

10-0333

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

OCT 15 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Cary VanDerMeulen — PETITIONER
(Your Name)

vs.

State of Arizona — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Cary VanDerMeulen

(Your Name)

4621 E. Villa Rita Dr.

(Address)

Phoenix, Arizona 85032

(City, State, Zip Code)

(602) 283-4646

(Phone Number)

QUESTION(S) PRESENTED

Why is a citizen not allowed to bring a valid claim (claims) for civil rights violations before the court and have them heard?

When one cannot exercise their rights, what rights does one have?

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:

This case against the State of Arizona pertains to the Department of Corrections and the following individuals:
(named in both a professional and individual capacity)

2nd Defendant Charles L. Ryan, Director
 Arizona Dept. of Corrections - Central Office
 1601 W. Jefferson St.
 Phoenix, Arizona 85007

3rd Defendant Deborah Kinder, Facility Health Administrator
 Arizona Dept. of Corrections / Corizon Health Services
 ASPC Douglas
 6911 N. BDI Blvd.
 Douglas, Arizona 85607

4th Defendant William Brunhofer, Facility Health Administrator
 Arizona Dept. of Corrections / Corizon Health Services
 ASPC Douglas
 6911 N. BDI Blvd.
 Douglas, Arizona 85607

5th Defendant Chaplain Herman, Head of Religious Svcs.
 Arizona Dept. of Corrections
 ASPC Douglas
 6911 N. BDI Blvd.
 Douglas, Arizona 85607

6th Defendant Alex Ruiz
 Coordinator of Food Services
 Arizona Dept. of Corrections - ASPC Douglas
 6911 N. BDI Blvd.
 Douglas, Arizona 85607

7th Defendant	Meegan Muse Warden - ASPC Douglas Arizona Dept. of Corrections 6911 N. BDI Blvd. Douglas, Arizona 85607
8th Defendant	Capt. Paul Martell Corrections / Disciplinary Officer Arizona Dept. of Corrections 6911 N. BDI Blvd. Douglas, Arizona 85607
9th Defendant	CO III Lomeli Corrections / Disciplinary Officer Arizona Dept. of Corrections 6911 N. BDI Blvd. Douglas, Arizona 85607
10th Defendant	Corizon Health Services 950 W. Elliot Rd. Suite 220 Tempe, Arizona 85254

Note: Motion was made to have these parties served by the U.S. Marshall's office
due to the filing status of the complainant.
Motion was declared premature, until acceptance of the case.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
STATEMENT OF THE CASE	3,4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION	6

INDEX TO APPENDICES

APPENDIX A Memorandum of the Ninth Circuit Court of Appeals

APPENDIX B (pertinent portion of) Motion for Rehearing (submitted), as yet, unanswered

APPENDIX C (pertinent portion of) Appeal filed before the Ninth Circuit Court of Appeals

APPENDIX D

APPENDIX E

APPENDIX F

Re. pertinent portion of – attachments thereto are (very) pertinent in context of the case, but not as relates to review of Writ. Attachments present arguments for the reason(s) the lower court's ruling was in error.

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 _____ 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 _____ 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 July 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).

A petition for rehearing has been filed with the United States Court of Appeals, but no response has been had to date.

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

Suit was filed in Federal Court for civil rights violations that included:

1) Denial of Proper and Adequate Nutrition (Basic Necessities) – undue and unnecessary deprivation; refusal to provide proper and adequate nutrition that was readily available with resultant suffering from deprivation and malnutrition.

To and including a letter from the office of Charles Ryan, Director, who through his office and designated administrators, refused to provide for proper/adequate nutrition to meet with the dietary needs of a person in their charge.

2) Improper Medical Care – requests for medical attention to properly treat conditions were denied as were other basic medical necessities, inflicting needless pain and suffering.

a. refusal to provide care to treat a pre-existing condition for which the patient had received ongoing care previously

b. putting a person at extreme risk through a level of care that is contra-indicated and would normally be considered medical malpractice

c. putting persons at risk through negligence and willful disregard of dangerous conditions that did cause injury and of which they were aware and had been apprised

3) Exercise of First Amendment Rights

a. the freedom as to what one puts in one's body – refusal to provide food other than that which they knew one would not eat when doing so would be to their own detriment

b. the freedom as to how one 'feeds' one's mind and soul – refusal to convey [perfectly acceptable] publications of limited reproduction (availability) of a religious nature, sent directly from a distributor. Refusal which served no penological interest.

4) Lack of Access to the Court – access to the court was impeded / effectively denied on a number of occasions as detailed in the complaint.

5) **Punitive action taken by ADC in retaliation for pursuit of a "protected right"** (the right to a basic necessity) – additional time of incarceration was administratively imposed by persons acting on behalf of ADC in a 'sham' proceeding that not only violated the tenants of a "fair" hearing (for false charges), but was conducted in a manner that even violated administrative orders of the institution (ADC) itself.

These counts were covered in detail in the complaint that was filed before the court, along with statement as to the volumes of evidence available (records of the institution), the sufficiency of which would be more than necessary to uphold the claims in a court of law.

The results of this inhumane treatment (abuse) were disheartening, but none more so than the denial to pursue the claims of these civil rights violations. The situation of institutions and/or persons committing such violations cannot be rectified until they are addressed and those parties responsible for the imposition of (unconstitutional) deprivations and suffering are held accountable.

Restitution was requested for the period of time that these conditions were inflicted.

Until the rights conferred under the law through the Constitution are allowed to be exercised, such rights as a reality do not exist.

REASONS FOR GRANTING THE PETITION

Excuses were made for not allowing these claims to be brought before the court... as if there can be any excuse for not upholding the Constitution

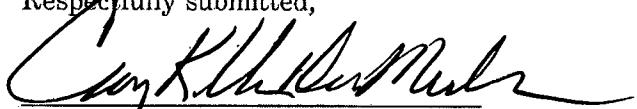
If a citizen at any time can be denied the ability to exercise their rights, then ANY citizen can be denied the exercise of their rights at any time...

Being denied the exercise of one's rights is tantamount to not having any such rights.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 10/15/19