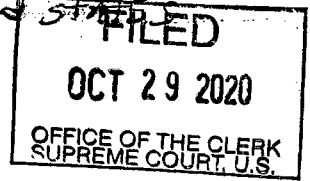


no 20-5504 20-5504

In the supreme court of the united states

KEVIN L martin
petitioner



✓

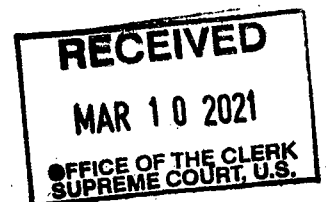
CATHLEEN CARRON ET al
respondent

on petition for writ of CERTIORARI TO
the seventh circuit court of appeal

petition for rehearing

KEVIN martin DEC 169789
pendleton correctional
Facility
4490 WEST reformatory
road
pendleton IN 46064

(-/-)



petition For rehearing continued

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Wolff v McDonnell 418 us 539 576, 577 1974.)	7
Marshall v Knight 445 F3d 965, 968 7th Cir 2006.)	7
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Haines v Kerner 404 us 519 1972.	

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petition For rehearing continued

petition For rehearing and suggestions in support

come now petitioner Kevin martin pro'se and prays
this court to grant rehearing pursuant to rule 44
and thereafter grant him a writ of certiorari
to review the opinion of the seventh court of
appeal in support of petition mr martin
states the following

statement of Facts ?

on november 6 2019 Kevin martin Filed
a complaint under cause 319-CV-1018-JD
MAG and Ind Filed

on January 6 2020 the Law Library
E File the same complaint From westville
to southern district and martin was
house in Laporte district mean
northern district of Indiana SEE
1520-CV-041 SEB-DM1 SID and
complaint speak for it self.

petition for rehearing continued

(A) Failing to AFFORD (martin) Equal protection of Law, "good Faith Formula" means the court has sufficient discretion to the account of the special circumstances that often a rise in price situation SEE *Haines v Kerner* 404 US 519 1972.)

THE court of appeal of seventh circuit denied martin to process on his appeal in good Faith under 28 U.S.C 1915. within the meaning must be judged by an objective standard see *Coppedge v US* 369 US 438 1962.

martin still entitled to justice
if he can't or can't pay the money
AS A matter of Law HERE?

(B) Failing to provide (martin) A notified deal with his document
being confiscated by cathleen capron

petition For rehearing continued

prejudice," martin notes cathleen capron
at westville Facility confiscated incoming
Legal mail From (martin) Attorney SEE
Appendix-C. mark with confidential
attorney-client correspondence by
waxles and Hanger to receive notice
when prison officials withholding incoming
mail see Frost v symington 197 F3d
348 9th cir 1999.) (-REASONS meriting-
rehearing)
martin incoming Legal mail by his
attorney was identified and related
to martin criminal case SEE
218-cv-00441- JMS-MJD mean Legal-mail/
preventing prison guard From opening
Legal mail outside of (martin) presence
is protect by the sixth Amendment
right to counsel and the attorney
client privilege by ensuring that

petition for rehearing continued

prison officials merely inspect for contraband and do not read confidential communications between an inmate and his counsel see *Wolff v McDonnell* 418 US 539 576 577 (1974.)

when martin receives the letter from counsel marked Mr Harger see Appendix

C.) A warning that the letter come from martin attorney HERE,

Mr Capron conduct was prejudice A potentially meritorious legal claim has the right been infringed up on martin right see *Marshall v Knight* 445 F3d 965 968 7th Cir 2006)

martin never receive the document from his attorney mean confidential communications between martin and Mr Harger ARE protected HERE

petition For rehearing continued

prejudice not receive a notified of
confiscated document to filed grievance
with the facility SEE Thornburgh v Abbott
490 US 401 109 S Ct 1874 LE 2d 1989)

(C-) Failing to AFFORD martin his right
to amend his complaint?

martin notes SEE APPENDIX-B.) THE
complaint page 37 thru 46.) THE district
court should grant ■ leave freely

to amend a complaint SEE

Forman v Davis 371 US 178, 182

1962.) THE complaint both of

them speak for itself HERE

they the same and the law

library act with malice intent

and E file it to southern district

SEE APPENDIX-A) page-36)

at martin fault.

petition For rehearing continued

REASON meriting rehearing?

THE seventh circuit decision is clearly in conflict with Haines v Kerner 404

US 519 1972.

Emphasizing that in determining Kerner.) prejudice, the court must EXamine both district court and seventh circuit to determine whether had a good Faith REASON to Appeal.

suggestions in support of
rehearings

THE seventh circuit OF Appeal decision that martin could not overcome the bad Faith 1915- that the decision by district court was not adequate Here and it was unreasonable determination of the fact BECAUSE martin notes mail that is sent to you from Attorney's and it is protected by the first and sixth amendments.

petition For rehearing concluded

conclusion

For the reason stated this court must grant
rehearing of its judgment entered on October
19 2020 and issue a writ of certiorari
to hold the ~~7th~~ seventh circuit accountable
for failing to properly apply the law of
this court and grant Mr Martin relief
should Martin cry for justice not be
heard and denied relief may this court
also cry and not be heard " For
whoever shut their ears to the cry
of the poor will also cry themselves
and not be heard " proverbs 21:13

Respectfully submitted



Kevin L Martin

DOC # 169789

Pendleton Correctional
Facility

4490 West Reformatory
Road

Pendleton IN 46064

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KEVIN MARTIN,

Plaintiff,

v.

CATHLEEN CAPRON, *et al.*,

Defendants.

CAUSE NO. 3:20-CV-28-DRL-MGG

ORDER

Kevin Martin is a prisoner who recently filed a complaint in *Martin v. Capron*, No. 3:19-CV-1018-JD-MGG (N.D. Ind. filed November 6, 2019). He then filed this case in the Southern District of Indiana on January 6, 2020. *Martin v. Capron*, 1:20-CV-041-SEB-DML (S.D. Ind. filed January 6, 2020). Mr. Martin's case was transferred to this district. The complaint is identical to the one filed previously in this court. It is malicious to sue the same defendants for the same events in two cases. See *Lindell v. McCallum*, 352 F.3d 1107, 1109 (7th Cir. 2003) (suit is "malicious" for purposes of Section 1915A if it is intended to harass the defendant or is otherwise abusive of the judicial process). Because Mr. Martin is pursuing these same claims in another case, he may not proceed on them in duplicate here. Accordingly, this case is DISMISSED pursuant to 28 U.S.C. § 1915A as a malicious duplicate of *Martin v. Capron*, No. 3:19-CV-1018-JD-MGG (N.D. Ind. filed November 6, 2019).

SO ORDERED.

January 13, 2020

s/ Damon R. Leichty
Judge, United States District Court

Appendix - A

(34)

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

[This form is for prisoners to sue for civil rights violations. NEATLY print in ink (or type) your answers.]

FILED

4:43 pm, Jan 06, 2020

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Laura A. Briggs, Clerk

KEVIN MARTIN
[You are the PLAINTIFF, print your full name on this line.]

v.

CATHLEEN CAPRON
[The DEFENDANT is who you are suing. Put ONE name on this line. List ALL defendants below, including this one.]

Case Number 1:20-cv-00041-SEB-DML

[For a new case in this court, leave blank.
The court will assign a case number.]

DEMAND Jury trial

[The top of this page is the caption. Everything you file in this case must have the same caption. Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]

PRISONER COMPLAINT

#	Defendant's Name and Job Title	Work Address
1	[Put the defendant named in the caption in this box.] <u>Cathleen Capron</u> <u>mat. SUPERVISOR</u>	<u>Westville Correctional Facility 5501 S 1100 WEST</u> <u>Westville IN 46391</u>
2	[Put the names of any other defendants in these boxes.] <u>Lt. HERR</u>	<u>Westville Correctional Facility 5501 S 1100</u> <u>WEST Westville, IN 46391</u>
3	<u>Lt. Armstrong</u>	<u>Westville Correctional Facility 5501 S 1100 WEST</u> <u>Westville IN 46391</u>

[If you are suing more defendants, attach an additional page. Number each defendant. Put the name, job title, and work address of each defendant in a separate box as shown here.]

- How many defendants are you suing? 9
- What is the name and address of your prison or jail? KEVIN MARTIN Westville
Correctional Facility 5501 S 1100 WEST Westville, IN 46391
- Did the event you are suing about happen there? ☒ Yes. ☐ No, it happened at: _____

- On what date did this event occur? 10-28-19- 10-29-19 and other date in
the complaint?

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

Appendix-B

(-1-)

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