

No.

19-8157

IN THE

SUPREME COURT OF THE UNITED STATES

**ORIGINAL**

Brian Richardson

PETITIONER

(Your Name)

vs.

Joshua Moore

— RESPONDENT(S)

FILED

DEC 12 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Brian Richardson

(Your Name)

9601 Spur 591

(Address)

Amarillo, Tx. 79107

(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

### QUESTION(S) PRESENTED

- #1) After reading this unpublished case provided (Rosa v. Little)  
I ask the Supreme Court how are they not the same types of situations?
- #2) If a fact finding inquiry was completed with the finding that the officer in question did use excessive force, what further action could a Step-two have given me?
- #3) Given that the inmate filed a step-one 8-23-10 what would the inmate had been appealing if it was returned only 2 days after being filed with the response that The office of Inspector General was doing an investigation?
- #4) If an step-one grievance was filed 8-23-10 and returned 8-23-10 with the investigation of the fact finding inquiry still in process how could the inmate comply with the PLRA exhaustion of remedies or appeal an unfinished investigation?
- #5) In the appeal brief the inmate stated it was arbitrary for the inmate ~~to~~ to have to comply with Step-two 15 days to file when the step-one being ~~to~~ returned so fast (2 days) after being filed? Please look at the dates on the fact finding inquiry and step-one, how could the inmate had appealed what was still being investigated?
- #6) The lower courts could not decide the PLRA exhaustion of remedies in this case the inmate filed a Step-one which got returned 2 days later stating an investigation was being done by office of inspector general and a fact finding inquiry got opened. Had the inmate known that an PLRA requirement denied the offender when you allowed the TDCs the time to do the investigation first the Step-two would have been filed timely. But the PLRA does require the inmate to let it get investigated at a unit level. So ~~how~~ how could I comply with both requirements?

## 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

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## TABLE OF AUTHORITIES CITED

### CASES

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Rosa v. Little 336 Fed.Appx. 424  
(Unpublished Opinion) (2009 U.S.  
App.)

Use Of Force Report and Fact finding Inquiry

### STATUTES AND RULES

### OTHER

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 June 27, 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: 10-1-2019, 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**



## STATEMENT OF THE CASE

First in United States District court the Summary Judgment was ruled in favor of Richardson by a Magistrate Judge but got overruled by the District Judge stating that Rosa v. Littles and Richardson's cases ~~were~~ were not the same. \*Note\* - TDCS have lost Richardson property repeatedly so I lack the other documents of District court.

So at appeal Richardson showed reason why both cases are alike but the appeal court state that PLRA requires an offender to file both Steps of TDCS grievance process. However in this case the TDCS grievance office returned a grievance back to the offender only 2 days later with a desired response that an investigation was being done. You would have 15 days to file a step-two appealing the step-one response. In Rosa v. Littles the court ruled that these types of responses leave the offender the understanding that since TDCS Step-two is labeled as ~~an~~ a appeal you should not have to file a Step-two if you agree with the response at step-one. In my case the investigation was still being done when the step-one got returned so what would a timely step-two had been directed at me appealing when step-one said the Office of Inspector General was doing an investigation and unit rank told me a fact finding inquiry was also being done. You can also see the date in this USE of Force report and Fact Finding Inquiry on page 9 and 10 of the report in which his supervisor said he was responsible for excessive force on the date 9/10/10. Other pages in the the report have dates of 10-2-10 which show the investigation ~~was~~ was still being done. SO how could I filled out a step-two when Stiles unit did the investigation stated in Step-one. What would I had been appealing?

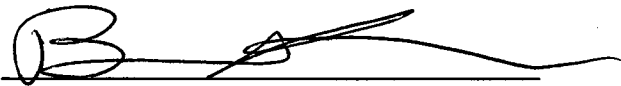
## REASONS FOR GRANTING THE PETITION

The offender was clearly harmed by Officer Moore and did everything Law would require he do to get help. Had the Step-One been held to complete the investigation before being returned to the offender the PLRA could have been complied with. But the case of Rosa v. Little is just as Richardson v. Moore where the Step-One grievance response was the favorable response and needed  $\frac{1}{3}$  for no Step-two appealing the investigation. I pray the court grants this petition.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'B' followed by a horizontal line and a flourish.

Date: 2-27-2020