

Charles Marietta
Adce # 200456
Arizona Department of Corrections
Codic Unit - Evinham Complex
P.O. Box 3200
Florence, AZ 85132

SUPREME COURT OF THE UNITED STATES

Charles Marietta,
Petitioner,

NO. 20-15234

Supreme Court of the United States

V.

NO. 21-6414

United States Court of Appeals
For the Ninth Circuit

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MOTION FOR THE
REHEARING OF PETITIONER'S
CHARLES MARIETTA
PETITION FOR WRIT OF
CERTIORARI

Leanne LDBue, et al.,
Respondents.

Petitioner Charles Marietta, Certify that his Pro-se
motion for Rehearing on his petition for Writ of
Certiorari is presented in good faith and not for
delay in this case. Petitioner ask the Court to grant
him relief in his pro-se petition for writ of Certiorari
in accordances to the United Supreme Rule 44 in this
Case. Petitioner cites his argument for this relief
in this case,

1 THE Deliberate Indifference Standard
2 Petitioner raised in the District Court of Arizona
3 the deliberate Indifferent Standard, arguing that the
4 District Court abused its discretion in granting
5 Respondents Summary Judgment by preventing and
6 ignoring petitioner argument that the district court
7 agreed with the Respondents that anyone convicted
8 of a sex offense and bring up a civil lawsuit under
9 the 1983 Statutes do not have a right to discovery
10 because of their conviction of a sex offense, and
11 because of their incarceration due to the Confidential
12 nature of the information that petitioner was asking
13 Respondents in order to defeat their motion for
14 Summary Judgment against him in this case.

15
16 The question that is presented to this Court, was
17 that a convicted sex offender who suffered injury(ies)
18 from Respondents actions or lack of action can be
19 denied discovery in support of his argument of
20 Deliberate indifference in his efforts to defeat
21 Respondents Summary Judgment against him caused
22 a violation of petitioner's 8th Amendment Rights to
23 the Federal Constitution in this case. And caused a
24 14th Amendment Rights Violation of Due process in this case.

Petitioner claims that in *Farmer v Brennan*, 511 U.S. 825 (1994) the Supreme Court described the appropriate standard for determining deliberate indifference to inmate health or safety in violation of the Eighth Amendment's Cruel and Unusual Punishments Clause.

In the Supreme Court decision, the Court cited these reasons for their decision. That prison officials have a duty to provide humane conditions of confinement including adequate medical care. A Constitutional violation occurs when the alleged deprivation is objectively, sufficiently serious and the official has acted with deliberate indifference to inmate health or safety. The Court's arguments were that Deliberate Indifference entails something more than negligence, but something less than acts or omissions taken for the very purpose of causing harm or with knowledge that harm will result. It is the equivalent of acting recklessly.

Subjective recklessness, as used in criminal law, is the appropriate test for deliberate indifference. An inquiry into a prison official's state of mind is required, thereby bringing the Eighth Amendment's Subjective Component into play.

Whether a prison official was alerted that a prisoner has not been given adequate medical treatment has the requisite knowledge about a prisoner's risk of substantial harm is a question of fact that must be demonstrated including inference from circumstantial evidence, and a factfinder such as discovery may conclude that a prison official knew that a prisoner substantial risk from the very fact that the inmate health risk was obvious.

Petitioner claims that the Respondents action and lack of action was malicious and sadistic and for the purpose of causing him harm by denying him adequate medical treatment in this case.

CONCLUSION

Petitioner claims that he has a 14th Amendment Right to due process and that he cannot be denied that right, just because he's a convicted sex offender and just because he's incarcerated, that he cannot be denied discovery for those reasons by the United States District Court and or by the United States Court of Appeals for the 9th Circuit Court. Petitioner asks the court to follow its ruling in this case, concerning inmate injury from prison medical center.

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CERTIFICATE OF
STATEMENT

I Charles Marietta, certify that my prose motion for rehearing on my petition for writ of Certiorari is presented in good faith and not for delay in this case.

DATED: 4-4-22

BY: Charles W. Marietta
Charles Marietta prose