

Supreme Court, U.S.

FILED

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No. **21-6022**

—IN THE—

Supreme Court of the United States

Robert L. Hedrick, Petitioner

v.

United States of America, Respondent

William Barr, Attorney General, Respondent

Michael Caravajal, BOP Director, Respondent

On Petition For Writ of Mandamus
To The United States Court of Appeals
For The District of Columbia Circuit

PETITION FOR WRIT OF MANDAMUS

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ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

Robert L. Hedrick
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent;

WILLIAM BARR
Attorney General;

MICHAEL CARAVAJAL
BOP Director.

No. _____

In RE: Hedrick

Court of Appeals Decision on:

July 7, 2021

App. No. 21-5038

USDC No. 1:20-CV-03591-RDM

PETITION FOR WRIT OF MANDAMUS

Questions Presented for Review

1. Did the Court Error in ruling that "the complaint failed to comply with Federal Rule of Civil Procedure 8(a)?"
2. Did the Court Error in ruling that the complaint was "frivolous"?
3. Did the Court Error in ruling that the case did not state a claim that is plausible on its face"?
4. Did the Court violate Petitioner's Eighth Amendment rights to "access to the courts"?
5. Was the BOP's Central Inmate Monitoring Prgram a failure a "failure" in protecting Hedrick from assaults from inside and outside of the BOP?
6. Were BOP Officers, medical staff and employee's "deliberately indifferent" to Hedrick's health and safety at FCI Fort Dix?

List of Interested Persons

1. Petitioner, Robert L. Hedrick is an individual; the Petitioner herein;
2. The United States of America is represented by the Attorney General of the United States;
3. William Barr was the Attorney General at the time of the commencement of this suit.
4. Michael Caravajal is the Director of the Federal Bureau of Prisons ("BOP") and is responsible for the Central Inmate Monitoring Program (CIM) within the BOP and the protection of those inmates classified as CIM's.
5. The Federal Bureau of Investigation (FBI) Richmond, VA Field Office, Special Agent Schoffstal/SAC, 1970 E. Parham Rd., Richmond, VA 23228 have an interest in the outcome of this case.
6. The Department of Justice, Office of Internal Affairs, 950 Pennsylvania Ave. N.W., Washington DC, 20530 has an interest in the outcome of this case [Open Investigation at FCI Fort Dix].
7. Michael Horowitz, Office of the Inspector General, 950 Pennsylvania Ave. N.W., Room 4706, Washington D.C. 20530 has an interest in this case.
8. The Department of Justice, Criminal Division [Criminal Investigation No: 4297960 - Open Case] 950 Pennsylvania Ave. N.W., Washington DC, 20530 has an interest in the outcome of this case.
9. The Central Intelligence Agency (CIA) has an interest in this case.
10. United States District Court, Southern District of Texas, Brownsville Division, 600 East Harrison Street #101, Brownsville, TX 78520 [Case Crim. Case No. 1:11-CR-715; Civil Case No. 5:17-CR-36 [Open Cases].
11. United States Court of Appeals for the Fifth Circuit, Chief Justice, 600 S. Maestri Place, New Orleans, LA 70130 has an interest in this case.
12. United States Attorney, 1000 Louisiana St. Suite 2300, Houston TX 77002 [Open Investigation of threats, assaults and attempted murder at FCI Fort Dix] has an interest in this case.

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Relief Sought

Petitioner requests that this court:

1. Reverse the decision of the Court of Appeals and REMAND the case back to the District Court to serve the Respondant's and require an answer from the Respondents.
2. Find that Plaintiff as a Pro Se litigant is not subject to having to comply with Federal Rule of Civil Procedure 8(a) as if he was a licensed attorney and not an incarcerated inmate. That, in fact, he attempted to comply with that rule, but was inexperienced to do so.
3. That, based upon the fact that there have been over 19 confirmed, by DOJ-OIA at FMC Butner II/FMC and Butner SIS Officer - Lt. Lloyd, attempts to murder Hedrick despite being identified as a CIM at FCI Victorville continue! Hedrick will remain at risk of serious injury or death if he remains in BOP custody.
4. That Petitioner did, in fact, file claims that are not only plausible, but "fully documented" in BOP and SIS records.
5. That by dismissing the case the District Court and the Appellate Court violated Hedrick's Eighth Amendment rights to "access to the courts".
6. That Petitioner be compensated in the amount of \$5,000,000 tax free for the failure of the CIM Program to protect him from serious injuries from which he still suffers!

Jurisdiction

1. This Court has jurisdiction under the All Writs Act, 28 U.S.C. § 1651(a) to issue "all writs" necessary and proper in aid of the Court's appellate jurisdiction by exercising its control over the United States Court of Appeals and the United States District Courts to insure that "due process" rights, equal protection under the law and access to the courts to present evidence is properly afforded to Hedrick without prejudice or outside of the administration of justice.

2. The case before this Court is of an "extraordinary" nature which challenges the "entire Federal Bureau of Prison's "Central Inmate Monitor (CIM) System" as a failure and totally ineffective to protect Federal Inmates from serious injury or death.

3. The outcome of this case will affect all incarcerated inmates within the BOP and in specific any inmate requiring protection from other inmates or from outside of the prison walls.

Thus, this Court must carefully consider its decision and afford extreme leeway in reviewing the facts and the rules.

Statement of the Case

In July 7, 2021 the United States Court of Appeals for the District of Columbia Circuit issued its Judgment (Appendix A). This is an appeal of that Judgment.

This is a case where Hedrick has suffered and been physically injured. Harassment, threats and serious assaults starting 10 days after Hedrick's trial have continued for 11 years. Despite the evidence and witnesses (Steven Bush and others) each court in four (4) Circuits have called them "frivolous". That, however, does not change the facts, the attacks, the evidence and the witnesses that have not been questioned, or the medical records of the injuries that Hedrick suffered and is still being treated for.

On December 30, 2020 (Appendix B) the United States Court of Appeals for the Fifth Circuit on Hedrick's "Appeal from the United States District Court for the Southern District of Texas, USDC No. 5-17-cv-36; USDC No. 1:11-cr-715 VACATED Hedrick's conviction stating:

"To obtain a COA, Hedrick must make "a substantial showing of the denial of constitutional right." 28 U.S.C. § 2253(c)(2);...He will satisfy this standard "by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurist could conclude the issues presented are adequate to deserve encouragement to proceed further."...To the extent that the district court rejected his claims on their merits, Hedrick "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong."...If, however, the district court's ruling is construed as a dismissal on procedural grounds, Hedrick must show "that jurists of reason would find it debatable whether the [motion] states a valid claim of the denial of constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling."...Hedrick also argues, however, that the district court erred in denying relief without considering the claims that he presented in his § 2255 motion. "Relief under...§ 2255 is reserved for transgressions of constitutional rights and for a narrow range of injuries that could not have been raised on direct appeal and would, if condoned, result in a complete miscarriage of justice."...Allegations of ineffective assistance of counsel, such as those presented by Hedrick, are proper in § 2255 proceedings....Moreover, some of Hedrick's claims, such as his assertions that counsel should have challenged the restitution order on various grounds, do not appear to be related with the conspiracy theory..."

Accordingly, reasonable jurists would debate whether the district court erred in summarily denying relief without considering Hedrick's ineffective assistance of claims to the extent they (a) were not previously raised and (b) do not pertain to conspiracy and other such claims previously rejected by this court and the district court...As a result, COA is GRANTED as to this claim. His motion to proceed in forma pauperis is likewise GRANTED. As further briefing is not necessary on this issue, the judgment is VACATED and the case REMANDED for further proceedings in accordance with this opinion."(citations omitted). Jones, Costa and Wilson, Circuit Judges.

In February 4, 2013, Hedrick predicted that the Federal Bureau of Prisons would not be able to protect him from the attempts by Richard Alaniz and the Colombian Drug Cartel from murdering him:

"The Defendant: '...Richard Alaniz and Michael Diaz framed me...to get control of my TSA Homeland Security facility and now they tried to kill me after the trial.' [First attempt by Avalos/Medrano; the first two-man "hit team.] Case. No. 1:11-cr-715, USDC SD TX 01/04/2013 Dkt. 204 p. 1535 @ 15-18.

"Your Honor, these documents pertain to violations of Title 18 [attempted murder and assault] a lot of which actually apply to my case. The attempt to kill me, for example, came from a Colombian Drug Cartel and I think we need to know who that cartel is. I don't think the prison service is going to know who's coming after me."

"Where are you going to put me?...But where is the Bureau of Prisons going to put me?" Ibid p. 1505 @ 16-25; p. 1506 @ 1-4. (02/04/2013).

Hedrick predicted that the BOP would not be able to protect him from Richard Alaniz, the Mexican and Colombia drug cartels. The BOP's Center Inmate Monitoring (CIM) system was inadequate, ineffective and completely failed to protect Hedrick from the attempts to murder him inside the BOP. It has now failed for 11 years despite Hedrick's continued plea's for help!

Reasons for Granting the Petition

1. Plaintiff, as a Pro Se litigant is not subject to having to comply with Federal Rules of Civil Procedure 8(a) as if he was a licensed attorney and not an incarcerated inmate. That, in fact he attempted to comply with this rule, but was inexperienced to do so.

Rule 8. General Rules of Pleading

(a) Claim for relief. A pleading that states a claim of relief must contain:

(1) A short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdiction support.

(2) A short and plain statement of the claim showing that the pleading is entitled to relief; and

(3) A demand for the relief sought, which may include relief in the alternative or different types of relief.

Court's have ruled on this issue:

"The liberal notice pleading standards under Federal Civil Rule 8(a) 'Do not require that a plaintiff specifically plead every element of a cause of action.'" Roe v. Aware Woman Ctr. for Choice, Inc., 253 F.3d 678, 683 (11th Cir. 2001). The complaint must [2016 U.S. LEXIS 9] only "contain either direct or inferential allegations respecting all the material elements necessary to sustain a recovery and some viable legal theory." In re Plywood Antitrust Litigation, 655 F.2d 627, 641 (5th Cir. Unit A 1981). See also Bell Atlantic v. Twombly, 550 U.S. 544, 555-56 (2007).

Here, it is sufficient that Hedrick alleged in the complaint that:

"Now a more aggressive attempt to harass, threaten, intimidate and kill Hedrick occurred on March 9, 2021 between 9:40 am to 12:44 pm and on March 10, 2021 by SIS Officer Lt. Atkinson and inmate Michael Wilkerson (Inmate No. 67860-066).

On March 9, 2021 at 9:40 am I was called to the Officers Station in 5751 by Duty Officer Cutler [witness] who told me to see the Compound Lieutenant known as Ms. "G" [witness] to go to the Compound Lieutenant's office is, where the SIS Officer is [Lt. Atkinson] and to the Holding Cells are for inmates who violate the "Prohibited Acts and Available Sanctions" in the Inmate Handbook (100, 200, 300, 400 "SHOTS"). These "LOCK-UP" cells are used for nothing else.

The moment I arrived Lt. Atkinson "locked me in" to one of these holding cells. I thought I was there to meet with my Liaison to speak to the USMS about the M-16's, AK-47's and Modified AR-15's used to kill the Mormon Families (women and children) by the Cartel of the North in Northern Mexico. In addition, Frederico Gonzalez and his "people" [and] I know where there is an airfield 150 miles inside of Mexico where Alaniz and the Colombian Drug Cartels store, guns, money, and weapons before sending them to Northern Mexico to cross the U.S. Border."

"After being "locked in a cell" for nothing that I did; Atkinson opens the door and takes me into his office; showed me the messages I sent to the Warden, AW Operations and AW Services and said: "Your lying about me!" and showed me the messages. I said: "That is what this is about? You locked me in a cell for 3 hours about this? Let me tell you. You've been sued by me in the United States District Court for the District of Columbia. You can have no contact with me about that and these emails are about that! Secondly, you're reading my complaints about you to the Warden and the AW's! Either arrest me or I'm walking out." I took my ID and walked out."

"Atkinson was not through with his threats or harassment. On March 10, 2021 at 1:05 pm Atkinson sent Michael Wilkerson, [to threaten me]...the reason I was moved from 5752 to 5751 [is] because Wilkerson threatened to get "his people" to beat me. The following statement is from Inmate Jamie Leit (10670-032) who Wilkerson passed Atkinson's/Wilkerson's threat to me through [5751 Inmate Jamie Leit:

"The time was 1:05 p.m.. I was walking the yard and came upon Michael Wilkerson, the Barber at Fort Dix, who stopped me yelling out the front window [5752]. Upon taking he said he was moving to 5751 in a couple of days. For what reason I have no earthly idea."

"Well, I have the reason. Either to harass me and threaten me with the fear that Wilkerson will be moved here or to again have Wilkerson and "his people" to assault me or kill me!" Hedrick v. United State et al, No. 21-5039 Brief of Appellee-Petitioner, Pages 11-12.

"I hereby demand \$5,000,000 for the pain and suffering cause[d] in this latest attack and the "false" statements by the BOP that it is safe to UNSEAL this case and that I am not at risk in the BOP. Further, that they did not take any action under the CIM Program when this lawsuit was served on them. It is crystal clear that I am not safe in the BOP."

Clearly, Hedrick outlined these events and demanded \$5,000,000 in compensation.

2. The Court made an Error in ruling that the complaint was "frivolous".

A petitioners complaint is not frivolous if that complaint presents a substantial question and supports that complaint with legal points arguable on their merits. The Appellate court stated:

"Lastly, the district court properly dismissed the complaint as frivolous....district court may dismiss as frivolous a complaint whose factual allegations "rise to the level of irrational or wholly incredible." (Citations omitted). Other courts have disagreed. "Pleaded facts which are merely improbable or strange, however, are not frivolous...Ancar v. Sara Plasma, Inc. et al, 964 F.2d 465; 1992 U.S. App. LEXIS 14856; 1992-Trade CAS (CCH) P69r889; No. 92-2003 (June 30, 1992).

Hedrick has acted and filed his complaint in good faith in expectation of a fair review by the district and appellate courts. In re Howard v. King, 707 2d at 220 (5th Cir. 1983) the court ruled that "a party demonstrates good faith when he seeks appellate review of any non-frivolous issue, but he need not show probable success on the merits. The reviewing court may only examine whether the appeal involves "legal points arguable on their merits." Id. (quoting Anders v. California, 386 U.S. 738, 744 (1967).

The United States District Court for the Southern District of Texas, Brownsville Division, 600 East Harrison Street, #101, Brownsville,)Texas, 78520, In re United States v. Hedrick, No. 1:11-cr-715; No. 5:17-cv-36 is currently investigating the the "harassment, threats, assaults and attempts to murder Hedrick at all locations within the BOP and in specific FCI Fort Dix. The United States Attorney, 1100 Louisiana, Suite 2300, Houston, Texas 77002 (713-567-9568) has Court ordered open case.

In January 29, 2021, Hedrick filed a Motion for Compassionate Release (Dkt. 387) for the purpose of investigation of the attempts within the BOP to murder him over the past 11 years and at FCI Fort Dix. On February 1, 2021 Court ruled (Appendix C):

"The Government is ORDERED to file a response to Defendants' motion (Dkt 387) by February 16, 2021."

On February 15, 2021, (DKt. 391) the Government filed Government's Motion to Obtain Copy of the Sealed Presentence Investigation Report and Accompanying Addenda, (Appendix D) stating:

"...the government requests that it be provided an electronic copy of electronic access to the sealed PSR. The government has

not had the opportunity to consult with Defendant regarding his position on this request for a copy of the sealed PSR in this matter." Id. Page 1 @ 25; Page 2 @ 1-3.

On February 2, 2021 the Government filed Government's Motion for Extension of Time to File Response to Defendant's Motion for Compassionate Release, (Appendix E) stating:

"The government is still waiting to receive requested records from the Bureau of Prisons to assist in preparation of its response. The government has also filed a separate motion to obtain a copy of the sealed presentence investigation report in this case (Dkt. 391), which will further assist the government in preparing a comprehensive response. The government has not had the opportunity to consult with Defendant regarding his position on this request for an extension of time." Id. Page 1 @ 17-25.

On February 18, 2021 (Dkt. 393) the Court issued its Order (Appendix F):

"Moreover, the Government explains that an extension of time is requested to allow review of the sealed PSR (Dkt. 163) and additional yet-to-be-received records from the Bureau of Prisons. (Dkt. 392 at 1.) Finding that good cause exists for both requests, the Court concludes that the Government should be permitted both electronic access to Defendant's sealed PSR (Dkt. 163) and an extension of time to file its response. See Fed.R.Crim.P. 45(b) Id. Page 1 @ 16-19; Page 2 @ 1.

"It is further ORDERED that the deadline for the Government to file a response to Defendant's Motion for Compassionate Release (Dkt. 387) is EXTENDED to March 19, 2021."

On March 3, 2021, Hedrick filed a motion with the court to prevent the BOP from refusing to provide his records within the BOP and within SIS titled Freedom of information Act/Privacy Act (FOIA/PA) and Court Order Dated February 18, 2021. In this motion (Appendix G) identified witnesses to the assaults on Hedrick and location of the proof and evidence of these attacks.

On March 5, 2021, Hedrick filed a Request to Grant U.S. Attorney Additional Time to Respond for an additional 14 days (APPENDIX H) Explaining:

"It is important that the U.S. Attorney have ALL documents in the custody of the Federal Bureau of Prisons et al. to make a truthful, adequate and complete response.

The attempts to harass, assault and/or murder me continued this week. BOP Officer Dixon in my Bldg. who is a member in my Unit Team and Inmate Michael Wilkerson conspired and attempted the above. It is currently [starting 03/04/21] under investigation by

the Inspector General processed my complaints of 03/09/2021 which was updated to include Dixon's and Wilkerson's threats, harassment and assaults. In this letter he states.

"Thank you for your correspondence dated 03/09/2020. The U.S. Department of Justice (DOJ), Office of the Inspector General, investigates allegations of misconduct by employees and contractors of the DOJ, as well as waste, fraud, and abuse affecting DOJ programs and operations. After reviewing your complaint, we have determined that the issues you raised are more appropriate for review by another office within the DOJ. Therefore, we have forwarded your correspondence regarding this matter to that office. Federal Bureau of Prisons Office of Internal Affairs. Please direct further correspondence regarding this matter to:

Federal Bureau of Prisons Office of Internal Affairs

Please direct any further correspondence regarding this matter to that office." (Appendix I)

The DOJ/OIA investigated the attempts on my life at FCI Butner II/FMC by Dr. Patrick Craft, 5 BOP Officer and an AW. The investigator sent her Investigation Report recommending arrest of Dr. Patrick Craft to the FBI. The DOJ/OIA and FBI investigation of the attempts at Fort Dix are still in progress. A subpoena can be issued for these records.

On March 14, 2021, as the assaults continued. Hedrick filed a "Request for a Court Order to the U.S. Attorney, Houston, Texas to Contact the Federal Bureau of Investigation (FBI) in Washington DC and the Special Agent-in-Charge, Agent Schoffstall, FBI Field Office, 1970 E. Parham Road, Richmond, VA 23228 Who Has Been Assigned as Hedrick['s] Agent Since 2015 To Bring Criminal Charges Against Fort Dix SIS Officer Atkinson for Violations of Title 18 U.S.C., The United States Criminal Code. Charges as Applicable. (Appendix J).

Michael Wilkerson and others are under investigation by the Department of Justice Criminal Division in Criminal Investigation Number 4297960. Records may also be presented as evidence in this matter. It also lists the following witnesses to the attempts to murder Hedrick:

Officer Cutler
Lt. known as "Ms. G"
AW Smith
Rodney Spain (12455-058)

Michael Wilkerson (67860-066)
Joe Furando (65853-030) ** MS-13 Attack
Jeffery Valentia (35910-068) ** MS-13 Attack
Steve Bush (19970-006) ** Assaults/Injuries at Butner II/FMC
Johanny Chaparro (450304-424) ** M-16's Mexico
Byron (95154-058)
Jason (J.C.) ** Sold M-16's in Mexico for Alaniz
Fredrico Gonzalez (31225-117) ** Witness to Alaniz Drug/M-16 sales
Jeff Hicks (94886-279) ** Witness to Butner "hits"
Delco (25064-034)
Arthur (14154-082) ** Witness to attempt by Craft at Butner
Darrell White (56358-056)
Michael L. Austin (76013-066)
BOP Officer J. Sanchez
BOP Officer T. Brito

All of these can be issued a subpoena, deposed by written questions and will testify and verify all of Hedrick's allegations before this and every other court as true and **not frivolous**.

On March 23, 2021 (Appendix K) Acting United States Attorney Jennifer B. Lowery and Carrie Wirsing, Assistant United States Attorney, for the Southern District of Texas, filed the Government's Second Motion for Extension of Time to File a Response to Defendant's Compassionate Release Motion (Dkt. 404).

In March 23, 2021 (Appendix L) the Court issued its ORDER ruling:

"...the Government requests that the Court extend the deadline to file a response to Defendant's compassionate release motion (Dkt. 387) to at least March 29, 2021. (Id.)

Having considered the Government's motion (Dkt. 404), the Court concludes that the Government's failure to respond by March 19, 2021 was due to excusable neglect. See Fed.R.Crim.P. 45(b)(1)(B). The Court also concludes that good cause exists to further extend the response deadline. See Fed.R.Crim.P. 45 (b)(1)(A).

For the forgoing reasons, the Court hereby EXTENDS the deadline for the Government to respond to Defendant's Motion for Compassionate Release (Dkt. 387) to March 29, 2021. The Court DENIES as MOOT Defendant's "Request to Grant U.S. Attorney Additional Time to Respond" (Dkt. 401) because the Court concludes that the additional time to respond granted here appropriately resolves Defendant's request."

The Court also noted that "Defendant requested a 14-day extension to the Court's original March 19, 2021 deadline (Dkt. 401 at 1.) The Court finds that the extension granted in this Order is sufficient to allow the Government to make a "truthful, adequate and complete response." (See *id.*)" Note 1. Page 2.

In April 5, 2021, Hedrick requested that the Court grant another Extension of Time Until April 30, 2021, (Appendix M) due to potential release of BOP Inmates in a decision In re United States v. Davis, No. 1:10-cr-00041-JRN-BKE on Appeal No. 21-10528 (11th

Cir. Feb. 2, 2021).

The Assaults Continue

On May 13, 2021, Hedrick was assaulted and suffered severe injury to his spine, hip and calf's. (Appendix O):

On April 29, 2021, Hedrick filed Evidentiary Declaration No. 1 Identification of Witnesses, (Appendix N) which identifies Frederico Gonzalez (31225-177) and 14 members of his Mexico/U.S. Drug & Weapons smuggling operation who will testify that Richard Alaniz is a Master Planner for the Colombian Drug Cartel's who wholesale distributes cocaine and automatic weapons and armaments both Mexico, Latin America and the United States and lives in both Brownsville, Texas and Bogota, Columbia.

In June 3, 2021 Hedrick filed Evidentiary Declaration No. 2 - Back, Hip Spine & Nerve Damage, May 13, 2021, (Appendix O) stating:

"On May 11, 2021 I was in the shower on the 1st floor about 7:00 pm when someone [who I did not see] yelled at me in the shower: "Why don't you drown yourself and die!" I looked through the top 1/4 of the shower curtain which is clear plastic and asked "Who is that?" I did not recognize the voice."

On May 13, 2021 a follow-up assault occurred and was reported to Health Services:

"At 12:00 when lunch was called for Bldg. 5751, we exited out of the back door. The officers use two (2) rocks to keep the door open. One of the rocks is the size of a softball; it was not under the door, but in front of the door. I was pushed and stepped on it; it rolled and I hit my back and hip on the edge of the sidewalk [step]; re-injuring my back injury, my hip and knee." Page 1.

No x-rays, MRI's or Cat Scans were done and Dr. Patel did not proscribe any medications for the injury. I still suffer extreme pain in my right hip, lower spine and headaches where I hit the right side of my head on the step.

In July 3, 2021 (Appendix P) an Additional Assault on July 3, 2021 occurred when at 1:45 pm I was assaulted by Bldg. 5751 Inmate Cassius (aka Marine) who:

"...assaulted me in the room allotted for legal work while I was on this typewriter typing legal work. He ripped the paper out of the typewriter, spilled coffee on me and yanked the typewriter out of my hands on the desk. When I stopped him from smashing the typewriter he verbally assaulted me and threaten physical harm.

There are five (5) witnesses to this event. "Marine" works directly for Dixon in Unit Team taking out the unit trash 3 times per day.

When this assault failed a more carefully planned assault was devised. Dixon, Atkinson and the head of Education Brian Womack with the assistance of Lt. W. Hampton devised a way to have me killed. See Appendix Q. Womack posted on TRULINKS that I was scheduled to take the Final Exam for a GED class at Education. This schedule was a fraud because it showed that I had already completed 4 parts of the 250 hour GED class and was test ready. I did not spend one single minute in that class. When I went to Education to challenge this, I was set-up to be put into the SHU for seven (7) days because I refused to take the test. My PSR, a copy of which is in Unit Team (Ms Ainsworth), as well as in Court Trial Transcripts clearly shows I graduated from Waxahachie High School in 1969 and Texas A&M University in 1973. Dixon attempted to write me a "SHOT" which failed because Waxahachie High School sent a copy of my high school transcripts to the BOP and Education. However, I was put into the SHU for 7 days in a cell with an inmate who was told to kill me. He said that he had killed two inmates with sex offenses at Victorville. He said that he was told by the SHU officer that he was putting me in the cell with him so he could kill me and the officers would let it happen, but he refused to do so because for the first time since he was 21 years old (now over 50) he was going home without any jail sentence pending. This was witnessed by Officer Williams, assigned to the SHU and Unit 5752 Unit Manager Ebinger who came to get me out of the SHU.

In August 2, 2021 Hedrick filed a Supplement to Complaints of Harassment, Threats, Assaults & Attempted Murder, (Appendix Q) in the case. These are assaults that have been investigated and proven by evidence to be true.

Hedrick brings this suit in good faith. Sometimes truth is greater than fiction. The facts that Hedrick brings to the Court have been proven by evidence to be true. Those investigations by BOP-SIS at Victorville, Petersburg, Butner II, Futner FMC and Fort Dix are available by subpoena from the Court. The Bureau of

Prisons CIM Program which affects inmates system-wide and the public; the wives, the husbands, the mothers, the fathers, significant others, the grand parents, but most of all the children of the incarcerated inmate who has been identified as a CIM to be protected is of "National" concern. This alone makes Hedrick's lawsuit not frivolous.

3. Did the Court Error in ruling that the case did not state a claim that is plausible on its face?

Hedrick's case is a Federal Question case in which he alleges that the Federal Bureau of Prison's Central Inmate Monitoring [CIM] Program designed to protect inmates from harassment, threats, assaults, and murder from "incarcerate" inmates or originating outside of the BOP is an absolute total failure. Hedrick has presented "specific", verified and confirmed by BOP-SIS, DOJ-OIA and the FBI hard evidence and proof of the failure of the CIM Program.

This is a BOP System-Wide failure requires a complete re-work and tougher enforcement of the CIM Program. This Court can issue an order directing that action by GRANTING this Writ of Mandamus with directions to the District Court and Appellate Court. See Eighth Amendment violations in 4. below.

4. The District Court and the Appellate courts both violated Petitioner's Eighth Amendment rights by DENYING him "access to the courts" was "deliberately indifferent" to the attack's and subjected Hedrick to what is, In Fact "Cruel and Unusual" punishment.

The failure of the Bureau of Prisons Central Inmate Monitoring (CIM) Program; the deliberate indifference of the Bureau of Prisons employees in the administration of that program at every facility that Hedrick was incarcerated at with the exception of Victorville whose SIS Officer's put Hedrick in the CIM Program are the direct cause of the "imminent danger" Hedrick has continuously been subjected to for over 8 years and the cause of the physical

injuries that Hedrick still suffers and the resulting "emotional distress" that has escalated with each threat, assault and injury. These are violations of Hedrick's Eighth Amendment Rights.

Keeping Hedrick confined under these dangerous and threatening conditions is and has been "cruel and unusual punishment". Hedrick should have been placed in the Federal Marshals Service Federal Witness Protection Program (WITSEC) and removed from the BOP at FCI - Butner immediately after the BOP Officer and his family was threatened in an attempt to access Hedrick in the Special Housing Unit (SHU) to kill Hedrick. The pain and suffering should not have been allowed to continue.

"Deliberate Indifference" standard is applicable to a prisoners claim that conditions of confinement constitute cruel and unusual punishment in violation of the Eighth Amendment." Adams v. Perez, 311 F.3d 508, 512 (5th Cir. 2003); Gregoire v. Class, 236 F.3d 413 (8th Cir. 2000); Wilson v. Seiter, 501 U.S. 294; (1991). The Eight Amendment protects inmates not only from disproportionate and cruel sentences but also from cruel conditions of confinement. Bazzetta v. McGinnis, 256 F.3d 311 (6th Cir. 2002)

"There are two elements to an Eighth Amendment conditions of confinement claim. (1) the deprivation alleged must be, objectively 'sufficiently serious' and (2) the prison official must have a 'sufficiently culpable state of mind.'" Farmer v. Brennan, 511 U.S. 825, 834 (1994)(internal quotation marks and citations ommitted.)"

Both of these elements are exhibited in Hedrick's arguments.

"A deprivation is sufficiently serious if an inmate 'is deprived of minimal civilized measure of life's necessities'. Wilson v Seter, 501 U.S. 294, 299 (1991).

"The second element is satisfied when an inmate shows that prison officials acted with deliberate indifference to the inmates health or safety of conditions of confinement that violated the inmates constitutional rights." Wilson, 501 U.S. at 302-03.

Prison officials knew about Hedrick's serious medical needs and have failed to respond reasonable to them allowing Hedrick's nerve, spine and hip damage that were isolated to the right leg to spread to the left leg and the muscle tissue in both calf's continues to deteriorate which could cause the amputation of each leg at some future date. Prison officials at Fort Dix allowed additional assaults to happen causing additional injures to spine,

hip and head. See Estelle v. Gamble, 429 U.S. 97 at 104-105 (1976); Gutierrez v. Peters, 111 F.3d 1364, 1369 (7th Cir. 1997).

Fort Dix SIS and Unit Team's in Building's 5752 and 5753 where notified from SIS Butner when Hedrick was "emergency transferred" to Fort Dix that Hedrick was "at risk" of assaults from inmates and BOP Officer's. A subpoena can be issued for this "confirming evidence":

Dr. Patrick Craft (FMC-Butner) and Dr. Pradip Patel (FCI Fort Dix) were both "deliberately indifferent" to Hedrick's medical needs, caused by the attacks at Butner, and did not respond at all. Craft deliberately caused the injuries Hedrick suffers. Patel refused to schedule the operation Hedrick was scheduled to have at FMC Butner to relieve his pain. Craft, in fact, physically assaulted Hedrick, attempted to murder Hedrick and was investigated by the Department of Justice - Office of Internal Affairs and was turned over by the DOJ-OIA to the FBI for arrest and indictment.

Courts in all circuits have acknowledged these "deliberate indifferences". See Scott v. Ambans, 577 F.3d 642 (6th Cir. 2009); Spruill v. Gillis, 372 F.3d 218 (3d Cir. 2004); Meloy v. Bachmeier, 302 F.3d 845, 849 (8th Cir. 2002).

"Deliberate Indifference" in this context, is judged under a subjective standard." requiring a showing that prison officials actually knew of and disregarded constitutional violations". Beers-Capital v. Whetze, 256 F.3d 120, 133 (3d Cir. 2001). See also Barndt v. Wewerowicz, 698 F. App'x 673, 677 (3d Cir. 2017)(quoting Farmer 511 U.S. 837.

The courts continue to rule consistently on "cruel and unusual Punishment", Deliberate Indifference" and "Denial of Medical Care" and on an BOP incarcerated rights to seek relief in the courts under the Eighth Amendment:

The United States Constitution's "Prohibition against cruel and unusual punishment mandates that those who are incarcerated after criminal conviction must not be subjected to punishment that involves the unnecessary and wanton infliction of pain."

Further that:

"Allegations that prison conditions that involve wanton and unnecessary infliction of pain, or are grossly disproportionate to severity of a particular crime, or without any penological purpose

fall squarely within ambit of this Amendment [8th], not the Due Process Clause, this Amendment requires the court to examine whether prison conditions impose cruel and unusual punishment, while Due Process Clause requires the court to determine whether state has provided prisoners with adequate process in providing prisoners with adequate process in applying prison regulations and policies."

This Writ of Mandamus is properly brought to the Supreme Court for relief from the judgment's of the district and appellate courts as described herein.

Hedrick's claims may be "colorful", but they are "not frivolous", unreasonable, groundless or without foundation. Hedrick's claims that the BOP CIM Program is a complete failure that has an impact on both incarcerated inmates, their families and the general public is a substantial and "significant" cause of action. Ignoring the failure of the CIM Program without directing that it be changed and fortified will lead to more suffering, pain and even death.

Therefore, Hedrick prays that this Court GRANT each and every relief sought in this Writ and award \$5,000,000 tax free compensation for the pain and suffering that Hedrick has sustained and continues to suffer.

Respectfully submitted,

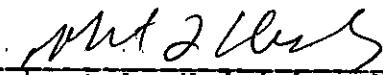
Dated: September 22, 2021



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Proof of Service

I, Robert L. Hedrick, do swear or declare that on this date: September 22, 2021, I have served the above document on the Solicitor General of the United States, Department of Justice, 950 Pennsylvania Ave. NW, Room 5614, Washington, DC 20530-0001 by depositing an envelope containing the above document in the United States mail [Prison Mail Box Rule] properly addressed with first-class postage prepaid.



Robert L. Hedrick, Pro Se