

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ANTHONY QUENTIN KELLY — PETITIONER
(Your Name)

VS.

WARDEN, FRANK B. BISHOP, JR., et al. — RESPONDENT(S)
(SUPPLEMENT)
ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeal for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANTHONY QUENTIN KELLY
(Your Name)

North Branch Correctional Institution
14100 N. Muller Hwy. S.W.
(Address)

Lumberton, Maryland 21502
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

"Minor deprivations, suffered for short period of time will not

rise to the level of an Eighth Amendment violation, but

substantial deprivations of shelter, food, drinking

water, and sanitation may meet the standard

despite their even shorter duration", Jacobs

vs. Quinones, No. 1:10-cv-02348 WL 144234 at

7 (E.D. Cal. Jan. 11, 2013) (citing Johnson vs. Lewis,

217 F.3d 726, 729-730 (9th Cir. 2000).

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:

Sergeant Charles D. Bialanicki

Correction Officer Kathy F. Troutman

Correction Officer Terry W. Gibbner

Correction Officer Thomas J. Ryan

State of Maryland

John Doe^{#1}

John Doe^{#2}

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| APPENDIX F | |

The following opinions are quoted in the record. See Rule 12.7.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Jacobs vs. Quinones, No. 1:14-cv-02349 WL 744234 at 7
(E.D. Cal. Jan. 11, 2013) (citing Johnson v. Lewis,
217 F.3d 726, 729-730 (9th Cir. 2000) - - - (i))

STATUTES AND RULES

Rule 12.7 - - - - -

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 C 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☒ is unpublished.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 A 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☐ is unpublished.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 February 1, 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: February 14, 2018, and a copy of the order denying rehearing appears at Appendix 0.

☐ 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

This is a civil action authorized by 42 U.S.C. section 1983

to redress the deprivation, under color of state law,

of rights secured by the Constitution of the United

States.

STATEMENT OF THE CASE

On October 27, 2016 (Thursday) approximately 11:50am both

defendant John Doe^{#1} and John Doe^{#2} came and turn

off petitioner Kelly's cold water for about 3 days

for no reasons at all. This cost plaintiff

Kelly's to drink his toilet water and shower

water.

REASONS FOR GRANTING THE PETITION

There is no conflict involved in this case, because the Eleventh Circuit agree with the U.S. District Court in this case. On 6-9-17 district court issue order and memorandum opinion, status: Indeed, aside from Kelly's self-serving and conclusory statements, there is no evidence that Bishop had actual or constructive knowledge of the plumbing problems in Kelly's cell and that any delay in correcting the problems posed "a pervasive and unreasonable risk" of constitutional injury to Kelly.

On 6-27-17 district court issue order states; Kelly's post-judgment motion shall be deemed as filed on June 15, 2017, under the prison mailbox rule. Therefore, Rule 58(a) applies as to it.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony A. Kelly

Date: 9-1-18

I, Anthony A. Kelly, do solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing papers are true.

Anthony A. Kelly 9-1-18
Prisoner Affidavit