

No. 20-8006

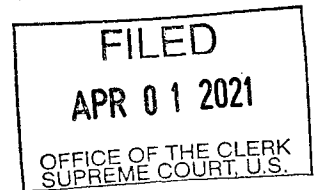
IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Antonio Jose Cooks — PETITIONER
(Your Name)

vs.

Dean Naylor et al — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

Eighth Circuit of Appeals

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

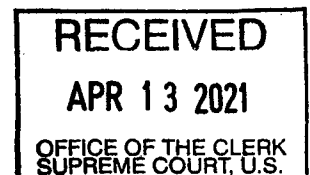
PETITION FOR WRIT OF CERTIORARI

Antonio Jose Cooks
(Your Name)

406 North High Street
(Address)

Anamosa Iowa 52205
(City, State, Zip Code)

(Phone Number)



Questions presented for Review

- (1) Does pretrial detainee represented by own admission of authority have the right to have access of courts to relitigate all matters?
- (2) Do the jailor's have the right to use use of force solely on the ignorance of language of self-representation and stand by counsel?
- (3) Do the plaintiff have the Right to file grievances and against conditions of Religious dietary where he was denied feeding calories and frozen foods?

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:

Dean Naylor, Tanya Bishop, Ryan Dreyer,
LaeKkon McDaniel, Bryce Perry, Darron Ritchie,
Chris Witt and Michael Wade

RELATED CASES

Love v. Reed, 216 F.3d 682, 689 (8th Cir. 2000)
Bell v. Johnson, 308 F.3d 594, 605-06 (6th Cir. 2002)
Santiago v. Blair, 707 F.3d 984, 991 (8th Cir. 2013)
Amaker v. Goord, 1999 WL 51990 *4-5 (SDNY)
Martin v. Ezeogo, 816 F.Supp. 20, 24 (D.D.C. 1993)
Lewis v. Downs, 774 F.2d 711, 714-15 (6th Cir. 1985)
US v. Cobb, 905 F.2d 784 (4th Cir. 1990)
Jackson v. Bishop, 404 F.2d 571, 579-81 (8th Cir. 1995)
Suprenant v. Rivas, 424 F.3d 115, 17 (1st Cir. 2005)

II. Table of Contents

#

I. Summary of The Case	2
II. Table of Contents	3
III. Table of Authorities	4
IV. Jurisdictional Statement	5
V. STATEMENT OF ISSUES	5
VI. STATEMENT OF THE CASE	7
VII. Summary of The Argument	19
VIII. Argument A. (Retaliation)	22
B. Defendant's use of force was Excessive and Malice	
C. False Charges	
^{IX} IX. Conclusion	34
X. Jury Demand	35
XI. Certificate of Service	35

I.I.I. Table of Authorities

Amaker v Goord	1999 WL 511990* 4-5 SD NY (July 23, 1999)	26
Anderson v Liberty Lobby Inc.	477 US 242, 248 (1986)	24
Atkins v County of Orange	372 F.Supp.2d 377, 400-01 (2005)	28
Bracken v Dormire	247 F.3d 699, 705 (8th Cir 2001)	21
Cain v Lane	857 F.2d 1139, 1143 (7th Cir 1988)	26
Christian v Wagner	623 F.3d 608, 612 (8th Cir 2010)	23
Crow v Montgomery	403 F.3d 598, 601 (8th Cir 2005)	23
Gayle v Groneyea	313 F.3d 677, 683 (2d Cir 2002)	26
Harden v Fullencamp	2001 US Lexis 22335 (June 22, 2001)	28
Jackson v Bishop	404 F.2d 571, 579-81 (8th Cir 1995)	27
Lewis v Downs	774 F.2d 711, 714-15 (6th Cir 1985)	27
Love v Reed	216 F.3d 682, 689 (8th Cir 2000)	24
Lynk v LaPorte	Superior Court, No. 2, 789 F.2d 554 (1986)	31
Martin v Ezego	816 F.Supp. 20, 24 (D. DC 1993)	26
Nickens v White	622 F.2d 967 (8th Cir 1980)	21
Peters v Woodbury County Iowa	979 F.Supp. 901, 926 (2013)	33
Pletka v Nix	957 F.2d 1480, 1484 (8th Cir 1992)	26
Reed v Evans	2018 WL 5818360 A*3 (W. D Ark 2018)	21
Santiago v Blair	707 F.3d 984, 991 (8th Cir 2013)	25
Scott v Churchill	377 F.3d 565, 569 (8th Cir 2004)	25
Siggers EL - Barlow	412 F.3d 693 (6th Cir 2005)	30
Smallwood v Renfro	708 F.Supp. 182, 188 (N.D. Ill 1989)	32
SKritish v Thornton	280 F.3d 1295, 1302 (11th Cir 2002)	27
Suprenaut v Rivas	424 F.3d at 517 (10th Cir 2005)	29
Torgerson v City of Rochester	643 F.3d 1031 (8th Cir 2011)	25
United States v. Cobb	905 F.3d 784 (4th Cir 1990)	27
United States v. LaValle	439 F.3d 670 (10th Cir 2006)	32
United States v. Serrata	425 F.3d 886 (10th Cir 2005)	32
Watts v County of Sacramento	65 F.Supp.2d 1111 (1999)	28
Winston v Coughlin	289 F.Supp. 118, 120-21 (W.D. NY)	30
Statutes And Rules		
42 USC § 1997 e (2)		28

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 A 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 B 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 Eighth Circuit.

☐ 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: February 17 2024, and a copy of the order denying rehearing appears at Appendix B.

☐ 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).

IV. Jurisdictional Statement

Antonio Cooks appeals from the District Court's

April 8th, 2020 order granting motion for summary judgment and dismissing his action in its entirety.

Cooks files timely notice of Appeal on May 7, 2020.

The United States Court of Appeals has jurisdiction pursuant to 28 U.S.C. § 1291. Thus because Cooks Pled Federal Constitutional and Statutory claims, the District Court had subject matter jurisdiction under 28 U.S.C. § 1331.

V. STATEMENT OF ISSUES

Defendants Counsel wants me to address issues to support his strategy defense. The claim that Defendants in their Individual and Official Capacity harass, retaliated and beaten an prisoner at the Courthouse outside of PLRA prison settings with malice intent and then places false charges of assault for unlawful touching to cover up

1. Plaintiff asserts that he did notify the Muscatine Detention Center who failed to respond And causes prisoner to meet end of claim

See Initial Brief page 25

Booth v Churner 532 US 731, 736 2001

Ross v Blake. 136 Sct 1850, 1858 -59 2016 page 24

2. The question whether Defendant(s) action was unreasonable and shocks the normal citizen (public) view is for the jury to decide.

Anderson v liberty lobby Inc. 477 US 242 248 (1986)

Id at 249. page 24

Bell v Johnson 308 F.3d 594, 605-06 (6th Cir 2002)

Id at 603. page 25

Torgerson v City of Rochester. 643 F3d 1031,

1042 (8th Cir 2011). page 25

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First United States Constitution Amendment

Eight United States Constitution Amendment

Fourteenth United States Constitution Amendment

And Fifth United States Constitution Amendment

~~US~~ 42 U.S.C. § 2000cc(1).

I. Summary OF THE CASE

On April 7th 2019 Cooks was arrested for unrelated charge. Officer Perry Bryce booking officer failed to update Cooks Religious Dieties causing him to starve for 2 and half days (Perry Depo 20: 6-10) M^s Bishop knew inmate Cooks was denying food (Bishop Depo 20: 22-24) On April 9 2019 he was feed. April 14 2019 Bishop fabricates a Disciplinary Report threatens to take Cooks Kosher meal. Corporal Daum dismisses charges. Cooks was fed inadequate nutritions for 5 months loss nearly 30 pounds.

On June 7 2019, 17 days after filing his 1983, he was taken to the Muscatine Courthouse for a Pretrial hearing. Perry, Witt, Wade and Ritchie credes Cooks to inform him a Continuance has been filed. Cooks shows Perry Order giving him representation of self May 24 2019. Because Perry did not know what standby lawyer meant, so when Cooks called Judge Werling, Perry attacked Cooks from behind running him into the wall, leading to Cooks being choked, Kicked, and dragged from the Courthouse attaining serious injuries.

2.

VI. STATEMENT OF THE CASE

Plaintiff Antomo Cooks was incarcerated at the Muscatine County jail from April 7, 2019 to September 16, 2019 (Appendix 65, Cooks Dep at 81-24) Cooks was violated many Constitutional Rights that caused this civil rights case, the violation of his legal right was impeded creating cruel and unusual punishment. Defendant Summary Judgment was accepted. See Summary order) Cooks now Appeal.

The Supervisor Dean Naylor (Captain Naylor) was the Jail Administrator of The Muscatine County jail (Amendment Compliant at ¶ 2.) Bryce Perry, Daran Ritchie and Chris Witt were Correctional Officers at the Detention Center. (Amended Compliant at 4, 5, 6, 7, 8A). Michael Wade was a deputy of the Muscatine Sheriff's Office

Serving as a courthouse security officer at the Muscatine County Courthouse (Appx 96 Wade Depo At 3:22-23)

A. The Courthouse incident

On the morning of June 7, 2019, Cooks was in the custody of Correctional officer, Perry, Ritchie and Witt in the law library of the Muscatine County Courthouse, where he was awaiting a scheduled court appearance in his underlying criminal case. Appx 77, Cooks Dep At 64:13-19, 69). All defendants confirms inmates was in restraints (Full body restraints) (Perry Ritchie Dep 30:5-11, Wade Depo 21:19-25, 22:18-20, Depo by Witt ^{17:16-19} ~~23:21-24~~, Ritchie Depo Perry Depo 23:21-24) Not one of them had completed De-Escalation Class or use of force, Ritchie 5:18-20, 6:1-2 Depo, Wade Depo 5:16-19, 10:24-25, Witt Depo 4:4-7

H8

Exhibit "A" (Perry Depo page 7 line 1-15, "A" (2) Ritchie

page 3 line 18-20, "A" (3). Wade page 2 L 19 "A" (4) Witt page 4 line 4-7

Perry Depo 10: 15-17 Failure to be properly trained)

While petitioner adequately tried to diffuse the situation by informing each one of them prior to and during the incident he represented himself even went extra mile to show May 24 2019 Order to MR. Perry who admits to seeing the paper, regardless whether he admits what the paper said he did not understand what Standby Lawyer implied (Perry Depo ~~29~~³¹: 12-18¹⁷); Perry Depo 31: 23-25; 32: 1-2) Nor did ~~believe~~ MR Witt believe MR Cooks that he was his own lawyer unless it came from an official. (Witt Depo 12: 4-9) Ritchie heard MR. Cooks state he represented himself (Ritchie Depo 19: 1-6) Neither of these officers had Courthouse experienced procedures (Ritchie Depo 19: 18-25, 20: 1-7, Witt Depo 10: 21-25) (Perry lead Supervisor did not take steps to see whether I was the attorney on record (Perry 41: 7-9)

~~12 89~~

Exh "B" (1) Perry page 31 line 1-25, pg 32 line 1-2, Exh "B" (2)

Ritchie page 22 line 22.

(No. I did not).

MR. COOKS during Deposition denied entering the public corridor prior to being attack by Perry who agrees he ran me into the door and wall. (Cooks Depo 73:11-25, 74: Lines 1-9, Perry 43:15-23, Ritchie 27:6-9, Wade 21:7-9)

Perry admits The Judge did not ask for my departure but ignorance of the procedures created this travesty. (Perry Depo 39:17-21) 41:20-23) He than admits after the fact he was wrong. See (Perry Depo 39:25, 40:1-3) There is no mention that they thought I was planning to escape from no defendant(s) Perry with, Ritchie or Wade.

The Defendant(s) do not dispute that MR COOKS planned to harm anyone, no injuries

was listed see (Perry Depo 50: 6-7)

There an missing procedure in this incident

We are no sure who filed the Motion of Continuance that created this misue, most people believe Shawn M. Fitzgerald but he too claims he did not and informed Muscatine Detention Center Captain Naylor of this fact.

(Witt Depo 20: 2-5)

There was no warning before the attack by Perry from behind when I was taking normal steps to the front of the line after telling Perry I need to talk to the Judge and nobody gonna fuck with me was a warning. (Ritchie Depo 26: 8-9, Witt Depo 15: 7-9)

Exhibit 1 informs All officer personal to use verbal persuasion (Perry Depo 39: 4-12) Exh "D" Had not officer Perry impulsive behavior

the 11

Knowing how to de-escalate a problem by not using force we wouldn't be here on this issue.

Sure Defendants lawyer gonna point the figures at me to save their own but when (3) officer who was present state the exact same thing, that I was still in the hallway when the physical attack occurred by Perry. Young and lost his cool during a hearing

Conversation, Exhibit "C" page 41 line 2-9

Cooks being choked by Wade, according to Wade own words I tried to prone him out. See (Wade Depo 23: 14-16) When asked was choking a person in restraints procedural he stated he was trying to use a pressure point compliance (Wade Depo 24: 1-9, 23: 17-19 and he agrees he was not trained to do so Wade 24: 24-25, 25: 6, 25: 6-10 and 25: 11-14)

1312

Exhibit "E" Officer Wade

His lawyer would like to say there was no pressure but this is sure not possible when their own clients admit doing the act seen on the video camera (Wade Depo 26:5-14) blocking up my (Cooks) carotid artery but did not work, (Ritchie Depo 32:3-9)

During the forced used by Wade to choke slam Cooks to the ground which lead to Perry legs being entangle was not done deliberate in fact (Wade Depo 21:10-18); (Ritchie Depo 27:24-25, 28:1-6) and (Witt Depo 16:8-14) Officer Witt states he had to push my foot in from between Perry leg that means my foot from 3 minutes approximately was at an awkward position and being choked out no way to scream from pain was nearly decapitated. The record supports time Wade Footage at 00:42 - 00:51

~~No~~ 13

Exhibit "F"

Cooks was asked to comply after being prone out, stumped multiples (Perry Depo 47:12-16)
Cooks tried to stand but his back and foot was severely bruised he was then dragged with Wade and Perry on the waist chains and Ritchie with one leg dragged the Petitioner out the courthouse (Perry Depo 51:6-25)
(He agrees he wanted to cause Cooks pain)
(Wade Depo 30:18-25) (Wade admits he was not trained to drag people out the courthouse, but anything to ^{fulfill} ~~ful~~ his desires will work) There was no self defense 204.3 because every supports Cooks never deliberately touch anyone and had his lawyer in his arms the entire time Perry admit he placed himself between my legs (Perry Depo 46:18-24); (Perry Depo 45:9-17) (Cooks was holding his ~~leg~~ papers)

12 13 14

Exhibit "G" Page 28 L 2-25, - page 30 L 1-25 - page 31 L 1

Exhibit "H" page 51 L 6-21

B. Muscatine County Jail Grievance Procedure

The Muscatine has 10 different steps for Grievance processes Reference: 3 ALDF-3E-11, 50.21(4)cc, 50.21(5) b-f Jail Standards.

There is no guarantee personal who assigned to a particular grievance will ever receive it. And there's no way to find out who had it, where it went and whom to blame. But one thing for certain I filed a Complaint on staff on June 7 2019, waited 10 days filed another inquiry to the internal affairs as soon as I was able to get up and get around, wrote Martha A Grievance Chief Judge to inform her as to the madness at the Courthouse to start an inquiry on who filed the Continuance on my behalf. I followed each step and just

6/8/15

Exhibit "I"

because Defendant(s) fails to comply or play
shaddy games in order to save their own butts
is not unheard of to destroy evidence to make
the Petitioner violate an exhaustion procedure.
And what Motive do they have, alot. People will
have garnished wages, lost of jobs and paying
me a helluva lot of money for taking 5 minutes
worth of near death occurrence and humiliation

Defendant(s) acknowledges the Filing of
June 7, 2019 courthouse incident See Appellant's
Br at 22) this goes through the process
procedure Since the issue contains Wade
a Sheriff was assigned directly to Naylor
Captains who by the record never responded,
So the nevertheless after (5) days the grievance
is presumably denied see step (F64-A) see
date when I filed to Sheriff has to be lost

14 15 16

Exhibit "J"

Within the grievance procedure because there's no way The Ombudsman Unit Jason Pulliam can get involved until after the sheriff has finished his conclusion or failure to, see step 9 and 10. I'm being waylaid by Defendant(s). I have physically documents by an certified member who will not take sides. Eventhough, the Defendant(s) lied to him about me walking out the law library in order to get to the judge was fabricated. They do anything to sabotage this case.

C. The Proceedings below

The Petitioner had to eliminate his defense and write another brief to meet local rule of 30 pages not like the defendant who still exceeded the limit, however, Cooks had to focus on one claim to supports all the claims in general and Retaliation serves a wide range of topics.

inadequate restrictions, excessive force and deprivation of Constitutional and Statutory provisions leading up to the assault. The record will show that Defendant party resisted attorney and after denial agreed Knowing Petitioner will have a hard time finding a Pro bono lawyer this late in the Proceedings. Nice show of character. Let the record reflect such undermining tactics.

The Petitioner challenge the granted Summary judgment for legal standings of the law and such claim allows Cooks to file Cross-move for summary Judgment that the undisputed facts argued herein grants a matter of law. Petitioner exhausted his Remedies to all entities listed and now Defendant(s) plan to withhold vital material to avoid a trial thats unfavorable to them. Thats why they Counsels asked to quash the
2419

Case and Keep the Fees limited to only Filing.
Sure alot of my filings are reused verbatim
however, the facts does not change.

VII Summary of The Arguement

On April 7th 2019 Cooks was arrest on
unrelated criminal charges. He had been an
inmate at the Muscatine County Jail previous
years before. He informs the Deputy later found
out to be Perry of his Religious belief and diet
of ova lacto pecto vegetarian and wrote it down
for him before going back in a holding cell. For

2 1/2 days April 9th 2019 he was awarded food.

The jail Policy that all inmates must be feed
with unhonored by All employee personal. I
MR Cooks begin to have problems with MS Bishop
false reports was written trying to take away
my Diet (Kosher) see (Inmate File 104)

8 18 19

Exhibit "K" (C1) and Exhibit "K" (C2) Perry Depo

Page 21 line 24-25 — 22 line 1-25, Exhibit "K" (C3)

VII. Summary of THE Argument

The Petitioner filed 24 grievances received 18 Disciplinary Reports, deprived availability to defend himself and had to write to get access to law library on July 3rd 2019. Prior to the acceptance he had a court date on June 7 2019 and surprisingly an Motion of Continuance was filed on nobody claiming ownership, which lead to him being brutally beaten and nearly paralyzed and almost suffocated to death. The officers violated Petitioner Constitutional Rights not to be restricted for access of a legal right of the Court House nor shall he chose between his right to practice religious dieties and force to eat. Officer maliciously used excessive force violating Petitioner Rights to be treated equally unless there some reasonable means to justify force,

The Fourth and Eighth Amendment Constitutional Rights that Pretrial detainees are not to be intimidated while trying to redress a claim. see *Bracken v Dormire*, 247 F3d 699, 705 (8th Cir 2001) (Of course, a prose pleadings is not a magic hat out of which a court may pull any claim it thinks should have advanced).

"Courts must remain sensitive, however, to the special problems faced by prisoners attempting to proceed prose in vindicating their Constitutional Rights, and [the Eighth Circuit does] not approve summary dismissal of such prose claims without regard for ~~such~~ these special problems."³⁷

Nickers v White, 622 F.2d 967, (8th Cir 1980)

See also *Reed v Evans*, 2018 WL 5818360 At*3 (W.D. Ark. Nov. 7 2018) "Occasional allowances by the Court for honest mistakes provide leeway for Plaintiff who are not trained in the law and do not have representation."

A. VIII. Argument (Retailation)

All defendant(s) has been informed that they are being sued in their individual and official capacity see Exhibits J1, J2 and J3 filed by Jessica Donels during Corrected First Amended Complaint October 21, 2019.

Cook's presents material evidence throughout Petitioner brief to show cause why the summary judgment shall not be granted. May 20 2019 Petitioner exhausted all his state remedies pursuant to the Frozen Rice incident, 9 days later he given multiply disciplinary reports, 8 days after date June 7 2019 3 untrained officer goes to the Muscatine Courthouse surrounds an chained prisoner and beats him to he's unable to walk and only through fear did he sustain the pain and climb with help by another officer into a

~~2022~~

Exhibit "L" (1) Inmate File 101, Exhibit "L" (2) Inmate File 771
Temp listed as minus 11, Exhibit "L" (3)

Van. There's no proof Cooks filed the Continuance delaying him the needed opportunity to ask for help. Pro se Pretrial detainees must have access to the Courts. *Christain v Wagner*, 623 F.3d 608, 612 (8th Cir 2010) 14th Amendment applies to pretrial detainees. *Id* at 613 "Under the 14th Amendment pretrial detainees are entitled to at least as great protection as that afforded convicted prisoners under the 8th Amendment." *Crow v Montgomery* 403 F.3d 548, 601 (8th Cir 2005) Therefore, the Courts analysis regarding the Constitution duties imposed by the Eighth Amendment equally applies to Cooks time as a pretrial detainee under the 14th Amendment.

Retailation: *Revels v Vincenz*, 382 F.3d 870 (8th Cir 2004) There no disputing Perry was the booking officer (Perry Depo 2016-10) Perry failed to update Cooks religious preference and Feeding causing him to starve (fast) for 2 1/2 days

23

Exhibit "M" Inmate File 150

Cooks Depo Tr 22:6-7, 22:9, 23:5-7, — (P/ Depo
Ex. 586, Perry Depo Tr. 21:17-22:5) Under the
First Amendment and the RLUIPA, prisoners "are
entitled to reasonable accommodation of their
religious dietary needs," Love v Reed, 216 F3d
682, 689 (8th Cir 2000) Cooks has filed to
each person concerning the illegal conduct
to be denied adequate food, especially food that
should be eatable. To serve Cooks frozen Rice
and says his claim is false creates a dispute
and only can a jury be the fact finder, Anderson
v Liberty Lobby Inc, 477 US 242, 248 (1986)
Id At 249 The Courts Functioning is not to weigh
the evidence but to determine whether there
is a genuine issue for trial. "Credibility
determinations, the weigh of the evidence, and
the drawn of legitimate inferences from the
facts are jury Functions, not those of a judge

7/17/24

Exhibit "N"

Quoting *Torgerson v City of Rochester*, 643 F.3d 1031, 1042 (8th Cir 2011).

The second element to Retaliation can only be decided by a jury. The Government officials took adverse action against him that would chill a person of ordinary firmness from a continuing activity.* The question is whether the defendant's action are capable of deterring a person of ordinary firmness. *Bell v Johnson* 308 F.3d 594, 605, -06 (6th Cir 2002) Zdat 603.

Element 3 the adverse action motivated at least in part by the exercise of the protecty activity. The right to be free from retaliation for ~~exercising~~ ^{exercising} ones self from retaliation from grievance process has been clearly established in this court for more than twenty years. 1st and 14 Amendment. *Santiago v Blair*, 707 F.3d 984, 991 (8th Cir 2013).

Scott v Churchill, 377 F.3d 565, 569 (6th Cir 2004) Holding retaliation claim could go forward based on disciplinary charges that were dismissed)

- (1) *Grayle v Gonyea*, 313 F.3d 677, 683 (2d Cir 2002) (disciplinary charge filed 6 days after plaintiff filed a grievance)
- (2) *Cain v Lang*, 857 F.2d 1139, 1143 (7th Cir 1988) (discipline for trying to document inmate complaints about conditions stated a 18th Amendment claim)
- (3) *Pletka v Nix*, 957 F.2d 1480, 1484 (8th Cir 1992) (It has always been true that a person may not be punished by Government without due process of law)
- (4) *Amaker v Goord*, 1999 WL 511990 *4-5 (SD, NY (July 20, 1999)) (holding that a general assertion of exhaustion in response to motion to dismiss was sufficient in the absence of a record indicating what grievances the plaintiff had filed and what happened to them).
- (5) *Martin v Ezego*, 816 F.Supp 20, 24, (D.D.C 1993) (Ongoing pattern of harassment and arbitrary exclusion from the ~~Libra~~ Law Library).

~~226~~ 226

B. Defendants' USE OF FORCE was
Excessive and Malice

Officer Witt, Ritchie and Wade all verified
that once I started calling the Judge name
Perry ran me into the wall. Jackson v Bishop,
404 F2d 571, 579-81 (8th Cir 1995) Chasing
Corporal punishment Unconstitutional); Skrtich v
Thornton, 280 F3d 1295, 1302 (11th Cir 2002)
(It is not Constitutional~~at~~ permissible for officer
to administer a beating as punishment for a
prisoner past misconduct); United States v Cobb,
905 F2d 284 (4th Cir 1990) (Verbal provocation
does not excuse a physical assault by a
law Enforcement officer); Lewis v Downs, 774
F2d 711, 714-15 (6th Cir 1985) (Some force
was justified but striking and hitting Kicking
handcuffed person were not)

Atkins V County of Orange 372 F. Supp. 2d 377
400-01 (S.D.N.Y. 2005) (Claim that prisoner
were slammed into doors and walls resulting
in severe pain in his shoulder which last 3 to 5
days could not be dismissed as de minimus);
Watts V County of Sacramento, 65 F. Supp. 2d
1111, 1119-20 (E.D. Cal. 1999) (Lifting a
suspect by the handcuffs were not de-
minimis reverse and remanded on other grounds)

*Hardin V Fullencamp, 2001 US District LEXIS
22335 (June 22nd 2001) (Hardin argues the
Exhaustion requirement does not bar his
claim because excessive force is not among
the prison conditions referred to in 42 U.S.C.
§ 1997e (2) as requiring exhaustion and
because no available administrative remedies
existed.

The Petitioner incident occurred at the
Muscatine Courthouse. Jurisdiction of the State
not county.

2826 28

Exhibit "R" (1) and Exhibit "R" (2) caused lumbar spine
(Sciatica nerve damage) Exhibit "R" (3) No Exercises

C. False Charges

The officers after beating the prisoner charged him for assaulting an Peace officer by touching during the incident with my foot that was bent awkward back inside the leg of Perry which he admits placed himself between my genitals and the chains causing the touching. See (Perry Depo 46:18-24) And my only way out of that county jail was to plead to an innocent charge but I mentally could not take no more abuse. *Suprenaut v Rivas*, 424 F.3d At 5, 17 (1st Cir 2005) (The First Circuit has held that detainees are denied due process when they are punished as a result of false charges made by staff members with the intent to cause them to be punished).

2229

Exhibit "S"

When Cooks yelled for the Judge was a protected act of trying to gain access should include whatever actions a prisoner needs to take in order to get his claim into Court.

In *Siggers-El V Barlow*, 412 F3d 693 (6th Cir 2005) (A prisoner employee refused to process a disbursement the plaintiff needed ~~to~~ⁱⁿ order to retain a lawyer to file a court action, The prisoner went over the employees head to his supervisor, and suffered retaliation as a result, Court rejected defendant's claim that going to a higher official was not constitutionally protected, holding that it was "part of his attempt to access the Courts", 412 F3d at 699.

Winston V Coughlin, 289 F Supp 118 120-21 (W.D. NY) (holding allegation that officers filed fabricated reports

to conceal their Eighth Amendment violations stated a claim); If a State's Court's refusal to produce a prisoner prevents his case from going forward at all, it may violate the Constitution.) Lynk 4, LaPorte Superior Court No. 2, 289 B2d 554, 560-61 (7th Cir 1986)

The Pretrial Courts would have given the Petitioner available time to call DCI labs expert to testify which was crucial to the Petitioner trial lacking foundation of the lab findings and no time left without ~~self~~ sacrificing spend more time in solitary. Confinement 4 months was enough, especially with the sabotaging of meals.

United States v. LaValle, 439 F.3d 670
(10th Cir. 2006) (Affirming Conviction of officers
who beat prisoners and fabricated reports
and self-inflicted injuries to cover up);
United States v. Senz, 425 F.3d 886
(10th Cir. 2005) (Affirming convictions of officers
and a lieutenant for beating a prisoner and
false reports and an assault charge, noting
officers' work boots were properly classified
as a dangerous weapon for sentencing).

Dragging a prisoner by chains is pure
malice and Perry admits he knew pulling
the waste chains would establish pain.
See (Perry Depo 51:19-21, 22-25); Kicking
a prisoner while in restraints on the ground
is pure malice (Perry Depo 47:12-16) and

choking a prisoner is unconstitutional/waive
23:17-25) Smallwood v. Ruffo, 208 F.Supp.
182, 188 (N.D. Ill. 1989) (No requirement

of serious injury where force was used gratuitously choking the plaintiff for no reason stated an Eighth Amendment claim),

Cook's claims for retaliation overlap with his other claims, to the extent the Court finds that the above-discussed claims were exhausted, it should also find they were exhausted for the purpose of Cook's retaliation claims.*

Officer does not have qualified immunity

If we can find in material dispute Federal R. civil 56 Procedure (C) and (e) Cooks was his own lawyer at the time of the incident. Peters v Woodbury County Iowa 979 F Supp 2d 901, A7926-927 (N.D. Iowa 2013)

Cooks was framed with assault to cover up the deprivation of access to court beating. Cooks asserts he was harassed solely on his legal rights as A Hebrew Israelite feeding and ~~cont~~ conditions, And Representing himself access to the court, law library,

Conclusion

MR. COOKS was deprived Religious dietary beliefs, starved, placed in segregation for 4 months and force to chose between his beliefs and non-trivial benefits and when complained he recieved more punishment. When he filed his 1983 he was later beaten, choked, Kicked, and dragged from the Muscatine Courthouse. The mental anguish, lack of sleep and timidity to deal with officials left him in manic depression. He just now getting treatment for his back at Anamosa State Penitentiary using the Theraband. COOKS Religious beliefs compromised, the incident delay his filings leading up to trial causing him to lose vital evidence and witnesses to prove his innocence in his criminal case.

Cooks seeks declaratory judgment and injunctions against future retaliation - is the sort prospective relief that can be sought in Federal Court from State officials sued in their official capacity notwithstanding states sovereign ~~immunity~~ immunity.

Jury Demand

Plaintiff seeks a jury trial against
defendants

This document herein contains truth
and accuracy of Petition and hereby is
declared under the penalty of perjury.

Pro se

Name: ANTONIO JOSE COOKS

Signature: Antonio Cooks

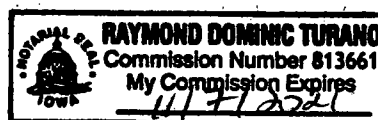
Address: Anamosa State Penitentiary
406 North High Street

Anamosa, Iowa

52205

Certificate of Service

I certify on the 10th day of August 2020, this
document was Mailed by US mail to All parties
listed herein or by e-file.



Raymond Dominic Turano

33 33 35

CONCLUSION

Request for Trial or Summary Judgment

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Antonio Jose' Cooks

Date: February 23 2021