

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Azaniah Blankumsee — PETITIONER
(Your Name)

vs.

washington county circuit court — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

AZANIAH BLANKUMSEE
(Your Name)

30420 Bevills neck, Road
(Address)

WESTOVER, Maryland, 21890
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) Did the lower court err in granting Absolute IMMUNITY to all defendants, before addressing his claims for injunctive relief, and in their individual capacities?;
- 2) Did the lower court err in granting all defendants ABSOLUTE IMMUNITY?
- 3) Did the lower court err in not granting evidentiary hearing to address injunctive relief?

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:

WASHINGTON COUNTY CIRCUIT COURT,
JUDGE DONALD E BEACHLEY;
JUDGE DANA WRIGHT;
JUDGE MARK BOYER
JOSEPH MICHAEL, States attorney;
LARRY HOGAN, MARYLAND Governor,
defendants;

United States District court - for the District of Maryland;

United States Court of APPEALS for the Fourth circuit,
Courts whose Judgment is the subject of this petition;

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A United States Court of Appeals for the fourth circuit; unpublished opinion;

APPENDIX B District Courts of Maryland orders

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Pulliam v. Allen, 466 U.S. 522 (1984), . . .	5
Supreme Court of Va v. Consumers Union 446, U.S. 719, 736, 100 S. Ct 1967, 64 L.Ed 2d . . . 641, 656 (1980).	5

STATUTES AND RULES

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 A 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 B to the petition and is

[✓] reported at 8:18-cv-01509 - P W G; 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 December 13, 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

EIGHTH AMENDMENT

FOURTEENTH AMENDMENT

AMERICANS WITH DISABILITIES ACT 42 U.S.C § 12101
TITLE II

STATEMENT OF THE CASE

In 2004, Petitioner was tried by a Jury for the crimes of, to include a 40 Something Count indictment, And found guilty of every charge, in 2005 Petitioner was sentenced to the Department of Corrections for Life plus 15 years; during his incarceration, Petitioner was evaluated and diagnosed with Alcohol and drug dependency, And four separate mental illnesses, to include: schizophrenia, Anxiety, impulse control disorder and, obsessive control disorder;

On June 15, 2017, Petitioner's mental Competence was re-assessed, by Dr. Howard, who'd been certified under the profession of Psychology for over 30 years, and who diagnosed Petitioner as legally insane, and who's mental illnesses were the cause of his violent acts on and before March of 2004; Dr. Howard stated, in her personal opinion, Petitioner needs to hospitalized were he can receive professional treatment, and never held criminally responsible for the actions he's incarcerated for; Prior to this re-assessment, both Judge's Beachley and Wright were made aware of Petitioner's mental incompetencies in his pre-sentence investigations, and in open court at post-conviction hearing; Wright denied treatment; in 2017 Petitioner filed for a competency hearing, which was opposed by Joseph Michaels, and denied by Mark Boyer in 2018 Petitioner filed a 1983, among other relief requested, was injunctive relief, and also in defendants individual capacities; in his complaint, Petitioner alleged racism by Washington County Circuit Court; denial of equal protection, and violation of his 8th and 14th Amendment rights and the American with disability Act; Petitioner also alleged that Governor Hogan is not affording "meaningful opportunities" for clemency or parole, based on the conditions of their case and rehabilitation behind bars as required by the Constitution;

The District Court dismissed the complaint with prejudice and without addressing Petitioner's claims for injunctive relief; which Petitioner requested an injunction, ordering the defendant's to afford Petitioner equal protection of law, order a competency hearing, and afford Petitioner all rights under the American with disabilities act: To include, defense of not criminally responsible; and, professional treatment and hospitalization;

STATEMENT OF CASE (continued)

and, "meaningful opportunity" at clemency or parole;

In an unpublished opinion, the United States Court of Appeals modified the district court's order to dismissed without prejudice for refiling; but also failed to address claims for injunctive relief in complaint.

REASONS FOR GRANTING THE PETITION

1) District court has decided important questions of federal law, in a way that conflicts with relevant decisions of this court; To include:

a) This court's decision in, *Pulliam v. Allen*, 466 U.S. 522 (1984). Suit was filed against a magistrate by former county jail prisoners, alleging that the practice of imposing bail on persons arrested for non-jailable offense and incarcerating them if they could not make bail violated the constitution; The practice was enjoined by a federal judge, Attorney's fees and court cost in the amount of \$7,691 were awarded;

b) Prosecutors do not have immunity from being sued for injunctive relief; *Supreme Court of Va. v. Consumers Union*, 446 U.S. 719, 736, 100 S. Ct 1967, 64 L.Ed 2d 641, 656 (1980);

Title II provides: No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity;

Courts accept not criminally responsible, pleas and defenses from individuals with certain mental illnesses;

Whether petitioner is an individual who suffers from a mental illness that entitles him to such a benefit is of course a matter for a jury;

Petitioner further asserts that Washington County Circuit Court Judges and prosecutors deny competency hearings and not criminally responsible defenses and benefits to African Americans, as a direct result of racism and discrimination under the ADA; These are also questions for a jury, after proper investigation and research;

Petitioner have a right to avoid deterioration (getting more sick) while incarcerated; petitioner alleges that his drug and alcohol addiction is likely to worsen his condition, and his failure to receive adequate treatment violates his right to avoid deterioration while in prison;

Whether petitioner's sentence violates the Constitution's Eighth Amendment prohibition on cruel and unusual punishment; in a U.S. Supreme Court decision, stating that the constitution requires offenders be given a

REASONS FOR GRANTING THE PETITION

"meaningful opportunity" to obtain release based on demonstrated maturity and rehabilitation - which petitionee contend is not possible in Maryland;

furthermore, petitioner was entitled to a hearing (evidentiary), to determine his competency, and defendant's have to justify its treating petitioner different from other incompetent or mentally ill individuals; and if his sentence violates the Eighth Amendment;

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James Blankenship

Date: January 05th, 2019