

No. 5:19-cv-00014-FPS

20-7725

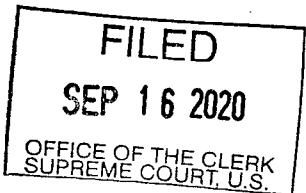
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Todd Glenn Dean — PETITIONER
(Your Name)

vs.

F. Entzel, Warden, et al. — RESPONDENT(S)



ON Tort claim Act ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court Northern West Virginia
United States Court of Appeals - Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

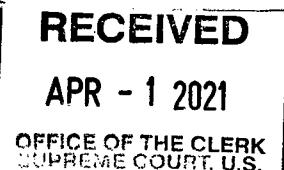
PETITION FOR WRIT OF CERTIORARI

Todd Glenn Dean # 23751-055
(Your Name)

Thomson U.S.P. P.O.
(Address)

Box 1002 Thomson Ia. 61285
(City, State, Zip Code)

(Phone Number)



QUESTION(S) PRESENTED

ISSUE AND FACTS overlooked by both "District, AND APPEALS Court" OF WEST VIRGINIA AND VIRGINIA. PLAINTIFF DEAN, CASE IS BASE ON A CIVIL AND CONSTITUTIONAL VIOLATION OF HIS RIGHTS THATS UP-HELD BY THE CONSTITUTION. THE "FOURTH, FIFTH AND THE FOURTEENTH, AND EIGHTH AMENDMENT VIOLATION OF THE CONSTITUTION.

BASE ON (1964) TITLE VII OF THE CIVIL RIGHTS ACT - PROHIBITS ANY EMPLOYMENT DISCRIMINATION, IF A (WHITE AND BLACK) PERSON ARE EMPLOYED AT THE SAME PLACE OR BUSINESS, AND ARE FIRED BECAUSE OF A MISUNDERSTANDING BETWEEN THE TWO OF THEM, AT THE SAME TIME but the (white person) is (rehired back) A FEW WEEKS LATER THAT'S CLEARLY A DISCRIMINATION. I PLAINTIFF DEAN, WAS NOT OFFERED MY JOB BACK. THE LOWER COURTS MADE "UNJUSTLY, UNFAIRLY ERROR'S" IN MY CASE, IN ALL ESSENCE MY CIVIL AND CONSTITUTIONAL RIGHTS WERE STILL VIOLATED. JUDGE (STAMP JR.) OVERLOOKED THE CONSTITUTION AND DIDN'T UP HOLD THE "BIVENS ACTION" TO "RAISE A HIGHER STANDARD" OF THE BIVENS CLAIM, UNDER THE "FOURTH, FIFTH AND FOURTEENTH AND THE EIGHTH AMENDMENT VIOLATION". THE LOWER COURTS ALSO OVERLOOKED THE COMPLETE ADMINISTRATIVE EXHAUSTION, AND THE ERROR OF LAW BY NOT READING TO RAISE THE STRONGEST ARGUMENTS IN PLAINTIFFS DEAN, FAVOR OF EQUAL PROTECTION CLAUSE OF THE CONSTITUTION VIOLATION. THIS WAS "DELIBERATE INTENTION INDIFFERENCE", WITH A WILLFUL AND WANTON DISCRIMINATION, WITH REGARD TO FAIRNESS. THE HONORABLE JUDGE STAMP JR. ALSO MADE ERROR IN MY REQUEST FOR RELIEF IN MY CASE, I REQUEST IN THE SUM OF \$ 100.000, NOT \$ 1,000,000,00 AS JUDGE STAMP JR. ASSUME FOR DAMAGES.

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

FEDERAL LAW INCLUDING (1964) TITLE VII OF THE CIVIL RIGHTS ACT.

SEE: GREEN V. UNITED STATES, 260 F. 3d 78, 83 (2d Cir. 2011).

SEE: SMITH V. WADE, 461 U.S. 30, 75 L.Ed. 2d. 632, 103 Sct. 1625 (1983)

SEE: CABRAL V. DEPT OF JUSTICE 587 F.3d 13 (1st. Cir. 2009) JURY AWARD A NURSE OVER (\$ 885,000 IN DAMAGES AND ATTORNEY FEES FOR BEING FIRED)

SEE: FEDERAL PROCEDURE, LAWYERS EDITIONS 11:253 EIGHTH AMENDMENT.

SEE: MUSED V. U.S. DEPT OF AGRIC. FOOD & NUTRITION SERV. 169 F.R.D. 28, 32 (W.D.N.Y. 1996). SEE... RULE 4(M). AND RUL 4(I)(1)

SEE: HAIDON V. BUDLONG & BUDLONG AHC. 318 F. SUPP. 3d 568, 577 (W.D.N.Y. 2018).

SEE: CLAIMS UNDER "BIVENS V. SIX UNKNOWN NAMED AGENTS, 403 U.S. 388, 398 (1971) (HARLAN, J. CONCURRING). SEE: TAVAREZ V. RENO, 54 F. 3d 109 (2d Cir. 1995). AND THE FEDERAL TORT CLAIMS ACT. SEE: SECTIONS 1915(E)(2)(B) AND 1915 A(A) OF 28 U.S.C.

SEE: HARKIN V. SAVAGE, 318 F. 3d 138, 139 (2d Cir. 2003). ALL SEE: KING V. SIMPSON, 189 F. 3d 284, 287 (2d Cir. 1999). SEE... ALL OTHER ATTACH HIGHLIGHT CASE'S.

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OTHER

UNITED STATES

SUPREME

COURT

1. Todd G. DEAN

PLAINTIFF.

5:19-CV-00014-FPS

-V-

CIVIL ACTION CASE

F. ENTZEL, WARDEN.

A PETITION FOR

MARIA. CHAPLAIN.

WRIT OF CERTIORARI

FUENTES. CHAPLAIN.

Kyle. Supervisor CHAPLAIN.

SIX UNKNOWN AGENTS.

DEFENDANT'S.

A PETITION FOR WRIT OF CERTIORARI

NOW COMETH "PRO SE" PLAINTIFF Todd DEAN,

PETITIONING the U.S. SUPREME COURT, FOR A
"WRIT OF CERTIORARI." BECAUSE both "DISTRICT
AND APPEALS COURT," MADE "ERROR'S." IN NOT
LOOKING AT THE HOLE "ESSENCE," OF THE CASE

IN "JOB DISCRIMINATION, RACIAL DISCRIMINATION."

IN ALL IT'S "LIGHTS AND SHADOWS," THAT A VIOLATION,
OR "CIVIL CONSTITUTIONAL VIOLATION," HAD OCCURRED

WITH PLAINTIFF Todd DEAN. CIVIL RIGHTS BEING
VIOLATED BY CHAPLAIN MARIA AND FUENTES BOTH,

CHAPLAIN CALLED INMATE Todd DEAN, AND THE WHITE

INMATE NAME Todd KOWAR, IN TO THE OFFICE TO

"FIRE BOTH OF THEM," BECAUSE OF A MISUNDERSTANDING.

THAT THE OTHER WHITE INMATE Michael DOWNEY

2. Told CHAPLAIN MARIA, but MARIA ALONG WITH the two white INMATE, WAS "CONSPIRING WITH MARIA to FIRE, ME BECAUSE OF the "S.I.S" WAS INVESTIGATING CHAPLAIN MARIA, AND I didn't or WAS NOT TELLING THEM WHAT "S.I.S. ASK ME". UNLIKE the two white INMATES, WE BOTH WAS "Fired together." THEN A FEW WEEKS LATER A good FRIEND, told ME that INMATE Todd KOWAR WAS BACK OVER TO THE CHAPEL WORKING AGAIN. "INMATE Todd DEAN," WAS NOT OFFERED HIS "Job back" MY "biggest or strongest argument" IN MY CASE WITH THE "District Court," WAS A "CIVIL right VIOLATION OF DISCRIMINATION" DID TAKE PLACE, THE "District Court FAILED IN DISMISSING" THE HOLE CASE WITHOUT "RAISING" THE "STRONGEST ARGUMENT", IN "PRO SE" FAVOR OF RACIAL DISCRIMINATION, EMPLOYMENT DISCRIMINATION, THIS FAILURE WAS UNLAWFUL ON BEHALF OF JUSTICE IN ANY DISCRIMINATION CASE. PLAINTIFF DEAN, DID COMPLETED ALL OF HIS "ADMINISTRATIVE REMEDIES", SEE ALL "EXHIBITS" SENT TO BOTH "DISTRICT AND APPEALS COURT." BY PLAINTIFF THE APPEALS COURT ALSO ERROR, IN THE NAME OF UNFAVOURABLE JUSTICE, BECAUSE FACTUAL FACTS OF CONSISTENCE IN THE PLEADING OF A "CIVIL CONSTITUTIONAL VIOLATION" OCCUR ON

3. A Job discrimination, that was overlook or not addressed by the Appeals Court Petition for a "Rehearing or Rehearing En Banc"; these factual facts again was not addressed by the Court of Appeals and is in "Error" of the Constitution. See > Federal Procedure Lawyers Editions 11:253, Eighth Amendment of the "deliberate intentional indifference" of the Constitution. These violation are in the area "Fourth, Fifth, and Fourteenth, and the Eighth Amendment, to the Constitution." All my document were overlooked by both "District, and Appeals Court". Plaintiff Dean was fired at the same time as the white inmate T. Kowar. I urge the "Supreme Court EXAMINE all of the documents, starting with, Federal Tort Claims Act, Inmate Request to STAFF, (no response) then My BP-8 with (supervisor response) My BP-9 with (warden response) My to (affidavit) My hand written (statement) My (Type statement) My REGIONAL Appeal to and the BP-10 from (Regional response) then My BP-11 to (Central office and response). Both "REGIONAL and CENTRAL" KNEW that "STAFF wouldn't provide ANY VERIFICATION or MEMO." It wood be guilt by ASSOCIATION, this is all a FUN-AROUND GAME AGAIN KNOWING this FACTS, AND both Court's overlooked.

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 E 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 A 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 of Appeals - Fourth Circuit court appears at Appendix E 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 MAY 21, 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: MAY 21, 2020, 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 DEC. 11, 2020 (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

SEE: FEDERAL LAW INCLUDING (1964) "TITLE VII OF THE CIVIL RIGHTS ACT" PROHIBITS EMPLOYMENT DISCRIMINATION, THIS WAS A VIOLATION. THE "FOURTH, FIFTH, AND FOURTEENTH, EIGHTH AMENDMENT," WERE VIOLATED BY OR FROM MY EMPLOYER. MY "DUE PROCESS," AND THE "EQUAL PROTECTION CLAUSE," BE TREATED ALIKE

SEE: SIGHTED CASE'S MARKED AS EXHIBITS G-1, 2, 3, 4, 5, 6. MY CONSTITUTIONAL RIGHTS WERE VIOLATED AND OVERLOOK BY BOTH "DISTRICT, AND APPEALS COURT.

"CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED. SEE: VILLAGE OF WILLOWBROOK-V- OLECH. 528 U.S. 562, 564, 120 S. CT. 1073, 1074-75, 145 L. ED. 2D 1060 1063 (2000) SEE: GILES-V-HENRY 841 F. SUPP. 270, 275 (S.D. IOWA 1993) SEE: SEARLES-V-VAN BEBBER 251 F. 3D 869, 875-76 (10TH CIR 2001) SEE: OLIVER-V-SCOTT. 276 F. 3D 736, 747 N 20 (5TH CIR 2002) SEE: WILLIAMS-V-OLIIS, 230 F. 3D 1361, 2000 U.S. APP. LEXIS 3073 (6TH CIR. 2000) SEE: ROWE-V-SHAKE, 196 F. 3D 778, 781-82 (7TH CIR 1999). SEE: CABRAL-V-DEPT OF JUSTICE 587, F. 3D 13 (1ST CIR 2009)

STATEMENT OF THE CASE

I INMATE Todd DEAN, PRO SE STATE FACTS AND TRUTH OF MY CASE. I WAS "DISCRIMINATED AGAIN" BY CHAPLAIN MARIA, WHO FAVORED THE WHITE INMATES OVER ME BECAUSE I DIDN'T TELL HIM WHAT THE "SIS INVESTIGATOR" ASKED ME. THE MISTREATMENT OF MARIA CAUSED ME "PHYSICAL, MENTAL AND EMOTIONAL, ANXIETY, DISTRESS AND MARITAL STRESS, WITH SLEEPLESS NIGHTS, AND DIMINISHING ONE REPUTATION. INMATE DEAN, DID NOTHING TO GET FIRED, NOR DID CHAPLAIN MARIA OR CHAPLAIN FUENTES TELL MR. DEAN OR THE WHITE INMATE Todd KOWAR WHAT HE OR THEY DID TO GET FIRED THAT DAY TOGETHER, BUT JUST TO REHIRE THE WHITE INMATE BACK, A FEW WEEKS LATER. THE JOB DISCRIMINATION THAT MR. DEAN WENT THROUGH, THE ABUSE AND MISTREATMENT HAD A LASTING AFFECTION ON MR. DEAN.

REASONS FOR GRANTING THE PETITION

IN ALL its lights and shadows A CIVIL AND CONSTITUTIONAL RIGHTS WAS VIOLATED by not just "CHAPLAIN MARIA AND FUENTES, AND SUPERVISOR KYLER, but ALSO both "U.S. DISTRICT COURT, AND APPEAL COURT, FOR NOT UPHOLDING THE "CONSTITUTION." THAT CLEARLY SHOW A "COVER UP OF A DISCRIMINATION" BY FIRING BOTH INMATES TODD DEAN AND TODD KOWAR, but REHIRING THE "WHITE" INMATE TODD KOWAR BACK A FEW WEEKS LATER, I SUFFER A "FUNDAMENTAL MISCARRIAGE OF JUSTICE," AND ERROR'S. FOR THESE REASONS GRANTING MY REQUEST AND PETITION ON JOB DISCRIMINATION THAT OCCUR, BY CHAPLAIN FUENTES. SUBORDINATE MARIA. CHAPLAIN FUENTES HAD A ONGOING DUTY TO PROTECT MR. DEAN, CIVIL AND CONSTITUTIONAL RIGHTS FROM BEING VIOLATED AFTER BEING TOLD OF SUCH MISCONDUCT AND BEHAVIOR BY MARIA. AGAIN FOR SUCH REASONS GRANTING THE PETITION FOR A JOB DISCRIMINATION AND A CONSTITUTIONAL VIOLATION OCCURRED. THE LOWER COURT MISTAKENLY OVERLOOK THE ESSENCE OF THE CASE AND THE SIGNIFICANT OF THE "LEGAL CAUSE" BEING READ TO RAISE THE STRONGEST ARGUMENT, DEAN, APPEARS TO BE RAISING A "CONSTITUTIONAL VIOLATION" OF THE "FOURTH, FIFTH AND FOURTEENTH AND EIGHTH AMENDMENT OF THE CONSTITUTION.

BASE ON THE CONSTITUTIONAL VIOLATION STILL OCCUR BY FIRING TODD DEAN, AND TODD KOWAR, BOTH INMATES TOGETHER AND THEN REHIRING THE WHITE INMATE TODD KOWAR BACK IN THE CHAPEL.

FUNDAMENTAL MISCHIEF OF ERROR'S AND JUSTICE.

The District Court and Appeals Court overlook the Constitution of the United States, Mr. DEAN, is requesting IN RELIEF of \$ 600,000.00 + court cost and attorney fees. My big argument is the strongest raise of the Constitution of A BIVENS -v- SIX UNKNOWN NAMED AGENTS, both District and Appeal Court, Should "Accept as true Factual Allegations" and draw all inferences in DEAN, "FAVOR", while a court is obliged to construe (Pro Se) Pleading liberally, when they "Allege" a Civil Rights Violation.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Todd Glenn Dean

Date: MARCH 12, 2021