No. 26-6163

In the

Supreme Court of the United States

MICHAEL DAVID BYRUM—PETITIONER

VS.

GEORGE WALKER BUSH, Et al..., RESPONDENTS

ON A PETITION
FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

MICHAEL DAVID BYRUM, *Petitioner*
Texas Civil Commitment Center
2600 South Sunset Avenue
Littlefield, Texas 79339

Defendants/Appellees/Respondents
(Have not been served by the
District Court)

QUESTIONS PRESENTED FOR REVIEW

- **ISSUE 1:** Should the lower courts have provided counsel for effective assistance in bringing this complicated 42 U.S.C. § 1983 suit against numerous Texas State actors?
- **ISSUE 2:** Did the lower courts error, dismissing Byrum's 42 U.S.C. § 1983 suit, inappropriately applying 28 U.S.C. § 1915, unclearly suggesting a determination that the case is either "frivolous", or fails to state (a claim on which relief can be granted?
- **ISSUE 3:** Should state legislators be allowed to enjoy a shelter of immunity, if they are found to have unnecessarily and wantonly enacted a law that would violate another person's United States Constitution, Eighth and Fourteenth Amendment rights with deliberate indifference, deliberately delaying the person's "long-term" "necessary" treatment for a serious mental health condition, under the color of the law they created and enacted, specifically Texas Health and Safety Code, Title 11, Chapter 841 (THSC, Chapter 841)?
- **ISSUE 4:** Should a person who is confined under a civil action, specifically THSC, Chapter 841, be released from that civil confinement, if the civil process leading to the confinement is found to be unconstitutional through a 42 U.S.C. § 1983 civil suit?
- **ISSUE 5:** Have the lower courts erred dismissing Byrum's suit, while misconstruing his request for "injunctive relief", as a "request for mandamus relief"?

- **ISSUE 6:** Did the statute of limitations period lapse for Byrum to file his 42 U.S.C. § 1983 suit?
- **ISSUE 7:** Did Byrum fail to state an Eighth Amendment, mental health care claim, upon which relief could be granted?
- **ISSUE 8:** Did Byrum fail to state a Fourteenth Amendment procedural due process deprivation of life, liberty and property claim, upon which relief could be granted?
- **ISSUE 9:** Did Byrum fail to state a Fourteenth Amendment substantive due process claim, upon which relief could be granted?
- Did the Defendant(s), under the color of THSC, Chapter 841, including the officials implementing it, deliberately postpone constitutionally necessary treatment until the end of the person's criminal sentence, thereby causing an additional deprivation of life, liberty and property without constitutionally adequate process under the Fourteenth Amendment?
- Does the fact that the Defendant(s), who have implemented THSC, Chapter 841, keep the possibility, or probability, of civil commitment a secret from those TDCJ-CID inmates, who are most likely for it to be pursued—never disclosing it as a "need", or "recommendation", on any of the inmates "Individualized Treatment Plans" (ITP)—violate fundamentally fair due process under the Fourteenth Amendment?

PARTIES TO THIS PROCEEDING

PETITIONER:

MICHAEL DAVID BYRUM
TCCO/SID #06391934
Texas Civil Commitment Center
2600 South Sunset Avenue
Littlefield, Texas 79339

RESPONDENTS:

INDIVIDUALS FROM THE TEXAS STATE EXECUTIVE BRANCH

George Walker Bush, Governor, 1995-2001
Address: PO Box 259000
Dallas, Texas 75225-9000
Email: https://georgewbush.com

John(s)/Jane(s) Doe, State's Attorney General, 1995-2001
(Name(s), Address(es), Phone #(s), Email to be determined in discovery)

Rick Perry, Governor, 2001-2015
Address: 901 Congress Avenue
Austin, Texas 78701
Phone: 512-472-2700
Email: info@texaspolicy.com

John(s)/Jane(s) Doe, State's Attorney General, November, 2000 - ?
(Term(s), Name(s), Address(es), Phone #(s), Email to be determined in discovery)

Gregg Abbott, Governor, 2015-Present
Address: State Capitol
1400 Congress Avenue
Austin, Texas 78701-1932
PO Box 12428
Austin, Texas 78711-2428
Phone: (512) 463-2100

Ken Paxton, Attorney General, State of Texas, 2015-Present
Address: 209 West 14th Street, 78701-1614
PO Box 12548
Austin, Texas 78711-2548
Phone: 512-463-2100
Email: www.texasattorneygeneral.gov

Petitioner asserts that the governors were complacent in endorsing the THSC, Chapter 841 scheme that violated the Petitioner's constitutional rights. Petitioner points toward precedents established in *Scheuer v. Rhodes*, 416 US 232 (1974), holding that "damages against individual defendants are a permissible remedy in some circumstances notwithstanding the fact that they hold public office... In some situations, a damage remedy can be as effective a redress for the infringement of a constitutional right as injunctive relief might be in another. Analyzing the complaints in light of these precedents, we see that petitioners allege facts that demonstrate they are seeking to impose individual and personal liability on the named defendants for what they claim-but have not yet established by proof-was a deprivation of federal rights by these defendants under color of state law."

Petitioner also looks to *Ex parte Young*, 209 US 123 (1908), holding that "... A Federal court may enjoin the attorney general of a state, whose general duty is to enforce the state statutes, from proceeding to enforce, against persons affected, a state statute which violates the Federal Constitution... That the attorney general of a state must, to enforce a state statute, resort to mandamus, in which proceeding he ordinarily represents the state in its governmental capacity, does not prevent a Federal court from enjoining him from so doing, where the statute violates the Federal Constitution, since, in such case, his act in attempting, in the name of the state, to enforce a void enactment, is merely illegal, because in conflict with the superior authority of the Federal Constitution, and he is stripped of his official character, and the prohibition against his proceeding does not, therefore, affect the state in its governmental capacity."

In *Jacquez v. Procunier*, 801 F.2d 789 (5th Cir. 1986), holds that "Qualified immunity shields state officials from liability unless their conduct violates clearly established statutory or constitutional rights of which a reasonable person would have known."

Petitioner asserts that these Governors and Attorney Generals have also acted in supervisory positions implementing and enforcing THSC, Chapter 841. As stated in *Thompkins v. Belt, 828 F.2d 298, 304 (5th Cir. 1987) (quoting Grandstaff v. City of Borger, 767 F.2d 161, 169-70 (5th Cir. 1985))*, "[s]upervisory liability exists even without overt personal participation in the offensive act if supervisory officials implement a policy so deficient that the policy 'itself is a repudiation of constitutional rights' and 'the moving force of the constitutional violation.'"

Attorney General's Special Prosecution Unit (SPU) (see THSC, § 841.042):

John(s)/Jane(s) Doe, Executive Director(s)s, November, 2000 - Present
(Term(s), Name(s), Address(es), Phone #(s), Email(s) to be determined in discovery)

John(s)/Jane(s) Doe, Department Chief(s), November, 2000 - Present
(Name(s), Address(es), Phone #(s), Email to be determined in discovery)

These individuals acted in supervisory positions, per *Thompkins*, during the Petitioner's 22½ years in the TDCJ, implementing and enforcing THSC, Chapter 841, as stated in the issue above, which also, per *Jacquez*, which is conduct that

"violates clearly established statutory or constitutional rights of which a reasonable person would have known", and therefore they should have known to not participate in the ill-founded scheme—that had they refused at an earlier date, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Erin Faseler, Chief, ? - Present
Address: 1300 11th Street, Suite 520
Huntsville, Texas 78711-2548
Phone: 936-291-2369
(Email and Term to be determined in discovery)

Chief Attorney, who acted as a supervisory Department Chief position, per *Thompkins*, during the Petitioner's 22½ years in the TDCJ, and also liable as being the individual in the SPU who received notice from the TDCJ and initiated the suit that would result in violation of Petitioner's Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore she should have known to not participate in the ill-founded scheme—that had she refused at an earlier date, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Angela Goodwin, Chief, ? - Present
Address: 1300 11th Street, Suite 520
Huntsville, Texas 78711-2548
Phone: 936-291-2369
Email: agoodwin@sputexas.org
(Term to be determined in discovery)

Chief Attorney, who acted as a supervisory Department Chief, per *Thompkins*, during the Petitioner's 22½ years in the TDCJ and also overseeing the prosecution of the suit that would result in violation of Petitioner's Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore she should have known to not participate in the ill-founded scheme—that had she refused at an earlier date, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Tara Matlak, Attorney, ? - Present
Address: 1300 11th Street, Suite 520
Huntsville, Texas 78711-2548
Phone: 936-291-2369
Email: tmatlak@sputexas.org
(Term to be determined in discovery)

Trial attorney overseeing the prosecution of the suit that would result in violation of Petitioner's Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore she should have known to not participate in the ill-founded scheme—that had she refused, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Dawn Porter, Legal Assistant, ? - Present
Address: 1300 11th Street, Suite 520
Huntsville, Texas 78711-2548
Phone: 936-291-2369
Email: dporter@sputexas.org
(Term to be determined in discovery)

Legal assistant who assisted in the prosecution of the suit that would result in violation of Petitioner's Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore should have known to not participate in the ill-founded scheme—that had she refused, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Expert Witness (see THSC, § 841.061(c), (f)):

Michael R. Arambula, M.D. Psychiatrist
Address: The Registry Building
14800 U.S. 281 North, Suite 110
San Antonio, Texas 78232
Phone: (210) 490-9850
Email: zavdm@msn.com

The expert witness who testified in the Petitioner's civil commitment trial, under the color of THSC § 841.061(c), assisting the prosecution in the suit that would result in violation of Petitioner's Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore should have known to not participate in the ill-founded scheme—that had he refused, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

COUNSEL & EXPERT WITNESS:

State Counsel for Offenders (see THSC, § 841.005):

Participated in civil commitment proceedings under the color of THSC § 841.005(a) "Except as provided by Subsection (b), the Office of State Counsel for Offenders shall represent an indigent person subject to a civil commitment proceeding under this chapter...":

John(s)/Jane(s) Doe, Director(s), November, 2000 - Present
(Term(s), Name(s), Address(es), Phone #(s), Email(s) to be determined in discovery)

John(s)/Jane(s) Doe, Department Chief(s), November, 2000 - Present
(Term(s), Name(s), Address(es), Phone #(s), Email(s) to be determined in discovery)

These individuals acted in supervisory positions, per *Thompkins*, as stated above, overseeing the defense of sex offenders facing civil commitment under THSC, Chapter 841, during the Petitioner's 22½ years in the TDCJ, that would result in violation of Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore should have known to not participate in the ill-founded scheme—that had they refused at an earlier date, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Giustina Persich, Director, ? - Present
Address: 200 River Point Drive, Suite 312
Conroe, Texas 77304
Phone: 936-437-5203
(Term, Email to be determined in discovery)

SCFO Director, who acted in a supervisory position, per *Thompkins*, as stated above, overseeing the defense of sex offenders facing civil commitment under THSC, Chapter 841, during the Petitioner's 22½ years in the TDCJ and at the time the civil commitment suit was brought against the Petitioner, that resulted in violation of Fourteenth Amendment rights, wherein, per *Jacquez*, they engaged in conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", and therefore should have known to not participate in the ill-founded scheme—that had she refused at an earlier date, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Rebecca Flemming, Supervising Attorney, ? - Present
Address: 200 River Point Drive, Suite 312
Conroe, Texas 77304
Phone: 936-437-5203
(Term, Email to be determined in discovery)

SCFO Supervising Attorney over Sheila Kies, who acted in a supervisory position, per *Thompkins*, as stated above, overseeing the defense of sex offenders facing civil commitment under THSC, Chapter 841, during the Petitioner's 22½ years in the TDCJ and at the time the civil commitment suit was brought against the Petitioner, that resulted in violation of Fourteenth Amendment rights, wherein, per *Jacquez*, they engaged in conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", and therefore should have known to not participate in the ill-founded scheme—that had she refused, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Sheila Kies, Attorney, ? - Present
Petitioner's Original Civil Commitment Defense Attorney
Address: 200 River Point Drive, Suite 312
Conroe, Texas 77304
Phone: 936-437-5203
(Term, Email to be determined in discovery)

SCFO attorney who first represented the Petitioner in the civil commitment suit that would result in violation of Petitioner's Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore she should have known to not participate in the ill-founded scheme—that had she refused, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

Laura Vermillion, Legal Assistant, ? - Present
Address: 200 River Point Drive, Suite 312
Conroe, Texas 77304
Phone: 936-437-5203
Laura.Vermillion@scfo.texas.gov

SCFO legal assistant who assisted in the prosecution of the suit that would result in violation of Petitioner's Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore should have known to not participate in the ill-founded scheme—that had she refused, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

INDIVIDUALS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

(see THSC, § 841.021, 841.022 and 841.023)

With regard to individuals in the **Texas Department of Criminal Justice** who neglected the Petitioners need for necessary treatment, during the Petitioner's $22^1/_2$ years in the TDCJ, violating Petitioner's rights vested in the Eighth Amendment to the U.S. Constitution and/or participated in civil commitment proceedings under the color of THSC § 841.021, 841.022 and 841.023, acting in a supervisory position, per *Thompkins*, as stated above and at the time the civil commitment suit was brought against the Petitioner, wherein, per *Jacquez*, they engaged in conduct, resulting in the violation of Petitioner's rights vested in the Fourteenth Amendment to the U.S. Constitution, that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", and therefore should have known to not participate in the ill-founded scheme—that had they refused at an earlier date, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed:

Administration:

John(s)/Jane(s) Doe, Executive Director(s), November, 2000 - ?
(Term(s), Name(s), Address(es), Phone #(s), Email(s) to be determined in discovery)

Bryan Collier, Executive Director, ? - Present
Address: PO Box 13084
Austin, Texas 78711-3084
(Term, Phone #, Email to be determined in discovery)

John(s)/Jane(s) Doe, Victim Services Director(s), November, 2000 - ?
(Term(s), Address(s), Phone #(s), Email(s) to be determined in discovery)

Angie McCown, Victim Services Director, ? - Present
Address: 8712 Shoal Creek Boulevard, Suite 265
Austin, Texas 78757
(Term, Phone #, Email to be determined in discovery)

John(s)/Jane(s) Doe, Rehabilitative Programs Director(s), November, 2000 - ?
(Term(s), Address(s), Phone #(s), Email(s) to be determined in discovery)

Christopher Carter, Rehabilitative Programs Director, ? - Present
Address: PO Box 99
Huntsville, Texas 77342-0099
(Term, Phone #, Email to be determined in discovery)

Ralph Phillips, Program Supervisor III/ Rehabilitation Programs Division
Address: PO Box 99
Huntsville, Texas 77342-0099
(Term, Phone #, Email to be determined in discovery)

Program Supervisor III/ Rehabilitation Programs Division, who sent the notice to the Special Prosecution Unit, initiating the suit that would result in violation of Petitioner's Fourteenth Amendment rights.

John(s)/Jane(s) Doe, Sex Offender Rehabilitation Programs Director, November, 2000 - ? (Term(s), Address(s), Phone #(s), Email(s) to be determined in discovery)

Multidisciplinary Team (MDT) (see THSC § 841.022):

With regard to individuals who participated in the Multidisciplinary Team (MDT), under the color of THSC § 841.022(a), resulting in the violation of Petitioner's rights vested in the Fourteenth Amendment to the U.S. Constitution, wherein, per *Jacquez*, they engaged in conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", and therefore should have known to not participate in the ill-founded scheme—that, had they refused, Petitioner would likely have not been civilly committed:

John/Jane Doe, Mental Health Professional, Department of State Health Services
(Address, Phone #, Email to be determined in discovery)

John/Jane Doe, TDCJ, Victim Services Division Representative
(Address, Phone #, Email to be determined in discovery)

John/Jane Doe, TDCJ, Sex Offender Rehabilitation Program Representative
(Address, Phone #, Email to be determined in discovery)

John/Jane Doe, Licensed Peace Officer from the Department of Public Safety
(Address, Phone #, Email to be determined in discovery)

John/Jane Doe, Texas Civil Commitment Office Representative
(Address, Phone #, Email to be determined in discovery)

John/Jane Doe, Texas Civil Commitment Office Representative
(Address, Phone #, Email to be determined in discovery)

John/Jane Doe, Licensed Treatment Provider, Counsel on Sex Offender Treatment
(Address, Phone #, Email to be determined in discovery)

Director(s) Over the MDT Agencies (other than TDCJ-ID Directors listed above):

These individuals acted in supervisory positions, per *Thompkins*, as stated above, overseeing and assigning the individuals who participated in the Multidisciplinary Team (MDT), under the color of THSC § 841.022(a), throughout Petitioner's $22^{1}/_{2}$ years in the TDCJ, that, by not providing the necessary treatment at the earliest possible date, would result in violation of Eighth and Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per *Jacquez*, and therefore should have known to not participate in the ill-founded scheme—that had they refused at an earlier date, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

John(s)/Jane(s) Doe, Commissioner(s)/Director(s), Department of State Health Services, Nov., 2000 - Present
(Term(s), Address(s), Phone #(s), Email(s) to be determined in discovery)

Jennifer A. Shuford, Commissioner, Department of State Health Services, ? - Present
Address: PO Box 149347
Austin, Texas 78714-9347
(Term, Phone #, Email to be determined in discovery)

John(s)/Jane(s) Doe, Director(s), Department of Public Safety, November, 2000 - ?
(Term(s), Address(s), Phone #(s), Email(s) to be determined in discovery)

Steven C. McCraw, Director, Department of Public Safety, ? - Present
Address: 5805 North Lamar Boulevard
Austin, Texas 78752-4431
PO Box 4087
Austin, Texas 78773-4087
(Term, Phone #, Email to be determined in discovery)

John(s)/Jane(s) Doe, Director(s), Counsel on Sex Offender Treatment, November, 2000 - 2008 (see THSC, Section 841.007 / 76th Leg., 1999)
(Term(s), Address(s), Phone #(s), Email(s) to be determined in discovery)

Dr. Aaron Pierce, Director, Counsel on Sex Offender Treatment, ? – Present (see THSC, Section 841.022)
Address: PO Box 149347
Austin, Texas 78714-9347
(Term, Phone #, Email to be determined in discovery)

John(s)/Jane(s) Doe, Director(s), Office of Violent Sex Offender Management, 2008 - 2015 (see THSC, Section 841.007 / 80th Leg., 2007)
(Term(s), Address(s), Phone #(s), Email(s) to be determined in discovery)

Allison Taylor, Executive Director, Texas Civil Commitment Office, 2015 - ? (see THSC, Section 841.007 / 84th Leg., 2015)
(Term, Address, Phone #, Email to be determined in discovery)

Marsha Mclane, Executive Director, Texas Civil Commitment Office, ? - Present (see THSC, Section 841.007 / 84th Leg., 2015)
Address: Building 2, Suite 350
4616 Howard Lane
Austin, Texas 78728
(Term, Phone #, Email to be determined in discovery)

Expert Examiner (see THSC, § 841.022(b), (c)(3) and 841.023(a)):

Dr. Stephen A. Thorne, Ph.D., Licensed Psychologist

Address: 1301 S. Capitol of Texas Highway, C-130
Austin, Texas 78746
Phone: (512) 342-1661
Email: drstephenthorne@yahoo.com

Conducted Petitioner's initial evaluation for the TDCJ, under the color of THSC § 841.022(b), (c)(3) and 841.023(a), that would result in violation of Petitioner's Fourteenth Amendment rights, which is conduct that "violates clearly established statutory or constitutional rights of which a reasonable person would have known", per Jacquez, and therefore should have known to not participate in the ill-founded scheme—that had he refused, changes would likely have been made to correct the violating error(s) and Petitioner would likely have not been civilly committed.

INDIVIDUALS FROM THE TEXAS STATE LEGISLATIVE BRANCH

THSC, Chapter 841 Enacted by:

Acts 1999, 76th Legislature, Ch. 1188 (S.B. 365), Sec. 4.01, eff. Sept. 1, 1999.

THSC, Chapter 841 Amended by:

Acts 2003, 78th Legislature, Ch. 347 (S.B. 871), eff. Sept. 1, 2003.
Acts 2005, 79th Legislature, R.S., Ch. 849 (S.B. 912), eff. Sept. 1, 2005.
Acts 2007, 80th Legislature, R.S., Ch. 593 (H.B. 8), eff. Sept. 1, 2007.
Acts 2007, 80th Legislature, R.S., Ch. 1219 (H.B. 2034), eff. Sept. 1, 2007.
Acts 2011, 82nd Legislature, R.S., Ch. 1201 (S.B. 166), eff. Sept. 1, 2011.
Acts 2015, 84th Legislature, R.S., Ch. 845 (S.B. 746), eff. June 17, 2015.
Acts 2017, 85th Legislature, R.S., Ch. 34 (S.B. 1576), eff. Sept. 1, 2017.
Acts 2021, 87th Legislature, R.S., Ch. 431 (S.B. 906), eff. Sept. 1, 2021.
Acts 2023, 88th Legislature, R.S., (S.B. 1179), eff. Sept. 1,

For Byrum's discussion of his claim against Texas State Legislator's, please refer to "REASONS TO GRANT THE WRIT"; Issue No. 3.

COUNT	DISTRICT	CHAMBER	NAME	VOTE RECORD ON THSC, CHAPTER 841*									
				SB 365 (76th)	SB 871 (78th)	SB 912 (79th)	HB 8 (80th)	HB 2034 (80th)	SB 166 (82nd)	SB 746 (84th)	SB 1576 (85th)	SB 906 (87th)	SB 1179 (88th)
1	12	H	Alexander, Clyde	Y									
2	35	H	Aliseda, Jose						Y				
3	131	H	Allen, Alma A.			Y	N	Y	Y	Y	Y	Y	Y
4	106	H	Allen, Ray	Y	Y	Y							
5	121	H	Allison, Steve									Y	Y
6	104	H	Alonzo, Roberto R.		Y	Y	N	Y	Y	Y	Y		
7	145	H	Alvarado, Carol						Y	Y			
	6	S	Alvarado, Carol								Y	Y	Y
8	116	H	Alvarado, Leo, Jr.	Y									
9	103	H	Anchía, Rafael M.			Y	Y	Y	Y	Y	Y	Y	Y
10	56	H	Anderson, Charles			Y	Y	Y	Y	Y	Y	Y	Y
11	106	H	Anderson, Rodney E.						Y	Y	Y		
12	116	H	Arevalo, Diana								Y		
13	18	S	Armbrister, Ken	Y	Y	Y							
14	57	H	Ashby, Trent							Y	Y	Y	Y
15	56	H	Averitt, Kip	Y									
	22	S	Averitt, Kip		Y	Y	Y	Y					
16	54	H	Aycock, Jimmie Don				Y	Y	Y	Y			
17	18	H	Bailes, Ernest								Y	Y	Y
18	140	H	Bailey, Kevin	Y	Y	Y	Y	Y					
19	14	S	Barrientos, Gonzalo	Y	Y	Y							
20	48	H	Baxter, Todd		Y	Y							
21	57	H	Beck, Marva						Y				
22	65	H	Beckley, Michelle									Y	
23	3	H	Bell, Cecil, Jr.									Y	Y
24	4	H	Bell, Keith							Y	Y	Y	Y
25	6	H	Berman, Leo	Y	Y	Y	Y	Y	Y				
26	123	H	Bernal, Diego							A	Y	Y	Y
27	4	S	Bernsen, David	Y									
28	7	S	Bettencourt, Paul							Y	Y	Y	Y
29	92	H	Bhojani, Salman										Y
30	73	H	Biedermann, Kyle								Y	Y	
31	22	S	Birdwell, Brian						Y	Y	Y	Y	Y
32	31	S	Bivins, Teel	Y	Y								
33	9	H	Blake, Roy, Jr.			Y							

CNT	DIST	CHB	NAME	365	871	912	8	2034	166	746	1576	906	1179
34	29	S	Blanco, Cesar J.							Y	Y	Y	Y
35	138	H	Bohac, Dwayne		Y	Y	Y	Y	Y	Y	Y		
36	47	H	Bolton, Valinda				N	A					
37	25	H	Bonnen, Dennis	Y	Y	Y	Y	A	Y	Y	P		
38	24	H	Bonnen, Greg							Y	Y	Y	Y
39	128	H	Bosse, Fred	Y									
40	113	H	Bowers, Rhetta Andrews									Y	Y
41	108	H	Branch, Dan		Y	Y	Y	Y	Y				
42	96	S	Brimer, Kenneth "Kim"	Y	Y	Y	Y	Y					
43	4	H	Brown, Betty	Y	Y	Y	Y	Y					
44	14	H	Brown, Fred	Y	Y	Y	Y	Y	Y				
45	17	S	Brown, J.E. 'Buster'	Y									
X	114	H	Bryant, John										A
46	24	S	Buckingham, Dawn								Y	Y	
47	54	H	Buckley, Brad									Y	Y
48	136	H	Bucy, John H., III									Y	Y
49	63	H	Bumgarner, Ben										Y
50	101	H	Burkett, Cindy						Y	Y	Y		
51	90	H	Burnam, Lon	Y	Y	Y	N	Y	Y				
52	58	H	Burns, DeWayne							Y	Y	Y	Y
53	83	H	Burrows, Dustin							Y	Y	Y	Y
54	10	S	Burton, Konni							Y	Y		
55	112	H	Button, Angie Chen						Y	Y	Y	Y	Y
56	128	H	Cain, Briscoe								Y	Y	Y
57	3	H	Cain, Erwin						Y				
X	2	S	Cain, David	A									
58	132	H	Callegari, Bill		Y	Y	Y	Y	Y				
59	72	H	Campbell, Scott		Y	Y							
60	25	S	Campbell, Donna							Y	Y	Y	Y
61	119	H	Campos, Elizabeth									Y	Y
62	40	H	Canales, Terry							Y	Y	Y	Y
63	35	H	Canales, Gabi		Y								
64	34	H	Capelo, Jaime L. Jr.	Y	Y								
65	98	H	Capriglione, Giovanni							Y	Y	Y	Y
66	16	S	Carona, John	Y	Y	Y	Y	Y	Y				
67	91	H	Carter, Bill G.	Y									
68	102	H	Carter, Stefani						Y				
69	92	H	Cason, Jeff									Y	
70	73	H	Casteel, Carter		Y	Y							
71	125	H	Castro, Joaquin		Y	Y	N	Y	Y				
72	76	H	Chavez, Norma	Y	Y	Y	N	Y					
73	88	H	Chisum, Warren	Y	Y	Y	A	Y	Y				

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74	9	H	Christian, Wayne	Y	Y		Y	Y	Y				
75	11	H	Clardy, Travis							Y	Y	Y	Y
76	62	H	Clark, Ron	Y									
77	134	H	Cohen, Ellen				N	Y					
78	46	H	Cole, Sheryl									Y	Y
79	147	H	Coleman, Garnet F.	Y	A	Y	N	Y	A	Y	Y	A/E	
80	95	H	Collier, Nicole							Y		Y	Y
81	8	H	Cook, Byron		Y	Y	Y	Y	Y				
82	96	H	Cook, David							Y	Y	Y	Y
83	17	H	Cook, Robert L. "Robby"	Y	Y	Y	Y	Y					
84	123	H	Corte, Frank, J., Jr.	A	Y	Y	Y	Y					
85	117	H	Cortez, Philip								Y	Y	Y
86	54	H	Cosper, Scott								Y		
87	70	H	Counts, David	Y									
88	127	H	Crabb, Joe	Y	Y	Y	Y	Y					
89	82	H	Craddick, Tom	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
90	16	S	Creighton, Brandon				Y	Y	Y	Y	Y	Y	Y
91	100	H	Crockett Jasmine Felicia									Y	
92	64	H	Crownover, Myra		Y	Y	Y	Y	Y	Y			
93	64	H	Crownover, Ronny	Y									
94	17	H	Cyrier, John P.							Y	Y	Y	
95	42	H	Cuellar, Henry	Y									
96	130	H	Culberson, John	Y									
97	127	H	Cunningham, Charles										Y
98	136	H	Dale, Tony							N	Y		
99	137	H	Danburg, Debra	Y									
100	72	H	Darby, Drew				Y	Y	Y	Y	Y	Y	Y
101	129	H	Davis, John E.	Y	Y	Y	Y	Y	Y				
102	10	S	Davis, Wendy R.						Y				
103	134	H	Davis. Sarah						Y	Y			
104	111	H	Davis, Yvonne	Y	Y	Y	A	Y	Y	Y	A	Y	Y
105	29	H	Dawson, Glenda		Y	Y							
106	7	H	Dean, Jay								Y	Y	Y
107	133	H	DeAyala, Mano										Y
108	55	H	Delisi, Dianne White	Y	Y	Y	Y	Y					
109	63	H	Denny, Mary	Y	Y	Y							
110	22	H	Deshotel, Joe	Y	Y	Y	A	A	Y	Y	Y	Y	
111	2	S	Deuell, Robert F.		Y	Y			Y				
112	122	H	Dorazio, Mark										Y
113	37	H	Dominguez, Alex									Y	
114	113	H	Driver, Joe	Y	Y	Y	Y	Y	Y				
115	50	H	Dukes, Dawnna	Y	Y	Y	Y	Y	Y		Y		

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116	28	S	Duncan, Robert	Y	Y	Y	Y	Y	Y				
117	57	H	Dunnam, Jim	Y	Y	Y	Y	Y					
118	142	H	Dutton, Harold V., Jr.	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
119	14	S	Eckhardt, Sarah									Y	Y
120	146	H	Edwards, Al	Y	Y	Y							
121	107	H	Ehrhardt, Harryette B.	Y									
122	23	H	Eiland, Craig	Y	Y	Y	Y	Y	Y				
123	15	H	Eissler, Rob		Y	Y	Y	Y	Y				
124	135	H	Elkins, Gary	Y	Y	A	Y	Y	Y	Y	Y		
125	18	H	Ellis, Dan	A	Y								
126	13	S	Ellis, Rodney	Y	Y	Y	N	Y	Y	Y			
127	10	H	Ellzey, Jake									Y	
128	1	S	Eltife, Kevin P.			Y	Y	Y	Y	Y			
129	106	H	England, Kirk				Y	Y					
130	43	H	Escobar, Juan M.		Y	Y	Y	Y					
131	30	S	Estes, Craig		Y	Y	Y	Y	Y	Y	Y		
132	23	H	Faircloth, Wayne							Y	Y		
133	106	H	Fallon, Pat							Y	Y		
134	69	H	Farabee, David	Y	Y	Y	Y	Y					
135	118	H	Farias, Joe				Y	Y	Y	Y			
136	20	H	Farney, Marsha							Y			
137	148	H	Farrar, Jessica Cristina	Y	Y	Y	N	Y	Y	Y	Y		
X	79	H	Fierro, Art									A	
138	130	H	Fletcher, Allen						Y	Y			
139	36	H	Flores, Ismael "Kino"	Y	Y	Y	Y	Y					
140	24	S	Flores, Pete										Y
141	51	H	Flores, Maria Luisa										Y
142	2	H	Flynn, Dan		Y	Y	Y	Y	Y	Y	Y		
143	69	H	Frank, James B.							Y	Y	Y	Y
144	24	S	Fraser, Troy	Y	Y	Y	Y	Y	Y	Y			
145	84	H	Frullo, John						Y	Y	Y	Y	
146	61	H	Frazier, Frederick										Y
147	1	H	Frost, Stephen J.			Y	Y	Y					
148	74	H	Gallego, Pete P.	Y	Y	Y	Y	Y	Y				
149	6	S	Gallegos, Mario V., Jr.	Y	Y	Y	Y	A	Y				
150	117	H	Galindo, Rick							Y			
151	38	H	Gámez, Erin Elizabeth										Y
152	104	H	Garcia, Domingo	Y									
153	124	H	Garcia, Josey										Y
154	132	H	Garcia, Juan M.				Y	Y					
155	6	S	Garcia, Sylvia							Y	Y		
156	117	H	Garza, John V.						Y				

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157	80	H	Garza, Timoteo "Timo"		Y								
	28	H	Gates, Gary									Y	Y
159	20	H	Gattis, Dan		Y	A	Y	Y					
160	108	H	George, Kenn	Y									
161	17	H	Gerdes, Stan										Y
162	99	H	Geren, Charlie		Y	Y	Y	Y	Y	Y	Y	Y	Y
163	120	H	Gervin-Hawkins, Barbara						Y		Y	Y	Y
164	109	H	Giddings, Helen	Y	Y	Y	N	Y		Y	Y		
165	5	H	Glaze, Bob D.	Y									
166	97	H	Goldman, Craig							Y	Y	Y	Y
167	52	H	Gonzales, Larry						Y	Y			
168	41	H	Gonzales, Veronica			Y	Y	Y	Y				
169	104	H	González, Jessica						Y	Y	Y	Y	Y
170	75	H	González, Mary E.								Y	Y	Y
171	76	H	Gonzalez, Naomi R.						Y				
172	35	H	Gonzalez Toureilles, Y.			Y	Y	Y					
173	4	H	Gooden, Lance						Y		Y		
174	93	H	Goodman, Toby	Y	Y	Y							
175	47	H	Goodwin, Vikki									Y	Y
176	102	H	Goolsby, Tony	Y	Y	Y	Y	Y					
177	23	H	Gray, Patricia	Y									
178	46	H	Green, Rick	Y									
179	48	H	Greenberg, Sherri	Y									
180	90	H	Griggs, Bob E.		Y	Y							
181	94	H	Grusendorf, Kent	Y	Y	Y							
182	41	H	Guerra, Roberto D.							Y	Y	Y	Y
183	31	H	Guillen, Ryan		Y	Y	Y	Y	Y	Y	Y	Y	Y
184	41	H	Gutierrez, Roberto	Y	Y								
185	119	S	Gutierrez, Roland						Y	Y	Y	Y	Y
186	78	H	Haggerty, Pat	Y	Y	Y	Y	Y					
187	2	S	Hall, Bob							Y	Y	Y	Y
188	19	H	Hamilton, Mike "Tuffy"		Y	Y	Y	Y	Y				
189	126	H	Hamric, Peggy	Y	Y	Y							
190	91	S	Hancock, Kelly				Y	Y	Y	Y	Y	Y	Y
191	68	H	Hardcastle, Richard	Y	Y	Y	Y	Y	Y				
192	126	H	Harless, Patricia				Y	Y	Y	A			
193	126	H	Harless, E. Sam									Y	Y
194	105	H	Harper-Brown, Linda		Y	Y	Y	Y	Y				
195	52	H	Harris, Caroline										Y
196	10	S	Harris, Chris	Y	Y	Y	Y	Y	Y				
197	8	H	Harris, Cody									Y	Y
198	10	H	Harrison, Brian										Y

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199	114	H	Hartnett, Will	Y	Y	Y	Y	Y	Y				
200	31	H	Hawley, Judy	Y									
201	22	H	Hayes, Christian 'Manuel'										Y
202	57	H	Hayes Richard										Y
203	30	S	Haywood, Tom	Y									
204	149	H	Heflin, Talmadge L.	Y	Y		Y	Y					
205	5	H	Hefner, Cole								Y	Y	Y
206	28	H	Hegar, Glenn, Jr.		Y	Y							
207	18	S	Hegar, Glenn, Jr.				Y	Y	Y				
208	143	H	Hernandez, Ana E.				N	Y	Y	Y	Y	Y	Y
209	34	H	Herrero, Abel			Y	Y	Y		Y	Y	Y	A/E
210	150	H	Hilbert, Paul J.	Y									
211	53	H	Hilderbran, Harvey	Y	Y	Y	Y	Y	Y				
212	112	H	Hill, Fred	Y	Y	Y	Y	Y					
213	40	H	Hinojosa, Juan "Chuy"	Y									
	20	S	Hinojosa, Juan "Chuy"		Y	Y	Y	Y	Y	Y	Y	Y	Y
214	49	H	Hinojosa, Gina								Y	Y	Y
215	132	H	Hochberg, Scott	Y	Y	Y	Y	Y	Y				
216	100	H	Hodge, Terri	Y	Y	A	A	Y					
217	33	H	Holland, Justin								Y	Y	Y
218	3	H	Homer, Mark	Y	Y	Y	Y	Y					
219	16	H	Hope, Ruben, Jr.	Y	A	Y							
220	11	H	Hopson, Chuck		Y	Y	Y	Y	Y				
221	26	H	Howard, Charlie	Y	Y	Y	Y	Y	Y				
222	48	H	Howard, Donna				N	N	Y	Y	Y	Y	Y
223	127	H	Huberty, Dan						Y	Y	Y	Y	
224	16	S	Huffines, Donald							Y	Y		
225	17	S	Huffman, Joan						Y	Y	Y	Y	Y
226	5	H	Hughes, Bryan		Y	Y	Y	A	Y	Y			
	1	S	Hughes, Bryan								Y	Y	Y
227	138	H	Hull, Lacey									Y	Y
228	71	H	Hunter, Bob	Y	Y	Y							
229	32	H	Hunter, Todd						Y	Y	Y	Y	Y
230	54	H	Hupp, Suzanna Gratia	Y	Y	Y							
231	73	H	Isaac, Carrie										Y
232	45	H	Isaac, Jason A.						Y	Y	Y		
233	84	H	Isett, Carl H.	Y	Y	Y	Y	Y					
234	50	H	Israel, Celia							Y	Y	Y	
235	115	H	Jackson, Jim			Y	Y	Y	Y				
236	11	S	Jackson, Mike	Y	Y	Y	Y	Y	Y				
237	134	H	Janek, Kyle L.	Y									
	17	S	Janek, Kyle L.		Y	Y	Y	Y					

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238	26	H	Jetton, Jacey									Y	Y
239	16	S	Johnson, Nathan									Y	Y
240	134	H	Johnson, Ann									Y	Y
241	100	H	Johnson, Eric						Y		Y		
242	139	H	Johnson, Jarvis D.						Y	Y	Y	Y	Y
243	115	H	Johnson, Julie E.									Y	Y
244	13	H	Jones, Charles B.	Y									
245	83	H	Jones, Delwin L.	Y	Y	Y	Y	Y					
246	121	H	Jones, Elizabeth Ames		Y								
247	110	H	Jones, Jesse W.	Y	Y	Y							
248	147	H	Jones, Jolanda										Y
249	100	H	Jones, Venton C.										Y
250	72	H	Junell, Robert	Y									
251	12	H	Kacal, Kyle							Y	Y	Y	Y
252	47	H	Keel, Terry	Y	Y	Y							
253	107	H	Keffer, Bill		Y	Y							
254	60	H	Keffer, James L.	Y	Y	Y	Y	Y	Y	Y			
255	15	H	Keough, Mark							Y			
256	88	H	King, Ken							Y	Y	Y	Y
257	61	H	King, Phil	Y	Y	Y	Y	Y	Y	Y	Y	Y	
	10	S	King, Phil										Y
258	71	H	King, Susan L.				Y	Y	Y	Y			
259	43	H	King, Tracy O.	Y									
	80	H	King, Tracy O.			Y	Y	Y	Y	Y	Y	Y	Y
260	85	H	Kitzman, Stan										Y
261	17	H	Kleinschmidt, Tim						Y				
262	91	H	Klick, Stephanie							Y	Y	Y	Y
263	13	S	Kolkhorst, Lois W.		Y	A	Y	Y	Y	Y	Y	Y	Y
264	102	H	Koop, Linda							Y	Y		
265	93	H	Krause, Matt							Y	Y		
266	52	H	Krusee, Mike	Y	Y	Y	Y	Y					
267	45	H	Kuempel, Edmund	Y	Y	Y	Y	Y					
268	44	H	Kuempel, John						Y	Y	Y	Y	Y
269	76	H	Lalani, Suleman										Y
270	71	H	Lambert, Stan								Y	Y	Y
271	27	S	LaMantia, Morgan										Y
272	85	H	Landtroop, Jim						N				
273	81	H	Landgraf, Brooks							Y	Y	Y	Y
274	85	H	Laney, James E. "Pete"		Y	Y							
275	60	H	Lang, Mike								Y		
276	122	H	Larson, Lyle						Y	Y	Y	Y	
277	101	H	Latham, Thomas				Y	Y					

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278	89	H	Laubenberg, Jodie		Y	Y	Y	Y	Y	A	Y		
279	1	H	Lavender, George						Y				
280	67	H	Leach, Jeff							Y	Y	Y	Y
281	117	H	Leibowitz, David			Y	Y	Y					
282	144	H	Legler, Ken						Y				
283	13	H	Leman, Ben									Y	
284	59	H	Lengefeld, David	Y									
285	23	H	Leo-Wilson, Terri										Y
286	95	H	Lewis, Glenn	Y	Y				Y				
287	19	H	Lewis, Ron E.	Y									
288	81	H	Lewis, Tryon D.						Y				
289	7	S	Lindsay, Jon	Y	Y	Y							
290	117	H	Longoria, John Amos	Y									
291	35	H	Longoria, Oscar							Y	A	Y	Y
292	37	H	Lopez, Janie										Y
293	125	H	Lopez, Ray									Y	Y
294	43	H	Lozano, J. M.						Y	Y	Y	Y	Y
295	38	H	Lucio, Eddie, III				Y	Y	Y	Y	Y	Y	
296	27	S	Lucio, Eddie, Jr.	Y	Y	Y	Y	Y	Y	Y	Y	Y	
297	118	H	Lujan, John										Y
298	26	S	Luna, Gregory	A									
299	33	H	Luna, Vilma	Y	Y	A							
300	69	H	Lyne, Lanham						Y				
301	56	H	Mabry, John		Y								
302	73	H	Macias, Nathan				Y	Y					
303	67	H	Madden, Jerry	Y	Y	Y		Y	Y				
304	19	S	Madla, Frank	Y	Y	Y							
305	110	H	Mallory Caraway, Barb.				Y	Y	Y				
307	99	H	Marchant, Kenny	Y	Y								
308	78	H	Margo, Dee						Y				
309	77	H	Marquez, Marisa						Y	Y			
310	39	H	Martinez, Armando			Y	Y	Y	Y	Y		Y	Y
311	115	H	Martinez Fischer, Trey		Y	Y	Y	Y	Y	Y	Y	Y	A
312	51	H	Maxey, Glen	Y									
313	66	H	McCall, Brian	Y	Y	Y	Y	Y					
314	120	H	McClendon, Ruth Jones	Y	Y	Y	A	Y	Y	A			
315	17	H	McReynolds, Jim	Y	Y	Y	Y	Y					
316	124	H	Menendez, Jose		Y	Y	Y	Y	Y	Y			
	26	S	Menéndez, Jose								Y	Y	Y
317	117	H	Mercer, Ken		Y								
318	7	H	Merritt, Tommy	Y	Y	Y	Y	Y					
319	16	H	Metcalf, Will							Y	Y	Y	Y

CNT	DIST	CHB	NAME	365	871	912	8	2034	166	746	1576	906	1179
320	108	H	Meyer, Morgan							Y	Y	Y	Y
321	105	H	Meza, Terry									Y	Y
322	23	H	Middleton, Mayes									Y	
323	11	S	Middleton, Mayes										Y
324	146	H	Miles, Boris L.				A	Y	Y	Y			
	13	S	Miles, Boris L.								Y	Y	Y
325	73	H	Miller, Doug						Y	Y			
326	26	H	Miller, D. F. "Rick"							Y	Y		
327	59	H	Miller, Sid		Y	Y	Y	Y	Y				
328	124	H	Minjarez, Ina								Y	A	
329	12	S	Moncrief, Mike	Y									
330	78	H	Moody, Joseph							Y	Y	P	Y
331	145	H	Morales, Christina									Y	Y
332	74	H	Morales, Jr., Eddie									Y	Y
333	148	H	Morales Shaw, Penny									Y	Y
334	143	H	Moreno, Joe	Y	Y	Y							
335	77	H	Moreno, Paul C.	Y	Y	Y	N	Y					
336	30	H	Morrison, Geanie W.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
337	97	H	Mowery, Anna	Y	Y	Y	A	Y					
338	36	H	Muñoz, Jr., Sergio						Y	Y	Y	Y	Y
339	133	H	Murphy, Jim				Y		Y	A	Y	Y	
340	53	H	Murr, Andrew					Y		Y	Y	Y	Y
341	49	H	Naishtat, Elliott	Y	Y	Y	N	N	Y	Y			
342	75	H	Najera, Manny	Y									
343	93	H	Nash, Barbara						Y				
344	107	H	Neave, Victoria								Y	Y	Y
345	9	S	Nelson, Jane	Y	Y	Y	Y	Y	Y	Y	Y	Y	
346	74	H	Neva´rez, Poncho							Y	Y		
347	3	S	Nichols, Robert				Y	Y	Y	Y	Y	Y	Y
348	3	S	Nixon, Drew	Y									
349	133	H	Nixon, Joe	Y	Y	A							
350	89	H	Noble, Candy									Y	Y
351	145	H	Noriega, Rick	Y	A	Y	Y	Y					
352	5	S	Ogden, Steve	Y	Y	Y	Y	Y	Y				
354	37	H	Oliveira, Rene O.	Y	Y	A	Y	Y	Y	Y	Y		
355	130	H	Oliverson, Tom, M.D.								Y	Y	Y
356	27	H	Olivo, Dora	Y	Y	Y	N	Y					
357	76	H	Ordaz, Claudia									Y	Y
358	13	H	Orr, Angelia										Y
359	58	H	Orr, Rob			Y	Y	Y	Y				
360	77	H	Ortega, Evelina "Lina"								Y	Y	Y
361	33	H	Ortiz, Solomon P., Jr.				Y	Y					

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362	18	H	Otto, John			Y	Y	Y	Y	A			
363	118	H	Pacheco, Leo									Y	
364	9	H	Paddie, Chris							Y	Y	Y	
365	89	H	Palmer, Sue	Y									
366	63	H	Parker, Tan				Y	Y	Y	Y	Y	Y	
	12	S	Parker, Tan										Y
367	94	H	Patrick, Diane				Y	Y	Y				
368	7	S	Patrick, Dan				Y	N	Y				
369	106	H	Patterson, Jared									Y	Y
370	129	H	Paul, Dennis							Y	Y	Y	Y
371	8	S	Paxton, Angela									Y	Y
372	70	H	Paxton, Ken		Y	Y	Y	Y	Y				
373	40	H	Peña, Aaron		Y	Y	Y	Y	Y	Y			
374	144	H	Perez, Mary Ann								A	Y	Y
375	83	H	Perry, Charles						N				
	28	S	Perry, Charles							Y	Y	Y	Y
376	21	H	Phelan, Dade							A	Y		Y
377	62	H	Phillips, Larry		Y	Y	Y	Y	Y	N	Y		
378	79	H	Pickett, Joe C.	Y	Y	Y	A	Y	Y	Y	Y		
379	93	H	Pierson, Paula Hightower				Y	Y					
380	10	H	Pitts, Jim	Y	Y	A	Y	Y	Y				
381	70	H	Plesa, Mihaela Elizabeth										Y
382	10	S	Powell, Beverly									Y	
383	87	H	Price, Four						Y	Y	Y	Y	Y
384	119	H	Puente, Robert	Y	Y	Y	Y	Y					
385	75	H	Quintanilla, Chente		Y	Y	Y	Y	Y				
386	102	H	Ramos, Ana-Maria									Y	Y
387	2	H	Ramsay, Tom	Y									
388	14	H	Raney, John							Y	Y	A	Y
389	35	H	Rangel, Irma	Y									
390	1	S	Ratliff, Bill	Y	Y								
391	42	H	Raymond, Richard Peña		Y	Y	Y	Y	Y	Y	Y	Y	Y
392	125	H	Reyna, Arthur	Y									
393	101	H	Reyna, Elvira	Y	Y	Y							
394	27	H	Reynolds, Ron						Y	A		Y	Y
395	150	H	Riddle, Debbie		Y	Y		Y	Y	Y			
396	21	H	Ritter, Allan B.	Y	Y	Y		Y	Y				
397	115	H	Rinaldi, Matt							Y	Y		
398	126	H	Roberts, Kevin								Y		
399	51	H	Rodriguez, Eddie		Y	Y	Y	Y	Y	Y	Y	Y	
400	29	S	Rodriguez, Jose R.						Y	Y	Y		
401	125	H	Rodriguez, Justin							Y	Y		

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402	60	H	Rogers, Glenn									Y	Y
403	90	H	Romero, Ramon, Jr.								Y	Y	Y
404	45	H	Rose, Patrick M.		Y	Y	Y	Y					
405	110	H	Rose, Toni							Y	Y	Y	Y
406	135	H	Rosenthal, Jon E.									Y	Y
407	8	H	Sadler, Paul	Y									
408	44	H	Salinas, Ignacio, Jr.	Y									
409	70	H	Sanford, Scott							Y	Y	Y	
410	6	H	Schaefer, Matt							Y	Y	Y	Y
411	93	H	Schatzline, Nate										A
412	132	H	Schofield, Mike							Y	Y	Y	Y
413	13	H	Schubert, Leighton							Y	Y		
414	20	S	Schwertner, Charles						Y	Y		Y	Y
415	34	H	Scott, Connie						Y				
416	32	H	Seaman, Gene	Y	Y	Y							
417	31	S	Seliger, Kel			Y	Y	Y	Y	Y	Y	Y	
418	66	H	Shaheen, Matt							Y	Y	Y	Y
419	8	S	Shapiro, Florence	Y	Y	Y	Y	Y	Y				
420	29	S	Shapleigh, Eliot	Y	Y	Y	Y	Y					
421	107	H	Sheets, Kenneth						Y	Y			
422	55	H	Sheffield, Ralph						Y	Y	Y		
423	97	H	Shelton, Mark M.						Y				
424	109	H	Sherman, Carl O., Sr.									Y	Y
425	122	H	Shields, John H.	Y									
426	55	H	Shine, Hugh D.								Y	Y	Y
427	22	S	Sibley, David	Y									
428	121	H	Siebert, Bill	Y									
429	65	H	Simmons, Ron							Y	Y		
430	7	H	Simpson, David						Y	Y			
X	2	H	Slaton, Bryan									N	
431	59	H	Slawson, Shelby									Y	Y
432	62	H	Smith, Reggie									Y	Y
433	92	H	Smith, Todd	Y	Y	Y	Y	Y	Y				
434	128	H	Smith, Wayne		Y	Y		Y	Y	Y			
435	86	H	Smithee, John T.	Y	Y	Y		Y	Y	Y		A	Y
436	38	H	Solis, Jim	Y	Y	Y							
437	124	H	Solis, Juan F., III	Y									
438	65	H	Solomons, Burt R.	Y	Y	Y	Y	Y	Y				
439	31	S	Sparks, Kevin										Y
440	68	H	Spiller, David									Y	Y
441	4	H	Spitzer, Stuart							Y			
442	30	S	Springer, Drew							Y	Y	Y	Y

CNT	DIST	CHB	NAME	365	871	912	8	2034	166	746	1576	906	1179
443	11	S	Staples, Todd	Y	Y	Y							
444	85	H	Stephenson, Phil							Y	Y	Y	
445	50	H	Stick, Jack		Y								
446	92	H	Stickland, Jonathan							Y	Y		
447	50	H	Strama, Mark			Y	Y	Y	Y				
448	121	H	Straus, Joe			Y	Y	Y					
449	64	H	Stucky, Lynn								Y	Y	Y
450	150	H	Swanson, Valoree								Y	Y	Y
451	87	H	Swinford, David	Y	Y	Y	Y	Y					
452	50	H	Talarico, James									Y	Y
453	144	H	Talton, Robert	Y	Y	Y	Y	Y					
454	24	H	Taylor, Larry		Y	Y	Y	Y	Y				
455	11	S	Taylor, Larry							Y	Y	Y	
456	66	H	Taylor, Van						Y				
	8	S	Taylor, Van							Y	Y		
457	1	H	Telford, Barry B.	Y	Y								
458	84	H	Tepper, Carl										Y
459	146	H	Thierry, Shawn Nicole								Y	Y	Y
460	65	H	Thimesch, Kronda										Y
461	29	H	Thompson, Ed							N	Y	Y	Y
462	141	H	Thompson, Senfronia	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
463	105	H	Tillery, Dale B.	Y									
464	94	H	Tinderholt, Tony							Y	Y	Y	A
465	33	H	Torres, Raul						Y				
466	15	H	Toth, Steve									Y	Y
467	19	H	Troxclair, Ellen										Y
468	20	S	Truan, Carlos F.	Y									
469	98	H	Truitt, Vicki	Y	Y	Y	Y	Y	Y				
470	73	H	Turner, Bob	Y									
471	101	H	Turner, Chris							Y	Y	Y	Y
472	33	H	Turner, E.Scott							Y			
473	114	H	Turner, John									Y	
474	139	H	Turner, Sylvester	Y	Y	A	P	P	Y	Y			
475	29	H	Uher, D. R.	Y									
476	118	H	Uresti, Carlos	Y	Y	Y							
	118	S	Uresti, Carlos				Y	Y	Y	Y	Y		
477	130	H	Van Arsdale, Corbin		Y	Y	Y	Y					
478	115	S	Van De Putte, Leticia	Y	Y	Y	Y	Y	Y				
479	1	H	VanDeaver, Gary							Y	Y	Y	Y
480	25	H	Vasut, Cody Thane									Y	Y
481	107	H	Vaught, Allen				Y	Y					
482	95	H	Veasey, Marc			Y	Y	Y	Y				

CNT	DIST	CHB	NAME	365	871	912	8	2034	166	746	1576	906	1179
483	114	H	Villalba, Jason							Y	Y		
484	123	H	Villarreal, Mike		Y	Y	Y	Y	Y				
485	149	H	Vo, Hubert			Y	Y	Y	Y	Y	Y	Y	Y
486	80	H	Walker, Gary L.	Y									
487	140	H	Walle, Armando Lucio						Y	Y	Y	Y	Y
488	14	S	Watson, Kirk				Y	Y	Y	Y	Y		
489	29	H	Webber, Randy						Y				
490	25	S	Wentworth, Jeff	N	Y	Y	Y	Y	Y				
491	81	H	West, G. E. "Buddy"	Y	Y	Y	A	Y					
492	23	S	West, Royce	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
493	19	H	White, James E.						Y	Y			
494	55	H	White, Molly S.							Y	Y	Y	
495	15	S	Whitmire, John	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
496	15	S	Williams, Thomas	Y	Y	Y	Y	Y	Y				
497	131	H	Wilson, Ron	Y	Y								
498	20	H	Wilson, Terry M.								Y	Y	Y
499	39	H	Wise, Miguel	Y	Y								
500	58	H	Wohlgemuth, Arlene	Y	Y								
501	103	H	Wolens, Steven	Y	Y								
502	134	H	Wong, Martha		Y	Y							
503	136	H	Woolley, Beverly	Y	Y	Y	Y	Y	Y				
504	47	H	Workman, Paul D.						Y	Y	Y		
505	10	H	Wray, John							Y	Y		
506	137	H	Wu, Gene							Y	Y	Y	A
507	138	H	Yarbrough, Ken	Y									
508	21	S	Zaffirini, Judith	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
509	20	H	Zbranek, Zeb	Y									
510	96	H	Zedler, Bill		Y	Y	Y	Y	Y	Y	Y		
511	28	H	Zerwas, Ron				Y	Y	Y	Y	Y		
512	45	H	Zwiener, Erin									Y	Y

*Petitioner can provide the Court with copies of the pertinent Senate and House Journal pages, upon request.

KEY TO THE ABOVE CHART:

H = Individual person is a Representative in the Texas State House of Representatives

S = Individual person is a Senator in the Texas State Senate

Y = Yea

N = Nay

P = Present

A = Absent

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IN THE
SUPREME COURT OF THE UNITED STATES

Comes now Pro Se Petitioner, Michael David Byrum, respectfully requesting the Justices of the Supreme Court of the United States to grant a "Petition for a Writ of Certiorari" in accordance with 28 U.S.C. § 1254(1), as the United States Court of Appeals, Fifth Circuit, New Orleans, Louisiana, issued "Notice" and "Judgement" on Byrum's "Pro Se Appellant's Brief" on June 12th, 2026, (see Appendix A) affirming the United States District Court, Western District of Texas, Austin's judgement. Therefore, Byrum requests this Court's consideration—that fundamentally fair due process would provide means for all of the issues and arguments presented in Byrum's "Complaint", as posted to the district court, on 05/01/2025, will be given due process in the courts—that the outcome from these issues should have a significant and substantial impact on the civil commitment process, across the nation.

CITATIONS OF OPINIONS

- On 06/12/2026, The United States Court of Appeals, Fifth Circuit, rendered its Opinion in Case No. 26-50024—see **Appendix A**; and appearing at *Byrum v. Bush*, 2026 U.S. App. LEXIS 17414.
- On 12/03/2025, the United States District Court, Western District of Texas, issued "Order" and "Final Judgement" dismissing Case No. 1:25-cv-00694-DAE-ML "with prejudice"—see **Appendix B** and appearing at *Byrum v. Bush*, 2025 U.S. Dist. LEXIS 271683.
- Civil commitment "Judgement" and "Order" of 05/16/2023 in the 26th Judicial District Court of Williamson County, Texas, Georgetown, Case No. 21-1063-C26,

"Judgement" and "Order" pursuant to civil commitment under Texas Health and Safety Code, Title 11, Chapter 841—appear at **Appendix C** and are unpublished.

- "Judgements on Pleas" of 10/30/2000 in the 26th Judicial District Court of Williamson County, Texas, Georgetown, Case Nos.: 00-106-K26, "Indecency with a Child by Contact", pursuant to Texas Penal Code § 21.11(a)(1); Case No. 00-007-K26, "Aggravated Sexual Assault of a Child" pursuant to Texas Penal Code § 22.021; Case No. 00-120-K26, "Delivery of Marijuana to a Minor" pursuant to Texas Health and Safety Code § 481.122 (not a civil commitment offense)—appear at **Appendix D** and are unpublished.

BASIS FOR JURISDICTION

- In this, the Supreme Court of the United States, jurisdiction is invoked under 28 U.S.C. § 1254(1).
- In the United States Court of Appeals, Fifth Circuit, Case No. 26-50024, jurisdiction is invoked under 28 U.S.C. § 1291.
- In the United States District Court, Western District of Texas, Case No. 1:25-cv-00694-DAE-ML, jurisdiction is invoked under 28 U.S.C. § 1391(b)(2).
- The 26th Judicial District Court of Williamson County, Texas, Georgetown, Case No. 21-1063-C26, jurisdiction is invoked under Texas Health and Safety Code, Title 11, Chapter 841.
- The 26th Judicial District Court of Williamson County, Texas, Georgetown, Case Nos. 00-106-K26 and 00-007-K26, jurisdiction is invoked under Texas Penal Code § 21.11(a)(1) and § 22.021 and Case No. 00-120-K26, jurisdiction is invoked under Texas Health and Safety Code § 481.122.

CONSTITUTIONAL / STATUTORY PROVISIONS

United States Constitution

Eighth Amendment

Right to Mental Health Care/Rehabilitation Program

Fourteenth Amendment

Procedural Due Process

Substantive Due Process

28 U.S.C. § 1915(e)(2)(B)/*Gamble v. Estelle*, 516 F.2d 937, at 940 (5th Cir 1975),

"District courts must be sensitive to the problems of the pro se plaintiff in civil rights actions and not be too quick to dismiss for failure to state a technical cause of action. ... While this complaint is not framed in terms of the cases cited by appellees, in part because Gamble is "unschooled" in the law ... The judgment is, therefore, reversed and the cause is remanded with instructions to re-instate the complaint, appoint counsel and permit appropriate amendment thereto to the end that Gamble's constitutional rights are fully protected and that he receives all legal relief to which he may show himself entitled." (Citations Omitted).

STATEMENT OF THE CASE

- On 06/12/2026, The United States Court of Appeals, Fifth Circuit, New Orleans, rendered its Opinion in Case No. 26-50024 rendering the Judgement of the district court "Affirmed"—see **Appendix A** and published at *Byrum v. Bush*, 2026 U.S. App. LEXIS 17414. Subsequently, this date establishes 09/10/2026 as the 90-day deadline for filing "Petition for a Writ of Certiorari" in the Supreme Court

of the United States, in accordance with U.S.C.S. Supreme Court Rule 13.1. As the Fifth Circuit's Judgement was not timely posted to Byrum (delayed for five days, until 06/17/2026) and not "Received" until 06/23/2026 (see Appendix A, Envelope), being just three days short of the 14 day "Time to File" a Motion for Rehearing/En Banc, established in U.S.C.S. Federal Rule of Appellate Procedure, 40(d)(1), Byrum attempted to file:

- On 06/30/2026, Byrum posted a "Motion to Extend Time" to the Court of Appeals, in Case No. 26-50024, explaining the untimely delivery of the Judgement; his inability to gain adequate access to Law Library time; and requesting reset of the 14-day time limit from the date he "received" the Judgement—see **Appendix A** (envelope) and Fifth Circuit's unpublished records.
- On 07/06/2026, the Court of Appeals issued notice of its "Mandate" in Case No. 26-50024, "Received" 07/13/2026—see **Appendix A-3**, unpublished.
- On 07/07/2026, Byrum posted his "Appellant's Petition for Rehearing or En Banc Reconsideration" in Case No. 26-50024—see Fifth Circuit's unpublished records.
- On 07/14/2026, Byrum posted a "Motion to Stay Mandate", to the Court of Appeals, in Case No. 26-50024, which he had dropped in the facility mailbox on 07/13/2026, before he had actually received copy of the Fifth Circuit's notice of Mandate—see Fifth Circuit's unpublished records.

- On 07/24/2026, the Court of Appeals issued notice of its receipt of the motion to extend time, deeming it to be "untimely"/ "no action"—see **Appendix A-2** and Fifth Circuit's unpublished records.
- On 07/24/2026, the Court of Appeals issued notice of its receipt of the "motion to stay mandate", noting that the Mandate had been issued/"no action"—see **Appendix A-2** and Fifth Circuit's unpublished records.
- On 07/24/2026, the Court of Appeals issued notice that they would "take no action on your motion for rehearing"/time for filing had "expired"—see **Appendix A-1** and Fifth Circuit's unpublished records.

➢ On 02/04/2026, the Court of Appeals gave notice of its issuing of its Mandate in Case No. 26-50024—see **Appendix A-4** and Fifth Circuit's unpublished records.

➢ On 01/21/2026, the Court of Appeals gave notice of its issuing of its Mandate in Case No. 26-50024—see **Appendix A-5** and Fifth Circuit's unpublished records.

➢ On 03/13/2026, Petitioner Byrum filed an "Application for Appointment of Counsel" and a "Pro Se Appellant's Brief" in the United States Court of Appeals, Fifth Circuit in Case No. 26-50024—see unpublished Fifth Circuit records.

➢ On 01/20/2026, the United States District Court, Western District of Texas, Austin, issued an "Notice" dismissing "motion to forward record", as unnecessary in Case No. 1:25-cv-00694-DAE-ML—see **Appendix B-1** and District Court's unpublished records.

➢ On 01/07/2026, Petitioner Byrum posted a "Motion to Forward the Record" from the United States District Court, Western District of Texas, Austin, Case No.

1:25-cv-00694-DAE-ML, to the United States Court of Appeals, Fifth Circuit—see District Court's unpublished records.

- On 01/02/2026, Petitioner Byrum timely posted a Notice of Appeal in the United States District Court, Western District of Texas, Austin, in Case No. 1:25-cv-00694-DAE-ML—see District Court's unpublished records.
- On 12/03/2025, the United States District Court, Western District of Texas, issued "Order" and "Final Judgement" dismissing Case No. 1:25-cv-00694-DAE-ML "with prejudice"—see **Appendix B**, and is published at *Byrum v. Bush*, 2025 U.S. Dist. LEXIS 271683.
- On 10/18/2025, Petitioner Byrum posted his "Petitioner's Response" to the United States District Court, Western District of Texas, Austin's "Order" in Case No. 1:25-cv-00694-DAE-ML, requiring Byrum to respond to the Court's questions—see District Court's unpublished records.
- On 10/14/2025, Petitioner Byrum's "Petitioner's Motion for Extension of Time" was filed in the United States District Court, Western District of Texas, Austin, in Case No. 1:25-cv-00694-DAE-ML, to file his response to the Court's questions—see District Court's unpublished records.
- On 09/02/2025, the United States District Court, Western District of Texas, Austin, issued an "Order" in Case No. 1:25-cv-00694-DAE-ML requiring Byrum to respond to the Court's questions "on or before October 3rd, 2025—see **Appendix B-4** and District Court's unpublished records.

- On 07/01/2025, the United States District Court, Western District of Texas, Austin, issued an "Order" in Case No. 1:25-cv-00694-DAE-ML, granting Byrum's "Petitioner's Motion to Proceed *In Forma Pauperis*" and Denying Byrum's "Petitioner's Motion to Appoint Counsel"—see **Appendix B-2** and District Court's unpublished records.
- On 05/01/2025, Petitioner Byrum posted suit to the United States District Court, Western District of Texas, Austin, Case No. 1:25-cv-00694-DAE-ML, under 42 U.S.C. § 1983 naming about 550 Texas State actors for violation and deprivation of his Eighth and Fourteenth Amendment Rights, acting under the Color of Texas Health and Safety Code, Title 11, Chapter 841 (THSC, Chapter 841)—see District Court's unpublished records.

On December 11, 1999, at age thirty-five, Plaintiff/Appellant/Petitioner, Byrum, was arrested at his home in Williamson County, Texas. Eventually, he was indicted and subsequently entered into a plea agreement, pleading guilty in the 26th Judicial District Court of Williamson County to one count of "Aggravated Sexual Assault" (30-Years); one count of "Indecency with a Child by Contact" (15-Years, concurrent); and one count of "Delivery of Marijuana to a Minor" (10-Years, concurrent) (see Appendix D). No one, including Byrum's criminal defense attorney, had ever said anything to him about "civil commitment", nor the possibility of ever being assessed for the civil commitment that would result in loss of life, liberty and property, after his release on parole, under the color of THSC, Chapter 841.

Byrum entered the TDCJ-CID on November 30th, 2000, at the Byrd Unit, Huntsville, Texas—a "Diagnostics Unit"—where an "Individualized Treatment Plan" (ITP) was initiated. During the diagnostics process, Byrum inquired about being enrolled in a TDCJ-CID "Sex Offender Treatment Program" (SOTP), but was told "No. You'll get that at the end." Still, during the "diagnostics" process, no one said anything to him about any possibility that his two sex offense convictions could ever become cause for him to be considered as a candidate for civil commitment, despite the fact that, from the beginning, those civil commitment qualifying convictions were known to prison administrators and the other defendant(s) that would be involved in the implementation of THSC, Chapter 841, as a matter of available record.

During the next 20-Years of Byrum's TDCJ-CID incarceration and despite numerous ITP reviews, at no time did any TDCJ-CID administrator, nor other state official, say or suggest anything to him about the possibility of being civilly committed (see Byrum's Complaint, 05/01/25, Attachment B-2—ITP reports).

Byrum was granted parole on December 22, 2020, having served 21-Years on the 30-Year, Aggravated, "sentence of record", having completely executed the other two, concurrent sentences. However, before he would be allowed to exit the TDCJ-CID, the "Texas Parole Division" required Byrum to complete: 1) the 6-Month "Changes 3" program (IPTC); and 2) the 9-Month "Sex Offender Treatment Program" (SOTP-9) (see Byrum's Complaint, Attachment B-3, Notice of Parole Panel Decision). Still, no one, at any time, ever notified, nor said a word to Byrum about the possibility of being civilly committed under THSC, Chapter 841. Byrum never expected to be submitted

to any additional assessment and treatment requirement, as civil commitment had never shown up as an expected treatment modality on his ITP updates, which did note his completed programs and programs that he would be expected to complete in the future, such as the "Changes" and "SOTP-9 programs" (see Byrum's Complaint, Attachment B-2, ITP reports).

However, on March 8th, 2021, Byrum was contacted for an interview by Melissa Davis of the "Texas Civil Commitment Office" (TCCO) and informed that he was then being evaluated for civil commitment by the Multidisciplinary Team (MDT) pursuant to THSC, Chapter 841. (see Byrum's Complaint, 05/01/25—Attachment B-4, TDCJ-CID Civil Commitment Referral). Until then, as civil commitment had never been presented to him as a treatment need in an ITP report, Byrum had ample reason to believe that it would never be pursued against him. This interview, via electronic media, was the first time Byrum had ever heard of civil commitment, in reference to himself.

As recommended by the MDT, on April 15, 2021, Dr. Stephen Thorne, Licensed Psychologist, Austin, Texas, conducted a "Behavioral Abnormality Evaluation", in which he assessed that Byrum suffers from the following Mental Disorders as defined by the Diagnostic and Statistical Manual, Fifth Edition (DSM-V): 1) Pedophilic Disorder, Non-Exclusive Type; 2) Cannabis Use Disorder, In Remission; and 3) Methamphetamine Use Disorder, In Remission; and "...does presently meet the criteria as having a behavioral abnormality that makes him likely to engage in a predatory act of sexual violence" (see Byrum's Complaint, Attachment B-5, first and

last pages of report), defining "behavioral abnormality" in accordance with THSC § 841.002(2), being "a congenital or acquired condition that by affecting a person's emotional or volitional capacity, predisposes the person to commit a sexually violent offense, to the extent that the person becomes a menace to the health and safety of another person" (emphasis Added)—clearly a very serious mental health disorder.

Subsequently, Byrum, was assessed by an additional mental health professional, Dr. Michael Arambula, Forensic Psychiatrist, San Antonio, Texas, on September 13, 2021, also finding that Byrum "suffers from a behavioral abnormality" (see Byrum's Complaint, Attachment B-6—Designation of Expert Witnesses).

By April 21, 2022, Byrum had "successfully" completed both of his required programs for parole, including the SOTP-9 program—a program that Byrum estimates to have a successful completion rate of about ninety-seven percent (97%) (see Byrum's Complaint, 05/01/25, Attachment B-7—Certificates).

However, on August 5, 2021, Byrum was served the petition (filed July 23, 2021, in Williamson County's 26th Judicial District Court) pursuing his civil commitment (see Byrum's Complaint, 05/01/25, Attachment B-8—Citation). A jury trial was scheduled for April 18, 2022, continued to December 12, 2022, and continued again to May 15, 2023. At the end of the two-day trial (In re: The Commitment of Michael David Byrum, Case No. 21-1063-C26 (26th Dist. Ct. Williamson Cnty., May 16, 2023)), Byrum was found to be a "sexually violent predator", as defined by THSC § 841.003(a), being "(1) a repeat sexually violent offender; and (2) suffers from a

behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence." (emphasis added).

Byrum appealed the decision to the Texas Third Court of Appeals (In re Commitment of Byrum, No. 03-23-00388-CV, 2025 WL 1449264 (Tex. App.-Austin 2025)) and Petition for Review with regard to abatement and reset of the appeal was under review and denied by the Supreme Court of Texas on 02/27/26 (see In re Commitment of Michael David Byrum. Case Number: 25-0862.)). Most recently, on August 8, 2026, Byrum posted a "Petition for a Writ of Certiorari" in this court, regarding the failure of the Texas courts to give review to all of the issues preserved from his civil commitment trial that he sought review of on appeal.

On August 22, 2023, Byrum entered into "supervision and treatment" under the Texas Civil Commitment Office as prescribed by THSC, Chapter 841, at the Texas Civil Commitment Center, Littlefield, Texas—a treatment program that Byrum finds to have a success rate of only about two percent (2%).

Byrum timely posted his complaint in this case on May 1, 2025, being less than the two-year statute of limitations for a personal injury suit under Texas Civil Practice and Remedies Code, Chapter 16, § 16.003(a), naming approximately 551 Defendants, which includes 512 past and present members of the Texas Legislature and about forty (40) other Texas government officials." After he pled guilty to the two sex offenses in 2000, Byrum did not receive any sex offender treatment during his incarceration in the TDCJ-CID, except for that which was provided for compliance with the Texas Parole Division requirements.

Byrum, contends that the individual Defendant(s) violated his Eighth Amendment rights, creating and participating in the implementation of THSC, Chapter 841—that the Defendant(s) knew from Byrum's first day in the custody of the TDCJ-CID, when he entered the Byrd "Diagnostics" Unit, November 30, 2000, where and when an Individualized Treatment Plan (ITP) was initiated, that Byrum had been convicted of "more than one sexually violent offense", meeting the first element established under THSC § 841.003(a). And despite having created the immediate means to determine if Byrum did "suffer from a behavioral abnormality", as prescribed by THSC, Chapter 841, the Defendant(s), with unnecessary, wanton, reckless and deliberate indifference, neglected to provide Byrum with the assessment and subsequent "long-term", "necessary", treatment at the earliest possible date, but instead, under the color of THSC, Chapter 841, left Byrum to "suffer" (see THSC § 841.003(a)(2)) from the "extremely dangerous" "behavioral abnormality" (see THSC § 841.001), during Byrum's long-term prison sentence, until his "anticipated release" (see THSC § 841.021(a)), after he had been granted parole, December, 2020.

Furthermore, Byrum asserts that additional injury was inflicted, not providing him with the "long-term" treatment, during his long-term, $22^{1}/_{2}$-years served on his prison sentence, violating his Fourteenth Amendment rights—that the much more effective and successful SOTP treatment that is provided by the TDCJ-CID Rehabilitation Programs Division would have allowed him to show, long before his "anticipated release", that his "behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence." (see

THSC § 841.081(a)) and been allowed to exit the TDCJ-CID on the parole that he had been granted. Instead, the Defendant(s), with unnecessary, wanton, reckless and deliberate indifference, have subjected him to a probable lifetime deprivation of life, liberty and property, under the color of THSC, Chapter 841.

REASONS TO GRANT THE WRIT

ISSUE NO. 1:

The District Court erred, dismissing Plaintiff/Appellant/Petitioner, Byrum's § 1983 claim, abusing its discretion, failing to appoint counsel to represent Byrum, noting in its' Order (07/01/25, Pg.1) that, "In a case filed pursuant to 42 U.S.C. § 1983 '[a] civil rights complainant has no right to the automatic appointment of counsel,' and 'the trial court is not required to appoint counsel for an indigent Petitioner asserting a claim under [§] 1983 ... unless the case presents exceptional circumstances."

Byrum properly and timely filed the "Application for Appointment of Counsel", stating:

> *"Plaintiff believes that he needs the assistance of counsel because, while he recognizes the essential issues to be considered and believes that the issues have great merit, he has no formal training in legal matters and he believes that the case has complex legal issues. As well, Plaintiff realizes that the suit challenges established law and brings suit against many persons who are in positions of tremendous power."*

The United States Court of Appeals, Fifth Circuit, New Orleans, agreed with the District Court, stating "...the district court did not err when it denied Byrum 's

motion for the appointment of counsel, see *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982), and the appointment of counsel on appeal is likewise not warranted, see id; *Cooper v. Sheriff Lubbock Cnty.*, 929 Fad 1078, 1084 (5th Cir. 1991)."

Byrum finds that "extraordinary circumstances are not required for appointment of counsel for indigent in civil case, instead, court should consider merits of Petitioner's claim, Petitioner's ability to present his or her case, difficulty of legal issues presented, degree to which factual investigation will be required, and whether case is likely to turn on credibility determinations" (see *Tabron v. Grace* 6 F.3d 147, (3rd Cir. 1993), cert denied, 510 U.S. 1196,, 114 S.Ct. 1306, (1994), limited; and *Gordon v. Gonzalez*, 232 Fed. Appx. 153, 2007 U.S. App. LEXIS 9922 (3rd Cir. 2007). It appears to Byrum, that the court did not give its' sincerest consideration to the importance and significance of the matters presented for review.

Furthermore, Byrum asserts that the issues presented in this case are of significant public interest, in that the case alleges violation of U.S. Constitutional rights, under the color of state law. Therefore, the court should have provided him with counsel in accordance with 28 U.S.C. § 1915(e)(1), stating that "The court may request an attorney to represent any person unable to afford counsel."

ISSUE NO. 2:

The District Court erred, dismissing Plaintiff/Appellant/Petitioner, Byrum's, § 1983 claim, abusing its discretion, inappropriately applying legal standards to the Petitioner's complaint. In its' Order dismissing the case (see Dist. Crt. Order of 12/03/25, Pgs. 3-4), the Court asserts that, in accordance with 28 U.S.C. §

1915(e)(2)(B), it "is directed to dismiss a case filed in forma pauperis at any time if the court determines the action is (i) frivolous or malicious or (ii) fails to state a claim on which relief can be granted", citing *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); also, "A complaint is factually frivolous when 'the facts alleged are fantastic, or delusional scenarios or legal theories upon which a complaint relies is indisputably meritless.'" Id at 327-28. The Court also turns to *Harper v. Showers*, 174 F.3d 716, 718 (5th Cir. 1999), suggesting that Petitioner's "...complaint lacks an arguable basis in law... based on an indisputably meritless legal theory, such as if the complaint alleges a violation of a legal interest which clearly does not exist."

The Court proceeds asserting that it "applies the same standards governing dismissals pursuant to Federal Rule of Civil Procedure 12(b)(6)—that "a plaintiff must plead sufficient facts to state a claim for relief that is plausible on its face" and for support, turns to *Ashcroft v. Iqbal*, 556 U.S. 662, at 678 (2009), "A claim has facial plausibility, when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." And "...However, '[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements do not suffice.'" Id at 679.

The United States Court of Appeals, Fifth Circuit, New Orleans, agreed with the District Court, stating "In essence, Byrum argues that the defendants violated his Eighth and Fourteenth Amendment rights by failing to provide him with treatment while he was incarcerated and, as a result, he is now civilly committed. Regarding his Eighth Amendment claim, he fails to state a claim that the defendants

acted with deliberate indifference towards his medical needs. See id at 679; see also *Cleveland v. Bell*, 938 F.3d 672, 676 (5th Cir. 2019). Similarly, he has failed to state a claim that the defendants violated his procedural or substantive due process rights under the Fourteenth Amendment. See *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005); *McClendon v. City of Columbia*, 305 F.3d 314, 325-26 (5th Cir. 2002) (en banc)."

Byrum continues to stand on all prior, factual statements given in his Complaint (05/01/25, Pgs. 6-8, with Attachment B and Appendix Exhibits) and Petitioner's Response (10/18/25) to the District Court's Order (09/02/25). As Byrum asserts and will show in the following pages, his Complaint is far from frivolous and more than adequately states a claim on which relief can be granted. Also, Byrum has clearly laid out all of the factual and plausible elements necessary to support the inference that the Defendant(s) in this case are liable for the misconduct alleged, rising well above "threadbare recitals of a cause of action", being supported by documentary evidence that is much more than "mere conclusory statements."

Again, Byrum would refer to the Fifth Circuit's Opinion rendered in Gamble v. Estelle, 516 F.2d 937, at 940 (5th Cir 1975), holding that "District courts must be sensitive to the problems of the pro se plaintiff in civil rights actions and not be too quick to dismiss for failure to state a technical cause of action. ... While this complaint is not framed in terms of the cases cited by appellees, in part because Gamble is "unschooled" in the law, such a situation calls for even greater liberality on the part of the district court, in our view, where the State has not been required to file any pleading whatever. Moreover, where the general medical services afforded by the

State in its prisons are publicly known to be "woefully inadequate", the court must exercise the highest degree of care to make certain that a prisoner is not deprived of his federally secured constitutional right to medical care." (citations omitted).

ISSUE NO. 3:

The District Court erred, dismissing individual Defendant-Legislator(s) as being immune from suit (*see* Dist. Crt. Order, 12/03/25, Pgs. 4-5). While Plaintiff/Appellant/Petitioner, Byrum, continues to stand on all prior statements given in his Complaint (05/01/25, Pg. 4-5, with Attachment A, Pgs. 2-15 and Attachment B, Pg. 11-16) and his Response (10/18/25, Pg. 1-2) to the District Court's Order (09/02/25, Pg. 3) Byrum will address claims made in the District Court's Order (12/03/25, Pgs. 4-5), wherein "[t]he Court concludes that these defendants are entitled to legislative immunity and dismisses Plaintiff's claims against them."

In pursuit of this conclusion, the Court turned to Supreme Court decisions in *Bogan v. Scott-Harris*, 523 U.S. 44, 49 (1998) holding that "...state and regional legislators are entitled to absolute immunity from liability under § 1983 for their legislative activities."; *Tenney v. Brandhove*, 341 U.S. 367 (1951) asserting that "Legislative immunity "applies to activities, not offices"; and *Bryan v. City of Madison*, 213 F.3d 267, 272 (5th Cir. (2000) stating "Whether an act is legislative turns on the nature of the act, rather than on the official performing it." (see Dist. Crt Order, 12/03/25, Pg. 4).

The United States Court of Appeals, Fifth Circuit, New Orleans, agreed with the District Court, stating "Additionally, Byrum fails to show that the district court

erred in concluding that the state legislators were immune from liability. See *Bogan v. Scott-Harris*, 523 U.s. 44, 48-49 (1998); *Tenny v. Brandhove*, 341 U.S. 367, 376 (1951); *Hughes p. Tarrant cny.* Tex., 948 F.2d 918, 920 (5th Cir. 1991)."

The Texas State Legislators are not entitled to absolute immunity in this 42 U.S.C. § 1983 suit, nor does that immunity attach to all actions taken "in the sphere of legitimate legislative activity", as is asserted in *Dean v. Town of Hempstead*, 527 F. Supp. 3rd 347 (2021). Petitioner also points to *Scheuer v. Rhodes*, 416 US 232, at 237-38 (1974), holding that "...it has been settled that damages against individual defendants are a permissible remedy in some circumstances notwithstanding the fact that they hold public office... In some situations, a damage remedy can be as effective a redress *for the infringement of a constitutional right* as injunctive relief might be in another. Analyzing the complaints in light of these precedents, we see that petitioners allege facts that demonstrate they are seeking to impose *individual and personal liability* on the named defendants for what they claim-but have not yet established by proof-was a deprivation of federal rights by these defendants *under color of state law*... If the immunity is qualified, not absolute, the scope of that immunity will necessarily be related to facts as yet not established either by affidavits, admissions or a trial record. Final resolution of this question must take into account the functions and responsibilities of these particular defendants in their capacities as officers of the state government, *as well as the purposes of 42 USC § 1983...*". (*emphasis added*)

Also in support of Petitioner's argument that "...the Defendant(s) violated Petitioner's right to treatment that is vested in the Eighth Amendment to the U.S. Constitution—that any reasonable individual, who was to ever have any part in the processes, under the criteria established in and under color of the THSC, Chapter 841 law, to consider and assess that the Petitioner 'suffered' from such a serious 'behavioral abnormality' that would require his 'necessary', 'long-term supervision and treatment', could have and should have, either taken every action within his/her power to provide that treatment at the earliest possible date..." (see Page 7 of 9 in the Petitioner's complaint).

Furthermore, *Dean*, holds that "...Legislators are not immune from suit for administrative acts. Acts are administrative if they impact *particular individuals* rather than on a community, or if the factors *considered* in adopting the legislation relate to *specific individuals*, instead of general policy implications... Qualified immunity protects government officials from civil damages liability *insofar as their conduct does not violate clearly established statutory or constitutional rights* of *which a reasonable person would have known*. Thus, pursuant to the two-step framework articulated by the United States Supreme Court in *Saucier*, when an official raises qualified immunity as a defense, the court must consider whether: (1) the official violated a statutory or constitutional right, and (2) the right was clearly established at the time of the challenged conduct." (*emphasis added*).

In *Tenney v. Brandhove*, 341 U.S. 367, 378 (1951), this court noted, "...In times of political passion, dishonest or vindictive motives are readily attributed to

legislative conduct and as readily believed. Courts are not the place for such controversies. Self-discipline and the voters must be the ultimate reliance for discouraging, or correcting such abuses...". However, regardless of the Legislators motive(s) for constructing and construing this law in this manner, for the cause of civilly committing persons, who have been falsely deemed to be "extremely dangerous" "sexually violent predators", posing a "risk" to society (see THSC, § 841.001), as Byrum has been, when the reality is that sex offenders actually pose a very low risk of recidivism[1] clearly the Defendant(s) lacked the initial self-discipline to not enact the unconstitutional law and have continued to lack the self-discipline to correct the unconstitutional elements of this law that Byrum has complained of in this suit. It is also difficult to see how persons, whose rights have been violated through such a legal scheme and who have been so prejudicially labelled by those same legislators, could ever hope to find relief, nor be vindicated in the court of public opinion and, therefore the abuse is never likely to be remedied in the voting booth. In any such circumstance as this, it ***must*** remain for the court(s) to remedy a state Legislator's violation of another person's United States Constitutional rights, or the injustice will only be continually perpetrated and perpetuated upon this Petitioner and other similarly situated persons. In novo casu novum remedium apponendum est—***In a novel case, a new remedy must be applied.***

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[1] See Grant Duwe, Ph.D., in "Better Practices in the Development and Validation of Recidivism Risk Assessment: The Minnesota Sex Offender Screening Tool-4" (July 13, 2017); "Criminal Justice Policy Review" (4-year study) with 2.3% recidivism found; Missouri Dept. of Corrections (2007 study), finding 3% re-offense rate of sex offenders released in 2002; Alaska Judicial Council (2007 report), found a 3% recidivism rate; California's Sex Offender Management Board (2008 study), found 3.38% sex-crime recidivism among 4,204, 10-years after release; Indiana Department of Corrections (2005 report), finding 1.05% recidivism over 3-years.

If this court should continue to find that Byrum cannot bring suit against the Legislator-Defendant(s)—that they must be allowed to enjoy the protection of official immunity—it was certainly within the ability of the District Court to proceed with the meritorious case, while dismissing only those defendants and/or Byrum would amend his suit accordingly, if directed by this court to do so, upon remand.

ISSUE NO. 4:

The District Court erred, dismissing Plaintiff/Appellant/Petitioner, Byrum's § 1983 claim, asserting that Byrum cannot find relief, being released from TCCO custody, through his 42 U.S.C. § 1983 suit. (see Dist. Crt. Order, Pgs. 5-6). Byrum continues to stand on all prior arguments given in his Complaint (05/01/25—see Pg. 9 with Attachment B, Pg. 15-16) and his Response (10/18/25—Pg. 8-9) to the District Court's Order of 09/02/25, he addresses claims made in the District Court's Order of December 3, 2025, wherein the Court concludes that "to the extent Plaintiff seeks release from confinement as an SVP, he cannot pursue such relief in a § 1983 action."

In support of this assertion, the District Court turned to *Preiser v. Rodriguez*, 411 U.S. 475, 488-90 (1973), which pertains to *prisoners* seeking restoration of good conduct time through a 42 U.S.C. § 1983 claim, wherein the end result would entitle them to immediate release. The Supreme Court held "that when a state *prisoner* challenges the very fact or duration of his physical imprisonment, and seeks immediate or speedier release from *imprisonment*, his sole federal remedy is a writ of habeas corpus...". The Court also turned to *Francois v. Henderson*, 850 F.2d 231 (5th Cir. 1998), which addressed a challenge under 28 U.S.C. § 2254 to a state court's

commitment of a person to a mental institution as a result of being found "not guilty by reason of insanity" in a *criminal* proceeding. Then the Court turned to *Seling v. Young*, 531 U.S. 250 (2001), wherein Young, who had been civilly committed as an SVP under a Washington State statute, ***chose*** to pursue his release from the commitment through a 28 U.S.C. § 2254 habeas corpus action. (*emphasis added*).

In the related footnote 1, the District Court turned to *Heck v. Humphrey*, 512 U.S. 477 (1994), wherein the Supreme Court held that a *prisoner's* § 1983 claim for monetary damages is not cognizable when "judgment in favor of the plaintiff would necessarily imply the invalidity of his *conviction or sentence*" unless that conviction or sentence has been "reversed on direct appeal... or called into question by a federal court's issuance of a writ of habeas corpus. Here, Byrum would assert that: 1) *Heck* applies to *prisoners* with *criminal convictions*, not "*civil*" commitments; and 2) if *Heck* is to be applied to a "*civil*" commitment, then the court has created a catch-22, wherein, by dismissing a meritorious "*civil*" case simply because a finding in the person's favor might lend cause for the person's release from a "*civil*" custody, the court inversely deprives the person of his cause for release in any other legal action, habeas corpus, or otherwise—that Byrum would remain "damned if he does, and damned if he doesn't." (*emphasis added*).

The United States Court of Appeals, Fifth Circuit, New Orleans, agreed with the District Court, stating "Similarly, the court correctly concluded that a habeas application was the appropriate mechanism for Byrum to pursue release from his civil commitment, see *Wilkinson v. Dotson*, 544 U.S. 74, 82 (2005) ...". Again, Byrum

finds that *Wilkinson* pertains to "prisoners" seeking a speedier release form their criminal convictions, not a release from a civil confinement that resulted from a civil suit that, as Byrum claims herein, violates his civil rights under 42 U.S.C. § 1983.

Byrum is not a *prisoner*—his commitment and claim are "*civil*", not criminal. Therefore, if his claims are upheld, finding that the THSC, Chapter 841, "*civil*" scheme, was applied to him through means that violated his Eighth and/or Fourteenth Amendment "*civil*" rights, then his resulting "*civil*" commitment confinement would necessarily be invalidated, just as a finding in favor of a plaintiff in any other "*civil*" suit would, necessarily, provide relief for all other resulting injuries. And in this case, one of the resulting injuries, as clearly claimed in this suit, is the continued confinement with continued loss of life, liberty and property.

But again, if this Court should continue to agree that Byrum cannot be released from TCCO custody, as a result of a finding that the process under THSC, Chapter 841, is unconstitutional, then this particular requested element for relief could have been overruled by the district court, or again Byrum would request remand, with opportunity to amend his claim accordingly, if required to do so by this court.

ISSUE NO. 5:

The District Court erred, dismissing Plaintiff/Appellant/Petitioner, Byrum's § 1983 claim, misconstruing Byrum's request for "injunctive relief" (see Byrums Complaint, 05/01/25, Pg. 9, with Attachment B, "Additional Statement", Pg. 1), as a request that "is construed as a request for mandamus relief" (see Dist. Crt. Order, 12/03/25, Pgs.6-7).

The United States Court of Appeals, Fifth Circuit, New Orleans, agreed with the District Court, stating "and that it was without power to grant the requested mandamus relief, see *Gearlds v. Entergy Sens., Inc.*, 709 F.3d 448, 452 (5th Cir. 2013); *McCarthy ex rel. Travis v. Hankins*, 381 F.3d 407, 412 (5th Cir. 2004) ...".

While Byrum continues to stand on all prior statements given in his Complaint (05/01/25) and his Response (10/18/25) to the District Court's Order (09/02/25), wherein his request was clearly stated for "injunctive" relief, he addresses claims made in the District Court's Order of 12/03/25.

Regarding injunctions against state statutes bearing unconstitutional elements, the U.S. Supreme Court noted "But the general doctrine of *Osborn v. Bank of United States*, that the circuit courts of the United States will restrain a state officer from executing an unconstitutional statute of the State, when to execute it would violate rights and privileges of the complainant which had been guaranteed by the Constitution, and would work irreparable damage and injury to him, has never been departed from." (*see Pennoyer v. McConnaughy*, 140 U.S. 1, at 12 (1891)). Byrum's request has always been clearly stated as one for "injunctive" relief

ISSUE NO. 6:

The District Court erred, dismissing Plaintiff/Appellant/Petitioner, Byrum's § 1983 claim, abusing its discretion, stating that Byrum's Eighth Amendment claim is time barred by "statute of limitations" (*see* Dist. Crt. Order, 12/03/25, Pg. 7-9). While Byrum continues to stand on all prior statements given in his Complaint (05/01/25, Pgs. 5-8) and Byrum's Response (10/18/2025, Pgs. 9-10) to the District Court's Order

(09/02/25, Pg. 5), he addresses claims made in the Court's Order (12/03/25, Pgs. 7-9), wherein the Court stated "...The statute of limitations for a § 1983 claim is determined by the forum state's limitations period for personal injury torts. In Texas, that is two years from the date the cause of action accrues. Federal law determines when a § 1983 cause of action accrues. Under federal law, a cause of action under § 1983 accrues when the aggrieved party knows, or has reason to know of, the injury or damages which form the basis of the action."[2] (citations omitted) (*see* Pg. 7).

The Court incorrectly states "Plaintiff admits he was aware of his behavioral abnormality by September 13, 2021. He therefore Had until September 13, 2023, to file a § 1983 lawsuit..." (*see* Pg. 7) What Byrum had actually noted relative to this matter was "Plaintiff further asserts that simply being notified by TCCO that he was being assessed for civil commitment, on March 8th, 2021, and then subsequently being examined by a psychologist and a psychiatrist who "concluded he had a 'behavioral abnormality' within the meaning of the SVPA by September 13, 2021" was inconsequential, amounting to nothing more than warning signs that did not create redressable harm, injury, or damage." (*see* Byrum's Response, 10/18/25, Pg. 10).

Byrum contends that a clinician's assessment, asserting his belief that Byrum suffered from a behavioral abnormality was not conclusive under the terms of THSC, Chapter 841—that it inflicted no harm and did not create a cause of action. What was conclusive and created a final cause of action was the determination of the twelve juror's seated in Byrum's civil commitment trial, May 15-16, 2023—finding that

[2] The statute of limitations period of two years is established under Texas Civil Practice and Remedies Code, Chapter 16, Section 16.003(a).

Byrum was a "sexually violent predator" meeting the criteria of set forth in THSC § 841.061(a), "The judge shall conduct a trial *to determine whether the person is a sexually violent predator...*". In accordance with THSC § 841.003(a) "A person is a sexually violent predator for the purposes of this chapter if the person: (1) *is a repeat sexually violent offender*; and (2) *suffers from a behavioral abnormality* that makes the person likely to engage in a predatory act of sexual violence..." (*emphasis added*)—that would then require his "long term", "necessary" treatment (THSC § 841.001) and giving rise to Byrum's Eighth and Fourteenth Amendment claims.

The District Court asserts that Byrum's "...second argument—that the psychologist's conclusion about Plaintiff's behavioral abnormality is inconsequential—goes too far. It presumes Plaintiff's injury is not the behavioral abnormality, but the resulting civil commitment" (see Dist. Crt. Order, 12/03/25, Pg. 8), when, as shown above, what Byrum is actually asserting is that the clinician's assessment is inconsequential in that it was not conclusive—not final—not creating a cause of action.

Here, in this present appeal, Byrum directs the Court to further consider precedent supporting his position in *Rizek v. Wal-Mart Stores E.*, LP, 2024 Dist. LEXIS 80025, at 6 (2024), stating "The statute of limitations typically begins to run when the wrongful conduct occurs, even if 'the actual injury is subsequent.' There are two exceptions to this rule. One is the delayed-damages rule, which applies when 'the wrongful conduct complained of is not presently harmful,' so 'the cause of action does not accrue until actual damage occurs.'" (citations omitted).

The United States Court of Appeals, Fifth Circuit, New Orleans, rendered no opinion with regard to this issue and therefore, Petitioner Byrum believes that the Fifth Circuit agreed with this argument.

ISSUE NO. 7:

The District Court erred, dismissing Plaintiff/Appellant/Petitioner, Byrum's § 1983 claim, abusing its discretion, stating that his Eighth Amendment Claim "fails to state a claim for relief"? (*see* Dist. Crt. Order, 12/03/25, Pg. 9). While Byrum continues to stand on all prior statements given in his Complaint (05/01/25) and his Response (10/18/25) to the District Court's Order (09/02/25, Pg. 6), he addresses claims made in the District Court's Order (12/03/25, Pgs. 9-10).

The District Court turns to *Wilson v. Seiter*, 501 U.S. 249, 297 (1991), asserting that "Claims of inadvertent failure to provide medical care or negligent diagnosis are insufficient to state a claim of inadequate medical care."

The United States Court of Appeals, Fifth Circuit, New Orleans, agreed with the District Court, stating "Regarding his Eighth Amendment claim, he fails to state a claim that the defendants acted with deliberate indifference towards his medical needs. See id at 679; see also *Cleveland v. Bell*, 938 F.3d 672, 676 (5th Cir. 2019)."

Byrum's claim has always been one that asserts much greater cause than an "inadvertent failure", or negligent diagnosis. Byrum asserts "that the Defendant(s)... acted, or failed to act, with reckless and deliberate indifference, neglecting the Plaintiff's 'long-term' treatment needs. Essentially, they 'buried their heads in the sand', under the color of law, while waiting until the Plaintiff's 'anticipated release'

from the TDCJ... to only then pursue the procedure, assessments and evaluations for the defined 'behavioral abnormality' that were established in 1999, with the enactment of THSC, Chapter 841. Thereby, the Defendant(s) violated the Plaintiff's right to treatment that is vested in the Eighth Amendment to the U.S. Constitution—that any reasonable individual, who was to ever have any part in the processes, under the criteria established in and under color of the THSC, Chapter 841, law, to consider and assess that the Plaintiff 'suffered' from such a serious 'behavioral abnormality' that would require his 'necessary', 'long-term supervision and treatment', could have and should have, either taken every action within his/her power to provide that treatment at the earliest possible date—not leaving the Plaintiff to 'suffer from a behavioral abnormality' for $22^{1}/_{2}$-years—or the individual(s) should have reasoned to refuse to participate in the ill-founded scheme that has violated the Plaintiff's constitutional rights.

Additionally, as a result, the Defendant(s) further violated the Plaintiff's rights vested in the Fourteenth Amendment to the U.S. Constitution, abridging his privileges and depriving him of life, liberty and property without due process of law—that had the Defendant(s) refused to create and/or participate in this ill-conceived scheme and properly provided the assessment and subsequent 'long-term' treatment, a long-term ago, when the Plaintiff first entered the TDCJ, he would have had the fundamentally fair opportunity to show the 'change', as prescribed by THSC, § 841.081(a) that he was 'no longer likely to engage in a predatory act of sexual violence'—an actual 'due process' opportunity—a long-term ago, and would have been

allowed to exit the TDCJ on parole in May, 2022...". (see Complaint, 05/01/25, Pgs. 6-8; also refer to Attachment B, "Additional Statement" with Appendix Exhibits).

As Byrum had shown in the U.S. District Court, through his original Complaint of May 1, 2025, with its "Attached Statement" and documentary exhibits, the defendant(s) not only could have, but should have provided him with the "long-term", "necessary" treatment, for such a serious "behavioral abnormality", at the earliest possible date, during his "long-term" prison sentence. On pages 9-11 of the "Additional Statement" Byrum compares the relative similarity between the language of the definition of "Mental Illness" found in THSC, Chapter 571, and the definition from the National Institute of Mental Health, as compared to the THSC, Chapter 841, definition of "Behavioral Abnormality", showing that all three definitions share the same essential terminology and elements, and therefore, the defendant(s) had left him to suffer "from a serious behavioral abnormality/mental illness condition—that the defendant(s) "...had it within their individual capacity to provide for the Plaintiff's assessment and evaluation, at the earliest possible date in the TDCJ "diagnostics" process, to determine if the plaintiff "suffers from a behavioral abnormality" through procedures similar to those established in this law (*see* THSC § 841.021, 841.022 and 841.023) and promptly provide the "long-term, necessary treatment" (*see* THSC § 841.001) as a much earlier part of the Plaintiff's TDCJ "Individualized Treatment Plan" (ITP), and/or each Defendant had it within his/her individual capacity to reason to refuse to vote to affirm enacting, or amending, this law, or to completely refuse to participate in the THSC, Chapter 841, scheme that

violated the Plaintiff's Eighth Amendment U.S. constitutional rights, *at any time* during the 22½-years of his "long-term" TDCJ-ID supervision, prior to his anticipated release, being granted parole, December, 2021, which only then engaged the assessments and pursuit of the long-term treatment via civil commitment, at trial on May 16, 2023, as prescribed by THSC, Chapter 841." For Defendant(s) deliberate indifference, Byrum offered discussion that "...each Defendant, having such ability and foreknowledge, chose to knowingly participated in this scheme with reckless and deliberate indifference,[3] neglecting the Plaintiff's "Long-term, necessary treatment" (see THSC § 841.001) needs, leaving him to "suffer from a behavioral abnormality" for 22½-years, under the color of this law, waiting until he was "...scheduled to be released on parole..." (see THSC § 841.021(a-1)), allowing that "...the *treatment and supervision begins* upon the person's release from a secure correctional facility [TDCJ-ID] *and continues until the person's behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence*" (see THSC § 841.081(a)) (emphasis added). Therefore, recognizing that the person is capable of changing, could have and should have been provided the opportunity to change, being provided the "long-term, necessary treatment" at the earliest possible date, during Plaintiff's 22½-year TDCJ *supervision."* Byrum went on to present "Argument/Defendant's Demonstrated Negligence" (see Complaint, 05/01/25, Additional Statement, Pg. 12) and turned to the balancing test established

[3] See *Bradley v. Puckett*, 157 F.3d1022, 1025 (5th Cir. 1998); *Farmer v. Brennan*, 511 U.S. 825, 834-37 (1994) (Deliberate indifference—requiring "a showing that the official was subjectively aware of the risk [of serious harm to the prisoner].").

in *Woodall v. Foti*, 648 F.2d 268, 272 (5th Cir. 1981) for legal precedence, showing how THSC, Chapter 841, should have been constitutionally applied.[4]

ISSUE NO. 8:

The District Court erred, dismissing Plaintiff/Appellant/Petitioner, Byrum's § 1983 claim, concluding that "Plaintiff fails to state a claim for a procedural due process violation." (see Dist. Crt. Order, 12/03/25, Pg. 10). While Byrum continues to stand on all prior statements given in his Complaint (05/01/25, Pgs.7-8 with Attachment B, "Additional Statement", Pgs. ?) and his Response (10/18/25, Pg. 13-14) to the District Court's Order (09/02/25, Pg. 6), he addresses claims made in the Court's Order (12/03/25, Pg. 10), wherein the Court quotes a portion of *Sandin v. Conner*, 515 U.S. 472, 484 (1995), with significant edits, asserting that "To state a claim for procedural due process under the Fourteenth Amendment, Plaintiff must first show that he had a liberty interest in receiving sex offender treatment during his period of incarceration. The Supreme Court has held that a prisoner's liberty interests 'will be generally limited to freedom from restraint which, ... imposes atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.'"

The United States Court of Appeals, Fifth Circuit, New Orleans, agreed with the District Court, stating "Similarly, he has failed to state a claim that the defendants violated his procedural or substantive due process rights under the

[4] *Jordan v. Fitzharris*, 257 F. Supp. 647, 679 (N.D.Cal. 1966), holding that "...a punishment may be cruel and unusual when ... it goes beyond what is necessary to achieve that aim; that is when a punishment is unnecessarily cruel in view of the purpose for which it is used."

Fourteenth Amendment. See *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005); *McClendon v. City of Columbia*, 305 F.3d 314, 325-26 (5th Cir. 2002) (en banc)."

Byrum finds that this passage in *Sandin* actually states "...we recognize that States may under certain circumstances create liberty interests which are protected by the Due Process Clause. ... But these interests will be generally limited to freedom from restraint, which, while not exceeding the sentence in such an *unexpected* manner as to give rise to protection by the Due Process Clause of its own force, ... nonetheless impose *atypical* and *significant hardship* on the inmate in the ordinary incidents of prison life." (citations omitted/emphasis added). Byrum's claim has always contended just that—that THSC, Chapter 841, did create an "unexpected" due process liberty interest, creating and inflicting an "atypical" and "significant" restraint that would unnecessarily exceed his prison sentence. But, had the Defendant(s) provided the "long-term" "necessary" treatment at the earliest possible date, providing fundamentally fair procedural due process—not delaying the assessment and treatment prescribed under color of THSC, Chapter 841, until Byrum's "anticipated release"—they could have avoided violating his Fourteenth Amendment rights to life, liberty and property, as doing so would have provided Byrum with an earlier opportunity to show that his "...behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence" (see THSC § 841.081(a)), while serving his finite prison sentence in the TDCJ-CID. Thereby, Byrum would have been likely to have been able to exit

the TDCJ-CID on parole in May, 2022, to enjoy his rights to life, liberty and property, instead of being indefinitely confined under THSC, Chapter 841.

The District Court states that "Prisoners generally have no constitutionally-protected liberty interest in participating in rehabilitation programs", asserting that *Moody v. Daggett*, 429 U.S. 78, 88 (1976) and *Bulger v. Bureau of Prisons*, 65 F.3d 48, 49 (5th Cir.1995), support this contention. In Moody, Byrum finds that the case pertains to Federal prisoners, who contested matters of parole revocation and references to "rehabilitative programs" were only of a concern to that petitioner, seeking an earlier release from his prison term. And in *Bulger,* Byrum finds that the Federal prisoner was again seeking to be enrolled in rehabilitative programs that would have led to an earlier release from prison. Both of these claims differ greatly from Byrum's claim in that the rehabilitative programs that they sought would create no *atypical* and *significant hardship* restraint on their liberty—that, regardless of participation in rehabilitative programs, or even if they had troublesome prison disciplinary records, they would gain their liberty no later than the day that they completed their sentences, while the failure of the Defendant(s) in Byrum's case to provide him with an earliest possible sex offender treatment program has had a most unnecessary, very atypical and highly significant impact on his liberty interests, creating an additional restraint on his freedom that, in fundamental fairness,[5] could

[5] See *American Land Co. v. Zeiss*, 219 U.S. 47; 31 S. Ct. 200, (1911), holding that the Fourteenth Amendment's provisions of due process clause only restrain those arbitrary and unreasonable exertions of power which are not really within lawful state power, since they are so unreasonable and unjust as to impair or destroy fundamental rights. Also, *Hebert v. Louisiana*, 272 U.S. 312; 47 S. Ct. 103, (1926), holding that due process requires that action by state through any of its agencies must be consistent with fundamental principles of liberty and justice. And *Clements v. Turner*, 364 F. Supp. 270, 278 (D. Utah 1973), holding that "the principal legal test for determining whether punishment is cruel and unusual ... asks whether under all the circumstances the punishment in question is of such character or consequences as to shock the general conscience, or to be intolerable in fundamental fairness'."

have been avoided. *In novo casu novum remedium apponendum est—**In a novel case, a new remedy must be applied.***

The District Court goes on to mischaracterize Byrum's claim, stating "... Defendants were aware that he might be civilly committed and should have provided him with sex offender treatment so he could avoid civil commitment." What Byrum has actually and repeatedly argued is that in September, 1999, (over one year prior to Byrum's arrival in the TDCJ-CID) the Defendant's created and participated in the implementation of a means to determine if Byrum might "suffer" from such a serious condition that would require "long-term" "necessary" treatment and, therefore, they could have and should have made way for such assessment treatment to be provided at the earliest possible date, during Byrum's incarceration—not violating his Eighth Amendment right to treatment that they, themselves, deemed to be "necessary" and, thereby, not violating his due process rights vested in the Fourteenth Amendment, inflicting additional loss of life, liberty and property, beyond his prison sentence.

Byrum also finds additional violation of his Fourteenth Amendment procedural due process rights by the defendant(s) in that throughout all of his years in the TDCJ-CID, despite the fact that they completed annual ITP reports, they continually kept their intent to assess a need for long-term treatment, under THSC, Chapter 841, a secret (as previously discussed in the "Statement of the Case")—that fundamental fairness would have, at least, disclosed such process to Byrum at a much earlier date, than to wait until his anticipated release".[6]

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[6] See *Rogers v. Tennessee*, 532 U.S. 451, 121 S. Ct. 1693 (2001), holding that "...due process under the Fourteenth Amendment and ex post facto clause safeguard common interests, in particular, interests in fundamental fairness (though notice and fair warning) and the prevention of the arbitrary and vindictive use of laws...".

ISSUE NO. 9:

The District Court erred, dismissing Plaintiff/Appellant/Petitioner, Byrum's § 1983 claim, incorrectly asserting that "To the extent Plaintiff claims a violation of his substantive due process rights, this also fails." (see Dist. Crt. Order, 12/ Pg. 11). While Byrum continues to stand on all prior statements given in his Complaint (05/01/25, Pg. 7-8) and his Response (10/18/25, Pgs. 14-17) to the District Court's Order (09/02/25, Pg. 7), he addresses claims made in the District Court's Order (12/03/25, Pg. 11).

The District Court turns to *SO Apartments, L.L.C. v. City of San Antonio*, 109 F.4th 343, 352 (5th Cir. 2014) (quoting *United States v. Salerno*, 481 U.S. 739, 746 (1987)), stating, "To state a substantive due process claim under the Fourteenth Amendment, a plaintiff must allege egregious, arbitrary government conduct that 'shocks the conscience' or 'interferes with rights implicit in the concept of ordered liberty.'" (internal quote marks omitted). And the Court concludes this paragraph stating, "The SVPA does not require prisoners convicted of sex offenses to be assessed for behavioral abnormalities upon their incarceration", which Byrum contends is an issue at the crux of his complaint. The court goes on, "Further, there is no constitutional liberty interest in participating in rehabilitation programs while incarcerated", which Byrum also contends is an issue at the heart of his complaint—the procedural due process issue that has been well argued in the prior "Issue No. 8".

In its final paragraph, the Court states, "Plaintiff relies on long quotations from Justice Breyer's dissenting opinion in *Kansas v. Hendricks*, 521 U.S. 346, 373-97 (1997), arguing that a better version of the SVPA would require the State provide potential SVPs with sex offender treatment during their incarceration", then the Court agrees that, "This might be true, but, ... it is not controlling legal authority."

Byrum agrees that being a "dissenting opinion", Justice Breyer's finding did not create a controlling legal authority, however Byrum finds that Justice Breyer's argument, which, on this particular matter, had little bearing on the issues presented in *Hendricks*, has tremendous bearing on Byrum's claim. Additionally, Byrum contends that he actually "relies" on several cases to support his strong substantive due process claim and encourages this Court to give careful consideration to his entire argument, as given in his Response (10/18/25, Pgs. 14-17, with Attachment) to the District Court's Order (09/02/25, Pg. 7), as Byrum continues to stand on this argument.

The Court continues, "TDCJ is not and was not required to provide him with sex offender therapy during his incarceration." An argument which Byrum, again, contends is an issue at the heart of his complaint—the procedural due process issue that has been well argued in the prior "Issue No. 8".

The District Court concludes, proclaiming, "It therefore does not shock the conscience that Plaintiff was not provided sex offender therapy during his imprisonment."

The United States Court of Appeals, Fifth Circuit, New Orleans, agreed with the District Court, stating "Similarly, he has failed to state a claim that the defendants violated his procedural or substantive due process rights under the Fourteenth Amendment. See *Wilkinson v. Austin*, 545 U.S. 209, 221 (2005); *McClendon v. City of Columbia*, 305 F.3d 314, 325-26 (5th Cir. 2002) (en banc)."

However, Byrum believes and continues to contend that it should absolutely "shock the conscience" of every Constitution/freedom loving citizen of the United States of America that Defendant(s) would create and participate in the

implementation of a law that would knowingly, unnecessarily and wantonly deprive any person, regardless of the nature of his crime, of a fundamentally fair opportunity to participate in a rehabilitation program at the earliest possible time, wherein he would receive treatment under the Eighth Amendment that the Defendant(s), themselves, determined to be "necessary"—that he would not then be deprived of his life, liberty and property rights vested in the Fourteenth Amendment and "in the concept of ordered liberty", upon his release from prison—having paid his prescribed debt to society and likely being able to show that his "... behavioral abnormality has changed to the extent that the person is no longer likely to engage in an act of sexual violence." (see THSC § 841.081(a)).

Instead the Defendant(s) left Byrum to "suffer with a behavioral abnormality" for 22$^{1}/_{2}$-years, when they, themselves, from the beginning of Byrum's prison term, possessed the knowledge of the first determining factor (being a "repeat sexually violent offender", "convicted of more than one sexually violent offense" (THSC § 841.003(a)(1) and (b)) and held the ability to assess and diagnose Byrum's mental illness/behavioral abnormality from his first day, at a "diagnostics" unit, in the TDCJ-CID prison system.

Plaintiff/Appellant/Petitioner, Byrum, finds it very difficult to fathom how any reasonable person could not find this to be of such egregious conduct that it would not shock a reasonable person's conscience. It absolutely should.[7]

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[7] See *Maldonado v. Fontanes*, 568 F.3d 263 (1st Cir. 2009), holding that in construing Fourteenth Amendment, it is effect on person from deprivation of interest in life, liberty, or property which may be "shocking to conscience" and perhaps beyond constitutional pale.

CONCLUSION

Petitioner, Byrum believes that the lower courts have treated his pro se case in a careless and perfunctory manner; claiming that the case is legally and factually frivolous, without understanding, or paying attention to the actual facts and legal theories in the complaint; and without looking closely enough at the record to see that there were genuine material factual disputes. If Byrum has failed to properly address the meritorious matter of this case, then he believes that it should only lend credence to his prior requests for appointment of counsel. For the foregoing reasons and in the interest of justice, the Plaintiff/Appellant/Petitioner, Byrum, prays this court will re-instate the complaint, appoint counsel and permit appropriate amendment thereto as this court may deem necessary, remanding to the district court for further proceedings—that the matter being addressed might have a substantial and positive impact on the implementation of civil commitment procedures for persons deemed to be "sexually violent predators", correcting the current unconstitutional injustices, across the nation.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,
This 10th Day of September, 2026

Michael David Byrum

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