

District of Columbia

Edward Roy Newsome, D.C. # 437698

Case: 1:16-mc-02532
Assigned To: Unassigned
Assign. Date: 12/15/2016
Description: Misc.

VS

Attorney AT Law

D.C. Case #

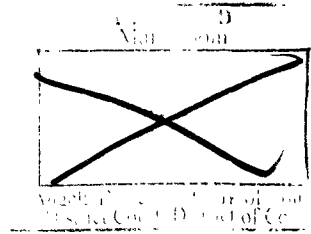
William Paul Mewis et. AL

C.O.A. # 07-41179

Amended Motion For leave to file writ of Mandamus
in leave to Proceed in forma pauperis without Prepayment of fees

To The Honorable Judge of said Court:

The Relator Edward Roy Newsome ARGue and offer into
evidence an objection Against the Court of Appeal 5th circuit
dismissing Habeas Corpus Relief and for want of Prosecution
was Abuse of discretion and Request For Permission
to Appeal from an Judicial officer Against Motion to
TRANSFER to the District of Columbia For disposition
Related to merits on All other claims see Pending CASE
14-CV-309, Pending writ of Certiorari in case # 15-8712
see Motion to File For A Stay, Motion to File For
Reconsideration and Motion For Rehearing because
Mandamus Relief is AVAILABLE when the Relator
has no other Adequate legal Remed2 of Law
and Act I seeks to Compel is ministerial and
not discretionary in nature, As A limited means
to test the district Court's discretion in issuing
transfer order see IN Re Chesson 897 F.2d. At 156, 159



and Hobbes v. Entm't 337 F.3d. 429, 432 (5th Cir. 2003)
on Request For A Ruling on Motion to Transfer under
28 U.S.C. § 1391 and 28 U.S.C. § 1404(a) and its these
standards that determine the issue raised on Appeal
in this case or cases. The Pfizer standards for
determining the propriety of a district court's ruling
on a Motion to Transfer, ask did the district
court correctly construe and apply the relevant
statute's, did the district court consider the relevant
factors incident to ruling upon a Motion to Transfer
and did the district court abuse its discretion in
deciding the Motion to Transfer. See In Volkswagen A.G.
371 F.3d. 201, 203 (5th Cir. 2004) (here after In Re
Volkswagen I), Ex Parte Chas. Pfizer, 250 F.3d.
720, 723 (5th Cir. 1955). The Pfizer standards requires
A careful review of the circumstances presented to
and the decision making process used by the
district court see In Re Hobbes 337 F.3d. At 432.
The Preliminary Question under change of venue statute
28 U.S.C. § 1404(a) is whether the suit could be filed
originally in the destination venue at Houston, Texas
where I was wrongfully convicted and denied a fair and
impartial trial that cause the relative to be unlawfully
and falsely imprisonment, against a state witness an
Houston Police officer for jury testimony from
ineffective assistance of counsel and prosecutorial
misconduct. Provisions § 1404(a) states that for
the convenience of parties and witnesses, in the interest
of Justice, a district court may transfer any civil
action to any other district or division where it might
have been brought. When considering a § 1404(a) Motion
to transfer a district court should consider a number

- Douglas Corp. 647 F.2d. 515, 517 (5th Cir. 1981). The fact Private Interest Factor to be considered is the relative ease of Access to Source of Proof. The district court observed that All of the documents and Physical evidence relating to the incident are located in Houston, Texas. The district court Subpoena Power for deposition under Fed. R. Civ. P. 45(e)(3)(A)(ii) and AND Trial Subpoenas for these witnesses to travel more than 100 miles would be subject to Motion to Quash under Fed. R. Civ. P. 45(e)(3). The district court discounted its lack of Absolute subpoena Power based on its Ability to deny a Motion to Quash, and ultimately to Compel the Attendance of Third Party witnesses Found in Texas, Subject to Reasonable Compensation. The district court can deny AND Motion to Quash does not Address concerns Regarding the convenience of Parties & witnesses, this Rational simply Asserts that a district court At some burden to the Parties will likely be to enforce an Option that is inconvenient to witnesses. This Factor, then, Also weighs in Favor of Transfer. The district court Abused its discretion by Failing to order transfer of this case. The Petition for Mandamus should be Granted and Remanded with instructions that it be transferred to the Southern District Court of Houston Texas and Division. See IN Re Chesson 897 F.2d. At 156, 159 (5th Cir. 1990). See Motion for leave to file Writ of Mandamus and Prohibition. Mandamus is an extraordinary writ, the writ only in the Absence of other Adequate Remedies when trial court has exceeded its Jurisdiction or has declined to exercise it, or when the trial court has clearly and indisputably Abused its discretion as to Compel

Prompt intervention by the Appellate Court see
In Re First South Savings Association 820 F.2d. 700
(5th Cir. 1987) and United States vs Crawford Enterprises
754 F.2d. 1272 (5th Cir. 1985) see 28 U.S.C. § 1391 and 1332
28 U.S.C. § 1292, 28 U.S.C. § 1651(a), 28 U.S.C. § 1404(a) and 1406
Against violation of Civil Rights Act of 1964 § 706(f)
As Amended, 42 U.S.C.A. § 2000e (5) f (3) would
also be applicable, in this case, for want of jurisdiction
and prosecution where relevant employment records
are maintained and administered should be weighed
by a district court in evaluating the interest of
justice aspect of a motion to transfer venue for
employment discrimination action as such factor is
expressly stated in the special venue statute
applicable to such action and in rare and special
circumstances, a factor of delay or prejudice
may be relevant in deciding the propriety of a
motion to transfer venue, but only if such circumstances
are established by clear and convincing evidence,
on request for emergency relief and release back to
the trial court for a new trial and further proceedings.

11-14-2016
DATE

Edward R. Newsome
Relator Signature

Fed. R. Civ. P. 5(d) Certificate of Service Fed. R. App. P. 25

Rule 2 Suspension of Rules

The Relator Edward R. Newsome Verifies the statement
made in this Amended Affidavit to file motion for
leave to file writ of mandamus in leave to proceed
informa pauperis without prepayment of fees is true
and correct under the penalty of perjury see
28 U.S.C. § 1746 For purpose of Mailbox Rule 4(c)(1, 2, 3, 6)
For the original and copies of records in Fed. R. App. P. 10(b),
11(b)(1), 12(a)(b)(c) and 45(b) For service in local rule
11, 12(a)(b)(c) For benefits.

Edward R. Newsome

11-14-2016

District of Columbia

Re: Edward R. Newsome, T.P.C # 437698

D.C. Case #

C.O.A. # 07-41179

Amended Motion for leave to File Motion
to TRANSFER 28 U.S.C. § 1332, 1391 AND 1404

To the Honorable Judge of said Court:

Dear Clerk,

My Response to you is concerning information
that I am requesting for want of Jurisdiction
and Prosecution Against violation of mandatory
Supervision Release and a Liberty interest from
False Imprisonment in violation of my Civil Rights
Act of 1964 § 706(f) under 42 U.S.C.A. § 3000e(5)(3)
28 U.S.C. § 1292 and 28 U.S.C. § 1651(a) on Request
For Reconsideration to Grant Motion to transfer,
Motion to Consolidate Appeals, Motion for Continuance
Motion to Extend time, and Motion for Rehearing
Against Motion for Direct Verdict Against Sanction
orders that have kept me unlawfully confined
for multiple years against my illegal and void 39
Year sentence, I need this court help to give
me the Relief that I could not litigate with
the 5th Circuit Panels in the year of 2007,
when the Clerk alleged if I satisfy the Payment
and Sanction fees that I would be Granted Relief,
the case was dismissed for want of Prosecution. Please
contact me on this matter.

11-14-2016

certificate of service

Edward R. Newsome

Petitioner Signature

The Petitioner Edward R. Newsome verify in this Affidavit that
this motion to transfer is true and correct under the
penalty of perjury.

Edward R. Newsome

District of Columbia

Re: Edward R. Newsome, T.D.C # 437698

Case # 07-41179

Amended Motion For leave to file A Motion For Direct Verdict Against Sanction Order and fees in leave to Proceed Informa Pauleris without Prepayment of fees

To The Honorable Judge of Said Court:

The Plaintiff Edward R. Newsome ARGUE AND offer into Evidence AN OBJECTION AGAINST THE 5th CIRCUIT Panel dismissing HABEAS CORPUS Relief FOR WANT OF PROSECUTION ON FAILURE TO PAY THE SANCTION FEES WAS ABUSE OF DISCRETION AND REQUEST TO APPEAL TO A JUDICIAL OFFICER SEE Motion to file FOR A STAY, Motion to file FOR RECONSIDERATION, Motion to file FOR extension OF TIME AND Motion to file FOR Rehearing to file Motion FOR Direct Verdict AGAINST Sanction order and fees over under Fed. R. Civ. P. 37(b)(d) Provide that the district court MAY impose SANCTION AGAINST parties who fail to comply with the district court's discovery order Raising Along the way A Plethora of OBJECTION to the dismissal of the suit and imposition of SANCTION because the district Judge erred in NOT Recusing himself. ON APPEAL Newsome ARGUE FOR THE FIRST TIME THIS CASE RAISE A QUESTION UNDER THE CLAYTON ACT (THE QUESTION IS SUPPOSEDLY RAISE IS SPECIFIED). IN ADDITION, TO VILIFIES THE JUDGES OF THIS COURT REQUESTING THAT THE ENTIRE 5th CIRCUIT RECUSE THEMSELVES AND SEND THIS ACTION TO D. C. CIRCUIT. DISMISSAL OF A PLAINTIFF LAWSUIT IS A TOOL WHICH AVAILABLE TO THE DISTRICT

Court, must be used only with caution, For dismissal is an extreme sanction which is warranted only where a clear record of delay or contumacious conduct by the Plaintiff exists see Anthony vs Marion County General Hospital 617 F. 2d. 1164, 1167 (5th Cir. 1980) (Quoting Gonzales vs Firestone Tire & Rubber Co. 610 F. 2d. 241 (5th Cir. 1980). In Anthony noted that deliberate, Repeat Refusal to Comply with discovery orders have been held to justify the use of the ultimate sanction of dismissal under Rule 37(b), 617 F. 2d. at 1167, n. 3. See Also Jones vs Louisiana State BAC ASS. n 1002 F. 2d. 94 (5th Cir. 1979), Bona Venture vs Butler 593 F. 2d. 625 (5th Cir. 1979). When a district court resorts to this, extreme sanction, the primary upon review, is whether the court abused its discretion. National Hockey League vs Metropolitan Hockey Club 427 U.S. 639, 96 S. Ct. 2778, 49, L. Ed. 2d. 747 (1976) Anthony at 1167 this court, in affirming a district dismissal for want of prosecution under Fed. R. Civ. P. 41(b) noted that the Plaintiff failure to respond to court orders was attributable only to himself 627 F. 2d at 682. The order of dismissal coming when it did and after at least 3 warning, was not abuse of discretion. The district court also awarded attorney's fees to All state see 788 F. 2d at 110 (5th Cir. 1986). The order of dismissal, coming when it did and after at least 3 warning, was not abuse of discretion. The district court also awarded attorney's fees to All state. The final PARAGRAPH to Rule 37(b) provides in lieu of any of the foregoing orders in addition thereto, the court shall reimburse the party failing to obey the order or the attorney

Advising Both to Pay the Reasonable expenses, including Attorney fees, Cause by the failure, unless the court finds that the failure was substantial & justified or that other circumstances makes an awards of expenses. The documentation was sufficient to permit the district court to assess Attorneys fees in accordance with the criteria set forth in Johnson vs Georgia Highway Express INC. 488 F.2d. 714 5th Cir. (1974) See Also 28 U.S.C. § 1915(a), Fed. R. App. P. 24(c) Fed. R. Civ. P. 33 and 34, Fed. R. Protective Order in Rule 26 and Relief. See Duhart vs Carlson 469 F.2d. 471, 478 (10th Cir. 1972) cert. denied 410 U.S. 958, 93 S.Ct. 1431, 35 L.Ed. 2d. 692 (1973) see Also Chevrette vs Marks 558 F.Supp. 1133 MD. Pa. (1983). Imposing costs on I.F.P. Plaintiff is rare, but not unheard of see Flint vs Haines 651 F.2d. 970 (4th Cir. 1981) cert. denied 454 U.S. 1151, 102 S.Ct. 1018, 71, L.Ed. 2d. 306 (1982) Affirming taxation of costs against an I.F.P. litigant with a monthly disposable income see Tower vs Wilson 102 F.R.D. 275 MD. Pa. (1984) Awarding expenses against an I.F.P. Plaintiff for violation of Rule 37. Sanction under Rule 37 serve the dual function of reimbursing the moving party and deterring the violator of the discovery order (as well as other potential violators). See Roadway Express INC. vs Piper 447 U.S. 752, 763-64, 100 S.Ct. 2455, 2462-63, 65 L.Ed. 2d. 488 (1980); Remington Products INC. vs North American Philips Corp. 107 F.R.D. 642, 644 (D. Conn. 1985); Tower 102 F.R.D. At 276 see generally 4A Moore's Federal Practice 37.02 Sanction may be necessary, because dismissal alone will not faze a venemous litigant bent on defaulting the judicial system and committed to enflaming the legal process as a mean to torment his enemies, as the court observed in

There, the deterrent purpose of Rule 37 would not be served by dismissal of this suit Almeida, 102 F.R.D. At 275 in accordance with Allstates Motion and Supplement Motion for Sanction on Request to Remand Case # 07-41179 to the district court so that it may calculate the additional amount of attorney fees as a result of this frivolous appeals, to assess double costs against my persistence in using clearly frivolous appeals to harass good faith litigant see Fed. R. Civ. P. 38 and 28 U.S.C. § 1912 see Hagerly vs Successor of Clement 749 F.2d. 217, 221-23 (5th Cir. 1984) when the effect of which to bar the Plaintiff from filing any additional actions without first obtaining leave to do so from this court or the district court see In Re MATRIBONA 737 F.2d. 1254 (2nd Cir. 1984) on request to reverse and remand for relief against violation of my civil rights.

11-14-2016
Date

Edward R. Newsome
Plaintiff Signature

Fed. R. Civ. P. 5(d) Certificate of Service Fed. R. App. 25
Rule 2 Suspension of Rules

The Plaintiff Edward R. Newsome verifies the statement made in this amended Affidavit to file Motion for leave to file Motion for a direct verdict against sanction and contempt orders and fees in leave to proceed in forma pauperis without prepayment of fees is true and correct under the penalty of perjury see 28 U.S.C. § 1746 for purpose of Marbut Rule 4(c)(1, 2, 3(d)) for the original and copies of records in Fed. R. App. 4(b), 11(b)(c) and 12(a)(b)(c) for service in Fed. R. App. 45(b) and local Rule 10, 14, 12(a)(b)(c) for benefits and relief. This motion have been file to the 5th Circuit and Southern District Court in Houston TX.

11-14-2016
Date

Edward R. Newsome
Plaintiff Signature