EMERGENCY PETITION FOR WRIT OF MANDAMUS TO CORRECT THE RECORD ON APPEAL

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
_____Appeal Docket Number 15-30626_____

In re: BARBARA JACKSON
Petitioner-Appellant

_____

BARBARA JACKSON
Plaintiff / Appellant-Petitioner
v.
PITTRE WALKER, HERMAN WASHINGTON, DERRICK THOMAS, DENNIS EVERETT, SR., LAKE COMMUNITY DEVELOPMENT CORPORATION, SHREVEPORT HOUSING AUTHORITY,
Defendants / Appellees

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EMERGENCY Petition for Writ of Mandamus to the United States District Court for the Western District of Louisiana, Western Division, Case No. 5:13-c-v02247

Magistrate Judge Mark Hornsby and District Judge Maurice Hicks

_____

PETITION FOR WRIT OF MANDAMUS

Barbara Jackson
[redacted]
Shreveport, LA [redacted]
318[redacted]
Plaintiffs / Appellant-Petitioner
in Proper Person

I. The All Writs Act, 28 U.S.C. 1651(a) empowers the Court of Appeals to issue a writ of mandamus to the district court "in aid of" the Court's jurisdiction. Appellant-Petitioner Jackson's appeal case was docketed in this Fifth Circuit Appeals Court on July 9, 2015.

II. Federal Rules of Appellate Procedure (FRAP) 10(e)(2)(C) provides that if anything material to either party is omitted from or misstated in the record, it may be corrected and a supplemental record may be certified, so that the record accurately comprises what occurred in the lower court.

A) The record of this July 8, 2013 case is replete inaccurate and omitted information that make it impossible to prepare and file an appellant brief that comports with Federal Rules of Appellate Procedure 28 (a)(6) and Rule 28 (e)**.**

B) On September 3, 2015 Jackson filed in the district court a motion for correction of the record in which Jackson provided exhibits of false docket entries and various other incontestable proof that to show this case record is utterly inaccurate**.** Jackson's September 3, 2015 motion was denied by district Judge Samuel Maury Hicks.

III. Without correction of the untrue and omitted information contained in this appellate record, Jackson cannot prepare and submit an appellant brief in compliance with Federal Rules of Appellate Procedure Rules due to reasons such as these**:**

A) FED. R. APP. P. 28(a)(8)(A) requires that the argument section of an appellate brief contain contentions with citation to parts of the record relied on. FED. R. APP. P. 28(e) requires references to the parts of the record contained in the appendix that is required to be filed with the appellant's brief**.**

B) Sample misleading, inaccurate, and intentionally false docket entries comprised in this case record**:**

1) Jackson was mailed two summons that was signed by Clerk of Court Tony Moore for entities Jackson did not sue. Thereafter, Magistrate Hornsby issued a "Memorandum Order" addressing the clerk and invented defendants now permanently displayed with the actual defendants on the civil docket sheet for this case**.** The invented defendants denote one of the actual defendant**.**

2) Louisiana federal court cases demonstrate that litigants receive deficiency notices for failure to include a table of authorities, and statement of material facts along with opposing summary judgment**.** But, there are no docket entries in this case record to show Jackson did not file those documents**.** A docket entry from clerk "T. Kennedy" falsely states Jackson filed required pleadings although Jackson did not; and she should have received a "Notice of Deficiency." Also, Jackson had requested additional time to file her opposition, and she requested to take Discovery. Even though both of Jackson's requests were unjustly denied, Jackson would automatically have received extended time to prepare and submit her opposition to summary judgment, if a deficiency notice had been issued**.**

(3) Further, clerk Kennedy filed into this case record, stale "deficient" Record document #23 ten months **after** it was electronically submitted by the law firm not enrolled in this case –that long ago should have been stricken from this case record**.** *(Ordinarily within ten days after a "Notice of Deficiency" becomes issued, the obligation is on the filer to re-file a document after correcting its deficiency**.** As evident in Dorvin et al., v. 3901 Ridgelake Drive, LLC 11-CV-696 (E.D. Louisiana 2012), uncorrected deficient documents become stricken from the record**.** On the other hand, if the person filing a document is not filing in proper person, or not enrolled as counsel, neither a deficient document nor sufficient is valid**.**)

C) Worsening matters –the above incontestable **samples of false information contained in this case record**, illustrate methods by which certain accessorial false information becomes inserted in this case record that bolsters and conceals original false entries and tampered records (like a lie being told to prevent exposure of an original lie)**.** Delineated below in this mandamus petition are more thorough details about docket entry frauds in this case record**.** Even further, descriptions and exhibits of falsified and altered docket entries are contained in Record document #64, and in Jackson's September 3, 2015 "Motion to Correct this Case Record" [Record document #68]**.**

D) Aside from false content in this case record presented in the September 3 motion, Jackson has since discovered that the record of this case also includes concealment of the fact that Jackson's objections to the magistrate's order should have been decided by an Article III judge. Jackson should have received an appealable order**.** (Only during Jackson's research in preparation for her appellant brief, did Jackson become enlightened about Local Rule 72.1(A); FRCP 72(a); and 28 U.S.C. § 636(b)(1)(A)**.**)

IV. It is within the sound discretion of the Court Appeals to determine whether untrue and omitted information in this appellate record seriously affects the fairness, integrity, and public reputation of judicial proceedings. –Fed. Rules Civ. Proc. Rule 52(b), 28 U.S.C.A.

A) Misinformation in this appeal case record is a fundamental defect that inherently creates a miscarriage of justice, particularly since this untruthful case record severely hinders Jackson's opportunity for an impartial and purposeful appeal.

B) **As far back as July 18, 2013**, multiple unjust and unlawful memorandum orders, decisions, rulings, and judgments have **derived from prevaricated information that was intentionally inserted in this case record.** Seemingly harmless errors and suspicious misinformation became exposed as intentional frauds, after the events of court clerk "T. Kennedy" creating multiple October 2014 false docket entries and tampered records, and mailing to Kennedy's unauthorized practice of law decree to Jackson**.**

V. Federal Courts of Appeals have **inherent equitable power to require correction of this case record.** Resultant harm from the intentionally false docket entries and tampered records will be irreparable, since an incomplete and fictitious record precludes appellate consideration of the material issues and arguments Jackson is presenting for Appeals Court review.

VI. Appellant-Petitioner Jackson does not have any other means for obtaining correction of case record from the lower court.

PRELIMINARY STATEMENT

1. Appellant-Petitioner Jackson requests that this Fifth Circuit Court of Appeals exercise its inherent equitable authority and compel the district to correct the record of this appeal case, because so doing will advance principles of fairness, truth, and judicial efficiency. Jackson is appealing rulings for her July 8, 2013 case in the Western District Federal Court in Shreveport.

2. Because it is impossible for a Court of Appeals to conduct a review without an accurate record, it was incumbent upon Jackson to interrupt preparing her appellate brief to prepare and file a brief in this necessary Mandamus Petition to seek Federal Rules of Appellate Procedure Rule 10(e) correction of her record on appeal.

3. Correction of the case record is urgently necessary because certain specific orders, decisions, and judgments rendered in the lower court evolved from concealed, untruthful docket entries, tampered records, and omitted information. Those deceptions were undiscoverable until events of October 2014. Although Jackson had filed an October 6, 2014 motion [Record document #51] that was "referred to Mark L Hornsby" (the magistrate), it was a ruling from court clerk "T. Kennedy," that alerted Jackson to begin scrutinizing and comparing civil docket sheets pertaining to this civil action.

4. Without assigning a docket entry number, misleadingly entered as a "docket text," Kennedy's October 8, 2014 untruthful, improper decree disguised as a "Corrective Action." On July 9, 2015 after waiting for magistrate's ruling. [See: Record document #64]**.** Jackson's July 9, 2015 motion includes before and after exhibits of false entries made on October 8, 2014 in various places in the record. (Jackson also describes below, other incontestable instances of untrue entries in this case.)

5. Also, during Jackson's research in preparation for her appellant brief, Jackson discovered that Jackson was unjustly deprived of notice of her right to withhold consent to magistrate jurisdiction. In particular, Jackson discovered that, for purposes of an "appealable order," Jackson's Rule 72(a) November 26, 2013 objections [Record document #15] to the magistrate's orders should have been adjudicated by an Article III judge. Matters such as these are all-important **in light of the fact that causes and reasons behind certain judgments, rulings, and orders in this case generated from false docket entries, court clerk improprieties and fraud on the court** –rather than from pleadings filed by parties in this case**.**

6. **Further, representative of prevaricated docket entries being sources of unlawful, adverse, unfair rulings, orders, decisions, and judgments** –is the fact that without court clerk Kennedy's multiple October 8, 2014 false docket entries the following fraudulent accomplishment and concealments would not have been successful**:** The out of time baseless October 22, 2014 Rule

12(b)(6) motion was filed eleven months after five defendants failed to answer Jackson's lawsuit, by a law firm **not enrolled** in this case. The same Judge Hicks who refused to allow correction of this case record, granted the non-enrolled law firm's baseless Rule 12 motion that was falsely filed under pretense of being for five defendants the law firm does not represent in this case. (Incontrovertible proof of the law firm's non-enrollment is found in Record document # 64, Record document #68, and discussed in this mandamus petition.) Moreover, grant of that fraudulent dismissal motion was in utter disregard for the fact that Rule 12(b)(6) are required to be filed within 21 days of service of process –not after 330 days of being served a lawsuit**.** That unfounded, untimely dismissal motion neither could be lawfully deemed a Rule 12(c) judgment on the pleading motion when if a defendant denies allegations in a lawsuit; and when pleadings were not closed (Record doc #45 was still pending when the Rule 12 motion was filed)**.** Even further –as set forth more fully in pages 8 through 10 of Jackson's September 3, 2015 motion to correct the record [Record document #68], and as described below–according to Kennedy's docket entries, the sheer pretext authorization for the Cook, Yancey, King & Galloway law firm's situating itself, without a lawful motion to enroll in this civil action, is an anonymous docket entry –but no written order whatsoever from any judge.

7. Court of Appeals require an appellant to **demonstrate that a material error of law occurred in the lower court, by identifying both the mistake, as well as the location where that mistake is documented in the record** –Federal Rules of Appellate Procedure 28(a)(8)(A)**.** Thus, in addition to research for preparing her appellate brief, because Jackson is a ***ProSe*** non-lawyer appellant, Jackson has needed research time for preparing and filing two briefs**:** First, this Petition for Writ of Mandamus for **correction of the record for this appeal case so that Jackson can adequately demonstrate material errors that occurred in the lower court**, and locations in the record that corroborate Jackson's arguments**.** Jackson needs to file this mandamus petition for correction of this case record, to clarify why it impossible for Jackson to submit an appeal brief in compliance with Fed. R. App. P. 28(a)(6); a)(7)(A); (a)(8)(A); and 28(e) by means of a false record.

8. Summarily, not only will this uncorrected record impede Jackson's ability to comply with federal appellate rules for her brief, the inaccurate, untrue record for this appeal case will likely result in appellate court assertions like the following regarding Jackson's upcoming brief**:**

> The record is silent as to whether. . . \ The record does not disclose that. . . \ There is no evidence in **the record** that. . . \ The only copy of _____in **the record** shows. . . \ Contrary to appellant's argument, **the record** shows. . . \ Based on **the record**, there is . . . \ Appellants offer no evidence nor citation to **the record** in support of their position that. . . \ The document does not appear to be contained in **the record** on appeal although it was introduced at. . . \ **The record** does not compel a determination that _____, nor that . . . \ The record before us does not show if the documents in dispute have been offered into evidence \ The record contains evidence that _____ and that the ____ had recently . . . \ She does not point to anywhere in **the record** where this evidence was introduced. \ Further, **the record** showed that ___ even though . . . \ Therefore, **the record** does not compel reversal of . . . \ A review of **the record** does not reveal . . . \ Our review of **the record** convinces us that the factual findings were not clearly erroneous. \ Appellant's other issues are not sufficiently briefed. \ Appellant offers no law nor analysis in support of those issues, and thus, they are not properly before this court. . .

Relevant Factual and Procedural Background

After Appellant-Petitioner Barbara Jackson filed this July 8, 2013 case at the United States Western District Court in Shreveport, a civil docket sheet and seven (7) summons signed by Clerk of Court Tony Moore was mailed to Jackson**.** Along with five actual defendants, beginning in July 18, 2013, two entities that were not sued became permanently added to the civil docket sheet**.** Magistrate Hornsby issued a "memorandum order" absolving the clerk and ordering the invented defendants "terminated" on January 7, 2014**.** One unwanted summons was issued to Lake Bethlehem Baptist Church ("LBBC"); the other summons to "Rev. Everett**.**"

The record of this case should be corrected since the added defendants and the January 7 order tends to create undue confusion. Defendant Dennis Everett and Rev. Everett" is the same person; and Jackson's January 23, 2014 pleading added LBBC as a defendant. Everett and four others are church members, and affiliates of nonprofit defendant Lake Community Development Corporation ("LCDC")**.** Everett is the president and pastor of LBBC, alter ego of LCDC**.** The church member defendants are collectively referred to as "the LCDC defendants." Jackson also added the Shreveport Housing Authority and insurer as defendants in October 2013, in an amended complaint before service of process on any of the defendants. Permission to amend was not required.

Despite notification requirements under 28 U.S.C.§ 636(c)(2) "at the time the action is filed," to inform parties of their right to withhold consent to proceeding before a magistrate judge, notice was never provided to Jackson**.** Local court rule LR73.2.1 and Federal Rules of Civil Procedure 73(b)(1) requires, the clerk immediately upon the filing of the complaint, to "provide a court approved form" notifying each petitioner of their opportunity to consent to magistrate judge authority under 28 U.S.C. § 636(c)**.**

Less than thirty days prior to filing this mandamus petition Jackson learned about the 28 U.S.C.§ 636 statutes, and limited magistrate authority during research for her appellate brief**.** Jackson could have greatly benefitted from being informed of her right to withhold magistrate

consent because Jackson might have protect herself from repeated subjection to Magistrate Hornsby's Machiavellian abuses of judicial authority. Most importantly, Jackson also would known she was entitled to a **decision from an Article III judge** for Jackson's November 26, 2013 objections to the magistrate's November 22, 2013 order granting Attorney Robert Piper's motion on behalf of his five church members**.** Added confusion in the record is the magistrate's order and ruling on nonexisting defendants that are permanently displayed on the docket sheet as "terminated," as if there was some completion, when nothing ever began**.** .

Closer consideration of Magistrate Hornsby's January 7, 2014 "Memorandum Order," does not at all demonstrate the magistrate performed any lawful judicial duty. Federal Rules of Civil Procedure Rule 72 and Rule 73, sets forth criterion for magistrate adjudication that includes issuing a written order that states a magistrate's decision. Unmistakably, the requirement of "a written order stating the decision" means exactly what the beginning of that criterion stipulates**:** When a pretrial matter is "referred to a magistrate judge to hear and decide. . ." Plainly put, if nothing has been "referred to a magistrate," NO DECISION is needed from the magistrate, as there is nothing for the magistrate "to hear and decide" (adjudicate). Because the January 7, 2014 memorandum order from Magistrate Hornsby was adverse to Jackson (and extremely misleading about the Scheduling Order), and it did not ensue from a "matter" referred for the magistrate's decision, a reasonable inference is raised that –synonymous with insinuated slander– the "memorandum order" was bred from whim and, or self-serving interests of the magistrate**.**

Further discourse on the January 7 memorandum will more clearly depict Magistrate Hornsby's perceptibly abuse of his judicial position, and imbedding the misleading January 7, 2014 "Memorandum Order," comprised of assorted misinformation, into the record of this case.

Further, correction of this record is imperative because **–**other than court clerk Kennedy's sizeable convoluted January 7, 2014 docket entry and Magistrate Hornsby's ***sua sponte*** hodgepodge January 7, 2014 "Memorandum Order" **–no where else in the record of this case is there any discussion,**

or information regarding the Scheduling Order that Magistrate Hornsby pontificated about in the magistrate's January 7, 2014 assorted topics**.** In fact, it is glaringly noteworthy that the January 7 "Memorandum Order" (like the magistrate's March 7, 2014 "Memorandum Order"), surreptitiously included advocating reference to defendant (Reverend) Everett**.** Although defendant Everett did not answer this July 2013 lawsuit, oddly Magistrate Hornsby injected incorrectly, in the January 7, 2014 memorandum order, Everett answered**.** As fully explained in Record document #64, Kennedy's October 8, 2014 alteration and falsified docket entries make it appear as though answers for Everett and his co-defendants were filed on December 20, 2013**.**

Correction of this case record will reveal that to this date, neither deficient documents have been corrected and re-filed in compliance with the deficiency notice**.** Yet, clerk Kennedy intentionally misrepresented and secretly altered records and falsified docket entries as were necessary for furtherance of deception and fraud advantageous to the Cook, Yancey, King & Galloway law firm –as proven by **incontrovertible exhibits** contained in Record document #64 and #68**.** Additionally, Jackson recalls a church member from Everett's saying that she was a court reporter in Magistrate Hornsby's courtroom. Before and after **exhibits of docket entry #23, Kennedy's various October 8, 2014 tampered records, and additional prevaricated docket entries are self-evident in Record Document #64,** as well as fully described with exhibits in Jackson's September 3, 2015 "Motion to Correct the Record of this Case." [Record document #68] http://www.lawgrace.org/wp-content/uploads/2015/09/Motion-to-Correct-the-Case-Record-Jackson-v-Walker.pdf

Under Fed.R.Civ.P.16(b)(1) Magistrate Hornsby was required to "issue a scheduling order 90 days after a defendant's appearance or 120 days after service of process." The five LCDC defendants received service of process in October 2013**.** Remarkably, Magistrate Hornsby issued a Scheduling Order **six days** after at least one defendant answered in *Stills v. Housing Authority of Shreveport*, 09-cv–01888 (W.D. Shreveport, Louisiana). Since the five LCDC defendants in this

case have not answered Jackson's lawsuit, it had remained unclarified if the delayed Scheduling Order was because the LCDC defendants were being given added time to answer.

Also, correction of this case record will show that the presiding judges had an affirmative duty to disqualify themselves or disclose on the record their conflict interest in this case. Their impartiality reasonably may be questioned, due to their business and financial relationships with the law firms; as well as their unjust and bias rulings –in addition to fabricated docket entries that benefit the law firms. A correct record of this case will show that court officers created, engaged in, maintained, and concealed a pattern of subversion of intentional misrepresentation of court records and docket entries. Revelation of these fraudulent acts began to become unveiled after Jackson filed an October 6, 2014 motion and request for entry of default [Record document #51], and continued through investigations that are still ongoing. Rather than enter default, clerk "T. Kennedy" created multiple false October 8, 2014 docket entries to unlawfully defeat Jackson's motion, and to aid and abet the Cook, Yancey, et al law firm. The schemes and artifice to deprive Jackson of her Constitutional rights, *inter alia*, manifest outrageous miscarriage of justice that repeatedly occurred and were fraudulently concealed**.** Also, as explained in *Lewis v. Lynn*, 236 F.3d 766 (5th Cir. 2001), denial of entry of default or judgment of default is reviewed for abuse of discretion. **Yet, an appellate "review" cannot be made when Jackson's October 6, 2014 default motion [Record document #51] that was "referred to" the magistrate was instead ruled upon by the court clerk.** If on July 9, 2015, Jackson had not filed a motion [Record document #64] wherein Jackson requested a ruling on her October 6, 2014 motion, Kennedy's ruling –like the December 3, 2013 magistrate's unlawful adjudication of Jackson's Rule 72(a) objections would have been 'swept under the rug'**.**

Exceptional circumstances warrants the exercise of this Appeals Court's discretionary powers to address and rectify egregiously unfair proceedings that repeatedly occurred in the lower court. This record on appeal is void of essential information documentation from occurrences in the lower

court. Inaccuracies, distortions, and omissions completely impede Jackson's possibility of complying with requirement of citing to the record in support of argument and issue contained in an appellant brief under FED. R. APP. P. 28(a)(8)(A). Further, **nothing logical nor lawful exists in the record of this case to show under what theory, preferential treatment was given** in not striking both deficient documents from this case record for contumacious refusal to comply with the "NOTICE of Deficiency" [Docket entry #24] issued on December 23, 2013**.**

Mandamus is the appropriate remedy when, *inter alia*, the trial court's abuse of its discretion compels prompt intervention by the appellate court. *–In re Dresser Indus., Inc.*, 972 F.2d 540, 543 (5th Cir. 1992)**. Correction of this case record is imperative.** Also discussed more fully in Jackson's September motion to correct the record, it was not until clerk Kennedy's October 8, 2014 mail fraud and multiple false docket entries, that revelations of artifice and schemes became exposed. Also, it needs to be clarified that Jackson was unlawfully denied discovery –and the reason why. The January 7, 2014 "Memorandum Order," from the magistrate stated he would issue a Scheduling Order after Jackson resolved service on the Housing Authority's insurer, Colonia –BUT THE MAGISTRATE NEVER ISSUED ANY SUCH Fed.R.Civ.P. 16 ORDER for this July 8, 2013 case**.** [Jackson never acquired the insurer's address for service**.** Moreover, the Shreveport Housing Authority's December 23, 2013 answer to Jackson's lawsuit positively confirmed that Jackson was indeed injured –thus, attesting to justification for Jackson's January 23, 2014 supplemental complaint [Record document #32] of which counsel for the Housing Authority gave consent for the January 23, 2014.) **Confirming that Jackson's lawsuit did indeed states cognizable claims for which relief can be granted, the Housing Authority included this statement on December 23, 2013: "The injuries and damages complained of were caused by the fault of third parties over whom Defendant has no supervision or control."**

Without correction of this case record to rectify false and omitted information in this case record on appeal, there will continue to be serious affect on the fairness, integrity, and public

reputation of judicial proceedings. – Fed.R.Civ.P.52(b). Moreover, deplorable lower court conduct and this case record comprised of deceptive docket entries and tampered records are fundamental defects inherently results in a miscarriage of justice, both in the lower court and in the appellate court if the record on appeal remains uncorrected. Particularly, Jackson asserts that lower court proceedings pertaining to her case entailed recurrent injustice, and omissions inconsistent with the rudimentary grounds of fair procedure, synonymous to the teachings in *United States v. Young*, 470 U.S. 1, 15 (1985); *Hill v. United States*, 368 U.S. 424 (1962); and *Noritake Co. v. M/V Hellenic Champion*, 627 F.2d 724, 732 (5th Cir. Unit A 1980)**.**

Correction and accuracy for this appellate record will also show that Jackson is still entitled to an Article III judge's ruling on Jackson's November 26, 2013 objections and opposition [Record document #15] to the magistrate's order. In *E.E.O.C. v. West Louisiana Health Services, Inc.*, 959 F.2d 1277, 1281 (5th Cir. 1992), the judgment was vacated because of no consent to magistrate jurisdiction. Because Jackson was unaware of her right to withhold consent to magistrate's jurisdiction, it was not until after the June 2015 dismissal of Jackson's case, during research for her appellant brief, that Jackson learned Magistrate Hornsby lacked authority to adjudicate Jackson's Fed.R.Civ.P. 72(a) November 26, 2013 objections to the order granting Mr. Piper's November 18, 2013 motion**.** Jackson's Rule 72(a) motion is entitled to **an appealable order, since the district judge should have decided those Rule 72(a) objections.**

It is the district judge, not the magistrate, who **"must consider timely objections."** Yet, contrary to 28 U.S.C.§ 636(b)(1)(A), Jackson's timely-filed objections **were not even submitted** to the Article III judge**.** Jackson's November 26, 2013 objection and opposition motion is comprised of carefully reasoned, fully spelled out supporting arguments in objection to the magistrate's order in favor of Attorney Robert Piper's motion**.** A magistrate's authorization to preside over pretrial non-dispositive matters without first obtaining the parties' consent, **does not eliminate the parties**

right to "APPEAL" the magistrate's orders and decisions <u>according to local rules at the Western District Federal Court in Shreveport</u>.

Jackson's November 26, 2013 objection to the magistrate's order [Record document #15] called to the court's attention the fact that Attorney Piper's November 18, 2013 motion lacked sufficient information for granting the attorney's motion**.** Jackson pointed out that despite Mr. Piper's request for additional time to plead, Mr. Piper excluded dates that "the LCDC defendants" were served; and Mr. Piper omitted the fact that the time had already expired whereby four of those five defendants should have answered the lawsuit**.** Also, Mr. Piper failed to explain why the defendants did not request an extension prior to expiration of the 21-day period for them to plead**.** Further, Jackson maintained that the LCDC defendants ignored Jackson's July 8, 2013 lawsuit and the summons; and that the LCDC defendants' failure to request additional time, and their failure to answer the summons constitutes <u>inexcusable neglect</u> that is demonstrated by arrant disregard for the judicial system**.**

As, a former church member herself, Jackson's November 26, 2013 objections consist of detailed reasons why Jackson opposed granting Attorney Piper's motion. Jackson argued her certainty that acts detrimental to administration of justice would occur because inculpating facts and information would be withheld and concealed. *[Information relative to the Sarbanes-Oxley Act implicated in the January 23, 2014 Fed.R.Civ.P. 15(d) motion and proffered supplement complaint was unjustly and fraudulently obstructed on March 7, 2014 by the magistrate.]* Further, Jackson objected to allowing Mr. Piper legal representation of his fellow church members and their illegitimate nonprofit in this same lawsuit, because the representation comprises concurrent conflict of interests co-defendant individuals and their nonprofit**.** Additionally, Jackson itemized annual dollar amounts from the Beaird Foundation to LCDC that became commingled and re-directed to other nonprofit businesses, in Shreveport as well as in Mississippi, owned by defendant Everett and family members, particularly his niece, defendant Pittre Walker**.** (Piper is an officer in one or more

of the Everett nonprofits.) Further, Jackson argued that Mr. Piper's own November 18, 2013 statement about needing additional time to familiarize himsel/f with Jackson's lawsuit, made it implausible for Mr. Piper to have adequately furnished adverse interests co-defendants with information necessary for obtaining informed consent to represent them together in this case**.** Two years later, Jackson's convictions about Mr. Piper's bad faith conduct in this lawsuit are beyond Jackson's prognostication. Attached to Exhibit No. 2 in this mandamus petition is a copy of Jackson's January 23, 2014 motion Rule 15(d) motion and proferred supplemental complaints under the Black Tab**.**

Due to Mr. Piper's tactics, although Rule 26(a)(1)(A) requires at the outset of litigation automatic self-executing "initial disclosures," Jackson was **never able to obtain the mandatory initial disclosures** from the LCDC defendants**.** Because the Shreveport Housing Authority's answer to Jackson's lawsuit confirmed that "third parties" were involved in causing Jackson's damages, if Jackson had the disclosures Jackson could have been better able to oppose the premature summary judgment without allowing Jackson the benefit of any discovery whatsoever**. It needs to be clear in the record that Jackson could not produce evidentiary matter** required for summary judgment opposition because Jackson was impeded from taken discovery. Jackson was impeded from discovery because**:** *(1)* The Western District Federal Court rules disallow discovery prior to issuance of the Scheduling Order, of which the magistrate never issued; *(2)* The fact that the LCDC defendants' "Deficient Answer" remained "deficient" --at least until October 8, 2014 when clerk Kennedy falsified docket entries– led Jackson to believe the LCDC defendants needed to answer before Jackson could attempt discovery; and *(3)* Counsel for the LCDC defendants refusal to furnish initial disclosures under Rule 26 hampered and limited Jackson's ability to locate evidence. Also, Attorney Piper's duplicitous legal tactics have been cited in other federal cases such as**:** *Roadway Express, Inc. v. Robert E Piper, Jr., et al,* 447 U. S. 752 (1980); as well as *Robin v. Binion* 469 F.Supp.2d 375 (W.D. La. 2007)**.**

In addition, if Jackson had received the 28 U.S.C.§ 636(c)(2) information "at the time" her action was filed, Jackson would not have endured proceedings before an apparently political influenced magistrate. Magistrate Mark L Hornsby was at that time, co-chairperson for the Shreveport Bar Association's Continuing Legal Education (CLE). Among CLE speakers and presenters, were at the same time, law firms litigating in this instant case –including the law firm in this case without the requisite motion to enroll, and without a signed order**.** A "judge does not have to be *subjectively* biased or prejudiced, so long as he *appears* to be so" as explained in *Liteky v. United States*, 510 U.S. 540, 553 n.2 (1994).

With regard to the contemptuous manner in which Mr. Piper and un-enrolled Cook, Yancey law firm conducted legal representation of the LCDC defendants –untenably, **docket entries are the only semblance of substantiation for Cook, Yancey involvement in this civil action.** The December 23, 2013 a "Notice of Deficiency" [docket entry #24] issued to Cook, Yancey because it electronically submitted "deficient" Record document #22, and "deficient" Record document #23 states**:** "This party is already represented by other counsel**. . .**" However, Cook, Yancey's refusal to correct and re-file its deficient is why it never became lawfully enrolled in this case –despite that its deficient documents were preferentially and unlawfully obviously not stricken from the record without any documentation to explain the outrageous and prejudicial impropriety. In *MCR Marketing, L.L.C. v Regency Worldwide Services, L.L.C.*, et al, 5:08-cv-01137, the pleadings were stricken because the court stated that "no filing of any kind has been properly submitted to the court on behalf of either of the Regency defendants." It is critical to correct this case record, and –**Cook, Yancey should be precluded from filing pleadings or briefs in this appeal case once the true record reveal that Cook, Yancey was never lawfully enrolled in the lower court for this July 8, 2013 civil action.** [Due to Jackson's intent on filing Rule 12(f) challenges to unfounded affirmative defenses, she repeatedly inquired about the status the deficient December 20 documents,

to no avail.] Cook, Yancey was also among the CLE presenters co-chaired by Magistrate Hornsby and Judge Jeanette Garrett.

Proof that it is an unambiguous requirement that deficient document must be corrected and re-filed, are sample cases, predominantly from the same Western District Federal Court in Shreveport –several case were presiding over by Magistrate Hornsby**:** *Allen et al v. C & H Distributors L L C et al* 10-cv-1604 (W.D. Louisiana 2007); *Barnes v. Johnson, et al* No. 3:03-cv-00083 (M.D. Louisiana 2007); *Baugh v. Frymaster L L C et al.,* 09-cv-1261 (W.D. Louisiana 2011); *MCR Marketing, L.L.C. v Regency Worldwide Services, L.L.C., et al* 5:08-cv-01137 (W.D. Louisiana 2009); *United States v. Larry Wayne Givens, et al,* 07-2186 (W.D. Louisiana 2009); *Webb, et al., v. Morella* 6:10-CV-01557 (W.D. Louisiana 2012); *Willis Communications Inc v. Weaver et al,* 1:06-cv-02033 (W.D. Louisiana 2007).

MOREOVER, it is urgently imperative to correct the record of this case in light of court clerk Kennedy's October 2014 acts of malfeasance that outrageously and seriously affects the "fairness, integrity, or public reputation of judicial proceedings. Kennedy filed into this case record on October 8, 2014, the stale December 20, 2013 deficient document #23, and created a false appearance of *nunc pro tunc.* As mentioned the re-filing of document #23 into the record is the responsibility of the electronic filer to correct and re-file both document #22 and document #23 by means of a "Corrective Document" [see Record document #28]**.**

WORSENING MATTERS, although Cook, Yancey never complied with the December 23, 2013 "Notice of Deficiency," a January 21, 2014 **impracticable docket text #31** was entered that states**:** "ELECTRONIC ORDER granting 22 Motion to Enroll as Counsel." Docket entry #31 displays **"**(jud. Hornsby**,** Mark)**"**; the entry does NOT display "signed by." By comparison, in *Gardner v. Craft, et al* 5:10-cv-01567 (W.D.La) docket entry #85 shows that Judge Elizabeth Foote actually **signed** an "electronic order**.**" And, in *United States of America v. Tommy Cryer*, 5:06-cr-

50164 (W.D.La), an "ELECTRONIC ORDER" docket entry shows: "Signed by Mag. Judge Mark L Hornsby on 2-26-07."

Correction of this case record is also necessary because docket entry #31 is not associated with any written document. In addition, Jackson has never been able to verify whether the magistrate or some other person created the docket #31 entry. Regardless of its author, Federal Rules of Civil Procedure 72(a) stipulate that a magistrate judge should furnish a written order that states the decision. The motion for deficient document #22 and proposed order remains unsigned, as shown on page 10 page of Jackson's motion to correct this case record. Further, because sizeable undue problems resulted from docket entry #31, **a corresponding written order would have been particularly enlightening** since the alleged docket entry "order" establishes special, unlawful preference and favor bestowed on January 21, 2014 to the Cook, Yancey law firm –and for reasons that are not disclosed**.** Succinctly, a mere anonymous docket entry entitled: "electronic order" became the salient means by which Cook, Yancey received unlawful entitlement to sidestep compliance with a Notice of Deficiency, and became enabled to engage in reprehensibly bad faith,, criminal obstruction, prejudice, and collusion acts adverse to Jackson**.** Even further, a written order might have clarified how Cook, Yancey was allowed to evade Jackson's right to challenge Cook, Yancey's December 20, 2013 pleadings that should have been stricken from this case record**.**

Jackson became aware that it was necessary for Jackson to begin comparing and scrutinizing civil docket sheets for this July 8, 2013 lawsuit, due to Jackson's visit to the federal clerk's office after Jackson received in the mail court clerk "T. Kennedy's" October 8, 2014 untruthful memo. Prior to Kennedy's October 8, 2014 mail fraud, the false docket entries, misleading memorandum orders from the magistrate, and other improprieties were integrally undiscoverable at the time that the tampered records and deceptive docket entries were being concealed. And when, rather than Kennedy entering Jackson's October 6, 2014 motion and request for entry of default — although Jackson's motion was "referred to" the magistrate, clerk Kennedy issued an October 8, 2014 decree,

Jackson knew something was seriously wrong. Following a hasty investigation, *inter alia*, for extrajudicial conflict, Jackson filed a motion for recusal in November 2014; after additional investigations, Jackson requested reconsideration of recusal on June 22, 2015.

Kennedy's October 2014 dishonest docket entries motivated Jackson to probe for any connection with Jackson's January 23, 2014 supplemental complaint with court officers. Jackson's January 23, 2014 Fed.R.Civ.P.Rule 15(d) motion and supplement was unlawfully obstructed by the presiding judges from being filed into this case record. In Jackson's Fed.R.Civ.P. 60(b)(3) fraud on the court motion [Record Document #45], on **pages 10 through 15 Jackson graphically described Magistrate Hornsby's odious, blatant fraud** the magistrate executed for impeding and obstructing the January 23, 2014 supplement that consists of Sarbanes-Oxley averments**.** After that time, in year 2015 Jackson acquired facts and proof pertaining to the presiding judges' and several court personnel's extrajudicial involvements and collaborations with Non-Governmental Organizations (NGOs also sometimes called nonprofits) –including Chief Judge Carl Stewart, along with his daughter and brother who are also courtroom judges **http://www.forward-now.com/2015/08/12/arrest-for-battery-another-problem-for-district-attorney-candidate-james-stewart/.**

From ongoing year 2015 investigations New Orleans Hurricane Katrina-displaced Jackson obtained proof that showed from the outset of this July 8, 2013 case, **the magistrate and the district judge had disqualifying personal and extrajudicial knowledge of the facts in dispute especially regarding Hurricane Katrina evacuees and the Robert T. Stafford Act.** Also, the judges have personal knowledge about nonprofit businesses Jackson expounded on in her January 23, 2014 Rule 15(d) supplemental complaint**.** As stated in the Rule 15(d) motion, Jackson's **supplemental complaint evolved because Jackson obtained new facts and evidence after Jackson received a November 27, 2013 telephone call and follow-up letter from the (former) Shreveport city attorney.** Information Jackson gained led to Jackson's ability to probe and

assimilate facts pertaining disaster including funding from the city of Shreveport as late as year 2012 –although the 2005 Hurricane Katrina did not happen in Shreveport!– to "the LCDC defendants" who **lured, utilized, and exploited hurricane victims such as Jackson and Jackson's daughter for purposes of illegally obtaining disaster funds –unbeknownst to evacuees.** Even worse, abilities of certain disaster victims like Jackson to recover was impeded, including relocation out of Shreveport since evacuees were / are advantageous to certain NGOs**.** Further, Jackson learned that the city of Shreveport is a client of the Cook, Yancey law firm**. Jackson's January 23, 2014 supplemental complaint** is vital for proving Jackson's personal and business damages, after she was detrimentally lured to the defendants' property.

In addition, as more fully set forth with irrefutable proof on page #33 of Jackson's motion to correct the record, clerk **Kennedy also falsified docket entries in furtherance of the summary judgment obtained by deception** by the unsworn witness-advocate law firm that also was among Magistrate Hornsby's CLE speakers**.** In fact, it was in year 2015 that Jackson learned that the affidavit filed with that summary judgment motion was duplicitous**.** Additional demonstrations of judicial turpitude at the Western District Federal Court are fully delineated in Record documents #45, #68; and also in Jackson's judicial misconduct complaint against Magistrate Hornsby that was dismissed by Chief Judge Stewart**.** When Jackson filed the misconduct complaint back in April 2014, Jackson was not aware at that time that Magistrate Hornsby oversees the Harry V Booth Judge Henry A Politz -Shreveport chapter of the American Inns of Court, of which chief Judge Stewart is the national president**.** Neither was Jackson was unaware of the presiding judges' undisclosed direct and indirect receipt of nonprofit funding through their numerous charitable operations that cross paths with the LCDC defendants, including the nonprofit adoption business with Judge Hicks' wife.

Jackson was also oblivious that Magistrate Hornsby's "judicial assistant," is the same person who Jackson formerly contacted through an email address at the Shreveport Bar Association, as a

consequence of New Orleans District Judge Jay Zainey (and other Internet sites) listing "Patti Guin," as the Shreveport contact person for disaster assistance and resources for persons in hardship circumstances in the Shreveport vicinity**.** From delving into operations at the Shreveport Bar Association and its Shreveport Bar Foundation, Jackson observed indications of**:** selective assistance to Hurricanes Rita, Katrina, and Gustav disaster victims; camouflaged utilization of poverty; undergirding of Shreveport's nationally infamous vast incarceration and death row inmates; disguised barratry; and precarious Shreveport Bar operations linked to distressed, disadvantaged people and Judge Zainey's "H.E.L.P" enterprise**.** Moreover, as it pertains the Hurricane Katrina disaster –due to a FEMA-HUD "Inter Agency Agreement," various Public Housing Authority agencies such as the defendant, Shreveport Housing Authority, had the task of administering the "Katrina Disaster Housing Assistance Program" (KDHAP)**.** Yet, in addition to the Housing Authority, dubious occurrences regard certain nonprofit businesses and KDHAP – including the fact that both law firms representing the Shreveport Housing Authority were either among recipients of KDHAP or dispensers funds**.** Further, Jackson discovered several facts about how the "Memorandum of Agreement" between the U.S. Department of Homeland Security and the American Bar Association comes into play regarding Shreveport Bar Young Lawyers Division, and operations overseen by Judge Zainey, Magistrate Judge Hornsby, Judge Carl Stewart and other judges present conflicting interest –especially when judges such as Judges Stewart and Hornsby refuse to fully provide annual financial disclosures as required under the Ethics in Government Act of 1978**.**

Ongoing investigations demonstrate that **untold numbers of displaced disaster victims were utilized, *inter alia*, for adding to city populations, for additional Department of Housing and Urban Development (HUD) funds, and for other government programs and entitlements.** Available facts and evidence further show that **predator religious influence conjugated with certain legal firms are dubiously entangled in so-called collaborations and ventures involving**

federal grants and programs. In addition, probes and research demonstrate that –due to funding gained from displaced Katrina evacuees (and likely other disaster victims)– **scores of displaced New Orleans families and businesses such as Jackson and several family members, unjustly were prevented from their hometown and from resuming their businesses.** The unjust prevention occurred mainly **because of disaster victims were deprived of information pertaining to resources that could have equipped them to make informed choices about their recovery options, rather than being forced to placate benefactors.** Further, certain selected people chosen by certain NGOs receive certain disaster benefits based on unlawful factors, including *quid pro quo***.** Additionally, facts and evidence indicate that certain people were intentionally (and some unintentionally) **re-victimized in cities where evacuees became displaced. Reasons such as these make this case a matter of public importance** because calamities and disasters such as earthquakes, hurricanes, wildfires, floods, tornadoes, are prime methods for unscrupulous NGOs to exploit disaster victims –and also even migrant workers who are seeking work, in like manner those who were exploited during rebuilding in New Orleans. Even further, because disasters are prime methods for theft of disaster resources and government program frauds, predatory religion manipulation appears to be on the increase.

The epochal falsified docket entries and tampered records that led to exposing the above-described matters surrounding the Western District Federal Court, entered on October 8, 2014 confirms that the stale deficient documents should have been stricken ten months earlier on December 20, 2013. Moreover, **if Jackson's October 6, 2014 default request ha been entered in the record, Jackson would have been entitled to judgment of default on October 21, 2014 – before the Cook, Yancey's impermissible fallacious dismissal motion was filed.**

Correction of this case record will prove that clerk Kennedy's intentional false docket entries thwarted Jackson's October 6, 2014 motion for default entry**.** Fortunately for Jackson, her collection of civil docket sheets for her case allowed her to compare changes and altered docket

entries**. The record of this case needs to be corrected to remove pleadings filed by Cook, Yancey due to the fact that Cook, Yancey is not lawfully enrolled in this case.** Rather than simply correct and re-file its deficient December 20, 2013 documents, Cook, Yancey has defiantly refused to comply with the deficiency notice it was issued**.**

It requires being bereft of common sense to accept Kennedy's October 8, 2014 unauthorized practice of law docket entry statements, and edict**.** Further, Jackson –like people across this country who protest against RACIST HATRED– is justifiably incensed with Kennedy's criminal fraud, because Kennedy's hateful and criminal misuse of her (or his) judicial position consistently aided law firms to commit irreparable wrongs against Jackson and Jackson's family; and a cursory scan of Kennedy's entries for other litigants indicate an alarming pattern against minorities! Without assigning Kennedy's DECREE a docket number, Kennedy deceitfully entitled Kennedy's October 8, 2014 ruling: "NOTICE of Corrective Action." **Kennedy proclaimed that a purported unwritten, unsigned docket entry #31 called an electronic order accomplishes an outcome of the LCDC defendants answering this July 2013 lawsuit.** It seems that Kennedy's misconceptions about law and Kennedy's inflated opinion of Kennedy's power emboldened Kennedy to illegally insert on October 8, 2014, the stale deficient December 20, 2013 document #23 into this case record when it was the task of the electronic filer to file his pleading –especially a seasoned law firm**.** Additionally, Kennedy or some other court officer was even more emboldened on October 8, 2014 to **criminally tamper with docket entry#23, and delete the word: "Deficient."**

As incontestably proven from docket entry #28, the lawful method for changing a "Deficient Answer" to a sufficient "Answer" is not by means of manipulating docket entries, but the electronic system user is the person responsible for changing deficient pleadings by filing a "Corrective Document." The **before and after exhibits of docket entry #23 incontestably prove the unlawful, fraudulent deletion** from docket entry #23 **on October 8, 2014** –after Jackson filed her

October 6, 2014 Rule 55(b)(2) motion and request for default entry that **was never entered in the record.** Even if Kennedy's misrepresentation was even true about the untruthful January 21, 2014 docket entry #31 eliminating a need for the LCDC defendants to answer this suit, the holding back of deficient document #23 until October 8 disproves Kennedy's dishonest October 8 docket entries**.**

Using the cata-cornered logic Kennedy entered in the record on October 8, 2014, document #23 would have been filed into this record not later than the pretense docket entry #31, back on January 21, 2014. Moreover, if document #23 would have been entered contrary to law back then, Jackson would have become alerted to intentional fraud and favoritism because the deficient documents were supposed to be stricken. Further, back then Jackson would had filed her Rule 12(f) challenges to the unfounded affirmative defenses purportedly submitted on behalf of the LCDC defendants comprised in document #23**.** Jackson could not file Jackson's Rule 12(f) challenges to document #23 until document #23 became entered into the record –which did not happen until October 8, 2014 when deceitfully the December 20, 2013 docket entry #23 was altered, "Deficient" document #23 was inserted in the record; and the word "Deficient" was deleted. By then, Jackson had filed her October 6, 2014 default motion [Record document #51], after waiting eleven months for the LCDC defendants to answer this lawsuit, so she could avert "failure to prosecute**."** Even further, clerk Kennedy had no authority to render a ruling on Jackson's October 6, 2014. Docket entry #51 shows that Magistrate Hornsby received Jackson's motion, in the very same way that the magistrate was assigned and ruled on Jackson's default motion regarding the Shreveport Housing Authority [Record document #21]**.**

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Hurricane Katrina-displaced Barbara Jackson filed this Fair Housing Act case authorized without filing fees under 42 U.S.C. 3613(b)(2). Jackson suffered housing discrimination and damages after becoming hurricane-displaced to Shreveport, and being misled to believe she was hired for church employment; and thereafter steered to the defendants' purported evacuee rental

houses located on church property in September 2008. The defendants' sham nonprofit, "Lake Community Development Corporation" received a total of $560, 000.00 in Department of Housing and Urban Development (HUD) funding, local grants, and other hurricane disaster emergency funds under pretense of building "rent-to-own" evacuee houses. Unsuspecting evacuees like Jackson were lured to rental property. The LCDC defendants obtained funds from the City of Shreveport, and the city conducted inspections of Jackson's dwelling.

Before Jackson came along, on March 21, 2005, using the Lake Bethlehem Baptist Church ("LBBC") as their personal address, and for the address of their "Lake Community Development Corporation" ("LCDC") nonprofit, defendants Derrick Thomas, Herman Washington, and a deceased person, incorporated LCDC**.** However, defendants Everett and Walker file LCDC tax returns and they obtain government funds for LCDC. From its inception LCDC was never a "community development corporation," within the definition under LA Rev. Stat. § 33:130.752, LCDC was being controlled by Everett and Walker (his niece), and included use for their family gain –and not consistent with laws back then, In Jackson's January 23, 2014 proposed supplemental complaint beginning with paragraph number 45, Jackson described the alter ego LBBC / LCDC private inurement dealings, and seeks piercing the corporate veil.

Unbeknownst to Jackson, the LCDC defendants were utilizing Jackson for unlawfully receiving government funds to which they were not entitled, and without her knowledge or consent, Jackson was placed in government funding programs. Because of the $600 monthly amount of Jackson's agree upon rent, Jackson did not realize by some method she became placed in federal program without her consent or her knowledge by means of a bait & switch landlord / tenant scheme. The "steering," and baiting violates the Fair Housing Act particularly because the 'terms and conditions' of Jackson's tenancy were changed. Also, Jackson was never paid a salary; and she was subjected to ongoing multiple and severe religious coercions, persecutions, intimidations, tyranny, interference with Jackson's exercise and enjoyment of her dwelling, and eviction demands while

Jackson worked in servility –all in violation of 42 U.S.C.§ 3617. Furthermore, Jackson is livid about the fact that –rather than be stuck in Shreveport, if there was any federal funding or housing programs available to Jackson, she would have preferred to relocate where she had family and economic opportunities –and less racial malice, quid pro quo, and the legal community furtively controlling churches.

Prior to September 2008, Jackson was unacquainted with the church, its leaders, and the impoverished Martin Luther King neighborhood where Jackson was lured. On July 9, 2012, the breach of employment contract and "continuing violation" unfair housing conditions (of which continues to this date), reached a point at which Jackson was conclusively told she never was hired for a job in the first place –that, in effect, she had been detrimentally lured to the defendants' property where, in addition to housing abuses, inter alia, Jackson suffered the loss of her corporation Jackson started in 1998**.** On July 8, 2013 Jackson filed this instant civil action.

Repeatedly in Jackson's pleadings she stated the defendants fraudulently concealed numerous material facts –including whether Jackson's daughter was also utilized by the defendants for receipt of disaster funds. Several months after all defendants were served, on November 27, 2013 Jackson received a telephone call and follow-up letter from a former Shreveport city attorney that provided Jackson with information that ultimately led to Jackson's January 23, 2014 Rule 15(d) motion to supplement her complaint. In Jackson's January 23 supplemental complaint, Jackson described more fully the *bait and switch* landlord tenancy Jackson unknowingly entered regarding the evacuee houses, as well as how Sarbanes-Oxley Act violations caused Jackson's personal and business damages. Based on no lawful grounds, both the magistrate and the district judge obstructed the January 23 supplemental from being filed into this case record. Jackson has been confronted with one judicial obstacle after another in her attempts to prosecute her case and acquire evidence for her claims and damages.

For all such reasons explained above, Plaintiff / Appellant-Petitioner is requesting this Appeals Court to exercise its inherent authority and require correction of this case record. Jackson is also filing in this day a motion for enlargement of time to file her appellant brief.

Respectfully submitted,

_____

Barbara Jackson
[redacted]
Shreveport, LA [redacted]
(318) [redacted]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was sent via United States Mail to opposing council from the lower court this 9th day of December, 2015.

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Barbara Jackson