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USCA # 19-973

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USDC # 19cv943

UNITED STATES SUPREME COURT

-from the United States Court of Appeals-

for the second Circuit

FILED

JUL 15 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

JOHN S. KAMINSKI-PETITIONER/APPELLANT

-against-

SCOTT SEMPLE, COMMISSIONER DEPT. OF CORRECTIONS

GEORGE JEPSEN, ATTORNEY GENERAL, STATE OF CONN.

ATTORNEY WALTER BANSLEYIV, CONTRACTOR/INMATE LEGAL ASSIST.

Note: Counsel For SEMPLE and JEPSEN is States Atty. TAMARA GROSSO
BANSLEY Is Self-Represented

ON A PETITION FOR A WRIT OF CERTIORI

From a Dismissal/Mandate IN An Appeal In The 2d Circuit/USCA
In A Civil Rights Matter (42 USC 1983) Complaint 19cv943

Brief Submitted By PETITIONER/APPELLANT:

John S. Kaminski/PRO SE

MacDougall Correction Institution

1153 East Street South, Suffield, CT 06080

Date: 7/2/20

-FOREWORD-

Although we have adopted an adversarial system of justice, the prosecution and, in this case, the opposing counsel (AAG BARRY) and the courts themselves are more than ordinary litigants and, the clerks and judges are not simply automatons whose only purpose is to insure that technical rules are adhered to. All are charged with of insuring that "justice" in the broadest sense of the term is practiced and achieved, in their trusted positions as Officers Of The Court, and that Fundamental Fairness is insured, at all times.

The interest of the state;its courts; and the Officers of these courts cannot be that it shall win a case (something easily achieved against PRO SE opposing counsel) but that Justice shall be done through an unbiased review of the facts that are presented-as unvarnished as they may be.

As interpreted by the PETITIONER from STATE vs. DAY 223 Conn 813 (1995).

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APPENDIX "A"

01/15/19 1983 Original Complaint 3:19cv143
04/02/19 District Court Dismissal
05/07/19 Denial Motion For Reconsideration

APPENDIX "B"

05/09/19 APPELLANT BRIEF 19-973
Addendum To Brief
08/19/19 Letter To Clerk (BANSLEY)
09/05/19 APPELLANTS Response Letter To Clerk
09/02/19 Letter To Clerk (ASA GROSSO)
09/11/19 APPELLANTS Response Letter To Clerk
Summary Dismissal
01/17/20 APPELLANT Motion Of Request "En Banc" Hearing
03/26/20 APPELLANTS Addendum To En Banc Hearing Request
03/19/20 En Banc Hearing REquest Denial
04/02/20 MANDATE Issued

APPENDIX "C"

Conn. Gen Statute 4-165 (Immunity)
Conn. Gen Statute 5-141 (Indemnification/State Employees)
Conn. Gen Statute 18-81 (Commissioner Duties & Respon.)

APPENDIX "D"

Copy Of INMATE LEGAL ASSISTANCE CONTRACT (BANSLEY)

APPENDIX "E"

04/25/20 Motion Requesting Ext. Of Time To File WRIT
Approved To 08/17/20 (60-Days)
06/29/15 BANSLEY Introduction Letter Re; Legal Aid Program
10/31/07 DOC Directive 1.12 Legal Counsel Of Staff
Fm W-675 State Report Form Protective Svcs. For Elderly
----- State Police Guideline/Pocedures REporting Abuse
11/18/15 Inmate Legal Assistance Directive 10.3

TABLE OF AUTHORITIES

CONSTITUTIONAL PROVISIONS

42 USC 1997 Civil Rights Of Institutionalized Persons	_____
42 USC 1983 Civil Rights Violations	_____
8th Amendment U.S.C. Cruel & Unusual Punishment	_____
11th Amendment U.S.C. Immunity	_____
14th Amendment U.S.C. Due Process/Obstr of Justice	_____

STATE PROVISIONS

Ct. Gen. Statute 5-141 Indemnity	_____
Ct. Gen. Statute 4-165 Immunity	_____
Ct. Ge. Statute 18-81 Duties/Resp. Of DOC Comm.	_____

CITED CASES

FEDERAL

Hafer vs. Melo 502 US, 2d 301, S.Ct 358 (1991)	_____
Lewis Vs. Casey 518 US 343,349 (1996)	_____

Kirby vs Siegelman 195 F.3d 1285, 1291-92 11th (1997)	_____
Wolff 418 US, 555-56 94 S.Ct 2974-75	_____
Tye vs. Butkiewicus 3:13 cv 747	_____
Hankins vs. Fennel 964 F.2d 653 (USCA)	_____
Garrity vs. Sununu 752 F.2d 727-728,1st Circ.	_____
Estelle vs. Gamble 429 US 97,S.Ct 104-105 (1976)	_____

STATE

State vs. Day 223 Conn 813 (1995)

LIST OF COUNSEL

PETITIONER

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DEFENDANT #1

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C/O Counsel
States Atty. Tamara Grosso
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DEFENDANT #2

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300 Corporate Place
Rocky Hill, CT 06067

DEFENDANT #3

Attorney Walter Bansley IV-Self Represented
265 Orange Street
New Haven, CT 06510

QUESTIONS PRESENTED

1. Are the defendants-SEMPLE as former Commissioner of D.O.C. (now COOK) immune from injunctive and/or declaratory civil suits, in the form of 42 USC 1983, and JEPSEN, former Attorney General (now TONG) also immune in the same matter, blanketed by their ofice, according to the 11th Amendment immunity, when they completely, as a documented pattern ignore complaints of Cruel and Unusual Punishment of a prisoner, a WARD OF THE STATE, which has resukted in permanent debilitating injuries to that prisoner.
2. If, as it is in this complaint, the defendants SEMPLE (now COOK), JEPSEN (now TONG) granted "full" authority to insure that Legal Assistance is provided to inmates and that DUE PROCESS is assured, by written contract, in which "both" divest themselves of not only their "authority" but their "responsibility", actually washing their hands of that inherent responsibility- did they, in fact make the contractor, Defendant BANSLEY a proxy" state actor subject to the authority of this court under 42USC 1983.
3. Since, according to the PETITIONERS "first person" affidavit on pages 23 -33 in this petition, are the defendants guilty of being accessories to Assault & Battery and Medical Assault- after the fact.
4. Based on the foundation of LEWIS vs. CASEY and the "lesser"

impetus in that case, that justified the appointment of a Special Master, does this complaint, as written rise to that level, to justify a Special Master to investigate the shortcomings in this complaint, to make recommendations on how to remedy the Obstruction To Court Access and DUE PROCESS.

5. Does this Petition rise to the standard of a **CLASS ACTION** even though the PETITIONER, according to the policies of the D.O.C. is unable to gather other harmed parties, identically situated and equally harmed by the contract, gifted to BANSLEY, to provide Legal Assistance, as he would be targeted as an organizer for disciplinary actions.

6. Regardless of this courts actions, is this court empowered to order that this WRIT is remanded back to the U.S. District Court in New Haven, CT. for appointment of "individual" counsel to conduct an overview of his medical history and records, including a unbiased medical expert evaluation so as to allow, if deemed appropriate, a reset of the tolling clock that would allow counsel appointment to bring a proper civil complaint, in New Haven District Court, based on "newly discovered evidence, as uncovered by the medical expert after review.

7. Is Conn. Gen Statute 4-165 as it relates to and is accepted by the state, regarding immunity of virtually "all" state employees, unconstitutional.

8. How does the existence of the determinations in HANKINS vs FENNEL, 11th Circuit, Missouri, as it addresses representation

by the Ct. Attorney Generals office affect CGS 4-165 and the constitutionality of 11th Amendment claims in Connecticut.

ADDITIONAL INFORMATION

The current Commissioner of the D.O.C. ROLLIN COOK assumed his office in January 2019. He is resigning his position, effective June 30, 2020, and returning to the State Of Utah. He has stated his reasons for this resignation as "personal". His replacement will be the "3d" D.O.C. Commissioner in (2) years.

PRELIMINARY STATEMENT

1. This is a petition of regress of a practice of the defendants listed in this matter, of ignoring the concept of Fundamental Fairness; Obstrcting Access To The Courts; Interfering With Due Process, compounded by an unsupportable (but convenient) interpretation of the meaning of access to the courts and the protection of Wards Of The State and their State and Federal Constitutional right to Due Process and to protect themselves, while ~~in~~carcerated, from abuse physically, medically and criminally.
2. The PETITIONER, John S. Kaminski, has been the victim of all manner of abuse, since 2013, within the Department Of Corrections and on numerous occasions has unsuccessfully tried to present his complaints/grievances through Connecticut Civil and Criminal court system; the Connecticut Office Of The Attorney General; the office of the Connecticut U.S. Attorney (former) Deidre DALY IAW 42 USC 1997 (Civil Rights Of Institutionalized Person) in 2015 as well as the Federal system via the U.S. District Court in New Haven and the U.S. Court Of Appeals/2d Circuit.
3. In the opinion of this PETITIONER, and as evidenced by the outcome and the response/non-responses, the interest and priorities of all, was not the obvious, vulnerability and abuse of a WARD OF THE STATE, but the technical rules of the court and the protection of the State of Connecticut and its employees.

4. The PETITIONER looks to this court, the United States Supreme Court, for a modicum of curiosuty as to what fronts for FUNDAMENTAL FAIRNESS and MEANINGFUL ACCESS to the courts as he has tried, repeatedly, to highlight his personal negative exposure to a bastardization of the law trying to delineate CONDITIONS OF CONFINEMENT.

5. The practice in lower courts is clearly to frustrate an incarcerated WARD OF THE STATE and violated his, admittedly, minimized civil rights that remain, that are protected by Constitutional Law.

It appears, as the PETITIONER has thoroughly exposed, throughout various attempts to litigate the various grievances (detailed in this petition on pages 23 thru 33) that there are no outlets for an unrepresented incarcerated WARD OF THE STATE. THere are no advocates not tainted by collusive contracts with the state or its actors, the defendants, that are the subject of this petition. This includes the COMMISSIONER OF CORRECTIONS, the Office of the ATTORNEY GENERAL, and its subordinates, and definately "not" the proxy for the state, the 3d defendant listed herein, Attorney Walter BANSLEY IV, who by contract "fronts" as INMATE LEGAL ASSISTANCE.

6. There is a problem in Connecticut, it is evident and now, after exhausting every other avenue available to him, including the Federal District Court in New Haven; the 2d Circuit Appellate Court; and through a formal written and detailed complaint IAW 42 USC 1997, (in 2015) to the former U.S. Attorney Loretta LYNCH and the former U.S. Attorney for Connecticut (to no avail) which were ignored.

7. The PETITIONER knows full well that review by this court is slim at best and nearly talked himself out of filing this writ. That was until he realized that he alone, with all of the fatal exposure to State and Federal courts over the years he is ideally positioned to bring this matter to the attention of this Constitutional court, to hopefully review it with an unbiased perspective.

8. He prays that this court will see, what he has experienced, a serious problem in Connecticut and this District, of the intentional Obstruction of Justice, Access To THE Court and, in general Due Process, intentional<constructed by the misinterpretation of Connecticut Laws of IMMUNITY, its conflation of IMMUNITY with INDEMNIFICATION and the ability of the state actors to freely abuse the Civil Rights of their WARDS who are entrusted to the care of the Department of Corrections and whose Civil Rights are routinely abused by the defenadnts listed in this petition.

9. The DEFENDANTS all either personally, through surrogates, or through language embedded in the Inmate Legal Assistance contract assigned (gifted) to a private contractor (BANSLEY, Defendant #3) to assume "responsibility" and "authority" of insuring that the Civil Rights, according to "all" laws (State and Federal) are adhered to and those rights are protected, routinely fall back on their perception of the case precedent set in LEWIS vs. CASEY, 518 US 343, 349 (1996) in order to project, and argue compliance with their adherence to Constitutional mandates of access to the courts and eluded to their protections, under their definition of Federalism and this states independance.

10. They (the defendants) promote the technical loopholes of that case, principally the right of the states to "experiment" with differing methods to insure that meaningful access to the courts is maintained, especially in the matter of CONDITIONS OF CONFINEMENT. It is clear, as the PETITIONER has experienced, first hand, for years, not only in State civil courts but in Federal lower courts, that CONDITIONS OF CONFINEMENT are not arguable; and that regardless of the personal capacity matters filed, total immunity of "All" employees of the State Of Connecticut is Standard Operating Procedure when it comes to complaints filed by incarcerated WARDS OF THE STATE. They are categorized, incorrectly as "OFFICIALS" by Connecticut Attorney General and the courts, automatically when it comes to matters where the PLAINTIFF is an inmate. They are considered untouchable, sacrosanct, which makes it impossible to overcome the most basic initial hurdle.

11. Ct. Gen Statute 4-165 addresses IMMUNITY of "All Officials" (not All EMPLOYEES), as misinterpreted by the CT. A/G's office and the Connecticut courts.

12. Ct Gen. Statute 5-141 "Indemnifies" all employees to financial awards achieved against them in civil matters. It does not "immunize" them from Civil actions that are properly filed and served. Apparently, since the PETITIONER is now at the U.S. Supreme Court, attempting to get satisfaction, an opinion and intervention, ^{of} the District and Federal Appellate court ^{and} the states misinterpretation when it concerns incarcerated complainants.

13. Neither court required a response to this 1983 complaint. The PETITIONER timely filed a complaint pursuant to 42 USC 1983 on 1/13 2019 in the U.S. District Court of New Haven, CT. The complaint contained sufficient factual matters that were plausible on its face. The PETITIONER further enumerated specific dates, times, individuals that were involved in this action. In this case the DISCOVERY process did not commence. The District Court did not conduct a PRO SE Pretrial Conference for the purpose of Case Management. The dismissal was arrived at without any answer to the complaint, at all, by either of the defendants or any assigned counsel. It was summarily dismissed.

14. There can be no more serious violation of Civil Rights then to allow a totally vulnerable WARD OF THE STATE to be systematically abused (both civilly and criminally) and to be repeatedly medically assaulted by a medical contractor (UCONN HEALTH and its subsidiaries) and to allow that same (65) year old inmate to be carelessly handled (48) hours after spinal surgery-to be made well aware of this, formally by complaint, and do nothing, relying on the protections of a deliberate misinterpretation of the law to circumvent any exposure or necessary oversight, while focusing on technical errors made by a PRO SE litigant/victim.

PREMINARY STATEMENT, PART II

1. On 4/2/20 Judges SACK, PARKER and CHIN of the 2d Circuit Appellate Court rendered their decision from which this petition evolved. On 4/2/2019 Judge UNDERHILL, of the New Haven District Court rendered his decision to summarily this complaint due to his determination that the PETITIOBER had not Stated A Claim. Both the District Court and Appellate Court had Subject Matter Jurisdiction under 42 USC 1983.

On 01/13/19 the PETITIONER filed this complaint for violations of his Constitutional Rights against the three defendants SEMPLÉ, JEPSEN and BANSLEY.

STATEMENT OF THE CASE

1. -HISTORY OF THE JUDICIAL PROCESS-

As related the original complaint was denied by the Appellate Court, 2d Circuit, concurring with Judge UNDERHILL'S Summary dismissal in his court.

2. In the following pages the PETITIONER will fully elaborate on how the defendants jointly and severally failed , and continue to refuse unobstructed access to the most basic legal resources/ assistance in matters that are clearly TERMS AND CONDITIONS OF CONFINEMENT, supported by LEWIS vs. CASEY 518 US 343, 349 (1996) and KIRBY vs. SIEGELMAN 195 F-3d 1285, 1291-92, 11th Circuit (1997) and deliberately and continually refuse to validate his right to be insulated from abuse, a violation of the 8th Amendment USC as it addresses Cruel & Unusual Punishment, and the defendants systemic deliberate interference with his right to access the courts and Due Process under the 14th Amendment USC.

Additionally, Federal Rules Of Appellate Procedure, Rule 35(b)(1):

(A) The Appellate panel decision conflict with a decision of the court and review/consideration by this court is therefore necessary to secure and maintain uniformity of the courts decision.

-and-

(B) The proceeding involves a question of exceptional importance. It involves an issue of which the panel decision conflicts with and/or ignores the authoritative decisions of:

LEWIS vs. CASEY as it relates to "Meaningful" access to Legal Resources and TERMS AND CONDITIONS OF CONFINEMENT.

KIRBY vs. SIEGELMAN as it relates to DUE PROCESS

The 14th AMENDMENT, USC as it relates to DUE PROCESS

The 8th Amendment USC as it relates to CRUEL & UNUSUAL PUNISHMENT

STATEMENT OF SUBJECT MATTER JURISDICTION

¶ The APPELLANT/PETITIONER John S. Kaminski, an incarcerated WARD OF THE STATE of Connecticut, originally filed his complaint IAW 42 USC 1983, PRO SE, with the New Haven District Court. on 01/13/19.

Within that complaint was a Request For Appt. Of Counsel to assist in preparation of a "meaningful" complaint due to its complexities and the stature of the defendants and, as it is, in essence a foundation of a CLASS ACTION complaint, (since it legitimately addresses Connecticut's Violation of Due Process, by eliminating, not solely legal reference material, but "all" access to it by eliminating legal reference material and time to access the limited resource it does maintain, in (2) locations) This material is necessary to successfully shepherdize any complaint and review any cited positions taken by opposing counsel and court rulings, preventing all attempts to address a deliberate abuse of ongoing Terms & Conditions of Confinement.

Q. In order to confuse the appearance of compliance with Federal Law and the determinations and actions found in LEWIS vs. CASEY; BOUNDS vs. SMITH; and more recent decisions found in KIRBY vs. SIEGELMAN, 195 F.3d 1285, 11th Circuit (1997) which addressed the Due Process concerns of the U.S. Constitution, the Attorney General of Connecticut tasked the Commissioner, Dept. Of Corr. with the authority to contract for firms to provide Inmate Legal Assistance to inmates via a flat \$1,000,000.00 fee. NOTE: Amazingly, only one law firm BANSLEY, ANTHONY and BURDO (out of 37,000 attorneys currently licensed to practice law in the state) submitted a bid after reviewing the Request For Proposal.

3. DEFENDANT BANSLEY/DEFENDANT #3 AS PROXY STATE ACTOR

By design, BANSLEY'S relationship with the awarder of the contract, the Department of Corrections Commissioner, Defendant SEMPLE (former) COOK (current) is a clear conflict of interest when it comes to CONDITIONS OF CONFINEMENT.

The Commissioner of the D.O.C. is empowered by State Law,

Ct. Gen. Statute 18-81, titled "Duties and Responsibilities"

by appointment of the Governor who delegates his "authority" to the Commissioner. However he, (The Commissioner) cannot delegate his "responsibility" of protecting the Civil Rights of the WARDS OF THE STATE, that are entrusted to his care, by anyone, especially a civilian contractor. Yet, by Word Of Contract he does exactly that, to a non state entity (BANSLEY) with the signed endorsement of the Attorney General (former and current).

4. The language of the contract relates the the CONTRACTOR is responsible for insuring "his" actions comply with all state and federal laws. That responsibility is clearly the responsibility of the state and cannot be delegated, to be zealously protected by the State Officers, specifically the Office Of The Attorney General and the Office of the D.O.C. Commissioner. Since that "responsibility" and "authority" are clearly delegated to a "civilian" contractor he is clearly a "proxy" state actor, subject to the oversight of the courts. In the opinion of the PETITIONER the state has, by contract tried to divest itself from that responsibility, washing its hands of of the protection of its WARDS.

Again, by word of contract he (BANSLEY) is left with the illegal responsibility of insuring that the Civil Rights of the Class of "Institutionalized Persons" are protected and that access to the courts is assured while "Meaningful Access" to those courts is assured and that compliance with 42 USC 1997 (Civil Rights Of Institutionalized Persons) is guaranteed, not diverted through technicalities and misinterpretation of all employees of the state as "Officers".

5. Conditions Of Confinement...

Will almost always be a complaint against the Department of Corrections or one of its staff. The term is self defining. Since the contract was specifically awarded to BANSLEY, out of 37,000 attorney licensed to practice law in a state of 3.5 million, and it was the assigning and approving agency for the Request For Proposal, that only BANSLEY bid on it is obviously under the complete control of the Commissioner of Corrections. There can be no legitimate believeable claim of "contractor independance" when both the contractor and the D.O.C. are joined at the hip by a \$1,000,000.00 contract that gets automatically reissued and the annual performance is done by a self audit by annually, by the contractor.

STATEMENT OF SUBJECT MATTER JURISDICTION

United States Supreme Court-

1. The PETITIONER, PRO SE, John S. KAMINSKI is a disabled (by incident) 65 year old incarcerated WARD OF THE STATE of the State Of Connecticut, under total control of not just the state but all (3) defendants listed in this matter: The current (and former) Attorney General (TONG/JEPSEN); the current (and former) Commission Of the Dept. Of Corrections (COOK/SEMPLE); and by word of the current long-term contractor, in the contract, a bona fide "friend of the state" Attorney Walther BANSLEY IV, who, in the declared opinion of the PETITIONER is, in fact and law, a "proxy" state actor, by definition of contract.

SPECIAL MASTER TO PROTECT THE IDENTIFIED CLASS

-Rules Of Civil Procedure/Class Action-Rule 23

(a) 1-4, (b) 2,(c)-(h)

1. Due to the identified complexities of the issues, not only identified herein but through the District Court process and that of the Appellate Court, as well as the evidence presented of long-term abuse that he has endured at the hands of the defendants and others made aware (although frustrated at all levels of the State and federal courts) he feels that he has more then substantiated the need for a "Special Master, allowed under the Federal Rules Of Court, to investigate an apparent goal of the defendants to frustrate access to the courts, as a pattern, and to protect the rights of the Class as a whole. It did so in ARIZONA with the complaints by the inmates which led to the complaint in LEWIS vs. CASEY which led to an outcome still in practice, successfully, in Arizona Correctional

Facilities today. Since the State, through its Attorney Generals and States Attorneys always wants to reference that case as its default position, the PETITIONER feels that it is only just to reference that case as well, and its determinations and outcome, as a baseline for Connecticuts compliance with the mandated protections on his rights (as well as the rights of "all" incarcerated WARDS OF THE STATE) Civil Rights to Access the Courts, in a "meaningful" manner (beyond filing the initial complaint) and to insure TERMS AND CONDITIONS are not abused.

2. The PETITIONER has repeatedly asserted that it is completely disingenuous for Connecticuts OFFICERS OF THE COURT, as well as the States default position, when it cites compliance with LEWIS vs CASEY and the access to the court that were afforded to Arizona's inmates in that case and not provide any of the same provisions still enjoyed by those inmates, to its own inmates. To provide the feckless access to inmates currently "available" to Connecticut would seem to be an innane position.
3. Connecticut has successfully, over many years, constructed an "IRON WALL" between the courts and inmates, blatantly interfering with access to the courts, a wall that is intentionally insurmountable, a barrier to any petitioner in state or federal courts. It is a barrier to "all" members of the CLASS of inmates, as they try to protect their Civil Rights.

FUNDAMENTAL FAIRNESS

1. The PETITIONER herein asserts that, the kind and degree of objectivity and fair procedure has not been practiced, in legal proceedings, that he has tried to litigate, meaningfully, that are necessary to satisfy the basic tenets of DUE PROCESS. The courts, and court staff/officers, as well as the Connecticut Attorney General, the Department of Corrections Commissioner, and, through its irresponsible oversight of its contractor (Attorney Walter BANSLEY IV) and a "gifted", non-supervised deficient contract with BANSLEY, are not insuring that inmates, vulnerable WARDS OF THE STATE, are being treated in a fundamentally civilized and just manner and, as a result, their Civil Rights, according to the United States Constitution are regularly, systematically and deliberately abused.
2. The history of this PETITIONERS exposure, through numerous contacts with the Dept. Of Corrections, its courts as well as the U.S. District Courts, and U.S. Appellate Court, stands as evidence of the Deliberate Obstruction to those courts and the inability to pursue "meaningful" access and arguments.

PERSONAL STANDING & REQUEST FOR CLASS ACTION CERTIFICATION

1. This PETITIONER is ideally situated and clearly has considerable standing to bring this complaint to the USDC, USCA and now looks to the oversight and review of the United States Supreme Court. All are equally positioned to act , with requisite jurisdiction to protect the rights of the PETITIONER, as well as the CLASS he is a member of, to:

- (1) Address the PETITIONERS complaint
- (2) Investigate the facts as presented
- (3) Identify this complaint as the basis of a bona fide CLASS Action, in accordance with Title 28-1715 and FRAPRULE OF CER CERTIFICATION, (a) Prerequisites 1-4 and (b)(1)(A&B), (2) and (3)(g)(i) Appointment Of Counsel and Interim Counsel

-and-

2. Order Counsel to act as a Special Master, to protect the rights of the Class, that the PETITIONER is not equipped to do.

-and-

3. Order this matter remanded back to U.S. District Court, New Haven in order to investigate the substantial proof that the PETITIONER has brought forth herein that affects **TERMS & CONDITIONS OF CONFINEMENT** and **CRIMINAL ACTS** that the PETITIONERS was the victim of, that the DEFENDANTS were made aware of, by formal written complaints and state court filings.

STATEMENT OF THE CASE 11

1. The PETITIONER, as a Condition Of Incarceration, has, by law greatly reduced Civil Rights, as a result of this incarceration. It should go, without saying, that not "all" of his rights are forfeited. The DEFENDANTS, apparently believe otherwise-as the following narrative will clarify.

In recent correspondance to the relatively new Director Of Medical Services (Dr. BYRON KENNEDY) the PETITIONER notified him that for the past (8) years he has been treated as nothing more then a "Breathing cadaver". This fact was clearly emphasized in that letter.

2. CRUEL & UNUSUAL PUNISHMENT

In this matter, the PETITIONER has endured years of neglect, Cruel & Unusual Punishment and a violation of "DUE PROCESS" as it related to the expectation of Fundamental Fairness. In Connecticut there is no advocate to protect the Civil Rights of inmates. Not only does this complaint include the DEFENDANTS but it extends to the ACLU/David Wright.

To the point, as an incarcerated WARD OF THE STATE, inmates are always to be zealously protected from blatant abuse and exploitation and the TERMS & CONDITIONS OF CONFINEMENT are to be vigorously protected, (especially for medical treatment, procedures, and the quality of that treatment) and therefore are 100% dependant on the state, through its actors, to protect them since they have no input for that treatment.

3. The PETITIONER asserts that due to the realted incestuous alliance between the defendants: DOC Commissioner; Ct. Attorney General; and a co-conspiratorial contractor for Inmate Legal

Assistance Attorney Walter BANSLEY IV, there are absolutely "no safeguards" or protections available to inmates (no advocate) and that this is by deliberate design.

-It affects all person(s) in the CLASS similarly situated
-It has gone on for years and continues with no end in sight
-Its priority is not the CLASS but all "state employees" (that the CT. Attorney General regularly asserts are 100% immune and protected, according to his interpretation of CGS 4-165 at the 11th Amendment, U.S.C..

4. In this Petition, beginning with Page #23 the PETITIONER has inserted a "First Person" illiteration of his history of personal exposure to the Star Chamber cabal that he has experienced, since the very first instance of abuse, in 2013, an accident on Route #9 in Connecticut, in which the driver, Correctional Officer FRIEDMAN fell asleep behind the wheel, after being allowed to work (3) successive (8) hour shifts in a row, in order to enhance his pension prior to his pending retirement.

DELIBERATE OBSTRUCTION OF DUE PROCESS/ACCESS TO THE COURT

-Fourteenth Amendment, U.S. Constitution

1. Although lower federal courts have ignored the underlying problem of this complaint, as pointed out by the PETITIONER in his "first person" affidavit within this Petition, and have taken the literal definition of the tenets of Due Process to avoid looking beyond the technicalities of the law-the PETITIONER asks this court to go beyond the literal and look at the extreme lengths the DEFENDANTS always must resort to in order to defeat a PRO SE Complainant/Victim who has had to endure years of physical and medical abuse at the hands of Corrections Staff and Medical staff, clearly aided by the courts automatic default position that "all" state staff and members of UCONN Health Center are immune from prosecution of a civil suit simply based on the fact that:

- They are employed by the state
- The PLAINTIFF is an inmate (and therefore has no rights)

2. Compound the actual physical abuse with a coordinated and completely choreographed cover-up, destruction of video evidence (videos) and a deliberately misdirected medical diagnosis, in order to protect the state and confuse the patient/victim--this must surely extend the barriers normally established in a Due Process complaint.

3. As highlighted in the "FOREWORD" of this Petition...
Is it the technicalities that are of paramount importance or is it the protection of the PETITIONERS civil rights and physical safety that is the courts priority as it should be the DEFEND-

ANTS?

4 As stated in KIRBY vs. SIEGELMAN, cited as 195 F.3d 1285 (11th Circuit 1999) as part of this cases controversy was the acknowledgement Article III 'A party must suffer an injury to satisfy Article III. A medical benefit imposes a typical hardship on the inmate and the defendants have clearly ignored that hardship.

5. A prisoner is a WARD OF THE STATE and is not wholly stripped of Constitutional protections when he is imprisoned for a crime WOLFF 418 U.S. at 555-56, 94 S.Ct at 2974-75.

6. The responsibility to protect the CIVIL and CRIMINAL rights of Incarcerated WARDS OF THE STATE lies strictly with the Office of the Connecticut Attorney General, formerly George JEPSEN (currently William TONG).
7. Connecticut Statutory Law, CGS 4-165, as interpreted by the Attorney General and his staff, and supported by the Office of the Chief States Attorney as well as Connecticut courts is regularly misused to protect state employees from scrutiny of Criminal complaints and Civil Rights abuses of those wards, as a standard policy and practice, of the most vulnerable citizens, incarcerated WARDS OF THE STATE, leaving the entire "class" exposed to abuse of their physical person and regular abuse of their State And Federal Constitutional Civil Rights.
8. Since 2012, the PETITIONER, forced to attempt to protect himself from abuse, injuries and resultant medical abuse, has filed a number of civil and criminal complaints, PRO SE, as he had no alternative and there is no advocate to speak for him, nor the class as a whole. All were defended by the staff of the Office Of The Attorney General, with no thought of protecting him as a WARD OF THE STATE.

The following history is provided...

CRUEL AND UNUSUAL PUNISHMENT

-Eighth Amendment U.S. Constitution-

Punishment of a convicted person...in a manner that fails to meet minimal contemporary standards of decency...is forbidden by the 8th Amendment.

Supporting Affidavit for 8th Amendment Claim

The following is a "first person" statement/affidavit, submitted by the PETITIONER, John S. Kaminski (all cited in condensed detail) in the filing of this 1983 Complaint, in both the USDC in New Haven and the USCA, 2d District, New York.

April 2012 Macdougall Corr. Inst, Suffield, CT

I woke up on a Monday morning in mid-April 2012 to go to work and I could not stand up without intense lower back pain. I was wheeled into the medical facility. After an injection of Baclofin, a muscle relaxer, had no affect I was admitted to the infirmary. I was there for about (7) days with no improvement I was given a wheeled walker to try and ambulate down a short hallway. I did so but the pain was intense. When I was returned to my bed I was told that all of my property had been packed and I was being transferred to another facility (Corrigan C.I.) in Montville CT.Upon arrival, after spending two (2) hours in a Holding Cell in excruciating pain I was moved to a cell in General Population.

2. MAY 2012

Two (2) weeks after arriving at Corrigan C.I. I was ordered to pack up all of my property and was transferred to Hartford County Correctional. I had not seen anyone in medical at Corrigan yet. I stayed at Hartford C.C. for (1) week. During that time I was transported to UCONN Health Center, for what I learned was an MRI which could not be completed due to a severe episode of claustrophobia. I was returned to Hartford C.C. where I remained for a week. Then I was transported, again with all of my property, to Corrigan C.I., went through processing again and was returned to the exact same cell in General Population. Eventually, after an observant Correctional Officer noticed that I could not come out of my cell to get my food tray or to even shower for two (2) weeks (I bathed at the sink in my cell) medical was finally made aware of my medical condition and I was moved to a Unit known as PHU (Preferred Housing Unit), into a handicapped cell adjacent to the Medical Unit. I was seen by medical and another MRI was scheduled and this time an anti-anxiety medication was ordered to get through the claustrophobia.

That transportation was provided by Correctional Officer FRIEDMAN and a second escorting officer in late 2012. this transportation resulted in the Civil complaint titled KAMINSKI vs. FRIEDMAN et al, CT. Docket # 13-5018219.

Through my investigation and use of the Freedom Of Information statute I learned that Officer FRIEDMAN had worked a double (8) hour shift, back to back the day before (8:00 AM thru mid-night) presumably left the building, only to return at 5:00

AM the following morning (five hours off) to transport me to UCONN Health Center for a 9:00 AM appointment. We left Corrigan at 6:45 AM.

While enroute, at the Junction of Route 72 and Route #9, at Exit 28 in New Britain, at 7:15 AM, while sitting wide awake in a back bench, separated by a partition from the driver and escort officer I watched first the escorting officer fall asleep then the driver (FRIEDMAN) fall asleep while driving at 60 MPH. For those few seconds the vehicle strayed off of the road, into the swell between the two routes, struck a curb and gaurdrail which caused it to lift up off of its left wheel onto the right two wheels. FRIEDMAN came to, managed to regain control of the vehicle and somehow put it down on all four tires. The vehicle came down very hard on the left. Sitting in the back bench, fully restrained with handcuffs, belly and ankle chains and "CHUBB CUFFED" with no seatbelt, when it came down, I was thrown in the seat onto the bench and the left side of my head struck the sheet metal wall, snapping my neck hard to the right. I felt okay and after changing a left rear blown tire that was to take over an hour due to a bent lug on the axel, we continued on to UCONN Health for the scheduled MRI.

THE MRI revealed that I had severe damage to the C-3 and C-4 disc area and I was told by Neurosurgical Phy. Asst. KOTLER that I should not make any sudden moves as I could become paralyzed as a result of the condition of the discs. I was told later that the damage to C-3 and C-4 was "pre-existing and was not a result of the vehicle accident.

The surgery on my neck was made a priority, the lumbar problem was put off until "November 2014".

In 2013 I filed the suit against FRIEDMAN. The cervical surgery was completed in 2013, I was able to mend at Corrigan for about (6) months before I was transferred to Osborn C.I. in Somers, CT. Once there I came across an inmate that hed received a Christmas card from an attorney in Hartford, CT (Atty David POIROT) and I wrote to him, sending him a copy of the PRO SE complaint I had submitted to New Britain Superior Court. He came in and had me sign an agreement, filed a appearance, and within (3) months amended the entire complaint and changed to defendants from Officer FRIEDMAN et al to a complaint allowed to be filed against the State of Connecticut under CT. Gen. Statute 52-556 which allows a person to sue the state directly anytime there is an accident involving a state vehicle. This is only allowed when there is fault because of the vehicle, owned by the State, with injuries. POIROT filed (6) inches of motions to change this lawsuit from a person's suit to an official suit against the state, and then, without notice, over the telephone, withdrew his representation, leaving me to try to litigate a suit I knew nothing about, that was invalid anyway, as it turned out months later in court when it was dismissed in its entirety by Judge SWIENTON, because it was invalid. The problem was not with the vehicle or its functionality. The problem was that the driver was not fit to drive and his supervisor knew it.

My safety was not a consideration, padding the drivers pending retirement pension with overtime hours was the priority.

3. November 16, 2014

KAMINSKI vs. ALEXANDER/COLON # 15-SC-16640

Suit filed for ASSAULT AND BATTERY AND FELONY ABUSE OF ELDERLY

During transportation from UCONN Health CEnter to Osborn Corr.

Inst in Somers, Connecticut, (2) days after major lumbar spinal surgery, I was put into complete shackles, waist and belly as well as CHIBB cuffs for a return to Osborn C.I.. The transporting officer, C/Oficer ALEXANDER, after completely tightening every device, including across the area where there were (13) staples in my spine, took me to his vehicle, a subcompact 2014 Chevrolet NOVA four door that had a security shield between the front seat and back seat. I told him I could not get into the back seat after surgery but he told me that it was the vehicle available and I had to get into it. I sat down on the edge of the seat and when trying to maneuver into the vehicle, because of my spine, I fell backwards into the seat, with my legs still on the asphalt outside. ALEXANDERS solution was to go to the other door and, pulling me by the shirt at my shoulders into the seat, across the waist chain at my back. After pulling me in he lifted my legs and put them in so that I was in a fetal position on my back. I was transported that way, unseatbelted, all the way back to Osborn C.I. Upon arrival the process was more or less reversed-my feet were placed outside and I was pulled into an upright seated position by my shirt front, and pulled from the car to a standing position where I was forced to walk inside the reception trailer. From there I was wheeled to the medical wing in a wheelchair that was broken and had no footrests, futher straining the delicate work done to my spine (2) days before.

After spending about (16) days in the facility hospital ward, on December 3d I wrote a written detailed complaint to the Unit Manager, CAPT. Jeanette MALDONADO and asked what the protocol was to file a formal complaint against ALEXANBDER and the Shift Commander on the 16th when ALEXANDER was assigned to transport (Capt. COLON). In her response, she chastized me for writing to her on a piece of paper and not on an INMATE REQUEST FORM and advised me that I had to contact the State Police myself. That response was dated December 10th. I immediately composed a formal complaint to the CT. State Police in Middletown, CT and copied in the WARDEN EDWIN MALDONADO and D/WARDEN WRIGHT., as well as Commissioner SEMPLE. I never received any response from MALDONADO or WRIGHT. On January 7th I was contacted by St. Police Det. Sgt GERSHOWITZ when I was called to D/W WRIGHTS office at and was introduced to GERSHOWITZ who was sitting in WRIGHTS inner office. In the outer office WRIGHT and the facility Operations Manager Capt. VANOUDENHOVE were seated at a round table. I was interviewed by GERSHOWITZ for (15) minutes, "AFTER" he had me acknowledge my 5th Amendment warning. He told me that I had the right to file a civil complaint. I told him I intended to do that but this was a criminal complaint. I was told that he would get back to me.

As we walked out WRIGHT asked GERSHOWITZ if it was resolved. GERSHOWITZ did not verbally reply only shook his head in the negative. Weeks later I received a written determination from GERSHOWITZ stating that he would not be taking any action.

Due to what I perceived was going to be a cover up, besides writing to the State Police I also wrote to Deputy Chief States Attorney LEONARD BOYLE at his office in Rocky Hill, CT. He responded that "HE" had tasked his subordinate, Sr. States Attorney MATTHEW GEDANSKY at the Tolland Court District with following up (I took to mean investigate) my complaint. I also filed a motion, with AAG DeAnn VARUNES, who was representing the state in another matter, through the Judge Robert YOUNG, to secure the video of the transportation at UCONN Health and at Osborn C.I. NOTE: On January 7th, just before my meeting with GERSHOWITZ I had a video appearance with YOUNG and VARUNES. YOUNG ordered her (as an Officer Of The Court and an Asst. A/G to secure the video. and it (the order) was later confirmed in writing by Judge YOUNG. (the video, according to everyone was (erased) after (30) days-even though a brand new hard drive system had, in July of 2014 been installed to replace the old VHS tape system. This was in complete defiance of the order in TYE vs. BUTKIEWICUS, 3:13 cv 747 pertaining to SPOLIATION and the D.O.C.s own directive that resulted from that order 6.5 This order was put in place, directly to, none other then WARDEN Edwin MALDONADO. Apparently a Federal Judges Court Order has no weight in Connecticut with either MALDONADO, the D.O.C. or the Officers Of The Connecticut courts. They comply if they want to. The defendants listed in the subsequent state suit were absolved from any responsibility due to "QUALIFIED IMMUNITY"

As a reminder to this court, GERSHOWITZ was tasked with investigating after I lodged a formal written complaint with his superiors, in his Middletown headquarters. States Attorney GEDANSKY was tasked with investigating my written complaint to his superior Deputy Chief States Atty LEONARD BOYLE, by BOYLE. I have that confirmed in writing from both superiors. Under the circumstances, and due to my custody status neither GERSHOWITZ or GEDANSKY enjoy any level of immunity. Neither does Warden MALDONADO, D/W WRIGHT or Unit Manager Jeanette MALDONADO. As a WARD OF THE STATE, as I understand the law, I am entitled to protection, just as is anyone who is formally taken into custody. Both cases, (vs. Alexander and SEMPLE were "Companionized" (judge Morgans term) in New Britain Superior Court due to her agreement that "all" defendants enjoyed IMMUNITY, Citing CGS 4-165, conflating it with CGS 5-141. and were dismissed

5. 2017-KAMINSKI vs. POIRO T #17-5049290

While at Osborn, C.I., in Somers, CT I wrote a lawyer (one of dozens) to ask his assistance in representing me in the DOC matters. This was Atty David POIRO of Hartford. He accepted the lawsuit that I had submitted, came in, discussed it with me, had me sign a retainer agreement. Then after a few months, without consultation, changed it to list the State Of Connecticut as the sole defendant (this was the accident complaint against FRIEDMAN et al) and filed two inches of motions to make this a matter of record. Within days of completing this transition and the amendments to the complaint, and after the state contracted with a law firm in Hartford (COONEY, SCULLY and DOWLING, he withdrew his services, over the phone. The case,

(KAMINSKI vs. FRIEDMAN, as amended was subsequently tried by me in New Britain Superior Court and was dismissed.

According to Judge SWIENTON I had no argument against the "STATE"

As a result I filed a malpractice complaint against POIROT in Hartford Superior Court. It was quickly dismissed due to a (2) year Statute Of Limitations issue that applies in malpractice suits against attorneys.

6. 2017-KAMINSKI vs. UCONN HEALTH et al (Correctional Managed Health Care-subs.of UCHC & X-SPINE Corp. CT # 17-5018204

To recover for damages after device installed by UCHC/CMHC on November 14, 2014 failed (broken titanium pedicle screw (which resulted in a resurgery in 2016) The device was manufactured by X-Spine Corp., of Miamisburg, Ohio. In a written dismissal Judge SWIENTON cited "IMMUNITY" for UCHC and CMHC and dismissed it against X-SPINE due to a lack of standing as she cited her authority according to a Connecticut case BiFlock vs. Philip Morris Inc., 324 Conn 402, 434 (2016). The case, for the state (UCHC/CMHC) was again represented by Asst. A/General Steven BARRY. X-SPINE was represented by the firm of COHN, Birnbaum and Shea of 100 Pearl Street, Hartford

ALSO FILED, in FEDERAL COURT:

7. Kaminski vs. Colon et al # 3:18cv02099 to address abuse and cover up in Kaminski vs. ALEXANDER. Dismissed due to failure to State A Claim (immunity).

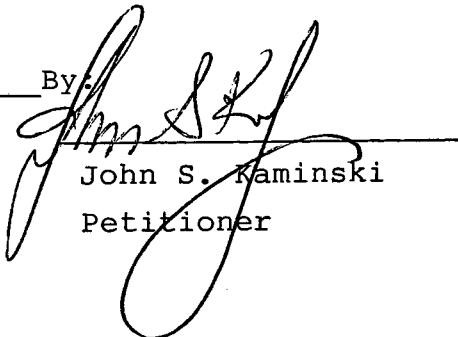
and...

KAMINSKI vs ONIYUKE et al 3:19cv 00058

Medical Malpractice (ONIYUKE) and Product Liability (X-Spine)

Dismissed

END OF FIRST PERSON AFFIDAVIT

By: 
John S. Kaminski
Petitioner

REASONS FOR GRANTING THE WRIT

I) The U.S. Congress enacted 42 USC 1983 to enforce provisions of the 14th Amendment against those who carry a badge of authority of a state and represent it in some capacity, whether they act in accordance with their authority or abuse that authority. HAFER vs. MELO 502 U.S. 21,28,116 L.Ed 2d 301 S.Ct 358 (1991) The PETITIONER asserts that it was also meant to protect victims of other abuses such as the 8th and 11th Amendment.

"Color Of Law Means Pretense Of Law"

II) The State Of Connecticut, by Statute 5-141 has chosen to provide an "employee benefit" to placate the AFSCME union, to "indemnify" Correctional Employees and exempt them from "financial exposure" in any lawsuit. Additionally, as the PETITIONER has clearly identified, the Office of the CT. Attorney General has chosen, as verified by the representation repeatedly of the defendants, in a number of Civil matters brought to the State courts, by this PETITIONER, by several Asst. A/G's (PARILLE, VARUNES and primarily AAG Steven M BARRY) that the priority of the State "is not" incarcerated WARDS OF THE STATE but that of the employee in actuality, the states interests. A waiver is inferred when the State has made a General Appearance and defended the lawsuit with representation by the State.

Garrity vs. Sununu 752 F.2d 727-728 (1st Circuit)

III) In doing so, the 11th Amendment pertaining to any protected immunity is waived according to a history of federal decisions, including: Hankins vs. Fennel 964 F.2d 653, USCA 8th District, Missouri (1992).

In this decision this court ruled that the state had waived

its immunity, to the extent that it had "voluntarily" agreed to "indemnify" its employees, as an employee benefit (as an employee benefit CGS 5-141) especially when the state automatically steps in to represent them (as Connecticut does).

A waiver is inferred when the state has made a General Appearance and defended the lawsuit with representation by the state.

Garrity vs. Sununu 752 F.2d 727-728 1st Circuit.

As to the horrific abuse that is, in the PETITIONERS opinion, axiomatic, behavior that ~~has~~ has clearly supported within this Writ, as well as his original complaint at the District Court and followed by his submission to the U.S. Court Of Appeals, 2d Circuit, to believe that this conduct is a wholly isolated situation cannot be realistically supported with facts.

IV) Compounding this is the clearly deceptive, misleading and, in the PETITIONERS opinion, illegal and unconstitutional contract issue by the defendants, #1-SEMPLE and #2-JEPSEN to defendant #3-BANSLEY to present a false front of Inmate Legal Assistance when, in reality, it is a feckless, necessary cog, to misdirect and circumvent Access To The Court by installing a Contractor (BANSLEY) who is totally loyal and controlled by the assignor of the contract, the Commissioner of the Dept. Of Corrections, and the Connecticut Attorney General, by means of repeatedly awarding a \$1,000,000.00 self-audited, no-bid contract to WALTER BANSLEY IV. This is done in a state of 3,500,000 people that has over 37,000 practicing licensed attorneys in it, not to mention Law Schools, such as the Jerome Franks Law Clinic

at Yale University in New Haven. NOTE: Jerome Franks is never invited to bid and refuses to submit a bid. The PETITIONER could, but will not, speculate as to the reasons for this.

V) Additionally, the Cruel & Unusual Punishment, routinely and repeatedly inflicted on the PETITIONER, over a number of years, resulting in apparently permanent disabling spinal damage, that is evident at present, and the pattern and ability to conceal the abuse and frustrate any complaint by sheer manipulation of the law combined with blatant cooperation of Officer of the Court who are, by law, to be independant entities, not a member of a cabal to form a legitimate STAR CHAMBER, cannot be accepted to be an isolated one off scenario.

VI) Deliberate Indifference to the "serious" medical needs of an incarcerated WARD OF THE STATE is Cruel & Unusual Punishment and is forbidden by the 8th Amendment U.S.C.

Both objective and subjective definitions are met.

Estelle vs. Gamble 429 US 97,104-105, 97 S.Ct 285,291 50 L.Ed 2d 251,260 (1976)

VII) As supported herein and at lower courts, in the PETITIONERS opinion, he has more than fortified his argument for a review of this Petition For A Writ Of Certeriori under Supreme Court rules Part III, Jurisdiction Rule 10(a) which states in part:
-A United States Court Of Appeals (in this 2d Circuit case) has entered a decision (US District Court, New Haven, CT) that is in conflict with the decisions of other USCA...on the same important mater.

Rule 10(c): a District Court (New Haven) and a US Court of Appeals (2d Circuit) has decided a question of Federal law, that has not been, but should be, settled by this court.

Also, in this matter, the District Court summarily dismissed the original complaint filed, due to its position that the PETITIONER "did not state a claim" that was not impeded by levels of immunity of the listed defendants.

According to decisions cited herein this position is clearly misguided as the actions taken by the CT Attorney General and its staff, to represent the defendants previous matters and the States Attorney in this matter, and simultaneously indemnifying them, according to State Statute CGS 5-141 and, again in the opinion of the PETITIONER, constitutionally misrepresenting another state statute CGS 4 165 confusing immunity with indemnification completely voids this stance.

VIII) Also in the state Civil Suits, the DOC complicated the matters of Kaminski vs ALEXANDER and Kaminski vs. Semple by refusing to comply with their own Correctional Directive 6.5 (Control Of Physical Evidence) and its attachment Form RC 050 (Revised 8/20/14) directing a (4) year retention of Security Surveillance records (video) upon notification of an incident- See Tye vs Butkiewicus et al 3:13cv 747 (JCH) on 5/23/13 concerning spoliation. This case involved Warden Edwin Maldonado and ~~AAG DeAnn~~ and AAG DeAnn Varunes, with a sanction by Judge Hall.

4. To grant immunity to "all" state employees from official sanctions and oversight by the courts is unconstitutional, regardless of the State Statute (4-165) cited by the state and its legal representatives in its courts and in federal courts, and supported blindly in those courts by its judges. This creates an atmosphere of abuse.

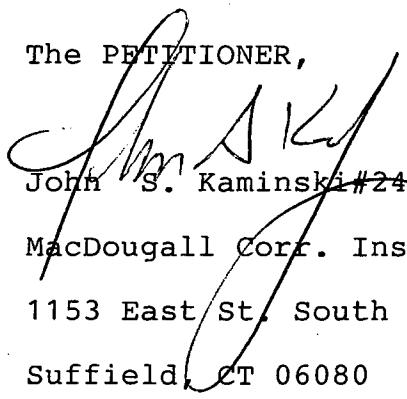
If the courts did not, without reservation, support blanket immunity for the defendants in this matter, based on a belief in an 11th Amendment posture, and required the normal pre-trial response from the defendants and a subsequent answer to be filed by the PETITIONER, the issues presented would have been made clear and the immunity from litigation "after" representation by the state and automatic immunization by CSG 4-165 would have been disallowed.

5. As it is now an atmosphere propagating abuse is evident. This attitude was the foundation for long term abuse of Inmates at the Connecticut Valley Hospital in Middletown by staff, which only came to light because one inmate had a family member pressure the state through the advocacy of a private attorney.

6. The PETITIONER has clearly laid out his argument for harm done to him as a pattern of State actors conduct, over years, as well as permanent injury. He has laid out his supportive facts for appointment of a Special Master with responsibilities similar to that of the appointed Special Master in Lewis vs. Casey to resolve that case, far less severe than in Connecticut prisons currently.

7. The PETITIONER has also tried to support his request for Class Action Recognition by this court according to Federal Guidelines and Rules Of Court as well as the failure by the U.S. Attorney to intervene upon receipt of a formal written 42 USC 1997 complaint. In order to protect the Constitutional Civil Rights of the PETITIONER and other inmates also WARDS OF THE STATE that are similarly situated the PETITIONER asks this court to remand this matter back^j to U.S. District Court, to correct the unconstitutional actions of the defendants and order a Special Master to oversee the corrections the PETITIONER sees as necessary under the law, appoint counsel to the PETITIONER to litigate the abuse he has endured over the years and designate a CLASS ACTION in this matter to address the abuses of the inmate population, over the years due to the repitition of total immunity arguments by the state and its actors.

The PETITIONER,


John S. Kaminski #241124

MacDougall Corr. Inst.

1153 East St. South

Suffield, CT 06080