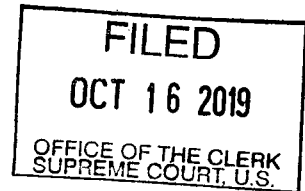


19-6416

No.

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

JURIGUS KADAMOVAS — PETITIONER
(Your Name)

VS.

JOHN CARAWAY, ET AL., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JURIGUS KADAMOVAS #21050-112
(Your Name)

USP TERRE HAUTE, P.O. Box 33
(Address)

TERRE HAUTE IN 47808
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1) WHETHER THE FEDERAL DEATH ROW INMATE WHO HAS BEEN DIAGNOSED WITH ASTHMA CAN BE TORTURED IN CUSTODY OF THE BUREAU OF PRISONS BY EXPOSURE TO OLEORESIN CAPSICUM SPRAY OTHERWISE KNOWN AS THE TEAR GAS, SECOND-HAND SMOKE AND TOXIC SMOKE FROM FIRES FOR EXTENDED PERIOD OF 9 YEARS DESPITE OF AGENCY'S OWN NO SMOKING POLICY.

2) WHETHER A COURT CAN MAKE MORE FAVORABLE CREDIBILITY DETERMINATION TO DEFENDANTS AFFIDAVITS RATHER THEN INMATE DEPOSITION, ON SUMMARY JUDGMENT.

3) WHETHER THE PUBLIC MUST TRUST TO ATTORNEYS APPOINTED BY COURTS AND WHETHER THE COURT APPOINTED ATTORNEY HAVE RESPONSIBILITY IN OBTAINING DOCUMENTS THROUGH DISCOVERY, TAKE DEPOSITIONS, SUBMIT INMATES AFFIDAVITS TO COURT AND COMMIT ALL OTHER EFFORTS ON BEHALF OF THEIR CLIENTS.

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:

- 1) JOHN CARAWAY, WARDEN
- 2) CHARLES A. DANIELS, WARDEN
- 3) JEFFREY E. KRUEGER, WARDEN
- 4) MELISSA BAYLESS, UNIT MANAGER
- 5) MICHAEL V. SAMPLE, UNIT MANAGER
- 6) WILLIAM E. WILSON, M.D., CLINICAL DIRECTOR

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- E) EMAILS IN BETWEEN KARAMOURAS AND WARREN
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- G) DECLARATION OF MICHAEL SAMPLE.
- H) LETTER FROM KARAMOURAS'S ATTORNEYS.
- I) THE BOP "SMOKING / NO SMOKING AREAS" POLICYS.

- J.) UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS. (THE MANDELA RULES.)
- K.) CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.
- L.) ORGANIZATION OF AMERICAN STATES, AMERICAN CONVENTION ON HUMAN RIGHTS "PACT OF SAN JOSE, COSTA RICA"
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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, Δ 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 AUGUST 20, 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: SEPTEMBER 20, 2019, and a copy of the order denying rehearing appears at Appendix D.

☐ 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

- 1) EIGHT AMENDMENT OF THE U.S. CONSTITUTION
- 2) FED. R. CIV. P. 56 (c)
- 3) FED. R. CIV. P. 59 (e)

MISCELLANEOUS

UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS (THE MANDELA RULES) ARTICLES W/1 RULES W/3, 14, 23, 32, 33, 34, 42, 43, 44, 45. COPY OF RULES AT APPENDIX _____

ORGANIZATION OF AMERICAN STATES DEPARTMENT OF INTERNATIONAL LAW "AMERICAN CONVENTION ON HUMAN RIGHTS" "PART OF SAN JOSE" ARTICLE W/5, RIGHT TO HUMAN TREATMENT. COPY OF ARTICLE AT APPENDIX _____

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. PART I, ARTICLES W/1, 10, 14, 16. COPY OF ARTICLES AT APPENDICES _____

STATEMENT OF THE CASE

PETITIONER KADAMOVAS IS A LITHUANIAN CITIZEN CURRENTLY UNJUSTLY UNDER THE U.S. FEDERAL SENTENCE OF DEATH FOR CRIMES HE DID NOT COMMIT. HE IS THE FIRST AND ONLY CITIZEN OF ANY EUROPEAN NATION ON FEDERAL DEATH ROW.

THIS IS A CIVIL RIGHTS ACTION UNDER BIVENS 403 U.S. 388 (1971). PETITIONER SPENDING MORE THEN 17 YEARS IN SOLITARY CONFINEMENT, HE HAS BEEN DIAGNOSED WITH ASTHMA, SLEEP APNEA, HYPERTENSION, CROWN'S DISEASE, ANEMIA, VITAMINS B12 AND A DEFICIENCY. HE UNLAWFULLY AND UNREASONABLY EXPOSED TO TEAR GAS - OC SPRAY (MORE THEN 30 TIMES) SECOND - HAND SMOKE AND TOXIC SMOKE FROM FIRES FOR LAST NINE YEARS.

PETITIONER KADAMOVAS INCARCERATED IN THE SPECIAL CONFINEMENT UNIT (SCU) IN THE FEDERAL CORRECTIONAL COMPLEX, TERRE HAUTE, INDIANA, THE "DEATH ROW" IN THE FEDERAL PRISON SYSTEM. THE SCU UNIT OCCUPIES THIRD AND FOURTH FLOOR AT THIS BUILDING, AND THE SPECIAL HOUSING UNIT (SHU) OCCUPIES FIRST TWO STORY OF THE SAME BUILDING. THIS BUILDING CONTAIN NO SINGLE WINDOW THAT CAN BE OPENED, AKIN TO A SUBMARINE. THE SCU AND THE SHU UNITS ARE CONNECTED TO THE SAME VENTILATION SYSTEM, WHEN BOP STAFF USES

TEAR GAS, KNOWN ALSO AS OLEORESIN CAPSICUM IN THE SHU UNIT, AND WHEN THE SHU INMATES BURN THINGS IN THEIR CELLS (MORE THEN A 1000 TIMES THE FIRE ALARM IN THE SHU UNIT WAS ACTIVATED) OR SMOKING (BECAUSE BOP STAFF SELING TOBACCO AND OTHER SUBSTANCES) KARAMOVS EXPOSED TO THE SECOND-HAND TEAR GAS AND SMOKE THAT TRAVEL UP TO THE SCU UNIT THROUGH OUR CONNECTED VENTILATION SYSTEM.

BECAUSE KARAMOVS'S ASTHMA, IT IS TORTUROUS FOR HIM TO BE REPEATELY EXPOSED TO THIS HAZARDOUS AIR CONDITIONS FROM VENTILATION SYSTEM. THIS ISSUE STARTED IN ABOUT 2010 AND CONTINUE THROUGH THIS DAY, THE GAS IN THE SHU WAS USED AGAIN IN OCTOBER 4, 2013 WHEN PETITIONER WORK ON THIS SAME PETITION.

AFTER KARAMOVS HAS EXHAUSTED MANY HIS ADMINISTRATIVE REMEDIES TO THE EXTENT POSSIBLE, ON JANUARY 2014 HE FILED LAWSUIT IN TO U.S. DISTRICT COURT FOR SOUTHERN DISTRICT OF INDIANA TERRE HAUTE DIVISION. ON MARCH 3 2014 DISTRICT COURT APPOINTED COUNSELS MS. ONI N. HARTON, MS. LAENE MENDOZA AND MR. JOHN MALEY FROM BARNES & THORNBURG LLP. AND ON SEPTEMBER 24 2014 AMENDED COMPLAINT WAS FILED.

ORDER GRANTING DEFENDANTS MOTION FOR SUMMARY

JUDGMENT WAS ISSUED ON 12/6/2018 (COPY AT APPENDIX B) KADAMOUAS FILED MOTION FOR RECONSIDERATION COURT DENY MOTION FOR RECONSIDERATION ON 1/16/2019 (SEE COPY AT APPENDIX C) ORDER OF SEVENTH CIRCUIT AFFIRMED DISTRICT COURT ORDERS ISSUED ON AUGUST 10, 2019 (SEE COPY AT APPENDICES A) AND ON SEPTEMBER 10, 2019 SEVENTH CIRCUIT DENIED PETITION EN-BANC (SEE COPY AT APPENDICES A)

ERRONEOUS DECISIONS BY SEVENTH CIRCUIT

A.) PETITIONER BELIEVES THAT SEVENTH CIRCUIT OVERLOOKED OR MISAPPREHENDED THE FACT THAT DISTRICT COURT GRANTED DEFENDANTS MOTION FOR SUMMARY JUDGMENT BECAUSE IN CONCLUSION PW 33-34 COURT STATE "MR. KADAMOUAS HAS NOT IDENTIFIED A GENUINE ISSUE OF MATERIAL FACT AS TO HIS CLAIMS IN THIS CASE AND THE DEFENDANTS ARE ENTITLED TO JUDGMENT AS A MATTER OF LAW" (SEE APPENDICES B)

BUT IN ORDER ISSUED BY SEVENTH CIRCUIT COURT STATE "THE DISTRICT JUDGE GRANTED THE DEFENDANTS MOTION FOR SUMMARY JUDGMENT, CONCLUDING THAT KADAMOUAS DID NOT HAVE A SERIOUS MEDICAL CONDITION AND, EVEN IF HE DID, OFFICIALS DID NOT WILLFULLY DISREGARD IT." (SEE APPENDIX A)

ARGUMENT

THE DISTRICT COURT SHOULD NOT HAVE GRANTED SUMMARY JUDGMENT BASED ON ITS RESOLUTION OF DISPUTED FACTS. SUMMARY JUDGMENT SHOULD BE GRANTED WHERE THE PLEADINGS, DEPOSITIONS, ANSWERS TO INTERROGATORIES, AND ADMISSIONS ON FILE, TOGETHER WITH THE AFFIDAVITS, IF ANY, SHOW THAT THERE IS NO GENUINE ISSUE AS TO ANY MATERIAL FACT AND THAT THE MOVING PARTY IS ENTITLED TO A JUDGMENT AS A MATTER OF LAW FED. R. CIV. P. 56(c)

IN THE SUMMARY JUDGMENT CONTEXT, THE EVIDENCE AND ALL INFERENCES THAT REASONABLY CAN BE DRAWN FROM THE EVIDENCE ARE CONSTRUED IN THE LIGHT MOST FAVORABLE TO THE NON-MOVING PARTY.

KARAMOUAS'S BRIEF FOR APPEAL MAINLY FOCUSED ON FACTS IN DISPUTE, SUPPORTED BY COMPETENT EVIDENCE AND LAW CASES, WITH ATTACHED EXHIBITS AND PRESENTED EVIDENCES, WHICH IS WAS OVERLOOKED BY DISTRICT JUDGE, BUT SEVENTH CIRCUIT TAKE THE DISTRICT COURT SPECULATIONS THAT JUDGE LAWRENCE DESCRIBE IN HIS ORDER GRANTING DEFENDANTS MOTION FOR SUMMARY JUDGMENT WHERE JUDGE LAWRENCE DID MAKE CREDIBILITY DETERMINATIONS IN FAVOR OF ALL DEFENDANTS. BOTH COURTS BLINDLY BELIEVE TO MENRACIOUS AFFIDAVITS

FROM DEFENDANTS, AND DID NOT PROVIDE ANY EXPLANATION WHY KARAMOVAS'S DEPOSITION AND EXHIBITS CAN NOT BE TRUSTED.

WHEN THE PARTIES PRESENT TWO VASTLY DIFFERENT STORIES, IT IS ALMOST CERTAIN THAT THERE ARE GENUINE ISSUES OF MATERIAL FACT IN DISPUTE. SEE ANDERSON V. LIBERTY LOBBY, INC., 474 U.S. 242, 255, 106 S. CT. 2505, 91 L. ED. 2d 202 (1986) (ON SUMMARY JUDGMENT A COURT MAY NOT MAKE CREDIBILITY DETERMINATIONS, WEIGH THE EVIDENCE, OR DECIDE WHICH INFERENCES TO DRAW FROM THE FACTS: THIS ARE JOBS FOR A FACTFINDER.)

B.) THE SEVENTH CIRCUIT ORDER, ON PAGE W/3-4 STATE, "EVEN IF WE ACCEPT KARAMOVAS CONTENTION THAT HIS MEDICAL CONDITION IS SERIOUS, HE HAS NOT RAISED A FACT QUESTION OVER 'SUBJECTIVE COMPONENT OF DELIBERATE INDIFFERENCE'." "KARAMOVAS BELIEVES THAT THE DEFENDANTS COULD HAVE BEEN MORE VIGILANT IN MINIMIZING THE EFFECTS OF GAS AND SMOKE, BUT PRESENTS NO EVIDENCE THAT THEIR EFFORTS APPROACHED CRIMINAL RECKLESSNESS. RATHER, THE RECORD INDICATES THAT DEFENDANTS RESPONDED TO KARAMOVAS'S COMPLAINTS: THEY PROVIDED HIM REGULAR ACCESS TO MEDICAL CARE, ALLOWING HIM TO GO TO AN OUTSIDE

RECREATION AREA TO AVOID THE HARMFUL EFFECTS OF GAS, AND RELOCATED HIM TO AN UPPER-TIER CELL. HIS UNSUPPORTED CONTENTION THAT THE DEFENDANTS COULD HAVE DONE MORE CANNOT STAND OF SUMMARY JUDGMENT."

ARGUMENT

1) THE SEVENTH CIRCUIT (AS WELL AS DISTRICT COURT) ACCEPT THE FACT THAT GAS WAS USED 30 TIMES BETWEEN 2013 AND 2018 AND DEFENDANTS DID NOT OBJECT THIS NUMBER. (SEE PAGE W/2 AT APPENDIX A) ON THE SAME PAGE W/2 COURT STAY "MEDICAL STAFF ALSO TOOK STEPS TO RESPOND TO KARAMOUAS'S PROBLEMS. IN RESPONSE TO HIS BREATHING ISSUES, THEY TREATED HIM 17 TIMES BETWEEN 2014 AND 2016." SO... GAS WAS USED MORE THEN 30 TIMES AND BY MEDICAL RECORD THE TREATMENT WAS PROVIDED ONLY 17 TIMES, BUT KARAMOUAS HAD HIS BREATHING ISSUE NOT ONLY FROM GAS BUT FROM SMOKE AS WELL. COURT STATE ON THE SAME PAGE W/2 "SMOKE CAUSE KARAMOUAS SIMILAR PROBLEMS. WHENEVER INMATES SMOKE OR SET FIRES IN THE SPECIAL HOUSING UNIT (AN OCCURRENCE THAT HE ESTIMATES AT 15-20 DAYS EACH MONTH), HE WAKES UP UNABLE TO BREATHE, BECAUSE HE CANNOT OPEN THE WINDOW IN HIS CELL,

ANY SMOKE THAT ENTERS CANNOT ESCAPE."

2) COURTS ACKNOWLEDGE THAT STAFF REMOVED HIM FROM HIS CELL WHEN CHEMICAL GAS WAS USED BUT IT ALWAYS TOOK PLACE ONLY AFTER KADAMOUAS ALREADY BEGUN TO SUFFER THE MEDICAL CONSEQUENCES. KADAMOUAS'S ONLY REQUEST WAS THAT STAFF WILL PUT HIM OUT BEFORE THEY HAD TO USE GAS. IS IT TOO MUCH TO ASK? AND IS IT 17 TIMES, OF 100'S OF TIMES THAT HE HAD HIS BREATHING ISSUES ENOUGH TO STATE THAT DEFENDANTS WAS NOT DELIBERATE INDIFFERENT?

3) DEFENDANTS RELOCATED KADAMOUAS INTO AN UPPER-TIER CELL. PETITIONER BELIEVES THAT DEFENDANTS DID IT IN RETALIATION FOR HIS COMPLAINS, AND IT IS SARCASMIC MOVE AND, AT LAST ONE COURT AGREED WITH KADAMOUAS. SEE MC CORKLE V. WALKER, 871 F. SUPP. 555, 558 (N. D. N. Y. 1995) (FAILURE TO OBEY A MEDICAL ORDER TO HOUSE ASTHMATIC PRISONER ON A LOWER TIER STATED A CLAIM)

ESSENTIALLY WHAT HAPPENING HERE, IS THAT THE BOP OFFICIALS TORTURING KADAMOUAS ON A DAILY BASIS FOR 9 YEARS STRAIGHT, AND OCCASIONALLY PROVIDING SOME MEDICAL ATTENTION JUST TO KEEP HIM ALIVE, WHEN KADAMOUAS

ASK THEM TO STOP THIS TORTURE, THEY ARE JUST HAVE THE LAUGH OF HIS MISERY.

"THE QUESTION UNDER THE EIGHTH AMENDMENT IS WHETHER PRISONER OFFICIALS, ACTING WITH DELIBERATE INDIFFERENCE, EXPOSED A PRISONER TO A SUFFICIENTLY SUBSTANTIAL RISK OF SERIOUS DAMAGE TO HIS FUTURE HEALTH" SEE FARMER V. BRENNAN, 511 U.S. 825, 843, 114 S. CT. 1970, 128 L. ED. 2d 811 (1994) (QUOTING HELLMING, 509 U.S. AT 35, 113 S. CT. 2475.) TO PREVAIL UNDER THE SUBJECTIVE COMPONENT, A PRISONER MUST ALLEGE SPECIFIC INCIDENTS OF DELIBERATE INDIFFERENCE BY PRISON OFFICIALS. KADAMOUAS'S COMPLAINT, MOTION FOR RECONSIDERATION AND BRIEF FOR APPEAL TO SEVENTH CIRCUIT IS REplete WITH SPECIFIC EXAMPLES OF SUCH DISREGARD AND INDIFFERENCE, TO HIS CURRENT MEDICAL NEEDS AND FUTURE HEALTH, APPARENTLY BECAUSE DEATH ROW INMATE WILL NO NEED FUTURE HEALTH.

AS THE EXHIBIT #2 FOR HIS BRIEF OF APPEAL TO SEVENTH CIRCUIT KADAMOUAS ATTACHED HIS E-MAIL COMMUNICATIONS WITH DEFENDANT WARREN DANIELS DATED 12/28/2015. IN THIS EMAIL KADAMOUAS STATE "GAS WAS USED DOWN STAIRS ON 4 DECEMBER 2015 AND ON 10 DECEMBER 2015 AND ON 14 DECEMBER 2015. I WAS ON OUTSIDE RECREATION AREA WHEN

IT HAPPENED. MR. SAMPLE HAD MOVED SEVERAL INMATES OUT SIDE TO THE RECREATION. I ASK HIM TO STAY TOO, BUT HE IGNORED MY REQUEST AND PUT ME BACK TO THE BUILDING WHEN GAS WAS JUST USED. (SEE COPY AT APPENDIX E)

WARDEN DANIELS RESPONDED ON 01/15/2016 HE DID NOT DENY THAT THIS EVENTS DID HAPPENED AND IN PART HE STAY, "AS YOU ARE AWARE, THE VENTILATION BETWEEN THE TWO UNITS ARE CLOSED OFF TO LIMIT THE AMOUNT OF AIR WHICH CAN MOVE BETWEEN THE TWO UNITS AND THE FILTERS ON THOSE UNITS ARE CHANGED MORE FREQUENTLY THAN RECOMMENDED TO REDUCE ANY RESIDUAL CONTAMINATION."

IT IS LIES THAT VENTS IN BETWEEN TWO UNITS CAN BE CLOSED OR FILTERS ON THOSE UNITS CAN BE CHANGED. IT CAN BE SIMPLY PROVEN BY TAKE DEPOSITION FROM FACILITIES DEPARTMENT STAFF WHO "CHANGED A FILTERS" OR OBTAIN DOCUMENTATION OR DRAFTS, BUT MY COURT APPOINTED ATTORNEY DID NOT TAKE A SINGLE DEPOSITION EVEN WHEN KARAMOUBAS ASK THEM TO DO SO.

FEW TIMES OF 30, ALL VENTILATION IN THIS BUILDING WAS SHUT OFF, AND THIS IS ONLY WAY THAT IT POSSIBLE TO MINIMIZE OR REDUCE

CONTAMINATION, AND SURELY IT WAS NOT SHUT OFF ON DECEMBER 14 2015 WHEN DEFENDANT SAMPLE PUL KARAKOUMAS FROM OUTSIDE RECREATION AREA BACK TO THE BUILDING WHERE GAS BEEN MOST USED.

FOR THE MOTION FOR RECONSIDERATION KARAKOUMAS SUBMIT HIS EXPLANATIONS AND EXHIBIT # 6 (SEE COPY AT APPENDIX F) ON THIS TOPIC. EMAIL FROM SCU CASE MANAGER CORT SHEPHERD TO DEFENDANT SAMPLE, IN PART HE STATE "... THE AIR HANDLERS NOT BEING SHUT OFF FOR THE CHEMICAL AGENTS USE IN THE SHU, ... THERE HAVE BEEN INCIDENTS OF CHEMICAL AGENTS FILTERING UP INTO THE SCU BEFORE, BUT TODAY WAS THE WORSE CASE THAT I AM AWARE SINCE HAVING BEEN IN THE UNIT MYSELF WHERE INMATES WERE REMOVED FROM THEIR CELL." ALSO SEE EXHIBIT # 4 AT APPENDIX F, KARAKOUMAS'S EMAILS WITH THE OTHER DEFENDANT WARREN KRUEGER, WHICH ALSO WAS OFFERED FOR MOTION FOR RECONSIDERATION AMONG 18 OTHER EXHIBITS.

BUT IN DEFENDANT'S SAMPLE DECLARATION ATTACHED TO DEFENDANTS "REPLY BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT (DOC 99-1, COPY ATTACHED AT APPENDIX G) IN PARAGRAPH W/3 DEFENDANT SAMPLE DECLARE UNDER PENALTY "ADDITIONALLY, I AM AWARE THAT MR.

KARAMOURAS ALLEGES THAT IN DECEMBER 2015 I TOOK HIM FROM THE OUTDOOR RECREATION AREA BACK INTO AN AREA WHERE GAS OR FUMES FROM CHEMICAL MUNITIONS USED IN THE SHU WAS STILL PRESENT. AGAIN, THIS EVENT DID NOT OCCUR AND COULD HAVE NOT OCCURRED."

FED. R. CIV. P. 59 (E)

C.) THE SEVENTH CIRCUIT MISAPPREHENDS PETITIONER'S ARGUMENT THAT THE DISTRICT COURT'S MOTION FOR RECONSIDERATION WAS NOT APPROPRIATE. (SEE ORDER PAGE W/4 PARAGRAPH W/4 AT APPENDIX A) THE SEVENTH CIRCUIT DECLARED, "IN ORDER TO PREVAIL ON HIS MOTION FOR RECONSIDERATION, HOWEVER KARAMOURAS NEED TO POINT TO NEWLY DISCOVERED EVIDENCE OR ESTABLISH A MANIFEST ERROR OF LAW OR FACT."

IN KARAMOURAS'S MOTION FOR RECONSIDERATION AND REARGUMENT KARAMOURAS ACTUALLY PRESENTED NEWLY DISCOVERED EVIDENCE, WHICH WAS NOT PRESENTED BEFORE, AS WELL HE POINTED TO MANIFEST ERRORS OF LAW, AND FACTS, HE THEN ATTACHED 20 EXHIBITS TO HIS MOTION IN SUPPORT OF HIS ARGUMENTS. (KARAMOURAS DO NOT HAVE A CLEAN COPY OF THIS MOTION BUT THIS COURT CAN SEE IT ON A DOCKET OF DISTRICT COURT AS DOC # 102)

ON FIRST PAGE OF THIS MOTION UNDER "FOLLOWING

REASONS" KARAMOURAS STATE;

1) THIS COURT CAN RECONSIDER THE FINAL JUDGMENT BECAUSE MY ATTORNEY FOR UNKNOWN TO ME REASON DO NOT SUBMIT AN AFFIDAVIT ASKING THE COURT TO DENY THE MOTION, OR AT LEAST STAY IT, BECAUSE DEFENDANTS HAVE NOT COMPLIED WITH DISCOVERY REQUESTS. THEN KARAMOURAS CITE SOME CASES;

A COURT SHOULD NOT GRANT SUMMARY JUDGMENT AGAINST A PARTY WHO HAS NOT HAD AN OPPORTUNITY TO PURSUE DISCOVERY OR WHOSE DISCOVERY REQUEST HAVE NOT BEEN ANSWERED SEE INGLE V. YELTON, 439 F.3d 191, 196 (4TH CIR. 2006) (DENIAL OF RULE 56 (E) MOTION IS PARTICULARLY INAPPROPRIATE WHEN... THE MATERIALS SOUGHT ARE THE OBJECT OF OUTSTANDING DISCOVERY (CITATION OMITTED)). LEIGH V. WARNER BROS., INC., 212 F.3d 1210, 1219 (11TH CIR. 2000) (SUMMARY JUDGMENT IS GENERALLY INAPPROPRIATE WHEN THE PARTY OPPOSING THE MOTION HAS BEEN UNABLE TO OBTAIN RESPONSES TO HIS DISCOVERY REQUESTS.

KARAMOURAS ALSO ATTACHED HIS COPY OF RESPONSES TO PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANTS AS EXHIBIT #2, AND POINT OUT TO DISTRICT COURT MOST IMPORTANT REQUESTS THAT WAS NOT RESPONDED OR RESPONSE WAS LIKE "THE DEFENDANTS FURTHER STATE THAT IT WOULD BE UN-DULY BURDENSON FOR BOP TO LOCATE ALL INCIDENT

REPORTS..." THEN KADAROVAS CITE MORE CASES LIKE FAGA V. DISTRICT OF COLUMBIA, 136 F.R.D. AT # ("PLAINTIFFS SHOULD NOT SUFFER IF THE INFORMATION IS NOT EASILY ACCESSIBLE BECAUSE DEFENDANTS HAVE AN INEFFICIENT FILING SYSTEM...") ALSO KOZLOWSKY V. SEARS, ROEBUCK & CO., 73 F.R.D. #3, #6 (1 MASS 1976) (THE DEFENDANT MAY NOT EXCUSE ITSELF FROM COMPLIANCE... REMARKING THE PRODUCTION OF THE DOCUMENTS AN EXCESSIVELY BURDENSOME AND COSTLY EXPEDITION)

THEN KADAROVAS MADE MANY OTHER ARGUMENTS AND ATTACHED OTHER EXHIBITS IN SUPPORT OF HIS ARGUMENTS, BUT AT THAT TIME HIS ENGLISH LANGUAGE WAS VERY BAD AND HIS KNOWLEDGE OF LAW WAS CLOSE TO ZERO, HE JUST OBTAIN ONE BOOK "PRISONERS SELF-HELP LITIGATION MANUAL" AND TRIED TO NAVIGATE HIMSELF THROUGH 930 PAGES OF COMPLICATED LAW LANGUAGE USING HIS ELECTRONIC DICTIONARY, WHICH IS HE STILL USING FOR THIS PETITION, BUT EVEN SO, HE DID TRY TO EXPLAIN THAT THE DISTRICT COURT APPOINTED ATTORNEY FAILED TO

- 1) FINISH DISCOVERY AND OBTAIN DOCUMENTATION WHICH WILL PROVE DEFENDANTS NEGLIGENCE AND LIES.
- 2) ATTORNEYS FAILED TO REQUEST ANY TEST TO DETERMINE THE LEVELS OF HAZARDOUS POLLUTIONS IN THE VENTILATION SYSTEM.

3) ATTORNEYS FAILED TO TAKE A SINGLE DEPOSITION DESPITE THAT WE HAVE DISCUSS WHO MUST BE DEPOSED. KADAMOUAS ATTACHED AS AN OFFER OF PROVE LETTER FROM HIS ATTORNETS AS EXHIBIT #14 (COPY ATTACHED AT APPENDIX H)

4) ATTORNEYS FAILED TO FILE KADAMOUAS'S OWN AFFIDAVIT IN RESPONSE TO DEFENDANTS AFFIDAVITS EVEN SO IT WAS DISCUSS FOR TWO HOURS ON THE PHONE AND ALL CONTENTS WAS COORDINATED FOR FILING.

KADAMOUAS'S AFFIDAVIT WAS ONE OF THE ESSENTIAL PART OF HIS RESPONSE TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT, AND DISTRICT COURT HAD NOT RECEIVED IT, BECAUSE ATTORNEYS FAILED TO FILE.

PLEASE, IMAGEN IF INMATE LITIGATE PRO-SE WITHOUT ATTORNEY, AS KADAMOUAS DOING THIS PETITION, AND INMATE SENT HIS RESPONSE WITH HIS AFFIDAVIT ATTACHED TO IT TO A COURT BY U.S. MAIL, AND HIS MAIL GOT LOST IN TRANSITION, THEN, MOST LIKELY, A COURT WILL ALLOW TO INMATE SEND IT AGAIN. HERE IS OF COURSE KADAMOUAS HAD COURT APPOINTED ATTORNEYS, BUT IT IS ESSENTUALLY NOT HIS FAULT THAT HIS ATTORNEY HAD FAILED TO DO THEIR JOB AND NEGLECTED HIM ON HIS MOTION FOR RECONSIDERATION AND APPEALS.

DECLARATIONS OR AFFIDAVITS BY PRISONERS HAVE THE SAME STATUS AS THOSE BY ANYONE ELSE, AND IT

IS IMPORTANT, IT IS IMPROPER TO DISCOUNT OR DISREGARD THEM ON SUMMARY JUDGMENT, KADAMOUAS LEARN FROM HIS COURT OF APPEAL FOR SEVENTH CIRCUIT. SEE WILSON V. WILLIAMS, 99 F.2D 348, 350-51 (7TH CIR. 1933) (REJECTING DISTRICT COURT'S VIEW THAT THE PLAINTIFF'S AFFIDAVITS COULD NOT ESTABLISH A MATERIAL FACTUAL ISSUE); CARROLL V. TATES, 362 F.3d 984, 985 (7TH CIR. 2004)

IT IS IMPORTANT TO THIS COURT ISSUE AN OPINION ON THIS ISSUE, BECAUSE THE PUBLIC MUST HAVE A CONFIDANCE IN A COURT APPOINTED ATTORNEYS AND A DEFA CERTAINLY THAT THEY ARE WILL HAVE BEST REPRESENTATION. LAWYERS MUST BE TRUSTED AS A DOCTORS, THEY ARE SHOULD REPRESENT THEIR CLIENT ZEALOUSLY AND USE ALL LAWFUL AND ETHICAL MEANS TO REPRESENT AND DEFEND A CASE. THEIR CLIENTS INTITLED TO BEST EFFORTS ON HIS OR HER BEHALF, AND ABSOLUTE PROFESSIONALISM, IN PARTICULAR WHEN ATTORNEY APPOINTED BY COURT BECAUSE SOME ONE CAN NOT AFFORD HIS OWN ATTORNEY.

IN THIS CASE COURT APPOINTED ATTORNEYS DID NOT PROVIDE VERY BASICS OF LEGAL ASSISTANCE, ESSENTIALLY DENIED TO KADAMOUAS HIS RIGHT TO DUE PROCESS OF LAW.

THE BASIC REQUIREMENT OF DUE PROCESS IS THE RIGHT TO NOTICE AND AN OPPORTUNITY TO

B^E HEARD "AT A MEANINGFUL TIME AND IN A MEANINGFUL MANNER." SEE HAMBI V. RUMSFELD, 542 U.S. 507, 533, 124 S. CT. 2633 (2004); LOGAN V. ZIMMERMAN BRUSH CO., 455 U.S. 422, 437, 102 S. CT. 1148 (1982) (CITATION OMITTED); SEE GOSS V. LOPEZ, 419 U.S. 565, 579, 95 S. CT. 729 (1975) AND CASES CITED.

IN THIS CASE DISTRICT COURT APPOINTED THREE ATTORNEYS FROM BARNES & THORNBURG LLP, TO ASSIST KANAMOUAS WITH DISCOVERY, DEPOSITIONS AND ALL OTHER LEGAL PROCEEDINGS WHICH THEY ARE FAILED TO ASSIST.

IF IN PRISONER DISCIPLINARY HEARING A STAFF MEMBER IS APPOINTED TO ASSIST AND THEN DOES NOT ACTUALLY ASSISTING, THAT FAILURE TO ASSIST DENIES DUE PROCESS. SEE GIANO V. SULLIVAN, 509 F. SUPP. 1909, 1215 (S.D.N.Y. 1989) (HOLDING FAILURE OF ASSISTANT TO HELP THE PRISONER DENIED DUE PROCESS); PINDO V. DALSHEN 605 F. SUPP. 1305, 1318 (S.D. N.Y. 1985) (HOLDING, DUE PROCESS WAS VIOLATED BY ASSISTANT'S FAILURE TO CARRY OUT "BASIC REASONABLE AND- DISRUPTIVE REQUESTS); AYERS V. RYAN, 152 F.3D 77, 81 (2ND CIR. 1998) (HOLDING HEARING OFFICER'S STATEMENT THAT HE WOULD ASSIST THE PLAINTIFF BY CALLING WITNESSES AND THEN FAILURE TO DO SO, DENIED DUE PROCESS)

THE ISSUES PRESENTED IN KRANAMOUR'S LOWSUIT IS THE RESULT OF NOT ONE OR TWO INCIDENTS WHEN HE WAS EXPOSED TO TEAR GAS, BUT OVER 35 TIMES AND COUNTING, LAST TIME GAS IN SHU WAS USED ON OCTOBER 4, 2019 AND NOW, WHEN STAFF KNOW THAT KRANAMOUR LOST HIS APPEAL HE EVEN WAS NOT REMOVED AFTER GAS WAS USED AND WAS ABANDONED TO SUFFER.

BOP STAFF DID NOT STOP SELLING TOBACCO AND OTHER SUBSTANCE TO SHU INMATES AND INMATES DID NOT STOP SMOKING AND SETTING FIRES. THE SMOKE ALARM WAS ACTIVATED FOR 13 TIMES IN APRIL, IN MAY 24 TIMES, IN JUNE 16 TIMES, IN JULY 4 TIMES IN AUGUST 5 TIMES, IN SEPTEMBER 5 TIMES.

BOP OFFICIALS DO NOT DOING GOOD WORK TO PREVENT SHU INMATES FROM SMOKING AND SETTING FIRES DESPITE OF AGENCY'S OWN POLICY. SEE EXHIBIT #5 "SMOKING/NO SMOKING AREAS" AND EXHIBIT #6 "FCC-TERRE HAUTE A&O HANDBOOK" WHICH WAS ATTACHED TO APPELLANT BRIEF TO SEVENTH CIRCUIT (NOW AT APPENDIX I)

DEFENDANTS ONLY DEFENCE THAT THEY ARE JUST INDIFFERENT, BUT NOT DELIBERATELY INDIFFERENT. THE BOTTOM LINE, NO ONE OBJECTS THE FACTS THAT

1) KRANAMOUR IS IN SOLITARY CONFINEMENT FOR MORE THEN 18 YEARS.

- 2) THAT THE WINDOW IN HIS CELL CAN NOT BE OPENED
- 3) STAFF SELLING TABACCO AND OTHER SUBSTANCE TO INMATES
- 4) SHU INMATES SMOKING AND SETTING FIRES
- 5) THE GAS WAS USED IN CLOSE NEARNESS TO KADAMOURAS MORE THEN 30 TIMES
- 6) THAT KADAMOURAS HAVE BEEN DIAGNOSE WITH ASTHMA.

BECAUSE KADAMOURAS'S ASTHMA, IT IS TORTUROUS FOR HIM TO BE REPEATELY, IN MORE THEN NINE YEARS PERIOD OF TIME EXPOSED TO THIS HAZARDOUS AIR CONAITIONS IN HIS SOLITARY CONFINEMENT CELL WHEN HE EVEN CAN NOT OPEN HIS WINDOW TO CATCH A BREATH OF FRESH AIR. HE IS TOTALLY DEPENDANT ON FRESH AIR FROM THE VENTILATION SISTEM. ALTHOUGH HE PROVIDER WITH OUTDOOR RECREATION FOR ONLY FIVE HOURS A WEEK, ALL OTHER TIME HE LOCKED DOWN IN HIS CELL. FEDERAL OFFICIALS, AGENTS AND EMPLOYEES OF THE FEDERAL BUREAU OF PRISONS HAVE DENIED, AND CONTINUE TO DENY HIS RIGHTS TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT AND CONTINUE TORTURE HIM IN VIOLATION OF THE U.S. CONSTITUTION AND INTERNATIONAL LAW. SEE UNITED NATIONS STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS (THE MANAGELA RULES) AT APPENDIX V. RULE W/14 " IN

ALL PLACES WHERE PRISONERS ARE REQUIRED TO LIVE OR WORK: (A) THE WINDOWS SHALL BE LARGE ENOUGH TO ENABLE THE PRISONERS TO READ OR WORK BY NATURAL LIGHT AND SHALL BE SO CONSTRUCTED THAT THEY CAN ALLOW THE ENTRANCE OF FRESH AIR WHETHER OR NOT THERE IS ARTIFICIAL VENTILATION."

RULE W/23 "EVERY PRISONER WHO IS NOT EMPLOYED IN OUTDOOR WORK SHALL HAVE AT LEAST ONE HOUR OF SUITABLE EXERCISE IN THE OPEN AIR DAILY..."

RULE W/43 "IN NO CIRCUMSTANCES MAY RESTRICTIONS OR DISCIPLINARY SANCTIONS AMOUNT TO TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. THE FOLLOWING PRACTICES, IN PARTICULAR, SHALL BE PROHIBITED: (A) INDEFINITE SOLITARY CONFINEMENT; (B) PROLONGED SOLITARY CONFINEMENT;..." SEE ALSO RULES 44, 45, 3, 14, 23, 32, 33, 34, 42, AS WELL AS UNITED NATIONS OFFICE ON DRUGS AND CRIME "PRESS RELEASE" ALSO ATTACHED AT APPENDIX J.

SEE ALSO "CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT" (ATTACHED AT APPENDIX K) PART I ARTICLES W/1, AND ARTICLE W/16 "EACH STATE PARTY SHALL UNDERTAKE TO PREVENT IN ANY TERRITORY UNDER ITS JURISDICTION OTHER ACTS OF CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT..." ALSO

RATIFIED BY THE UNITED STATES.

SEE ALSO "ORGANIZATION OF AMERICAN STATES
DEPARTMENT OF INTERNATIONAL LAW "AMERICAN
CONVENTION ON HUMAN RIGHTS "PACT OF SAN JOSE"
(ATTACHED AT APPENDIX L.) ARTICLE 5. RIGHT TO
HUMANE TREATMENT. 1) "EVERY PERSON HAS THE RIGHT
TO HAVE HIS PHYSICAL, MENTAL, AND MORAL INTEGRITY
RESPECTED." 2) "NO ONE SHALL BE SUBJECTED TO TOR-
TURE OR TO CRUEL, INHUMAN, OR DEGRADING PUNISH-
MENT OR TREATMENT."

KADAMOUAS REFUSE TO BE DISCRIMINATED,
HUMILIATED, TORTURED AND SUFFER PHYSICAL, MENTAL
AND EMOTIONAL ABUSE AT THE CUSTODY OF THE
BUREAU OF PRISONS. KADAMOUAS IS A LITHUANIAN
NATION ON THE U.S. FEDERAL DEATH ROW, HE MAY
LOOK AS AN UNSYMPATHETIC PLAINTIFF, BUT HE
WAS NOT SENTENCED TO EXCESSIVE AND FOR
EXTENDED PERIOD OF TORTURE, AND ALL THIS
SITUATION PREVENTING HIM FROM WORKING ON
HIS 28 USC § 2255 MOTIONS AND 28 USC § 2241
PETITIONS AND EVEN BEFORE THIS COURT MADE A
DECISION ON HIS CERTIORARY PETITION W18-7489
(DENIED PETITION WITHOUT COMMENT) KADAMOUAS
DECIDED TO NOT WORKING ON FURTHER APPEALS IN
THE U.S. AND RATHER TO BE EXECUTED NOR BE
TORTURED. (SEE APPENDIX M) KADAMOUAS'S EMAIL

TO BOP OFFICIALS, NOTIFYING THAT HE DECIDED TO WITHDRAW HIS FURTHER APPEALS.

KADAMOUAS'S HEALTH RAPIDLY DETERIORATED, LAST PULMONORY TEST IN AUGUST 2019 EDCUE THAT HIS LUNGS NOW WORKING ONLY ON 74% THIS PROLONGED TORTURE BY ENVIRONMENTAL HAZARD INDUCED SEVERE DEPRESSION AND EMOTIONAL IMPAIRMENTS, THAT KADAMOUAS CAN NOT ANYMORE TOLERATE.

GAS WAS USED IN SHU AGAIN ON OCTOBER 14 2019, KADAMOUAS WAS NOT ALLOWED TO MOVE IN TO THE OUTDOOR AREA, AND VENTILATION WAS NOT SHUTOFF.

REASONS FOR GRANTING THE PETITION

THIS COURT SHOULD GRANT THIS PETITION;

1) BECAUSE MODERN SOCIETY DO NOT TOLERATE ANY FORM OF TORTURE AND BECAUSE TORTURE VIOLATE CONTEMPORARY STANDARDS OF DIGNITY.

2) BECAUSE SUPREME COURT OF THE UNITED STATES ONE OF THE BRANCH OF THE U.S GOVERNMENT, AND SHOULD TAKE SERIOUSLY ALL INTERNATIONAL TREATY THAT THE U.S. PART OF.

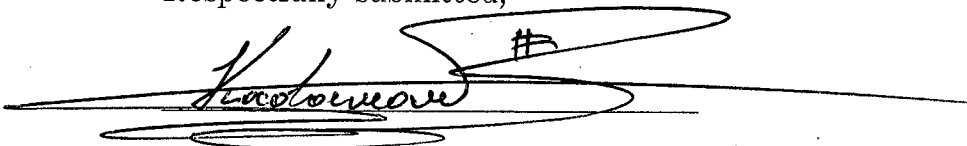
3) BECAUSE ORDER OF SEVENTH CIRCUIT COURT OF APPEALS IN CONFLICT WITH AN EARLIER SUPREME COURT DECISIONS ON "SECOND-HAND SMOKE" CASE IN *HELLING V. MCKINNEY*, 509 U.S. (1993) AND IN *ANDERSON V. LIBERTY LOBBY, INC.*, ABOUT FED. R. CIV. P. 56 (c)

4) BECAUSE THE PUBLIC MUST HAVE A CONFIDENCE IN A COURT APPOINTED ATTORNEYS AND DUE PROCESS OF LAW, AND ATTORNEYS ASSISTANCE MUST NOT FAILED ASSIST IN BASICS LIKE DISCOVERY, DEPOSITIONS, AFFIDAVITS AND OTHER LEGAL MATTER THAT CLIENT CAN NOT DO ON IT OWN.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature, likely "K. A. Lawrence", is written in cursive. Above the signature, there is a small handwritten "#". The signature is underlined with a single line, and there are several additional horizontal lines drawn below the signature, some of which are wavy.

Date: OCTOBER 15 2019