No. 18-7924 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Clifton Donell Lyles
[redacted] — PETITIONER
(Your Name)

vs.

Angela Broach et al — 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

Clifton Donell Lyles
(Your Name)

1578 Clarence Coker Highway
(Address)

Turbeville, South Carolina 29162
(City, State, Zip Code)

(Phone Number)

## QUESTION(S) PRESENTED

DID THE FOURTH CIRCUIT COURT OF APPEALS ERR BY ALLOWING THE ROOKER-FELDMAN DOCTRINE TO BE USED TO GRANT MOTION FOR ISSUE PRECLUSION?

## 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: LULA MILLER and LAUREN HAMBY

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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

[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 _____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

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

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[X] is unpublished.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[ ] is unpublished.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[ ] is unpublished.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

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was July 30, 2018.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 2, 2018, and a copy of the order denying rehearing appears at Appendix D.

[ ] 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

28 U.S.C.§1257 U.S. Code-Unannotated Title 28. Judiciary and Judicial Procedure §1257.State courts; certiorari

(a) Final judgments or decrees rendered by the highest court of a state in which a decision could had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of the United States is drawn in question or where the validity of a statute of any state is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States , or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

(b) For the purposes of this section, the term "highest court of a state" includes the District of Columbia Court of Appeals.

## STATEMENT OF THE CASE

On or about September 7,2016, Petitioner filed a dental/prison negligence/gross negligence case in state court against the South Carolina Department of Corrections (SCDC) for failure to properly train, monitor and supervise it's employees in the case of LYLES V. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,CIVIL ACTION No.2016-CP-40-5671. On September 19,2016, Plaintiff filed a federal complaint against four (4) SCDC employees for deliberate indifference for purposely preventing treatment of a serious medical condition. Thereafter, Defendant SCDC moved for summary judgment in the state court case. A motion hearing was held on March 2,2017, before the Honorable former state Chief Justice Jean Toal, whom found that there were genuine issues of material fact and denied Defendant's motion. On May 16,2017, Petitioner's state case was fast tracked to a jury trial in which Petitioner was forced to proceed Pro Se and not allowed to subpeona witnesses. At the end of Petitioner's case in chief, Defendant SCDC moved for a directed verdict. Judge McFadden granted the directed verdict finding that there were no geniune issues of material facts. Judge McFadden's ruling was stated from the bench and only a verdict form order was issued. On May 18,2017, Ther Report and Recommendation was entered by the U.S. Magistrate Judge denying the Defendant's Motion for summary judgment. On June 23,2017, the Defendents filed a Motion to Amend pursuant to Rule 15(a),FRCP, seeking leave of the court to assert an affirmative defense of Collateral Estoppel/Issue Preclusion as a result of the judgment entered May 17,2017 in the state court case. On July 31,2017, the District Judge rejected the Report and

Recommendation and granted the Defendants Motion to Amend their answer based on the judgment entered in the state action. On January 1,2018, the U.S. Magistrate judge granted the Defendant's Motion for Collateral Estoppel/Issue Preclusion and dismissed Petitioner's federal action. On January 25,2018, Petitioner filed his objections to the Report and Recommendations. On February 26,2018, the U.S. District Court adopted the Report and Recommendation and dismissed Petitioner's federal action. On March 8,2018, Petitioner appealed to the Fourth Circuit Court of Appeals, which was dismissed on July 30,2018, and the Motion for Rehearing and Rehearing En Banc was dismissed on October 2,2018. The Court issued the Mandate on October 10,2018.

.Petitioner contends that inmates incarcerated in South Carolina are at serious risk of losing their lives through the deadly practices being subjected upon them by the department of corrections, and have no meaningful process to seek redress of their grievances. Since early 2015, until the present, inmates incarcerated in the South Carolina Department of Corrections have been subjected to some of the most inhumane treatment and conditions imagined. Due to the department's long time usage of mass punishment, which it calls "The Three Muskateer System", when it punishes ALL prisoners for what one prisoner does,(All for one and one for all), inmate's health and lives are at extreme risk. This mass punishment mainly consist of long term lock downs where Prisoners are confined to their cells for 24 hours a day, which normally last anywhere from three (3) months to a year. The current lock down at the Turbeville institution that I am in has been going since January 2018, but the state as a whole has been on lock down since April 2018. While on these lock-downs, we don't receive any hot meals, no recreation, no law library, no religious studies, no out going mail, no visitation, showers are given once every 8 to 12 days, no school, no work unless it is detrimental to the operations of the institution, and if you are not bleeding or have a condition that requires daily medical visits, then there is no medical for regular inmates. Even if you have pre-scheduled doctor appointments you will not be allowed to report, which is the cause of Petitioner's state and federal actions. The officers refused to allow

Petitioner to report to medical for a pre-scheduled dental appoint that caused him to have to endure 6 extra months of tooth aches and eventually to lose his teeth to decay. This pratice continues today as Petitioner has a currently pending suit in the South Carolina District Court due to the agency refusing to allow him to comply with an institutional doctor's orders for increased exercise as treatment to combat elevated cholesterol levels, which has now caused him to develope full blown high cholesterol, diabetes, a hernia and high blood pressure. Petitioner has now been placed on medication for each.see 4:18-cv-02935-TMC-TER, Lyles V. Stirling et al.

Petitioner contends that the inmate population as a whole are suffering these types of deplorable acts from the agency but because of the lack of faith in the integrity of the South Carolina judicial system and institutional retaliatory tactics, they feel it a waste of time to file grievances. They have more faith that violence is the only way that they will receive justice so they riot,assault fellow inmates and stab officers every chance they get. This causes officers to become frightened and quit their jobs or facilitate the many gangs criminal activities by bringing in contraband or turning a blind eye to bad behavior. This has caused the living conditions to become extremely violent as rival gangs fight to control the markets.

The inmates do have legitimacy in their mistrust of the South Carolina Judicial system as the Chief Justice of the South Carolina Supreme Court has made known through his various meetings with Solicitors and judges, in which he condemed them and threatened to take their licenses and even jail them if they

didn't stop their unlawful practices.see article "Judge says Prosecutors should follow the law. Prosecutors revolt", and "Donald Beatty's war on judges", published in the Washington Post 3-7-14.The state legislature confirmed the state governments corrupt ways by immediately threatening Justice Donald Beatty in an attempt to thwart any interference with the normal operation of corruption in South Carolina government. Nor does things get any better with the federal courts in the South Carolina district, as it seems to disregard proper application of law in order to protect the state. For instance, in the present case, the district court cited Dist. of Columbia Court of Appeals v. Feldman,460 U.S. 462,476, as it's grounds for dismissing Petitioner's federal action, stating that Petitioner filed the federal action as a means to seek appellate review of the previously dismissed state action.see Order dated 2-26-18. The court's findings is clearly baseless as Petitioner filed the state action on September 7,2016, and filed the federal action on September 19,2016.see State Complaint filing date and Federal 1983 filing date. The State action simply finished it's course in the state court before the federal action ran it's course in the federal courts. This United States Supreme Court made it clear that the Rooker-Feldman doctrine only applied to cases where a person lost a state case and then filed a federal case seeking to get review of that state court action.Exxon Mobil Corp. v. Basic Industries,125 U.S 1571(2005)(Rooker-Feldman doctrine is confined to cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the federal district court proceedings commenced and inviting district court

review and rejection of the judgments). What's more, is that the district court also stated that if Petitioner wanted review of the state action that he should have sought appellate review in the proper state courts, and that district courts were without authority to review final state court decisions. He cites 28 U.S.C. §1257 as an authority to the bar.see Order dated 2-26-18, page 5-6. Clearly those findings are incorrect as district courts are empowered to exercise original, not appellate jurisdiction.Exxon Mobil Corp. v. Basic Industries,125 U.S. 1571(2005)(Federal district courts, are empowered to exercise original, not appellate, jurisdiction). So in matters where a party is seeking collateral estoppel or issue preclusion, the court is exercising original, not appellate jurisdiction. Under the rule, the reviwing court is required to review the previous court's record to insure itself that the issue in question was actually litigated, decided and necessary to resolve the issue raised in the first action.Bravo-Fernandez v. U.S.,137 S.Ct. 352(2016)(Under issue preclusion or collateral estoppel theory, record of case giving rise to judgment, must show that issue was actually litigated and determined by final valid judgment in earlier proceeding and that it was necessary to the decision.). What's more, is that the court's own reasoning that it was barred by 28 U.S.C.§1257 from reviewing the state court action shows that the court could not say that the issue raised in the federal action was in deed raised, litigated and determined by a final valid judgment in the state proceeding or that it was necessary to that decision because the courts never reviewed the circuit

court proceedings.

Petitioner contends that this failure to apply the rule correctly was not due to any misconception on the court's part but was done as a means to protect the agency and discourage Petitioner and fellow inmates from filing future actions against the agency. These improper rulings are made due to the district court's faith that the fourth circuit will continue to blindly uphold it's rulings without any real review or findings of it's own. The Fourth Circuit's proper fear for this U.S. Supreme Court's propensity to grant review of individual cases is sorely lacking. It knows that as long as a case doesn't deal with national interest such as schools,religion,marriage or gay rights, that there's a 99% chance that this court will not grant certiorari review. So, not only will it uphold improper rulings , but it will disregard it's own rulings. For instance, the fourth circuit ruled in Thana v. Board of License Commissioners for Charles County Maryland, that "When there is parallel state and federal litigation, Rooker-Feldman doctrine is not triggered simply by entry of judgment in state court while federal action is pending."Id.827 F.3d. 314(4th Cir.2016). In the instant case, where both the state and federal actions were filed in the same month and proceeded in both courts for over a year before the state action finished it's course first, the fourth circuit, in upholding the district court's ruling, ignored it's stance in Thana.

Petitioner contends that without this court's immediate grant of review, that the inmates in South Carolina will continue to be without any meaningful process to seek redress of their grievances, and their lives will continue to be in serious danger.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Clifton Donell Lyles

Date: January 2, 2018