

No. 18 - 8538
In The
Supreme Court Of The United States
January Term 2019

*Rufus Lamar Devin Spearman, including any and all derivations; and/or variations in spelling, Petitioner, v. Mary Parson; Rich Raymond; Hanna Saad; Unknown Mitchell; Nicole Lazdicki; Irina Fiksmant; John Macari; Michael Bennett; John Doe, L-10 Unknown Correctional Officer's; Jane Doe, Unknown Medical Nurse; Unknown Davis; Unknown Kretz; Unknown Davis, Recreational Therapist; Unknown Mitty; Unknown Holman; Unknown Poma; Unknown McRoberts; Unknown Ford; S. Beauvais; Vasilis K. Pozios; Lakshmi Acalapathi; Stephanie Pymros-Hensen; Scott Webster; Unknown McHarity; Janice Stewart; Unknown Battle; Unknown Shields; Alfred Taylor; Unknown Harrison; Tisha Walt Davis; Susan George; Robert J. Pinney; Mark Levine; Karen Solgot; Max Libelman; Ronald Schwartz; Andrea Owens; Melanie A. Clark; Respondents.

Petition For A Writ Of Certiorari
To The United States Court Of
Appeals For The Sixth Circuit

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SUPREME COURT, U.S.

*Rufus Lamar Devin Spearman
Qui Ateris In Propria Persona; Sovereign
Number: A-320836
Michigan Department Of Corrections
Earlston L. Brooks Correctional Facility
2500 S. Sheridan Dr.
Muskegon Heights, Michigan (49444)

Questions Presented

1. Whether the State can attempt to force a prisoner to relinquish and abandon his or her religiously based parapsychological beliefs, opinions, and ideas, by classifying the religiously based parapsychological beliefs, opinions, and ideas as delusions, diagnosing the prisoner as psychotic, involuntarily placing the prisoner on psychiatric observation, involuntarily placing or admitting the prisoner into a mental health facility and program, and forcibly medicating the prisoner, because the State disagrees with, or is unsettled by, the prisoner's religiously based parapsychological beliefs, opinions, and ideas, in light of Wood v. Detroit Bd. of Educ., 431 U.S. 209, 231 n. 28, 234-35, 97 S.Ct. 1782 (1977)?; and, Religious Land Use Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc?

2. Whether it is erroneous and thus impermissible for a State to allege a prisoner's religiously based parapsychological beliefs, opinions, and ideas, make him or her a danger to himself or herself, for purposes of involuntarily placing the prisoner on psychiatric observation, involuntarily placing or admitting the prisoner into a mental health facility and program, and forcibly medicating the prisoner where there is nothing more than insignificant evidential support for the allegations (i.e., no mental health history of threats, or behavioral acts of inflicting harm on himself, or herself, others, or property), in light of Washington v. Harper, 494 U.S. 210, 215 n. 3, 227 n. 11, 110 S.Ct. 1028 (1990)?

3. Whether during a hearing held to determine whether a prisoner should be involuntarily placed or admitted into a mental health facility or program, and/or involuntarily medicated, a state can deny a prisoner a meaningful opportunity to present evidence in his or her favor, or cross examine witnesses, in light of Vitek v. Jones, 445 U.S. 480, 493-97, 100 S.Ct. 1254 (1980); Washington v. Harper, 494 U.S. 210, 235-36, 110 S.Ct. 1028 (1990)?

4. Whether a state's diagnosis of a prisoner as mentally ill and that prisoner's opposing objections that he or she is not mentally ill, only holding and expressing religiously based parapsychological beliefs, opinions, and ideas, constitutes an arguable basis either in fact or law, in light of Nitzyke v. Williams, 490 U.S. 319, 327, 109 S.Ct. 1827 (1989); and, Denton v. H. Hernandez, 504 U.S. 25, 33, 112 S.Ct. 1728 (1992)?

5. Whether a state's assertion that a prisoner's religiously based parapsychological beliefs, opinions, and ideas make him or her a danger to himself or herself without any additional evidential support, and that prisoner's opposing objections that his or her beliefs poses no danger, constitutes an arguable basis either in fact or law, in light of Nitzyke, *supra*, and Denton, *supra*?

6. Whether a state's failure to provide a lawful hearing before involuntarily placing or admitting a prisoner into a mental health facility or program, and the prisoner's challenge to such failure constitutes an arguable basis either in

fact or law, in light of Nietzsche, *supra*, and Denton, *supra*?

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Decisions Below

The order of the United States Court of Appeals for the Sixth Circuit denying motion to proceed in forma pauperis is unreported. The case number is 18-1393 and a copy is attached as Appendix 1a. The opinion/order of the United States District Court for the Eastern District of Michigan is reported as 2018 U.S. Dist. LEXIS 51090 (March 28, 2018). A copy is attached as Appendix 1b. The order of the United States Court of Appeals for the Sixth Circuit denying rehearing is reported as 2018 U.S. App. LEXIS 30678 (6th Cir. 2018). A copy is attached as Appendix 1c.

Jurisdiction

The order of the United States Court of Appeals for the Sixth Circuit, denying my motion to proceed in forma pauperis on appeal was entered on August 06, 2018. An order denying my petition for rehearing was entered on October 29, 2018. A copy of those orders are attached as Appendix 1a and Appendix 1c. Jurisdiction is conferred by 28 U.S.C. § 1254(1).

Constitutional And Statutory Provisions Involved

This case involves Article I, VIII, and XIV in addition to and amendment of the Constitution of the United States of America, and the Religious Land Use Institutionalized Persons Act, which provides:

Article I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Article VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article XIV, Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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.

42 U.S.C. § 2000cc.1 (a). General rule. No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in Section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person..

- (1) is in furtherance of a compelling governmental interest; and
- (2) is the least restrictive means of furthering that compelling governmental interest.

(b.) Scope of application. This section applies in any case in which-

- (1) the substantial burden is imposed in a program or activity that receives federal financial assistance; or
- (2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several states, or with Indian tribes.

The Amendments are enforced by Title 42, Section 1983, United States Code:

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 citizen of the United States 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 decree was violated or 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.

The Religious Land Use Institutionalized Persons Act (RLUIPA) is enforced by Title 42, Section 2000cc. 2(a), United States Code:

(a.) Cause of action. A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under Article III of the Constitution.

Statement Of The Case

I, *Rufus Lamar Davin Spearman, hereinafter, also referred to as either me, my, myself, and I or I, also in the capacity of Petitioner, am a 39 year young, African-American / Black, Heterosexual, Nonviolent, Male being unlawfully detained as a prisoner by the People of the State of Michigan and the various facilities / prisons that comprises the Michigan Department of Corrections (MDOC). I am proceeding with this petition for writ of certiorari, *Qui Tenetur In Propria Persona*; Sovereign, without the assistance of an attorney, counsel, and / or lawyer.

This is a civil rights lawsuit under 42 U.S.C. § 1983, and RLUIPA, in which I am demanding monetary damages, declaratory relief, and injunctive relief for the State of Michigan's erroneous and involuntary admittance of me into the MDOC's Corrections Mental Health Program (CMHP), physically assaulting me, and forcibly medicating me over my objections, because I requested a medical evaluation and medical science information concerning my religiously based parapsychological beliefs, opinions, and ideas, and refused to relinquish and abandon them. (Appendix 1e)

The district court summarily dismissed my complaint at the initial screening stage without the Defendants having to issue a response. Judge Nancy A. Edmunds was of the opinion that I failed to state a claim upon which relief could be granted. (Appendix 1b) The district court did not address or issue an opinion on my First Amendment / RLUIPA religious freedom / free speech claims, or my Eighth Amendment cruel & unusual punishment claims. I.d. The

district court also certified that an appeal would not be taken in good faith. However, no reasons were provided for the lack of good faith certification. Id

The court of appeals (sixth circuit) denied my motion to proceed in forma pauperis on appeal. The judges deciding the matter held that an appeal would be frivolous. (Appendix 1a) On or about August 18, 2018, I filed a motion for rehearing. (Appendix 1d) On or about October 29, 2018, my motion for rehearing was denied by judges Siler, Rogers, and Cook. (Appendix 1c) The sixth circuit did not address or issue an opinion on my First Amendment 1st-11th U.S. religious freedom/free speech claims, my Eighth Amendment cruel & unusual punishment claims, or my Fourteenth Amendment due process claim. (Appendix 1a, & Appendix 1c)

Additionally, audio recordings were made of the hearings by the Defendants. I do not believe the lower courts ordered the Defendants to produce the tapes, or that they be transcribed. The Defendants will not provide me with the tapes or a transcription of them because I am indigent. (See Appendix 1f, "Appellate Addendum" 8/03/16; and Appendix 1e, pgs. 15, 19, & 28 of 40.) I implore this Court to instruct Defendants to produce the audio recordings of the hearings in support of this petition.

Basis For Federal Jurisdiction

This case raises questions of interpretation of the religious freedom / free speech clauses of Article I in addition to and amendment of the Constitution of the United States of America, and RLHPA; and, the due process clause of Article XIV in addition to and amendment of the Constitution of the United States of America; and, the cruel & unusual punishment clause of Article VIII in addition to and amendment of the Constitution of the United States of America. The district court had jurisdiction under the general federal question jurisdiction conferred by 28 U.S.C. §1331.

Reasons For Granting The Writ

A. Conflicts with Earlier Supreme Court Decisions

The lower courts' holding that I was provided a proper hearing before being involuntarily placed on psychiatric observation, involuntarily placed or admitted into the MDOC's mental health facility and program, forcibly medicated, and diagnosed as suffering from a serious mental illness that might make me dangerous to myself or others, simply because I had requested a medical evaluation and medical science information about my religiously based parapsychological beliefs, opinions, and ideas, and refused to relinquish and abandon them, is wholly contrary to three past Supreme Court decisions. See, Adair v. Detroit Bd. of Educ., 431 U.S. 209, 231 n. 28, 234-35, 97 S.Ct. 1782; and Washington v. Harper, 494 U.S. 210, 227, 235, 110 S.Ct. 1028 (1990). The fact that I was denied an opportunity to present evidence in my favor and cross-examine witnesses at the initial hearing (Appendix 1f) is wholly contrary to Vitek v. Jones, 445 U.S. 480, 494, 100 S.Ct. 1254 (1980); and Harper, supra, at 235.

B. Importance of the Question's Presented

This case presents a historic question of whether a state can involuntarily place or admit a prisoner into a mental health facility and program, and forcibly medicate the prisoner over his or her objections, because the

State disagrees with, or is unsettled by, the prisoner's religiously based parapsychological beliefs, opinions, and ideas. This question, in turn, calls in to question the interpretation of this Court's decisions in Alford, supra; Vitek, supra; and, Harper, supra.

This question is not only important to me due to the traumatic ordeal I was forced to tackle and conquer, but is also important to every prisoner, person detained in a county or local jail, and citizen in free society throughout the 50 States, and District of Columbia, that holds and expresses religiously based parapsychological beliefs, opinions, and ideas in a peaceable and orderly manner.

This issue also addresses the question of whether a State can allege a prisoner's religiously based parapsychological beliefs, opinions, and ideas "may" make him or her a danger to himself or herself, to justify involuntarily placing or admitting the prisoner into a mental health facility and program, and forcibly medicating the prisoner without any evidential support for the allegations (i.e., no mental health history of threats, behavioral acts of inflicting harm on himself or herself, others, or property). Like the question above this question is just as important and carries with it the same sweeping affects.

Furthermore, this issue also addresses the question of whether during a hearing held to determine whether a prisoner should be involuntarily placed or admitted into a mental health facility and program, and/or forcibly medicated, a State can deny a prisoner a meaningful opportunity to present evidence in his or her favor, or cross-examine witnesses. The importa-

ance of this question is also important as the first one. However, it is emphasized by the fact that without such an opportunity, the state will be able to effectuate the involuntary admission and forced medication without the supposed protections of an adversary proceeding to determine the appropriateness of medical decisions for the commitment and treatment of mental and emotional "illness", thus, rendering the hearing an empty formality. See, Washington v. Harper, 494 U.S. at 231, (quoting, Parham v. J.H., 442 U.S. 584 (1979)). Additionally, the alleged omitted evidence would not be preserved for judicial review.

The importance of this issue is further enhanced by the fact that after my limited research efforts, I discovered that neither this Court nor the lower courts have ever entertained the first two questions presented herein or rendered a decision in a case with particular facts as the one's presented here. Moreover, the lower courts completely ignored my First Amendment 1st/14th religious freedom/free speech claims, and my Eighth Amendment cruel and unusual punishment claims.

This Court held in Gilrod v. Detroit Bd. of Educ., 431 U.S. 209 (1977), a class action lawsuit filed by plaintiffs, public school teachers in Detroit, Michigan, against defendants, the Detroit Bd. of Educ., et al., in which the teachers complained of having to pay service charges in excess of their regular dues or suffer discipline. The service charges were being used to support extraneous ideological views. In its opinion, prohibiting the Board's service charge requirement, the Court held that the freedom of beliefs, opinions, and ideas is constitutionally protected. Id. at 231 n.28. "For at

the heart of the First Amendment is the notion that an individual should be free to believe as he [or she] will, and that in a free society one's belief should be shaped by his [or her] mind and his [or her] conscience rather than coerced by the state." (citations omitted) 4 d. at 234-35.

More recently, in 2000, Congress enacted the Religious Land Use & Institutionalized Persons Act, 42 U.S.C. § 2000cc, that defines "religious exercise" as "any exercise of religion, whether or not compelled by, or central to, a system of religious belief." 4 d. at 5(7)(A), (emphasis added).

The holdings of Alford, and the protections of RLUIPA both encompass the religiously based parapsychological beliefs, opinions, and ideas that I sincerely hold, and the appropriate expression of them when I requested a medical evaluation and medical science information about them. Hence, the state's labeling my beliefs as delusions, and subjecting me to the complained of adverse treatment simply because they disagreed with, or were unsettled by, my beliefs, opinions, and ideas is wholly contrary to both Alford and RLUIPA. As mentioned earlier, the lower courts avoided these claims.

In Vitek v. Jones, 445 U.S. 480 (1980), a case in which this Court entertained a prisoner's challenge to the adequacy of the procedural safeguards that the state afforded, before he was diagnosed as mentally ill and transferred to a mental hospital, this Court held that prisoners are entitled to a hearing that provides them, et al., a meaningful opportunity to present evidence in their favor, cross-examine adverse witnesses, and that counsel be provided to indigent prisoners. At the initial hearing held on June 17, 2016, (see Appendix

1F) to determine whether I needed to be involuntarily admitted into the CMHP, and forcibly medicated, Defendants denied me the opportunity to present evidence in my favor, and did not allow me to cross-examine those responsible for referring me to the CMHP. (See Appendix 1e, "Verified Complaint", pg. 25 of 40) Defendants also failed to provide me with any assistance at the hearing. (See, Appendix 1f, "Appellate Addendum", 8/03/2016). These due process shortcomings contravenes the holdings of Vitek.

This Court held in Washington v. Harper, 494 U.S. 210 (1990), a case in which this Court entertained the question of whether a judicial hearing was required before a State could treat a mentally ill prisoner with antipsychotic drugs against his will, that the State could forcibly medicate a "seriously mentally ill" inmate if he or she was a "danger" to themselves or others and the treatment was in the inmate's medical interest. In assessing this case the Court gave due consideration to Harper's mental health history of violent behavior. Id. at 233. My religiously based parapsychological beliefs, opinions, and ideas are constitutionally protected, Allox, supra, and protected by Federal law, RLUIPA, supra, and thus, do not constitute a "serious mental illness" simply because someone, or group, disagrees with them, or is unsettled by them. Additionally, the mental health report dated May 25, 2018, (Appendix 1g, "CMHP Report, PA252", Pg 1 of 2) confirms the fact that I have no mental health history of violence or suicide attempts. The Defendants lied, plain and simple, and in the other mental health reports this is confirmed by the fact that the only evidential support provided for their dangerousness or

assessment, is that I was "agitated" after I had been involuntarily placed on psychiatric observation and transferred to the mental health facility. By the way, ILL is the MDOL's "Crisis Stabilization Program", refer MDOL Policy Directive (PD) 04.06.183 K(3) "Mental Health Services". What type of "crisis" was I in? No one suspected or alleged that I was mentally ill until I expressed my religiously based parapsychological beliefs, opinions, and ideas by writing to healthcare. Hence, the involuntary admittance, treatment, and forced medication was clearly not in my medical interest, and thus, contrary to Harper, supra, and Alwood, supra. (See, Appendix 15, "UHP Hearing Report, 5/25/2018, at "Comprehensive Psychiatric Examination, PA 2-52", Pg 1 of 1; and GAF Scale)

The district court's summary dismissal of my complaint for failure to state a claim upon which relief could be granted, (Appendix 1b), and the Sixth Circuit's denial of my motion to proceed in forma pauperis on appeal, (Appendix 1a), and the Sixth Circuit's denial of my petition for rehearing on the basis that an appeal would be frivolous, (Appendix 1c), was both erroneous and unreasonable in light of the facts alleged in this case.

First, the district court summarily dismissed my complaint on the basis that the mental health reports that I attached to my complaint showed that I had been given a proper hearing, and that I was suffering from a serious mental illness that "may" make me a danger to myself or others. (Appendix 1b, pg. 9 of 10) This line of reasoning is unconvincing in light of the facts alleged in my complaint. I alleged I was denied a proper hearing by being pr-

vented from presenting evidence in my favor and cross-examining witnesses. (Appendix 1e, pg. 15 of 40) I also alleged I was denied assistance at the hearing. (Appendix 1f, "Appellate Addendum", 8/03/16) If the case had been allowed to proceed, discovery would have uncovered the audio recordings made at the hearing confirming my objections to the complained of deprivations.

I also alleged that I was not suffering from any type of mental illness, but was rather merely expressing my religiously based parapsychological beliefs, opinions, and ideas, and was not a danger to myself or others when I requested a medical evaluation and medical science information about my beliefs, opinions, and ideas. (Appendix 1e, pg. 10, 11, 14, 16, 17, 21, 23, 26)

In dismissing this case for failure to state a claim, the district court relied on the case of Kramer v. Wilkinson, 302 F. App'x 396, 400 (6th Cir. 2008), however, both Kramer v. Wilkinson, supra, and Washington v. Harper, supra, involve prisoners whom admit they have a mental illness. (Appendix 1b, pg. 9 of 10) A mental illness that, at least in the case of Harper, caused him to engage in violent behaviors that needed to be controlled. Those facts are inapplicable to this case, where not only have I not exhibited any behavioral problems, I have maintained my vehement assertions that I am completely sane.

I ask the Court to ponder and make some sense of the following facts in its determination of this case. How is it possible that by simply holding and expressing religiously based parapsychological beliefs, opinions, and ideas, and having no history (mental health or institutional) of violence, weapons, escape, sexual deviancy, or substance abuse, Defendants would have the audacity to label me mentally ill and deem me so "dangerous" that I re-

ed to be involuntarily hospitalized, physically assaulted, and forcibly medicated with a powerful antipsychotic drug? Yet, those prisoners that actually do have such a history and also do not claim to be mentally ill are not involuntarily treated and medicated.

Furthermore, in or around March of 2018, a 180 day involuntary treatment order had expired. CTHP staff here at Ernest L. Brooks scoured my records in an effort to determine whether the allegations in previous treatment orders could be validated, and whether to renew the involuntary treatment order. During this search they discovered that my institutional record did not reflect me ever being a danger to myself or others, and that they were unable to find any documents substantiating previous claims of me having a history of suicide attempts. (Appendix 1g, "CTHP report PA252", Pg. 1 of 2) As a result of these revelations the medications were discontinued and I was discharged from the CTHP. Id. at "Comprehensive Psychiatric Examination PA252", & "Report And Order Of Hearing Committee PA252"

In Neitzke v. Williams, 490 U.S. 319 (1989), a case in which this Court dealt with the issue of a prose prisoner's filing of an in forma pauperis complaint against prison employees, for allegedly violating his Eighth Amendment rights concerning inadequate medical care, and Fourteenth Amendment rights pertaining to an erroneous transfer, this Court affirmed the appellate court's decision. The appellate court affirmed in part and reversed in part the trial court's dismissal of the complaint *sua sponte* as frivolous under 28 U.S.C. § 1915(d) on the ground that the inmate failed to state a claim u-

upon which relief could be granted under Fed. R. Civ. P. 12(b)(6). This Court held that a complaint is frivolous where it lacks an arguable basis either in law or in fact. *Id.* at 325.

An example of a claim that has an inarguable basis in law is one of which "it is clear that the Defendants are immune from suit, see e.g., Williams v. Holdsmith, 701 F.2d 603 (A7, 1983), and claims of infringement of a legal interest which clearly does not exist [...]." An example of a claim that has an inarguable basis in fact is one that describes "fantastic or delusional scenarios [...]." *Id.* at 328.

Neither of these examples fits the mold of my complaint, where the Defendants are neither immune from suit, the legal interest of which I complained the Defendants infringed is a validly recognized one, and the facts I alleged do not describe a "fantastic or delusional scenario." See Illrod, *supra*, Vitek, *supra*, and Hager, *supra*.

The sixth circuit's denial of my motion to proceed in forma pauperis on appeal, on the basis of frivolousness because "[t]he documents [a]ttached to [my] complaint establish[es] that medication was properly administered in this instance," (Appendix 1a, Pg. 2), mirrored the district court's summary dismissal of my complaint at the screening stage. (Appendix 1b, Pg. 9 of 10). What is readily apparent from both the district court's summary dismissal, and the sixth circuit's denial of my motion for in forma pauperis status, and motion for rehearing ~ is that they were the products of the judges in the lower courts disbelieving my factual allegations, when compared to the mental health reports authored by the State's mental health professionals. This type of am-

allegations factual weighing / credibility determining discretionary appraising of pro se prisoner in forma pauperis complaints, at the screening stage, should be denounced by this Court. (Cf., Nitzke v. Williams, 490 U.S. at 327; Denton v. Hernandez, 504 U.S. 25, 32-33 (1992).) Rather, than being dismissed, my factual allegations ~ adequately pled ~ coupled with the State's mental health reports stating opposing facts, created a genuine issue that is material to the case (i.e., whether I was provided a proper hearing, whether I was actually mentally ill, and whether my religiously based parapsychological beliefs, opinions, and ideas actually make me a danger to myself or others), and thus, the need for a trial.

Furthermore, the erroneousness of such preliminary determinations is evidenced by the audio recordings made at the hearings, and the May 25, 2018, mental health report completed before the discontinuance of the forced medication, and my discharge from the CMHP. Both of which would have manifested during the course of the proceedings had this case been allowed to proceed.

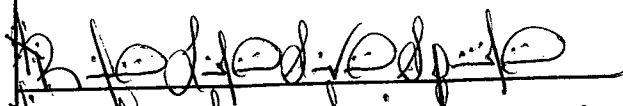
The district court and sixth circuit seriously dropped the ball in this case, by failing to address and issue any ruling on my First Amendment / RLUIPA religious freedom / free speech claims. Moreover, the district court's dismissal of my complaint at the screening stage, for failure to state a claim upon which relief can be granted while citing Nitzke v. Williams, supra, (Appendix 1b, Pg. 2), and the sixth circuit's denial of my motion to proceed in forma pauperis on appeal on the basis of frivolousness, while citing the same authority, are unreasonable applications of the frivolous standard. The claims in my complaint are not based on an indisputably meritless legal the-

ing," nor are the claims' "factual contentions [...] clearly baseless." *Norton v. Hernandez*, 504 U.S. at 32, (quoting *Neitzke v. Williams*, 490 U.S. at 327).

Conclusion

If the district court and sixth circuit's decisions are not reversed, it is very possible that free citizens, detainees, and prisoners nationwide may lawfully have their religious freedom / free speech rights suppressed, if not extinguished, by a unified front of mental health professionals, et al., whom simply hold opposing views and beliefs.

This Court should reverse the sixth circuit's denial of my motion to proceed in forma pauperis on appeal on the basis of frivolousness, and the district court's summary dismissal of my complaint for failure to state a claim upon which relief can be granted, and instruct the district court to reinstate this case and allow it to proceed.


Rufus Lamar Davis Spearman

Dated: January 26, 2019
Copy: Retained