

No. 18-7458

IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.  
FILED

NOV 16 2018

OFFICE OF THE CLERK

SAMUEL LEWIS TAYLOR — PETITIONER  
(Your Name)

vs.

TROY STEELE, ET AL., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FOR THE EIGHTH CIRCUIT COURT OF APPEALS.

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SAMUEL LEWIS TAYLOR #166914  
(Your Name)

WESTERN MISSOURI CORRECTIONAL CENTER

(Address)

609 E. PENCE ROAD

CAMERON, MISSOURI 64429

(City, State, Zip Code)

N/A

(Phone Number)

### QUESTION(S) PRESENTED

Whether or not 1983 civil rights discovery material confiscated from petitioner's cell during cell search and disposed of denied access to the court?

Whether or not petitioner have a right to request video footage of an alleged assault against prison officials during disciplinary proceedings and, if not, do prison officials have to give a reasonable explanation for denying petitioner's request?

Whether or not district court had reviewable jurisdiction over supplemental State Law life, liberty and property without due process of law claim when there was no adequate post-deprivation from the State when there was a legitimate federal constitutional violation present?

Whether or not petitioner have a constitutional right to winter coat during extremely frigid winter weather when prison officials confiscated petitioner's 49er's coat and crock pot after deposition hearing in then 1983 civil lawsuit on personal property?

Whether or not prison officials intentionally delayed medical treatment to petitioner's serious medical needs in violation of the 8th Amendment deliberate indifference while petitioner was assigned to Administrative Segregation (AD SEG)?

## 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:

Samuel Lewis Taylor is the Petitioner in the case and is currently incarcerated at Western Missouri Correctional Center (WMCC).

Troy Steele was the warden at Potosi Correctional Center (PCC) at the time of these events.

Michael Miller was caseworker manager II at the time of these events at PCC.

Jason Crawford was property room sergeant at PCC at the time of these events.

Eric Dunn was caseworker manager II at the time of these events at PCC but during these civil proceedings Mr. Dunn died.

Carl Gravett was correctional officer I. at PCC at the time of these events.

Kevin Culton was correctional officer I. at PCC at the time of these events.

John Schneedle was correctional officer I. at PCC at the time of these events.

Clive Hedrick was correctional officer I. at PCC at the time of these events.

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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**

**[X] 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 TAYLOR V. STEELE, ET AL.; 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 N/A; 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 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 \_\_\_\_\_ 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 July 10, 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: August 28, 2018, 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 Sixty (60) days (date) on January 17, 2019 (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 N/A. A copy of that decision appears at Appendix \_\_\_\_\_.

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 \_\_\_\_\_.

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. A.

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

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

This civil rights case is under 42 U.S.C. section 1983 involves amendments First, Eighth and Fourteenth to the United States Constitution, which provides:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the U.S. and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S., nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizens of the U.S. or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

### STATEMENT OF THE CASE

In 2011 Petitioner filed 42 U.S.C. section 1983 lawsuit against prison officials at Potosi Correctional Center (PCC) in which Michael Miller and other PCC's prison officials were a party to concerning due process and other constitutional violations in which Miller damaged Petitioner's television set (Taylor v. Miller, et al., 1:11-CV-174-SNLJ). In 2011 the district court dismissed the lawsuit and Petitioner submitted notice of appeal. On appeal, the Eighth Circuit Court of Appeals reversed the district court's decision.

In September 2011, Petitioner was scheduled for trial and PCC's prison officials escorted Petitioner by vehicular back and forth to federal court on use of force case. On May 15, 2012, Petitioner signed and entered " Settlement Agreement " form from attorney general's office that was faxed to prison official Stanley Pruitt on use of force while Miller was in the same office building listening.

On December 7, 2012, Petitioner was confined to administrative segregation (AD SEG) on bogus/false conduct violation (CDV) rule 19.1 (Creating A Disturbance) and no time during disciplinary hearing it was never a sanction to confiscate Petitioner's 49er's coat and crock pot. On January 16, 2013, deposition hearing under Taylor v. Miller were conducted at PCC's visiting room. The very next day (January 17, 2013) Petitioner was released from AD SEG on rule 19.1. When Petitioner was to receive personal property Jason Crawford informed Petitioner's 49er's coat and crock pot were being confiscated and Petitioner had sixty (60) days, according to Missouri Department of Corrections (MDOC) policy and procedure Standard Operation Procedure (SOP) 22-1.1 allow prisoner to send out personal property through PCC's mailing system. (4)

In March 2013, Petitioner provided to Crawford 67 .45¢ postage stamps to mail out 49er's coat and crock pot. The items were insured for a \$1,000.00. During summary judgment Crawford had claimed never having received 67 .45¢ postage. On surreply response to summary judgment Petitioner provided document evidence and only then did the respondents truthfully admitted Petitioner provided stamps for the items to be mailed out but these issues were never considered. On the same motion the respondents had admitted to the court that had not Petitioner filed lawsuit the items would have been returned to Petitioner which was filed two (2) years after the completion of MDOC's Grievance Procedure and the respondents are still in possession of Petitioner's 49er's coat, crock pot, Office 2000 Smith Corona Word Processor Typewriter, tennis shoes (2) pair, and legal documents. As well as Petitioner's 67 .45¢ postage stamps.

On June 23, 2013, just four (4) days before summary judgment motions against Miller were due, Hedrick and Schneedle conducted cell search of 3-A-36 that led to the confiscation and disposal of Petitioners legal documents by Crawford. One piece of document that was confiscated pertained to MDOC's Grievance Appeal on non-frivolous use of force which is current (Taylor v. Null, et al., 4:17-CV-00231-SPM) and Petitioner is currently represented by court appointed attorney Mr. William R. Wurm, and the Defendants in this use of force case are still claiming Petitioner never exhausted his administrative remedies on use of force or grievance which was not true. Hedrick had claimed Petitioner assaulted him while being placed on restraint bench.

There were video cameras in the area Hedrick claimed Petitioner assaulted him. At no time did Hedrick receive medical treatment for his alleged assault. Petitioner was placed in AD SEG for over six (6) months on bogus/false rule 10.1 (Minor Assault) just 4 days before summary judgment motions were due with no pen, paper, stamps, envelopes although these items were present in Petitioner's personal property at that time.

While Petitioner was assigned to AD SEG on bogus/false rule 10.1 against Hedrick, Petitioner became very ill to the point of vomiting blood. During lunch meal Petitioner informed Culton that Petitioner had been vomiting blood and to contact PCC's medical personnel because Petitioner was declaring medical emergency but Culton had refuse to contact medical after Petitioner requested medical treatment. The delay in medical treatment has led to further medical complications to Petitioner. While Petitioner was incarcerated at Crossroads Correctional Center (CRCC) Petitioner was admitted into CRCC's medical infirmary for over 4 days for vomiting blood. During summary judgment the respondents had claimed Petitioner did not exhaust administrative MDOC's Grievance Procedure Appeal on this medical issue until after summary judgment motions were filed - and only then - on surreply the respondents claimed that this does not prove Petitioner was delayed medical treatment after submitting documented evidence that exhaustion was complete on March 14, 2014. Also while Petitioner was assigned to AD SEG on rule 10.1 Petitioner was never provided outside exercise opportunities for months and Petitioner could not exercise in cell for the cell was too small and

with only shower shoes to exercise in. Petitioner had been claiming that the reason for vomiting blood was someone was tampering with Petitioner's food trays and in September 2013 a PCC prisoner was caught urinating in Cambros in which prisoners in AD SEG had to drink out of. These issues were never considered by the court.

In an affidavit submitted on appeal by Miller not knowing Hedrick and not sitting in judgment over rule 10.1 just two (2) weeks Taylor v. Miller, et al., 1:11-CV-174-SNLJ was ruled in favor of Miller. Petitioner pointed out these misleading facts but to no avail. Just two (2) days after discovery was submitted to Petitioner in this case, CRCC's prison officials awaken Petitioner out of sleep to talk to classification officer Ms. Mandi Pedigrew about dropping lawsuit in this case and when Petitioner refused to talk with Pedigrew Petitioner was placed in the hole and all the discovery material was disposed of. In this affidavit Miller had claimed Petitioner continuously requested to be transferred at Adjustment Hearing that led to the transfer to CRCC across the State from where Petitioner lived. Miller had initiated the transfer after lawsuit against him was ruled in his favor. But for the lawsuit Miller and the rest of the prison officials at PCC would not have retaliated against Petitioner. Miller was not a classification officer for Housing Unit 2 but for Housing Unit 1 at that time but Miller was allowed to sit in judgment over rule 10.1 on adjustment committee.

The court refuse to take any of these contradictory statements into consideration. Summary judgment was inappropriate to respondents.

## REASONS FOR GRANTING THE PETITION

### A. Conflict with Decisions of Other Courts

Whether prisoners be allowed to request video footage during disciplinary hearings is directly in conflict with *Whitmore v. Rogers*, 2014 U.S. Dist. Lexis 152648 (10th Cir. 2014). See also *Jordan v. Hall*, 2015 U.S. Dist. Lexis 25807. If a prisoner is not allowed to request video footage during disciplinary proceedings to show a prisoner's innocence as well as guilt but Missouri does not allow prisoners to request video footage in minor or major incidents unless it is a use of force complaint. As it stands, it is unfair decision making by disciplinary officers because the disciplinary officer will take the side of correctional guards over prisoners. If the prisoner do take the issues to court Federal Rules of Civil Procedure 34(a)(1) does not apply because by the time the issues get to court video footage would be destroyed.

The State did not provide to Petitioner an adequate and meaningful post-deprivation through MDOC Grievance Procedure because prison officials deceived Peitioner into thinking that Petitioner would have the items turned in to Crawford sent out not knowing that Crawford would lie to the court. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984). See also *Searcy v. Simmons*, 299 B&W 1220, 1229 (10th Cir. 2002). There was a legitimate federal constitutional violation and supplemental jurisdiction over Petitioner's personal property: 67 .45¢ postage stamps, 2 newly pair tennis shoes, 49er's coat, crock pot, typewriter and legal documents.

Prisoners retain Eighth Amendment right to be free from

clutter.

cruel and unusual punishment. Farmer v. Brennan, 511 U.S. 825, 832 (1994). Vaugh v. Gray, 557 F.3d 904, 909-10 (8th Cir. 2009). The confiscation of Petitioner's 49er's ~~or~~ coat, delay in medical treatment as well as being provided with exercise opportunities is in direct conflict with the ruling in this case.

Prisoners retain First and Fourteenth Amendment rights to access to the courts. Lewis v. Casey, 518 U.S. 343, 354 (1996); Carter v. Butto, 781 F.2d 1028, 1031-32 (4th Cir. 1986). The confiscation of Petitioner's legal documents is in complete conflict contradiction in the ruling in this case. Petitioner is still being prejudice from the absence of legal documents.

#### B. Importance of the Question Presented

This case presents a fundamental question of the interpretation of this Court's decision in Wolff v. McDonnell, 418 U.S. 539, 566, 94 S.Ct. 2963 (1974); Hudson v. Palmer, 468 U.S. 517, 533, 536 (1984); United Mine Workers of Am. v. Gibbs, 393 U.S. 715, 726, 86 S.Ct. 1130, 16 L.Ed.2d 218 (1966); Lewis v. Casey, 518 U.S. 343, 354 (1996); Turner v. Safley, 482 U.S. 78, 95-97 (1987); and Farmer v. Brennan, 511 U.S. 825, 832 (1994). The question presented is of great public importance because it affects the operations of the prison systems in all 50 States, the District of Columbia, and hundreds of city and county jails. In view of the large amount of litigation over prison disciplinary proceedings and production of video footage to minor and/or major incidents that could be proven only if the request by a prisoner

is granted. This court should make clear when a prisoner claims "conspiracy with meeting of the minds of the prison officials" what should a prisoner point to to withstand the dismissal of the complaint, because Petitioner pointed to probative evidence laying out specific facts to defeat summary judgment. To determine if vomiting blood is a serious medical complaint. And whether video footage in a prison setting should be requested and established a procedure in which video footage should be reserved. Should video footage be preserved during grievance procedure to show misconduct of prisoners and as well as prison officials. Whether denying a prisoners a winter coat in the frigid months of winter considered deliberate indifference over a four month period. Petitioner had establish a First Amendment right violation to redress grievance and an Eighth and Fourteenth violations stemming from retaliation by PCC's prison officials.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

SAMUEL LEWIS TAYLOR (*Samuel Lewis Taylor*)

Date: 12-23-2018