

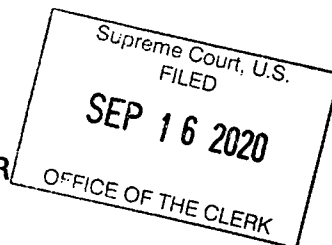
No. 20-6033

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

ARRELO BARNES
(Your Name)

— PETITIONER



vs.

LOUIS FEDELE

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SECOND CIRCUIT, COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

Arrelo Barnes

(Your Name)

P.O. Box 999

(Address)

Catskill, NY 12051-0999

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) Did the Court erred in granting defendant qualified Immunity for following orders?
- 2) Did the Court erred in not mention if Defendant Furman was dismiss or not?

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:

M. Furman, Sgt., Robert Murphy, C.O., Theresa Stanley, Chaplain,
P. Chappius, Jr., Dep. Supt. Security, A. Bartlett, Dep. Supt.
Programs, John Nuttall, Dep. Comm. of Program Services

RELATED CASES

Barnes v. Fedele, 2012 WL 12937028

Barnes v. Nuttall, 2009 WL 87202

Barnes v. Fedele, 2009 WL 259720

Barnes v. Fedele, 2016 WL 470226

Barnes v. Furman, 2015 WL 6216534

Barnes v. Fedele, 813 Fed. Appx 696, 2016 WL 2787621

Barnes v. Fedele, 2008 WL 4389881

Barnes v. Fedele, 2017 WL 876382

Barnes v. Fedele, 337 F. Supp. 3d 227, 2018 WL 4646172

Barnes v. Fedele, 760 F. Supp. 296, 2011 WL 160551

Barnes v. Fedele, 2011 WL 11460504

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of May, two thousand nineteen.

Arrello Barnes,

Plaintiff-Appellant,

v.

18-3223

Fedele, et al.,

Defendants-Appellees,

M. McGinnis, et al.,

Defendants.

IT IS HEREBY ORDERED that

Ira M. Feinberg
Hogan Lovells US LLP
390 Madison Avenue
New York, NY 10017
212-918-3509

be appointed as counsel for the Appellant. Counsel is directed to review Local Rule 31.2 regarding procedures for setting the filing dates for the submission of briefs.

For the Court:

Catherine O'Hagan Wolfe, Clerk of Court


Catherine O'Hagan Wolfe

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was MAY 29, August 11, 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

U.S. Const. FIRST

28 U.S.C. § 2254

28 U.S.C. § 2254 (d)(1)

STATEMENT OF THE CASE

SECOND CIRCUIT, COURT OF APPEALS, erroneously granted the defendant's qualified immunity.

Defendants confiscated Petitioner's headwear because they felt, Petitioner was a Jew, and Jewish inmates were not allowed to wear the tsait-Kob.

Now, after approx. ten (10) years, defendants state "they were just doing their job and following orders. This decision ignores settled Supreme Court and circuit court authority and properly immunized all officers not immediately involved in drafting state policies from being held responsible for their actions.

The Supreme Court has made it clear that state employees are not entitled to qualified immunity simply because they were carrying out a state policy or order of a superior, even if they subjectively believe the policy was held.

REASONS FOR GRANTING THE PETITION

Precedent law was not followed and the decision were erroneously decided.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arnold H

Date: Sept 15, 2020