

No. \_\_\_\_\_

19-6022

IN THE  
SUPREME COURT OF THE UNITED STATES



Angel Rodriguez  
(Your Name)

vs.

— PETITIONER FILED  
JUL 24 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Laura Heit and Clinton County Jail — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Second Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Angel Rodriguez  
(Your Name)

P.O. Box 5000 F. G. F Hazelton  
(Address)

Bruceton Mills, W.V. 26525  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

- 1) WHETHER NURSE HEIT AND CLINTON COUNTY JAIL VIOLATED PETITIONER'S 14<sup>TH</sup> AMENDMENT RIGHTS BY DENYING HIM THE OPPURTUNITY TO WORK IN FOOD SERVICE?
- 2) WHETHER NURSE HEIT AND CLINTON COUNTY JAIL VIOLATED PETITIONER'S RIGHTS BY DIVULGING PERSONAL MEDICAL INFORMATION TO OTHER STAFF AND INMATES?
- 3) WHETHER PETITIONER'S READING AND WRITING IMPAIRMENT WAS A BARRIER TO FOLLOWING THE ADMINISTRATIVE REMEDY PROCEDURE?
- 4) BECAUSE OF PETITIONER'S DISABILITY CAN HE BE DENIED WORK IN FOOD SERVICE?
- 5) CAN PETITIONER BE DENIED LEGAL HELP BY THE LOWER COURTS, WHEN PETITIONER CLEARLY HAS LEARNING DISABILITY?

## 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

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PENNSYLVANIA Dept. of Corrections v. YESKEY	524 U.S. 206; 118 S.Ct.
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RILES V. BUCHANON	656 Fed.Appx 577, 580 (2nd Cir.)

### STATUTES AND RULES

AMERICANS with DISABILITIES ACT

42 U.S.C. § 1213 (2) {

### 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**

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 2018 U.S. Dist. Lexis 85164; 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[ ] is unpublished.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 to the petition and is

[ ] reported at 11k, no. 83; 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 5/17/2019.

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

14<sup>th</sup> AMENDMENT DUE PROCESS

8<sup>th</sup> AMENDMENT CRUEL AND UNUSUAL PUNISHMENT

THE AMERICANS WITH DISABILITIES ACT

42 U.S.C. § 1213 (2)

## STATEMENT OF THE CASE

PETITIONER ANGEL Rodriguez was told by NURSE LAURA Heit at Clinton County Jail in New York that he was not eligible for food service work BECAUSE OF HIV STATUS. NURSE Heit also made this known to the escorting officer and in front of other inmates. Petitioner also suffers from Dyslexia and has had to rely upon the help of other inmates to type and write administrative remedies and legal briefs, putting petitioner in the uncomfortable position of letting personal legal and medical information be known. Petitioner has asked and been denied legal counsel to prevent this hurdle. BECAUSE of this learning disability petitioner did not follow the administrative procedure fully and thus the lower courts have refused to adjudicate petitioner's civil complaint. Petitioner has been cleared to work in food service at his current institution, with full knowledge of his disability. Petitioner ask this court to appoint counsel based on his indigent status and to aid petitioner in light of his inability to read and write.

REASONS FOR GRANTING THE PETITION

PETITIONER CITES, THE AMERICAN'S WITH ~~THE~~ DISABILITIES  
ACT, THE 14<sup>th</sup> AMENDMENT, PENNSYLVANIA DEPT. OF CORRECTIONS

v.  
YESKEY 524 U.S. 206; 118 S. CT.

42 U.S.C. § 1213 (2)

ANDERSON v. ROMERO

HARRIS v. THIGPEN

AND RULE 13.1, 13.3 OF THE RULES OF  
SUPREME CT. OF THE UNITED STATES.

Petitioner Humbly ask this court to  
grant certiorari, and recognize his disabilities  
with regards to legal counsel to help  
adjudicate his claim.

#### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

angel Rodriguez

Date: 8/26/19