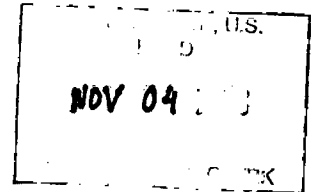


19-7444
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Ameen A. Muhammad — PETITIONER
(Your Name)

vs.

John Kozelski, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The U.S. Court of Appeal for the 4th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

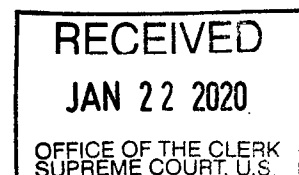
PETITION FOR WRIT OF CERTIORARI

Ameen A. Muhammad #1337028
(Your Name)

3841 Leeds Avenue
(Address)

North Charleston, SC 29405
(City, State, Zip Code)

(240) 360-3991
(Phone Number)



III.

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 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☒ is unpublished.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 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☐ is unpublished.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☐ is unpublished.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 United States district court appears at Appendix C 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☐ is unpublished.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 _____

☐ 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: October 1, 2019, and a copy of the order denying rehearing appears at Appendix A.

☐ 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).
The judgement of the U. S. Court of Appeals for the 4th Cir. was entered on August 23, 2019. An order denying a petition for rehearing was entered on October 1, 2019, and a copy of order is attached as Appendix A to this Petition. Jurisdiction is conferred by 28 U.S.C. Section 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

This case involves Amendment XIV to the United States Constitution, which provides:

Section 1. All Persons born or naturalized in the United States, and Subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of the law; Nor deny to any person within its jurisdiction the equal protection of the Laws

* * *

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The Amendment is enforced by Title 42, Section 1983, United States Code:

Every Person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or Territory or the District of Columbia subjects, or causes to be subjected, any citizen of the United States or other Person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's ~~that~~ in judicial capacity injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

STATEMENT OF THE CASE

- (1) The Petitioner Muhammad has learned more about who the respondents were through the Administrative Grievance Procedure starting from the Chain of command: Deputy, Sergeant, Lieutenant, Captain, Major, Head Jailer, Assistant Sheriff, Head Sheriff who is the Policy maker of Al-Cannon Detention Center.
- (2) The Petitioner Muhammad has discovered that the section of the jail where he had been detain for a year should have not been in operation in 2009 which has caused the Petitioner to contract Pulmonary Tuberculosis.
- (3) The Petitioner Muhammad had experienced multiple violation such as over crowding, poor ventilation, poor lighting, sleeping on the floor, infestation of roaches, rats, Nats, sewage back up and stinch, one shower for over one hundred people the size of a phone booth with bacteria throughout the living quarters.
- (4) IN MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES IN SOUTH CAROLINA STANDARD # 3003 VERMINS, INSECTS, AND PESTS
 - (A) Each facility shall have a regularly scheduled program of pest and vermin control and extermination.
 - (B) Effective measures shall be taken to keep flies, rodents, and other vermin out of the confinement facilities....
- (5) STANDARD # 2056 HEALTH APPRAISAL:
 - (E) Screening for communicable disease and, if medically indicated, testing for communicable disease.
- (6) STANDARD # 2017 PHYSICAL PLANT - DIRECT SUPERVISION FACILITIES ONLY: All facilities operational prior to July, 1980, however, shall continue to be inspected utilizing that edition of the minimum standards for local detention facilities in South Carolina.
- (7) South Carolina Code of Law: Sections 24-9-10 through 24-9-50 Section 24-9-20. Inspection of State and local facilities housing prisoners or pretrial detainees: reports.
- (8) The respondents are Captain Greg Robinson, in charge of housing inmates.
- (9) Major Dorothy Harris, Head Jailer Willis Beatty, Asst. Sheriff Mitchell Lucas, Head Sheriff Al-Cannon, the policy maker.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Barker v. Wingo, 407 U.S. 514, 33 LEd 101, 92 S.Ct. 2182 (1972)	
Bounds v. Smith, 430 U.S. 817, 828, 97 U.S. 149 (1977)	
Heck v. Humphrey, 129 L.Ed. 2d 383 (1994)	
Hill v. Marshall, 962 F.2d 1209 (1992)	
Hoard v. Reddy, 175 F.3d 531 (1999)	
Lewis v. Casey, 518 U.S. 343 (1996)	
Miller v. State, 388 S.C. 347 (2010)	

STATUTES AND RULES

Preiser v. Rodriguez, 411 U.S. 475
Strickland v. Washington, 466 U.S. 668
American Law of Torts Section 28:5, p.24 (1991)
Rhodes v. Chapman, 452 U.S. 337, 346, 101 S.Ct. 2392
Wilson v. Seiter, 501 U.S. 294, 303, 111 S.Ct. 2321 (1991)
Title 28 Section 452 Courts Always Open

OTHER 42 U.S.C. Sections 1983, 1985, 1986

minimum standards for Local Detention Facilities in South Carolina
South Carolina Code of Law Sections 24-9-10 thru 24-9-50
South Carolina Code Ann. Section 17-23-60 Accused's right to Counsel to produce witnesses and proofs and to confront witnesses.

QUESTION(S) PRESENTED

whether the Petitioner in State Court has a right to be heard without being blocked by the Clerk of Courts?
whether the Petitioner has a right to effective Counsel without being ignored, when it concerns Constitutional issues?
whether it is appropriate to ignore grievances and administrative responsibilities? Whether Medical is responsible for inmates injuries and serious medical need without concerns of Cost?
whether it is the facilities duty to provide inmates with a Law Library or someone providing legal assistance trained in LAW?

whether as stated in 28 USCS SEC. 2254 (E) (1):

"... An applicant for a writ of habeas corpus by a person in custody pursuant to the judgment of a state court shall be presumed to be correct..."

Does the applicant have the burden of rebutting the presumption of correctness by clear and convincing evidence?

In 42 USC Sec. 1983 is it a violation for State officials and County officials to work ~~in~~ together 42 USC Sec. 1985, 1986 knowing a pretrial detainee had gone through 8th Amend. violation Tuberculosis and sweep it under the rug "deliberate indifference to a serious medical need"?

In the same question is there also a violation of the pretrial Detainees Due Process?

Having T.B. and being passed from Agency to Agency; Probation the Sheriff's Office compelled to register as a sex offender, compelled to a faith base program that is a completely different religion (Baptist) being lied to about a program in order to have the plaintiff in seclusion in the Country part of South Carolina.

Violation of both RFRA/RLUIPA because I'm Muslim.

In Sec. 1983 there are colorable state code that don't require me to register S.C. Code 23-3-430. I have a ABHAN 16-3-600(B)

I would like to file a habeas corpus pursuant to Rule 29(b) S.C.R. Crim.P. To obtain S.C. Code 23-3-430 sec.(23)(E) SLED shall remove a person's Name and other information if reverse or overturned.

I V.

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: The Petitioner is Ameen Muhammad, A Pretrial Detainee, a Sheriff Al-Cannon Detention CTR. in Charleston, S.C.; The Respondents are John Kozelski, a State Public Defender of Charleston, S.C.; Julie J. Armstrong, a clerk of Court of Charleston, S.C.; Greg Robinson, a Captain, Dorothy Harris, a major, Willis Beatty, A Head Jailer, Mitchell Lucas, a Director, Al-Cannon, a Head Director; of Al-Cannon Detention CTR. in Charleston, S.C.; H. Drayton, A Director; G. Williams, a Doctor, Theodolph Jacobs, a Doctor, O'Brien, a Doctor of (CCHM) Carolina Correctional Health Medical or (CCOHRM) Carolina Center for Occupational Health, at Al-Cannon Detention CTR. in Charleston, S.C., Stephanie Singleton Legal Liaison, Al-Cannon Detention CTR. in Charleston, S.C.

RELATED CASES

✓ et al.,
Muhammad V. Kozelski, No. 1:19-312-DCC-SVH, U.S. District Court for the Dist. of South Carolina. Judgment entered August 23, 2019.

Muhammad V. Hannah P. Marsh; Bethany Homan, No. 1:19-CV-00160-DCC, U.S. District Court for the Dist. of South Carolina. Judgment entered May 13, 2019

Muhammad V. Kozelski, et al., No. 19-6810, U.S. Court of Appeals for the 4th Cir. Judgment entered Stay of Mandate. September 13, 2019

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V I.

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APPENDIX B U.S. Dist. Court the Dist. of S.C.

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APPENDIX D U.S. Dep't of Justice; U.S. Marshals Service Admin. Tort Claim.

APPENDIX E

APPENDIX F

V II.

STATEMENT OF THE CASE

Concerning the Respondents Greg Robinson, Captain, Dorothy Harris, Major Willis L. Beatty, Chief Admin. They are the parties who are responsible for the well being of each inmate.

In the case of the Plaintiff who had been detained in the South Wing section of the facility at Al-Cannon Detention Center on Feb. 28, 2009.

The respondent Muhammad spent one year detained in a vault like area called the South Side where there was poor ventilation, sewage smell, overcrowding, poor lighting, pest and rodent, mattress on the floor, dirty sticky floor and a shower the size of a phone booth with bacteria that turned black on the walls and floor of the shower.

The Plaintiff Muhammad who was a pretrial detainee awaiting trial lived in those conditions for 8 months out of the year and was moved to the North Side. While in the South Side the petitioner experienced rapid weight loss, problems breathing, night sweats, vomiting, high fever over 100° F, fatigue, problems sleeping.

The petitioner Muhammad recalls putting in sick call after sick call and the nurse would just give the petitioner aspirin. The petitioner started taking meds from mental health and it came to a point where the petitioner had to stop taking them.

The petitioner had ~~not~~ went to medical for a chest x-ray and was not given the ~~results~~ results, where after he took a plea due to being too ill to stand trial. He was given an Alford's Plea 6 years suspended 3 years probation and charged with ABHAN S.C. Code Ann. 16-3-600(B).

There was a bomb threat at the Court house and the petitioner held at gun point with 20 other inmates standing out in the dead of winter for 3 hours who was on the brink of catching pneumonia, because the petitioner already had a fever over 100° and night sweats where his pores stayed open.

The petitioner was extradited to Berkeley County where he had a driving with a suspended license and had to do an additional 25 days. The petitioner had went through the same ordeal. The petitioner was released from the Moncks Corner Detention Feb. 8, 2010 it was pouring raining and the petitioner made it to a grocery store called Piggly Wiggly and collapsed and was brought to Trident Hospital where he was told of being infected with ~~a~~ pulmonary tuberculosis and the doctor told the petitioner that he was lucky to make it to them in time.

The petitioner was put on quarantine hospitalized for a month and the Department for Disease Control put the petitioner in a motel for 9 months on quarantine.

STATEMENT OF THE CASE

- (1) The Petitioner Muhammad tried filing motions in 8-22-18 with the respondent Julie J. Armstrong the Clerk of Courts and had been misled in corresponding with the clerk of Courts.
- (2) The Petitioner Muhammad was given instruction by the Clerk of Courts to write the warrant number on the document and send it back to the clerk's office, then was told about a cover letter, finally about no hybrid representation, which should have been mentioned in the beginning which is a waste of time and resources.
- (3) Petitioner has a paper trail and dates dealing with the Clerk of Courts. Only to have all motions and filings rejected from the State Courts.
- (4) The Petitioner Muhammad sent the respondent the Clerk of Courts a Complaint and the Complaint had been sent back without a returned address. ON 07-31-19.
- (5) The Petitioner Muhammad sent a copy of Certiorari to the Clerk of Courts Julie J. Armstrong the respondent and it was sent back via hand delivery when I received the Transcripts of the interrogation from John Kozelski, which I believe he had something to do with it.
- (6) The Petitioner Muhammad originally wanted to file a 1983 Civil right action in State Court and a Habeas Corpus, but has been impeded by both Kozelski and Armstrong from achieving that goal which is an action for 42 USC 1985 and 1986 Conspiracy, and it is included in 1983.

REASONS FOR GRANTING THE PETITION

A. ACCESS TO THE COURTS:

1. Right to assistance claim. These are claims that Prison officials failed to assist Prisoners in bringing legal actions, by providing law libraries or legal assistance, as required by the decision in *Boudk V. Smith*, 430 U.S. at 828.

2. Interference claims. These are claims that Prison officials or other officials interfered with prisoners' attempts to bring or pursue legal actions.

3. Retaliation claims. These are claims that officials retaliated against prisoners who brought or tried to bring legal actions.

4. Title 28 Section 452 Court always open clause.

5. *Hill V. Marshall*, 962 F.2d 1209, 1213-15 (6th Cir. 1992) Al-Cannon Detention Center liable for failing to provide adequate care to those who contract Tuberculosis. (affirming damages for increased risk of T.B.)

.. *Barker V. Wingo*, 407 U.S. 514, 33 L.Ed 101, 92 S. Ct. 2182 (1972), Consisting of four factors: (1) The length of the delay (2) The reason for the delay (3) The Plaintiff's assertion of his right, (4) And the prejudice to the defendant.

4) *Strickland V. Washington*, 466 U.S. 668 Two-Part test of effective assistance of counsel: (1) Reasonably effective assistance, (2) Reasonable probability of different result with effective assistance.

REASONS FOR GRANTING THE PETITION

The Petitioner has tried to Petition with State Court and has been impeded on every effort of doing so, which is a complete violation of Title 28 Section 452 Court Always open Clause.

The Petitioner Muhammad has explained how his Due Process has been violated while in the custody of county officials as a Pretrial Detainee and the Policy makers which is the Sheriff Al-Cannon who is responsible for the facility being open when it should have been Closed Minimum Standards for Local Detention Facilities in South Carolina Sections 24-9-10 thru 24-9-50, that has caused the Petitioner Muhammad to be infected with T.B.

State Officials and the County Officials have ignored the Violations of State Laws by not responding to any of the Petitioners grievances or Complaints which makes it a deliberate indifference to a serious medical need Hill V. Marshall, "Affirming damages for increased risk of T.B. resulting from failure to ensure that Prisoner with positive T.B. test received medication".

STATEMENT OF THE CASE

- 1) The Petitioner Muhammad has made numerous complaints to the Respondent CCOH or CCHM who are private contractors medical personnel at Al-Cannon Detention Center About A hernia the size of A Grapefruit.
- 2) The Petitioner Muhammad has Gone to the Hospital three times to MUSC And Each time the Doctor tells the Petitioner that the Petitioner requires surgery, which takes 45 minutes and the Doctor at MUSC in Mt. Pleasant had described how the Surgery would be performed.
- 3) The respondents CCOH or CCHM even took measures to place the Petitioner on a High Protein special Diet for A 1600 Calorie intake before Surgery to make sure the Petitioner Muhammad was fit for the Surgery in 2017.
- 4) The Petitioner was told the surgery was canceled due to cost of \$25,000.00 And the medical staff labeled the Petitioner's serious medical need as an elective.
- 5) AS A replacement to the Petitioner's surgery he was given 800 milligrams of Ibuprofen and supportive briefs.
- 5) The respondents are: H. Drayton, O'Brien, G. Williams, Theodolph Jacobs.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ameen A. Muhammed

Date: 12, 15, 19