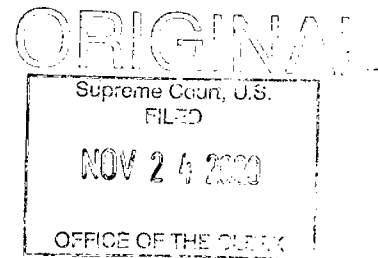


No. 20-6528



IN THE
SUPREME COURT OF THE UNITED STATES

ECCLESIASTICAL D. WASHINGTON
— PETITIONER
(Your Name)

BENJAMIN BROOKE vs.
CYNDI PRUDDEN DEPUTY DIRECTOR
TERRY PAGE ET AL
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NO: 20-1386

UNITED STATE COURT OF APPEAL FOR THE EIGHTH CIRCUIT

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

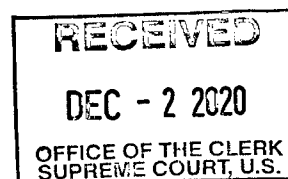
PETITION FOR WRIT OF CERTIORARI

ECCLESIASTICAL D. WASHINGTON
(Your Name)

EL DORADO CORRECTION FACILITY
(Address)

P.O. BOX 311 EL DORADO , KS 67042
(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

STATEMENT OF ISSUES PRESENTED FOR REVIEW

1. WHETHER THE DISTRICT COURT IN GRANTING SUMMARY JUDGMENT IMPROPERLY DECIDED FACTUAL ISSUES

WHETHER THE PLAINTIFF FACTUAL ALLATIONS ON AN UNPROVOKED BEATING BY OFFENDER AT CORRROADS CORRECTION CENTER THAT SEVERLY ASSAULT ON MR. WASHINGTON THAT PRISON OFFICIAL EXHIBITED DELIBERATE INDIFFERENCE TO MR. WASHINGTON HEALTH AND SAFTY FAILURE TO PROTECT AND DIDNOT FOUNDING THE JUDGE COURT ORDERED EIGHT CIRCUIT FINDS VERIFIED COMPLAINT DEFEATES SUMMARY JUDGMENT MOTION IN FAILURE TO PROTECT CASE THE CONSTITUTIONALL IS VIOLATED WHERE DEFENDANTS KNOW OF THE DAMGER OR WHERE THE THREAT OF VIOLENCE IS SO SUBSTANTIAL OR PREVASIVE FAIL TO EMBRACE A POLICY OR TAKE OTHER REASONABLE STEP WHICH MAY HAVE PREVENTED THE HARM.

THE DUTY TO PROTECT STANDARD REQUIRES PRISON OFFICEIAL TO SEEK OUT HARM TO INMATE RATHER THAN ALLOWING THEM TO WAIT UNTIL A SUBSTANTIAL RISK OF SERIOUS HARM DEVELOES. THE STANDARD RECOGNIZES THAT INMATE WILL ONLY BE REASONABLY SAFE IF PRISON OFFICEIAL TAKE PREVENTIVE STEPS BEFORE RISK BECOME SUBSTANTIAL. EVEN IF PRISON OFFICEIAL ARE NOT AWARE OF A SPECIFIC DANGER OTHER THAN THE GENERAL RISK INHERENT IN ALL PRISON THE EIGHT AMENT-MENDT DUTY TO PROTECT SHOULD REQUIRE BASIC MEASURE TO PREVENT (ASSAULT) AND OTHER FORMS OF HARM TO OVER INMATE OR STAFF.

A DUTY TO PROTECT STANDARD WOULD ALSO ADDRESS THE PROBLEM OF ESTABLISHING THE KNOWLEDGE OF THE PRISON OFFICIAL IS NOT EXCUSED FROM LIABILITY SIMPLY BECAUSE HE DIDNOT KNOW OF THE RISK TO THE DEFENDANTS MR. WASHINGTON THE DUTY TO PROTECT STANDARD WOULD CONTINUE BY ASKING WHETHER THE OFFICIAL COULD HAVE DISCOVERED AND PREVENTED THE RISK TO MR. WASHINGTON THROUGH REASONABLE INSPECTION. RATHER THAN SENDING THE SIGNAL THAT IT IS POSSIBILITY TO AVOID LIABILITY BY DENYING KNOWLEGE OR AVOLDING IT A STANDARD THAT REQUIRES OFFICIAL TO SEEK OUT KNOWLEDGE WOULD DEMONSTRATE A COMMITMENT TOWARDS GREATER SCRUTINY OF THE INFLECTORS OF PUNISHMENT. IT WOULD ALSO BROADEN THE SCOPE AND POTENCY OF THE EIGHT AMENDMENT DUTY TO PROTECT INTENT OF PRISON OFFICIALS IMPEMETING A LIABILITY STANDARD BASED ON NOT REASONABLY PROTECTED BY DEFENDANTS.

2. ISSUES PRESENTED FOR REVIEW

WHETHER THE EIGHTH CIRCUIT OF APPEAL IMPROPERTLY DECIDED FACTUAL ISSIES IN VIOLATION OF THE JUDGE COURT ORDERED ON POST JUDGMENT INJUCTIVE RELIEF WHEN THE STATE OF MISSOURI CROSSROADS CORRECTION CENTER FAILURE TO ABIDE BY THE TERMS OF THAT COURT ODERED WHICH THE DEFENDANTS FAILURE TO COMPLY. THE DISTRICT COURT ABUSED ITS DISCRETION AND VIOLATION MR. WASINGTON DUE PROCESS BY NOT HOLDING A HEARING AND WHETHER THE TH EIGHTH CIRCUIT COURT OF APPEAL ABUSED ITS DISCRETION IN ORDER THE DISTRICT COURT TO HOLDING A HEARING ON THE FAILURE TO COMPLY WITH THE TERMS OF COURT ORDERED ON POST JUDGMENT INJUCTIVE RELIEF, MR. WASHINGTON SUBSTANTAIL RISK OF HARM TO HIS PHYSICAL SAFETY AND THE INDIVIDUAL DEFENDANTS KNEW OR SHOULD HAVE KNOWN OF THIS RISK AND FAILED TO MITIGATE IT.

POINT III

STATEMENT OF ISSUES PRESENTED FOR REVIEW

3. WHETHER THE DISTRICT COURT IN DENIED PLAINTIFF FACTUAL ALLEGATION RAISE A MATERIAL ISSUE UNDER THE SUPREME COURT OF THE UNITED STATE IN HOUSTON V. LACK 487 U.S. 266 THE EIGHT CIRCUIT OF APPEAL AND THE DISTRICT COURT FOR THE WESTERN DISTRICT MISSOURI ST. JOSEPH IMPROPERLY DECIDED FACTUAL ISSUES MR. WASHINGTON TIMELY FILED A DOCUMENT THAT WITH IN THE TIME SPECIFIED FOR FILING EXCEPT THAT ANY DOCUMENT SHALL BE DEEMED TIMELY FILED IF IT HAD BEEN DEPOSITED IN THE UNITED STATE POST OFFICE OR PRISON MAIL BOXS WITH FIRST CLASS POSTAGE PREPAID AND PROPERLY ADDRESSED TO THE CLERK OF THE COURT WITH THE TIME ALLOWED FOR WITH THE RULE OF THE COURT PURSUANT LAW OF COURT SEE HOUSTON V. LACK 487 U.S. 266.

POINT VI

STATEMENT OF ISSUES PRESENTED FOR REVIEW

4. WHETHER THE EIGHT CIRCUIT OF APPEALS ON THE MATTER SUMMARY JUDGMENT IMPROPERLY DECIDED FACTUAL ISSUES THE PLAINTIFF FACTUAL ALLEGATION RAISE A MATERIAL ISSUE EIGHTH CIRCUIT FINDS VERIFIED COMPLAINT DEFEATE SUMMARY JUDGMENT MOTION IN FAILURE TO PROTECT CASES. BERRY V. DOSS 900 f3d 1017 (8th cir 2018). ON AUGUST 20 .2018 THE EIGHT CIRCUIT COURT OF APPEAL REJECTED AN APPEAL FILED BY OFFICIALS AT THE NORHEAST ARKANASA COMMUNITY CORRECTION CENTER (NEACCC) IN A LAWSUIT ALLEGING THEY HAD FAILED TO PROTECT A PRISONER FROM BEING PHYSICALLY AND SEXUALLY HARASSED THREATENED AND ASSAULTED AND INSTEAD PUNISHED HIM FOR REPORTING THE ABUSE. MR. WASHINGTON CASE ALLEGEDLY VIOLATED BY THE DEFENDANTS WERE CLEARLY ESTABLISHED AT THE TIME OF THE CHALLNGED ACTION THE EIGHTH CIRCUIT OR THE U.S.C. WOULD HAVE TO RESOLVE THE GENIE AND MATERIAL FACTUAL DISPUTE THAT DECISION OF THE LOWER COURT MAY BE ERRONEOUS BUT THE NATIONAL IMPORTANCE OF HAVING THE SUPREME COURT DECIDE THE QUESTION INVOLVED.

POINT V

STATEMENT OF ISSUES PRESENTED FOR REVIEW

THIS CASE ABOUT WHETHER THE DISTRICT COURT CORRECTION DISMISSED A MISSOURI STATE INMATE EIGHTH AMENDMENT CLAIM AND CORRECTLY GRANTED THE DISMISSED OF THAT PETITION THE QUESTION PRESENTED IS CRITICALLY IMPORTANT AS TO THE EIGHTH OF APPEAL RULE AND IT RULE AFFIRMED THE DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH ON THE DEFENDANTS VIOLATION THE JUDGE COURT ORDERED ON THE POST JUDGMENT INJUNCTIVE RELIEF BAN THE SALE POSSESSION AND POSSESSION AND CONSUMPTION OF TOBACCO PRODUCT IN MISSOURI PRISON AND THE DEFENDANTS (FAILING TO COMPL WITH THE TERM OF THE CONDITION OF COURT ORDERED AND THE DEFENDANTS BREACHES THAT DUTE BY FAILING TO PROVIDE PROTECTION WHEN SEVERLY OFENDER ASSAULT MR. WASHINGTON RELALIATION, THREATING, INTIMINDATION, HARRASSMENT

BECAUSE OF THE BAN OF TOBACCO SMOKE. THE EIGHTH CIRCUIT ERRONOUSLY REJECTED THIS LAW THE COURT ORDERED AND EIGHTH CIRCUIT REJECTED THE PETITIONER TIMELY FILED A PETITION FOR EIGHTH AMENDMENT CLAIM THAT TIME SPECIFIED FOR FILING EXCEPT THAT ANY DOCUMENT SHALL BE DEEMED TIMELY FILED IF IT HAD BEEN DEPOSITED IN THE UNITED STATES POST OFFICE OR PRIOR MAIL BOXES WITH FIRST CLASS POSTAGE PREPAID AND PROPERLY ADDRESSED TO THE CLERK OF THE COURT WITH THE TIME ALLOWED FOR WITH THE RULE OF THE COURT PURSUANT LAW OF COURT SEE: HOUSTON V. LACK 487 U.S. 266 WHICH THE 8TH CIR. DENIED ON SEPTEMBER 24, 2020 THE COURT OF APPEAL ISSUED ITS OPINION ON OCTOBER 2, 2020 [UNPUBLISHED] BEFORE LOKEN, SHEPHERD, AND STRAS, CIRCUIT JUDGE. THE 8TH CIR DID RESOLVING THE EIGHTH CIRCUIT FAILED TO FOLLOW ITS OWN LAWS THIS ACTION DEPRIVES A PRISONER OF A CONSTITUTIONALLY PROTECTED LIBERTY INTEREST IN VIOLATION OF DUE PROCESS HICKS V. OKLAHOMA 447 U.S. 343, 346 (1980) AND RUST V. HOPKINS 984 F.2d, 1486, 1492 (8th Cir 1993) AND JONES V. RUSSELL 299 F. Supp 970 E.D. TENN 1968 AND BRAGLEY V. GLADDEN 403 F.2d 858 (9th Cir 1968) BALDWIN V. BLACKBURN 653 F.2d 942 (5th Cir 1981).

THE EIGHTH CIRCUIT DID NOT AND SHOULD MAKE FINDING OF FACT TO SHOW THE BASES OF THEIR RULING IF THERE IS A MATERIAL CONFLICT IN THE EVIDENCE OR WHY DISTRICT WAS CORRECTLY DISMISSED A MISSOURI STATE INMATE EIGHTH AMENDMENT CLAIM AND THE TIMELY FILED HIS, OPPOSES MOTION FOR SUMMARY JUDGMENT THE CONCLUSION SUGGESTION IN SUPPORT OPPOSITION TO THE DEFENDANTS MOTION FOR SUMMARY JUDGMENT PURSUANT TO LOCAL RULE 7.0 OR DETAILED THIS CASE PRESENT A CONCRETE FEDERAL AND STATE COURT SPLIT ON AN IMPORTANT CONSTITUTION ISSUE AND THE EIGHTH CIR. DECISION IS ON THE WRONG SIDE OF THAT SPLIT THE FACT OF THIS THIS CASE PRESENT AND IDEAL OF (1) DEFENDANTS VIOLATION THE JUDGE COURT ORDER POST JUDGMENT RELIEF FOR ADDRESSING THIS DEEPLY DIVIDED THE FEDERAL COURT OF APPEAL AND STATE COURT FAILURE TO COMPLY WITH THE LAW. THEREFORE LOWER COURT THE COURT AND BASIC PRINCIPLES OF FAIRNESS AND DUE PROCESS REJECT SUCH A PROPOSITION AND IN ISSUES FOR REVIEW ISSUES 1-2-3-4-5. THE QUESTION IS WHETHER IN THE LIGHT MOST FAVORABLE TO PLAINTIFF AND WITH EVERY DOUBT RESOLVED IN PLAINTIFF FAVOR THE PETITION STATE A VALID CLAIM FOR RELIEF "DISMISSAL IS JUSTIFIED ONLY WHEN THE ALLEGATION OF THE PETITION CLEARLY DEMONSTRATE PLAINTIFF DOES NOT HAVE A CLAIMS.

POINT IV STATEMENT OF ISSUES PRESENTED FOR REVIEW

WHETHER DISTRICT COURT SHOULD HAVE NOT LET COUNSEL MR. PHILLIP ZEEK IN THE MID DURING DISCOVERY WITHDRAW WHEN HIS OFFICE TOLD HIM THAT HE WAS INSTRUCTED TO WITHDRAW WITHOUT MR. WASHINGTON APPROVES AND CONSENTS WHETHER COUNSEL VIOLATION MR. WASHINGTON DUE PROCESS AND DISCRIMINATION AGAINST MR. WASHINGTON DISABILITY IN COMMUNICATION WITH DEAF OR HARD OF HEARING AND NOT HAVE AN INTERPRETER FAILURE TO FOUND THE STATUTORY AUTHORITY TO ENFORCE TITLE OF THE ADA U.S.C. 12102 BECAUSE HE DID NOT UNDERSTAND HOW TO COMMUNICATE WITHOUT AN INTERPRETER FOR THE DEAF DEFENDANTS, WHETHER THE EIGHTH CIR. COURT OF APPEAL SHOULD HAVE NOT DENIED COUNSEL WHETHER THE DISTRICT COURT SHOULD HAVE APPOINT NEW COUNSEL THAT THE EIGHTH CIR SHOULD HAVE NEW COUNSEL THAT THE DECISION OF THE COURT OF APPEAL CONFLICTS WITH THIS COURT'S CASES ALLOWING STATE LAW ON HAVE AN INTERPRETER FOR THE DEAF.

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APPENDIX J PLAINTIFF CONCLUSION SUGGESTION IN OPPOSITION TO
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APPENDIX M PLAINTIFF MOTION FOR CONSIDERATION REOPEN CASE

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APPENDIX O UNITED STATE COURT OF APPEALS FOR THE EIGHTH CIRCUIT
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APPENDIX P GENERAL DOCKET EIGHTH CIRCUIT COURT OF APPEALS
COURT OF APPEAL DOCKET #:20-1386

APPENDIX Q EIGHTH COURT OF APPEAL ORDER THE JUDGMENT ENTERED ON
04/01/2020 WAS ENTERED IN ERROR AND IS HEREBY VACATED
THE PETITION FOR WRIT OF MANDAMUS AND THE MOTION FOR
APPOINTMENT OF COUNSEL ARE DENIED

APPENDIX R EIGHTH CIRCUIT COURT OF APPEALS PRO SE NOTICE OF DOCKET
ACTIVITY CASE. NO. 20-1386 brief filed pro se appellant
brief

APPENDIX S BRIEF OF PLAINTIFF APPELLANT PRO SE NO. 20-1386

APPENDIX T EIGHTH CIRCUIT COURT OF APPEALS, APPELLEE BRIEF FILED BY
DEFENDANTS ATTORNEY FOR MR. BENJAMIN BROOKE, CHRIS MEBEE,
TERRY PAGE AND RONDA PASH

APPENDIX U JUDGMENT THIS APPEAL FROM THE UNITED STATES DISTRICT COURT
WAS SUBMITTED ON THE RECORD OF THE DISTRICT AND BRIEF OF
THE PARTIES AFTER CONSIDERATION IT IS HEREBY ORDERED AND
ADJUDGED THAT THE JUDGMENT OF THE DISTRICT COURT IN THIS
CAUSE IS AFFIRMED IN ACCORDANCE WITH THE OPINION OF THIS
COURT OCTOBER 02, 2020

APPENDIX V UNITED STATE COURT OF APPEALS FOR THE EIGHTH CIRCUIT NO. 20-1386
ECCLESIASTICAL D. WASHINGTON V. BENJAMIN BROOKS, ETAL. APPEAL
FROM UNITED STATE DISTRICT COURT FOR THE WESTERN DISTRICT
OF MISSOURI - ST. JOSEPH SUBMITTED: SEPTEMBER 24, 2020 FILED:
OCTOBER 2, 2020 [UNPUBLISHED] PER CURIAM

APPENDIX W MANDATE OPINION AND JUDGMENT OF 10/02/20 PURSUANT TO THE
PROVISION OF FED. R. OF APPELLATE PROCEDURE 41(A) OCT. 30, 20
BY EIGHTH CIRCUIT COURT OF APPEALS

APPENDIX X INMATE REQUEST TO STAFF MEMBER FORM NINE AND LETTER ATTACHED
LETTER ABOUT MR WASHINGTON GIVE LEGAL MAIL TO PUT IN PRISON
MAIL BOXES ON JAN 15, 2020 HIS MOTION FOR SUMMARY OF JUDGMENT
AND PLAINTIFF CONCLUSION SUGGESTION IN OPPOSITION OF DEFENDANTS
MOTION FOR SUMMARY JUDGMENT AND PLAINTIFF DECLARATION THAT
GAVE TO MR. WEHRY VINCENTS. AND MS. TAMMY MARTIN WITH A VERIFICATION
OF NOTARY SEAL ON BY HER DEEMED TIMELY FILED HOUSTON V. LACK
487 U.S. 266

APPENDIX Y LETTER WARDEN MR. MCBEE AND RHONDA PASH RE: THREAT AND ASSAULT
ON MR. WASHINGTON APRIL 6, 2017

APPENDIX Z ANOTHER LETTER TO THE WARDEN APRIL 16, 2017 TO MR. BROOKE
RHONDA PASH, TERRY PAGE AND CHRIS MCBEE ABOUT MR. MCGLUEN AND
CHARLES THREATING MR. WASHINGTON AND ASSAULT HIM.

LIST OF PARTIES

~~XXX~~ 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:

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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 W to the petition and is APPEAL FROM U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI-ST. JOSEPH SUBMITTED SEPTEMBER 24, 2020 ☒ reported at FILED: OCTOBER 2, 2020 [UNPUBLISHED]; or,
[] has been designated for publication but is not yet reported; or,
~~XXXX~~ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is JUDGMENT ENTERED IN ERROR AND VACATED PETITION FOR WRIT OF MANDAMUS AND MOTION FOR APPOINTMENT OF COUNSEL ☒ reported at ARE DENIED NO. 20-1386; 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 ORDER JANUARY 31, 2020 COURT GRANTED DEFENDANTS SUMMARY JUDGMENT ON PLAINTIFF REMAINING CLAIM AND ~~XXXX~~ reported at DISMISS THIS CASE DOC. 73; or,

[] has been designated for publication but is not yet reported; or,
[] is unpublished. FEB 5, 2020 THE COURT DENIED PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT DOC. 78 FILED

02/026/20 DOCUMENT 82 CASE 5;17-cv-06139-NKL

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

~~XXX~~For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was n/a.

~~XXX~~ 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: _____ n/a _____, 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 _____ n/a (date) on _____ n/a (date) in Application No. ____A____.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

[] For cases from state courts:

n/a 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:
n/a _____, and a copy of the order denying rehearing
appears at Appendix _____.

n/a [] 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____.

n/a The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

RULE 56(C) FED.R. CIV

18 U.S.C. 401

W.D.MO. R. 83.2

MISSOURI STATUTE 476.753, 476.750, 476.766, 476.705(5)

42 U.S.C. 1983

STATEMENT OF THE CASE

THIS IS A CIVIL ACTION UNDER 42 U.S.C. 1983 BROUGHT BY A STATE PRISONER WHO ALLEGES THAT MR. WASHINGTON FILES THIS ACTION UNDER 42 U.S.C. 1983 IN 2014. MR. WASHINGTON FILED A LAW SUIT STYLED AS WASHINGTON V. DENNY ET AL CASE NO. 14cv-6118-NKL-P (WASHINGTON I) IN WHICH HE SOUGHT THIS DISTRICT COURT A COURT ORDER REQUIRING THE MISSOURI DEPARTMENT OF CORRECTION TO PROHIBIT THE SALE POSSESSION AND USE OF TOBACCO PRODUCT IN ALL MISSOURI PRISON.

DURING (WASHINGTON I) PENDENCY OFFENDERS INCARCERATED WITH MR. WASHINGTON A CROSSROADS CORRECTION CENTER (CROSSROADS) REPEATEDLY AND SPECIFICALLY THREATENED TO ASSAULT MR. WASHINGTON FOR SEEKING A TOBACCO BAN IN (MO) MISSOURI THE THREATS REPRESENTED A PERVASIVE AND EXCESSIVE RISK THAT MR. WASHINGTON WOULD BE SUBJECTED TO OBJECTIVELY SERIOUS HARM MR. WASHINGTON MAKE DEFENDANTS (WARDER) AWARE OF THESE THREATS DEFENDANTS WERE SENT LETTERS AND WERE DELIBERATELY INDIFFERENT TO MR. WASHINGTON HEALTH AND SAFETY FAILING TO TAKE ANY REASONABLE MEASURES TO PROTECT HIM FROM ASSAULT BY OTHER CROSSROADS OFFENDER AS A RESULT OF DEFENDANTS DELIBERATE INDIFFERENCE MR. WASHINGTON WAS REPEATEDLY AND SEVERELY ASSAULTED AND SEVERAL BADLY BEATEN AND BEGGED FOR HELP. MR. WASHINGTON WAS BEATEN BY FOUR INMATE WHO USED AS WEAPONS BARS OF SOAP THEY HIDDEN INSIDE SEVER SOCKS MR. WASHINGTON BEGGED FOR HELP BUT THE GUARD REFUSED TO HELP.

THE OTHER PRISONER AGAIN ATTACKED MR. WASHINGTON IN FRONT OF OFFICIAL THE RESULTED IN A FRACTURE OF SEVERAL RIBS AND LUNG DAMAGE WHICH CAUSE BREATHING PROBLEM TO MR. WASHINGTON AND SERIOUS BAD LUNG INFECTION VISIBLE LOSS BEING HIT IN THE HEAD WITH A TELEVISION BY HIS CELLMATE (RICKY MUGLUEN) AND MR. WASHINGTON HEAD WAS INJURY AND NECK INJURY AND HIS SPINE INJURY AND BRUISES AND FACE INJURIES SUSTAINED BRUISES ARM LEGS BACK AND SPINE INJURY AND MR. WASHINGTON CANNOT WALK WITHOUT A WALKER TO HELP HIM TO GET AROUND MR. WASHINGTON SUSTAINED TWO BLACK EYES AND SWELLING FACE AND DEEP 1.25 INCH CUT ON INSIDE HIS MOUTH REQUIRED STITCHES FOR DAYS AFTER WARDE MAKING IT DIFFICULT OR IMPOSSIBLE TO EAT AND SLEEP MIGRAINE HEADACHED AND DIZZINESS FOR BEING HIT IN THE HEAD WITH A TV AND BARS OF SOAP RESULT OF SEVER TEETH ARE LOOSE NO MEDICAL TREATMENT A LARGE CUT NEAR LEFT EAR AND CUT TO THE HEAD AND BRUISES SCALP NO MEDICAL TREATMENT COULD NOT SLEEP BECAUSE OF SERIOUS SEVER OF PAIN IN MR. WASHINGTON FACE AND HEAD AND NECK INJURIES TO BACK AND MOUTH SWOLLEN EXPERIENCE EXTREME PAIN FROM THE INFECTED TOOTH ABOUT ABOUT SIX MONTH NO MEDICAL CARE AND ADDITION FRACTURE BONES IN THE KNEE AND LEGS AND RIGHT SHOULDER AND HAVE TO WEAR BACK BRACE FOR HIS SPINE AND SPECIAL BRACE FOR KNEE AND SPECIAL SHOES TO TRY WALK IN AND, MR. WASHINGTON WAS SPINE WAS INJURIES IN THE ASSAULT BY MR. STAGNER CHARLES AND MR. RICKY AND (4) FOUR) OTHER INMATE WHO USED AS WEAPONS BARS OF SOAP THEY HAD HIDDEN INSIDE SEVER SOCKS BECAUSE THOSE OFFENDER WAS UNHAPPY BECAUSE OF THE BAN OF THE SMOKING IN THE STATE OF MISSOURI ALL 38 PRISON.

REASONS FOR GRANTING THE PETITION

ARGUMENT POINT I

THE DISTRICT COURT SHOULD NOT HAVE GRANTED SUMMARY JUDGMENT BASED ON ITS
RESOLUTION OF DISPUTED FACTS

SUMMARY JUDGMENT IS TO BE GRANTED ONLY IF THE RECORD BEFORE THE COURT "THAT THERE IS NO GENUINE ISSUE AS TO ANY MATERIAL FACTS AND THAT THE MOVING PARTY IS ENTITLED TO A JUDGMENT AS A MATTER OF LAW." RULE 56(C) FED. R.CIV. THE DISTRICT COURT STATEMENT THAT PLAINTIFF SWORN DECLARATION CONSIST OF UNSUPPORTED ALLEGATION AND THAT THE WARDEN AND THE DEFENDANTS INVESTIGATION WAS THOUGHT AMOUNT TO A JUDGMENT ABOUT THE CREDIBILITY OF THE PLAINTIFF FACTUAL ALLEGATIONS THE DISTRICT COURT MAY NOT MAKE CREDILITY DETERMINATIONS OR OTHER WISE RESOLVE(DISPUTED FACTUAL ISSUES ON A MOTION FOR SUMMARY JUDGMENT SEE: JENKINS V. WINTER 540 f3d 742, 750(8th cir 2008) WASHINGTON V. HAUPERT 481 f3d 543, 550(7thcir 2007)).

MR.WASHINGTON PRO SE BY THROUGH UNDERSIGNED COUNSEL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56 PLAINTIFF OPPOSES THE MOTION FOR OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT PURSUANT THE LOCAL RULES 7.0 THE PLAINTIFF HAD ASK THIS DISTRICT COURT TO GRANT PLAINTIFF CONCLUSION SUGGESTION IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT IN FAVOR BECAUSE THE DEFENDANTS VIOLATION OF THE THE DISTRICT COURT HONORABLE JUDGE MRS. NANETTE K. LAUGHREY COURT ORDERED THAT THE COURT GRANTED POST JUDGMENT INJUNCTIVE RELIEF THAT BANS THE SALE POSSESSION AND CONSUMPTION OF TOBACCO PRODUCT IN MISSOURI PRISONER IN WHICH THE JUDGE IN HERE COURT ORDERED IN THAT CASE NO 14-6118-CV-KNL-P WASHINGTON V. DENNY IN THAT COURT ORDERED THAT THE STATE OF MISSOURI SHOULD NOT VIOLATION THIS COURT ORDERED THAT MISSOURI PRISONER OR STAFFMEMBER SHOULD NOT RETALIATION OR ATTACK OR HARASSMENT OR INTIMIDATION OR THREATING MR.WASHINGTON AN ANY WAY OF THE BANS OF THE SALE POSSESSION AND CONSUMPTION OF TOBACCO PRODUCT IN ALL MISSOURI PRISONER AND CORRODAO CORRECTION CENTER.

DEFENDANTS FAILURE TO TAKE ANY REASONABLE MEASURE TO PROTECT MR.WASHINGTON FOR HARM WHEN MR.WASHINGTON HAD GIVEING OR CONSTRUCTIVE NOTICE OF UNCONSTITUTIONAL WHICH THE DEFENDANTS HAS ACTUAL OR CONSTRUCTIVE OF THE UNCONSTITUTIONAL PRACTICES CARRIED OUT BY THE DEFENDANTS WHICH NOTICE TRIGGERED HIS OR HER DUTY TO PROTECT MR.WASHINGTON YET DELIBERATLY FAILED TOTAKE SUCHACTION AND THAT THE FAILURE TO ACT WAS THE PROXIMATE CAUSE OF PLAINTIFF SERIOUS INIURY.DELIBERATE INDIFFERENCE TO THE RIGHT OF OTHER BY FALING TO ACT ON THE INFORMATION THAT MR. WASHINGTON SENT TO THEM INDICATING THAT UNCONSTITUTIONAL ACT WERE OCCURRING SEE: COLON V. COUGHLIN 58 f3d 865, 873 (2d cir 1995) AND SEE: BREWER V. RIDGLE 2018 U.S. DIST LEXIS 131708 U.S.D.C. FOR THE EASTERN DISTRICT OF KANSAS PINE BLUFF DIVISION MAY 22,2018. FILED 5;17CV00177-BSM-JJV HARRIS V. SKINNER 2003 U.S. DIST. LEXIS 18510 ,2003 WL 22384794.

MR. WASHINGTON DID PLACE THOSE DEFENDANTS AND THE WARDEN ON NOTICE OF A SUBSTANTIAL RISK THAT HE WOULD VIOLENTLY ATTACK HE WAS GOING TO BE ASSAULT BY THOSE OFFENDER AT CROSSROADS CORRECTIONAL CENTER AND THAT MR. WASHINGTON REPORT THIS TO THE HOUSING UNIT OFFICIAL AND SENT LETTER BEFORE AND AFTER TO WARDEN AND THE OTHER DEFENDANTS AND SENT LETTER TO THE WARDEN IN THIS MATTER BUT THE DEFENDANT VIOLATION OF THE (JUDGE COURT ORDRR IN RELATIATION AGAINST MR. WASHINGTON THE STATE OF MISSOURI WHEN THE PRISONER RELATIATION AGAINST MR. WASHINGTON WAS REPEATEDLY AND SEVERAL ASSAULTED BY OTHER CROSSROADS OFFENDER AND INMATE IN THE DORM AND THE (DORM) OFFICERS ARE ASSIGNED TO WORK IN THE FOUR DORMITRIES AND DO NOT CONDUCT ROUND ON THE WING THAT HE OR SHE WORK IN AND DEFENDANT KNEW OR SHOULD HAVE KNOWN THAT PLACING ONE OFFICIAL OR GUARD ON DUTY IN THAT BUILDING OR THE GUMYARD MADE IT (HIGHLY FORSEABLE THAT MR. WASHINGTON WOULD BE PHYSICALLY ATTACKED AND ASSAULT BY THOSE INMATE OR OFFENDER BECAUSE OF THE BANING OF THE TOBACCO SMOKING AT C.R.C.C.

THERE ARE OVER 150 INMATE IN THE SOMETIME 250 INMATE IN THE HOUSING UNIT THAT VERY UNHAPPY ABOUT THE BANING OF THE TOBACCO SMOKING AT "()" ("CRCC") SUCH ACT VIOLATED PLAINTIFF CONSTITUTION RIGHT TO BE FREE FROM CRUL AND UNUSUAL PUNISHMENT THIS CONDUCT DEPRIVE MR. WASHINGTON OF SEVER CONSTITUTION RIGHT.

MR. WASHINGTON ASK THIS COURT TO REVIEW THE LAW ON THE SUMMARY JUDGMENT THE DEFENDANTS MOTION FOR SUMMARY JUDGMENT SHOULD BE DENIED BECAUSE THE DEFENDANTS VIOLATION THE JUDGE COURT ORDERED AND THE PRISONER OFFICIAL HAVE A DUTY UNDER THE EIGHT AMENDMENT TO PROTECT PRISONER VIOLENCE AT THE HAND OF OTHER PRISONER SEE": FARMER V. BENNAN 511 U.S. 833, 114 , sct 1970, 128 LED 2d 811 (1994).

MR. WASHINGTON HAVE A RIGHT TO BE FREE FROM CURL AND UNUSUAL PUNISHMENT BY FAILING TO PROTECT HIM FROMA KNOWN THREAT WHICH HE WAS BALLY BEATEN AND BEGGED FOR HELP BUT THE GUARD REFUSED DEFENDANTS WERE DELBERATELY INDIFFERENT TO MR. WASHINGTON HEALTH AND SAFETY FAILING TO TAKE ANY REASONABLE MEASURES TO PROTECT HIM FROM ASSAULT BY OTHER CROSSROADS OFFENDER AS A RESULT OF DEFENDANT INDIFFERENCE ,MR. WASHINGTON WAS REPEATEDLY AND SEVERELY ASSAULTED BY OTHER CROSSROADS OFFENDERS.

IN OCTOBER 2010, MR. WASHINGTON WAS TRANSFERRED TO CROSSROADS SHORTLY AFTER MR. WASHINGTON ARRIVED AT CROSSROADS" MEDICAL STAFF DIAGNOSED MR. WASHINGTON WITH ASTHMA AND OTHER RESPIRATORY CONDITIONS, FROM AT LEAST 2010 THROUGH APRIL 1 ,2018 MISSOURI DEPARTMENT OF CORRECTIONS POLICY BANNED TOBACCO SMOKING INSIDE CORRECTIONS FACILITIES BETWEEN MR. WASHINGTON'S ARRIVAL AT CROSSROADS AND OCTOBER 15, 2014 MR. WASHINGTON FILED NO FEWER THAN EIGHT GRIEVANCES GENERALLY ASSERTING THAT CROSSORADS OFFICIALS FAILED TO ENFORECE THE MISSOURI DEPARTMENT OF CORRECTIONS SMOKING POLICY AND THAT AS A RESULT OF THOSE OFFICIAL FAILURE, HE SUFFERED AS ASTHMA ATTACKS SYMPTOMS OF RESPIRATORY DISTRESS.

ON OCTOBER 15, 2014 MR. WASHINGTON FILED WASHINGTON I, ASSERTING CLAIMS AGAINST SEVERAL CROSSROADS OFFICIAL FOR VIOLATING HIS EIGHT AMENDMENT RIGHT BY BEING DELBERATELY INDIFFERENT TO HIS SERIOUS MEDICAL NEED TO BE KEPT FROM EXPOSURE TO SECONDHAND SMOKE.

SPECIFICALLY, MR. WASHINGTON ALLEGED THAT THE WASHINGTON I DEFENDANTS REFUSED TO TAKE ANY STEP PROTECT HIM FROM EXPOSURE TO SECONDHAND SMOKE DESPITE KNOWING THAT CROSSROADS "MEDICAL STAFF DIAGNOSED AND TREATED MR. WASHINGTON FOR ASTHMA AND OTHER SERIOUS RESPIRATORY CONDITITION, PRESCRIBING HIM MEDICATION AND NON -PHARMACEUTICAL PRESCRIPTION KNOWN AS "LAY INS."

IN ADDITION TO MONETARY DAMAGE ,MR. WASHINGTON SOUGHT THIS COURT'S OF THE UNITED STATE DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI FOR A COURT ORDERED BANNING TOBACCO IN MISSOURI PRISON, ON APRIL 12 2017 ,A JURY DETERMINED THAT MR. WASHINGTON PROVED HIS CLAIMS AGAINST FOUR PRISON OFFICIALS ON SEPTEMBER 21, 2017 , AS A RESLT OF THE JURY'S VERDICT, THAT COURT ENTERED A STIPULATED ORDER REQUIRING MISSOURI PRISON TO BAN SELLING, POSSESSING, OR CONSUMING TOBACCO PRODUCTS, ON OR ABOUT JANUARY 19, 2017, BEFORE THE WASHINGTON I TRIAL MR. WASHINGTON WAS ASSIGNED RICKY MCGLUEN AS HIS CELLMATE.

A. DEFENDANTS FAILED TO PROTECT MR. WASHINGTON FROM EXPOSURE TO SECONDHAND SMOKE. PRIOR TO BEING ASSIGNED AS MR. WASHINGTON'S CELLMATE ,MR. MCGLUEN HAD BEEN CITED SEVERAL TIMES FOR VIOLATING CROSSROADS "INDOOR SMOKING POLICY DEFENDANTS WERE AWARE OF MR MCGLUEN'S PREVIOUS SMOKING VIOLATIONS FOLLOWING MR. MCGLUENS ASSIGNMENT AS MR. WASHINGTON CELLMATE MR. MCGLUEN SMOKED TOBACCO AND MARIJUANA REPEATELY IN MR. WASHINGTON 'S CELL MR. WASHINGTON REPORTED MR. MCGLUEN'S SMOKING TO DEFENDANTS IN PERSONAL CONVERSATIONS, LETTERS AND THROUGH CROSSROADS ,GRIEVANCE PROCESS DEFENDANTS KNEW THAT COROSSROADO'S MEDICAL STAFF HAD DIAGNOSED MR. WASHINGTON WITH ASTHMA AND OTHER RESPIRATORY REQUIRING THAT MR. WASHINGTON NOT TO BE EXPOSED TO SECONDHAND SMOKE.

DEFENDANT ALSO KNEW THAT CROSSROADS MEDICAL STAFF HAD PRESCRIBED MR. WASHINGTON A LAY IN FOR NONSMOKING CELLMATE TO PROTECT MR. WASHINGTON FROM EXPOSURE TO SECONDHAND SMOKE IN PERSONAL CONVERSATIONS, LETTERS, AND THOUGHT CROSSROADS GRIEVANCE PROCESS ,MR. WASHINGTON ASK DEFENDANTS TO CLOSELY MONITOR MR. MCGLUEN SMOKING HABITS, ENFORCE CROSSROADS "INDOOR SMOKING BAN, AND ENFORCE MR. WASHINGTON MEDICALLY-PRESCRIBED LAY IN FOR A NON SMOKING CELLMATE BY TRANSFERRING EITHER MR. MCGLUEN OR MR. WASHINGTON TO ANOTHER CELL DESPITE KNOWING THAT MR. WASHINGTON HAD AN OBJECTIVELY SERIOUS MEDICAL TO BE KEPT FROM EXPOSURE TO SECONDHAND SMOKE, AND DESPITE MR. WASHINGTON REPEATEDLY REPORTING MR. MCGLUEN SMOKING TOBACCO AND MARIJUANA IN MR. WASHINGTON 'S CELL, DEFENDANTS FAILED TO TAKE ANY STEPS TO KEEP MR. WASHINGTON FROM EXPOSURE TO SECOHHAND SMOKE.

AS A RESULT OF DEFENDANTS FAILURE TO TAKE REASOANBLE STEPS TO PROTECT MR. WASHINGTON FROM HARM MR. MCGLUEN'S CONTINUED SMOKING IN MR. WASHINGTON CELL CAUSED MR. WASHINGTON TO HAVE ADDITIONAL, LIFE- THREATENING ASTHMA ATTACKS.

B. DEFENDANTS FAILURE TO PROTECT MR. WASHINGTON FROM ASSAULT

PRIOR TO BEING ASSIGNED AS MR. WASHINGTON 'S CELLMATE, MR. MCGLUEN HAD BEEN CITED AT LEAST FIVE TIMES FOR ASSAULTING OTHE INMATES, DEFENDANTS WERE AWARE OF MR. MCGLUEN'S PREVIOUS ASSAULTS ON SEVERAL OCCASION BETWEEN JANUARY 19, 2017 AND FEBRUARY 22, 2017 MR. MCGLUEN THREATED MR. WASHINGTON WITH PHYSICAL HARM FOR ASKING THIS COURT OF THE WESTERN DISTRICT OF MISSOURI TO BAN TOBACCO IN MISSOURI PRISONS. ALSO ON SEVERAL OCCASION BETWEEN, JANUARY 19, 2017 AND FEBRUARY 22, 2017 WASHINGTON INFORMED MR. MCBEE STHREATS CAUSED HIM TO FEAR FOR HIS HEALTH AND SAFTY AND LIFE IN THE CELL ON YARD.

ON OR ABOUT JANUARY 19, 2017 MR. WASHINGTON SENT A LETTER TO MS. PASH, MR. BROOKE, MR. PAGE AND MCBEE STATING THAT MR. MCGLUEN'S CONTINUED SMOKING IN THE CELL WAS CAUSING TENSION BETWEEN MR. WASHINGTON AND MR. MCGLUEN AND REQUESTING THAT EIGHT MR WASHINGTON OR MR .MCGLUEN BE TRANSFERRED TO ANOTHER CELL AFTER RECEIVING MR. WASHINGTON:S JANUARY 19, 2017 LETTER, DEFENDANTS REFUSED TO ASSIGN MR. WASHINGTON OR MR. MCGLUEN TO ANOTHER CELL OR OTHERWISE RESPOND TO MR. MCGLUEN'S THREATS.

DEFENDANTS ALSO FAILED TO RESPOND TO MR. WASHINGTON 'S OTHER COMMUNICATIONS ABOUT MCGLUEN'S THREATS ,OT TAKE ANY REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM ,ON OR ABOUT APRIL 6, 2017 MR. WASHINGTON SENT ANOTHER LETTER TO MS. PASH MR. BROOKE , MR. PAGE AND MR. MCBEE AGAIN STATING THAT MR. MCGLUEN'S CONTINUED SMOKING IN THE CELL WAS CAUSING TENSION BETWEEN MR. WASHINGTON AND MR. MCGLUEN AND REQUESTING THAT EITHER MR. WASHINGTON OR MR. MCGLUEN BE TRANSFERRED TO ANOTHER CELL AFCEIVING MR. WASHINGTON APRIL 6, 2017 LETTER DEFENDANTS REFUSED TO ASSIGN MR. WASHINGTON OR MR. MCGLUEN TO ANOTHER CELL OR OTHERWISE RESPOND TO MR. MCGLUEN'S THREATS.

MR. WASHINGTON CONFIRMED VERBALLY WITH MR. BROOKE THAT MR . BROOKE RECIVED MR. WASHINGTON 'S LETTERS CONCERNING THE THREAT MR. MCGLUEN POSED TO MR. WASHINGTON SAFETY. MR. WASHINGTON ALSO PERSONALLY INFORMED MS. PASH THAT MR. MCGLUEN HAD THREATENED TO ASSAULT HIM, MR . BROOKE CONFIRMED THAT HE HAD RECIVED THE LETTER AND ACKNOWLEDGED THAT MR. WASHINGTON HAD EXPRESSED CONCERNS RELATED TO MR. MCGLUEN THREATENING AND INTIMIDATING CONDUCT, ON OR ABOUT APRIL 12, 2017 WHEN MR. WASHINGTON RETURNED TO HIS CELL AFTER THE WASHINGTON I TRAIL CONCLUDED, MR. MCGLUEN CONFORNTED MR. WASHINGTON FOR REPORTING MR. MCGLUEN TOBACCO USE TO CROSSROADS OFFICIALS THEREAFTER, MR. MCGLUEN INTENSIFIED INTENSIFIED HIS THREATS TO HARM MR. WASHINGTON ON OR ABOUT APRIL 13, 2017 JOHN DOE I A CROSSROADS CORRECTIONS OFFICER, CALLED MR. WASHINGTON TO AN OFFICE IN HIS HOUSING UNIT AND REPORTED THAT CUSTODY STAFF HAD RECEIVED THREAT AGAINST MR. WASHINGTON LIFE RELATED TO THE WASHINGTON I LAW SUIT, JOHN DOE I TOLD MR. WASHINGTON THAT HE SHOULD "BE CAREFUL " AND TAKE CARE OF HIMSELF BECAUSE CUSTODY STAFF WAS NOT MR. WASHINGTON'S BABYSITTER."

AFTER ADVISING MR. WASHINGTON ABOUT THE INMATES"THREAT, JOHN DOE I FAILED TO TAKE ANY REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM ON OR ABOUT APRIL 14 2017 MR. BROOKE CONDUCTED A MEETING WITH MR. WASHINGTON, MR MCGLUEN, AND A HOUSING OFFICER.

DURING THE MEETING AND MR. BROOKE" PRESENCE, MR. WASHINGTON EXPRESSED CONCERN ABOUT MR. MCGLUEN'S CONTINUED SMOKING IN THE CELL, DURING THE MEETING AND MR. BROOKE PRESENCE, MR. MCGLUEN BECAME VERBALLY AND VISIBLY UPSET WITH MR. WASHINGTON CALLING MR. WASHINGTON A RAT FOR REPORTING MR. MCGLUEN SMOKING AND STATING HIS INTENTION TO CONTINUE SMOKING IN THE CELL DURING THE MEETING AND MR. BROOKE" PRESENCE, BOTH MR. WASHINGTON AND MR. MCGLUEN REQUESTED A TRANSFER TO ANOTHER CELL MR. BROOKE DENIED MR. WASHINGTON AND MR. MCGLUEN REQUESTS TO BE TRANSFERRED AND FAILED TO TAKE ANY OTHER STEPS TO ADDRESS MR. MCGLUEN'S THREATS, AS THE MEETING CONCLUDED AND MR. WASHINGTON AND MR. MCGLUEN LEFT THE MEETING ROOM, MR. MCGLUEN CONTINUED TO THREATEN MR. WASHINGTON WITH PHYSICAL HARM IN MR. BROOKE PRESENCE, DEFENDANTS FAILED TO TAKE ANY REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM AFTER LEARNING OF MR. MCGLUEN THREATS, LATER THAT AFTERNOON, AFTER MR. WASHINGTON AND MR. MCGLUEN RETURNED TO THEIR CELL. MR. MCGLUEN ASSAULTED MR. WASHINGTON KICKING AND PUNCHING HIM AND HITTING HIM IN THE HEAD WITH A TELEVISION.

MR. MCGLUEN'S ASSAULT WAS A DIRECT RESULT OF DEFENDANTS FAILURE TO TAKE REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM. MR. MCGLUEN ASSAULT LEFT MR. WASHINGTON WITH SEVERE BRUISES ON HIS FACE AND HEAD SWELLING IN HIS FACE AND SWELLING IN THE HEAD SWELLING IN HIS CHEST AND LEGS AND DENTAL INJURIES DEFENDANTS EACH BECAUSE AWARE OF MR. MCGLUEN'S ASSAULT ON MR. WASHINGTON BETWEEN THE DATE OF THE ASSAULT AND APRIL 16, 2017, DEFENDANTS FAILED TO TAKE ANY REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM AFTER LEARNING OF MCGLUEN'S ASSAULT ON APRIL 16 2017 WHILE MR. WASHINGTON WAS STILL (RECOVERING FROM THE INJURIES HE SUFFERED DURING MR. MCGLUEN'S ASSAULT MR. WASHINGTON WAS ASSAULTED BY FOUR INMATE USING BARS OF SOAP HIDDEN INSIDE SOCKS).

DURING THE ASSAULT, MR. WASHINGTON'S ASSAULTERS WARNED HIM TO "DROP THE FUCKING LAWSUIT." THE INMATE ASSAULT WAS A DIRECT RESULT OF THE DEFENDANTS FAILURE TO TAKE REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM THE INMATES ASSAULT LEFT MR. WASHINGTON WITH BRUISES TO HIS ARMS, LEGS HEAD AND FACE BRUISED RIBS, A BROKEN ELBOW, CUTS ON HIS TORSO AND FACE AND SHOULDER HIP AND BACK OTHER PART OF HIS BODY AND ADDITIONAL DENTAL INJURIES, FOLLOWING THE INMATE ASSAULT MR. WASHINGTON CONTINUED TO SUFFER FROM MIGRAINE HEADACHES AND DIZZINESS THAT MAKE IT DIFFICULT FOR MR. WASHINGTON TO EAT DOING THAT TIME DEFENDANTS EACH BECAUSE AWARE OF THEIR INMATE ASSAULT BETWEEN THE DATE OF THE ASSAULT AND APRIL 19, 2017.

DEFENDANTS FAILED TO TAKE ANY REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM AFTER LEARNING ABOUT THE INMATE, ASSAULT.

ON APRIL 19 2017 MR. WASHINGTON REPORTED TO AND INFORMED AND REPORTED TO CORRECTION OFCR I EMPLOYEE ID NO E0124638 THE REPORTING EMPLOYEE NAME MR. JAY GUHLKE THAT CHARLES STAGNER A CROSSROADS INMATE THREATENED TO ASSAULT MR. WASHINGTON FOR SUING TO REMOVE TOBACCO PRODUCTS FROM CROSSROADS

MR. GUHLKE JAY FAILED TO TAKE ANY REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM AFTER LEARNING ABOUT MR. STAGNER'S THREATS, LATER ON THE AFTERNOON OF APRIL 19, 2017 MR. STAGNER ASSAULTED MR. WASHINGTON STRIKING MR. WASHINGTON IN THE FACE AND HEAD AND OVER PART OF THE BODY MR. STAGNER'S ASSAULT WAS A DIRECT RESULT OF THE DEFENDANTS FAILURE TO TAKE REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM MR. STAGNER'S ASSAULT LEFT MR. WASHINGTON WITH BACK INJURIES AND WITH BRUISES, SWELLING, AND FACE INJURIES DENTAL INJURIES AND A LARGE CUT NEAR HIS LEFT EAR AND DAMAGE TO MR. WASHINGTON HEARING AID DEFENDANTS EACH BECAUSE AWARE OF MR. STAGNER'S ASSAULT IN THE DAYS FOLLOWING THE ASSAULT AFTER THESE ASSAULT, MR. WASHINGTON SOUGHT MEDICAL TREATMENT FOR HIS INJURIES FROM CROSSROADS INFIRMARY. PRIOR TO THE ASSAULT, DEFENDANTS WERE AWARE OF THE SUBSTANTIAL RISK OF AN ASSAULT PRIOR TO THE ASSAULT, DEFENDANT, WITH DELIBERATE INDIFFERENCE TO MR. WASHINGTON NEED TO BE PROTECTED FROM ASSAULT, FAILED TO PROTECT MR. WASHINGTON.

DEFENDANTS FAILED TO PROVIDE MR., WASHINGTON WITH NECESSARY MEDICAL CARE

MR. WASHINGTON FILED A WRITTEN REQUEST FOR ADDITIONAL DENTAL EXAMINATION [AND TREATMENT RELATED TO HIS INJURIES MR. WASHINGTON'S NEED FOR ADDITIONAL DENTAL CARE WAS OBJECTIVELY SERIOUS WHEN MR. WASHINGTON SOUGHT MEDICAL TREATMENT, IT WOULD HAVE BEEN OBVIOUS TO ANY PERSON THAT HE NEEDED MEDICAL CARE FOR BRUISES AND CUTS TO HIS FACE AND HEAD AND ARM AND HIS DENTAL INJURIES. MR. WASHINGTON'S REQUEST FOR ADDITIONAL DENTAL TREATMENT WAS DENIED, MR. WASHINGTON FILED A GRIEVANCE APPEALING THE DENIAL OF HIS REQUEST FOR ADDITIONAL DENTAL TREATMENT DESPITE MR. WASHINGTON REQUESTS, HE RECEIVED TREATMENT FOR SIX (6) MONTHS AFTER INCURRING HIS INJURIES IN THAT TIME MR. WASHINGTON'S DENTAL INJURIES BECAUSE (INFECTED), CAUSING HIM ADDITIONAL PAIN AND REQUIRING MEDICAL TREATMENT THEREAFTER, MR. WASHINGTON CONTINUED TO SUFFER HARASSMENT AND RETALIATION RELATED TO WASHINGTON I.

THE DEFENDANTS VIOLATION OF THE CIVIL RIGHT ACT, 42 U.S.C. 1983 DELIBERATE INDIFFERENCE --FAILING TO TAKE REASONABLE MEASURE TO ENSURE MR. WASHINGTON SAFETY WHEN MR. WASHINGTON HAD A SERIOUS MEDICAL NEED TO BE FREE FROM EXPOSURE TO SECONDHAND SMOKE DEFENDANTS WERE AWARE OF MR. WASHINGTON'S SERIOUS NEED DEFENDANTS WITH DELIBERATE INDIFFERENCE, FAILED TO TAKE REASONABLE MEASURE TO KEEP MR. WASHINGTON FREE FROM EXPOSURE TO SECONDHAND SMOKE AS A DIRECT RESULT OF DEFENDANTS INDIFFERENCE AND DELIBERATE INDIFFERENCE MR. WASHINGTON WAS INJURED IN AN AMOUNT TO BE ESTABLISHED AT TRIAL.

BECAUSE THE DEFENDANTS WERE ACTING UNDER COLOR OF STATE LAW, MR. WASHINGTON ARGUE THAT THE DOCUMENT SUPPORTING THIS CERTIORARI REVIEW THE EVIDENCE SUFFICIENT TO CREATE A GENUINE DISPUT WITH RESPECT WITH THESE CLAIMS MR. WASHINGTON MEDICAL CARE THAT WAS DELAY IN MEDICAL CARE ONLY CONSTITUTES AN EIGHT AMENDMENT VIOLATION WHERE THE MR. WASHINGTON CAN SHOW THE DELAY RESULTED IN SUBSTANTIAL HARM SEE "OXENDINE V. KAPLAN 241 f3d 1273, 1276 (10th cir 2001) QUOTATION OMITTED THE SUBSTANTIAL HARM REQUIREMENT MAY BE SATISFIED BY LIFE LONG HANDICAPPED PERMANENT LOSS OR CONSIDERABLE PAIN SEE: GARRETT V. STRAMAN 254 f3d 946, 950 (10th cir 2001) SEE: ALSO ESTELLE 429 U.S. 104 105 DELIBERATE INDIFFERENCE IS MANIFESTED BY PRISON PERSONNEL IN INTENTIONALLY DENYING OR DELAYING ACCESS TO MEDICAL CARE.

WHEN THE DEFENDANTS ENTERS INTO A CONTRACTUAL RELATIONSHIP WITH THE STATE PENAL INSTITUTION TO PROVIDE SPECIFIC MEDICAL SERVICES TO INMATE IT IS UNDERTAKING FREELY AND FOR CONSIDERATION, RESPONSIBILITY FOR A SPECIFIC PORTION OF THE STATE'S OVERALL OBLIGATION TO PROVIDE MEDICAL CARE FOR INCARCERATED PERSON IN SUCH A CIRCUMSTANCE, THE PROVIDER HAS ASSUMED FREELY THE SAME LIABILITY AS THE STATE. SIMILARLY WHEN A PERSON ACCEPTS EMPLOYMENT WITH A PRIVATE ENTITY THAT CONTRACTS WITH THE STATE, HE OR SHE IS ACCEPTING THE RESPONSIBILITY TO PERFORM HIS DUTIES IN CONFORMITY WITH THE CONSTITUTION.

THE NURSES WERE ARGUABLY BEST SITUATED TO OBSERVE MR. WASHINGTON HE WAS DEAF OR HARD OF HEARING AND ALL WAY IN NEED OF AN INTERPRETER FOR THE MEDICAL UNIT WHICH THERE WAS NO INTERPRETER ON HAND FOR MR. WASHINGTON TO HELP HIM TO COMMUNICATION WITH HIM ON HIS MEDICAL TREATMENT HE WAS ALL WAY DENIED HIM AN INTERPRETER DOING MEDICAL NOT ONLY BECAUSE THEY SAW HIM ON A DAILY BASIS KNEW OF HIS DIAGNOSIS ASTHMA AND WITNESS FIRSTHAND HAVE ASTHMATIC ATTACK FROM THE SECONDHAND SMOKE AND THE MEDICAL UNIT HAD A HARD TIME COMMUNICATE WITH MR. WASHINGTON NO NURSE KNEW SIGN LANGUAGE.

MR. WASHINGTON HAVE RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT BY FAILING TO PROTECT HIM FROM A KNOWN THREAT WHICH HE WAS BADLY BEATEN AND BEGGED FOR HELP BUT GUARD REFUSED SEE: BUTLER V. DURANT U.S.D.C. (D.S.C.) CASE NO. 4-14-CV-02276-rmg AND SEE STATE V. NEBRASKA U.S.D.C. (D. NEB) CASE NO. 4-12-CV-03115-jfb-tdt AND SEE: BERRY V. BOSS 900 f3d 1017 8th cir 2018 MR. WASHINGTON COMPLAINT AS EVIDENCE TO CONCLUDE THERE WERE MATERIAL ISSUE OF FACT IN DISPUTE AS DISPUTE AS TO WHETHER AND HOW THE OFFICIALS RESPONDED TO MR. WASHINGTON MULTIPLE COMPLAINTS OF SEVERAL PHYSICAL AND HARASSMENT AND THREAT AND ASSAULT AND MADE BY STRANER AND MR. MCGLUEN AND THE OVER FOUR OFFENDER AT CRCC THAT WAS RETALIATION AND INTIMIDATION AND THAT HAD ASSAULT MR. WASHINGTON BECAUSE OF THE COURT GRANTED POST JUDGMENT INJUNCTIVE --- RELIEF THAT BAN SALE POSSESSION AND CONSUMPTION OF TOBACCO PRODUCT IN STATE OF MISSOURI .

IT IS WELL SETTLED THAT [P]RISON OFFICIAL HAVE A DUTY TO PROTECT PRISONER FROM VIOLENCE AT THE HAND OF OTHER PRISONER SEE: FARMER V. BRENNAN 511 U.S. 825, 828, 114 SCT 1970, 128 LED 2d , 811 (1994) QUOTING CORTES QUINONES V. JIMENEZ-NETTLESHIP 842 f2d 556, 558 (1st cir 1977) SEE ALSO ROSS V. CORRECTION OFFICERS JOHN & JANE DOES 1-5- 610 f. app.x 75 76-77 (2d cir 2015) (SUMMARY ORDER) VILANTE V. DEP'T OF CORR 786 f2d 516, 522-23 2d cir 1986. HOWEVER, FOLLOWING THE SUPREME COURT'S DECISION IN KINGSLEY V. HENDRICKSON, SUPRA U.S. 135 SCT 2466 THE SECOND CIRCUIT ALTERED THE ANALYSIS UNDER THE SECOND PRONG TO AN OBJECTIVE RATHER THAN A SUBJECTIVE STANDARD SEE: DARNELL V. PINEIRO, SUPRA 849 f3d at 32-36 HOWARD V. BROWN, SUPRA 2018 U.S. DIST LEXIS 126027, 2018 WL 3622986 at 4 UNDER THE CURRENT STANDARD THE PRISON OFFICIAL NEED ONLY " RECKLESSLY FAIL[] TO ACT WITH REASONABLE CARE TO MITIGATE THE RISK THAT THE CONDITION POSED TO THE PRE TRIAL DETAINEE WERE DEFENDANT OFFICIAL KNEW OR SHOULD HAVE KNOWN THAT THE CONDITION POSED AN EXCESSIVE RISK TO HEALTH OR SAFETY HOWARD B. BROWN, SUPRA 2018 U.S. DIST LEXIS 126027 2018 WL 3611986 at 4 QUOTING DARNELL V. PINEIRO SUPRA 849 at 35 (EMPHASIS ADDED) THIS STANDARD OF DELIBERATE INDIFFERENCE MEANS THAT SAME THING FOR EACH TYPE OF CLAIM UNDER THE FOURTEENTH AMENDMENT DARNELL V. PINEIRO SUPRA 849 f. 3d at 33 n9.

WALKER V. WRIGHT 17CV-425(JCH) 2018 U.S.DIST. LEXIS 81408, 2018 WL 2225009 AT (D.CONN MAY15, 2018) (SAME STANDARD APPLIED TO UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT [*9] AND DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED UNDER THE FOURTEENTH AMENDMENT :TAYLOR V. CITY OF NEW YORK SUPRA, 2018 U.S. DIST LEXIS 52308 ,2018 WL 1737626 at *11 (SAME STANDARD APPLIED TO A (FAILURE -TO-PROTECT CLAIM UNDER THE FOURTEENTH AMENDMENT.

THE COURT HAVE FOUND THAT WHEN AN INMATE INFORMS CORRECTIONS OFFICERS ABOUT A SPECIFIC FEAR OF ASSAULT AND IS THEN ASSAULTED,THIS IS SUFFICIENT TO PROCEED ON A CLAIM OF FAILURE TO PROTECT SE: BECKLE V. BENNETT 05 CIV 2000 (JSR) 2008 U.S. DIST LEXIS 119857 , 2008 WL 821827 at *17(S.D.N.Y.) MAR 26,2008)(RAKOFF D.J.) :SEE ALSO ROGERS V. SALIUS 16cv1299 (JCH) 2017 U.S DIST LEXIS 56396, 2017 WL 1370695 at 4-5 (D. CONN. APRIL 13, 2017) THE COURT (DENYING MOTION TO DISMISS WHERE PLAINTIFF ALLEGED THAT PRISON OFFICIALS KNEW OF A THREAT PRIOR TO THE ASSAULT AGAINST HIM): MORAGAN V. DZURENDA 14cv-966 (VAB) 2017 U.S. DIST LEXIS 484 45, 2017 WL 1217092 at 6 (D.CONN, MAR 31,2017)(DENYING SUMMARY JUDGMENT WHERE PRISON OFFICIALS DENIED PLAINTIFF"S REPEATED REQUEST FOR PROTECTIVE CUSTOD AND PLAINTIFF INFOEMED THEM OF A SERIOUS THREAT HOURS BEFORE HE WAS ASSAULTED) HENRY V.COUNTY OF NASSAU 13cv-7427(SJF)(APL) 2015 U.S. DIST LEXIS 62652 , 2015 WL 2337393 at 4 (E.D.N.Y. MAY 13, 2015) DENYING MOTION TO DISMISS AS TO PRISON OFFICIAL ALLEGED.

TO BE PERSONALLY INVOLVED IN THE DECISION TO PLACE PLAINTIFFIN GENERAL POPULATION RATHER THAN PROTECTIVE CUSTODY AFTER CREDIBLE THREAT OF GANG RETALIATION MADE AGAINST PLAINTIFF SEE: LOJAN V. CRUMBSIE 12 CIV 320 (VB) 2014 U.S. DIST LEXIS 165637, 2017 WL 664370 at 4-5 (S.D.N.) OCT 6,2014 (BRICCETTI, D.J.) (DOWNGRADING PLAINTIFF PROTECTIVE CUSTODY STATUS COULD CONSTITUTE DELIBERATE INDIFFERENCE IF PRISON OFFICIAL WERE PERSONALLY AWARE OF A SPECIFIC THREAT AGAINST PLAINTIFF (CALDWELL V. REYNOLDS NO.95cv1586 (RSP/RWS) 1997 U.S. DIST LEXIS 5254, 1997 WL 141671 at 1 (N.D.N.Y. FEB 27, 1997) DENYING MOTION TO DISMISS WHERE PLAINTIFF ALLEGED [11] THAT HE WAS PLACED IN GENERAL POPULATION OVER [HIS] PROTESTE THAT HE HAD EMEIES THERE WHO WISHED TO HURT HIM AND THAT AS A RESULT HE WAS SERIOUSLY ATTACKED.

ALL FACTUAL DISPUTES MUST BE RESOLVED IN FAVOR OF PLAINTIFF SEE: NEW YORK EX REL. KHURANA V. SPHERION CORP 15 CIV 6605 (JFK) 2017 U.S.DIST LEXIS 61158, 2017 WL 1437204 at 3 (S.D.N.Y. APR 21, 2017) WITH THIS DEFERENTIAL STANDARD IN MINE THE COURT SHOULD FIND THAT PLAINTIFF COMPLAINT AND SUMMARY JUDGMENT STATE A PLAUSIBLE FAILURE TO PROTECT CLAIM UNDER THE FOURTEENTH AMENDMENT.

MR. WASHINGTON IN THIS CASE ALLEGES THAT THE INDIVIDUAL DEFENDANTS WERE AWARE OF THE THREAT TO HIS PHYSICAL SAFETY WHEN THEY ORDERED HIM TO BE PUT IN PROTECTIVE CUSTODY MR. WASHINGTON WAS AT RISK FROM OTHER INMATE AND COULD NOT BE HOUSED INTHE GENERAL PRISON POPULATION FURTHERMORE THE PROPOSED AMENDED COMPLAINT ALLEGES PLAINTIFF WAS ASSAULT AND SUFFERED SERIOUS INJURIES WITHIN WEEKS AFTER THE TRIAL AND THE (JUDGE COURT ORDERED THAT WAS VIOLATED BY THE DEFENDANTS AND INMATE OR OFFDEREN WHILE DEFENDANT MAY BE CORRECT THAT IT WAS REASONABLE TO PROTECT PLAINTIFF AND PUT HIM IN PROTECTIVE COSTORDY)(AFTER SEVERLY INMATE ATTACK AND AND NOT BEFORE) THE ASSAULT MR. WASHINGTON.

THE DEFENDANTS VIOLATION ON THAT COURT ORDERED DUE TO THE INSTITUTIONAL SAFETY CONCERNS THAT IS A FACTUAL ISSUE THAT CANNOT BE RESOLVED AT THIS EARLY PLADING STAGE DRAWING ALL REASONABLE INEFFECTUALLY IN FAVOR OF MR. WASHINGTON PLAINTIFF THE PROPOSED TO HIM COMPLAINTIFF AND MOTION OF SUMMARY JUDGMENT ALLEGATIONS TAKEN AS TRUE SUFFICIENTLY PLEAD THAT (1) PLAINTIFF WAS INCARCATED UNDER CONDITION THAT POSED (2) A SUBSTANTIAL RISK OF HARM TO HIS PHYSICAL SAFETY AND (3) THE INDIVIDUAL DEFENDANTS KNEW OR SHOULD HAVE KNOWN OF THIS RISK AND FAILED TO MITIGATE IT.

DEFENDANTS PRINCIPALLY ARGUE THAT THE PROPOSED THIRD AMENDED COMPLAINT DOES NOT STATE A CLAIM FOR DELIBERATE INDIFFERENCE BECAUSE ITS FACTUAL ALLEGATIONS ARE NOT TRUE DEFENDANTS MAINTAIN THAT PLAINTIFF FAILED TO DESCRIBE ADEQUATELY THE THREAT AGAINST HIM TO SHOW IT WAS SUFFICIENTLY SERIOUS UNDER THE FIRST PRONG OF THE ANALYSIS AND THAT IT WAS IMPOSSIBLE FOR THE INDIVIDUAL DEFENDANTS TO KNOW THERE WAS STILL A THREAT TO PLAINTIFF SAFETY WHEN THE DEFENDANTS VIOLATION THE JUDGE COURT ORDERED PLAINTIFF SUCCESS IN WASHINGTON V. DENNEY 14-6118-cv -NKL (WASHINGTON I) IN WASHINGTON I A JURY AWARDED PLAINTIFF DAMAGES BASED ON ITS FINDING THAT PLAINTIFF SUFFERS FROM ASTHMA AND THAT CERTAIN PRISON OFFICIAL DEFENDANTS VIOLATED PLAINTIFF RIGHT UNDER FEDERAL LAW BY EXPOSING HIM TO TOBACCO SMOKE ADDITIONALLY IN WASHINGTON I THE COURT ORDERED POST JUDGMENT INJUNCTIVE RELIEF BANNING THE SALE POSSESSION AND CONSUMPTION TO TOBACCO PRODUCTS IN MISSOURI PRISONS.

PLAINTIFF FILED THIS CASE PRO SE CLAIMING PRIMARILY THAT DEFENDANTS FAILED TO PROTECT HIM FROM ATTACK BY SERVELLY INMATE WHO WERE UNHAPPY WITH THE TOBACCO BAN BROUGHT ABOUT BY WASHINGTON I THAT DEFENDANTS FAILED TO PROTECT HIM FROM AN ASSAULT AND ATTACK BY INMATE CHARLES STAGNER ON APRIL 19, 2017 WHEN MR. WASHINGTON REPORT TO THEM THAT HE WAS THREAT AND GOING TO BE ATTACK.

HELLING V. KICKINNEY 509 U.S. 25, 34, 113 S.Ct. 2475, 2481 L.Ed.2d 22, 32 (1993) (A) PRISONER NEED NOT WAIT UNTIL HE IS ACTUALLY ASSAULTED BEFORE OBTAINING RELIEF.. [T]he eight amendment protects against sufficiently imminent dangers as well as current unnecessary and wanton infliction of pain and suffering this in the matter of Mr. Washington cases on the severe assault against Mr. Washington at (C.R.C.C.).

STATEMENT OF ISSUE PRESENTED FOR REVIEW

ARGUMENT POINT II

2. WHETHER THE DISTRICT COURT IN GRANTING AND THE 8th CIR COURT OF APPEAL IMPROPERLY DECIDED FACTUAL ISSUES IN VIOLATION OF THE JUDGE COURT ORDERED THE DISTRICT HONORABLE JUDGE NAETTE K. LAUGHEY ORDERED THAT THE COURT GRANTED (POST JUDGMENT INJUNCTIVE RELIEF THAT BAN SALE POSSESSION AND CONSUMPTION OF TOBACCO PRODUCT IN MISSOURI PRISONER IN WHICH THE JUDGE COURT THAT CASE NO(14-6118-cv KNL) WASHINGTON I WASHINGTON V. DENNEY THE DEFENDANTS VIOLATION MR. WASHINGTON FIRST AMENDMENT RIGHT TO PROTECT HIS PRIOR TREATMENT AT (C.R.C.C.) IN ADDITION THE RIGHT TO PROTECT OR TO CHALLENGE CONDITION OF INCARCERATION IS CLEARLY ESTABLISHED UNDER THE 1ST FIRST AMENDMENT AND IT IS UNCONSTITUTIONAL TO RETALIATE AGAINST AN INMATE FOR DOING SO. BY RELATION, ASSAULT AND HARASSMENT, INTIMIDATION THE DISTRICT ABUSED ITS DISCRETION AND VIOLATED MR. WASHINGTON DUE PROCESS BY NOT (HOLDING A HEARING) WHEN THE PLAINTIFF REQUEST THE DISTRICT COURT TO HOLD DEFENDANTS IN CONTEMPT FOR FAILURE TO COMPLY WITH THE PRIOR COURT ORDERED ON POST JUDGMENT INJUNCTIVE RELIEF THAT BANNING SALE POSSESSION AND CONSUMPTION TO TOBACCO PRODUCT IN MISSOURI PRISONS.

MR. WASHINGTON ARGUE THAT IN WITH RESPECT TO THIS CASE IT INVOLVUM THAT THE VIOLATION OF THE JUDGE COURT ORDERED GRANTED POST JUDGMENT INJUCTIVE RELIEF THAT BAN SALE POSSESSION AND CONSMPTION OF TOBACCO PRODUCT IN MISSOURI PRISON,AND RELALALIAION AND ASSAULT ON MR. WASHINGTON AFTER THE COURT TOLD THE DEFENDANT NOT TO VIOLATION THE COURT ORDER AND TO COMPLY WITH IT , PLAINTIFF HAD POINT TO EVIDENCE IN THE RECORD WHICH SUGGEST A IN THE POST JUDGMENT INJCTIVE RELIEF IT STATE TO THE DEFENDANTS AND WAS ORDERED TO THEM THAT (1) NO RELALIAION (2) NO ASSAULT (3) HARASSMENT (4) INTIMIDATION (5) NO THREATING THE PLAINTIFF .

MR. WASHINGTON HIS FIRST AMENDMENT RIGHT TO PROTECT HIS PRIOR TREATMENT AT ("CRCC") IN ADDITION THE RIGHT TO PROTECT OR TO CHALLENGE CONDITION OF INCARCERATION IS CLARLY ESTABLISHED UNDER THE (1ST FIRST AMENDMENT) AND IT IS UNCONSTITUTIONALLY TO RETALIATE AGAINST AN INMATE FOR DOING SO THUS DEFENDANTS WAS NOT ENTIELED TO ANY QUALIFIEF IMMUNITY WITH RESPECT TO THE VIOLATION OF THE JUDGE COURT ORDERED ON APRIL 1, 2017 THE MISSOURI BAN TOBACCO IN MISSOURI PRISON AND THE ASSAULT ON MR. WASHINGTON.

MR. WASHINGTON FACTUAL ALLATION IN THE ABOVE THAT DEFENDANTS VIOLATION THE COURT ORDERED THE 18 U.S.C. 401 (FAILURE TO OBEY COURT ORDER CONSTITUTES CONTEMPT PUNISHABLE BY FINE OR IMPRISOMENT) GENERALLY THE COLLATERAL BAR RULE REQUIRES THAT THE JUDGE ORDER BE FOLLOWED THE COLLATERAL BAR RULE PROVIDES THAT A DEFENDANTS MAY NOT VIOLATE A COURT ORDER AND THEN CHALLENGE THE ORDER'S CONSTITUTIONALITY AS A DEFENSE IN A CONTEMPT PROCEEDING .SEE WALKER V. CITY OF BIRMINGHAM 388 u.s. 307 , 320-21 (1967) (EVEN IF COURT ORDER VIOLATED CIVIL RIGHT PARTY SHOULD HAVE FOLLOWED ORDER UNTIL OVER-TURNED) SEE: E.G. ACEVEDO-GARCIA V. VERA -MONROIG 368 f3d 49, 58, (1st cir 2004) (EVEN IF PARTY BE BELIVED IT SHOULD HAVE RECIVED AUTOMATIC STAY PARTY COULD NOT CHALLENGE ORDER'S VALIDITY BY VIOLATION IT): IN RE CRIM CONTEMPT PROCEEDINGS, CRAWFORD 329 f3d, 131 138-39 (2d cir 2003) (EVEN IF PROTESTERS BELIVED TEMPORARY RESTRAINING ORDER HAD EXPIRED, PROTESTERS STILL REQUIRED TO COMPLY WITH): HARRIS V. CITY OF PHOLA 47 f3d 1333, 1338 (3d cir 1995) (EVEN IF PARTY BELIVED COURT ORDER INCORRECT, ABSENT,STAY, PARTY MUST FOLLOW ORDER PENDING APPEAL) CHAO V. TRANSOCEAN OFFshore, INC 276, f3d 725, 728 (5th cir 2002)(EVEN IF PARTY BELIVE COURT ORDER ERRONEOUS PARTY OBLIGED TO OBEY UNLESS IT OBTAINED STAY)(U.S. V. HENDRICKSON 822 f3d 812 (6th cir 2016).

(DEFENDANT MUST OBEY COURT ORDER, EVEN IF HE OR SHE BELIVED ORDER VIOLATED CONSTITUTIONAL RIGHT BECAUSE DEFENDANTS HAD ADEQUATE OPPORTUNITY FOR APPELLATE REVIEW): JOHNSON V. MERRILL LYNCH PIERCE, FENNER & SMITH, INC 719 f3d 601 606-07 (7th cir 2013) (EVEN IF PARTY BELIVES ORDER IS INCORRECT, PARTY MUST COMPLY OR BE HELD IN CONTEMPT): INT"l bhd of elec workers local union no. 545 v. hope elec corp 293 f3d 409 417-18 (8th cir 2002) (EVEN IF PARTY BELIVED COURT ORDER INCORRECT,PARTY SHOULD HAVE COMPLIED, AND COURT'S IMPOSITION OF SANCTIONS FOR NONCOMPLIANCE NOT ABUSE OF DISCRETION): IRWIN V. MASCOTT 370 f3d 924, 931 (9th cir 2004) (even if violator of injunctive) IS NONPARTY NON PARTY MUST STILL COMPLY WITH ORDER BECAUSE NONPARTY HAD NOTICE OF INJUNCTION)(U.S. V. STRAUB 508 f3d 1003, 1010-11(11th cir 2007) (EVEN IF PARTY BELEVED ADEQUATE AND SPECIFIC REMEDIES DID NOT EXIST, PARTY MUST STILL COMPLY WITH ORDER).

MR. WASHINGTON ARGUE THAT THE POST JUDGMENT INJUNCTIVE RELIEF WAS VIOLATION MISSOURI ("CRCC") CENTER DIDNOT COMPLY WITH IT MISSOURI SHOULDS NOT HAVE VOLATION THIS ORDER STAFFMEBER RELALIATION AGAINST AND PRISONER RELALAITION AGAINST MR. WASHINGTON WAS REPEATEDLY AND SEVERAL ASSAULTY BY OTHER ("CRCC") OFFENDER DEFENDANTS WERE AWARE AND WAS DELIBERATE INDIFFERENCE TO MR. WASHINGTON HEALTH AND SAFTY FAILING TO TAKE ANY REASONABLE MEASURE TO PTOTECT HIM FROM SEVERLY ASSAULT BY THOSE CROSSROADS OFFENDER AND STAGNER AND MR. MCGLUE.

THE UMDISPUTED EVIDENCE CONTAINED WITH MR. WASHINGTON ARGUMENT THERE IS GENUINE ISSUE AS TO MATERIAL FACT BECAUSE THE DEFENDANTS VIOLATION THE JUDGE COURDED ON GRANTED POST JUDGMENT INJUNCTIVE RELIEF BAN SALE POSSESSION AND CONSUMPTION OF TOBACCO PRODUCT IN MISSOURI WHEN THE STATE OF MISSURI INMATE AND SOME OFFENDERS ASSAULT MR. WASHINGTON IN BAN SALE TOBACCO WHICH MR. WASHINGTON INJURIES TO HIS FACE AND HEAD AND HIS BODY AND TOOK ALL OF MR. WASHINGTON PERSON PROERTY DEFENDANTS WERE DELIBERATEY INDIFFERENCE TO MR.WASHINGTON HEALTH AND SAFTY AND HIS PERSON PROPERTY FAILING TO TAKE ANY REASONABLE MEASURE TO PROTECT HIM FOR ASSAULT AND BY OTHER OFFENDERS.

PRIOR TO THE ASSAULT DEFENDANTS WERE AWARE OF THE SUBSTANTIAL RISK WHEN THE FIRST ASSAULT HAD HAPPLY TO MR. WASHINGTON BY CELLMATE MR. MCGLUEN AND MR. STAGNER PRIOR TO THE ASSAULT DEFENDANTS WITH DELIBERATE INDIFFERENCE TO MR. WASHINGTON NEED TO BE PROTECTED FROM ASSAULT FAILED TO PROTECT MR. WASHINGTON AS A DIRECT RESULT OF DEFENDANTS DELIBERATE INDIFFERENCE MR. WASHINGTON WAS INJURED INAN AMOUNT TO BE ESTABLISHED AT TRIAL AT ALL RELEVANT TIME DEFENDANTS WERE ACTING UNDER COLOR OF THE STATE LAW MR. WASHINGTON MEDICAL NEED AS A RESULT OF THE ASSAULT MR. WASHINGTON ENDRED HE HAD A SERIOUS MEDICAL NEED FOR DENTAL CARE AND ASSAULT THAT WAS DISGONOSED BY A PHYSICIAN AND WAS SO OBVIOUS THAT EVEN A LAY PERSON WOULD EASILY RECOGNIZE THE NECESSITY FOR A DOCTOR'S ATTENTION DEFENDANTS WERE AWARE OF MR. WASHINGTON SERIOUS MEDICAL NEEDS DENTAL CARE AND FOR THE FIRST ASSAULT UPON MR.WASHINGTON AND SECOND ASSAULT ON MR. WASHINGTON AND THE THRIE ASSAULT UPON MR. WASHINGTON.

DEFENDANTS WITH DELIBRATE INDIFFERENCE FAILED TO PROVIDE THE DENTAL CARE AND THE ASSAULY ON HIM AND MEDICAL CARE THAT MR. WASHINGTON NEEDED WITHIN A REASONABLE TIMES DEFENDANTS WERE AWARE OF MR. WASHINGTON SERIOUS MEDICAL FROM THE ASSAULT BY OTHER INMATE AT CROSSROADS CORR. CENTER INJURIES TO WASHINGTON MOUTH AND FACE AND BACK AND EAR AND HIS EYES INJURIES ON HIS BODY WITHIN A REASONABLE TIME MR.WASHINGTON HAD REPORTED THAT HE WAS GOING TO BE ASSAULT AND LATE THE AFTERNOON .

ON APRIL 19,2017 MR.STAGNER ASSAULTED MR. WASHINGTON SERIOUS STRIKING AND KITING MR. WASHINGTON IN THEFACE WITH HIS GLASS ON HIS FACE CAUSE SERIOUS INJUIE TO HIS EYE AND FACE AND BACK. MR.STAGNERS ASSAULT WAS A (DERICT RESULT OF THE DEFENDANTS VIOLATION AND THE INMATE VIOLATION JUDGE COURT ORDERED) IN NOT TO ASSAULT OR ATTACKS OR RELAITION OR INTIMDATION MR. WASHINGTON THIS WAS A DIRECT RESULT OF THE DEFENDANTS FAILURE TO TAKE REASONABLE MEASURE TO PROTECT MR. WASHINGTON FROM HARM IN THE FIRST ASSAULT AND SECOND AND THIRD AND FOUR AND FIFTH AND SIXTH ASSAULT ON MR. WASHINGTON .

MR. STAGNER ASSAULT WAS A DIRECT RESULT OF THE DEFENDANTS VIOLATION THE JUDGE COURT ORDERED IN NOT TO ASSAULT MR. STRANGER ASSAULT LEFT MR. WASHINGTON WITH BRUISES SWELLING WITH A DEEP 1.25 INCH CUT ON INSIDE HIS MOUTH REUIRED STITCHES FOR DAYS AFTER WARDS MAKING IT DIFFICUIT OR IMPOSIBLE TO EAT MIGRAINE HEADACHES AND DIZZINEE SEVEN (BRUSED RIB) AND AND RESULT IN BACK AND SPINCE PROBLEM FACE INJURIES TO EYE AND RESULT OF TWO TEETH ARE LOOSE NO MEDICAL TREATMENT AND ADDITIONAL DENTAL INJURIES AND LARGE CUT NEAR LEFT EAR WHICH THE DEFENDANTS EACH BECAUSE AWARE OF MR STAGNER SERUOIS ASSAULT ON MR. WASHINGTON AFTER ASSAULT WASHINGTON SOUGH MEDICAL TREATMENT FOR HIS INURIES DROM CRCC INFIRMARY BUT WAS DENIED MEDICAL CARE IN RELALIATION FOR SEEKING A TOBACCO BAN CRCC WHICH MR. STAGNER ASSAULT WAS ON V-TAPE AND A DIREXT RESULT OF HIS RELAIATION FOR SEEKING A TOBACCO BAN ("CRCC") THAT THIS PRISONER AND THE STATE OF MISSOURI DEFENDANTS VIOLATION THE JUDGE ORDER , COURT ORDERED AND FAILED TO COMPLY THE DEFENDANTS IN THE FAILURE TO PROTECT MR. WASHINGTON SUSTANIED DEGAME TO HIS PERSONAL HEARING AID THAT HE PAY \$6000. DOLLOR FOR AND BRUISES SWELLING AND LARGE CIU NEAR LEFT EAR BY THE OFFENDER MR. STAGNER ASSAULT.

MR. WASHINGTON SOUGH AN ORDER ADJUDGING RESPONDENT PRISON OFFICIALS IN CONTEMPT OF COURT ORDER FOR DISOBEYING A PRIOR COURT ORDEREDE IN WASHINGTON LAW SUIT THE THESE DEFENDANTS (INGORES) THAT COURT ORDERED IN THIS CASE THE DISTRICT AND THE EIGHTH CIR COURT OF APPEAL ABUSED ITS DISCRETION AND VIOLATION MR. WASHINGTON DUE PROCESS BY NOT HOLDING A HEARING THE PLAINTIFF REQUEST THE DISTRICT COURT TO HOLD DEFENDANTS IN COTEMP FOR FAILURE TO COMPLY WITH THE PRIOR COURT ORDERED ON THE JUDGE GRANTED POST JUDGMENT INJUCTIVE RELIEF THAT BANING SALE POSSION AND CONSUMPTION OF TOBACCO PRODUCT IN MISSOURI PRISONER AND IN HER COURT ORDERED THAT NO ONE IS TO ASSAULT MR. WASHINGTON OR HARASMENT OR INTIMIDATION OR RELALIATION AGAINST MR. WASHINGTON SEE: MERCER V. MITCHELL, 908 f2d ,763 Uⁿted STATE COURT OF APPEAL FOR THE ELEVENTH CIRCUIT AUGUST 8, 1990 NO . 89-8267 ON THIS APPEAL AND IN THE DISTRICT COURT SUOUGH TO HOLDS THE DEFENDANTS IN CONTEMPT FOR FAILING TO ABIDE BY THE TERMS OF THE COURT ORDERED BECAUSE MR. WASHINGTON WAS ASSAULT AS DIRECT RESULT OF THE THE DEFENDANTS FAILING ABIDE BY THE TERM OF THAT COURT ORDERED THE DEFENDANTS FAILING TO ABIDE BY THOSE TERMS OF JUDGE ORDER IN THE FISRT LAW SUIT IN THAT COURT ORDERED IN WASHINGTON I WASHINGTON V. DENNEY .

MR. WASHINGTON ARGUE THE PRISON OFFICIAL EXHIBITED DELIBERATE TO MR. WASHINGTON HEALTH AND SAFETY FAILURE TO PROTECT AND NOT FOUNDING THE JUDG COURT ORDERED SEE: DE" LONT V. ANGLEONE 330 f3d 634 (4th cir 2003) (INTERNAL QUOTATION MAKRS OMMED) A PRISON OFFICIALS IS DELIBERATE INDIFFERENCE IF HE OR SHE KNOW OR AND DISREAGRADS AND EXCESSIVE RISK TO INMATE HEALTH OR SAFETY SEE: BROWN V. N.C. DEP" T CORR 612 f3d 720, 723 360 FED APPX 494 (4th cir 2010). THAT THE DEFENDANTS IN MR. WASHINGTON CASE THE CONSTITUTIONALLY IS VIOLATION WHERE DEFENDANTS KNOW OF THE DAMGER OR WHERE THE THREAT OF VIOLENCE IS SO SUBSTANTIAL OR PREVASIVE FAIL TO EMBRACE A POLICY OR TAKE OTHER REASONABLE STEP WHICH MAY HAVE PREVENTED THE HARM SEE: CLEM V. LOMEL 566 f3d 1177, 1181 -82 (9th cir 2009) (JURY IN ASSAULT CASES SHOULD HAVE BEEN INSTRCTED THAT DEFENDANTS FAILURE TO ACT AS WELL COULD SUPPORT FAIDING OF DELIBERATE INDIFFERENCE. AND SEE: FARMER V. BRENNAN 511 U.S. AT 828, 834-47, 114 sct 1970 (1994) ACCORD GOKA V. BOBBITT 862 f2d ,646,651, (7th cir 1988) .

POINT III

MR. WASHINGTON FACTUAL ALLEGATION FOR ISSUE FOR REVIEW UNDER THE SUPREME COURT THE UNITED STATE HOUSTON V. LACK 487 U.S. 266 IMPROPERLY DECIDED FACTUAL ISSUE BY THE DISTRICT COURT AND THE EIGHTH CIRCUIT OF APPEAL.

MR. WASHINGTON FILED AND ARGUE TO THE DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH AND THE EIGHTH CIRCUIT OF APPEAL ASK THOSE TWO COURT TO RECONSIDER SAID ORDERED ACCORDING TO THE LAW OF TIMELY FILED A DOCUMENT MUST BE RECEIVED BY THE COURT CLERK WITHIN THE TIME SPECIFIED FOR FILING EXCEPT THAT ANY DOCUMENT SHALL BE DEEMED TIMELY FILED IF IT HAD BEEN DEPOSITED IN THE UNITED STATE POST OFFICE OR PRISON MAIL BOXS WITH FIRST CLASS POSTAGE PREPAID AND PROPERLY ADDRESSED TO THE CLERK OF THE COURT WITHIN TIMELY ALLOWED FOR WHICH THE RULE OF THE COURT AND THE SUPREME COURT OF UNITED STATES SEE: HOUSTON V. LACK 487 U.S. 266.

THE DISTRICT COURT DISMISSED MR. WASHINGTON LAW SUIT BECAUSE THE COURT SAID IN IT ORDER THAT MR. WASHINGTON DID NOT TIMELY FILE THE DOCUMENT WHICH MR. WASHINGTON DID FILE IN A TIMELY FILED THE DOCUMENT AND PUT IT IN PRISON MAIL BOXS.

IN SUPPORT OF APPELLANT WOULD STATE THE FOLLOWING CASE FOR REVIEW AND POINT FOR RELIEF THAT UPON THE COURT REVIEW OF THE COURT FEBRUARY 5, 2020 ORDERED APPELLANT WHICH THE APPELLANT DID EXPLAINING TO THE COURT THE ATTACHED DECLARATION IN THE MAIL AND APPELLANTS PAGES INCLUDED WITH MR. WASHINGTON LETTER WERE HIS SUGGESTIONS IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT DOC 76 ATTACHED EXHIBIT DOC, 76-1.

AND MR. WASHINGTON MOTION FOR PARTIAL SUMMARY JUDGMENT DOC 77. THE DISTRICT NEVER RULED ON MR. WASHINGTON MOTION FOR SUMMARY JUDGMENT ON HIS ARGUMENT ON MR. WASHINGTON ARGUE THAT DEFENDANTS WAS NOT ENTITLED TO QUALIFIED IMMUNITY AND A SUMMARY JUDGMENT AND THE JUDGE BY LAW MUST MAKE FACT FINDING TO RESOLVE THE DISPUTE ON THE QUALIFIED IMMUNITY THE LAW REQUIRES IT.

ON JANUARY 2, 2020 DEFENDANTS MOVED FOR SUMMARY JUDGMENT ON THE SOLE REMAINING CLAIM THAT FAILED TO PROTECT MR. WASHINGTON WHEN THE DEFENDANTS VIOLATED AND FAILED TO COMPLY WITH THE TERMS OF THE COURT ORDERED WHEN SEVERAL ATTACKED BY INMATE BY CHARLES STAGNER AND MR. WASHINGTON CELLMATE AND FOUR OTHER ASSAULTED MR. WASHINGTON WHICH THE DEFENDANTS DID NOT ABIDE BY TERMS OF THAT COURT ORDERED.

ON FEBRUARY 3, 2020 THE COURT RECEIVED A LETTER FROM MR. WASHINGTON STATING THAT HE GAVE HIS SUGGESTION IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT TO PRISON OFFICIAL MRS. TAMMY MARTIN WHO IS A NOTARY PUBLIC PUT IN THE PRISON MAIL BOXS SEE: EVIDENCE OF THE SUBSCRIBED AND SWORN TO BEFORE ME THIS UNDER SIGNED NOTARY PUBLIC THIS DAY 1-15-20 BY MRS TAMMY MARTIN DOC 76 PAGE 11 OF 13 AND DOC. 76-1 PAGE 5- of- 85 AND DOC 77 PAGE 22-24 THIS EVIDENCE THIS WAS SENT OUT ON THIS DAY OF 1-15-20 AND

CERTIFICATE OF SERVICE TO THE COURT AND THE ATTORNEY GENERAL AND DISTRICT COURT AND THE PAPERS WERE RETURNED TO MR. WASHINGTON AS UNDELIVRABLE ON JANARUARY 30,2020 DOC .75.

INCLUDED WITH MR. WASHINGTON LETTER WERE HIS SUGGESTION IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT DOC 76 ATTACHED EXHIBIT DOC. 76-1 AND PLAINTIFF MOTION FOR PARTIAL SUMMARY JUDGMENT DOC 77.

1. THE EVIDENCE CONTAINING THERE TURNED PAPERS WHICH THE POST OFFICIAL HELD FOR 15 DAYS WAS ADDRESSED TO CLERK OFFICE UNITED STATE DISTRICT WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION 1501 WHITTAKER COURT HOUSE, KANSAS CITY MISSOURI 64106 DOC 76-1 ALTHOUGHT PLAINTIFF INCLUDED IN THE MAILING ADDRESS A SUITE NUMBER 1501 HE DID NOT PROVIDE A STREET NAME AND NUMBER AND HIS INCLUSION OF ST. JOSEPH DIVISION IN THE MAILING ADDRESS LIKELY CAUSED FURTHER CONFUSION AS TO THE INTENDED DESTINATION ON THE MAIL.

MR. WASHINGTON HAVE RECEIVED THREE (3) ENVELOPES FROM THE UNITED STATE DISTRICT COURT WESTERN DISTRICT OF MISSOURI KANSAS CITY MO. 64106 OFFICIAL BUSINESS ENVELOPE CONTAINING THIS SAME ADDRESSES FOR THE DISTRICT IN IT THE COURT RECORD AND DOCUMENT SEE: EXHIBIT A-1 AND 2-3.

THE JUDGE STATED IN HER COURT ORDERED IMPROPERLY DECIDED FACTUAL ISSUES IN HER COURT ORDERED THAT MAILING ADDRESS LIKELY CAUSED FURTHER CONFUSION AS TO THE INTENDED DESTINATION OF THE MAIL IT DID NOT CAUSE ANY CONFUSION AS WHEN THE DISTRICT COURT SENT THIS OFFICIAL BUSINESS ENVELOPE TO MR. WASHINGTON AND MR. WASHINGTON ONLY USED WHAT THE COURT ADDRESS ON THE ENVELOPE THAT WAS MAIL AND SEND TO HIS AND SEE: EXHIBIT A-4 IN THE COURT FILED OF MR. WASHINGTON MOTION TO THE DISTRICT COURT WHICH MR. WASHINGTON HAD NO PROBLEM BEFORE SENT THIS TO DISTRICT COURT.

MR. WASHINGTON SENT THE ORIGINAL PETITION AND ONE COPY WAS SENT TO THE ATTORNEY GENERAL OFFICER AND THE COURT WAS HAND DELIVERED TO PRISON OFFICIAL UTILIZING THE INSTITUTIONAL LEGAL MAIL SYSTEM WITH ATTACHED POSTAGE PREPAID BY UNITED STATE POSTAGE STAMP \$8.00 DOLLAR YOU CAN SEE FROM THE LEGAL MAIL TO THE COURT THAT IT WAS STAMP BY THE POST OFFICIAL ON 1-15-20 THIS PETITION WAS MAIL ON TIME THIS ENVELOPE WAS ADDRESSED TO THE UNITED STATE DISTRICT COURT FOR WESTERN DISTRICT OF MISSOURI 1501 WHITTAKER COURT HOUSE KS, CITY MO. 64106.

ON January 31 2020 MR. WEHRY, VINCENT UTS CALL THE DISTRICT COURT WHEN THE MOTION FOR SUMMARY JUDGMENT AND THE OVER PAPER CAME BACK CLERK OF THE COURT TALK TO MR WEHRY ON JAN 31, 20 AND AND THE CLERK COURT TOLD HIM TO HAVE MR. WASHINGTON TO MAIL IT BACK TO THE COURT AND I DID SO AND THE COURT REVIEW THE RECORD IT WILL SEE IN THE COURT FILED AND THE PHONE CALL THAT MR. WEHRY CALL TO COURT. THE PHONE RECORD SHOW THEM ON THAT DAYS MR. WASHINGTON SENT IT CERTIFIED AND WITH POSTAGE OF \$ 23.25 AND THE TRACKING NO. 9271 2901 1220 3901 0082 83 AND ON JAN 15, 20 MR. WASHINGTON DID IN FACT TIMELY FILED MY ORIGINAL MOTION SUGGESTION

INOPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT AND A LETTER FROM PLAINTIFF STATING THAT HE GAVE HIS SUGGESTION IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT TO MRS TAMMY MARTIN ON JANUARY 15, 2020 TO MAILING ON JAN 15, 20 IN THE PRISON MAIL BOXS AND THE PAPERS WERE RETURNED TO MR. WASHINGTON AS UNDELIVABLE ON JAN 30, 2020 DOC. 75 AND INCLUDED MOTION FOR SUMMARY JUDGMENT DOC. 76 ATTACHED EXHIBIT 76-1 AND MR. WASHINGTON MOTION FOR PARTIAL SUMMARY JUDGMENT DOC. 77.

MR. WASHINGTON ACTUALLY THAT HE INNOCENT OF THE CHARGE AND WAS MY FAULT THE ORIGINAL MOTION WAS NOT RECEIVED BY THIS DISTRICT COURT THAT MR. WASHINGTON SEND IT TO COURT.

STATEMENT OF ISSUES PRESENTED FOR REVIEW

POINT VI

THE PLAINTIFF FACTUAL ALLEGATION RAISE A MATERIAL ISSUE EIGHTH CIRCUIT FINDS VERIFIED COMPLAINT DEFEAT SUMMARY JUDGMENT MOTION IN FAILURE TO PROTECT CASES

WHETHER THE EIGHTH CIRCUIT OF APPEAL DEFEAT SUMMARY JUDGMENT MOTION IN FAILURE TO PROTECT CASE ON AUGUST 20, 2018 THE EIGHTH CIRCUIT COURT OF APPEAL REJECTED AN APPEAL FILED BY OFFICIALS AT THE NORTHEAST ARKANSAS COMMUNITY CORRECTIONS CENTER (NEACCC) IN A LAW SUIT ALLEGING THEY HAD FAILED TO PROTECT A PRISONER FROM BEING PHYSICALLY AND SEXUALLY HARASSED, THREATENED AND ASSAULTED AND INSTEAD PUNISHED HIM FOR REPORTING THE ABUSE.

WHILE WILLARD EUGENE BERRY WAS INCARCERATED AT NEACCC HE REPORTED TO THERAPEUTIC COMMUNITY SUPERVISOR BRIAN DOSS, SUBSTANCE ABUSE COUNSELOR CAROL MCFARLIN AND TREATMENT SUPERVISOR KAREN HARDESTY THAT HE WAS BEING SEXUALLY AND PHYSICALLY HARASSED, THREATENED AND ATTACKED BY OTHER PRISONER NOT ONLY DID THEY FAIL TO PROTECT HIM FROM HARM ALLOWING ANOTHER PRISONER TO HURT HIM DOSS ALLEGEDLY REMOVED BERRY'S WRITING MATERIALS FOR TWO WEEKS SO HE COULD NOT SUBMIT WRITTEN COMPLAINT AND PLACED ONE OF THE ABUSIVE PRISONER IN THE SAME CELL WITH HIM UNTIL LATER THAT PRISONER HURT BERRY. SEE BERRY V. DOSS 900 F3d 1017 (8th cir 2018).

MR. WASHINGTON ARGUE THAT THE DEFENDANTS ALLOWING SEVERAL PRISONER TO HURT MR. WASHINGTON HE PRESENT FACTS SHOWING THAT DEFENDANTS ACTED UNREASONABLE SUCH THAT THEIR ACTION OR INACTION DID AMOUNT TO DELIBERATE INDIFFERENCE AND A FAILURE TO PROTECT AND THE FAILURE TO TAKE AND REASONABLE MEASURE TO PROTECT AND DEFENDANTS KNEW OR SHOULD HAVE KNOWN PLACING TWO OR MORE INMATE IN THE SAME CELL WITH ONE (ONE GUARD ON DUTY IN THAT BUILDING MADE IT HIGHLY FORSEEABLE THAT MR. WASHINGTON WOULD BE PHYSICALLY ATTACKED AND ASSAULT BY THOSE INMATE OR OFFENDER BECAUSE OF THE BAN OF TOBACCO SMOKE SUCH ACTS VIOLATED PLAINTIFF CONSTITUTIONAL RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT.

MR. WASHINGTON CASES ALLEGEDLY VIOLATED BY DEFENDANTS WERE CLEARLY ESTABLISHED AT THE TIME OF THE CHALLENGED ACTION THE EIGHTH CIRCUIT WOULD HAVE TO RESOLVE THE GENUINE AND MATERIAL FACTUAL DISPUTE THAT MEANS THAT THE COURT OF APPEAL WOULD HAVE TO DELVE INTO RECORD WEIGHT COMETING EVIDENCE AND DECIDE IN THE FIRST INSTANCE THE PRECISE MOMENT THAT MR. WASHINGTON WAS ASSAULT BY SEVERAL OFFENDER BECAUSE OF BAN TOBACCO SMOKE AND INN VIOLATION OF THE JUDGE COURT ORDERED.

THESE ALLEGATIONS IF FOUND BY A JURY TO BE TRUE WOULD ESTABLISH AN CONSTITUTIONALL VIOLATION THE EIGHTH AMENDMENT THOUGHT DILIBERATE INDIFFERENCE TO MR. WASHINGTON TO THE FAILING TO PROTECT AGAINST SUFFICIENTLY IMMUNITY ON APRIL 19, 2017 VIOLAOTION OF JUDGE COURT ORDERED AND SEVERLY ASSAULT AGAINST MR. WASHINGTON WAS CLEARL ESTABLISHED SUCH THAT A REASONABLE OFFICIAL WOULD HAVE KNOWN THAT ACTION WERE UNLAWFUL SEE: PROCTOR V. HARMON 257 f3d 868 8th cir 2001 FINEING A JURY ISSUE WHEN A LIKE MR. WASHINGTON ALLEGED THAT OFFICIALS OR ANY PRISONER ALLEGED THAT OFFICIALS PUNCHED HIM REPEATEDLY WHILE HE WAS HANDCUFFED SEE: ESTATE OF DAVIS V. DELO 115 f3d 1388, 1394-95 8th cir 1997. (FINDING AN EIGHTH AMENDMENT VIOLATION WHEN OFFICIAL/OFFICIERS HIT / A RESTRAINED PRIOSNER MULTIPLE TIMES IN THE HEAD FOR THESE REASON THE DEFENDANTS WAS NOT ENTITLED TO ANY QUALIFIED IMMUNITY ON A SUMMARY JUDGMENT FOR ANY REASONS ON THE PLAINTIFFF CALIMS AGAINST DEFENDANTS AND MR. STAGMER SHOULD PROCEED TO JURY TRIAL AND THAT DEFENDANTS WAS NOT ENTITLED TO ANY QUALIFIED IMMUNITY ON A SUMMARY JUDGMENT FOR ANY REASON ON THE PLAINTIFF CLAIMS AGAINST THEM .

PLAINTIFF FACTUAL ALLEGATION RAISE A MATERIAL ISSUE LOCAL OFFICIALS CUSTOMS AND POLICIES ORDINAL A COURT MUST MAKE A THREE PART INQUIRT TO DETERMINE WHETHER A DEFENDANTS IS ENTITLED TO QUALIFIED IMMUNITY FIRST IT MUST DETERMINE THE PRISONER HAS ASSERTED A VIOLATION OF A CONSTITUTIONAL RIGHT (SECOND) WHETHER THE ALLEGDLY VIOLATION CONSTITUTION RIGHT WAS CLEARLY ESTABLISEH AND: (THIRD) IF GIVE THE FACTS OF THE CASE A REASONABLE OFFICIAL IS MEASRED BY WHAT A REASONABLE COMETENT OFFICIALSHOULD KNOWN GOOD FAITH IS NOT AN ELEMENT OF THE DEFENDANTS RELEVANT TO THE QUALIFIED IMMUNIT INQUIRY BECAUSE THE STANDARD IS ONE OBJECTIVE.

MR. WASHINGTON ARGUE IS THAT WHETHER THE JUDGE DIDNOT RULE ON THE QUALIFIED IMMUNITY BE GAVE THE DEFENDANTS AND GRANTED THERE MOTION FOR SUMMARY JUDGMENT IS NOT WHETHER THE CONDUCT IS CLEARLY CONSTITUTIONAL, BUT WHETHER IT IS CLEARLY UNCONSTITUTIONAL THE CORRECT INQUIRY IS WHETHER COURT OF DISTRICT COURT ARE THE EIGHTH CIC. COURT OF APPEAL HAVE FOUND THE CONDUCT UNCONSTITUTIONAL OR HAVE DEFINED A CONSTITUTIONAL RIGHT IN SUCH A WAY THAT A REASONABLE OFFICIAL WOULD UNDERSTAND THAT WHAT HE IS DOING VIOLATES THAT RIGHT THIS IS NOT TO SAY THAT AN OFFICIAL ACTION IS PROTECTED BY QUALIFIED IMMUNITY UNLESS THE ACTION IN QUESTION HAS PREVIOUSLY BEEN HELD UNLAWFUL BUT IT IS TO SAY THAT IN THE LIGHT OF PRE-EXISTING LAW THE UNLAWFULNESS MUST BE APPARENT MR. WASHINGTON DOES REQUIR A PRIOR CASE THAT IS PRECISELY CLEAR IN RELATION TO THE SPECIFIC FACTS CONNFORNTING THE PRISONER OFFICIALS WHEN THEY ACTED.

FARMER STANDARD

MR. WASHINGTON ARGUE THAT DEFENDANTS KNOWN OF A SUBSTANTIAL RISK OF SERIOUS HARM TO MR. WASHINGTON AND DISREGARDED THE RISK BY FAILING TO ACT REASONABLE TO AVOID IT .SEE: FARMER V. BRENNAN THE EIGHTH AMENDMENT CREATE A CONSTITUTION RIGHT FOR PRISON TO BE PROTECTED FROM HARM BY FELLOW PRISONER SEE: GACE V. SOLEM 858 f2d 385, 388 (8th cir 198.) THE CONSTITUTIONAL REQUIRE PRISON OFFICIAL TO PROTECT PRISONER FROM INMATE ATTACK WHILE IN CUSTODY SEE: ALSO BERRY V. CITY OF MUSKOGEE 900 f2d 1489-99 10 th cir 1990 FINDING WHERE PRISONER WAS STRANGLED TO DEATH IN PRISON BY TWO MEN WHO HE HAD IDENTIFIED AS HELPING HIM COMMIT THE CRIME FOR WHICH HE WAS SERVING TIME OFFICIAL COULD HAVE KNOWN OF THE DANGER BASED ON THE PRIOR RELATIONSHIP CORTES QUINONES V. JIMINEZ-NETTLESHIP 842 f2d 556, 562 -63 1st cir 1988 FINDING OFFICIALS WERE DELIBERATELY INDIFFERENT TO THE SAFETY NEEDS OF A PSYCHIATRICALY DISTURBED PRISONER WHO KILLED IN A OVERCROWED PRISON .SEE: GANGLOFF V. POCCIA 888 f, supp 1549, 1555 (M.D.FLA 1995) FINDING THAT PRISON OFFICIAL HAVE A DUTY TO PROTECT PRISONER FROM ONE ANOTHER.

POINT VI WHETHER THE DISTRICT COURT SHOULD HAVE APPOINT COUNSEL TO MR. WASHINGTON WHETHER THE EIGHTH CIR. SHOULD NOT DENIED APPOINT OF COUNSEL COUNSEL MR. PHILLIP J.R.ZEEK HAD MOVE THE U.S.D.C. FOR THE WESTERN DISTRICT OF MISSOURI ST. JOSEPH DIVISION IN CASE NO. 17cv 6139sjnklp HE FILED UNDER MO R. 83.2 TO WITHDRAW FROM THIS CASE AS COUNSEL TO MR.WASHINGTON IT IS COUNSEL UNDERSTANDING THAT MR. WASHINGTON APPROVES OF AND CONSENTS TO THIS WITHDRAW BECAUSE TELEPHONE AND WRITTEN COMMUNICATION WILL BE BETTER SERVED BY COUNSEL LOCATED CLOSER TO HIM DOC.55 FILED 7/30/19 PG. 1 of 2.

MR.WASHINGTON DIDNOT APPROVE AND DIDNOT CONSENTS TO THIS WITHDRAW OF BECAUSE TELEPHONE AND WRITTEN COMMUNICATION HAVE BEEN EXTREMELY DIFFICULT SINCE MR. WASHINGTON MOVE OUT OF MISSOURI COUNSEL LIE TO THE COURT IN RE: WASHINGTON V. BROOKS EL AL CASE NO. 17-6139 mr. phillip zeeck SEND MR. WASHINGTON A LETTER MAY 31 2019 ON PAGE 3 HE STATED IN THE LETTER THAT THAT ATTORNEY IN HIS OFFICE THAT HE SAID I HAVE BEEN INSTRUCTED TO WITHDRAW FROM YOUR CASE SO THAT YOU CAN APPLY FOR LOCAL COUNSEL THROUGH THE COURT.

THE EVIDENCE IN HIS LETTER SHOULD THAT HE WAS INSTRUCTED TO WITHDRAW AND MR. WASHINGTON DIDNOT APPROVES OF IT AND DIDNOT CONSENT TO THIS WITHDRAWAL MR. ZEEK SEND A LETTER ON MAY 31 ,2019 STATED THAT HE WAS INSTRUCTED TO WITHDRAW MR. ZEEK FILED A MOTION FOR LEAVE TO WITHDRAW TWO (2) MONTH LASTED WITHOUT MR. WASHINGTON APPROVES AND CONSENTS HE WAS GOING TO WITHDRAW ANY BECAUSE HE SAID THAT HE WAS INSTRUCTED TO WITHDRAW WHICH COUNSEL WITHDRAW DURING THE MID OF DISCOVERY WHICH CAUSE MR. WASHINGTON PREJUDICE IS WHICH THE WITHDRAW IN THE MID DURING DISCOVERY COUNSEL WITHDRAW BECAUSE HE WAS TOLD THAT A INTERPRETER FOR MR. WASHINGTON COMMUNICATION WILL COST TO MUST BECAUSE THERE OFFICE DIDNOT HAVE A INTERPRETER ARE

USE OF TTY OR TTD TO COMMUNICAL WITH MR. WASHINGTON WAS UNDER (ADA)
42 U.S.C. 12101 COUNSEL DISRIMINATION AGAINST MR. WASHINGTON AND HI
DISABILIY COUNSEL FAILURE SECURE THE SERVICE OF AN INTERPERTER FOR
MR. WASHINGTON FAILURE TO FOUND THE STATOTORY ANTHORITY TO ENFORCE TITLE
OF THE ADA 42 U.S.C. 12101 AND MISSOURI STATUTE 476.753, 476.750 and
476.766, 476.750(50 AND CRIM PROC AND U.S CONT AMEND. VI XIV SEE:
WADAS V. DIR OF REVENUE 197 S.W. 222 , 2006 MO. APP LEXIS 1154.

WHEREFORE MR. WASHINGTON, ECCLESIASTICAL D. RESPECTFULLY REQUEST THAT THE COURT ENTER ORDER OF WRIT OF CERTIORARI AND COURT REVERSED THE JUDGMENT OF THE EIGHT CIRCUIT OF APPEAL AND THE DISTRICT OF THE FOR WESTERN DISTRICT MISSOURI THAT WAS DENIED UNTIMELY SHOULD BE REVERSED SHOULD BE SENT BACK TO THE DISTRICT COURT FOR APPOINTMENT OF COUNSEL WHICH WAS COUNSEL GRANTED LEAVE TO WITHDRAW DOC. 56 WITH WAS DENIED WITHOUT PREJUDICE COUNSEL FAILURE TO FOUND THE (ADA) STATUTORY AUTHORITY TO ENFORCE TITLE OF (ADA) 42 U.S.C. 12101 AND REVERSED THE DENIED OF THE GRANTING SUMMARY JUDGMENT TO THE DEFENDANTS THAT WAS IMPROPERLY DECIDED FACTUAL ISSUES AND IMPROPERLY DECIDED FACTUAL ISSUES EIGHT CIRCUIT OF APPEAL FAILURE TO ABIDE BY IT THE LAW OF LAND WHEN THE DEFENDANTS VIOLATION OF THE JUDGE COURT ORDERED ON POST JUDGMENT INJUNCTIVE RELIEF BECAUSE THE STATE OF MISSOURI CROSSROADS CORRECTION CENTER FAILURE TO ABIDE BY THE TERMS OF THAT COURT ORDER THE DEFENDANTS FAILURE TO COMPLY TO THE THAT ORDER. DISTRICT COURT ABUSED ITS DISCRETION AND VIOLATION MR. WASHINGTON DUE PROCESS BY NOT HOLDING A HEARING DEFENDANTS FAILURE TO COMPLY WITH THE TERM OF COURT ORDERED. DEFENDANTS WERE AWARE OF MR. MCGLUEN "PREVIOUS ASSAULTS AND MR. STAGNER MR. STAGNER, AND OTHER CROSSROADS INMATES ASSAULTED MR. WASHINGTON AND TO THE ASSAULT; DEFENDANTS WERE AWARE OF THE SUBSTANTIAL OF AN ASSAULT PRIOR TO THE ASSAULT DEFENDANTS WITH DELIBERATE INDIFFERENCE TO MR. WASHINGTON NEED TO BE PROTECTED FROM ASSAULT, FAILED TO PROTECT MR. WASHINGTON. THAT THE DECISION OF THE COURT OF APPEAL CONFLICTS WITH THIS COURT'S CASES ALLOWING STATE LAW IMPOSE FAILED TO COMPLY TO COURT ORDERED AND ABIDE BY THE TERM OF IT POST JUDGMENT INJUNCTIVE RELIEF.

The petition for a writ of certiorari should be granted.

THE QUESTION PRESENT IN THIS CASES WHETHER THE 8TH CIR COURT OF APPEAL AND THE LOWER DISTRICT COURT DEEPLY DIVIDED THE FEDERAL COURT OF APPEAL AND STATE COURT PETITIONER TIMELY FILED A PETITION

Respectfully submitted,

Mr Ecclesiastical D Washington

Date: 11 / 24 / 2020

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT
EXECUTED ON 11/24/20 28 U.S.C. 1746