

In Supreme Court Of The United States...

Reginald Dunahue v. Arkansas Prison Officials: Wendy Kelley, Marshall Reed, Jeremy Andrews, James Dycus, David Knott, Stephen Lane, Jamin Crawford, and Kathy Baxter

No. 19-8930

A Petition For Rehearing Of Reginald Dunahue's Case.

Reginald Dunahue v. Wendy Kelley, et al.
U.S. Court Of Appeals 8th Circuit (No. 19-1691)

up from

U.S. District Court For The Eastern Dist. Of Arkansas - Helena Division.

Submitted By Reginald Dunahue - An inmate @
Cummins Prison in Grady, Arkansas.

All Parties agree that: 1), there was a custodial relationship between the Prison Officials/defendants of this case and the inmate who stabbed Reginald Dunahue - the Petitioner here; 2) A Special & Custodial relationship between Reginald Dunahue - the victim existed under Arkansas Civil Rights Act 16-123-105 (Supp. 1999); 3) Prison Officials/Defendants are State actors; 4) Prison Officials - Defendants had an affirmative duty to protect Reginald Dunahue from beatings and/or stabbings by inmates committed to the Arkansas Department of Correction; 5) Prison Officials/Defendants failures to supervise and search inmates is the proximate cause of one inmate stabbing Reginald Dunahue on September 19, 2011, very seriously and permanently scarring him as well; and 6), the Prison Officials/defendants Recklessly on September 19, 2011 put Reginald Dunahue in the state of danger to be stabbed and seriously injured by an inmate who had stabbed other inmates previously.

The U.S. Supreme Court ~~was~~ in this instant case didn't adhere to the Principle that it set in Martinez v. California, 444 U.S. 277, 100 S. Ct. 553, 62 L. Ed. 2d 481 (1980) because Reginald Dunahue establish-

ed there were State Prison Workers' reckless actions and failures to act on September 19, 2017 that resulted in the deprivation of Reginald's Civil Rights, and the Prison Workers' reckless actions and failure to act occurred under color of Law... but this Court denied Reginald Certiorari, nevertheless. Be very cognizant of the fact

Reginald's Certiorari wasn't assessed & judged commensurate to the way the U.S. Supreme Court assessed & judged Dee Farmer's Writ of Certiorari in case Farmer v. Brennan 511 U.S. 825, 833 114 S.Ct. 1970.. Nor did the U.S. Court of Appeals stand by its promulgated holdings on deliberate indifference by Prison Workers, when it weighed & judged Reginald's Appeal.

Reginald Dunahue supplied both Courts with copies of answers by Prison Workers/Defendants to his § 1983 Suit, and those answers confirmed there were recurrent reportings of inmates emerging from, through cut open, damaged fencing at East Arkansas Regional Unit, and sequentially charging & stabbing other inmates enroute & passing-by handcuffed & leg shackled — Way before Reginald was charged & stabbed at East Arkansas Regional Unit. However Qualified Immunity was granted to the defendants even though it was proven to the U.S. Dist. Court the defendant — s 1) knew in advance their fences weren't safe and was

r being Used as a way for inmates to ambush incapacitated inmates, and the defendants didn't do anything to Prevent Continued ambushes via the Cut Open & Defective Fences - which Made the Stabbing of Reginald Dunahue so easy;

2) Defendants Placed Reginald Dunahue into an area Shared with another Person that was Put there by permission of the Prison Superintendent and head Security Officers Sued, and that Other Person Possessed a home-made knife while inside of a defective & cut open fence;

3) That Other Person Emerged from the defective & Cut Open fence, charged Reginald Dunahue, and brutally Stabbed him as Security Scattered;

4) Defendants failed to Search & frisk Reginald's attacker, Or failed to Seize the attacker's knife before Defendants took him to the area where he and Reginald Shared while in the custody of these defendants.

5) Prison Policy & Guidelines requiring Searches of inmates Upon Exiting a cell.

All defendants acknowledged they nor those supervised by them followed Search and frisk of inmates Policy.

1 Look... The 8th Circuit and the U.S. District Court decided to Grant Qualified Immunity to defendants in Reginald Dunahue's suit because the defendants swore they didn't know on September 19, 2017 an inmate would stab Reginald Dunahue. Dunahue supplied all three courts w/ deposition answers by Prison workers confirming all defendants were apprised of the re-occurring stabbings of inmates handcuffed & shackled, by other inmates who slipped out of defendants' fences at East Arkansas Regional Unit, prior to Dunahue being stabbed. Dunahue even supplied all three courts w/ grievances one prisoner, who was also ambushed just like Reginald Dunahue was on September 19, 2017 but months before, so to prove there was cause for the Prison workers Reginald Dunahue sued to be on alert and check for weapons and replace their defective fences, submitted to the defendants about defendants' failure to protect.

The U.S. Supreme Court ruled in Farmer v. Brennan, 114 S.Ct. 1970

- 1) The treatment Prisoner receives in Prison and conditions under which he is confined are subject to scrutiny under the Eighth Amendment,
- 2) Prison Officials have the duty to protect Prisoners from violence by other Prisoners,

- 3) Prison Officials may not escape Liability for showing deliberate 'indifference to Prisoners in failing to protect them against harm by showing that while he was aware of an obvious substantial risk to inmate safety, he didn't know the complainant was especially likely to be assaulted by a specific prisoner who eventually committed the assault,
- 4) Prison Official may be held liable under Eighth Amendment for denying an inmate humane conditions of confinement, only if he knows that inmates face substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it,
- 5) A Prison Official may be held liable under the Eighth Amendment for acting with deliberate indifference to inmate(s) health or safety, only if he knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measure to abate it.

The U.S. Supreme Court has enough documentary evidence that Reginald Dunahue supplied it, for it to ascertain the Prison Officials-Defendants knew their fences' defectiveness - allowed inmates to slip thru the fences, also it was well recorded and known by the defendants collectively --

Officers frequently took inmates @ East Arkansas Region — al Unit out of their cells who majority of the time we — re carrying concealed weapons used in a dozen stabbings of other inmates, mainly on the exercise area at EARU; however defendants didn't do what was necessary to preclude the stabbings and escapes which resulted in one prisoner severely stabbing Reginald Dunahue, on September 19, 2011. Defendants nor the U.S. Supreme Court have negated ~~those~~ those facts, nevertheless it has denied Mr. Dunahue Certiorari. Enough documentary evidence was given & its uncontroverted Reginald Dunahue was attacked by a prisoner the defendants let pass with a knife and enter a no weapon permitted zone, so Mr. Dunahue was set up by the defendants to be seriously injured. He should be granted Certiorari, for the reasons Dee Farmer was granted Certiorari. ^{same}

See Farmer v. Brennan, 511 U.S. 825, 114 S.Ct. 1970.

The U.S. Sup. Ct. remanded Dee Farmer's failure to protect case back to the USDC because BOP officials failed to prevent Dee Farmer being beaten & rape by another prisoner. BOP officials knew in advance violent assaults frequently occurred at prison, and had reason there — because to infer Farmer was at heightened risk of assault.

- 3rd BECAUSE REGINALD DUNAHUE LACKED AN ATTORNEY IN THIS CASE, THE COURT OF
MISAPPEALS REJECTED HIS FAILURE TO PROTECT CLAIMS THAT HAVE MERIT AND
- 0.12 MEETS THE FAILURE TO PROTECT & DELIBERATE INDIFFERENCE CLAIMS - Sta -
- 0.12 STANDARD SET OUT IN PATTERSON V. KELLEY, 902 F.3d 845 (8th Cir.
(2018)). In that case, the Court held the 8th Amendment requires
Prison Officials to take reasonable measures to guarantee inmate
safety by protecting them from attacks by other prisoners. Also,
- 0.12 Prison Officials violate the 8th Amendment only when they exhi -
- 99 A bit a deliberate or callous indifference to an inmate's safety.
Mr. Dunahue supplied the Court of Appeals with proof / exhib -
its showing inmates were at East Arkansas Prison Com -
mitting stabbings frequently that occurred on the exer -
cise zones; defendants were apprised of the facts, their
fences were unsafe and marked w/ holes inmates slipped
through to commit the stabbings; and guards were allowin -
g inmates to commit those stabbings. Medical reports and
- Pictures of Reginald Dunahue's stab wounds were included.
- None of the defendants were able to prove in either Cou -
rt that they did something to [REDACTED]
improve security and abate the obvious risk of inmates
being ambushed during recreation hour.

Be Advised... In Patterson v. Kelley, 902 F.3d 845 - the Court held for an inmate to prevail on a failure to protect claim under the Eighth Amendment, an inmate must make (2) Showings: (1) an objective component, that there was a substantial risk to an inmate; and (2) a subjective component, of harm

that the Prison Official was deliberately indifferent to that risk. Reginald Dunahue's Pleadings to the Court of Appeals Satisfies that requirement; however the Court denied Dunahue's appeal on account of Dunahue being a prisoner w/o money to buy a favorable verdict. In Patterson v. Kelley Case...

The 8th Cir. Ct. Of Appeals decided: Had Patterson apprised ADC prison Officials there were fights and homosexual acts occurring in "his Prison"... he could've prevailed on his failure to protect claim — ADC Officials - Defendants tepidly advised the Circuit Court in Dunahue's suit, there were four occasions where inmates at East Ar. Regional Prison's recreation areas stabbed other inmates before stabbing Dunahue; so that court had sufficient proof that the defendants knew in advan-

■ REGINALD DUNAHUE COULD BE INJURED BY A KNIFE WIELDING INMATE
THE DEFENDANTS WOULD PUT BEHIND A DEFECTIVE FENCE AT RECREATION
HOURS. THE U.S. CT. OF APPEALS, 8TH CIRCUIT'S RECORD FOR REGINALD DUNAH-
UE'S APPEAL IS FULL OF OVERWHELMING EVIDENCE JUSTIFYING AN INFERENCE BY
THAT COURT, ADC OFFICIALS-DEFENDANTS SUBJECTIVELY DISREGARDED A SUB-
STANTIAL RISK OF HARM OCCURRING TO DUNAHUE ON DEFENDANT'S
RECREATION YARD. IT'S DECLARED IN OSTENFELD V. DELO, 115 F.3D 1388—

PUNITIVE DAMAGES MAY BE RECOVERED IN A § 1983 CASE WHEN DEFENDANTS
CONDUCT IS SHOWN TO BE MOTIVATED BY MALICIOUS OR EVIL MOTIVE, OR INT-
ENT—OR WHEN IT INVOLVES RECKLESS OR CARELESS DISREGARD OR INDIFFER-
ENCE TO INMATE'S RIGHTS OR SAFETY.

SO, REGINALD DUNAHUE RESPECTFULLY CALLS INTO QUESTION THE DELINQUENT (1
DISTRICT COURT'S GRANT OF SUMMARY JUDGMENT AND CORRESPONDING QUALIFIED
IMMUNITY TO THE PRISON OFFICIAL-DEFENDANTS.

REVIEW OF REGINALD DUNAHUE'S CIRCUIT COURT CASE RECORD, ALSO HIS DISTRICT
COURT CASE RECORD IS WHAT WILL REVEAL TO THE U.S. SUPREME COURT,
GENUINE DISPUTE OF MATERIAL FACT AS TO WHETHER THE DEFENDANTS WERE DE-
LIBERATELY INDIFFERENT TO THE OBVIOUS RISK OF VIOLENCE OCCURRING F-
REQUENTLY ON DEFENDANT'S RECREATION AREA THAT RESULTED IN REALLY
SERIOUS STABBINGS OF REGINALD DUNAHUE BY AN INMATE THE DEFENDANTS
FAILED TO SEARCH FOR WEAPONS ON SEPT. 19, 2017 UPON REMOVING HIM FROM
HIS CELL SO HE ^{COULD} GO OUT ON THE PRISON'S RECREATION YARD.

Conclusion

When the U.S. Supreme Court views the case record and survey the appellate court case file relative to Reginald Dunahue's U.S. Dist. Court case... the U.S. Supreme Court should decide there's ample evidence provided by Reginald Dunahue showing the defendants were aware of the risk posed to Reginald Dunahue when he would be escorted by guards to & from defendant's recreation area; the appellate court did not resolve factual disputes in Dunahue's favor ■ nor did the appellate court grant him the benefit of all reasonable inference; also

the U.S.D.C. knew & disregarded the fact Reginald Dunahue supplied it with sufficient evidence his complaint & pleadings carry a genuine dispute of material fact as to whether the risk of an inmate slipping out of defendant's defective & unsafe fences to stab inmates at East Arkansas Regional Prison constituted a subst — ^{other} antial risk of serious harm; and the Court of Appeals (8th Cir.) knew and disregarded the fact Reginald Dunahue supplied the U.S.D.C. with sufficient evidence upon which a reasonable factfinder could conclude Reginald Dunahue was incarcerated under conditions posing a substantial risk of serious harm, to him —

So without further address... Reginald Dunahue petitions this Court to review & reconsider his petition for writ of certiorari.

U.S. Supreme Court

STATE OF ARKANSAS

COUNTY OF Lincoln

Affidavit CERTIFICATE

I, Reginald Dunahue, after first being duly sworn, do hereby swear, depose and state that:

In good faith and not to burden this Court, I have submitted the Petition for a re hearing of my Pleadings, and claims for Certiorari. An ample amount of merit to my re hearing Petition will be found by this Court; also the Court will see that my Petition contains grounds that are acceptable.

I further swear that the statements, matter and things contained herein are true and accurate to the best of my knowledge, information and belief.

October 20-2020
DATE

Reginald Dunahue
AFFIANT

SOCIAL SECURITY #

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this 20th day of October, 2020.

Angela Haynie
NOTARY PUBLIC

RECEIVED

NOV - 3 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

My Commission Expires: 04/05/2028

ANGELA HAYNIE
NOTARY PUBLIC-STATE OF ARKANSAS
JEFFERSON COUNTY
My Commission Expires 04-05-2028
Commission # 12704128