

No. U.S.C.A. No. 17-7168

Case No. 17-7168

IN THE
SUPREME COURT OF THE UNITED STATES

Chauncey Bennett — PETITIONER
(Your Name)

vs.

John Wolfe — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

District Court For The District of Maryland
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Chauncey Bennett ¹¹²⁷⁹⁴⁸ #259-742
(Your Name)

30420 Revells Neck Rd.
(Address)

Nesdes, Md 21890
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Did the lower court err by failing to supply diet meals when petitioner tier is place on lockdown?
2. Did the lower court err in petitioner being fired before a hearing, violating due process?
3. Did the lower court err in CDO manager Robert Trokell harassment toward's petitioner?
4. Did the lower court err in petitioner being injured on the job?
5. Did the lower court err in W.C.D. 2364-11 ARP DOC. ruling?
6. Did the lower court err in E.C.D. officials action from 8-30-16?
7. Did the lower court err in denying petitioner's rights to used a public bathroom?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Warden John Wolfe

Warden Ricky Foxwell

CDO Robert Foxwell

Lt. Ruby White

Lt. Valarie Styles

Secretary Stephen Mayes

Sergeant George Turner

Assistant Warden Walter West

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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was January 11, 2018.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. *Equal Protection Clause*
2. *Discrimination*
3. *Due Process*
4. *Brady material withheld -*

STATEMENT OF THE CASE

1. On 8-9-16 at 3:30 p.m. wellman Tyrone Bey placed the noddles in the spot on the serving line, which had too much ^{hot} water and it splashed on petitioner, also sergeant Turner. Petitioner thought he was alright but sergeant Turner failed to send petitioner to medical.
- On 8-10-16 Lt. Styles called sergeant Willie, sergeant Turner, and petitioner to discuss, sergeant Turner's behavior E.C.S. 1811-16 also E.C.S. 1812-16 enhance petitioner's claim. Petitioner right heel skin peeled off. On 8-13-16 medical treatment provided excused from work. I was called twice to see Lt. Johnson and another Lt. prior to 8-31-16 On 8-30-16 Warden West receive complaints, 8-31-16 Lt. Styles and Lt. Johnson called petitioner at 12:50 p.m. petitioner's work hour was 2:30 p.m. petitioner was harassed and misquoted, petitioner represented Anthony Webb on an infraction from dietary, the findings of not guilty. Petitioner return to work at 2:30 p.m. at 2:55 p.m. sergeant Murphy stated "that the officers want me back in the unit". Sergeant Whittington had know idea why petitioner returned before count, as well as petitioner, at 6:30 p.m. an infraction was submitted, stating re-class.
2. On January 26th of 2017 petitioner was in the library from 9:00 until 10:25 a.m. C.O. II Russell was inform by petitioner that he took his medical for high blood pressure, which requires bathroom usage. Officer Russell called the yard officer Dinteman, to clear library patrons, "he was told negative. Petitioner went to used the bathroom after waiting 5 minutes, petitioner gave J.D. no words were spoken.
3. On 8-7-17 petitioner was release from the library to take pill call medication with my tier-B, it was raining and petitioner had papers that were copied in the library. CDO Manager Robert Troxell viewed me enroute to medical, as if petitioner done something to him, this official was in front of petitioner. Petitioner gave Nathan Burrell 447-900 the copied papers, Mrs. Troxell took them, requested petitioner J.D. only, given an infraction. On 12-26-17 C.D.O. Troxell harassed petitioner while returning from physical therapy seven others return this official single out petitioner E.C.S. 0207-18 supports this official action.
4. W.C.S. 2364-11 acknowledged taking property but fail to restore what was taken the guidelines of what I had, Boombox, 12 inch fan. petitioner was deprived to send his property home, the theft alone violated rights to procedural due process.

Love v. Lee 472 F.3d 174, 202 (4th Cir 2006) 1. denial of protected liberty interest (2) causing atypical or significant hardship 3. Constitutionally inadequate procedural safeguards

REASONS FOR GRANTING THE PETITION

1. On 8-9-16 Sergeant Turner had a moral obligation to uphold D.P.S.C.A. 160.0001 #2 Points of Emphasis (2) Report on job injury, this official was present. *United Black Firefighters of Norfolk v. Hirst* 604 F.2d 844, 847 (4th Cir 1979) *Twombly*, 550 U.S. at 555 Factual allegations must be enough to raise beyond the pleadings and own affidavits, specific facts showing that there is a genuine issue for trial. *Barwick v. Celotex Corp.* 736 F.2d 946, 958-59 (4th Cir 1984), Based on this standard the pleadings and exhibits, this court should grant petitioner's petition. *Jane v. Martin*, 355 F.3d 766, 782 (4th Cir 2004) Liability of supervisory officials must be premised on a recognition that supervisory indifference or tacit authorization of subordinates misconduct may be a causative factor in the constitutional injuries they inflict on those committed to their care. *Baynard v. Malone* 268 F.3d 228, 235 (4th Cir 2001) Correctional officials can be held liable only for their own personal wrongdoing or for supervisory actions that themselves violate constitutional norms. 27. Styles violated due process by reclassifying petitioner before a hearing, in addition to guilty finding of adjustment hearing, the proceedings was tainted, as well as double jeopardy, the reclass violated the equal protection clause, the reclass was a sanction.
2. The Public Bathroom infraction violated discrimination, petitioner's high blood pressure medication requires rapid bathroom usage, when can used a public bathroom is discrimination, as seen I was sanction for this, which clearly violates the equal protection clause, supporting deliberate indifference, it's duly noted that petitioner has hypertension.
3. CDO Manager Robert Troxell has tried to harass or provoke petitioner without a rational reason when the unit is lockdown, this official failed to order C.V. meals to petitioner, having knowledge that food is not in compliance with petitioner's diet, enhance deliberate indifference, petitioner's blood pressure ~~was~~ rises because of this hardship, of being subjective to consume food that harms petitioner's health. On 12-26-17 petitioner returned from physical therapy, Mr. Troxell went out of his way to harass petitioner, 6 or 7 other inmates were returning as well, E.C.S. 0207-18 suffice this matter.
4. The boombox and fan was taken, procedural due process was deprived petitioner was denied to send appliances home, demoted to replacing a C.D. player walkman, fan, for the sum of \$85. which was forced in petitioner's account. Secretary Stephen T. Moyer had knowledge of this corruption, as well as Walter West, Assistant Warden of E.C.S. petitioner never requested a loaner, petitioner appliances were taken 6-19-18 shows the brazen response. The theft has been upheld in their official capacity, which clearly shows injustice, there was no rational justification for taking the property, 2-27-17 acknowledging the unsatisfaction of the treatment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Chauncey Bennett ¹¹²⁷⁹⁴⁸ #259-742

Date: 6-21-18