

### QUESTION(S) PRESENTED

1. Did trial and appeals court overlook the proven foundation of claim of deliberate indifference?
2. did trial and appeals court abuse discretion by not giving weight to injuries suffered?
3. did trial and appeals court abuse discretion regarding mis-spoken statement of dates?
4. did appeals court abuse its discretion regarding benchmark cases?
5. did trial court abuse its discretion regarding excessive payment for appeal?

## 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

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## TABLE OF AUTHORITIES CITED

### CASES

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James v Hale, 959 F.3d 307, 315-17 (7<sup>th</sup> Cir 2020)

Shipley v Chicago Bd of Election Comm'rs,  
947 F.3d 1056, 1063 (7<sup>th</sup> Cir 2020)

Steffek v. Client Servs., Inc., 948 F.3d 761, 769  
(7<sup>th</sup> Cir 2020)

Petties v Carter, 836 F.3d 722, 727 (7<sup>th</sup> Cir 2016)

### STATUTES AND RULES

FED. R. CIV. P. 56(c)(4)

### 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

☐ 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☒ is unpublished.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☒ is unpublished.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 \_\_\_\_\_ 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☐ is unpublished.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☐ is unpublished.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 Oct 23, 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: Dec 10, 2020, 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 \_\_\_\_\_.  
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).

## STATEMENT OF THE CASE

My knee was injured and back re-injured in attempts to climb on top bunk. I told P.A. Ojelade that I needed a bottom bunk permit because to avoid more injuries I sleep on floor of cell and on toilet inconveniencing my cell mate.

P.A. never examined me but refused to issue the permit after stating my <sup>e</sup>back would get worse as I get older."

At some point I had visit with Dr. Tilden who told me to, <sup>e</sup>get a heat pad." He did not examine me either. Nor issue the recommended heat pad.

## REASONS FOR GRANTING THE PETITION

- Reason 1. Ojelade stated my back would get worse as I get older but I will not give you a permit. Here Ojelade admits to a condition but refused a simple remedy. DELIBERATE INDIFFERENCE
2. Both trial court and appeals court acknowledge injuries but gave injuries no weight.
3. Appeals court cited, Shipley v Chi Bd of Elec Comm 947 F.3d (7th Cir 2020) The claims occurred in 2016 and 2017 and were cited in the grievance. The court shouldn't have used a 2020 case for something that was not in effect in 2016 and 2017.
4. The Appeals Court was untruthful in stating "view's facts in light most favorable to Jones." Pettie v Canton 836 F.3d 722, 727 (7th Cir 2016) But gave credibility to Ojelade that he examined me but he did not give me an examination. He just denied permit. Additionally, the Court gave Ojelade credibility that I did not request a permit. But acknowledged Ojelade said: "your back will get worse... but I will give you no permit." The permit was eventually issued and is current but after the fact.



The Appeals court also was not truthful in stating I sleep on cell floor "to accommodate cell favors." I said, I inconvenienced my cell mate. Accommodation makes no sense because my cell mate had bottom bunk.

5. The court says grievance wasn't sworn. Accordingly Fed. R. Civ. P. 56 (c)(4) does not demand sworn grievances. Besides, the law library refuses to notatize grievances saying it is not necessary. Steffek v Client Servs., Inc., 948 F.3d 761, 769 (7th Cir 2020) Again, this is a 2020 case used to decide something that occurred years before and should not have been cited or used to decide. Besides, I'm pro-se.
6. The Appeals court used another 2020 case to determine allowance of my confused contradicted testimony. James v Hale, 959 F.3d 307, 315-17 (7th Cir 2020) This decision was after the fact.
7. Finally, malice is shown by trial court in the fact that it charged me \$960. to appeal its decision. The trial court threatened to dismiss appeal after it denied informal papers if full payment wasn't

made in less than one week. My family paid it in full but the trial court assessed an additional \$460. from my account, admitted it on Sept. 18, 2019 but refused to pay it back.

The full payment was on August 6, 2019 - the assessments started on August 14, 2019 and stopped in September short of the full \$500. indicating the Court knew of the overpayment but refused to pay the \$460. back - showing ill will in addition to the prejudicial adjudication of the claim. Complaint # 19-02314 was basically ignored by 219 S. Dearborn in Chicago. (See Appendix B)

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: March 10, 2021