now entering this Honorable Supreme Court is the Petitioner, *Paul M. Poupart*, who presents this statement as grounds for jurisdiction in this court of law and equity.

Petitioner is seeking the great writ of certiorari from the Supreme Court. On April 9, 2026, the Supreme Court of Louisiana denied to grant petitioner the state Writ of Certiorari regarding the issue presented to it. The principles of *res judicata* were raised and it is the Petitioner's belief that this Supreme Court should invoke its jurisdiction to correct the state of Louisiana on the doctrine and exceptions of *res judicata*.

Today, Petitioner believes the statutory provisions that confer on this Supreme Court jurisdiction to grant the great Writ of Certiorari is as follows; *U.S. Constitution, Article III, § 2; U.S. Supreme Court Rule 12(2), 13(1), 14; Title 28 U.S.C. §§ 1257, 1651*, and as otherwise provided by federal laws.[1]

Under *U.S. Supreme Court Rule 10(c)*, the considerations governing review on certiorari as as provided: '....a state court or a United States court of appeals has decided an important question of federal law that has not been, should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.'

May this Supreme Court of the United States invoke its jurisdiction powers in this peculiar case where it is *prima facie* that the state of Louisiana has created and delegated a law that does not possess a savings clause. It is also *prima facie* that adequate relief cannot be obtained in any other form or from any other court (state of federal).

1 See *Title 28 U.S.C. § 2101(c)*.

The proceeding in this Court has drawn into question the constitutionality of a state statute and in accordance with *U.S. Supreme Court Rule 29(4)(c)*, the provisions of *Title 28 U.S.C. § 2403(b)*, may apply. It is declared that applicant has served the Attorney General of the state of Louisiana in the exceptional matter. See also *U.S. Supreme Court Rule 14.1(e)(v)*. This case warrants the exercise of this Supreme Court's powers.

For the Court, not only does Mr. Poupart rely on the rules and statutes above seeks to reserve his right to petition in the utmost of The *First Amendment*, he presents today that he believes he has standing to address the errors of the state courts.

Your Supreme Honor(s); It well settled that 'standing' in this federal court is defined as having three existing constitutionally requirements; Lujan v. Defenders of Wildlife, (1992)[2]; they are:

(a) Mr. Poupart must have suffered an '*injury-in-fact*' – an invasion of a legally protected interest. That protected interest is the right to petition the government. The interest is a concrete analysis of the impact of liberty and the particularized interest is the availability the state has given to its inhabitants to petition its authorities – under both civil and criminal laws. This interest is imminent of itself as no other defendant in these states have argued this point of reference in civil law in this state;

(b) Mr. Poupart's has a causal connection between the injury and the conduct of the defendants complained of. This issue is fairly traceable to the challenged action in the state courts and is not {the} result of the independent action of some third party not before the Court.'; and

(c) And, Mr. Poupart's interest must be 'likely'. Mr. Poupart opines today that none of his claims are 'speculative' – and further, if allowed, Mr. Poupart believes that injury to

2 Lujan v. Defenders of Wildlife, 304 U.S. 555 (1992)

his liberty will be, should be, and infinitely addressed by a favorable decision of humanity. Lujan, *id.*

Today, Mr. Poupart is demonstrating that he has standing sufficient to justify the particular relief sought; See Los Angeles v. Lyons, (1983)[3]. It is understood that *Article III, standing* is not injury to the environment but injury to the plaintiff. And, it evident of the intelligence of the Supreme Court Judges that if such a statutory interest is violated by a state or its subordinates, the personal *injury-in-fact* requirement for *Article III, standing* is present. May this Supreme Court invoke its jurisdiction in this matter. May it so be that this statement sponsors a basis for jurisdiction in this United States Court of Equity a *cel jour*.[4]

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Article III:

First Amendment to the Constitution:

Eighth Amendment to the Constitution:

Fourteenth Amendment to the Constitution:

3 Los Angeles v. Lyons, 461 U.S. 95 (1983).

4 Petitioner is now, as the issue of this petition reveal, requesting for appointment of an attorney under the Criminal Jurisdiction Act of 1965. See also *Title 18 U.S.C. § 3006(A)(d)(7).*

STATEMENT OF THE CASE

On January 9, 2025, the Twenty-Fourth Judicial District Court of the Parish of Jefferson, State of Louisiana, conducted a contradictory on the Defendant's '*Exceptions*' to this civil action. After such hearing, the state trial court dismissed this action brought by the Petitioner with prejudice at Petitioner's cost on January 17, 2025, regarding the constitutionality of a state statute where the state statute was repealed in 1956, without a savings clause. (*LSA-R.S. 15:529.1*) The Court of Appeal, Fifth Circuit for the State of Louisiana affirmed on '*devolutive appeal*' the filings and opinions reached in the Twenty-Fourth Judicial District Court on September 24, 2025. On April 9, 2026, the Supreme Court of Louisiana denied the Petitioner, *Paul M. Poupart*, the State Writ of Certiorari regarding the constitutionality of a state statute.

The federal question sought to be reviewed was raised in the court of first instance and sponsored by case precedent such as: *Weems v. United States*, 217 U.S. 349 (1920), *Solem v. Helm*, 436 U.S. 277 (1993), *Daghlian v. DeVry*, 574 F.3d 1212 (9th Cir. 2009), and *Medimmune, Inc. v. Genentech, Inc.*, 549 U.S. 118 (2007), where Petitioner raised that the *Eighth Amendment to the U.S. Constitution prohibits unusual punishments*. [5]

The procedural posture of this action forced Petitioner to raise the federal question in the State Supreme Court that the '*Due Process Clause*' of the *Fourteenth Amendment to the Constitution* has been violated by the lower courts when the appellant court affirmed such egregious opinions. [6]

All federal questions were raised timely and this Supreme Court has jurisdiction to review the April 9, 2026, judgment on a Writ of Certiorari.

---

5 See Motion For Declaratory Judgment, pp. 3-5, Case No. 856-442, Section 'O', 24th Judicial District Court, Parish of Jefferson, State of Louisiana. See also Devolutive Appeal, pp. 23-25, Case No. 25-CA-102, Court of Appeal, Fifth Circuit, State of Louisiana (due process of law). See Application For Writ of Certiorari, pp. 16, 19-20, Case No. 25-KO-1364, Supreme Court of Louisiana. See Rebuttal Brief. pp. 12, 19, Case No 25-KO-1364, Supreme Court of Louisiana.

6 See Application For Writ of Certiorari, pp 16, 19-20, Case No. 25-KO-1364, Supreme Court of Louisiana. See Rebuttal Brief, pp. 12, 19, Case No. 25-KO-1364, Supreme Court of Louisiana, State of Louisiana.

DIRECT ARGUMENTS

Now entering this Honorable *Supreme Court of the United State* is the Plaintiff, *Mr. Paul M. Poupart*, who is state and federal citizen confined in the jurisdiction of the *United States of America*. *Mr. Poupart* intends to argue whether the state of Louisiana has violated the *Constitution of the United States* in the particular civil action so captioned.

The language used in these arguments are not intended to harm, insult, ridicule, or vex any state or federal authority figure of these lands. *Mr. Poupart* relieves on the *First Amendment* to the *Constitution* to sponsor any and all arguments found in the body of this petition. May the ends of justice prevail for the federal citizen today. The arguments are situated at each question presented which are explicitly for the supreme readers and their community only and are as followed:

(Under the *First Amendment to the United States Constitution* – it is the Petitioner's belief that he has the right to petition this federal government for redress of this grievances against the state of Louisiana and its Judicial Branch.)

I.

Whether Paul M. Poupart has standing from this injury-in-fact.

Your Supreme Honor(s); It well settled that 'standing' in this federal court is defined as having three existing constitutionally requirements; Lujan v. Defenders of Wildfire, (1992)[7]; they are:

(a) *Mr. Poupart* must have suffered an 'injury-in-fact' – an invasion of a legally protected interest. That protected interest is the right to petition the government. That interest is a concrete analysis of the impact of liberty and the particularized interest is the availability the state has giving to its inhabitants to petition its authorities – under both civil and criminal laws. This interest is imminent of itself as no other defendant in these states have argued this point of reference in civil law in this state;

7 Lujan v. Defenders of Wildfire, 304 U.S. 555 (1992).

Mr. Poupart believes that he has suffered an *injury-in-fact*. *Mr. Poupart* believes that *Elizabeth Murrill* and her successor and her subordinates are continually invading his legally protected interest to be sentenced under a valid law or set free in his liberty/person. It is even more evidence that the *Eleventh Amendment* provides no refuge from federal jurisdiction and the defendants have not particularized this Amendment in any pleading.

Mr. Poupart's injury involves being confined and housed in state facility where the law that defines his confinement is substantial unconstitutional to the *Fourteenth Amendment* making *Mr. Poupart's* sentence unconstitutional under the *Eighth Amendment*.

(b) *Mr. Poupart's* has a causal connection between the injury and the conduct of the defendants complained of. This issue is fairly traceable to the challenged actions in the state courts and is not {the} result of the independent action of some third party not before the Court; and

Mr. Poupart believes that he has a connection between the illegal confinement as a citizen and the conduct of the state legislature, state courts, and the individual litigants to this matter. It is evident from the *records of proceedings* that this issue of constitutionality is traceable to the action for 'declaratory' relief, which normally comes with injunctive relief, as petitioner has continued his claim for over eight times in the past 4 years without any decision by any court of this land. As stated in earlier text this issue is the result of the independent actions of the state of Louisiana authorities, and the only representative of the state of Louisiana is present as defendant in this action. (The Executive Officer enforces the Law.)

(c) And, Mr. Poupart's interest must be 'likely'. *Mr. Poupart* opines today that none of his claims are 'speculative' – and further, if allowed, *Mr. Poupart* believes that injury to his liberty will be, should be, and infinitely addressed by the favorable decision of humanity. Lujan, *id.*

It is evident the *Mr. Poupart's* interest in his liberty to live in a societal environment is a 'likely' situated to consider. None of *Mr. Poupart's* claims were speculative of any ideal. *Mr. Poupart* believes that the injury to his liberty rights could be addressed by this very court. Lujan, *id.*

Therefore, *Mr. Poupart* believes he has satisfied the three elements of standing and moves this Supreme Court to invoke its *Article III* jurisdiction in this action.

A.

Whether the State of Louisiana and its Legislature constitutionally re-enacted the provisions of LSA-R.S. 15:529.1, and its numerical expression after an express repeal of such provisions without a savings clause in violation of the Eighth and Fourteenth Amendment to the Constitution of the United States.

To begin these direct arguments, may the Most Supreme Judges of this Nation agree with the Petitioner (*Mr. Poupart*), in his belief and with creative diligence that the state statute of *LSA-R.S. 15:529.1*, is unconstitutional and illegal as applied by Elizabeth Murrill and her subordinates.

Petitioner believes that because of this unconstitutionality Elizabeth Murrill and her subordinates are still violating the *Eighth Amendment to the Constitution*. Not only Elizabeth Murrill violated the *Eighth Amendment* – she and her subordinates have improperly filed to the judicial branch for relief and infringed upon Mr. Poupart's *Fourteenth Amendment* right to the '*due process of law*' where a state statute was, in times past, created *without a savings clause*.

The *Eighth Amendment to the Constitution* provides:

> *Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (1791)*

In the court of first instance (24th Judicial District Court), *Mr. Poupart* filed a document entitled: '*Motion For Declaratory Judgment*'. The state district court considered this filing a civil action against the state of Louisiana and changed the original party of the Louisiana Department of Public Safety & Corrections to the above party. Seeing this and attempting to comply with the clerk of court's

instructions and payment plans, *Mr. Poupart* drafted his complaint as the clerk had filed the action although the action was transferred from the 19th Judicial District Court (the original court of first instance).

In the contentions of the motion above, *Mr. Poupart* moved the 24th Judicial District Court for review of the constitutionality of the state statute of *LSA-R.S. 15:529.1*. Most of *Mr. Poupart's* pleadings rested on state laws and state precedents that precluded the creation of this statute without a savings clause. In paragraph 10, of this motion *Mr. Poupart* first raised the claim that the direct result of *Act 312, of 1956* (La. Legislature) his sentence is illegal under the *Eighth Amendment to the Constitution*. *Mr. Poupart* received no '*constitutional remedy*' on this claim. [8]

At the in-court hearing in the 24th Judicial District Court, Her Honor, State District Judge Danyelle Taylor, the judge of such action, never questioned *Mr. Poupart* on his constitutional claim nor did the attorney general raise any defense to that particular claim.

In *Weems v. United States*, (1920)[9], this Supreme Court gave dictum that is relevant to this petition today. It provided:

> *The Eighth Amendment to the Constitution prohibits cruel and usual punishments, including not just barbaric punishments, but also those that are disproportionate to the crime committed.*

If this Supreme Court will see the record of proceedings through state and federal reporters, *Mr. Poupart* has exhausted every known *collateral* remedy in all state and federal courts before the 'due diligence' of discovering the illegality of this law in which he is sentenced was discovered.

This new discovery became seriously important to his legal understanding. Although styled against the same party that prosecuted him and recommended the illegal sentence under an illegally created law, *Mr. Poupart* did not initially place the state of Louisiana as the party to whom the action

8 See Constitutional Remedies (*Harvard Law Review*)
9 *Weems v. United States*, 217 U.S. 349 (1920).

would affect. [It is commonly interpreted that any department of a state can be an action against the state.] *Mr. Poupart* was filing an action against the Louisiana Department of Public Safety & Corrections for illegal confining him under an unconstitutional law and ultimately the Clerk of Court of the 24th Judicial District Court chose to put the state of Louisiana as the Defendant in this action. This is a matter that is and was out of the control of the Petitioner, today and forevermore.

Seeing this, *Mr. Poupart* was prepared and attended the January 9, 2025, hearing and no time at this hearing did attorney general submit an objection to the constitutional claim that *Mr. Poupart* presented. Civil law and its universe considers this failure a waiver of such claim and that claim is still valid for the Supreme Court's consideration on certiorari.

The *Fourteenth Amendment* to the Constitution provides:

> *All persons born or naturalized in the United States, and subject to the jurisdiction therefore, are citizens of the United States and of the State whereas they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person without its jurisdiction the equal protection of the laws. (1868)*

This significant amendment and its civil right is the actual basis why this case is appropriate for review on certiorari in this Supreme Court.

The *Fourteenth Amendment to the U.S. Constitution* requires that '*due process of law*' must be followed in *civil* as well as criminal cases. The Court has stated that this means that the exercise of jurisdiction must be in accordance with 'traditional nations of fair play and substantial justice.' This has come to mean that a court can exercise jurisdiction if the action is filed in the appropriate court and the articles given a plaintiff standing cannot stand in the way of the *due process of law* protected by the *Fourteenth Amendment*.

***

In 1956, *Act 312*, of the Louisiana Legislature provided:

"LSA-R.S. 15:529.1, and all laws are parts of laws in conflict hereby repealed"

It was expressly repealed, so technically speaking, it was not reenacted through the Legislature in order to be a law on the books for the state to use. There can be '*no crime*' or in this case '*enhancement*' which is defined and denounced by statute, it is purely legislature functions, which cannot be delegated to, or exercised by the Judiciary. Weber v. Estate of Hill, 355 So.3d 1030 (2021).[10] A statute modifying a previous statute has the same effect as though the statute had the while previously existed in the same language as that contained in the modified statute, unless the modified statute contains a saving clause.[11] When a statute is repealed and substantially reenacted, it is deemed to have been in operation continually from the original enactment.[12]

B.

Whether the State of Louisiana and its Judicial Branch of government have abused their discretion when denying a 'prisoner suit' to challenge a state statute on its legality under the doctrines of subject-matter jurisdiction, failure to state a cause of action, res judicata and no right of action under the First and Fourteenth Amendments to the Constitution of the United States.

To start, this direct argument is based on the civil right of prisoners to file civil actions when their rights are found violated by individual state characters. *Mr. Poupart* believes that Elizabeth Murrill and Her subordinates have abused their powers when denying him an opportunity, under the supreme law of this land, to challenge a state statute on its legality.

The *First Amendment to the Constitution* provides:

> *Congress shall not under any law that prohibits.... The right to petition the government for a redress of grievance. See Also LSA-Constitution, Article 1 § 9.*

10 Many decision in this state have affirmed the rule, which generally prevails, that the effect of a repealing statute is to abrogate the *repeal* statute as completely as if had never been passed, and that a statute modifying a previously statute has the same effect as though the statute had all while previously existed in the same language as that contained in the modified statute, unless the *repealing* or modifying statute contains a savings clause....

11 Cellular South, Inc. v. BellSouth Telecommunications, LLC, 214 So.3d 208 (Miss. 2017)

12 Wenice HMA., LLC v. Sarasota County, 228 So.3d 76 (Fla. 2017)

A '*prisoner suit*' defined by the state of Louisiana's codification is: '*any civil proceeding with respect to ... the effects of actions by government officials on the lives of persons confined in prison.*' See *LSA-R.S. 15:1172.*

The *Fourteenth Amendment to the Constitution* provides:

> *All persons born or naturalized in the United States, and subject to the jurisdiction therefore, are citizens of the United States and of the State whereas they reside. No State shall make or enforce any law which shall abridge the privileges or immunizes of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws. (1868)*

Mr. Poupart will not set out the characterization of the question above in enumerated paragraphs as followed:

THE DOCTRINE OF SUBJECT-MATTER JURISDICTION

Mr. Poupart believes that Elizabeth Murrill and her subordinates did not correctly determine that the state trial court does not carry subject-matter jurisdiction under *LSA-C.C.P., Article 2*, when it is rights which are being challenged.

Subject-matter jurisdiction is constitutional not statutory and the provision presents in *Mr. Poupart's* rebuttal of the response to the writ grant considerations could clearly and prima facie find that the 19th Judicial District Court and the 24th Judicial District Court both had a measurable amount of subject-matter jurisdiction under *LSA-Constitution, Article V, § 16*, and the *First and Fourteenth Amendments to the Constitution.*

THE DOCTRINE OF FAILURE TO STATE A CAUSE OF ACTION

Mr. Poupart requests that this United Supreme Court sanction the casting party Elizabeth Murrill – where it is found that the respondent presented facts to support the defense of '*failure to state a cause of action*'. The filing is prohibited by *LSA-C.C.P., Article 931.* This fact is inexcusable by a member of our executive branch of government. Mr. Poupart moves to sanction all parties on this issue.

THE DOCTRINE OF *RES JUDICATA*

Mr. Poupart believes that Elizabeth Murrill and the trial court did not correctly determine that *Mr. Poupart's* action challenging the constitutionality of a statue of this state is barred by the doctrine of *res judicata.*

The state courts did not clarify the law on the exception of *res judicata* or did it clarify why the exception is not relevant here in this matter.

Mr. Poupart believes that the trial court could have found '*exceptional circumstances*' in this case to grant *Mr. Poupart's* exception to the doctrine of *res judicata* but, chose not to based on bad precedent which infringes on *Mr. Poupart's* declaration of rights found in our state's constitution.

Mr. Poupart believes that because the state appellate court has departed for proper judicial proceeding to clarify the law, a remand to the trial court is viable reasoning to grant the writ of certiorari in this matter.

Going further, the procedural rule of preclusion by judgment is not absolute and will yield to the *interests of justice*. That statement was *dictum* used in the case of Carollo v. Dept. of Transp. & Develop., (2021)[13], and affirming by the Louisiana Supreme Court.[14]

If the rule of *res judicata* is not absolute and will yield to the *interest of justice* for *Mr. Poupart*, then how came Elizabeth Murrill and her subordinates are complicit that Hughes is the controlling precedent in this matter. It cannot be. For the purpose of this reasoning that it cannot be, in *Mr. Poupart's* criminal proceeding he was the defendant – [conflicting] with the decision in Oliver v. Depart. Of Public Safety & Corr., (1996)[15], where our state was a defendant in a proceeding and the court maintained that: '*the statute established exceptions to the general rule of res judicata was not*

13 Carollo v. Dept. of Transp. & Develop., 21-0114 (La. App. 4 Cir. 10/14/21); 366 So.3d 362.
14 Carollo v. Dept. of Transp. & Develop., 21-1670 (La. 9/9/22); 346 So.3d 751.
15 Oliver v. Depart. Of Public Safety & Corr., 96-1041 (La. 5/31/96); 674 So.2d 262.

available to state in action challenging denial of application for beer and liquor permit insomuch as state was defendant, not plaintiff.'

This decision puts Elizabeth Murrill's position clearly ambiguous and erroneous to imply that *Mr. Poupart* cannot maintain this argument because he was a defendant in his criminal proceeding.

Going further, *Mr. Poupart* is in a factual situation that could not be anticipated before sentencing or post-conviction proceedings. These situations are exceptional and the decision in Roy Anderson Corp. v. 225 Barrone Complex, (2019),[16] signifies this argument in that the '*exceptional circumstances*' exception to *res judicata* generally apply to complex procedural situations in which litigants are deprived of the opportunity to present their claims due to factual situation that could not be anticipated by a party and the decisions are totally beyond the control of the party. This decision gives this United States Supreme Court an opportunity to engross the new law and weight these matters in favor of *Mr. Poupart*.

As stated earlier *Mr. Poupart* objects to Elizabeth Murrill's position in this case and requests the utmost educated clarification of the new law[17], in this matter to save the people of this state an opportunity which is favorable by the *due process of law* and *justice*. *Cf.* McLean v. Majestic Mortuary Serv., 11-1166 (La. App. 5 Cir. 5/22/12); 96 So.3d 571. See also Fine v. Regional Transit Authority, 95-2603 (La. App. 4 Cir. 6/26/96); 676 So.2d 1134.

THE DOCTRINE OF NO RIGHT OF ACTION

These doctrines are seriously an integral part of our adversarial system of government and disputes. *Mr. Poupart* believes that the state of Louisiana has violated his civil rights to the *First* and

16 Roy Anderson Corp. v. 225 Barrone Complex, 18-0962 (La. App. 4 Cir. 9/25/19); 280 So.3d 730.

17 *LSA-C.C.P., Art 855.1* Pleadings for unconstitutionality of state law
All civil actions alleging that a law is unconstitutionality shall be in writing and be brought in **ordinary proceedings**. The pleading shall be served upon the attorney general of the state in accordance with *Article 1314*. Upon on proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interest of the state. Effective April 29, 2024; ACT NO. 12; House Bill No. 23

Fourteenth Amendments to the Constitution by failing to rule on this action in accordance with the *Constitution.*

Mr. Poupart believes that Elizabeth Murrill and the trial court did not correctly determine that he has *no right of action* in this case. *Mr. Poupart* objects and presents the statement above in the rebuttal to the response to the writ grant considerations as *prima face* proof that a declaratory judgment is not only available before the prosecution. The situation arose while *Mr. Poupart* was in custody that the statute he was sentenced under could be unconstitutional. The fact gives rise to a prisoner suit to challenge a statute of this state or legislature has provided a right which is being overlooked by this state for years.

Mr. Poupart objects that he has *no right of action* which the provisions *Title 15*,of Louisiana's Revised Statutes clearly state that he does.

If this Supreme Court will find the provisions of the Corrective Administrative Remedy Procedures (A.R.P.) it will find in *LSA-R.S. 15:1171(B)*, it provides that the Department of Public Safety & Corrections (Department) is bound by Legislature of the state of Louisiana and the *Fourteenth Amendment to the Constitution* in that:

> *... receiving, hearing, and disposing of any and all complaints and grievances... against the state, the governor, the department... which arise while an offender is within the custody or under the supervision of the department...*

Mr. Poupart, through diligence, believes this law is an express waiver of the doctrine of sovereign immunity. *Mr. Poupart* has found a situation which arose while he is within the custody and supervision of the Department. Elizabeth Murrill and her subordinates have admitted that *Mr. Poupart* filed and complained and exhausted his administrative remedy concerning these issues.

The Legislature went on to explain:

> *...such complaints and grievances include ...any and all claims seeking monetary, injunctive,* ***declaratory****, or any other form of relief authorized by law and by way of*

*illustration includes actions pertaining to ...**challenges** to rules, regulations, policies or **statutes**. LSA-R.S. 15:1171-B.*

The legislature also codified that a claim like the *Mr. Poupart's* is consistent with 'civil proceedings' when it codified:

*... this procedure shall constitute the administrative remedies available to offenders for the purpose of **preserving any cause of action** they may claim to have against the state of Louisiana, or the Department of Public Safety & Corrections... (See LSA-R.S. 1172-A)*

In the Statement of he Opposition, the Elizabeth Murrill concluded that *Mr. Poupart* filed an action in the 19th Judicial District Court for the Parish of East Baton Rouge. That filing was the result of the codified provisions in *LSA-R.S. 15:1172(E)*, which give not only a preservation of a cause of action, as found above, it also gives the *Mr. Poupart* a liberative prescription to present his claim in state or federal court. Because this action was essentially an ("A.R.P.") on its first issuance, the claim was preserved under Louisiana Law and the *Fourteenth Amendment*.

Therefore, Elizabeth Murrill and her subordinates have erroneously interpreted what constitutes as a '*prisoner suit*'. That definition means: '*any* civil proceeding with respect to ... the effects of actions by government officials on the lives of persons confined in prison.'

Not only does the above provisions give *standing* in this matter for *Mr. Poupart* – the new provisions of the law of this state say that *any* constitutional challenge shall be in an '*ordinary proceeding*' – which is defined as civil actions. See *LSA-C.C.P., Article 855.1*.[18]

In brevity of his *standing*, *Mr. Poupart* believes there is more than one provision of law that considers the appellant precedent of *Hughes* irrelevant to the present law and cannot be used to consider this claim today or this Court will in turn judge *Mr. Poupart* in an *ex post facto* fashion, which is forbidding by the rule of law.

---

18 Law: All civil actions alleging that a law is unconstitutional shall be in writing and be brought in ordinary proceedings. The pleading shall be served upon the attorney general of the state in accordance with *Article 1314*. Upon on proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interest of the state.

Mr. Poupart believes he has *standing* and he does have a right to file these proceedings as promulgated in State v. Board of Supervisors – LSU, 84 So.2d 597 (1955). For the Court, the procedural posture of a constitutional issue has changed and it is now in the purview of this United States Supreme Court to modify the law and clarify it under *Article III, of the Constitution.*

May this United States Supreme Court find that *Mr. Poupart* has standing in this action.

C.

Whether the State of Louisiana has violated the Petitioner's federal rights to the due process of law under the Fourteenth Amendment to the Constitution of the United States.

Finally, these direct arguments come to a close in *Mr. Poupart's* belief that Elizabeth Murrill and her subordinates have violated his federal constitutional rights by not affording him a redress to challenge the constitutionality of a state statute.

The *Fourteenth Amendment to the Constitution* provides:

> *All persons born or naturalized in the United States, and subject to the jurisdiction therefore, are citizens of the United States and of the State whereas they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (1868)*

Mr. Poupart believes that this United States Supreme Court has acquiesced in the federal reporters that a constitutional right repealed must provide a savings clause.[19] If a state legislature is to incorporate that right to maintain its legality under the federal constitution, Elizabeth Murrill and her subordinates have egregiously erred in requesting the dismissal of this action against itself. It is commonly known that abatement by repeal includes a statute's repeal and re-enactment. Is this not so ?

19 Miccosukee Tribe of Indian of Florida v. United States Army Corps of Engineers, 619 F.3d 1289 (11th Cir. 9/15/10). See also Robertson v. Seattle Audubon Soc., 503 U.S. 429 (1992).

At the hearing in question, Ms. Boudreaux said, "*The only court that would have subject matter jurisdiction is the original sentencing judge it that division.*" (See p. 8, 1/9/25 Hearing, 24th JDC) Where does that statement comport to the universe of civil law that a criminal sentence judge has jurisdiction over a civil action ? By the record of proceedings in this action, is not this action susceptible to the doctrine of *lis pendens* or has Elizabeth Murrill and her subordinates improperly created a gloss on the universe of civil laws and doctrines and how they are defined for them and not others ?

On the final note, this case is worthy of certiorari based on the words of our presidents and forefather of this nation whom said, " *...truth is great and will prevail if left to herself ... she is the proper and sufficient antagonist to error" ...when allowed to use... "her natural weapons, free argument and debate.*"[20]

CONCLUSION/PRAYER

In this case, *Mr. Poupart* argues that the state is holding his body illegally because it was determined in *Seals v. McBee*, that *La. R.S. 14:122*, which criminalized "Public intimidation," was unconstitutionally overly broad. See *Seals v. McBee*, 898 F.3d 589 (5th Cir. 2018). Because the crime was deemed unconstitutional, the state amended the law after *Mr. Poupart* had begun his post-conviction relief. To hold *Mr. Poupart*, the state applied this amendment statute retroactively because the *United States Fifth Circuit* ruled that the statute was unconstitutional on its face. *Id.* This means that no matter the context or set of facts to which the statute applies, it would still be unconstitutional because it is too broad. In this case, the act was a crime when it was committed, allowing *Mr. Poupart* to be aware of the potential penalties.

20 See *Hutchinson* and *Rachal*, "*The Papers of James Madison*", (*University of Chicago Press*, 1962 – 1:174-75)

However, the statute was later ruled unconstitutional, meaning it was invalid and could not legally be enforced. This decision implies that the law was never truly valid under the Constitution, as unconstitutional law is considered *void* and has no legal effect. As a result, criminal law cannot be imposed under this statute. The issue arose when the State amended the statute and used the revised law to justify keeping Mr. Poupart incarcerated. This raised a significant *ex post facto* concern, as the retroactive application of the amended statute imposed new legal consequences after the fact, potentially increasing his punishment. The Supreme Court has dismissed *ex post facto* challenges to laws that could, in some cases, apply retroactively but were applied only prospectively to the individuals, challenging the before the Court. See *Jaehne v. New York*, 128 U.S. 189, 194 (1888) *Mr. Poupart's* challenge would focus on the law's retroactivity because he was scheduled for release. However, due to the law's retroactive application, he was denied in violation of his constitutional rights. Thus, the law should be viewed as an *ex post facto* law.

The Court in *Calder v. Bull*, 3 U.S. (3 Ball.) 386, 390 (1798), pointed out what laws would constitute *ex post facto* laws. One such law alters the punishment for a crime, imposing a greater penality that what was prescribed at the time the offense was committed. *Mr. Poupart's* case would fall into this category. This type of law violates *ex post facto clause* because it retroactively changes the legal consequences of an act, subjecting the defendant to a harsher punishment that was in effect when the crime occurred, If the law is found to be unconstitutional, it is considered void from its inception. The (Beginning).... *This means that any crime punishment associated with it is also void and unenforceable.*

In *Mr. Poupart's* case, the law under which he was convicted was void, thus making the punishment unenforceable. Following this ruling, *Mr. Poupart* filed for post-conviction relief, arguing that he was denied for an offense that was no longer a crime. His request for relief should have been granted, but its denial suggest that the new law was being applied retroactively, effectively *increasing*

his *punishment*. This retroactive application raises serious concerns about the fairness and constitutionality of the law's used in this case.

However, while *Mr. Poupart* was going threw the State Courts on a Post Conviction Relief (PCR), filed on March 1, 2019, which was denied and his July 8, 2019 ruling from the Louisiana Appellant Fifth Circuit Court of Appeal was not served to *Mr. Poupart* or properly to his counsel. This caused him to be untimely for a higher appeal. This is also because the State was in the process of enacting the new legislature on the intimidation statute under *House Bill 307, Act 311 on August 1, 2019*. This caused *Mr. Poupart* to be untimely to the Louisiana Supreme Court. However, the Tulane Law Clinic filed an out of time writ, showing the State of Louisiana was reading requirements into a statute that *did not exist* while making the ruling.

In *Lynce v. Mathis*, 519 U.S. 433 (1997), the court considered an *ex post facto* challenge from a prisoner whose early release credits were revoked after his release, resulting in his rearrest and return to prison. The Court held that the retroactive cancellation of credits increased punishment because "it made ineligible for early release a class of prisoners who were previously eligible including some, like petitioner, who had actually been released." *Id.* at 477.

Similarly, was eligible for release, but the retroactive application of the law denied him that right. By denying t *Mr. Poupart* his right. Mr. Poupart's *Eighth Amendment* rights are being violated. This punishment should be viewed as cruel and unusual because *Mr. Poupart* is serving time for a crime that was unconstitutional at its inception. See *U.S. Const. Amend. VIII.* The factual problem is systemic, instead of consequential, they exist because there flawed system, even when your trying to challenge and shining light on their misdeeds.

PRAYER

WHEREFORE, I, *Paul M. Poupart*, a citizen of the State of Louisiana and the United States of America, now pray on this Supreme Court of the United States to invoke its jurisdiction in this

exceptional case and grant me constitutional relief from this improper due process of law by issuing the great writ of certiorari on the Supreme Court of Louisiana, the Court of Appeal-Fifth Circuit, and the Twenty-Fourth Judicial District Court under the principles of law May all general and equitable relief be afforded me in this request for a writ from this Supreme Bench, or consider this application as a timely motion to correct an illegal sentence under *LSA-C.Cr.P., Article 882.*

May my ordered liberty be demanded by the Supreme Bench to ensure fairness and the judicial process of law by state courts today. May the Supreme Honors of this governmental court accept my gratitude for any and all opinions on this matter. May it so be this day, *a cel jour.*[21]

10/26/26
Date

Paul M Poupart
Mr. Paul M. Poupart # 357073
LDPS&C – Elayn Hunt Correctional Center
6925 Highway 74, Unit 2, Fox 3C-92
St. Gabriel, LA 70776-0174
(225) 319-4295

cc: pmp

21 Hughes v. Connick, 06-152 (La. App. 5 Cir. 9/26/06), 942 So.2d 1076, 1079- The Hughes Plaintiff failed to argue the constitutionality of the statute he was convicted under and then sought a civil declaration addressing the very question. Here Plaintiff has already litigated those very claims. *See Appendix Pg. 60*