
vs.

UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

[REDACTED]

~~_____~~

[REDACTED]

n/a

(Phone Number)

QUESTION(S) PRESENTED

1. Should a Convicted Felon be Subject to Additional Harassment Above and Beyond Their Prison Sentence Due to a Court's Disclosure of Their Medical History?
2. Is the Disclosure of a Defendant's Medical History/Condition in a Case History a Violation of the Eighth Amendment's Proscription Against Cruel and Unusual Punishment if it Leads to Harassment and is Not Relevant to the Case in Question?

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:

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

N/A

STATUTES AND RULES

N/A

OTHER

N/A

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☒ is unpublished.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 _____ 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 March 8, 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: June 3, 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

Eighth Amendment of the United States Constitution

STATEMENT OF THE CASE

On [REDACTED], the Eleventh Circuit Court of Appeals filed a case history of Petitioner's appeal on LEXIS and likely other legal reporting systems. (Please note: Petitioner is incarcerated and only has access to LEXIS. It is assumed that this same information is available on other legal reporting systems, such as PACER, etc.).

This case history is available at [REDACTED]
[REDACTED]
[REDACTED]

Petitioner is also mentioned in connection with his codefendant's [REDACTED] case in which questions regarding Wilk's medical history are reported. See [REDACTED]
[REDACTED], and [REDACTED]
[REDACTED]. It is therefore implied that [REDACTED] suffers from the same ailments as [REDACTED] as this same information is available to the general public and all inmates throughout the Federal Bureau of Prisons (BOP).

Petitioner's case history contains information which should have been kept confidential, and yet is available to the general public and all inmates throughout the BOP. This has caused an extreme hardship for the Petitioner, bordering on--if not crossing over--the line of cruel and unusual punishment and a what would normally be a violation of HIPAA, in certain cases.

Petitioner respectfully suggests that the information available to the public serves no purpose whatsoever other than to bring a greater difficulty to the Petitioner in serving his sentence--much greater than other inmates--and violates his rights of privacy and confidentiality.

Petitioner's case clearly mentions that [REDACTED] was taking [REDACTED], [REDACTED] (2006), and that Jones was evaluated for [REDACTED] (supra, p. [REDACTED]).

As previously stated, [REDACTED] is also mentioned in connection with his codefendant's [REDACTED] case in which [REDACTED] is again mentioned, and it is implied that [REDACTED] likely suffers from the same ailment.

[REDACTED] first became aware that this information was available to all inmates throughout the BOP in either 2012 or 2013, when he was incarcerated at Butner-1 Medium in Butner, NC. (Computers were installed throughout BOP institutions during [REDACTED] incarceration). During that time, inmates started printing out his case from the law library computer and passing it around the compound.

As a result, [REDACTED] began to receive a great deal of verbal and/or physical harassment while at this institution. At this time, [REDACTED] contacted SIS (investigative staff) and lodged a complaint with them.

In 2014, [REDACTED] was transferred to Butner-2 Medium where again inmates started printing out his case history and verbally and/or physically harassing [REDACTED]. [REDACTED] filed another complaint

with SIS and filed an administrative remedy complaint with the institution. [REDACTED] was immediately sent to the SHU (Segregation) as a result and later transferred.

[REDACTED] was then transferred to FCI-El Reno, OK. Again, inmates began to print out his case history and pass it around to other inmates. [REDACTED] again received a great deal of verbal and/or physical harassment as a result. [REDACTED] again complained to SIS. [REDACTED] lasted less than a year at El Reno and was transferred to FCI-Petersburg, VA in 2015.

As stated, [REDACTED] filed administrative remedy complaints regarding this situation, and appealed all the way to the BOP Central Office. (See Exhibit A, initial administrative remedy complaint, Regional and Central Office responses).

The BOP, despite the fact that they have the ability to edit and/or limit access to information which is available to inmates on their own law library software, denied any responsibility and put any blame back on the courts.

As far as [REDACTED] complaints to SIS (investigative staff), to [REDACTED] knowledge nothing was done. [REDACTED] filed a FOIA request to obtain copies of any investigations regarding his various complaints to SIS staff at the three different institutions (see Exhibit B).

In response, the BOP sent a highly redacted copy of an SIS investigation which occurred at FCI-Butner 2 only, on October 23, 2017 (see Exhibit C). [REDACTED] has filed several appeals and received the same exact material again on May 14, 2018.

█████ again appealed the results of his FOIA request on May 22, 2018 (see Exhibits D and E). █████ was again denied further information on August 8, 2018. █████ finally appealed to the Office of Government Information Services on August 24, 2018 (Exhibit F), but has not received any additional information as of this date.

Additionally, █████ has sent emails to staff at Butner-2 (Exhibit G) and at El Reno (Exhibit H), to no avail.

On January 14, 2019, █████ filed a Motion to Seal with the Eleventh Circuit Court of Appeals.

On March 8, 2019, the Eleventh Circuit denied █████' Motion to Seal.

On April 25, 2019, █████ filed a Motion for Rehearing En Banc with the Eleventh Circuit which was later denied on June 3, 2019.

Information regarding █████ medical condition is not pertinent or germane to this case in any way. There is no reason whatsoever to make █████ medical condition available to the general public. █████ has been harassed repeatedly at multiple institutions due to the fact that the Eleventh Circuit has made this information available to the public.

In addition, as a sex offender, █████ has received further harassment and has been forced to go into protective custody (Segregation) and subsequent transfers several times because the Court has made the details of his case available to the general public. (█████ has not gone into this aspect in detail, but would be willing to elucidate if the Court requires. █████)

is certain the Court is aware that sex offenders are systematically harassed and even beaten at federal prisons due to their charges).

It has been established by law that the disclosure of a person's medical history/condition by certain companies or institutions is a violation of the law (HIPAA), and is subject to legal action.

However, a respected Court of this country may disclose this same information with impunity and without any regard for the defendant's safety or well-being. The harassment ~~has~~ has been subject to as a result of both his medical condition and his charges goes beyond the bounds of cruel and unusual punishment, and cannot be reasonably justified.

REASONS FOR GRANTING THE PETITION

While it may not be illegal for a court of law to disclose a defendant's medical information when it is illegal for certain businesses or institutions to do so, it is a violation of the Eighth Amendment's proscription against cruel and unusual punishment when this same disclosure leads to harassment of a defendant while serving their prison sentence.

Petitioner [REDACTED] is not the only inmate who has been subject to harassment due to the disclosure of his medical information in his case history. There are numerous other defendants and inmates whose information has been disclosed in their case history who have been subject to this same harassment. [REDACTED] codefendant is but one such example mentioned herein.

With all due respect, there is no justification for a court to report a defendant's medical history--especially when it is not relevant or germane to their case in any way. To include references to a defendant having [REDACTED] or taking [REDACTED] borders on sensationalism and is unworthy of a respected institution.

The reason why this was brought up in [REDACTED] case history which was then made available to virtually anyone with access to a computer is beyond comprehension.

Although a prisoner has an expectation to serve a term of imprisonment, that term should not include harassment which is solely due to the reporting of his confidential medical information by a court of law.

[REDACTED] respectfully suggests that to infer that any inmate

should continue to suffer from harassment due to the deliberate and continued disclosure of their confidential medical information is a violation of the Eighth Amendment's prohibition against cruel and unusual punishment.

There is no relevance between [REDACTED] medical history and his criminal case and it should not have been included at all.

When [REDACTED] began serving his term of incarceration, the Bureau of Prisons (BOP) did not have computers installed at the many institutions throughout the country.

In approximately 2010, the BOP first installed computers for email and accounting purposes in the units of the institution where [REDACTED] was being held at the time (FMC-Rochester). [REDACTED] does not recall if they were installed in the law library or not before he was transferred. [REDACTED] was transferred just a few months after the computers were first installed.

Petitioner did not become aware that his case and medical information had been made available until 2012 or 2013--several years after this case had first been reported.

[REDACTED] has suffered undue harassment--on top of his prison sentence--ever since.

Petitioner has attempted to resolve this problem with the BOP, which could easily edit what is available on their own computer system and have in the past, but the BOP has refused.

Petitioner [REDACTED] has requested that any of the following take place:

1. That is case be removed from legal reporting systems in its entirety. This would easily prevent any future harassment.

either due to his criminal case or his medical history;

2. That any references to [REDACTED] be removed in his and his codefendant's case. Again, this is easily done and would prevent future harassment; or

3. That any references to the Petitioner be changed to "John Doe," "[REDACTED]" or "[REDACTED]." Again, this would easily resolve this problem.

Inmates aren't walking around with the Petitioner's case in their hand from institution to institution. To resolve this by utilizing any of the above methods would solve this problem and this violation of the Eighth Amendment.

The Petitioner has until 2026 before his sentence is completed. That is seven more years that the Petitioner will be subject to continued verbal and/or physical harassment if this petition is denied.

Petitioner [REDACTED] was sentenced to a lengthy term of imprisonment for his crime. For him to knowingly and intentionally be subject to continued harassment on top of his sentence is a violation of the Eighth Amendment's prohibition against cruel and unusual punishment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

X

Date: AUGUST 28, 2019

**Additional material
from this filing is
available in the
Clerk's Office.**