

No. **20-7211**

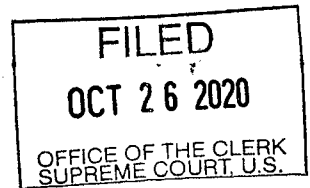
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

JEREMY L. DALE — PETITIONER
(Your Name)

VS.

MARION COUNTY SHERIFF DEPT. ANTHONY A. BOSTA
JOHN R. LAYTON Sheriff, MCSO TRANSPORTATION Div, etc. — RESPONDENT(S)



MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

IN THE SUPREME COURT OF THE UNITED STATES/UNITED STATES COURT
OF APPEALS FOR THE SEVENTH CIRCUIT

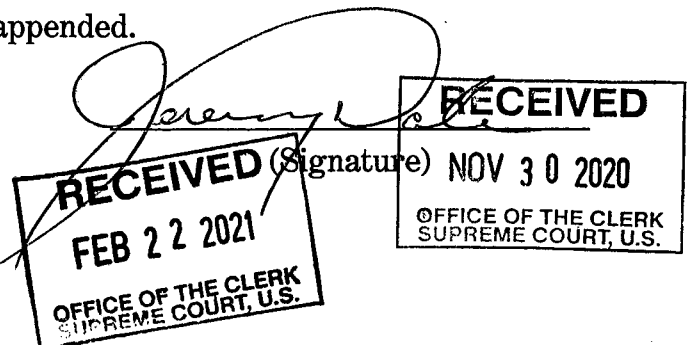
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____, or

☒ a copy of the order of appointment is appended.



**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, JEREMY L. DALE, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>friend</u>	\$ <u>50</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ N/A
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A
N/A	\$ N/A	\$ N/A

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model N/A
Value N/A

☐ Motor Vehicle #2
Year, make & model N/A
Value N/A

☐ Other assets
Description N/A
Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money

Amount owed to you

Amount owed to your spouse

N/A

\$ N/A

\$ N/A

N/A

\$ N/A

\$ N/A

N/A

\$ N/A

\$ N/A

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

N/A

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

You

Your spouse

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ N/A

\$ N/A

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ N/A

\$ N/A

Home maintenance (repairs and upkeep)

\$ N/A

\$ N/A

Food

\$ N/A

\$ N/A

Clothing

\$ N/A

\$ N/A

Laundry and dry-cleaning

\$ N/A

\$ N/A

Medical and dental expenses

\$ N/A

\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>N/A</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>N/A</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>N/A</u>	\$ <u>N/A</u>
Life	\$ <u>N/A</u>	\$ <u>N/A</u>
Health	\$ <u>N/A</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly expenses:	\$ <u>N/A</u>	\$ <u>N/A</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

N/A
Only thing I might still suffering from (Damages) (personal-injuries)
due to (car accident) while in back of (state van) without (seat-belts) to protect life & liberty
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: JAN 5
~~NOVEMBER 3~~, 2020

Jeremy Cole
(Signature)

20-7211 ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

"JEREMY L. DALE" - PETITIONER
(YOUR NAME)

VS.

"MARION COUNTY Sheriff's Dept" "ANTHONY AGRESTA"

"JOHN R. LAYTON Sheriff" MCSO TRANSPORTATION DIV et al

RESPONDENT(S)

FILED
OCT 26 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF EXTRAORDINARY
(i.e. as "petition for an extraordinary writ of mandamus/prohibition")

JEREMY L. DALE
(YOUR NAME)

Wabash Valley Correctional Facility P.O. Box 1111 #97804
(Address)

CARLISLE, IN 47838
(City, State, Zip Code)

N/A
(Phone Number)

* QUESTION(S) PRESENTED *

[Facts]:

- (First ISSUE) § 1983, person's liable under § 1983 damages
- 1) By Mr. Dale being not [seat belted] April 30, 2013 and [subjected to obvious] [Risk] and [harm] that [Exacerbated] [Injuries] [Not standing alone] was it a [Unconstitutional] deprivation of rights?

[Facts]:

- 2) (Second ISSUE) § 1983, person's liable under § 1983 damages
- Was it [Unconstitutional] for MCSO to [denial of medical, and delay] Mr. Dale [treatment] due to a [conversation] with a [State Worker] [after accident] about [husband] working with officers [downtown] that [lead] officers to allow another [non-injured] inmate [W/F] to gain [medical treatment] on [same accident] scene [MCSO] [denied] Mr. Dale?

[Facts]:

- 3) (Third ISSUE) § 1983, person liable under § 1983 damages
- Was it [Unconstitutional] for [MCSO] and [MCSO medical staff] to apply [further denial of medical treatment or delay] by [intentionally denying] a [obvious risk] [prescribed] by [X-RAY Doctor] [MCSO] sent [Mr. Dale] to see who [started] [X-RAY] was [incomplete EXAMINE]

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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

OTHER
PARTIES
→

→ " Department of Administration "

→ " AMANDA, M WESTEFELD " driver who crash (DOR) vehicle into back of (MCSO) van which also (MCSO) Failed to have protected by (seat-belts) etc.etc.

→ " The City of Indianapolis, Indiana "

→ " ATTORNEY GENERAL CURTIST, Hill "

→ " ^{STEVE} Lt. Keithley - supervisor who disregarded medic "

→ " Sgt Atkins - who disregarded medic "

→ " Deputy William Ellis - officer riding in van with Agresta "

→ " Deputy Crawley - who help moved Mr. Dale after disregarded medic "

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 Flucker V. County of Kankakee, 945 F. Supp 2d 972, 990 —
 McNeill V. Depart of Social Services 436 U.S. 658 (1978) —
 Knox V. McGinnis (US Court of Appeals, Seventh Circuit) —
 Monroe V. Pape. 365 U.S. at 184 —
 Cavalier V. Shepard 321 F.3d 616, 625-26 (7th Cir. 2003) —
 Gomez V. Randle. 680 F.3d 859, 865-66 (7th Cir. 2012) —
 Arnett V. Webster 658 F.3d 742, 753 (7th Cir 2011) —
 Farmer V. Brennan. 511 U.S. 825, 128 L.Ed 2d 811, 114 S.Ct. 1970 (1994) —
 Estelle V. Gamble. 429 97, 97 S.Ct. 285, 50 L.Ed. 2d (1976) —
 Adams, 163 Fed Appx. at 975 —
 King. 680 F.3d at 1018 —
 Kernats. V. O'Sullivan. 35 F.3d 1171, 1175 (7th Cir. 1994) —
 Petties V. Carter, 836 F.3d 722, 728 (7th Cir. 2016) —
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[CASES]

[FACTS]

[STATUTES AND RULES]

28 U.S.C § 1257 (A) — and 28 U.S.C. § 2403 (A) and (B)
 28 U.S.C § 1254 —
 28 U.S.C § 1746 —
 28 U.S.C § 2244 (B) —
 Rules 14, 11, 33, 34, 39, 39.7 rule 13, and 10 also 33.2, 33.1 —
 Supreme Court Rule 10 —

* TABLE OF AUTHORITIES CITED *

[Facts]

[STATUTES AND RULES]

Rules for "minimal civilized measure of life's necessities"

Rules 17, 3, and Rule 20 Procedure on a Petition for "Extraordinary Writ"

Rules 21. motions to the Court, and Rule 22, Rule 20.2

under 42 U.S.C. § 1983 [Seeking Redress]

Violation of [Amendment 1] freedom to speech

and to petition the government for a redress of grievances

under "Writ of Prohibition" and "Writ of Mandamus"

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 _____ 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 _____ 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 X to the petition and is

- ☒ reported at IN THE MARION COUNTY SUPERIOR COURT; 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 IN THE MARION COUNTY SUPERIOR COURT; 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 Aug 21, 2019.

☐ 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: Aug 19, 2019, and a copy of the order denying rehearing appears at Appendix 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.

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 28 U.S.C. § 1442(b)(1) deposit of jurisdiction.
A copy of that decision appears at Appendix C.

☐ 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).

"STATEMENT OF THE BASIS for Jurisdiction"

"Definitions"

* WRIT OF PROHIBITION: a prerogative (Writ) issued by a superior court that prevents an inferior court or (tribunal) from exceeding its (Jurisdiction) or usurping jurisdiction it has not been given by Law. It is an extraordinary writ because it issues only when the party seeking it is without other means of redress for the wrong about to be inflicted by the act of the inferior tribunal. Sometimes it is referred to simply as (PROHIBITION).

* MANDAMUS Lat.: WE COMMAND. An extraordinary (writ), issued from a court to an official, compelling performance of an act that the law recognizes as an absolute duty, as distinct from acts that may be at the official's discretion.

THE MEANING AND NEED FOR (MR. DALE) gaining the Court's Ruling to hear such as a CASE ("petition for an extraordinary writ of MANDAMUS/prohibition").
A the petition will show that the (Writ) will be in (Aid) of the Court's Appellate jurisdiction, that exceptional circumstances warrant that adequate relief cannot be obtained in any other form or from any other (court).

" UNDER RULE 20 " 3.(a) writ

* CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED *

(Jurisdictional Authority) Issuance by the Court of an extraordinary writ authorized by 28 U.S.C. § 1651 (a) is not a matter of right, but of discretion sparingly exercised. To justify the granting of any such writ, the petition must show that the writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant that adequate relief cannot be obtained in any other form or from any other court.

Final judgments from the highest state court must involve an [important] [federal question] in order to be considered for review by the [US Supreme Court]

A petition seeking a writ authorized by 28 U.S.C. § 1651 (a), § 2241, or § 2254 (a) shall be prepared in all respects as required by Rules 33 and 34 following Rules 14, Rule 39, Rule 22, Rule 29, Rule 15. Also [Writ of prohibition] and [Writ of Mandamus] under [Rule 20]

Also (Jurisdictional Authority) over issues that rise to a level of a § 1983, persons liable under § 1983 damages, when there are damages caused or pain and suffering and there's proof in the [record] and there's been [conflict with the decision of another state court] & last resort or of a United States Court of Appeals

AMENDMENT 1 : Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, [and to petition the government for a redress of grievances]

Under Rule 20 "3(a) Writ

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

* (Basis For Jurisdiction of the Supreme Court) * [Writ of Prohibition] ←
AND
[Writ of Mandamus] ←

Writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

So the [Order] in which [Mr. Dale] is seeking review is (§ 1983 Redress for injuries/Damages)

1) OF [Exceptional - Importance] based on a complete miscarriage of Justice that involves an [Important Federal question] that only the U.S. Supreme Court can answer by Mr. Dale petition for [Writ for a Extraordinary writ] and these are the orders in which Mr. Dale is seeking review: [Damages] and relief for [personal injuries] § 1983 but under Rule 20 [Writ of Prohibition AND Writ of Mandamus]

(A) [Important Federal question]: under 42 U.S.C § 1983 [seeking Redress]

By, Mr. Dale being not [scot-better] April 30, 2013 and subjected to a [obvious] risk and [harm] that [exacerbated - injuries] and [not standing alone] was it a [Unconstitutional Deprivation] of said [Rights] when all the [facts] point to this [evidence] being shown after [accident] or [crash] was it unconstitutional?

So [Relief] for personal - injuries \$750,000 thousand dollars from each Defendant in his/her Individual-capacity / official capacity

For "Relief and Granted"

"UNDER RULE 20" 3(a) West

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(B)

[Important Federal question]: UNDER 42 U.S.C. § 1983 [seeking redress] By, was it [unconstitutional] for MCSO to [denial of medical, and delay] Mr. Dale's [treatment] due to a [conversation] with a [State worker] after [Accident] about her [husband] working with [MCSO] officers [downtown] in [Marion County], that [lead] officers to allow another [Non-injured] inmate [Candice Brown w/f] to gain [medical-treatment] on [Same accident] SENE [MCSO intentionally denied Plaintiff] by [disregarding medic] then moving Mr. Dale by [untrained] officers causing further [pain and suffering] So [Relief] for personal-injuries \$2,500,000 million dollars from each defendant in his/her Individual-capacity / official-capacity

"Relief and Granted"

(C) [Important Federal question]: UNDER 42 U.S.C. § 1983 [seeking redress] By, was it [unconstitutional] for [MCSO] and [MCSO medical staff] to apply [Further denial of medical treatment or delay] by [intentionally denying] a [serious risk] [prescribed] by [X-Ray doctor] MCSO sent Mr. Dale to see who [stated] X-RAY was [Incomplete examine] but force Mr. Dale to suffer due to not upturning to [notice] or [warning] that Mr. Dale could still be [injured] but [overlooked] these signs and force him [unwarranted pain] by forcing a [injured] Mr. Dale to sleep on a [steel-bed] causing further damages Mr. Dale still suffers from to this day.

So [Relief] for personal-injuries \$2,500,000 million dollars from [Each defendant] in his/her Individual-capacity / official capacity

"Relief and Granted"

* CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED *

[First issue]

[Citations]: Dexter v. Ford Motor Co., 92 Fed. Appx. 637, 641 (10th Cir. 2004) state in Dexter decision noted the court was "loathe to say [unbelted] inmates are exposed to risks society chooses not to tolerate. Also * Fliker v. County of Kankakee 945 F. Supp. 2d 972, 990. The connection between a failure to (seat-belt) and the (risk) of (serious injury) and in fact was it [standing alone] or provided something more * Monell v. Department of Social Services 436 U.S. 658 (1978) dealing with liability and how a municipality only may be held [liable] under § 1983 for [Constitutional violations] through its own (policy) or (custom) and see, * Knox v. McGinnis (US Court of Appeals Seventh Circuit) where Knox maintains that the (Black box) caused him severe discomfort and (physical injury) and he was not in a [Seat-belt] or [accident] and was [caused damages] * Brown v. Missouri Dept. of Corrections 9th Cir. 2004 (A state prisoner was allegedly [injured] from a [accident] [while enroute to a correctional facility], * Morroe v. Pape, 365 U.S. at 184 (quoting U.S. v. Classic, 313 U.S. 299, 326, 61 S.Ct. 1031 (1991); And as the requirement of "State action" that must be [shown] to [prove] a [violation] of the [Fourteenth Amendment] and the two terms are often used interchangeably. [misuse of power] possessed by virtue of [State Law] and made possible only because the (wrong doer) is clothed with the [Authority] of state law is action taken "Under color of State Law" and [Federal Law].

[Second issue]

[Citations]: * Cavalieri v. Shepard, 321 F.3d 616, 625-26 (7th Cir. 2003); a delay in treatment that causes unnecessary [pain] is actionable even if it did not [exacerbate] the [injury] or diminish the chances of a full recovery * Gomez v. 680 F.859, 865-66 (7th Cir. 2012) ("A delay in treating now-life threatening but [painful] [conditions] may constitute [deliberate indifference] if the delay [exacerbated] the [injury] or unnecessarily

* CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED *

[Second Issue]

[prologed] and inmates [pain] also * Arnett v. Webster 658 F.3d 742, 753 (7th Cir. 2011)

[Third Issue]

[Citations]: FARMER v. BRENNAN, 511 U.S. 825, 128 L. Ed. 811, 114 S.Ct. 1970 (1994) (drawing inference from circumstantial evidence) and a fact finder may conclude that a prison official knew of a (substantial risk) from the very fact that the (risk) was (obvious) * ESTELLE v. GAMBLE, 429 U.S. 97, 97 S.Ct. 285, 50 L. Ed. 2d 1147 (1976). This is true whether the [indifference] is [manifested] by (prison doctors) in their response to the prisoner's needs or by prison guards (intentionally denying) or (delay access) to (medical care) or (intentionally) interfering with the (treatment) once (prescribed) * Adams, 153 Fed Appx. at 975; But [deliberately inappropriate treatment] or [intentional mistreatment] is actionable under § 1983. The standard is comparable to that required for [criminal recklessness] * King, 680 F.3d at 1018; * Kerns v. Sullivan, 35 F.3d 1171, 1175 (7th Cir. 1994). The initial step in any § 1983 analysis is to identify the specific constitutional right which was allegedly violated * Peltier v. Carter 836 F.3d 722, 728 (7th Cir. 2016) "the totality of an inmates medical care" when considering whether that [care evidence] [deliberate - indifference] to [serious medical needs]

"STATEMENT OF THE CASE"

UNDER RULE 20 3(a) WRIT

Extraordinary Writ Seeking Specified Relief

I MR. DATE [specify] the type of [relief] being sought under [RULE 20] for the types of [extraordinary writs] which may be sought in this court:

3(A) A petition seeking a ^{1#} [writ of prohibition] a ^{2#} [writ of mandamus], OR both in the alternative shall state the NAME AND OFFICE OR FUNCTION OF EVERY person against whom relief is sought AND shall set out with [particularity] why the relief sought is not available in any other court

Due to the [Particularity] of such (claims) that of § 1983, persons liable under § 1983 damages / or [redress]. Questions Presented as to (First Issue), (Second Issue), (Third Issue) of (facts) by (record) and (accident) caused by [Defendants] and All [Defendants] April 30, 2013 that of also (AMANDA WUESTERFELD) who was at that time employed by the [INDIANA DEPARTMENT OF NATURAL RESOURCES], that as a (result) of the car driven by (AMANDA WUESTERFELD) into the Marion County Sheriff's Department transportation vehicle, Plaintiff Mr. DATE was (viciously) thrown into the transportation vehicle cage face first. Mr. DATE was unable to protect himself from the full impact due to being secured and the fact that he was unable to lift his hands to his face, and (fact) MCSO never placed (seat belts) or any (safety devices) on (MR. DATE) or INMATE (CANDICE BEAUN) that caused the further (claims) to arise in (First Issue), (Second Issue), (Third Issue) in this said "Petition for an extraordinary writ" meaning [writ of prohibition] and [writ of mandamus] and this is where I must point to other (defendants)

"STATEMENT OF THE CASE"

Under Rule 20 3.(a) writ

"Extraordinary Writ Seeking Specific Relief"

That of [MARION County Sheriff's Dept], [ANTHONY AGRESTA "Officer",
[John R. LAYTON Sheriff], [MARION County Transportation Div.], [ets.], and
The Counselor [OFFICE OF THE ATTORNEY GENERAL CURTIS, Hill] -
J.R. [defendants] Mr. Date seeks relief is sought, and Mr. Date

sets out with particularity why the relief sought is not available
in any other court because my claims meets the grounds of

→ [MANDAMUS] An [Extraordinary writ] issued from a court to an official,
compelling performance of an act that the law recognizes as an absolute
duty, as distinct from acts that may be at the official's discretion, and
the other reason relief sought is not available in any other court is
because I [MR. DATE] must apply for a [Writ of Prohibition] issued by
a superior court that prevents an [inferior court] or [tribunal] from [exceeding
its jurisdiction] or [usurping jurisdiction] it has not been given by law. And
in need to file for such relief as this [Extraordinary writ] because
it issues only when the party seeking it as I am [MR. DATE] is now
without other means of [redress] for the wrong about to be inflicted by the
act of the [inferior tribunal] due to all the [defendants] being that
of a [Branch of government] that has cause such [damages] to
be ongoing and [MR. DATE] still suffers from [damages], [injuries]
and rights violated under the [United States Constitution] that
were pass to protect all said citizen under law, but has
failed MR. DATE in all other courts and this is why MR. DATE
files such claims for [Extraordinary writ] under Rule 20 3.(a) writ
[MANDAMUS] and [Writ of Prohibition].

"Rule 21." Brief

STATEMENT OF THE CASE

Due to the judges on the "original panel" of August 19, 2019 decision conflicts with a decision of the United States Supreme Court and of the court to which the petition is addressed and consideration by the (full court) is therefore necessary to secure and maintain ("uniformity") of the court's decisions, Plaintiff MR. Dale in his petition asserts that the proceedings present questions of (Exceptional Importance) that involve an issue on which the panel decision (conflicts) with the Authoritative decisions of other United States Courts of Appeals that have addressed the issue.

[FACTS]

[First Issue] Due to [MCSO] not using [seat-belts] are any [safety device] Defendant's violated 8th Amendment rights, and 14th Amendment due process rights, of MR. Dale causing further (damages) to (injuries) when _____ a [State worker] [Amada Wusterfeld] crash her vehicle into back of [MCSO] for where MR. DALE and another [INMATE] [Candice Brown] w/f was sitting, causing [MR. DALE] to be [visibly thrown] into [steel walls] [exacerbating] [injuries] due to not being [seat-belted] when MS. Wusterfeld in a (rush) to a (business meeting) for her company [Indiana Department of Natural Resources] was looking at a [map] and [told] MCSO officers [April 30, 2015] that [her] [husband] works [downtown] with said officers [causing] them to feel for [her distress] and due to that [conversation], MCSO Agents and Supervisor [disregard] [medic sent to accident scene] and [applied] there on kind of [medical treatment] that caused further [pain and suffering] to a already injured MR. DALE due to [crash] of [MS. Wusterfeld] causing cause of [original injuries] to exacerbate by avoiding obvious (risks) because [seat-belt] issue was not standing [alone] and due to [MS. Wusterfeld] crash added that [something more] than just a [seat-belt] argument and things [MCSO] officers did ~~soon~~ after

"Rule 21" Brief

STATEMENT OF THE CASE

[Second Issue] Due to [MCSO] use of [denial of medical, and delay] by (MCSO) Agresta and [Defendants] under [Sheriff John Layton] [Policy] [disregarded a medic] due to [conversation] with [Mrs. Wustefeld] about her [husband] working with [officers] [downtown] at [Marion County], caused MCSO to [deny and delay treatment] causing Mr. Dale further [pain and suffering] — denial of the "minimal civilized measure of life's necessities", and case led (MCSO) to place Mr. Dale under [condition posing a substantial risk] of [serious harm] due to [MCSO Agresta] sufficiently "[culpable state of mind]" that cause them to (blatantly or intentional) cause Mr. Dale further [pain and suffering] due to trying to [cover up] "act" of Mrs. Wustefeld who was looking at a [map] when her [vehical crash] into back of MCSO van, and the (RECORD) will show how (denial) caused a (medic) to be [disregarded] and not see [Mr. Dale] on accident a (now-injured) inmate [Cawlee Brown] to be seen date of April 30, 2013 before allowing to leave, showing how [Defendants] proved they had [no training] and were [covering up] be a [fellow officer wife] and the [Indiana Department of Natural Resources] [interest] to [protect them self] and (MCSO) liability from [damages] caused by [personal injuries] of All [Defendants] that caused said [pain and suffering] to Mr. Dale [April 30, 2013].

[Third Issue] Due to [MCSO] and [MCSO medical staff] applying [further denial of medical treatment or delay] is shown by (facts) that once back at [MCSO] there [medical staff] sent Mr. Dale to [Wishard Hospital] for a (X-RAY) that was found out to be a [incomplete - EXSAMI] and [Doctors] at [hospital] "informed" MCSO and [medical staff] at [Marion County Jail] to the facts of [incomplete EXSAMI] giving them [notice] of still [risk of obvious harm] that if MCSO

"Rule 21." Brief

STATEMENT OF THE CASE

[Third Issue] had [Any Concerns] for Mr. Dale [Health and Safety] get a [cat scan or MRI] in which [MCSD] with its [totality] over looked all together causing further [8th Amendment violations] by causing [unwarranted pain and suffering] that lead [MCSD] to force Mr. Dale to sleep in [injured] state on a [steel-bed] when in [fact] they had a [medical clinic] at [MCSD] but [REDACTED] [CAUSED] Mr. Dale claim this is not just [seat-belt] issue, but [pain] due to covering up for [Ms. Wusterfeld] another [state worker] that due to her [actions] lead [MCSD] and [MCSD medical staff] under [Sheriff John Layton's] "Authority and Policy" by being [Policy maker] faild [Mr. Dale] due to his [officers actions] and [medical staff] for failing to follow up on [Doctors] [order] and by not [following] such [rights] to [MRI] or [cat-scan] it [lead] [MCSD] to cause [Mr. Dale] to subdue [injuries] [overlooked] until back at [Indiana State Prison] for where another [Doctor] sent Mr. Dale out for [MRI] and [cat-scan] and found [damages] MCSD [blatly and intentionally] [overlooked] violating [8th and 14th Amendment of the United States Supreme Court and Constitution]. And the (First) Amendment abridging the freedom of speech, and to petition the government for a (redress) of grievances.

[FACTS]

(First Issue): (Dexter v. Ford Motor Co. 92 Fed. Appx. 637, 641 (10th Cir 2004); Fluker v. County of Kankakee, 945 F. Supp 2d 972, 990); (Monell v. Department of Social Services 436 U.S. 658 (1978)); (Knox v. McGinnis (US Court of Appeals, Seventh Circuit)); (Maurice v. Pape, 365 U.S. at 184)

[FACTS]

(Second Issue): (Cavalieri v. Shepard 321 F. 3d 616, 625-26 (7th Cir 2003)); (Camez v. Raudke, 680 F. 859, 865-66 (7th Cir 2012); (Arnett v. Webster. 658 F. 3d 742, 753 (7th Cir 2010))

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STATEMENT OF THE CASE

[FACTS]

(THIRD ISSUE): (Farmer v. Brennan, 511 U.S. 825, 128 L. Ed. 2d 811, 114 S.Ct. 1970 (1994)); (Estelle v. Gamble, 429 97, 97 S.Ct. 285, 50 L. Ed. 2d 1976); (Adams, 153 Fed. Appx. at 975); (King, 680 F.3d at 1018); (Kernats v. O'Sullivan, 35 F.3d 1171, 1175 (7th Cir. 1994)); (Goss Meyer v. McDonald, 128 F.3d 481, 489-90 (7th Cir. 1997)) (Pethes v. Carter, 836 F.3d 722, 728 (7th Cir. 2016))

STATEMENT OF THE CASE

[FACTS]

Due to the [Conflict] in said, lower courts Mr. Dale need this court to make a ruling on the "[Totality of circumstance]" of all Mr. Dale claims, that of state, [Southern District of Indiana], and [United States Court of Appeals] for [Seventh Circuit], and [rehearing] the court failed to hear [fact] or [Constitutional rights] by 3 panel judges voting to not consider same. Rehearing courts gave attention to hear claim, so Plaintiff tried chance at En Banc Determination that was denied, so before filing with United States Supreme Court Plaintiff tried one more chance at a [28 U.S.C § 2244 (B)] all denied. So in hopes of Mr. Dale claims, being heard not only on [Constitutional violation] Mr. Dale hopes this court may also look at his [injuries] said [damages] caused by [defendants] and allowed by lower courts due to [conflict] and [miscarriage of justice]

"Rule 21." Brief

REASONS FOR GRANTING THE PETITION

[Facts]

① The (7th CIR) REASONING is flawed; on its REVIEW of [MR. DATE] 8th and 14th Amendment Rights that the (lower courts) and (Appeal Court) ARE [ERRONEOUS] about applying, and for that reason it CAUSE'S A [CONFLICT] with the decisions of other [Appellate Court's] and that of its own [decisions by the 7th CIR]. By the way the lower courts applied (FLOKER v. County of Kankakee) to MR. DATE case, because it shows by their rulings it's as if they [NEVER READ] the [RULES], or it's [standing's] for such case when applying a [seat-belt] issue, and it proves it is UNCONSTITUTIONAL by how it's applied, by what it means by [standing alone] and how it proven [MORE] adds to claim as it does in [MR. DATE] claims because a [8th Amendment violation and 14 Amendment due process] when in [fact] the [evidence] proves such acts; also The [Tenth Circuit] reasoning correctly captures the [requirements] more clearly in the case of *DEETER v. Ford Motor Co. 93 Fed. Appx. 637, 641 (10th Cir. 2004) when in case express how in [detail] how [Inmates] may be [Exposed to risks society chooses not to tolerate] and just like *FLOKER v. County of Kankakee, 945 F. Supp. 2d 972, 996. The connection between a failure to (seat belt) and the (risk) of [serious-injury] And in fact was it (standing alone) or was proven [MORE] in that [case] that Plaintiff failed to Appeal, MR. DATE must protect United States Constitutional rights violated by defendants.

[Facts]

② The [Supreme Court] rulings are good and sound whereas the [Lower Courts], and [Appeal courts] are in [CONFLICT] with [MR. DATE claim] on which [how to rule] on same facts another appellate court has found true justice on same matter. And due to such matters not following "LAW" has caused a [National importance] due to forcing the [Supreme Court] to decide the

"Rule 21" Brief

REASONS FOR GRANTING THE PETITION

[Facts]

[visiously thrown] into [steel walls] also [exacerbating] [injuries] due to [MCSO] [failure] to [place] MR. DALE in any [protection gear] of any sort, or [seat belt] as did both officers had on April 30, 2013 doing [transport] going on a trip on [highways] with other vehicles on a trip up to [100 miles] there and back April 30, 2013. SEE * KNOX V. MCGINNIS (US Court of Appeals, Seventh Circuit) * also BROWN V. MISSOURI DEPT OF CORRECTIONS (8th Circuit)

② [REASONS]

[Facts]

For [Accident] that caused [personal dam.] by [Facts] of [Record] and [Medical Records] MR. DALE suffered from unwanted pain to [back], [leg] and [several other body parts] for where he still suffer cruel and unusually due to all [parties] trying to [cover up] [liability issues] for where [medical prove] was caused by all parties date of April 30, 2013, and in said [Facts] of [Medical Records] it will show [MR. DALE] was [stricken] to a [wheel-chair] for nearly [2 years], and had to learn how to walk with a [cane] for nearly [1 1/2 years] and [continues] to go through [further damages] to this [date], causing [pain and suffering] due to how by the totality of [MCSO] and [Amada Wustefeld] actions lead them to respond to [MR. DALE] [medical needs] after [Amada Wustefeld] [told] or [suggested] to officers of [MCSO] her [husband] [work's demand] with [MCSO officers] which [defendants] never [objected] to in see [MR. DALE] by [Facts] see [Depositions] to reflect [Facts] [Defendants]

"Rule 21" Brief

REASONS FOR GRANTING THE PETITION

[Facts] who was [Policy maker] April 30, 2013 when (MCSO) officers acted by [Training, or lack of training] who [insures] the training of such [Department] or of said officer's and [MCSO] [medical-staff] follows [safe practices] also provide [Health and safety] to and by a standard of [Constitutional-Level], that such care meets "minimal civilized measure of life's necessities" that of his [Department] under said [United States branch] or [State of Indiana] govern its self by the "totality of circumstances" meeting [Policy] but [Failed] not only on a [State] [Tort-Level], but also a [United States Constitutional] level that will show not only [8th Amendment violations], but that of [14th Amendment due process] of [equal-protection] when [MCSO] on [Records] will show how a [Now-injured] inmate [Amanda Brown] white female received a [medical treatment] when in [Fact] [Mr. Dale] was the one who was [injured] in [pain] and was [denied] said to rights by [Constitutional Level] to have receive help due to "actual-injuries" caused by [State worker] [Amanda Winkler] [Crash] and [Actions] then followed by [MCSO] [Failure] to [set back] that [Exacerbated injuries] to further [rule and unusual punishment] causing [pain] and [suffering] that by the "totality of harm" threw stay at [MCSO] to even [MCSO] [medical staff] who sent [Mr. Dale] for only a [X-RAY] after [accident] when needed [cat-scan] or [MRI] [Doctors] at [Wishard hospital] in Indiana [Recommended] in [Medical Records] by [Facts] choice to still [disregard] [Doctors] claims of [X-RAY] being a [INCOMPLETE-EXAMINE] by [Facts] and see [medical and Court record] of [Doctor] on [Records] about [X-RAYS] that [MCSO] was placed on [Notice] by [Doctor and Wishard hospital]. Plaintiff [did not] receive [proper] care with in [medical-claims] of [X-RAY] and [MRI] until back at [Indiana State Prison] meaning [another Facility] so in its [totality] Mr. Dale while in [MCSO] custody, after said [accident] April 30, 2013 [suffered] [Constitutional violations] And [State tort issue] until out of there custody. See (Petties v. Carter 836 F.3d 722, 728 (7th Cir 2016))

REASONS FOR GRANTING THE PETITION

(CONCLUSION)

The Petition for an motion for leave to file a brief should be [granted] so that the Plaintiff may file an [extraordinary-writ] of (mandamus/prohibition) because it will bring to the attention of the Court Relevant matter not already brought and the writ will be in [aid] of the Courts Appellate jurisdiction, and that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

Respectfully Submitted
JEREMY L DALE
Jeremy Dale
1-5-2021