

19-7060

No. 19A496

ORIGINAL

Supreme Court, U.S.
FILED

DEC 17 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Kent Williams — PETITIONER
(Your Name)

vs.

Brooks, Guard; et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth circuit court of Appeals. No. 18-35587
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kent Williams
(Your Name)
Idaho state correctional center
PO BOX 70010
(Address)

Boise, Idaho 83707
(City, State, Zip Code)

None
(Phone Number)

QUESTION(S) PRESENTED

Was prisoner's constitutional and statutory right to Petition and religious freedoms violated when the District court dismissed his 42 USC §1983 law suit against jail guards for failing to comply with the court's order to undergo a Department of corrections directed "Health screening", unrelated to the claims in the underling suit?

Petitioner asks this court to decide if his right to petition under the first and fourteenth Amendment was violated when the District court ordered petitioner to consent to an open ended, unspecified Department of corrections "health screening," then dismissed the suit when petitioner did not agree to comply with the order. A "Health screening" that was requested by the defendant of the law suit and unrelated to the claims in the suit.

And/or did the dismissal of the law suit violate Petitioner's religious freedoms under the first Amendment and RLUIPA.

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	For all Appendices included Please see the Appendix cover sheet for an in order listing. a ✓ signifies an appendix. X, none.
APPENDIX B	
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

NONE. Petitioner is a prisoner in Idaho.
IDOC does not provide access to federal case law
(and does not allow it to be mailed in by non attorneys. It
called possessing information about other prisoners' crimes).
their access to courts program consists of providing forms
only

STATUTES AND RULES

RUIPA 42 USC § 2000

OTHER

First and fourteenth Amendment

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 N / A court appears at Appendix X 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 May 28, 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: August 29, 2019, 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 Dec. 27, 2019 (date) on November 5, 2019 (date) in Application No. 19 A 496. (last page)

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 July 2, 2018. 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 Dec. 27, 2019 (date) on Nov. 5, 2019 (date) in Application No. 19 A 496.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First and Fourteenth Amendments

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:

RELATED CASES

Petitioner does not think there are others.
the District court case number is 1:17-cv-223-DCW
and the Appellate case number is 18-35587

STATEMENT OF THE CASE

After pre-trial confinement at the Ada County Jail, Petitioner (Williams) was then transferred to the Idaho Department of corrections (IDOC) to serve a prison term, where he then filed a 42 USC §1983 suit against Respondent ("Brooks", various Jail guards) (DKT 3)^①. IDOC is not a party to the suit.

After several months of litigation, Brooks gave notice to Williams that he intends to Depose him at the prison (ISCC)

When Brooks' attorney (Deputy county Prosecutor) and a court reporter showed up, the ISCC warden told "Brooks = they can depose Williams but also notified them Williams is in segregation (ad-seg-Disciplinary unit) for opting out of a "Health screening". (DKT 36, 36-1, 36-2. Appendix SER 0046-82) The next day the warden sent Brooks an E-mail (SER 0058). There is nothing in the record indicating what this "Health screening" entailed. Neither court Deemed that Relevant (the courts' disease speculation was not based on any fact before it. Its unclear why the court brought up diseases. (see ser 0055 Brooks affidavit paragraph no. 4. Nothing is known about it)

Brooks was told that IDOC has no evidence Williams poses any kind of risk to them. they are free to go in to depose Williams. The warden did not express a safety concern for his staff to Depose Williams, Id. (order SER 005-29 at 0015-0029).

① The complaint is not included. A Docket text is included in the Appendix

Brooks refused the invitation and instead filed the motion to compel. *Id.* Brooks requested that the court order Williams to undergo an unspecified ZDOC "Health screening" or in the stead dismiss the suit. *Id.*

Williams filed an objection and requested an evidentiary hearing and compulsion of DOC records to prove he is not a threat (nor even considered one by ZDOC) to be deposed. (DKT. 40, 41)^② (also, a negative is not a positive. certainly seems the burden was on Brooks to establish Williams is a threat and by wrong doing or intent, at that)

The court then issued "order" (DKT. 49) (SER 0005-29) (relevant section 0015-29) the court incorrectly framed the issue a (discretionary) discovery obligation. It is not a legal or constitutional mandate to be given a medical evaluation by ZDOC in order to have access to the courts. It is not an "obligation" (District court) in order to sue ZDOC.

The court informed Williams that he has 10 (ten) days to inform (given the logistical hurdles in ZDOC to copy and post

② Not included here. On appeal (Briefs in Appendix) Williams did raise as an issue the court's factual record (or lack of) and assumptions. But, for this writ, Williams does not dispute any fact. He only raises the fundamental constitutional issues. The fact that the District court stated, *infra*, it is not relevant rather or not Williams actually poses a threat indicates it is simply now Ninth circuit (others to copy ---) rule that upon demand, Prisoner-Plaintiffs must give up his religious (and due process) Rights to have access to courts ~~of~~ ^{to} sue corrections staff.

legal mail that was not even possible) the court if it intends to consent with ZDOC's unspecified and unscheduled "health screening". IF Williams ~~did~~ not agree to this ambiguous demand it will dismiss the suit. (not only is Williams' right to access the court hinging on a party who is not speaking, but the court does not say rather or not any particular result alleged by ZDOC will also result in the dismissal of the suit. Respectfully submitted, The District court's entire order was irrational and completely unconstitutional)

The court recognised that the health screening was not an issue in the underlying suit and that Williams has a free exercise right to refuse Any DOC health screening (SER0023). It therefore will not force Williams to comply so as not to violate his free exercise of Religion right and will instead dismiss the suit - thus violating his right to petition.

The fact that the court refused to allow Williams to introduce evidence to establish he is not a threat to be deposed (not a discovery obligation either) (SER0005 note 1) and the court's statement that it is irrelevant rather or not Williams is actually a threat indicates this is not a discovery violation issue but a constitutional issue. (SER0023-24):

"Whether Plaintiff actually posed (or continues to pose) a health risk is not what matters here - it is that plaintiff's custodian informed Defendants' counsel

that plaintiff might ^[3]pose such a risk =

This is not a discovery issue. It's a policy issue. The court said it's not discretionary on its part. It's discretionary on the "custodian" and what the defendant demands.

Williams appealed. the appellate court upheld the lower court without comment. memorandum decision in Appendix.

Despite the factual dispute (not at issue here) and the fundamental constitutional issues raised, the court gave no analysis of its denial.

Williams disagrees. It is a right to access the courts and a freedom of religion issue. Certainly the courts violated at least one of those rights. And has now permanently barred Williams from ever again accessing the courts based on his fourteenth amendment due process rights and religious rights guaranteed by statute and constitution.

- ⑤ that most certainly was not stated, Zd. (Wardens E-mail and "Brooks" affidavit.) But in any light, if the 9th circuit believes this philosophy is sound, that a prisoners' custodian (usually the defendant!) must first approve - Facts be damned! just what the warden says - of the inmate to sue, access the courts, this raises other very disturbing questions not raised here. Very, very chilling. Do we gamble the filing fee only to be told later there are DOC tests to do and the custodian to give approval! Please take this case!

REASONS FOR GRANTING THE PETITION

This court should take this case because of the chilling and Dangerous precedent the ninth circuit has just set and its total disregard^④ for religious freedoms. The court has now held that prisoners now must comply with a Defendants' ~~and~~ (custodians) demand for plaintiffs' medical clearance. As Determined by the DOC. (but see note 4, (ser 0028)). In order to have access to the courts. It has totally disregarded the RLUIPA.

Given the implications, DOC medical and mental health standards now control an inmates' court access this court should now set standards and guide lines for this new precedent set by the ninth circuit. Certainly Attorney Generals will now have DOCs set even more "mandatory" evaluations inmates must satisfy before they can access the court. - even this one.

④ the District court said there may be alternatives (hard to figure out if the "threat" is not even identified) to accommodate each parties rights but will not trouble ZDOC to figure it out. ser 0026. also of note, ser 0028, again the results are not even going to be revealed. The issue is simply complying with ZDOC.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kat Wil-

Date: December 12, 2019