

No. **19-5502**

ORIGINAL

U.S.D.C. - 1:16-CV-P-00060 - gms/K.S.C.P.A. - 18-6139

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID PATRICK ANDERSON — PETITIONER
(Your Name)

vs.

SHAWN WHITTLESEY CAPT WCRJ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

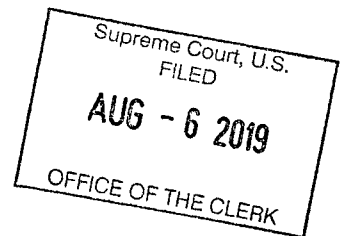
DAVID PATRICK ANDERSON D.O.G.#276096
(Your Name) DORM-GB-F-122-UPPER

LITTLE SANDY CORRECTIONAL COMPLEX

L.S.C.C.505 PRISON CONNECTOR SANDY HOOK, KY41171
(Address)

SANDY HOOK, KY41171
(City, State, Zip Code)

606-738-6133 PRISON#ONLY
(Phone Number)



1

QUESTION(S) PRESENTED

WHY WAS I TASED IN A RESTRAINT CHAIR WITH ONLY ONE ARM LOOSE OUT OF THE RESTRAINTS. WHY IS THIS A LEGAL ACTION AGAINST INMATES, WHY IS THERE NOT A LAW AGAINST THIS WRONG DOING TO INMATES. WHY IS THERE NOT A LAW AGAINST TASING INMATES IN RESTRAINTS FOR KENTUCKY, WHICH THERE IS A LAW AGAINST THIS IN GEORGIA. WHY NOT IN KENTUCKY. WHY IS IT A GOOD FAITH ISSUE TO TASE AN INMATE IN RESTRAINTS, SO AN INMATE CAN NOT BE A THREAT IN RESTRAINTS WHAT SO EVER, DO TO THE FACT THE INMATE IS BOUND BY RESTRAINTS TO ~~more~~ PREVENT THE INMATE FROM HURTING THEMSELVES OR OTHERS.

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:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
COX V. HOLBERT/KINGSLEY V. HENDRICKSON	
BAKER&JONES V. UNION TOWNSHIP/NAPIER V. O'DANIEL, MADISON CO./	
FENNELL V. SIMMONS/COMSTOCK V. MCCRARY, THYAGARAJAN, HOWELL/	
LAYNE V. VINZANT, HALL, GAUGHAN/KNOP V. JOHNSON/SCHULTZ V. PUGH/	
CELOTEX CORP V. CATRETT/MATSUSHITA ELEC INDUS CO. V. ZENITH RADIO CORP/	
LUCAS V. LEASEWAY MULTI TRANSP SERV INC./COMBS V. WILKINSON/WILKINS V. GADDY/	
HUDSON V. MCMILLIAN/CALDWELL V. MOORE/WHITLEY V. ALBERS/PELFREY V. CHAMBERS/	
PARRISH V. JOHNSON/LOCKETT V. SUARDINI/WILLIAMS V. BROWMAN/DRUMMER V. LUTTRELL/	
JENNINGS V. MITCHELL/SOTO V. DICKEY/HANSON V. MADISON CTY. DET. CTR./WATKINS V.	
CITY OF BATTLE CREEK/	

STATUTES AND RULES KRS 17.549/42 U.S.C. 1983/28 U.S.C. 1915A/FED. R. CIV. P. 56(A)
 CELOTEX, 477 U.S. AT 323./WHITLEY, 475 U.S. AT 321;/HUDSON, 503 U.S. AT 7/WILKINS, 559 U.S. A
 37/ HUDSON, 503 U.S. AT 9/ HUDSON, 503 U.S. AT 9/ CALDWELL, 968 F.2D AT 601.

OTHER? N/A

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 B to the petition and is

☒ reported at 05/17/2019 /U.S.C.O.A.; 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 A to the petition and is

☒ reported at 09-25-2018/WARREN CO.; 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 N/A 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 _____ 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 05-17-2019.

☒ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

8TH AMENDMENT CRUEL AND UNUSAL PUNISHMENT
VIOLATION OF OATH OF OFFICE OF EMPLOYMENT
MISUSE OF POWER OF AUTHORITY IN A CORRECTIONAL INSTITUTION
VIOLATION OF CODE OF ETHICS
VIOLATION OF INMATES RIGHTS
VIOLATION OF JAIL RULES
VIOLATION OF CODE OF CONDUCT
FAILURE TO PROTECT INMATES FROM HARM FROM STAFF AND OTHER INMATES
MISUSE OF WEAPON (TASER DEVICE)
FAILURE TO ADDRESS THE STAFF ASSAULT ON INMATE FROM STAFF TO
CAUSE INMATE TO BECOME AGGRESSIVE IN SELF DEFENSE FROM STAFF
PUSHING INMATE ON HIS CHEST WHICH IS A VIOLATION OF JAIL RULES
AND CODE OF CONDUCT. IN AN UNPROFESSIONAL MANOR

STATEMENT OF THE CASE

ON 06-05-2015, I WAS PUT IN THE RESTRAINT CHAIR FOR AN AGGRESSIVE ACT TOWARDS A JAIL STAFF DUE TO THE FACT HE SHANE DOBBS PUSHED ME ON MY CHEST TO PUSH ME TO THE BACK OF MY CELL WHICH IS AGAINST POLICY TO PUT HIS HANDS ON ME OTHER THAN TO SUB DUE ME IN THE EVENT OF A HIGH RISK SITUATION OF AGGRESSION, BUT IS ALSO A VIOLATION OF CODE OF CONDUCT AND A VIOLATION OF OATH OF OFFICE. I DID ATTEMPT TO GET OUT OF THE RESTRAINT CHAIR ONCE BUT WAS PLACED BACK IN THE SOFT CLOTH RESTRAINTS BUT I DID ROCK THE CHAIR BACK TO FRONT OF THE CELL BIG #2 ON CAMERA THEN I TOOK MY RIGHT HAND ONLY OUT OF RESTRAINTS ONLY DUE TO THE FACT IT HURT DUE TO ME INJURING IT IN MY CELL GETTING UP OFF THE FLOOR SO THEN CAPTAIN SHAWN WHITTLESEY OF WCRJ WARREN COUNTY REGIONAL JAIL THEN TASED ME IN MY RIGHT THIGH WHILE STILL IN THE RESTRAINT CHAIR WITH ONLY MY RIGHT HAND OUT OF THE RESTRAINTS BUT EVERYTHING ELSE STILL STRAPPED IN WHICH I BELIEVE IS AGAINST THE LAW IN MY HOME STATE OF GEORGIA IN POLK COUNTY, CEDARTOWN, ROCKMART, GEORGIA, A DETENTION OFFICER OF POLK COUNTY JAIL WAS PROSECUTED FOR TASING AN INMATE IN RESTRAINTS WHICH WAS INVESTIGATED BY THE G.B.I. GEORGIA BUREAU OF INVESTIGATION. FOR CASE#'S/01-0007-14-17/01-0175-13-07 CRIMINALLY FOR TASING AN INMATE IN RESTRAINTS. I DO NOT KNOW IF HE WAS IN COURT FOR A CIVIL ACTION OR NOT. BACK TO THE FACT I WAS IN THE RESTRAINT CHAIR FOR FOUR HOURS WITHOUT A CHANCE TO USE THE BATHROOM OR CHANGE MY DIAPER OR TO GET A DRINK OF WATER. I EVEN HAD TO EAT MY LUNCH IN THE RESTRAINT CHAIR WITH ONLY ONE ARM LOOSE MY LEFT HAND ONLY TO EAT WITH.

REASONS FOR GRANTING THE PETITION

I. SUFFED MINOR BLOOD LOSS FROM THE TASER PRONGS BEING IN AND PULLED OUT OF MY LEG AND I SUFFERED PAIN IN MY LEG DUE TO TASER VOLTAGE FROM THE TASER GUN. I NOW SUFFE FROM NIGHTMARES AND MENTAL ANGUISH FROM BEING TASED/ AS WELL AS MY VOICES ARE MOR SEVERE NOW DUE TO BEING TASED AS A PARANOID SCTSOPHINICK PATIENT INMATE AND ALSO THE MEDICAL STAFF FOR SOUTHERN HEALTH PARTNERS DID NOT DOCUMENT MY EVALUATION FROM BEING TASED THE FINDINGS OR THE INJURIES OBTAINED FROM BEING TASED. AS WELL AS IT IS OR SHOULD BE AGAINST THE LAW TO TASE AN INMATE IN RESTRAINTS IN ANY AND ALL STATES IN AMERICA. I WOULD LIKE TO BE COMPENSATED MONEY WISE FOR THE JAIL STAFFS DELIBERATE INDEFERENCE AND PAIN AND SUFFERING FOR AN ILLEGAL ACT ON JAIL STAFFS PART ON THIS ISSUE AND TO RETRAIN THE JAIL STAFF ON HOW TO HANDLE A MENTAL HEALTH INMATE.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

DAVID PATRICK ANDERSON

Date: 07-28-2019
