

20-6643  
No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Darrian M. McCray [319977] — PETITIONER  
(Your Name)

vs.

Warden Scott Lewis — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals 4th Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

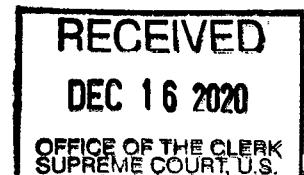
PETITION FOR WRIT OF CERTIORARI

Darrian M. McCray, [319977]  
(Your Name)

RCI/SA - 01  
(Address)

Ridge Land, SC 29936  
(City, State, Zip Code)

n/a  
(Phone Number)



QUESTION(S) PRESENTED

I.) WHETHER THE COURT OF APPEALS (COA), PROPERLY DISMISSED /  
AFFIRMED 'PETITIONER'S' CASE BEING DISMISSED FOR FAILURE  
TO PROSECUTE [SIC] WHERE THE 'INITIAL CLAIM' PROVIDED ADEQUATE  
INFORMATION RELEVANT TO THE PROSECUTION OF THE NAMED  
DEFENDANTS?

II.) WHETHER PETITIONER IS ENTITLED AS A MATTER OF LAW TO  
HAVE HIS SECTION 42 U.S.C. § 1983 'CIVIL LAWSUIT'  
RE-INSTATED AS A 'NECESSITY' TO COMPORT WITH THE  
MANDATES OF DUE PROCESS?

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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 A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at \_\_\_\_\_; 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 is unpublished.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

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

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 is unpublished.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

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was AUGUST 28, 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).

## 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:

- McCray v. Lewis, No. 4:19-cv-00051, U.S. District Court for South Carolina (ECF-No. 69).
- McCray v. Lewis, No. 20-6782, U.S. Court of Appeals for the Fourth Circuit, Judgment entered on August 28, 2020.

## RELATED CASES

Named Defendants:

- 1) Scott Lewis, Warden
- 2) \_\_\_\_\_ Butler, Sgt.
- 3) \_\_\_\_\_ Cartledge, Warden
- 4) Brian Sterling, Director

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 U.S.C. § 1983

TITLE 24 - S.C. Code Ann.

5<sup>th</sup> AMENDMENT U.S. Const.

14<sup>th</sup> Amendment U.S. Const.

## STATEMENT OF THE CASE

The petitioner in the case at bar, respectfully avers that he was physically assaulted while under the care of the defendants. That such assault was allowed to happen as a direct result of 'NEGLECT' and FAILURE TO PROTECT.

Here the named defendants (SDOC) moved to dismiss allegations 'Failure to Prosecute' Procedural Prayer by said defendants in hope of ESCAPING ACCOUNTABILITY.

DISMISSAL in view of the underlying facts, violates the dictates of the DUE PROCESS CLAUSES found at both the 5<sup>th</sup>; 14<sup>th</sup> AMENDMENTS to the UNITED STATES CONSTITUTION.

PETITIONER HAVING MET HIS BURDEN, HAS PRESENTED to this court 'Prima Facie' evidence sufficient to prove his claim of Civil violations.

## REASONS FOR GRANTING THE PETITION

CERTIORARI, IS THE ONLY AVENUE LEFT OPEN TO PETITIONER FOR PURSUING JUSTICE, WHERE IT HAS FOR SO LONG BEEN DENIED.

THE COMMON LAW REQUIRES THIS COURT TO GRANT CERTIORARI, IF THE NOTIONS OF DUE PROCESS & EQUAL PROTECTION ARE TO HAVE ANY RELEVANT MEANING.

THE CONSTITUTION OF THE CONSTITUTION ITSELF.  
THE 'RIGHT' OF THE 'PEOPLE' --

WILL BE PROTECTED BY THE 'MIGHT' OF THE CONSTITUTION,  
AND THOSE TASKED TO PROTECT THAT CONSTITUTION, NAMELY  
THE SUPREME COURT OF THE UNITED STATES.

PETITIONER IS ACCORDINGLY ENTITLED TO HAVE  
HIS CLAIMS HEARD BY THIS COURT.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Adrian M. McClay

Date: November, 2020