

19-8471 ORIGINAL

No. 19-5205

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

EDDIE GENE VAUGHN — PETITIONER
(Your Name)

vs.

TIMOTHY HAWKINS, ET AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

EDDIE GENE VAUGHN
(Your Name)

266 WATER STREET
(Address)

EDDYVILLE, KY., 42038
(City, State, Zip Code)

(270) 388-2211
(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. ARE CORRECTIONAL STAFF FREE TO PHYSICALLY BEAT PRISONERS SIMPLY DUE TO THE PRISONERS APPEARANCE AND DEMEANOR OF ILLITERACY AND/OR BEING TOO POOR TO EMPLOY CIVIL LEGAL COUNSEL ?

2. IS IT OUR FEDERAL COURT'S CONSTITUTIONAL OBLIGATION TO SEE THAT BOTH, FEDERAL LAW AND THE CITIZEN(S) OF THE UNITED STATES, ARE UNVIOLATED AND UNHARMED ?;
AND DOES THE FEDERAL COURTS' CONSTITUTIONAL OBLIGATIONS DEPEND ON THE PARTICULAR CITIZEN'S STATUS AND/OR PAUPERISM ?

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:

Only one of the three(3) named Defendants is listed on the cover page, the other two named Defendants are correctional employees James Cureington and Melvin Odell; employee James Cureington made no form of reply of appearance to the civil summons served on him and although I filed for a default Judgment against the named Defendant Cureington and that Default motion was dismissed by the court.

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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 is unpublished.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 is unpublished.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 _____ 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 February 28th, 2020

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: _____, 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. § 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

Sixth(6th) Amendment of the United States Constitution.
u.S. v. Moody, 206 F.3d 609, 613-15(6th.2000) since right to counsel attaches in formal judicial proceedings. In the civil case at bar the imprisoned plaintiff/Appellant is defending against his physical and mental injuries in a civil proceeding, no less substantial than the state government supplying it's employees or contracted employees with free counsel representation to defend against the employees' acts of beating prisoners.

Ninth(9th.) Amendment of the United States Constitution.

Right not to have the U.S. Constitution, or certain rights be construed to deny or disparage others retained by the people.

(Appellant is a ward of the state, has been for over thirty-six(36) years, the state corrections denies those retained by it from seeking or having a means to sustain themselves financially, and thereby it is the state itself that prevents appellant from obtaining or possessing the financial means to employ his own legal counsel.).

Denied legal counsel by the court, and due to the state-oppressed plaintiff's mental inability to represent himself(pro Se) efficiently, his right to equal protections of the law was denied in violation of Federal Statute 18 §242 and U.S. Constitution, Amendments 8 and 14,section one.

STATEMENT OF THE CASE

At the Kentucky State Penitentiary on February 26th., 2014, at approximately 3:00 AM two Prison guards approached plaintiff Eddie gene Vaughn's assigned prison cell, and required the 71 years old prisoner to be hand-cuffed behind his back so that they could conduct a search of his cell, prisoner Vaughn complied, the cell search was conducted and completed and prisoner Vaughn was placed back in his cell and the two prison guards left, but soon returned bringing a third prison guard with them and informed prisoner Vaughn that he would be placing him in Administrative segregation. Once they had the 71 years old African American again restrained by hand-cuffs behind his back, they slammed his head against the cell bars and forced his head forward while keeping him in a standing position, but upper body bent far forward, pulling his cuffed hands up to force the upper body lower, to where his head was directly before his knees, and then pushed him forward forcing him to walk jerkingly (they termed this as "a non-compliance position") when the 71 years old eventually lost control of the jerking movements of his legs and was pushed forward to the concrete ground he was then struck multiple times until he managed to restand and be repositioned with his head down before his knees as he was continued to the prison facility's segregation unit, he lost control of his legs and was pushed forward onto the pavement and beaten again, at least three more times prior to reaching the segregation unit and placed in a restraining chair and continued to torture him for over an hour.

REASON FOR GRANTING THE PETITION

Because this case raises important issues relevant to our public and to those from our public communities sentenced to the custody and care of state government.

To weed-out a manifest of injustice in our prison and state government's callous treatment and abuse of those retained by the people.

So, as long as the state government's corrections cabinet can keep appellant and those in his like position mentally and financially oppressed, its agents are at liberty to physically and/or mentally abuse him and/or them. Such reasoning and in se results by the Courts definitely construes the U.S. Constitutional rights, or certain other rights "guarantee" to deny and disparage those retained by the people of the Commonwealth state. "If" Appellant has no right to legal counsel to defend himself from physical beatings from state agents, which is life threatening, then there is no right to life; and what value is a "Constitutional guarantee" if the guaranteee does not support its warranty or only recognizes its warranty if argued/presented by formal, technical procedures that are so complexed that even the learned and trained legal "counsel" is tested and graded by the state bar association prior to being approved and licensed to practice in courts of law; Which counsel state government afforded to the offending state government employees, free of charge, to represent them. The same obligation of legal representation by state government must be equally afforded the imprisoned and state oppressed national and state citizen.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Eddie Gene Vayber

Date: 4-6-20