

No. 20-7752 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

OF AMERICA

FILED
MAR 16 2021
OFFICE OF THE CLERK
SUPREME COURT U.S.

BRALEN LAMAR JORDAN (Pro Se) — PETITIONER
(Your Name)

VS.

KATHLEEN HAWKINS SAWYER, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURTS OF APPEALS FOR
THE SEVENTH CIRCUIT COURTS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BRALEN LAMAR JORDAN 22702-009

(Your Name)

ADMINISTRATIVE UNITED STATES PENITENTIARY
P.O. BOX 1002

(Address)

THOMSON: ILLINOIS; 61285

(City, State, Zip Code)

NONE

(Phone Number)

QUESTION(S) PRESENTED

SEEKS FOR THE COURTS TO REVIEW BARBAROUS JUDICIAL MISCONDUCT; AND MALICIOUS PROSECUTION, IN RULING JUDGEMENT IN MY CASE OF CIVIL CLAIM.

INQUIRING FOR THE SUPREME COURT TO QUESTION U.S. APPEAL COURT OF 7TH CIRCUIT ORDER OF JUDGEMENT, AS TO U.S.S.C. RULE 12(C).

■ WHAT IS JUDICIAL MISCONDUCT AND MALICIOUS PROSECUTION? AS WELL AS WHAT IS MISSTATING EVIDENCE OF DOCUMENTS IN PRELIMINARY REVIEW/SCREENING?

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:

PARTIES LISTED:

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS
KATHLEEN H. SAWYER; HARLEY LAPPINS; IAN CONNORS; CHARLES E. SAMUELS, JR.; C. RIVERS; DARRION HOWARD; JEFFERY RAY DEMOND; DAVID J. EBBERT; KEVIN PIGOS; A.M. WALTERS; ROLK BOYO; H. PENCE; ROBERT KING; NURSE BER-MOREER; NURSE C. HORST; DR. JUSTIN STERRETT; OPTIMISM TECH NURS SANCHEZ; ASSOCIATE WARDEN OPERATION HINKLES; CHIEF PSYCHOLOGIST GORDURER; CAPTAIN C. KIRBY; SIS LT TOMMY BURNS; SIS TECH PETERSON; SIA RAMARIZE; LT. E. FELS; LT. M. McDOWELL; RED SUPERVISOR MRS CRUIZE; CORRECTIONAL OFFICER H. JACOBSON.

RELATED CASES

- ° U.S. v. CLARK, 535 F.3d 571, 580 (7th Cir 2008) "PROSECUTORIAL MISCONDUCT"
- ° U.S. v. COMMON, 818 F.3d 323 (7th Cir 2016) "PROSECUTORIAL MISCONDUCT"
- ° U.S. v. Wilken, 742 F.3d 354, 361 (8th Cir 2014) "PROSECUTORIAL MISCONDUCT"
- ° ERICKSON v. PARDUS, 551 U.S. 89, 94 (2007) "PROSECUTORIAL MISCONDUCT"
- ° HUDSON v. McMILLIAN, 503 U.S. 1 (1992) "EXCESSIVE FORCE"
- ° ESTATE OF DAVIS by OSTENFELD v. Delo, 115 F.3d 1388 (8th Cir 1997) "EXCESSIVE FORCE"
- ° CIAPAGLIN v. Saini, 352 F.3d 328 (7th Cir 2003) "IMMINENT DANGER"
- ° Bibbs v. Cross, 160 F.3d 962 (3rd Cir 1998) "IMMINENT DANGER"
- ° JONES v. Bock, 549 U.S. 199 (2007) "PRISON LITIGATION REFORM ACT"
- ° FARMER v. BRENNAN, 511 U.S. 825 (1994) DELIBERATE INDIFFERENCES
- ° Ralston v. Mc Govern, 167 F.3d 1160 (7th Cir 1999) BARBAROUS CONDUCT

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- SANDIN v. CONNER, 515 U.S. 472, 484, 115 S.Ct. 2293, 132 L.Ed.2d 418 (1995)
- ESTELLO v. GAMBLE, 429 U.S. 97, 97 S.Ct. 285, 292 (1976)
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- ILLINOIS STATE LAW STATUTE - 720 ILLINOIS STATUTE 5/12-3 BATTERY
- 18 U.S.C § 113 (a), (2), (4), (5) "STATUTE FOR FEDERAL ASSAULT"
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- FEDERAL BUREAU OF PRISONS POLICY OF REGULATIONS
- POLICY OF PROGRAM STATEMENT 5566.06 USE OF FORCE
- POLICY OF PROGRAM STATEMENT 3420.11 SECTION 5 (b), (c)

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 JANUARY 11, 2021 (SEE ATTACHED)

☐ 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: _____, 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. § 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

CONSTITUTIONAL PROVISIONS OF THIS CASE IS OF THE 8TH AMENDMENT: WHICH FORBIDS "CRUEL AND UNUSUAL PUNISHMENT" AND IS THE MOST IMPORTANT AMENDMENT FOR PRISONERS. IT HAS BEEN INTERPRETED TO PROHIBIT EXCESSIVE FORCE AND PRISON GUARD BRUTALITIES. AS WELL AS SANITARY, DANGEROUS OR OVERLY RESTRICTIVE CONDITIONS. THIS PROVISIONS IS ALSO THE SOURCE FOR THE RIGHT TO MEDICAL CARE IN PRISON. WHEN THE USE OF FORCE WAS APPLIED TO MY PERSON; AND VIOLATED THE 8TH AMENDMENT IS WHEN PRISON GUARDS IS NOT IN COMPLIANCE. WHEN FORCE IS NOT APPLIED IN AN EFFORT TO MAINTAIN OR RESTORE DISCIPLINE, BUT IS USED TO MALICIOUSLY AND SADISTICALLY CAUSE HARM. WHERE IT WILL LEAVE PRISON OFFICIALS RESPONSIBLE FOR UNNECESSARY AND WANTON INFLICTION OF PAIN. WHERE THE 8TH AMENDMENT HAS BEEN VIOLATED; AS WELL AS THE 14TH AMENDMENT OF MY LIBERTY INTEREST OF DUE PROCESS CLAUSE. WHERE ONE WAS OR IS DEPRIVED OF LIFE; LIBERTY OR PROPERTY BY GOVERNMENT ACTION WITHOUT DUE PROCESS. WHERE THE LIBERTY INTEREST AFFECTED ME IS WHEN PRISON OFFICIAL IMPOSED AN ATYPICAL & SIGNIFICANT HARDSHIP IN RELATION TO THE ORDINARY INCIDENTS OF PRISON LIFE. (SANDIN V. CONNER, 515 U.S. 472, 484, 115 S. CT 2293, 2300, 132 L. Ed. 2d 418 (1995)). LIBERTY INTEREST VIEW THAT PUNISHMENT IS DEPRIVED IS THE INMATE LIBERTY THAT IS PROTECTED UNDER THE 14TH AMENDMENT DUE PROCESS CLAUSE. AS THE PUNISHMENT WORKED A FAIRLY MAJOR CHANGE IN THE INMATE CONDITION. 2ND IRRESPECTIVE OF WHETHER THE PUNISHMENT AMOUNTED TO A DEPRIVATION LIBERTY INDEPENDENT OF STATE LAW; THE PRISON OWN DISCIPLINARY RULES. WHICH CABINED THE AUTHORITY OF PRISON OFFICIALS TO IMPOSE THE KIND OF PUNISHMENT AT ISSUE. (SEE PHILLIP V. NORRIS, 320 F.3d 844 (2003)) DUE PROCESS PROTECTION ARISES ONLY WHEN THERE IS "SOME LEGAL ENTITLEMENT RIGHT, OR LIBERTY INTEREST THAT IS PROTECTED UNDER STATE OR FEDERAL LAW. (ALSO SEE FUDGE V. WATSON 2017 U.S. DIST LEXIS 37890) EVEN THOUGH JUDGEMENT RULE AGAINST IT'S CLAIM IT DEMONSTRATED 14TH AMENDMENT DUE PROCESS CLAIM, IN (PHILLIP V. NORRIS, 320 F.3d 844 (2003))

AS STATUTORY PROVISIONS OF FEDERAL LAW (18 USC § 113(a)(2)(4)(5)) STATES THE FEDERAL STATUTE WHERE A ASSAULT WITHIN MARITIME AND TERRITORIAL JURISDICTION. (A) WHOEVER WITHIN THE JURISDICTION OF U.S. IS GUILTY OF ASSAULT SHALL BE PUNISHABLE TO PENALTIES OF THE LAW INCLUDING IMPRISONMENT OR FINE. (TITLE 18 U.S.C § 1365) STATES SERIOUS BODILY INJURIES WHERE PRISON OFFICIALS INFLICTED MALICIOUS PAIN OF HARM, ON A PRISONER NOT IN A GOOD FAITH EFFORT; OR APPLIED IN GOOD FAITH. VIOLATING U.S. FEDERAL CRIME OF ASSAULT (18 U.S.C § 111(2)(2)). AS WELL AS (ILLINOIS STATE CRIME OF ASSAULT 720 ILLINOIS STATUTE 5/12-1: DEFINES ASSAULT AS KNOWINGLY ENGAGING IN CONDUCT WHICH PLACES ANOTHER IN REASONABLE APPREHENSION OF RECEIVING BATTERY. BATTERY WHICH IS (STATE OF ILLINOIS LAW 720 ILLINOIS STATUTE 5/12-3) DEFINED AS KNOWINGLY WITHOUT LEGAL JUSTIFICATION BY ANY MEANS (1) CAUSING BODILY HARM TO AN INDIVIDUAL (2) MAKING PHYSICAL CONTACT OF AN INSULTING OR PROVOKING NATURE WITH AN INDIVIDUAL. ALTHOUGH THE STATE LAW AND FEDERAL LAW VIOLATES THE 14TH AMENDMENT WHEN VIOLATED WITHOUT DUE PROCESS OF LAW OR CODE OF FEDERAL REGULATIONS 28 CFR § 552.20-552.29; AND 5 CFR PART 2635 GOVERN'S BUREAU'S EMPLOYEE CONDUCT UNDER STANDARDS OF EMPLOYEE CONDUCT 3420.11 DATE 12/06/13 (PART 5 PERSONAL CONDUCT SECTION (b)(1)). ACTS OF OMISSION CONTINUED WHERE MEDICAL MALPRACTICE (38 USC § 7316(a)(1) & (b)(2)) WAS CONDUCTED AND PRISON OFFICIALS SHOWED DELIBERATE INDIFFERENCE.

WITH THESE PROVISIONS ALONG, PETITIONER CONSTITUTIONAL RIGHTS; THAT ARE CITED IN THIS SECTION, OF CONSTITUTIONAL AND STATUTORY PROVISIONS SECTION CLEARLY CITES THE CONST.TUTIONAL VIOLATION; REGULATION OF FEDERAL LAW: STATUTES; AND ORDINANCES OF THE FEDERAL BUREAU OF PRISONS, OF WHICH IT'S OFFICIALS VIOLATED ALSO ARE INVOLVED IN THE CASE. AS TO THE LOWER COURTS MISSTATING EVIDENCE OF DOCUMENTS; EXHIBITS; FEDERAL RULES. (SEE U.S. V. CLARK; 535 F.3d 571, 580 (7TH CIR 2008), (U.S. V. COMMON; 818 F.3d 323 (7TH CIR 2016)).

3. THIS ACT OF OMISSION NOT ONLY VIOLATES MY

RIGHTS OF THE NATIONAL UNITED STATES CONSTITUTION; BUT ALSO VIOLATES MY UNIVERSAL DECLARATION OF HUMAN RIGHTS ESTABLISH DECEMBER 1948 BY THE GENERAL ASSEMBLY OF UNITED NATIONS. WHEREAS RECOGNITION OF THE INHERENT DIGNITY AND OF THE EQUAL AND INALIENABLE RIGHTS OF ALL MEMBERS OF THE HUMAN FAMILY IS THE FOUNDATION OF FREEDOM, JUSTICE, AND PEACE IN THE WORLD. WHEREAS THE DISREGARD AND CONTEMPT FOR HUMAN RIGHTS HAVE RESULTED IN "BARBAROUS ACTS" WHICH HAVE OUTRAGED "THE CONSCIENCE OF MANKIND". LIKE THE U.S. CONSTITUTIONAL VIOLATIONS OF THE 8TH AMENDMENT OF CRUEL AND UNUSUAL PUNISHMENT, AS WELL AS THE 14TH AMENDMENT LIBERTY INTEREST AND PROCESS OF LAW. CLEARLY STANDS AS MY RIGHTS BEING VIOLATED AND A "SHOCKING TO A PRUDENT SANE PERSON MIND OF CONSCIENCE". LIKE SO UNDER THE UNIVERSAL DECLARATION OF HUMAN RIGHTS BILL OF ALL MANKIND AND A LIKE OF HUMAN RACE, PETITIONER CITED THESE CONSTITUTIONAL ARTICLES OF ORDINANCE AS WELL AS VIOLATION OF HIS HUMAN RIGHTS: (ARTICLE 3) EVERYONE HAS THE RIGHT TO LIFE, LIBERTY, AND SECURITY OF PERSON. (ARTICLE 5) NO ONE SHALL BE SUBJECTED TO TORTURE OR TO CRUEL AND UNUSUAL PUNISHMENT; IN HUMAN OR DEGRADING TREATMENT OR PUNISHMENT. (ARTICLE 25 (1) EVERYONE HAS THE RIGHT TO STANDARD OF LIVING ADEQUATE FOR THE HEALTH AND WELLBEING OF HIMSELF AND OF HIS FAMILY INCLUDING FOOD, CLOTHING, HOUSING AND MEDICAL CARE AND NECESSARY SOCIAL SERVICES, AND THE RIGHT TO SECURITY IN THE EVENT OF UNEMPLOYMENT, SICKNESS, DISABILITY, WIDOWHOOD, OLD AGE OR OTHER LACK OF LIVELIHOOD IN CIRCUMSTANCES BEYOND HIS CONTROL. AND LASTLY (ARTICLE 10) EVERYONE IS ENTITLED IN FULL EQUALITY TO A FAIR AND PUBLIC HEARING BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL; IN THE DETERMINATION OF HIS RIGHTS AND OBLIGATIONS AND OF ANY CRIMINAL CHARGES AGAINST HIM OR CIVIL CHARGES.

WHEREFORE WITH THESE ARTICLES OF THE "UNIVERSAL DECLARATION OF HUMAN RIGHTS" AND MANY OTHER VIOLATIONS, ADDRESSED IN THIS PROVISION OF CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED; IN THIS CASE CAUSING PETITIONER TO PETITION FOR WRIT OF CERTIORARY. SHOWING THAT BOTH SUBJECTIVE COMPETENT AND OBJECTIVE COMPETENT OF THE 8TH AMENDMENT OF U.S. CONSTITUTION WAS VIOLATED; AS TO DELIBERATE INDIFFERENCE. (SEE WILSON V. SEITER, 501 U.S. 294 (1991); HELLING V. MCKINNEY, 509 U.S. 25 (1993); AND (FARMER V. BRENNAN, 511 U.S. 825 (1994)) PRISON OFFICIALS VIOLATED WHEN THEY ACTED WITH DELIBERATE INDIFFERENCE TO A PRISON CONDITION THAT EXPOSES A PRISONER TO AN "UNREASONABLE RISK" OF SERIOUS HARM OR DEPRIVES A PRISONER OF BASIC HUMAN NEED. WHEN THEY KNOW THE PRISONER HAS CHRONIC HEALTH DISEASE BUT PURPOSEFULLY IGNORE THE CALL OF DUTY OF CARE IN RESOLVING THE ISSUE OR PROVIDING ADEQUATE MEDICAL CARE. THIS IS WHY ALL CITATION; VIOLATION OF U.S. CONSTITUTIONAL RIGHTS; AND HUMAN BILL OF RIGHT ARTICLES AS WELL AS TORT LAW ARE VIOLATED IN MY CASE. THEREFORE THESE PROVISION ARE INVOLVED STRONGLY IN PETITION OF CERTIORARY TO SUPREME COURT. SHOWING WHERE LOWER COURTS LOOK OVER WHERE PETITIONER STOOD; AND STILL STANDING IN "IMMINENT DANGER" AS LOWER COURTS DISMISS CASES AFTER CASES OF CIVIL CLAIM

STATEMENT OF THE CASE

FEDERAL BUREAU OF PRISON BOARD OF DIRECTOR'S, AND INSTITUTIONAL CHIEF EXECUTIVE OFFICERS ARE RESPONSIBLE FOR MAINTAINING, AND UPDATING MANUALS OF POLICY OF REGULATION AS EMPLOYEES CONDUCT IS CONCERNED. AS WELL AS THE ORDERLY OPERATION OF THE BUREAU OF PRISONS.

UNDER THE DEPARTMENT OF JUSTICE; AND FEDERAL CODE OF REGULATION. SEE: STANDARD OF EMPLOYEE CONDUCT POLICY FOR FEDERAL BUREAU OF PRISON 3420, "SECTION 5(B)(C) AND 5 CFR PART 2125. AS WELL AS POLICY OF ORDINANCE FOR FEDERAL BUREAU OF PRISONS USE OF FORCE MANUAL OF POLICY 5566.06; AND CODE FEDERAL REGULATION 28 CFR 552.20-552.27 AND 29 CFR 1910.

PETITIONER FEDERAL INMATE UNDER COMMITMENT OF THE U.S. DISTRICT COURT SERVING A PRISON SENTENCE FOR 110 MONTHS, BY FEDERAL LAW OF JUDGEMENT OF THE COURT OF LAW. PETITIONER WAS HOUSED AT USP LEWISBURG (SMU PROGRAM) APRIL 16, 2019. PETITIONER DEPARTED FROM USP LEWISBURG (SMU PROGRAM) DECEMBER 12, 2019. WHERE TRANSFER BY BUS WAS THE APPROVED OPERATION OF TRANSIT FOR (SMU PROGRAM) INMATES DEPARTING USP LEWISBURG DECEMBER 2019; BY THE FEDERAL BUREAU OF PRISONS HEADQUARTERS OF HOME OFFICE DIRECTOR OF CUSTODY HARLEY LAPPINS AND DIRECTOR OF FEDERAL BUREAU OF PRISONS KATHLEEN H. SAWYOR. AS TO TRANSPORTING AND TEMPORARILY HOUSING INMATES BY BUS OPERATION FROM USP LEWISBURG TO AUSP THOMSON. THAT'S FROM LEWISBURG, P.A. DIABETES; ASTHMA; HYPERTENSION; ALLERGIC RHINITIS; MYOPIA, GLUCOMA, CATARACT; HEART MURMUR; AND OBSTRUCTIVE SLEEP APNEA WITH OBSTRUCTIVE PULMONARY DISEASE. EVEN WHEN TRANSPORTING OFFICIALS HAVE MEDICAL DOCUMENTATION OF HEALTH CARE OF THE INMATES. PETITIONER HAD NO AVAILABLE ACCESS TO HIS ORAL MEDICATIONS OF INSULIN AGENTS, ETC. UNLESS THE OFFICER OF BUS OPERATION WANT TO GIVE IT TO YOU. WHICH SHOWS DELIBERATE INDIFFERENCE AS TO THE CASE FARMER V BRENNAN 511 U.S. 826 (1994)

FEDERAL BUREAU OF PRISONS OFFICIAL CONDUCTING BUS OPERATION OF TRANSIT FAILED TO RESPOND REASONABLY TO PROTECT ME FROM ADDITIONAL SUFFERING. WHEN THE PETITIONER ARRIVED AT USP TERRE HAUTE TO MEET AND SWITCH BUS OPERATIONAL STAFF OF AUSP THOMSON. WHERE WE WOULD GO THE REST OF THE WAY TO AUSP THOMSON, ILLINOIS. PETITIONER STARTED TO HYPERGLYCEMILING; HAND SWELLING; NOSTRIL DRIED OUT; BLOOD PRESSURE INCREASED; AND TASTING BLOOD ON MY THROAT WHERE IT FELT LIKE SAND PAPER WHEN I SWALLOW. (ESTELLE V. GAMBLE, 429 U.S. 97, 91 S.Ct 285, 292 (1976))

WHILE PARKED IN THE FAR LEFT PARKING LOT AT USP TERRE HAUTE, WHERE BOTH BUSES LEWISBURG AND AUSP THOMSON BUS WAS WAITING FOR OUR ARRIVAL. AT (4:05 AM) DECEMBER 13, 2019 UNDER USP TERRE HAUTE, IN INDIANA, THE INSTITUTIONAL SURVEILLANCE CAMERA OBSERVED ME GETTING OFF THE BUS; SWEATING STANDING ON THE LEFT FRONT SIDE TIRES OF LEWISBURG BUS. WHEN EXPLAINING MY CHRONIC ILLNESS OF HAND RESTRAINT BEING TIGHT HYPERGLYCEMILING. AUSP THOMSON OFFICIALS LT. ELLIS FELS AND LT. MICHAEL McDOWELL PUNCHED ME IN THE (L) SIDE OF THE FACE AND LT. McDOWELL THE (R) SIDE OF THE FACE UNDER A DIABETICAL SUGAR ATTACK AND HIGH BLOOD PRESSURE SPIKE HIGH. AUSP THOMSON BREAKS MY EYE GLASSES AS THEY PUNCH ME; SLAM ME TO THE PAVEMENT SCARRING MY KNUCKLES; KNEES; WHILE IN FULL RESTRAINTS AND LEG SHACKLES. EVEN LANDING AN ELBOW IN MY BACK WHILE I WAS PLACE ON THE PAVEMENT. THIS ACT OF ASSAULT VIOLATED 18 USC § 113 (G) (2) (4) (5) FEDERAL STATUTE 19 USC § 1116 (12) FORCIBLY ASSAULT; FEDERAL BUREAU OF PRISONS ORDINANCE OF POLICY OF REGULATION 5566.06 USE OF FORCE AND CODE OF FEDERAL REGULATION 28 CFR 552.20-552.27 USE OF FORCE REGULATION

NOT JUST THAT BUT VIOLATED MY 14TH AMENDMENT DUE PROCESS CLAUSE LIBERTY INTEREST INFLECTION OF PUNISHMENT; WHERE EVEN IF STATE LAW WAS AT SAKE HERE; UNDER ILLINOIS STATE LAW STATUTE 720 ILLINOIS STATUTE 5/12-1 ASSAULT THERE WILL BE PENALTY. JUST ILLINOIS STATE LAW STATUTE- 720.

ILLINOIS STATUTE 5/12-3 BATTERY THERE WILL BE PENALTY. WITH THIS DUTY OF CARE ALONG AND ACT OF OMISSION OF THESE OFFICIALS CONDUCT; THERE IS VIOLATIONS TO PETITIONER 8TH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT VIOLATION AS IN CASES HUDSON V. McMILLIAN 503 U.S. 1 (1992); ESTATE OF DAVIS BY OSTENFELD V. DELD 115 F3d 1388 (8th Cir 1997). AS SERIOUS BODILY HARM WAS WRONGFULLY INFLICTED AS TO 18 USC § 1366 SERIOUS BODILY HARM. AS DIAGNOSED RIGHTFUL TO CASE ROUSE V. PLANTER, 182 F3d 192; 197 (3rd Cir 1999) PETITIONER DUTY OF CARE TO MEDICAL TREATMENT WAS NEGLECTED; AND ENDURETH SUFFERING TILL BUS OPERATION/VAN TRANSPORTING MADE IT TO AUSP THOMSON AT 8 AM. STILL WAS NEGLECT AS TO CASE ESTELLE V. GAMBLE 429 U.S. 97, S.Ct 285, 292 (1976).

STATEMENT OF THE CASE (CONTINUED)

MEDICAL NEGLECT TO CHECK MY BLOOD SUGAR; WHERE LATER IT WAS READING 204 FAST CHECK. BLOOD PRESSURE WAS CHECK AS VITAL SIGNS FROM TRIAGE NURSE SHOWING A READING OF 147/98. DID NOT GET ORAL MEDICATIONS OF INSULIN AGENTS UNTIL 2:30PM AND C-PAP MACHINE UNTIL 5 DAYS LATER. MEDICAL MALPRACTICE WAS CLEARLY AT SAKE SEE 38 USC § 7316 (a) (1) & (B) (2) AND RALSTON V. McGOVERN 167 F.3d 1160 (7th Cir. 1999) WHERE THIS CIRCUIT HEARD CASE WHERE THEY FAILED TO TREAT MEDICAL OFFICIAL A INMATE WITH SERIOUS CHRONIC DISEASE OF ILLNESS OF CANCER; WHO IS CAUSED PAIN WAS FOUND TO BE BARBAROUS AS WELL AS TO THE TREATMENT OF EYE DISEASE IN ANOTHER CIRCUIT (SEE CASE: KOELL V. DALSHAM 85 F.3d 86 (2nd Cir. 1996)).

THESE ACTS OF OMISSIONS VIOLATED INTENTIONAL TORT LAW OF 28 USC § 2680. DEFINES ASSAULT & BATTERY AND ALSO VIOLATES MY 14TH AMENDMENT VIOLATIONS OF (SANDIN V. CONNER 515 U.S. 472, 484, 115 S. Ct. 2293, 122 L. Ed. 2d 418 (1995)).

PETITIONER FILED THROUGH THE ADMINISTRATIVE GRIEVANCE PROCESS EXHAUSTING HIS REMEDY, ACCORDING TO (42 USC § 1997e PRISON LITIGATION REFORM ACT); THEN PROCEEDED WITH A FEDERAL TORT CLAIM ACT; WAS DENIED. EVEN WITH INSTITUTIONAL INJURY ASSESSMENT BEING CONDUCTED BY SIS LT BORN AT AUSP THOMSON. PETITIONER THEN FILED A 1983 CIVIL CLAIM ACT BOTH 1983 AND BIVENS ACT. U.S. DISTRICT COURT GRANT FORMA PAUPERIS AUGUST 11, 2020; BUT CIRCUIT COURT OF APPEAL DENIED FORMA PAUPERIS JANUARY 11, 2021. WHERE THE LOWER COURTS MISSTATED FACTS OF EVIDENCE; PLAINTIFF PROVIDED FROM INSTITUTIONAL MEDICAL DEPARTMENT; ADMINISTRATIVE GRIEVANCES FROM FEDERAL BUREAU OF PRISONS HOME OFFICE; CONDUCTED ACTS OF OMISSIONS TO LAB WORKS; INMATE TRUST ACCOUNT SUMMARY; SHOWING BARBAROUS JUDICIAL MISCONDUCT & PROSECUTORIAL MISCONDUCT AS IN CASE

(U.S. V. COMMON 818 F.3d 323 (7th Cir. 2016)); ALSO CASE (U.S. V. WILKENS 742 F.3d 354, 361 (8th Cir. 2014)). DURING PRELIMINARY REVIEW/SCREENING IN THE LOWER COURTS CONDUCTED MALICIOUS PROSECUTION BY OVERLOOKING DOCUMENTS AND TOTALLY STRIPPING ONE FROM THE RIGHT TO A FAIR HEARING OR TRIAL (SEE ERICKSON V. PARDUS 551 U.S. 89, 94 (2007) PRELIMINARY REVIEW SCREENING) AND AS TO EXHAUSTION OF REMEDIES (SEE JONES V. ROCK 549 U.S. 199 (2007)). AS TO ALL REQUIRED DOCUMENTS WAS FILLED TOWARDS PETITIONING A CIVIL LAWSUIT AGAINST UNITED STATES FEDERAL EMPLOYEE; ETC UNDER 28 USC § 2679 AND 28 USC § 2680.

WHEREFORE PROSECUTORIAL MISCONDUCT IS DESCRIBED IN THE 7TH CIRCUIT AS MISSTATING THE EVIDENCE THAT CAN DEPRIVE A DEFENDANT OF A FAIR TRIAL OR PLAINTIFF OR PROSECUTORIAL MISCONDUCT CAN BE A PROSECUTORIAL STATEMENT THAT ~~THE~~ EFFECT; DISTORT THE BURDEN OF PROOF BY SUGGESTING INCORRECTLY WHAT THE JURY MUST FIND IN ORDER TO REACH A VERDICT WARRANT REVERSAL. THIS ~~IS~~ EVALUATION IS A CLAIM FOR CRIMINAL CASES; BUT FOR CIVIL PROCEEDINGS PROSECUTORIAL MISCONDUCT; EVALUATION CLAIM SHOULD STILL APPLY OR IS IT LOOK AT AS A 5TH AMENDMENT RIGHT VIOLATION OF DUE ~~PROCESS~~ PROCESS OF LAW VIOLATION? SEE: FEDERAL RULES CIVIL PROCEDURE 8(2)(2) AND FEDERAL RULES CIVIL PROCEDURE RULE 11(b) AND RULE 11(2).

WHEREAS IN ANOTHER CIRCUIT OF THE 8TH CIRCUIT STATES A CLAIM OF PROSECUTORIAL MISCONDUCT: A DEFENDANT MUST SHOW THAT THE PROSECUTIONS CONDUCT WAS IMPROPER AND THAT THIS IMPROPER CONDUCT PREJUDICIALLY AFFECT THE DEFENDANT'S SUBSTANTIAL RIGHT. (SEE U.S. V. WILKENS 742 F.3d 354, 361 (8th Cir. 2014)).

THIS CONDUCT OF THE LOWER COURT BARBAROUS JUDICIAL MISCONDUCT IS ONGOING TO PETITIONER SERIOUS CLAIM OF MEDICAL ILLNESS AND DANGER OF HIS HEALTH LONGTERM IN RULING EFFECTIVELY.

REASONS FOR GRANTING THE PETITION

PETITIONER EXHAUSTED HIS ADMINISTRATIVE REMEDY BY FILING A FEDERAL TORT CLAIM ACT 2020-03428 WITH NORTH CENTRAL REGIONAL OFFICE OF THE UNITED STATES FEDERAL BUREAU OF PRISONS. PETITIONER THEN WAS DENIED ON FEDERAL TORT CLAIM ACT; EXHAUSTED HIS REMEDY TO THE UNITED STATES FEDERAL BUREAU OF PRISONS' GENERAL COUNSEL OFFICE 1002670-A1 GRIEVANCE NUMBER, WHICH WAS DENIED. PETITIONER FILED FORMA PAUPERIS IN CIVIL CASE JORDAN V KATHLEEN H. SAWYOR, et al CASE NUMBER 3:20cv50121; PROVING THAT PETITIONER WAS INDIGENT BY SHOW OF PRISON TRUST ACCOUNT STATEMENT FOR THE (6) MONTH PERIOD PRECEDING THE FILING OF PETITIONER CIVIL LAWSUIT CLAIM AND FORMA PAUPERIS WAS GRANTED IN UNITED STATES DISTRICT COURT OF ILLINOIS NORTHERN DISTRICT BEFORE HONORABLE REBECCA R. PALMEYER; AS ORDER SHOWS OF DATE AUGUST 11, 2020. ON APPEAL WITH SEVENTH CIRCUIT COURT OF APPEAL. I'M DENIED FORMA PAUPERIS AND PENALIZED WITH STRIKES IN DISTRICT COURT. AS TO WHERE I'M A INDIGENT INMATE UNABLE TO PAY FILING FEE IN IMMINENT DANGER OF BEING DEPRIVED OF MEDICAL ATTENTION AS A DIABETIC. WHERE MEDICAL STAFF NEGLECTS TO PROVIDE ME WITH INSULIN, BUT KEEPING UNDER MEDICATED BEING TREATED AS TYPE II WHEN I'M TYPE I. (SEE ESTELLA V. GAMBLE 429 U.S. 97, 104 (1976)) AS DOCUMENTS WHERE AVAILABLE FOR THE LOWER COURTS TO REVIEW UNDER 28 USC § 1915 (c), 28 USC § 1915 (A); 28 USC § 1915 (g), AND 28 USC § 1915 (e)(2) AS WELL AS TO ERICKSON V. PARDUS 551 U.S. 89, 94 (2007). THE LOWER COURTS INTENTIONAL BARBAROUS MISCONDUCT OF JUDICIAL PROSECUTION IN MY CLAIM. OVERLOOKED ALL DOCUMENTS OF EVIDENCE AFFECTING MY SUBSTANTIAL RIGHTS IN A FAIR HEARING WHEN ONE CONSTITUTIONAL VIOLATION OF PRISONER RIGHTS IS AT SAKE, AND EVIDENCE CLEARLY SHOWS IT; IN REVIEW OF THE ENTIRE DOCKET OF EXHIBITS; GRIEVANCES; DOCTORIAL NOTES; INMATE TRUST ACCOUNT SUMMARY; AND OTHER INVESTIGATIVE EVIDENCE. THE LOWER COURT CLEARLY SHOW DELIBERATE INDIFFERENCE AS IN (HUDSON V. McMillian 503 U.S. 1 (1992)), (DISTENFELD V. DELO 115 F.3d 1388 (8th Cir 1997)) WHERE PRISON GUARDS INTENTIONALLY CAUSED INFLECTION OF HARM AND TOTALLY DISREGARD THE DUTY OF CARE VIOLATING MY 8th AMENDMENT CONSTITUTIONAL RIGHT WHERE FORCE WAS NOT APPLIED IN GOOD EFFORT TO MAINTAIN OR RESTORE DISCIPLINE, BUT INSTEAD USED FORCE TO APPLY MALICIOUSLY AND SADISTICALLY CAUSE OF HARM. DUTY OF CARE FAILED AS MEDICAL FABRICATED U.S. DISTRICT COURT, LAB WORK SUBMITTING, FALSE A1C OF 5.8. WHEN MY A1C IS 7.7 AS A TYPE I DIABETIC. (SEE GREEN V. BRANSON (10th Cir 1997)) THE LOWER COURTS GOT IT WRONG "IMMINENT DANGER" AS TO (GIAPALIN V. SAINI 352 F.3d 328 (7th Cir 2003)); ALSO (GIBBS V. CROSS 160 F.3d 962 (3rd Cir 1998)) AS TO PRISON CONDITIONS AND MEDICATIONS EVEN IF YOUR MENTALLY ILLNESS, ETC.

THEREFORE FOR THESE REASONS IN THIS PETITION, AND CITED IN THIS SECTION OF GRANTING REASONS FOR PETITION. SUPREME COURTS SHOULD GRANT WRIT OF CERTIORARI AND REVERSE FOR LOWER COURTS FOR REHEARING.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Braley Lamar Jordan

BRALEY LAMAR JORDAN 22702-009

Date: JANUARY 18TH, 2021