

20-7267

ORIGINAL

FILED

MAY 15 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

KEVIN L martin — PETITIONER
(Your Name)

vs.

cathleen capron et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

united states court of appeal for the seventh circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KEVIN L martin #169789
(Your Name)

pendleton corr Facility
4490 w reformatory rd
(Address)

pendleton IN 46064
(City, State, Zip Code)

na
(Phone Number)

RECEIVED

JAN 13 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

(1-)

QUESTION(S) PRESENTED

(G-) whether the court of Appeal of seventh circuit follow martin Fundamental constitutional right been violation martin have a right to a notice before remove document deal with incoming Legal mail from attorney

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

Gomez v Toledo 441 U.S. 635 640
100 Sct 1920 1923 64 LEd 2d 572
1980

Thornburgh v Abbott 490 U.S. 401 409
Sct 1874 Lr 2d 1989

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APPENDIX B	Writs And Hanged 10 north sudover road Indianapolis IN 46219, (mark)
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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>ERICKSON V PARSONS 551 US 89 94 2009.)</u>	<u>8</u>
<u>Haines V Kerner 404 US 512 1972.)</u>	<u>8</u>
<u>Thornburgh V Abbott 490 US 401 109 S ct 1879 Led 2d 1989.)</u>	<u>8</u>
<u>Wolff V McDonnell 418 US 539 576 S, 77 1974.)</u>	<u>9</u>
<u>Gomez V Toledo LEd 572 1980.) 446. US 635 640</u>	
<u>100 Sct 1920 1923 64 LEd 572 1980) p. 9</u>	

STATUTES AND RULES

rule 14.5 p. 8

DOC policy 00-02. 30) p. 8

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 ✓ to the petition and is NA

☐ reported at NA; or,

NA ☐ 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☐ is unpublished.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 NA

☐ reported at NA; or,

NA ☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**: NA

The opinion of the highest state court to review the merits appears at Appendix NA to the petition and is

☐ reported at NA; or,

NA ☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the NA court appears at Appendix NA to the petition and is

☐ reported at NA; or,

NA ☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

1.

(6)

JURISDICTION

[] For cases from **federal courts**: NA

The date on which the United States Court of Appeals decided my case was NA.

NA [✓] No petition for rehearing was timely filed in my case.

NA [] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: NA, and a copy of the order denying rehearing appears at Appendix NA.

NA [] An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (date) in Application No. A.

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

Speak For itself

[✓] For cases from **state courts**: NA

NA The date on which the highest state court decided my case was NA. A copy of that decision appears at Appendix NA.

NA [] A timely petition for rehearing was thereafter denied on the following date: NA, and a copy of the order denying rehearing appears at Appendix NA.

NA [] An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (date) in Application No. A NA.

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

Speak For itself

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Martin complaints such as that filed by the plaintiff are construed liberally and held to a less stringent standard than formal pleading drafted by lawyers SEE *ERICKSON v PARULUS* 551 US 89 94 2009.)

Martin resubmit this writ of certiorari within 60-day under rule 14.5.

(good Faith Formula)

Martin Hoves notes the trial court and court of appeal has sufficient discretion to the account of the special circumstances that often a rise in price situation that often a rise in price situation take able to appeal if is right been violation SEE

Haines v Kerner 404 US 519 1972)

under 1915- Martin appeal was in good Faith because Martin did receive notice when the mail room confiscated Martin incoming legal mail by attorney SEE ~~APPENDIX A~~ (page 47)

mean Martin was deny due process under Fourteenth Amendment right to challenge this by filed a grievance at the facility under poc policy 30-02-301.) relevant in part, prejudice Hove not receive the notice about mail-room take legal mail from Martin attorney SEE *Thornburgh v Abbott* 490 US 401 109 S Ct 1874 L ed 2d 1989.)

Defendant Cathleen Capron conduct was prejudice's by not provide a notice after confiscated Martin legal mail documents from attorneys

constitutional and statutory provisions
involved? second page argument?

and though the mail was related to legal proceedings
martin items was identified wear legal-mail and
to preventing prison guard and mail-room from
opening legal mail outside of the presence of an
inmate name martin is to protect by first and
sixth amendment right to counsel and the attorney
-client privilege by ensuring that prison officials merely
inspect for contraband and do not read confidential
communications between martin and his attorneys
see attached document SEE *Wolff v McDonnell*
418 US 539 576, 577 1974.) relevant in part;

martin state a claim and furthermore the
supreme court recently held that to state a
claim under 1983, plaintiff need only allege
that some person acting under color of state
law that deprive martin of 14th Amendment to
a fair procedures to a notice to filed grievance
here speaking for itself SEE *Gomez v Toledo*
446 US 635 640 100 Sct 1920 1923 64
LED 572 1980 martin complaint met these
two requirement and state a valid claim under
1983

martin have to send his legal mail to law library
to be e-file and if the law library e-file the
northern to southern it was done with a malice
intent to harm that prejudice and at martin
fault and can't blame martin HERE?

no cause number mean it was a new complaint
that the law library prejudice cause martin
harm can't be his fault SEE attached document?

STATEMENT OF THE CASE

THE PLAINTIFF FILED A CIVIL RIGHT WHEN
IN ACTION UNDER 42 U.S.C. 1983 BECAUSE
THE WESTVILLE CORRECTIONAL FACILITY OPEN
MARTIN LEGAL OUT OF HIS PRESENCE AND
CONFISCATED MARTIN INCOMING LEGAL MAIL
AND DID PROVIDE NO NOTIFIED OF THE
CONFISCATED DOCUMENT OUT OF THE
PLAINTIFF ENVELOPES FROM COUNSEL THAT
WAS MARK, "WITH THE LOG ATTORNEY AND
CLIENT PRIVILEGED SHOULD BE OPEN
OUT OF MARTIN PRESENCE AND DOCUMENT
MISSING WITH OUT A NOTICE SPEAK
FOR ITSELF? HERE

REASONS FOR GRANTING THE PETITION

Based upon the constitutional violation
Martin 14. Amendment to A Fair
procedures to Filed grievance under
Doc policy 00-02-301. To challenge
the mail-room Cathleen Capron Et al/
and Lt here and other staff
member from open the Legit-mail/
out of Martin presence and remove
documents without a notice a
DUE PROCESS right Here, THE
constitutional guide Each Jurisdiction
right.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ker

Date: 12-11-2020