

No. 19-7401

IN THE

Supreme Court of the United States

DUMISAI HASANI HOCKADAY,
Petitioner,

v.

HELENE CHRISTNER, et al.
Respondent,

On Petition For Rehearing To

The United States Court of Appeals for the Tenth Circuit, Case No. 19-1259, and
The United States District Court for the District of Colorado, No. 17-cv-01018-MSK-NRN.

APPENDIX TO MOTION FOR LEAVE TO FILE A PETITION FOR REHEARING

Dumisai Hasani Hockaday, *pro se*
Prisoner ID 159095
CCC – Colorado Correctional Center
15445 South Golden Road
Golden, Colorado. 80401-3956
303.273.1620

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**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

APPENDIX A

March 30, 2020

Scott S. Harris
Clerk of the Court
(202) 479-3011

Clerk
United States Court of Appeals for the Tenth
Circuit
Byron White Courthouse
1823 Stout Street
Denver, CO 80257

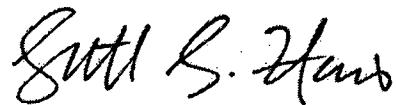
Re: Dumisai H. Hockaday
v. Helene Christner, et al.
No. 19-7401
(Your No. 19-1259)

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,



Scott S. Harris, Clerk

"APPENDIX A"

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 18, 2019

Elisabeth A. Shumaker
Clerk of Court

DUMISAI H. HOCKADAY,

Plaintiff - Appellant,

v.

HELENE CHRISTNER, Colorado
Department of Corrections Nurse
Practitioner, in her individual and/or
official capacities, et al.,

Defendants - Appellees,

and

JAN SMITH, Colorado Department of
Corrections, ADA Coordinator - Designee,
in her individual and official capacities, et
al.,

Defendants.

No. 19-1259

(D.C. No. 1:17-CV-01018-MSK-NRN)
(D. Colo.)

ORDER¹

Before MATHESON and BACHARACH, Circuit Judges.

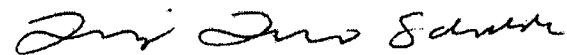
On August 20, 2019, this court ordered Appellant Dumisai H. Hockaday to show cause why he should not be required to pay the filing fees in full before proceeding in this matter. Upon careful review of Mr. Hockaday's responses, the court concludes that the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), applies to this appeal and that Mr.

"APPENDIX B"

Hockaday has not shown cause as to why he should not be required to pay the filing fees before proceeding in this matter.

Accordingly, Mr. Hockaday shall pay the full \$505.00 appellate filing fees for this proceeding within **21 days** from the date of this order. Payment is to be made to the United States District Court for the District of Colorado. If payment is not received by the district court within 21 days from the date of this order, this appeal will be dismissed without further notice. *See* 28 U.S.C. § 1915(g); 10th Cir. R. 3.3(B); 10th Cir. R. 42.1.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk



by: Lindy Lucero Schaible
Counsel to the Clerk

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Orders on Motions

1:17-cv-01018-MSK-NRN
Hockaday v. Christner CASE
CLOSED on 06/26/2019

ALLMTN,APPEAL,JD4,TERMED

U.S. District Court - District of Colorado

District of Colorado

Notice of Electronic Filing

The following transaction was entered on 8/19/2019 at 10:43 AM MDT and filed on 8/19/2019

Case Name: Hockaday v. Christner
Case Number: 1:17-cv-01018-MSK-NRN

Filer:

WARNING: CASE CLOSED on 06/26/2019

Document Number: 174 (No document attached)

Docket Text:

ORDER denying [167] Objection; granting [172] Motion for Leave to Appeal in Forma Pauperis re [168] Notice of Appeal; denying as moot [173] Motion for Order: The Court treats Mr. Hockaday's Objection [167] as a motion for reconsideration of the Court's Opinion and Order Granting Motion for Summary Judgment [163]. Mr. Hockaday's motion raises three arguments. The first, (that Ms. Christner personally examined Mr. Hockaday's hand, rather than relying on an examination conducted by someone else as recited in the Court's Order) does not, even if true, materially alter the Court's reasoning supporting its decision. The second (that Mr. Hockaday's injury should be deemed to be serious) was already addressed in the Court's Order. See Docket # 163 at 8. The third (that Ms. Christner did not raise a failure to exhaust argument until her reply brief) is belied by the record. See Docket # 149 at 2-5. Accordingly, the Court denies Mr. Hockaday's motion for reconsideration. The Clerk of the Court shall notify the Court of Appeals that the Motion for Reconsideration has now been resolved.

Mr. Hockaday's Motion to Proceed In Forma Pauperis on appeal [168] is granted. Mr. Hockaday has previously been allowed to proceed in forma pauperis in this action and the Court finds no basis under Fed. R. App. P. 24(a)(3) to revoke that authorization at this time.

Mr. Hockaday's request [173] for a status update in this matter is denied as moot; there are no longer any proceedings in this Court that would delay pursuit of Mr. Hockaday's appeal. By Judge Marcia S. Krieger on 8/19/19. Text Only Entry(mskic2,)

1:17-cv-01018-MSK-NRN Notice has been electronically mailed to:

Kathleen L. Spalding kit.spalding@coag.gov, laurie.merrick@coag.gov, terrie.sandoval@state.co.us

"APPENDIX C"

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Andrew Mutabaazi Katarikawe andrew.katarikawe@coag.gov, denise.munger@coag.gov, katarikawe@gmail.com

1:17-cv-01018-MSK-NRN Notice has been mailed by the filer to:

TO THE CASE MANAGER/INMATE COORDINATOR OF: Dumisai H. Hockaday
#159095

Colorado Territorial Correctional Facility (CTCF)
P.O. Box 1010
Canon City, CO 81215-1010

Dumisai H. Hockaday
#159095
Delta Correctional Center (DCC)
11363 Lockhart Road
Delta, CO 81416

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-cv-01018-MSK-NRN

Dumisai Hasani Hockaday,

Plaintiff(s)/Petitioner(s),

v.

Helene Christner

Defendant(s)/Respondent(s).

**PRISONER'S MOTION AND AFFIDAVIT
FOR LEAVE TO PROCEED ON APPEAL PURSUANT
TO 28 U.S.C. § 1915 AND FED. R. APP. P. 24**

I request leave to commence this appeal without prepayment of fees or security therefor pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24. I also request that the United States pay for a transcript of the record of proceedings, if any, for inclusion in the record on appeal. In support of my requests, I declare that:

- (1) I am unable to pay such fees or give security therefor.
- (2) The issues I desire to raise on appeal are:

Due to an exposed administrative determination of "sex offender," Mr. Hockaday's safety, life, and well-being are at risk in this volatile community. Mr. Hockaday has been ostracized, harassed, bullied, threatened, and intimidated while incarcerated at Sterling Correctional Facility [hereinafter SCF], Crowley County Correctional Facility. Mr. Hockaday was recently threatened with a shovel by another inmate while at Rifle Correctional Center (July 2, 2019). Further, Mr. Hockaday was violently assaulted by another inmate while confined at SCF and in defense of myself, suffered a broken right hand. *Id.*, Dist. Ct. Docket No. 19, p.9-10, at ¶¶ 11-16. As an administratively determined sex offender, Mr. Hockaday's safety, life, and well-being *are always* in imminent danger of serious physical harm.

If this appeal is granted, other issues I desire to raise on appeal are: (1) CDOC's policy failure; (2) Senior Judge Krieger's tantamount admission on the evidence; (3) The Subjective Component; (4) Ms. Christner's contradicting affidavits; (5) Mr. Hockaday's pendant state law tort claims; (6) Double Jeopardy Clause of the Fourteenth Amendment; (7) Extrajudicial Statements; and any other pending issues that Mr. Hockaday may see fit.

"APPENDIX D"

- (3) I am entitled to redress.
- (4) I take this appeal in good faith.
- (5) The appeal is not frivolous and presents a substantial question.
- (6) My assets and their value are listed below:

Mr. Hockaday is devoid of assets.

(Assets may include income from employment, rent payments, interest or dividends, pensions, annuities, life insurance payments, Social Security, Veteran's Administration benefits, disability pensions, Worker's Compensation, unemployment benefits, gifts or inheritances, cash, funds in bank accounts, funds in prison accounts, real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing), or any other source of income.)

You may attach an additional page, if necessary.

- (7) I have attached to this motion a signed authorization directing my custodian to calculate and disburse funds from my inmate trust fund account or institutional equivalent to pay the required filing fee.
- (8) I have attached to this motion a certificate from the appropriate official at each penal institution in which I have been confined during the six-month period immediately preceding the filing of this appeal and a certified copy of my inmate trust fund account statement for the same six-month period.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Delta Correctional Center (location)
on 13 August 2019 (date)

~~13/08/19~~ #159095
Prisoner's Original Signature

AUTHORIZATION

I, Dunisai H. Hockaday, request and authorize the agency holding me in custody to calculate and disburse funds from my inmate trust fund account or institutional equivalent in the amounts specified by 28 U.S.C. § 1915(b). This authorization is furnished in connection with this civil appeal and I understand that the total filing fee of \$505.00 is due and will be paid from my inmate trust fund account or institutional equivalent regardless of the outcome of this appeal.

Prisoner Name (please print): Dunisai H. Hockaday #159095

Prison Signature: ~~DH~~

Date: 13 August 2019

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CERTIFICATE OF PRISON OFFICIAL

I certify that the attached statement is an accurate copy of the inmate trust fund account statement or institutional equivalent for the past six months for the prisoner named below.

Prisoner's Name: Dumisai Hockaday

Signature of Authorized Prison Official: Ree Ann Pugmire

Date: 8-13-19

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