

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

December 11, 2015

To: Mr. Derrick Holmes, GDC1000672875, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 39866

Docket Number: Style: Derrick Paul Holmes v. Warden Stanley Williams, et al.

Your document(s) is (are) being returned for the following reason(s).

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. **No Certificate of Service accompanied your document(s). Rule 6 You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**
8. Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16. **Other:**

For Additional information, please go to the Court's website at: www.gaappeals.us

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

12/10/15

(KHA)

pb

To: *Derrick Paul Holmes*

Docket Number: Style: *Derrick Paul Holmes v. Wardens Stanley Williams et al.*

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15. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
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IN The Court of Appeals of Georgia

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2015 DEC -9 PM 3:12
COURT OF APPEALS OF GA

Derrick Paul Holmes (prose)
Plaintiff (prose)

Civil # 6:15-CV-12

Brief in support of the Appeal of
the recent decision in the above case

Now comes Derrick Paul Holmes/Pro-se with
this Appeal For the decision that was
recently made in the above case # 6:15-CV-12
(See) Exhibit A.

Derrick Holmes Now states the Following:

Recently Derrick Holmes Filed a complaint/4281983
The court moved to dismiss the case do to the
Fact that there was a allegation of abuse of
Judicial process. Plaintiff then objected see (doc. 26)/Exhibit A

To be exact the court claimed that
Derrick Holmes made False statements
when he Filled out the answers to the
questions on the original Form For the
complaint # 1

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Derrick Holmes Now appeals this Denial and Dismissal of the case above and states that ~~he~~ he did not [intentionally] [Deliberately] make a False statement when he Filled out the original Form For the Complaint above.

In addition when Derrick Holmes Filled out the original complaint there was a question that asked him did he ever File any previous lawsuits/complaints.

Derrick Holmes answered the question with 'No' because the question is confusing vague and misleading and unconstitutional

The question on the Form uses the word '[Filed]' instead of asking the Plaintiff has he ever 'attempted to File any lawsuits'

The question is misleading because a person that has only 'attempted to File a complaint' has Not Actually Filed anything. In order to actually 'FILE' a lawsuit or complaint there must be a completion on certain

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Thus without completing the 'Full Steps' as required by law to File a complaint it would be impossible to actually File a complaint without Fully completing all the steps required by law to File a lawsuit ^{or} ~~or~~ complaint. Therefore Derrick Holmes has never Filed any complaint previously because he never paid any Filing Fees and never completed all the steps required to actually 'File' any lawsuits/complaints.

Therefore Derrick Holmes thought that due to the Fact that he had never completed any steps to File a lawsuit and because he never paid any Filing Fees in the past, He believed that he had not technically 'Filed' any lawsuits. Thus Derrick Holmes did not Intentionally, knowingly, willingly, nor Deliberately make False statements in order to abuse the judicial process and Therefore this case and decision For the case above should ~~be~~ be dismissed and should be reversed with all Respect to this Honorable Court.

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Furthermore ⁽¹⁾ the question on the original form is vague, unconstitutional, and misleading and ⁽²⁾ the court has also failed to prove the elements of Intent, willingly, knowingly, Deliberately because Derrick Holmes did not make false statements with Intent, willingly, knowingly, Deliberately and thus the court has failed to prove these essential elements. Therefore the decision should be reversed in the above case.

Note: Please return a copy of these documents stamped / Filed / certified by the court to Plaintiff

1-10-15

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

DERRICK PAUL HOLMES,

Plaintiff,

v.

WARDEN STANLEY WILLIAMS; MR. MOURAD; JAMES DEAL; MR. SMOKES; MS. MARTIN; SARGENT CAS; EARL TOPPINGS; RICHARD BUNCH; JOHNNY DAVIS; ERIC YONG; CARLOS DELGADO; OFFICER WEST; UNIT MANAGER BLAND; OFFICER SANDERS; DR. COOK; CERT TEAM WHITEFIELD; OFFICER GEORGE; UNKNOWN CERT TEAM MEMBERS; OFFICER JONES; UNKNOWN SMITH STATE PRISON NURSES; TOOL; TOUCHA; COCHA; BRIAN OWENS; and NATHAN DEAL,

Defendants.

CIVIL ACTION NO.: 6:15-cv-12

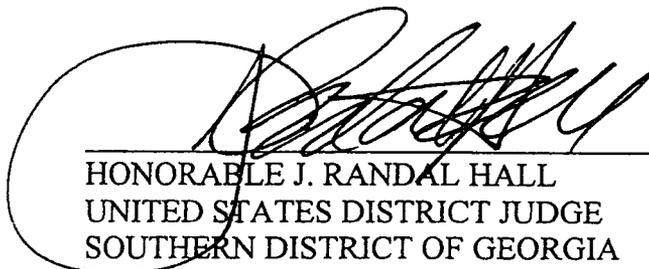
ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 25), to which objections have been filed. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as the opinion of the Court and **OVERRULES** Plaintiff's Objections (doc. 26).

Plaintiff's Complaint, brought pursuant to 42 U.S.C. §1983, is **DISMISSED WITHOUT PREJUDICE**. Furthermore, for the reasons set forth in the Magistrate Judge's Report and Recommendation, the Court **DENIES** Plaintiff leave to appeal *in forma pauperis*. The Clerk of

Court is hereby authorized and directed to **CLOSE** this case and to enter an appropriate judgment of dismissal.

SO ORDERED, this 12th day of November, 2015.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA