

no 20-7266

IN the supreme court of the united states

KEVIN L martin # 169789

petitioner

✓

CATHLEEN CAPRON ETAL

respondent

on PETITION FOR WRIT OF CERTIORARI TO
the seventh circuit court of appeals

petition for rehearing

KEVIN L martin # 169789

Wabash Valley Correctional Facility
P.O. Box -1111

Carlisle, IN 47838

B 105 S.H.V.

RECEIVED

MAY - 4 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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CASE'S

Willkinson v Austin 2005-45125 scf 2384-162 L2d 21174.) p 5

Wolff v McDonnell 418 us 539 1974.) p 5

John v ny Dept corrections 183 Fsupp 2d 619 sid ny 2002) p 6

Procunier v Martinez 416 us 396 94 scf 1800 40 LEd 2d 224 1974.) p 6

Thornburgh v Abbott 490 us 401 109 scf 1874 LEd 1989.) p 6

Cromer v Toledo 446 us 635, 640 100 scf 1980) p 6

Castillo v Cook County Jail 990 F2d 304 7th Cir 1993) p 9

other - authorities

Doc-policy - 02.01-103-) p 4.

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Petition For rehearing and suggestions in support

came new petitioner, Kevin Martin, pro'se and prays this court to grant rehearing pursuant to rule 44 and thereafter grant him a writ of certiorari to review the opinion of the district court and seventh circuit court of appeals.

In support of petition Mr Martin states the following

Statement of Facts?

on or about Jan 06 2020, Kevin Martin Filed 1983 complaint with northern District of Indiana, South Bend Indiana ARE against 9-Defendants who work at Westville Correctional Facility 5501 S 1100 West Westville IN 46391

District court claim + Kevin Martin Failure to state a claim upon a relief been grant.

Audaben Road Indianapolis Indiana 46219, mail Kevin Martin some legal document with to Wabash Valley Correctional Facility who Forward it to Westville Correctional Facility.

Sgt Spatoes, Sgt Chilling, Lt Michael Chain, Lt Armstrong, Lt Herr, C/O Gibson brought his legal mail Everytime from this attorney missing that Kevin Martin send to this attorney to review and he send it back and it came missing by mail-room supervisor at time name Catherine Capron who been fired behind that misconduct and Martin will unfold the relevant fact.

Failing to follow DOC policy 02.01.103- offender correspondence?

Martin demonstrating Liberty interest under due process clause of Federal-constitution Fourteenth-Amendment may arise from (1) constitution itself by reason of guarantees implicit in word liberty or (2) Expectation on (4)

interest created by state law's of police SEE
Wilkinson v Austin 2005 - US 125 sct 2384 162
L 2d 2d 174. speaking for itself -

REASON MERITING RE-hearing
The district court and seventh circuit's decision is
clearly in conflict with," SEE - Wolff v McDonnell
418 US 539 1974.) Emphasizing that in determining
McDonnell - prejudice - the court must EXamine both
district court and seventh circuit determining because
Legal-mail - mail that is sent to Kevin Martin from
attorney, court and government officials is protected
by the First and sixth Amendments. This means that
Cathleen Carver, Sgt Spates, Sgt Chilling, Lt Michael Charn
Lt Armstrong, Lt Hearn & Gibson ARE not Allowed
to READ or censor this type of incoming mail.
However they can open it and inspect it for
contraband as long as they do it in front of you.
SEEKING review under rule 12.4 in your
jurisdiction statement

Suggestions in support of RE-hearing?

The Indiana district court and court of Appeal in Chicago
decided that (Martin) could not state a claim and
incorrect because Kevin Martin First Amendment right
was violation his right to communication with his
attorney's ARE protected by First and sixth Amendment
Free of speech - and Access to the court.
Special rules apply to mail between you and your
attorney and to mail you send to non-judicial
government bodies or officials. This mail is called
"privileged mail" and is protected by your constitutional
right of Access to the court as well as by the
attorney-client-privilege. When this mail is clearly
marked as "privileged" and is related to your case
prison officials cannot read it. They can only open
it in your presence to inspect it for contraband

SEE CASTILLO V COOK COUNTY MAIL ROOM 990 F.2d 304 7th Cir 1993)
IF you wish to protect reading or censorship of your mail
in court however you may have to show that the acts you
are complaining about actually affected your case or
injured you in some way SEE John V NYC DEPT OF CORRECTIONS
183 F. Supp. 2d 619 S.D.N.Y. 2002)
Martin demonstrating both Affidavit hunt Martin in
Kevin Martin V Richard Brown 218-CV-00441-JCS-MJJ)
pending Supreme Court of the United States - 20-1518-
20-1722. Corey Smith was at courtyard apartment and
said he don't remember see Kevin Martin but saw
Kevin Martin Billing IF I spelling his name right is
the person he saw on 7-19-06, could exonerated IF
the mail-room would arbitrary remove this Affidavit
without follow doc policy 00-02-301- THE OFFENDER
grievance and this why, I apply this Authority SEE
Procunia V Martinez 416 US 396 94 Sct 1800 40 L Ed
2d 224 1974.) (1-7) prisoners must be notified when officials
refuse to send their letter or if rejecting incoming letter, I
use this about the Facility not provide a notified to Kevin
Martin to challenge the mail-room remove document out
of Martin incoming mail - the author of a censored
confiscated letter must be afforded an opportunity to
contest the decision by filed grievance and (3) complaint
must be heard by a person other than the person who
originally disapproved the letter and (4) regulations
censoring mail violate the First Amendment articulated
in part by see Thornburgh V Abbot 490 US 401 109 Sct
1874 L Ed 2d 1989)
Furthermore the Supreme Court recently held that to state
a claim under 1983 Plaintiff need only allege that some
person mean the defendant up above acting under color of
state or territorial law deprived him of a Federal right SEE
Gomez V Toledo 446 US 635, 640 100 Sct 1920 1923 64
L Ed 2d 572 1980) Martin demonstrating he review
rule 39-8) - and Martin show a good-faith reason
if it was without a counsel statement on account

At martin Fault if the Facility refuse to provide it
show prejudice HERE also martin demonstrating he have
Arthritis in his right hand that his write IF, so that
EXCUSE why his write is bad because of health problem
show good-REASON HERE.

conclusion

For the REASONS stated this court must grant rehearing of its
judgment entered April 5-2021 and ISSUE A writ of Habeas
to hold the seventh circuit accountable for failing to properly apply the
law of this court and grant mr martin relief - should martin say
for justice not be heard and denied relief may this court also
say and not be heard for whoever shut their EARS to the
say of the peer will also say themselves and not be heard
proverbs 21:13.

Respect Fully submitted

Km

KEVIN martin # 169789

CERTIFICATE OF SERVICE

THE undersigned hereby certifies that a copy of the foregoing
was mailed, postage prepaid this 7 day of April 2021
to United State Attorney General and Indiana Attorney General
At Both Address (1) 5116 Department of Justice 950 Pennsylvania
AVE Washington DC 20530 B) 302 West Washington St Indianapolis
IN 46204

Km

petitioner

KEVIN L martin # 169789
print

no 20-7266

In the supreme court of the united states

KEVIN L martin # 169789

petitioner

✓

Cathleen capron Et al

Respondent

CERTIFICATE OF good Faith

comes now petitioner, Kevin martin and makes
certification that his petition for rehearing is
presented to this court in good Faith pursuant
to rule 44. mr martin further states the following:

- (1-) This court entered it's judgment denying
petitioner a writ of certiorari on April 5, 2021
petitioner state in relevant part he send the
clerk Scott S Harris his new address
at wabash valley correctional Facility
PO Box 1111 Carlisle IN 47838.
petitioner believes that he presents this
court with adequate grounds to justify

(9)

Kevin L. Martin #169789
print
sign

2021

Executed on this 7 day of April

I declare under the penalty of perjury
that the foregoing is true and correct.

I have not been afforded to Kevin Martin why.

right to due-process mean - Equal-protection of the
number of people will be denied their constitutional

Boy 7th Cir 1993) standard improperly, a

the castillo v cook county mail room 990 F.2d

injustice - door - not allowed - martin to - apply

court of appeals are continually to close the

him," He further believes that if seventh circuit

is entitled to relief which has been unjustly denied

law of this court and facts of this case, martin

Further more petitioner believes that based upon the

petition is brought in good-faith and not for delay.

the (granting) of rehearing in this case and said

no 20-7266

In the

supreme court of the united states

KEVIN L martin #169789 petitioner

✓

cathleen capron Etal respondent

KEVIN L martin to U.S.C 1746 declares AS
Follows.

(1-) I Kevin martin Am over 18-years OF Age and
competent to testify in this matter

(2-) martin demonstrate the proof OF SERVICE was
send to the Follow Address

(A) solicitor General of the united states room 5616
Department of Justice 950 Pennsylvania AVE
NW Washington DC 20530-0001- STE 5143

(B) Attorney General of the united states Bldg 950
Pennsylvania AVE NW STE 5137 Washington DC
20530

(C) State of Indiana OFFICE OF THE Attorney
General At 302 Washington Street Indiana
Government Center South 5th Floor
Indianapolis Indiana 46204.
prisoners Have Fourteenth Amendment right to receive
notice when prison officials withhold incoming mail.
SEE First v symington 197 F3d 348 9th Cir 1999) I
never receive notice to Filed grievance to challenge
them part are relevant HERE.

(3.) martin demonstrate this court must review this claim on the merit, seeking review under rule 12.4 in your jurisdiction if deny Kevin martin Equal-protection of the Law will be violation the DUE process clause that his guarantees to Appellate martin HERE

respectfully submit

I AFFIRM under the penalties for perjury's that the foregoing representations are true's
date 4-7-21

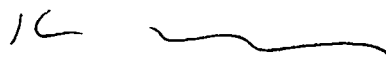
Kevin L martin


signature

CERTIFICATE OF SERVICE

I HERE by certify that the foregoing has been served upon the following counsel of record by First class united states mail postage this 7 day OF April 2021

- (1) To solicitor General of the united states
- (2) Attorney General of the united states
- (3) Attorney General of Indiana


Kevin martin

IN the
SUPREME COURT OF THE UNITED STATES

KEVIN L MARTIN #169789 petitioner

vs

CATHLEEN CAPRON ET AL respondents

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

THE petitioner ASK 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):
DISTRICT COURT Grant - martin leave to proceed in FORMA PAUPERIS
- ☒ 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. NA
- ☒ petitioner's AFFIDAVIT or DECLARATION IS NOT ATTACHED BECAUSE THE COURT BELOW APPOINTED COUNSEL IN THE CURRENT PROCEEDING AND: NA
- ☒ THE APPOINTMENT WAS MADE UNDER THE FOLLOWING PROVISION OF LAW
NA
- ☐ A COPY OF THE ORDER OF APPOINTMENT IS APPENDED NA

Kevin L Martin
signature

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

I, KEVIN MARTIN, 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>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Self-employment	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Interest and dividends	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Gifts	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Alimony	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Child Support	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Disability (such as social security, insurance payments)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Unemployment payments	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Public-assistance (such as welfare)	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Other (specify): _____	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
Total monthly income:	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>	\$ <u>NA</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
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA

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
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA
NA	NA	NA	\$ NA

4. How much cash do you and your spouse have? \$ _____
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
NA	\$ NA	\$ NA
NA	\$ NA	\$ NA
NA	\$ NA	\$ NA

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

☐ Home
Value NA

☐ Other real estate
Value NA

☐ Motor Vehicle #1
Year, make & model NA
Value _____

☐ Motor Vehicle #2
Year, make & model NA
Value _____

☐ Other assets
Description NA
Value _____



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
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>
<u>NA</u>	\$ <u>NA</u>	\$ <u>NA</u>

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
<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>NA</u>	<u>NA</u>	<u>NA</u>

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)	\$ <u>NA</u>	\$ <u>NA</u>
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>NA</u>	\$ <u>NA</u>
Home maintenance (repairs and upkeep)	\$ <u>NA</u>	\$ <u>NA</u>
Food	\$ <u>NA</u>	\$ <u>NA</u>
Clothing	\$ <u>NA</u>	\$ <u>NA</u>
Laundry and dry-cleaning	\$ <u>NA</u>	\$ <u>NA</u>
Medical and dental expenses	\$ <u>NA</u>	\$ <u>NA</u>

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



Kevin L Martin
print
Signature

Executed on April 19, 2021

I declare under penalty of perjury that the foregoing is true and correct.

cannot pay the costs of this case.
month been deny jurisdiction and equal protection
right HERE if somebody violate month Federal right
threshold liability point blank.

(12) provide any other information that will help explain why you

if yes state the person's name, address, and telephone number
if yes how much NA

(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?

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

10 Have you paid - or will you be paying - an attorney any money for
service in connection with this case, including the completion of
this form yes or no if yes how much? NA

if yes or no if yes describe on an attached sheet NA

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

TFMIDETL OFFENDER TRUST SYSTEM 04/20/21 9:33:50
LOC: WVC OFFENDER DETAIL INQUIRY USER: WVCF83

OFFENDER NO: 169789 NAME: MARTIN, KEVIN L

MONTH 04 YEAR 2021 HOUSING UNIT: BU ACCOUNT STATUS: AC
CURRENT BALANCE: \$0.00

DOCMT	TRAN		TRAN	POST	BATCH	TRAN
NUMBER	CODE	DESCRIPTION	TYPE	DATE	NO.	AMOUNT
=====	=====	=====	=====	=====	=====	=====

ACCT BAL AS OF 04 /01/ 2021 \$0.00 NET RECEIPTS - DISB \$0.00
NET HOLD AT MONTH END \$0.50 NET AVAILABLE -\$0.50

PAGE : 0001
DETAIL STATEMENT INQUIRY COMPLETE
PF2=>DISPLAY TRANS PF3=>PEND DETL PF7=>PG/UP PF8=>PG/DN PF9=>CLEAR PF10=> EXIT

TFMIDETL OFFENDER TRUST SYSTEM 04/20/21 9:34:11
LOC: WVC OFFENDER DETAIL INQUIRY USER: WVCF83

OFFENDER NO: 169789 NAME: MARTIN, KEVIN L

MONTH 03 YEAR 2021 HOUSING UNIT: BU ACCOUNT STATUS: AC
CURRENT BALANCE: \$0.00

DOCMT	TRAN		TRAN	POST	BATCH	TRAN
NUMBER	CODE	DESCRIPTION	TYPE	DATE	NO.	AMOUNT
=====	=====	=====	=====	=====	=====	=====

ACCT BAL AS OF 03 /01/ 2021 \$0.00 NET RECEIPTS - DISB \$0.00
NET HOLD AT MONTH END \$0.50 NET AVAILABLE -\$0.50

PAGE : 0001
DETAIL STATEMENT INQUIRY COMPLETE
PF2=>DISPLAY TRANS PF3=>PEND DETL PF7=>PG/UP PF8=>PG/DN PF9=>CLEAR PF10=> EXIT

**CERTIFIED COUNSELORS STATEMENT
OF INMATE TRUST FUND ACCOUNT**

I, A. Gonthier, Caseworker 4 at the Wabash Valley

Correctional Facility, do hereby certify that Offender

Martin, Kevin, DOC # 169789 has had the following

six- (6) month activity on his inmate trust fund:

1.	Current monthly balance	<u>0.00</u>
2.	Current monthly receipts	<u>0.00</u>
3.	Current monthly expenditures	<u>0.00</u>
4.	Average monthly deposit last 6 months	<u>0.00</u>
5.	Average monthly balance last 6 months	<u>0.00</u>
6.	Monthly State Pay Amount	<u>0.00</u>

I declare under penalty of perjury that the above information is true and accurate.

DATED: April 20th, 2021.

Can only see funds at current facility, offender
transferred to WVCF in March 2021.
Case Manager Gonthier

A. Gonthier
Signature

A. Gonthier
Printed Name of Caseworker 4/W.V.C.F.

**Additional material
from this filing is
available in the
Clerk's Office.**