

No. 19-5342

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JUL 06 2019

OFFICE OF THE CLERK

L. T. TUCKER JR. AKA
KITWANA OMARI MBWANA. — PETITIONER

(Your Name)

CORIZON CORRECTIONAL HEALTH CARE,
KRISTINE NXQUISIT CHUNG OH. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF THE UNITED STATES

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

SIXTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

L. T. TUCKER #13227/

(Your Name)

MARQUETTE BRANCH PRISON
1960 U.S. HIGHWAY 41 SOUTH

(Address)

MARQUETTE, MICHIGAN 49855

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

(1) DID THE DISTRICT COURT ERR WHEN IT FOUND THAT THE PETITIONER, PROCEEDING IN FORMA PAUPERIS, HAD NOT ALLEGED AN ADEQUATE CLAIM OF IMMEDIATE DANGER OF SERIOUS PHYSICAL INJURY UNDER 28 U.S.C. § 1915(g)? IN CONFLICT WITH THE DECISION OF THE UNITED STATES SUPREME COURT.

2. DID THE DISTRICT COURT ERR WHEN IT CONSIDERED INADMISSIBLE HEARSAY EXHIBITS ATTACHED TO THE PRO SE COMPLAINT IN LIGHT OF MATERIAL ALLEGATIONS IN THE PRO SE COMPLAINT CONTRADICTED BY THE COURT ANALYSIS.

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:

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
ESSEILLE V. GAMBLE, 429 U.S. 97, 104 (1976).	
ERICKSON V. PANDER, 551 U.S. 89, 92-94 (2007).	
HICKS V. FREY, 992 F.2d 1450, 1455 (6th Cir. 1993).	
IBRAHIM V. D.C. 463 F.3d 67 (D.C. Cir. 2006).	
VANDIVER V. PRIMED HEALTH SERVS. INC. 727 F.3d 580, 584 (6th Cir. 2013) UNITED STATES V. GEORGIA, 540 U.S. 151, 126 S.Ct. 877 (2008).	
STATUTES AND RULES 24 U.S.C. § 1915 (2)(1). TITLE 28 U.S.C. § 1915 (9) FED.R.CIV.P. 8 (A) (2). FED.R.CIV.P. 8 (C). TITLE 28 U.S.C. § 1915 (2)(1)	
OTHER	
SEE ATTACH PAGE.	

CHAVIS U. CHAPPIUS, 618 F.3d 102,
167, 169-171 (2nd Cir. 2010).

CIANCAGLIONI U. SAINI, 352 F.3d
328, 331 (7th Cir. 2003).

POINTER U. WILKINSON, 502
F.3d 369, 372 (6th Cir. 2007).

SHEA/END U. MARBLEY, 23 F.3d.
498, 499 (6th Cir. 2001).

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, B 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, C to the petition and is

[] reported at _____; 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 April 22, 2019.

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).

STATEMENT OF THE CASE

THE PLAINTIFF TUCKER, FILED AN APPLICATION TO
PROCEED IN FORMA PAUPERI, AND A COMPLAINT AGAINST
INT CORIBED COMMERCIAL HEALTH CARE AND TWO OF
ITS EMPLOYEES, KRISTINE NYQUIST AND CHUNG CH, PLAINTIFF
TUCKER. ASSERTED THAT THE DEFENDANTS WERE
DELIBERATELY INDIFFERENT TO HIS SERIOUS MEDICAL
CONDITIONS OF BEING DENIED- (1) INSULIN-DEPENDENT
DIABETES MEDICATION, (2) AND DENIED MEDICAL TREA-
TMENT FOR SERIOUS MEDICAL CONDITION OF HAVING
HEPATITIS-C, AND DENIED PLAINTIFF TUCKER MEDICAL
TREATMENT FOR THOSE CONDITIONS IN RETALIATION ~~FOR~~
FOR FILING GRIEVANCES AGAINST NYQUIST AND CH.

PLAINTIFF TUCKER, ADOT AND INCORPORATE BY
REFERENCE THE APRIL 22, 2019, FINDINGS OF
FACTS IN SUPRA OF THIS STATEMENT
OF THE CASE, PLAINTIFF TUCKER ASSERTS
IN THIS PROSE COMPLAINT THAT THE
EXHIBITS ATTACHED TO IT WAS INADMISSIBLE
HEARAY STATEMENTS. SEE PLAINTIFF TUCK-
ER, PRO. SE.

REASONS FOR GRANTING THE PETITION

THE DISTRICT COURT AND THE UNITED STATES SIXTH CIRCUIT ERRED WHEN IT FOUND THAT PLAINTIFF TURNER COMPLAINT, TAKEN AS A WHOLE, DID NOT ALLEGE AN ADEQUATE CLAIM OF IMMINENT DANGER OF SERIOUS PHYSICAL INJURY under 28 U.S.C. § 1915(g).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

L.J.Dunn #132271

Date: May 15, 2019