

No. 18-7366

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FREDERICK RIDGWAY, JR. - GRAY — PETITIONER
(Your Name)

vs.

PATRICIA STRELS, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Frederick Ridgway, Jr. - Gray
(Your Name)
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QUESTION(S) PRESENTED

11. ARE DEFENDANTS LISTED IN BOTH CAPASTIES ENTITLED TO ELEVENTH AMENDMENT SUERICAL IMMUNITY EVENTHOUGH THEY THEMSELVES ARE NOT ARMS OF THE STATE AND THE STATE OR DEPARTMENT WAS NOT LISTED AS A DEFENDANT?

a. DID DEFENDAT HOWARD CREATE AN UNSAFE ENVIRONMENT FOR PLAINTIFF GRAY WHEN HE REFUSED TO MODICATE HIS WALKMAN PROCLIVITY FOR VIOLENCE CELLMATE MR. CAZC DATTWUZZER?

3. DID DEFENDANTS HADEN, STEIN, SHIELDS, TAYLOR, WARIS, SCULL, ROBINSON, AND COPPEL FAIL TO PROTECT PLAINTIFF GRAY WITHIN THEY EQUATED THE SERIOUS THREATS OF INMATE CAL DATTWILLER TO AS PLAINTIFF HARM AFTER DEFENDAT CREATD THE DANGEROUS ENVIRONMENT BY DENYING INMATE DATTWILLER HIS USUAGED CUSTOMARY PSYCHO TOPIC REGIMIN?

4. DID DEFENDANTS HADEN, STEIN, SHIELDS, TAYLOR, WARIS, SCULL, ROBINSON, AND COPPEL USE DISCREMINATE, UNLAWFULLY AS THEIR REASON NOT TO SEPARATE PLAINTIFF GRAY AND THE NON-MODICATED DATTWILLER TIMELY TO PREVENT THE VIOLENT THREE WALK WEATING?

5. SHOULD PRISON OFFICIALS BE RECOUNTED TO REWARD TO PROPERLY SUBMITTING CRIMINALS THROUGH THE OFFICIAL CRIMINAL PROCEDURE DUE AN OFFICIAL CRIMINAL PROCEDURE IS ESTABLISHED RATHER THAN BE ALLOWED TO THWART WITHIN, AND PREVENT A PRISONER FROM NURTURING WITHIN THE CRIMINAL PROCES BY PERMIT WHITPICK AND HADEN SMOOTHLIN THE OFFICIAL CRIMINAL PROCES?

6. IS THE PSEUDONYMS "BOSS" AND "BOSS" SUFFICIENT TO CHARACTERIZE THE PARTS PLAYED BY DEFENDANTS BOBBS AND HADEN IN THE EXCUSE OF FZIMAKS TO BE THE REASON TO DENY THE EXISTENCE OF TRUTHFUL OF A KILLER SPACE FOR THE TAKEN MANUSCRIPTS OF PLAINTIFF GRAY TO WALK PROPERLY?

7. IS IT PROPER TO FORCE THE DEFENDANTS BOBBS AND HADEN TO RESPOND TO THE CRIMINALS FOR PROPER EXHASTION BY INJURY TO RESPOND TO THE TIMELY PROPERLY SUBMITTED CRIMINALS THE ABILITALLY RECOUNTED AND PAPER SUBMITTED TO AVOID THE PRISONLITIGATION REASON ACT (RRA) REPOSEL EXHASTION?

QUESTIONS PRESENTED CONTINUED

- 8) SHOULD PLAINTIFF CWAY BE GRANTED REHEARING AND/OR REHEARING EN BANC FOR THE ARGUMENTS PRESENTED IN ATTACHED APPENDIX C, ?
- 9) SHOULD THE DISTRICT COURT BE DEEMED TO HAVE SHOWN JUDICIAL BIAS WHEN THEY ACTED AS COUNSEL TO ASSIST COMPETENT COUNSEL FOR DEFENDANTS TO CORRECT THEIR [INCOMPETENT COUNSEL FOR DEFENDANTS] PLEADING ERROR BY INAPPROPRIATELY STRICKING THE ERRONEOUS FILING BY COUNSEL FOR DEFENDANTS WITH SUGGESTION TO REARGE ARGUMENTS IF PROPER, WHICH WAS IMPROPER FOR THE DISTRICT COURT TO ACT AS COUNSEL ?
- 10) CAN AGENTS [General Counsel For Oklahoma Department of Corrections and Each Attending Law Library Supervisor at Every Facility Plaintiff Cway was housed at During the Entire Course of the Litigation in this Case at Bar] BE DEEMED TO HAVE MALICIOUSLY INTERFERED WITH A JUST RESULT IN THIS PARTICULAR CASE IN VIOLATION OF ADEQUATE ACCESS TO COURTS ?
- 11) DOES THE CUMULATIVE ERRORS IN THIS CASE AT BAR REQUIRE AN ABSOLUTE ENTIRE REVERSAL ?
- 12) Did unknown officers properly inspect defendants homes for an unreasonable search & seizure ?

LIST OF PARTIES

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

[x] 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:

MS. PATRICIA SORRELS - OKLAHOMA STATE PENITENTIARY'S CORRECTIONAL HEALTH SERVICES ADMINISTRATOR; MR. RUPERT HODGINS, - OKLAHOMA DEPARTMENT OF CORRECTIONS (MEDICAL ADMENTS) STATE REVIEWING AUTHORITY; PATRICIA STEAR - (at time) EASTERN REGIONAL MENTAL HEALTH COORDINATOR; SUSAN SHIELDS - (at time) OKLAHOMA STATE PENITENTIARY PSYCHOLOGIST; MR. WILLIAM TAYLOR (at time) OKLAHOMA STATE PENITENTIARY'S INMATE MENTAL HEALTH UNITS UNIT MANAGER; DR. HOWARD - OKLAHOMA STATE PENITENTIARY'S RESIDENTIAL PSYCHIATRIST; DR. MARJORIE - OKLAHOMA STATE PENITENTIARY'S RESIDENTIAL PHYSICIAN; LT. BOSTON HARRIS - (at time) OKLAHOMA STATE PENITENTIARY'S INMATE MENTAL HEALTH UNITS SECURITY SUPERVISOR; Sgt. BRIAN HOLLEN; (at time) AN OKLAHOMA STATE PENITENTIARY SECURITY OFFICER ON THE OKLAHOMA STATE PENITENTIARY INMATE MENTAL HEALTH UNIT; NURSE AMBER ROBINSON, LICENSED PRACTITIONER NURSE AT OKLAHOMA STATE PENITENTIARY; NURSE ALICIA SCULL, LICENSED PRACTITIONER NURSE AT OKLAHOMA STATE PENITENTIARY; AND NURSE MARIE CORPES, LICENSED NURSE PRACTITIONER, AT OKLAHOMA STATE PENITENTIARY

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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 B to the petition and is

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

☐ For cases from **state courts**: N/A

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

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

The opinion of the N/A court appears at Appendix N/A to the petition and is

☐ reported at N/A; 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 AUGUST 1ST, 2018.

☒ No petition for rehearing was timely filed in my case.
DUE TO DEFECT LAW LIBRARY SEE APPENDIX'S CLAUDE

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: AUGUST 31ST, 2018, and a copy of the order denying rehearing appears at Appendix D.

LETTER FROM TENTH CIRCUIT COURT CLERK REFUSING TO FILE
TIMELY SUBMITTED SIGNIFICANTLY DELAYED MOTION FOR REHEARING, APPEARING
[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A.

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

[] For cases from **state courts**: N/A

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

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

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FIRST AMENDMENT RIGHT TO GRIEVE REDRESSES OF WRONG BY GOVERNMENT RESULTING IN LIKELY DENIAL TO ACCESS TO THE COURTS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES IN VIOLATION OF 42 U.S.C.A. § 1997(e) OF THE PRISON LITIGATION REFORM ACT (PLRA).

EIGHTH AMENDMENT FAILURE TO PROTECT OF THE CRUEL AND UNUSUAL PROVISION.

ELEVENTH AMENDMENT SOVEREIGN IMMUNITY CLAUSE FOR STATE DEFENDANTS.

SUIT AGAINST ACTORS UNDER COLOR OF STATE LAW PURSUANT TO 42 U.S.C.A. § 1983.

FOURTEENTH AMENDMENT DUE PROCESS EQUAL TREATMENT CLAUSE
SEE ALSO OKLAHOMA STATE CONSTITUTION OKLA. ST. TIT. ANN. 2 § 39.

EIGHTH AMENDMENT UNREASONABLE SEARCH AND SEIZURE CLAUSE
SEE ALSO OKLAHOMA STATE CONSTITUTION OKLA. ST. TIT. ANN. 2 § 30

STATEMENT OF THE CASE

I a Pro Se Prisoner Plaintiff Filed a Civil Complaint Against doctors under color of state law pursuant to 42 U.S.C.A. §1983 on April 20th, 2016 in the United States District Court For The Eastern District of Oklahoma arguing defendants violated his Eighth Amendment Right to timely and adequate health care; Eighth Amendment Right for Failure to protect; Fourteenth Amendment Right to Equal Protection of Law due to unequal medical treatment; Eighth Amendment Right to be free from unreasonable search and seizure; Okla. St. T.T. Ann. §2 Right to Medical Treatment; Okla. St. T.T. Ann. §34 Right to Equal Treatment; And Okla. St. T.T. Ann. §36 Right to be free from unreasonable search and seizure all of the Oklahoma State Constitution and United States Constitution. The District Court granted Plaintiff Gray the ability to Amend his complaint. The District Court denied Plaintiff Gray all relief. Plaintiff Gray perfected an appeal to the United States Court of Appeals For The Tenth Circuit on December 7th, 2017 asserting the following Propositions: 1) The District Court Errored In Granting The Defendants Eleventh Amendment Immunity; 2) The District Court Errored That Plaintiff Failed To Link Defendant To Civil Rights Violations; 3) District Court Errored That Plaintiff Gray Failed To State A Failure To Protect Claim Against Defendants; 4) District Court Errored In Its Determination Appellant Gray Failed To state An Adequate Health Care claim concerning his injuries; 5) The District Court Errored In Not Granting Injunctive Relief; 6) The District Court Errored In Not Granting Plaintiff Counsel; 7) The Magistrate [Steven P. Shreda] Errored In Okla. WS 58 and 62] By Striking [Okla. WS. 52 and 43] He In Essence Acted As Counsel To Correct An Error Of Counsel; And 8) BECAUSE The cumulative errors affected The Outcome And because they are matters of Law they cannot be deemed As Harmless, The Tenth Circuit Delivered an order and Judgment reversing the dismissal of all the claim against Mrs. Corpeal alleging shedenied Mr. Gray medical treatment; (2) the claim against Dr. Morley concerning Mr. Gray's neck injury and (3) the equal protection claim against Mrs. Corpeal, Mrs. Robinson; and Mrs. Scott. Reversing and remanding for further proceedings. They affirmed in all other respects the order dismissing the amended complaint and denying injunctive relief. Plaintiff Gray then perfected a Motion for rehearing with request and suggestion for rehearing on June 27th 2018. It was not filed See Appendix C and D

FN. 1 These Proceedings are currently stayed See Appendix F

REASONS FOR GRANTING THE PETITION

For The Court to revisit the decisions in Monell v. New York City Dep't. of Social Services, 436 U.S. 658, 690 n.54, 98 S.Ct. 2018 (1978) where local governments and their agencies are not protected by Eleventh Amendment Sovereign Immunity even in suits for damages; Alabama v. Pugh, 438 U.S. 781, 782, 98 S.Ct. 3557 (1978) where a state is not protected by Eleventh Amendment Immunity where the state is not named as a defendant; Pennhurst v. State School and Hospital v. Heldenstein, 565 U.S. 89, 100, 104 S.Ct. 900 (1984) where a suit is actually heard in Federal Courts for naming a state or its agencies as a defendant; Hepburn v. Hepb, 552 U.S. 26, 25, 12 S.Ct. 358 (1991) and Shively v. Rhodes, 416 U.S. 232, 91 S.Ct. 1683 (1971) where a defendant cannot assume only its official capacity in a suit where it has been sued in both capacities to have Eleventh Amendment Sovereign Immunity protection. The Court needs to revisit these matters of law by granting this Petition to see how these cases effect the Anti Prison Litigation Reform Act and the Constitutional Rights of prisoners to seek redress for a governmental wrong of propriety which is a First Amendment protected right guaranteed by the United States Constitution. To visit if Defendants Shields and Howard have the right to deliberately violate the Prison Litigation Reform Act provisions of exhaustion 42 U.S.C. 1997e(c) requirement by pencil whappings, paper shuffling to thwart, hinder, and prevent Plaintiff Cray from availing himself in the official grievance process procedure which is a First Amendment Constitutionally protected right by the United States Constitution. To ascertain if Plaintiff Cray stated a claim of failure to protect claim against on Howard for creating an unsafe environment then Defendants Shields, Stern, Taylor, Harris, Huber, Coppel, Robinson, and Skell. For not making a preventive move in the face of imminent threats of danger by Plaintiff Cray's attacker attempting to excuse themselves with an unlawful excuse of overcrowding. Is "Boss" and Boss' Boss" sufficient prisoners to state a claim of interference with medical needs. See Estelle v. Gamble, 429 U.S. 97, 103-108; and is unknown correctional officers conducting harassing cell search sufficient to name defendants as defendants who violated Constitutionally protected rights to be free from unreasonable search and seizure. Did the district court show bias in acting as counsel for competent counsel's errors when they will not do the same for an unofficially educated lacklabeled pro se plaintiff. To deem the response to question (1) as No; question (2) as Yes; question (3) as Yes;

Question (4) as yes ; Question (5) as yes ; Question (6) as yes ; Question (7) as yes ; Question (8) as yes ; Question (9) as yes ; Question (10) as yes ; Question (11) as yes ; and Question (12) as yes. Ennis v. Pordus, et al., 551 U.S. 89, 127 S.Ct. 2197, 167 L.Ed.2d 1081 (2001) and Fed. R. Civ. P. 10(c) should be considered in all claims against defendants for creating and failing to protect in dangerous environment, Rhodes v. Chapman, 452 U.S. 337, 347, 101 S.Ct. 2342 (1981) and Farmer v. Brennan, 511 U.S. 825, 834, 114 S.Ct. 1970 (1994).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Pro Se Prisoner Plaintiff

Frederick R. Dickson #25852

Date: Monday, October 29, 2018