

20-7134

No. 18 CV 03289

Appeal 19-3244

IN THE

SUPREME COURT OF THE UNITED STATES

Fadeel Shuhaiber — PETITIONER
(Your Name)

vs.

Illinois Department of Corrections — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Seventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

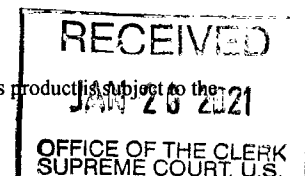
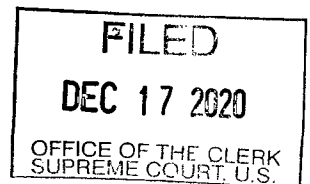
PETITION FOR WRIT OF CERTIORARI

Fadeel Shuhaiber
(Your Name)

2200 North Seminary Avenue
(Address)

Woodstock, IL 60098
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

- 1- Did the Illinois Department of Corrections violate Title II of the Americans with Disability Act and the Rehabilitation Act of 1964 with Not providing services and programs that are available like ADA cells, ADA vans that are equiped with elivator to a person like me using a wheelchair and with Qualified Disability?
- 2- Was Dismissing the case # 18CV03289 in the U.S. District Court for the Northern District of Illinois, Eastern Division Constitutional?
- 3- Is this Appeal openion constitutional as the Three panel Judges have used 5 pages of the openion to discuss Informa Pauperis and the PLRA after the District Court Granted my Motion for Fee Waiver and after several Judges from the U.S. District Court for the Northern District in the Eastern and Western Division including Chief Judge Honorable Rebecca Pallmeyer? This is an issue that Exist between Districts in the United States Court regarding the Legal Explanation of the PLRA?
- 4- Is a person in the Custody of the Department of Home Land Security and the Immigration & Customs Enforcement is considered a prisoner, and Does the PLRA applies to this Person?
- 5- Does the Illinois Department of Corrections lead by the Governor J.B. Pritzker and its Director have the Right to deny me the protections of the ADA and the RA of 1964 because I am an Immigrant and Not a United States Citizen?

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:

RELATED CASES

- 1) Fadeel Shuhaiber vs. Illinois Department of Corrections
18 CV 03289 in the U.S. District Court, Northern District
Eastern Division.
- 2) Fadeel Shuhaiber vs. Illinois Department of Corrections
19-3244, U.S. Court of Appeals, 7th Cir., 7
- 3) Fadeel Shuhaiber v. Bilppm et al; ..)
20 CV 50403 U.S.D.C Northern District Western Division
- 4) Fadeel Shuhaiber v. Chief Sitkie et al; .
20 CV 50454 U.S.D.C Northern District, Western Division

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT.....	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	United States Court of Appeals 7 th Circuit opinion
APPENDIX B	U.S.D.C. Decision entered in this Matter
APPENDIX C	U.S.D.C. Decision to Grant my Motion for Fee Waiver
APPENDIX D	U.S.D.C. Decision entered on 20 CV 50403
APPENDIX E	U.S.D.C. Decision entered on 20 CV 50454
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1. Fadeel Shuhaiber vs. ICE et al; - (20-2823) 7 th Circuit	
2. Fadeel Shuhaiber vs. Illinois Department of Corrections 18 CV 03289	
3. Kalinowski v. Bond 358 F3D 978, 978 (7 th Circuit)	

STATUTES AND RULES
1. Title II of the Americans with Disability Act
2. Rehabilitation Act of 1964
3. Prison Reform and Litigation Act - PLRA
3. Prison Litigation & Reform Act - PLRA
4. Federal Rules of Civil Procedure 12(b)(6)
5. 28 U.S.C § 1915(G)

OTHER

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 November 19, 2022 at 7th Circuit; 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 U.S.D.C. Northern District; 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.

1.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 19, 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

1. Title II of the Americans with Disability Act
2. Rehabilitation Act of 1964
3. Prison Litigation and Reform Act - PLRA
4. Federal Rules of Civil Procedures 12(b)(6)

STATEMENT OF THE CASE

This petition is a direct appeal for the opinion issued by the U.S. Court of Appeals for the 7th Circuit as the Court of Appeals have Not discussed or argued violations by the Illinois Department of Corrections of Title II of the ADA and the RA of 1964 which was done on purpose because they had a van that is Equiped with a Lift for people with wheel chairs and they had Facilities like Dixon Classification Center or Lawrence Correctional Center that are fully Equiped to house detainees with Disabilities and use assisting devices and there is more than enough space to house a person with a wheel chair in a cell by himself without putting any inmates in his cell to share as cell mates because it violates the ADA. Second, there was clear discrimination to my serious Medical Needs as diagnosed by Medical director at Northern Reception and Classification Center and by orthopedics following an assault that I was a victim of while in custody of Cook County Department of Corrections where I have suffered broken Left Leg and knee, Dislocated Right Shoulder and Elbow and broken Right Arm and was left for six hours without Medical Attention and was hospitalized for almost one month in October and November 2016 where I have pending Civil case in the U.S.D.C. Northern District, Eastern Division 18CV 01371 which Discuss these claims in details and there is a Load of Medical Record that qualify me for all services and programs and protection covered under the ADA and RA and these Facilities whether County, State or Federal have a

duty to provide these Needs to the inmates without any discrimination based on Race, Nationality, Religion, physical Disability etc.--

Second, The part Related to the PLRA and the effort the U.S. Court of appeals have spent (Total of 5 out of 6 pages) to make an argument on an issue that is Not on Appeal where a Motion for Fee Waiver been granted by District Judge Edmond E. Chang to proceed without paying the fees on Appeal and this opinion being used by other circuits especially in case # 20 CV 50403 and 20 CV 50454 that are pending in the U.S. District Court, Northern District of Illinois, Western Division where my Motion for Fee waiver been Denied and I am forced to either pay \$400 for each or my lawsuits will be dismissed and this is called "Extortion" because while I am stuck in detention with NO income, the Federal Court is choosing to protect Government officials for violating my constitutional rights that include Title II of the ADA and the RA of 1964 where the Court put \$400 on top of their duty as Federal Judges to defend the Constitution and apply the Law's and enforce the Law (even on Government officials like Chief of Corrections) because NO Body is Above the Law. These Lawsuits that are under challenge and the decisions Made in them are far away from being frivolous and they constitute a behavior of violations against my constitutional rights as a person with special Medical Needs Not because God delivered me in this condition on birth but because of Actions and decisions made by Government officials (whether working for State, County or Federal Government Agency).

These violations also violates President Donald Trump Executive order entered December 11, 2019.

REASONS FOR GRANTING THE PETITION

I ask this Court, The highest Court in the United States of America to intervene to put a stop on the continuous violations by County, State and Federal Government officials of my constitutional rights including violations of the Americans with Disability Act and the Rehabilitation Act and my Due process rights where I am a person with Qualified Disability.

Second, This honorable Court should Grant this petition to Address the issues that the U.S. Court of Appeals, 7th CirCA failed to Address in their opinion and decided to spend 90% of Their Analysis on points that are Not issues presented for Appeal.

Third, These issues presented on this petition constitute a violation of presidential order entered by President Donald Trump on December 11, 2019.

Fourth, This Court should address an issue if a person in custody of DHS and ICE is a prisoner and if PLRA applies to persons in custody of ICE and DHS.

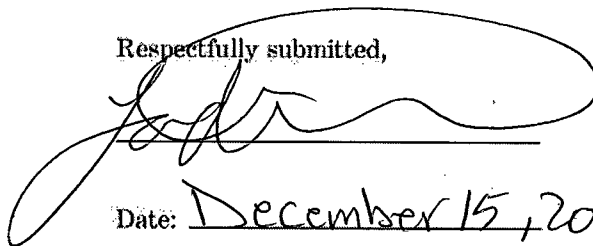
Fifth, if a person like me who is Not a prisoner and the PLRA does not apply if I should be forced to pay the Filing Fees without considering the Merits and the fact that I am with Disability and cannot

do alot of Jobs Due to my disability and is Legally Eligible for social security disability benefits and SSI when released from ICE custody.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 Fadeel Shuhaiber

Date: December 15, 2020