

In The Court of Appeals of the State of Mississippi

Dennis Dobbs

COPY

Appellant

VS.

No. 2007-CP-0900

STATE OF MISSISSIPPI

FILED

DEC 06 2007

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

Appellee

TRAVERSE FOR THE APPELLANT

APPELLANT DOES REQUEST ORAL ARGUMENT

DENNIS DOBBS, MDCC INMATE

BY: Dennis Dobbs

MDCC # [REDACTED]

Delta Cor. Facility

3800 County Rd. 540

Brewerwood, Ms. 38930

TABLE OF AUTHORITIES

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STATE CASES

Gates v. Collier, 349 F. Supp. 881 D.C. (Miss. 1972) 3

OTHER AUTHORITIES

U.S.C.A. Constitution Amendment 8th I, 3

U.S.C.A. Constitution Amendment 14th I, 3

Appellant filed another Motion to Show Cause March 16th, 2007 regarding "illegally obtained evidence" prison guards collected Salvia DNA for the State of Mississippi Crime Lab, and Federal and State Law prohibits such, only a nurse, nurse practitioner, or doctor can collect such DNA for expert testing. Prison guards collected DNA samples from inmates for the State of Mississippi.

On May 10th 2007, the trial court issued an Order denying Appellant's "Motion to Show Cause" as relation to a Post-Conviction Collateral Relief Act Petition.

TRAVERSE OF THE RESPONSE ARGUMENT

The trial Court abused its discretion in denying and dismissing Appellant's § 1983 Complaint ~~was~~ styled "Motion to Show Cause". Trial Court dismissed it as relation to Post-Conviction Collateral Relief.

ARGUMENT

Mississippi Supreme Court has reviewed the filings of Appellants, and relates a petitioners motion or claim by the nature, or facts stated in Motion or petition. In order for a claim to be considered a Post-Conviction, a defendant must attack a sentence or conviction, Appellant's Motion to Show Cause Clearly states DORR's was not attacking the legality of his conviction, that he was housed in a none air condition Facility,

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Therefore if Appellant could not get the proper or a §1983 form, the trial court had to accept his Motion to show Cause as a §1983 form on conditions of confinement, due to Appellant stating he was not attacking his sentence, nor does the Appellant have a conviction from Marshall County Circuit Court.

Appellant wrote the Marshall County Circuit Court Clerk, requested summons, she advised Appellant that she do not furnish summons for civil actions. Appellant ask Marshall County Legal Assistance director for said summons, she stated that the department did not supply summons. (Marshall Co. Corr. facility ILAP Director)

Appellant Dobbs hand wrote some summons to try to cure the deficiency. However, this was no fault of the Appellant, nor did the court deny Dobbs Motion to show Cause as grounds of "default or deficiency."

Appellant Motion to show Cause, § 1983 complaint was denied as a "Relief for Post-Conviction", and trial judge erred, abused his discretion denying Dobbs filings as "relation to Post-Conviction Relief."

Pursuant M.R.A.P 21 Appellant has a right to file for this ~~court~~ courts review.

CERTIFICATE OF SERVICE

This is to certify that I, the undersigned, have this day and date mailed, via United States Mail, postage pre-paid, a true and correct copy of the foregoing and attached instruments to the following:

Mississippi Supreme Court
Betty W. Sephton
P.O. Box 249
Jackson, Ms. 39205

Attorney General's Office
Stephanie B. Wood
P.O. Box 220
Jackson Ms. 39205

Hon. Andrew K. Haworth
Circuit Court Judge
1 Courthouse Square; Suite 201
Oxford Ms. 38655

Hon. Ben Creekmore
Dist. Attorney
P.O. Box 1478
Oxford Ms. 38655

This the 6th day of December, 2007.

Glenn R. Ricks
PETITIONER
MDOC# [REDACTED]
DCF/CA-05
Address

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