

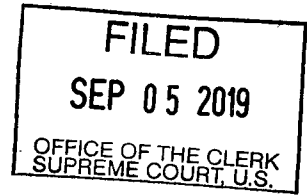
19-6184 ORIGINAL
No. _____

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SEP 18 2019

Dade CJ.

August Term 2019



IN THE

SUPREME COURT OF THE UNITED STATES

PRO'ce

Chavliet Duanyne Johnson Sr. PETITIONER
(Your Name)

vs.

FWD Generalist et al. app. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Chavliet Duanyne Johnson Sr.
(Your Name)

Dade Correctional Institution
(Address)

Florida City, Fl. 33034-6409
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Why does equitable concerns, including the prejudice to the opposing part who acted in reliance on the judgment and other matters that bear that, on the fairness of reopening the judgment, be dismissed?
2. Why can't the court consider whether the reasons alleged for setting aside the judgment are permissible for ground for relief under applicable rules?
3. Why are punitive damages appropriate under § 1983 but, *Chavallier Duwayne Johnson Sr.* was dismissed and denied relief?
4. Supervisory liability that attaches itself under § 1983 reckless disregard of a substantial risk of serious harm by officials, why can't they be held accountable, because the Eleventh Amendment does not bar suits?
5. Why after inadequate medical care by prison officials, who failed to respond to a known medical problem of *Chavallier Duwayne Johnson Sr.* being stabbed in the face and sexually abused by staff be dismissed by the appeals court with physical injury and disfigurement to show?
6. Why did the district court refuse in *Ex parte* paupers, on appeal, 1FP is reviewable?
7. Why is it that a Magistrate Judge can hear and determine any pretrial matters pending before the court except the one's listed in § 636 but he dismissed my claim for injunctive relief, judgment failure to state a claim and other orders, which indicates a manifest injustice?
8. Why in extraordinary circumstances demanding redress illustratively with, the showing of 100's of affidavits and admission with interrogatories all admissible under rules of evidence of trial § 5-a proper evidence or testimony which is relevant and not, privileged or hearsay with scars as proof, i was dismissed on appeal?
9. Why does the appeals court generally hold that pretrial appeals or notice of appeals are effective, however i was dismissed?
10. Why after showing that fraud has been committed or perpetrated upon it, to give relief by motion and established doctrine i was still dismissed?

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:

Okeechobee C.I.: Fla. Dept. of Corr. et al 9999.
FNU Warden Snyder: A.W.P. Warden M. Gasset: Paxton
Capt. R. Coleman: Dr. Nichols: A.R.N.P. William Boaz:
Nurse Carla Maskey: Sgt. K. Brown: Sgt. Davis: Wrights:
Knight's: Mitchell's: Greer's: McIntosh: Diphant's
Prescott's: Judy Kemp classification: Latrice Collins:
Officer Blake: Grant's: Graham's: Green's et al: Harris
L.T.: Sgt. Harris et al.: Insp. General's Doe Okeechobee C.I.
Sgt. Lester: Mano Jose Mariano L.T.: Marshalle:
McNeil's: Simon's: Sizewood's: Telpart's: White's
Wrights et al.: Centenion Medical Group: Wexford Medical et al.
The Fund et al.: Underwriter Ins. Corp.: Morrison et al.

RELATED CASES

State Tort law to provide remedy for claim in tort or in
Contract for damages because of death, injury or monetary
loss arising out of medical or surgical diagnosis, treatment
or care by providers of health care:

Procedure 108.012 Death and Serious Life Threatening
(injury): Procedure 108.015: 62a.053 Sexual Battery by staff
Threats procedure 32a.050.

July 26, 2019 Notice of intent to sue filed pursuant to 9.788
26(6) Waiver of sovereign immunity

Dept. of Insurance: Division of Risk Management The
Capitol PL-01 Tallahassee, Fla. 32399-0300.

written claim requirements pursuant to 9.788.26(6)

30 days to respond 90 days to file, from date of
receipt July 26, 2019.

Not filed. Will be filed October 31, 2019 the 90 day
period will be up. 9.766.106

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APPENDIX B	<u>Any other relevant opinions, orders, findings</u> <u>of fact and conclusions of law entered....</u>	<u>38, 39</u>	
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TABLE OF AUTHORITIES CITED

CASES

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4, 5, 6

STATUTES AND RULES

*Constitutional provisions, treaties, statutes,
Ordinance and regulations in involved in the case,
set out verbatim with appropriate citation, if
the provisions are lengthy their citations alone
suffices at this point...*

Pages...

23, 24, 25, 26, 27

Pages...

OTHER

Eighth Amendment...

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Eleventh Amendment...

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Fourteenth Amendment...

24, 25, 39

Terrorism certified under 102 (D) USCA § 6701;

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42 USC § 1983

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Due Process Clause of the Fourteenth Amend...

24, 39

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 ABC 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 DEF 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 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 N/A court 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 4/4/25, 2029.

☐ 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: 4/4/25, 2029, 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 N/A (date) on N/A (date) in Application No. N/A A N/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 N/A.
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pages: 23, 24, 25, 26, 27 of petition.

All Constitutional provisions, treaties, statutes, Ordinances and regulations,

STATEMENT OF THE CASE

Pages
28, 29, 30, 31

A concise statement of the case setting out the facts material to consideration of the questions presented and also containing the following....

FLN Warden Beverson et al. v. g. g. Okeechobee C.I. Law enforcement officers tasked with the weighty responsibility of guaranteeing safety at the Florida Dept. of Corrections must do everything in their power to ensure that the protection of Cavalier Duwayne Johnson Sr. combined with enforcement experience is guaranteed!

Immediate reactions coming from the appellees, grave threats, procedure 302.050 on December 8, 2015 at, Okeechobee C.I.

Rapidly apparent after being stabbed in the face and told specifically regarding the uncovered complaint filed by my mentor and friend Joseph Margolis Sr. against Warden Beverson et al. v. g. g. appellers.

Obligating to address the situation of the stabbing, Cavalier Duwayne Johnson Sr. the appellant was told expressly that we are going to kill you and no your not going to the hospital e.g. end quote.

See, complaints i.e. Fla. Dept. of Corr. attached e.g. Continuous inconsistencies unfolded with the appellees et al.

The questions and questioning became more straight forward with staff members, inspectors, wardens, A.W.P. Coast Guards Captains, Sgt.'s, Officers, TEAs, repeatedly, reassuring death if I filed any grievances, are told anyone.

Just don't talk quoted by the appellees end quote! Specific crimes of procedure 108.012 Death and Serious Life Threatening Injury Investigation 108.003.

Sexual Battery procedure 602.053: 108.015 Reprisal rule 33-103.017 F.A.C. Cavalier Duwayne Johnson Sr.

Stressed his desire to... finish the conversation and at the close, offered his statement so he could find out otherwise why the appellees wanted to deprive the appellant Cavalier Duwayne Johnson Sr. of his life and freedom... in a significant way, so severe as to be the equivalent to....

See, pages 28, 29, 30, 31

REASONS FOR GRANTING THE PETITION

Direct and concise argument amplifying the reasons, relied on for allowance of the writ see. Supreme Court Rule 10.

This case involves amendment XIV to the United States Constitution.

Chavaler. Duwayne Johnson Sr. appellant argues compelling reasons with the characters of reasons this Court should consider governing review of or on this writ of certiorari.

The United States Court of Appeals has entered a decision in conflict with the decision of another United States Court of Appeals on the same important matter; or,

has so departed from the accepted and usual course of judicial proceedings or sanctioned such a departure by a lower court as to call for an exercise of this Court's supervisory power to, remand cause 28 USC § 2106.

Pursuant to chapter 123 - Review - Miscellaneous provision section 1 § 2101, CC).

Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action suit or proceeding before the Supreme Court for review shall be taken or applied for within 90 days after the entry of such judgment or decree.

A justice of the Supreme Court for good cause shown may extend the time for applying for a writ of certiorari for a period not exceeding sixty days.

§ 2072. Rules of procedure and evidence; powers to prescribe. The Supreme Court shall have the power to prescribe general rules of practice and procedures and rules of evidence for cases in the United States District Court

(including proceedings before Magistrate judges thereof and courts of appeals).

Such rules shall not abridge enlarge or modify any substantive right.

All laws in conflict with such rules shall be of no further force or effect after such rule has taken effect please see... e.g.

Pages 33, 34, 35, ...

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles K. Duane, Jr.

Date: Sept. 20, 2019