No. 21-6515

IN THE

SUPREME COURT OF THE UNITED STATES

Chadd Morris - Petitioner

VS.

Gregg Scott, James Clayton, Jerry Worley, Mitch Kessler, Bryant Mays, Keith Grandon, Wear

Respondents

On Petion for a writ of certiorari to the Seventh Circuit Court of Appeals, For the Seventh Circuit

Petition for Writ of Cetriorari

Chadd Morris

Illinois Department of Human Services

Treatment and Detention Facility

17019 County Farm Road

Rushville Illinois 62681

217-322-3204

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QUESTIONS PRESENTED FOR REVIEW

1.) Lower courts failing to comply with controlling, precidental case laws, legal standards in conflict to their rulings, while blaming plaintiff for 'arguing with the court' and 'cannot contest courts rulings', in spite of these issues.

2.) Lower courts dismissing plaintiffs case evualting it based on prior issues that was moot in the litigation.

3.) Lower courts failing to comply with 'recusal' standards in controlling law, (i.e. 28 U.S.C. Section 144) requiring another judge to hear case when plainitff demonstrated such justice presideings prejudice, by ruling in favor of adverse party (defendants) when laws/legal standards conflicted.

4.) Lower courts denying plaintiff appeal, claiming he didnt take appeal in good faith, essetially holding appeals good faith standard to a high standard, which is non premissable by appellate court rulings, becuase plaintiff demonstrated legiamte contenion of law/legal applications/rulings.

5.) Lower courts, when preparing for trial, in pretrial orders, falsfied documentations, claiming plaintiff said things that he didnt, i.e. refusing orders, etc.

6.) Lower courts applying, in error, legal standards to the Rushville Facility/defendants that which allow them to use compleicne to instutional rules, staff orders, which are prision, jail standards, cases, as to which dosent apply to this plaintiff since he is in a civil committment setting.

7.) Lower courts giving a litny of non credible reasonings as to why they couldent locate/recruit attorney representation for the plaintiff, since such is required, by appelate court ruling when medical witnesses are present. Courts failed to provide a list of such to plaintiff, violating standards that prohibit courts from imposing reguatlions that seek to keep people in the dark for what they preceive to be their own good.

8.) Lower courts allowed defendants to illegally distroy evidnace (video footage) in this litgation, by failing to make rulings that demosntrate such intent, when such facts proved such was done by Defendants.

9.) Lower courts blamed plaintiff for delaying case, rather was court whom, took weeks, moths beyond dates of required to respond to plaintiffs filings. This delayed the case, as to which would have been commenced to trial, before the COVID-19 Pandemic.

10.) When plaintiff contested that he shoudlent be required to subject his health to harm, which would require him to quarintine/isolate on a unit with knowen postive COVID patients, after rentering the facility (after trial appearance, in this lieigation) is when court seemed to come up with a litny of excuses to despratly grasp at reasonings to deny/dismiss plaintiffs litgiation, claiming he was intentionally delaying it.

LIST OF PARTIES

All parties appear in the caption of the case, on the cover page.

IN THE

SUPREME COURT OF THE UNTIED STATES

PETITION FOR WRIT OF CERTERORI

Petioner respectfully prays that a writ of certerori issue to review the judgment below:

OPENIONS BELOW

The openion of the Untied States Court of appeals appears at Appendix "A" to the petion and is unknown to the plaintiff/petitioner whether it is reported or not.

The date of which the Untied States Court of Appeals decided my case was on September 3rd 2021, and no petition for rehering was filed in my case, becasue the Appelate court indciated as in such order attahed to this writ appendix "B" stated 'further requests to reconsider will be rejected presuant to seventh circuit operating procedure 1 (c) (8)".

The Appellate court further then Denied the appeal (see appendix "C" by denying Plaintiff/petioners request for I.F.P. by claiming dismissal beucase of failing to pay the fees, on September 13th 2021.

The jurisdiction of this Court is now invoked under 28 U.S.C. section 1254 (1)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOVLED

!.) 28 U.S.C. Section 1331, "The district courts shall have orignal jurisdiction of all civil actions arising under the Constution, laws, or treties of the United States".

2.) 28 U.S.C. Section 1343 'civil rights and elective franchise' (a) The district Courts shall have orignal jurisdiction of any civil action authorized by law to be commenced by any person : (1) to recover damages for injury to his person, or property, or because of the Deprivation of any right or privlage of a citizen of the United States, by any act done in furtherance of any conspiracy metioned in section 1985 of Title 42; (2) To recover damages from any person who fails to prevent or aid in preventing any wrongs metioned in section 1985 of Title 41 which he had knowedge were about to ocur, and power to prevent; (3) To redress the Deprivation, under Color of any State Law, Statute, Ordinace, regualtion, custom, or usage of any right or privlage or immunity secured by the Constution of the United States or by any act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States; (4) To Recover damages or to secure equitable or other relief under any act of congress providing for the protection of Civil Rights, including the right to vote".

3.) 28 U.S.C 1357 'injuries under federal laws' "The District Court shall have orignal jurisdiction of any civil action commenced by any person to recover damagesd for any injury to his person or property on account of any act done by him under any act of congress for the protection or collection of any of the revenues or to enforce the right of citizens of the United States to vote in any State".

4.) 28 U.S.C. Section 1367 'supplemental jurisdiction' "except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal Statute in any civil action of which district Courts have orignal jurisdiction, the District Courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such orignal jurisdiction that they form part of the same case or controversy under article III of the United States Constution. Such Supplemental Jurisdiction shall include claims that invovle the joinder or intervention of additional parties".

5.) 28 U.S.C. Section 144 'bias or prejudice of judge' "whenever a party to any proceeding in a District Court makes and files a timely and sufficent affidavit that the Judge before whom the matter is pending has A personal bias, or prejudice agiasnt him **OR IN FAVOR OF ANY ADVERSE PARTY** such judge shall proceede no further therein, but another judge shall be assigned to hear such proceeding..."

6.) 28 U.S.C. Section 1292 'interlocutory decisions' (a) "Except as provided in the subsections (c) and (d) of this section, the court of appeals, shall have jurisdiction of appeals from ... (b) when a district judge in making a civil action, an order not otherwise appealable under this section shall be of the openion of that such order involves a controlling question of law, as to which there is a substantial ground for differance of openion and that an immeidate appeal from

the order may materially advance the untimate termination of the litigation, he shall also state in writing such order, the court of appeals which would have jurisdiction of an appeal of such action, may thereupon, in its discretion, premit an appeal be taken from such order, if application is made to it within ten days after the entry of the order, provided, however, that applciation for an appeal hereunder shall not stay proceedings in the district court, unless the district judge or the court of appeals or judge thereof, shall so order".

7.) Title 42 Section 1983.

8.) United States Constution, Amendment 14, Due Process, which because of the Plaintiffs critera of Confinment, being a **CIVIL** detainee, and not a prisioner or persons encercarated serving sentances for 'criminal' violations of law, then is under such standard of Constutional Provision of defendants prohibitions of use of excessive force.

9.) See also decision made by district court, in case of: Timothy Bell V. Shan Jumper et al 4:16-cv-4101-SEM, Doc #14, Page 9 "Plaintiff is not a prisioner, as that term is defined in 28 U.S.C. Section 1915 (h) the term prisioner means any person incarcarated or detained in any facility who is accused of, convicted of, sentanced for, or adjudicated deliquent FOR THE VIOALTION OF **CRIMINAL LAW**...) accordingly the clerk is directed to remove the referance to the strike from the three strike log"

10.) United States Constution, Amendment 8, protections to Plaintiff of ensuring his 'safty' under 'conditions of confinment', and 'failure to protect'.

11.) United States Constution, Amendment 1, protections from plaintiff being harassed and retalaited agiasnt for participation, filing, or activity of Grievances, Litigations, etc.

12.) Special Duty Doctrine - the rule that a Governmental Entity (such as a State or Municipality) can be held lieable for an indivudal (Plaintiffs) injury, when the entity owed a duty to the plaintiff, but not the general public".

13.) Special Relationship Doctrine - That if a State has assumed control over an indivudal (Plaintiff) (as a involuntary hosipitilization or custody) then the state may be held lieable for the harm inflicted on the indivudal by a third aprty".

14.) Government Laws Doctrine - the doctrine that the government must operate according to established consistant legal principals **AND NOT** according to the interists of those who happen to be in power at any given time, esp the doctrine that judical decisions must be based on the law, regardless of the charactor of the litigants or the personnal predilections of the Judge".

15.) Bright Line Rule - "a bright line test is a clear, simple, and objective standard which can be applied to judge a sitaution. in other words it is a judical rule that helps resolve ambigious issues by setting a basic standard that clarifies the ambiguity and establishes a simple response. Bright Line Rules are usually standards established by courts in legal precedent or by legislatures in statutory provisions."

16.) From the Constution of the State of Illinois, Section 12, 'right to remedy and justice'

"Every person shall find a certian remedy in the laws, for all injuries and wrongs which he recieves to his person, privacy, property, or reputation, he shall obtain justice by law, freely, compleatly, and promptly".

17.) From the Constution of the State of Illinois, Section 23 'fundamental principals' "a frequent recurance to the fundamental principals of Civil Government necessary to preserve the blessings of liberty, these blessings cannot endure UNLESS THE PEOPLE RECOGNIZE THEIR CORSPONDING INDIVUDAL OBLIGATIONS AND RESPONSIBILITIES".

18.) From the Constution from the State of Illinois, Section 24, 'Rights Retained' "the enumeration of this Constution, of certian limits SHALL NOT BE CONSTRUED TO DENY OR DISPARAGE OTHERS RETAINED BY THE INDISCUAL CITIZENS OF THE STATE".

19.) 405 I.L.C.S. 5/3-210, From Ch. 91 ½ par. 3-210, Sec. 3-210 "employee as perpetratior of abuse' "when an investigation of a report of suspected abuse of a recieptant of services indicates, based on credible evidnace, that an employee of a mental health or devolpmental disability facility, is the perpetratior of the abuse, that employee SHALL IMMEDIATLY BE BARRED FROM ANY FURTHER CONTACT WITH RECIPEANTS OF SERVICES OF THE FACILITY pending the outcome of any further investigation, prosecution, or disciplianry action against the employee".

20.) 720 I.L.C.S. 5/12-21 'criminal abuse, or neglect of an elderly person OR PERSON WITH A DISABILITY' 'section 12-21 (a) "a person committs the offense of criminal abuse or neglect of an elderly person or person with a disability, when he or she is a caregiver and he or she knowingly (1) preforms acts that causes the elderly person or person with a disabilitys life to be endangered, health to deteroriate, or (2) fails to preform acts that he or she knows OR REASONABLY SHOULD KNOW are necessary to maintain or preserve life, or health to be injured, or pre-existing physical or mental condition to detoriate or (3) abondones the elderly person or person with a disability, or (4) physically abuses, **HARASSES, INTIMDIATES**, or interfears with the personal liberty of the elderly person, or person with a disability, or exposes the person or person with a disability to willful deprivation'.

21.) 710 I.L.C.S. 5-33-3 'offical misconduct' "a public officer (which Defendants and all employees in the Illinois Department of Human Services, Treatment and Detention Facility are regarded as, becuase of: 720 I.L.C.S. 5/12 3.05 (d) (4) (i) (4) "a peace officer, community policing volunteer, fireman, private security officer, correctional instution employee OR DHS employee sueprvising, or controlling sexually dangerous persons OR sexually violent persons") or employee or special governmet agent, committs miscondcut, when, in his offical capacity, as a special government agent, he or she commits **ANY** of the following acts (1) **INTENTIONALLY OR RECKLESSLY FAILS TO PREFORM ANY MANDATORY DURY AS REQUIRED BY LAW TO PREFORM,** or (2) KNOWINGLY PREFORMS AN ACT WHICH HE KNOWS IS FORBIDDEN BY LAW TO PREFORM **or (3) with intent to obtain a personal avantage for himself or** another, he preforms an act in excess of his lawful authroity, or (4) solicits or knowingly accepts for the preformance of any act, a fee or reward which he knows is not authorized by law (b) an

employee of a law enforcemnt agency commits miscondcut when he or she knowingly communicates, directly, or indirectly, information acquired in the course of employment with intent to obstruct, impeade, or prevent the investigation, apprehension, or prosecution of any criminal offense or persons, nothing in this subsection (b) shall be construed to impose lieability for communciating to a confidential resource (c) **A PUBLIC OFFICER, OR EMPLOYEE OR SPEICAL GOVERNMENT AGENT CONVICIED OF VIOLATING ANY PROVISION OF THIS SECTION, FORFITS HIS OR HER OFFICE, OR EMPLYMENT OR POSITION, AS A SPECIAL GOVERNMENT AGENT, IN ADDITION COMMITTS A CLASS 3 FELONY**".

22.) Title 18, U.S.C.A., part 1 crimes, Chapter 13 civil rights, Section 241 'conspiracy agiasnt rights' "If two or more persons conspire to injure, oppress, threaten, or intimidate any person, in any state, territory, commonwelth, posession, or district, in the **FREE EXCERSISE OR ENJOYMENT OF ANY RIGHT OR PRIVLAGE SECURED TO HIM BY THE CONSTUTION OR LAWS OF THE UNITED STATES, OR BECUASE OF HIS SO HAVING EXCERSISED THE SAME;** or if two or more persons go in disguise on the highway or premsis of another **WITH INTENT TO** prevent or hinder his free excersise or enjoyment of **ANY** right or privage so secured, **THEY SHALL** be fined under this title or imprisioned not more than ten years or both..."

STATEMENT OF THE CASE

1.) Plaintiff initally filed his litgiation under such jurisdictional provisions as indicated in this Writ of Certerori's 'constutional and statutory provisions invovled'.

2.) Plaintiffs case was prefaced on the fact that Defendants had infact used unreasonable/excessive force agiasnt him, expecting him to comply with orders to which was illegal, and oposing to the facility rules. Defendants also subjected plaintiff to harm at hands of other residents, by intenionally placing him in a room with another resident, R. Walker, whom Plaintiff is entiled to his safty ensured, by requring screening and agreement of doubble room assigments, See: Title 59 part 299.300 (a) "all doubble room assigments, shall be screened for appropriatness, and based on safty, security and treatment consideerations". See also that the such facility is not to be using facility need, space avaibility pairings on a repetive basis, only on a occasional basis, only with residents coporation. See Facility Directive on Resident Room changes #05.0002 section II 'types of potential room changes' (C) "occasionaly it is necessary to relocate residents to differnt living units, and or rooms, based on facility needs, related to space limitations,, and for other concerns, the rooming committe reviews such facility need in the monthly formal meetings, and may make tenative decisions regarding the relocation of residnets to accomidate such needs, whenever possible implimentation of these relocation decisions are delayed pending further assessment of the treatment teams recommeddnation and the residents potential coporation". This standard is required, as oposed to prisions, jais, beucase of YOUNGBERG V. ROMEO 457 U.S. 307 'persons in civil committment settings (such as the plaintiff) is entitled to more considerate treatment, and conditions of confinment as opposed to criminals whos conditions are designed to punish". Point being, had plaintiff not been placed with a roomate, that has a repetive history of contention with prior roomates, control issues, and assultive nature, such sitaution/incident of use of excessive force in this matter woudlent ahve occured, as plaintiff was in the fox/segregation/special manamgent unit, at time of this incident.

3.) In this matter, plaintiff was sitting in the dayroom of fox 4 unit, watching telvision. Another resident, Barns, asked the plaintiff how to spell a word, as to which the Plaintiff gave his best shot at it. However this other residnet became agravated, and physically agressive, delusionally believing the plaintiff was intentionally misleading him, as to which plaintif tried to remove himself from interaction with this residnet.

4.) Resident Barns then exclamed to defendants that plaintiff was supsoebaly instigating him, and tormunting him. as to which defendants inquired with plaintiff about this, as to which plaintiff told defendants such.

5.) Defendants, speffically Mayes, and Kesseler, blamed plaintff claiming he was instigating this other residnet, in spite of the fact that he was saying nothing, scilently sitting on the coutch tring to continue to watch television claiming by Defendant Kessler 'what seems to be the new factor in all this' and 'the plaitiff was going to sit there and take the abuse that he supposebaly

caused, including this other resident thrusting his finger, agressivally in plaintiffs face'.

6.) Plaintiff tried to depart, physically, from the area, as to which such Defendants ordered plaintiff to remain seated on the couch, and listen and accept as to what he suposeably caused.

7.) Only when after about 5 minutes, plaintiff rasied his voice saying 'hes not going to sit here and listen to this' is when defendants metioned grabbed plaintiff, and escorted him to his room, on fox 4, claiming he had to go on a cool down as becuase of 'causing a disturbance in the dayroom'

8.) Plaintiff refused, as to what he is premitted to do, by facility rules, that cool downs are offered, and allowed to be accepted or rejected.

9.) Defendant kessler claimed then plaintiff was moving to fox 3, as to which plaintiff said he would need a cart (typically given to move loarge bulky items) to move his mattress.

10.) Defendant Kesssler denied such, claiming pplaintiff could move it himself.

11.) Eventually Defendant Kessler, and Mays grabbed plaintiffs property, and moved it for him.

12.) When plaintiff was moved to fox 3, he was told the same, that he must accept a cool down. Plaintiff insisted on complying with the facility rules, that he could refuse it. Ironcially, as admited in this litigations discovery, by defendants, via their incident reports give a conflicting version of this. Claiming on one hand plaintiff was 'told' to accept the cool down. On the other, 'offered' the cool down.

13.) Plaintiff stood patiently in his door (as indciated on video) for about 7 minutes contesting this issue as allwoed by facility rules.

14.) Later on in this litgiation, the district court, during pretrial preparations, faslfied documetations claiming this was supsoed admissions by plaintiff of refusing orders by defendants, as to which plaintiff contested. He was met with court claiming he was delaying trial, and cannot dispute courts rulings. However, this was deliebrate atttempts by court to coerce plaintiff to accept this standard, as to set up plaintiff to not prevail on his case, becuase of legal standards in HUFF V. TABLER 2019 WL 3499494 that esstially indicates that plaintiffs are not entitled to recovery, if refused direct orders by defendants. Yet this is a case deriving from jails. Court attempts to claim that this case is citing pre-trial detainees, like plaintiff. Ignoring that fact that plaintiff, alough a pre-trial detainee, cannot be expected to comply with instutional rules, staff orders, like such cases entail, simply becusae those cases are deriving from Prision/Jail standards of confinment, which conflicts with decisions in YOUNGBERG V. ROMEO 457 U.S. 307 that stipuates persons in civil committment settings are entitled to more considerate conditions/confinment as oposed to criminals in jails/prisions whos conditions are designed to punish. Thus court applciation of case law/legal standards of 'prision/jails' to try to demisntratte, and lie on plaintiff claiming he dosent reserve the right to refuse defendants direct orders is irrelvant, and not credible, as to which plaintiff never refused an order anyhow, he was well within the facility rules of refusing a cool down.

15.) Then Defendants kessler, Mays, Rose, Worley, Wear atempted to slam plaintiff in the door, having slamed his foot in the door.

16.) Plaintiff then bolted to the back of the room, and lied on the bed.

17.) This is where the biggest problem comes in. The defendants, in their incident reports (discovery) filed/submtied in the litgiation indciated oposing claims, first that suposeably that Defendants needed to use force, supsoeably becusae plaintiff refused to lock up in his room. Then counterdicting themselves, claiming plaitniff appeared to accept the cool down by bolting to the back of the room, lieing on his bed. Then claiming supsoebaly the plaintiffs refusal of accepting the cool down, supsoeably charging the door, is supsoeably why the defendants needed to use force.

18.) These 'reasonings' documented by defendants clearly indciates unjust use of force, why, becusae video shows plaintiff peacefuly standing in the door. As to which, even if plaitnffs actions was indictive of preventing defendants from closing door, they could have accomplished this, as legally required, also required by facility policy, to use the least amount of force necesary. In that if this was the reasoning (supsoebaly plaintiff standing/charging the door) as to why defendants needed to use force, they could have simply pushed plaintiff back, to secure the door.

19.) However, as video shows, plaintiff disapeared for a few seconds, indictive of what other defendants said in reports, bolting to the back of the room. At this point, they could have secured the door.

20.) Defendants, however, didnt, they took this oppurnuity to use such force agianst the plaintiff, which the plaintiff noted in time log on video, they were in the room for roughtly 7 minutes. as to which, how is that 'least amount of force necessary' as even they claim, is suposebaly why they had to use force, to secure the door. This excessive time spent in the room, is indictive of using excessive force, and not for a premitted purpouse, to secure the door, as they initally claimed.

21.) Plaintiff was then drug out of the room, as in intermittant video footage shows his face being bloody, as well as multiple defendants surrounding him, tring to pick him up, then throwing him back to the floor. Which was becusae of as plaintiff stated, becusae of giving conflicting orders, stand up, sit down, stand up sit down, rather Defendants claimed plaintiff was resisting, if so, why would defendants try to pick him up, if he was resisting so bad, as they claimed, why try to stand him up?

22.) This was at which point there was a issue in the courts, about contention of video footage provided. That Plaitiff was only provided the video footage of fox 4's dayroom, and only after the iniation of the incident, not showing the intial contention with the other resident, to conceal the fact that plaintiff peacefully sat on the coutch, while defendants allowed this other resident to agressivally thrreaten the Plaintiff. Defendants, also claimed, in their incident reports, the lie of claiming suposebaly the plaintiffs changing in dayroom chanals was what caused the issue. Which still oposes the reports. Becuase reports say that this resident, Barns reported

having high anxiety over plaintiff, and another residnet having a heated debate in the dayroom. The video would have shown that plaintiff was infact calm, sitting on the couch, while defendants allowed this other residnet to agressiveally, and threatningly get in plaintiffs face. Yet video only started well after this incidnet, when defendants were in the hall tring to lock plaintiff in his room and going to retrieve his belongins to move him.

23.) The plaintiff indicated, becusae of 'this' situation, then fox 4's hall camra should have been provided, but wasnt.

24.) Then, when plaintiff was moved to fox 3, in the issue described above, the defendants only provided fox 3's halls camra, as to which he needed fox 3's dayroom camara too, as becusae in fox 3's dayroom, is also when most of the excessive force occured, related to defendants pickign up plantiff, then slamming him back on the floor, repetivally, claiming he was suposebaly resisting, as to where plaintiff just explaiend he wasnt. Plaintiff can only assume that the reasoning why this wasnt provided, is such video/camras show the undispuited aspects of defendants use of excessive force as indicated. As becuase defendants do not have video in the rooms, and ceased in using protetive policy, i.e. handheld video, when unavable, as required, especially for 'extractions'.

25.) Plaintiff was given a litny of excuses, that infact conflicted with eachother, by defendants counsel, first claiming that not all video is able to be recorded. As to which plaintiff proved that the video/camras in question, do record, beucase of prior instances of documentations where in such areas of the facility such video was recorded and retained.

26.) Next defendants claimed that fox 4's dayroom dosent record. Ironcailly fox 4's dayroom video was provided, (just not the timeframe plaintiff needed). They ment to say that fox 3's dayroom supsoebaly dosent record, but that 'slip' is what proved that they were lieing, and intentionally concealed video recordings that wich otherwise would show their lieability, as becusae both video recordings, camras in question fox 3's dayroom, and fox 4's hallway, that wasnt provided, plaitniff demonstrated, and proved, the facility does have avibility to have these camras to record, and preserved.

27.) Next, as this case progressed, the plaintiff filed many motions related to tring to impose sanctions, compeling defendants, etc in this regard, to no avail, as district court subsequentally refused to apply the facts to demonstrate that the defendants infact deliberatly and intentionally concieled such evidance, electroncially stored information. The court, however, in attempt to circuvment finding agianst defendants, circuvmented ruling agiasnt them, circumventing finding their prejudice, as to avoid imposing, as the plaintiff tried to file under, FEDERAL RULES OF CIVIL PROCEDURE #37 (e) "failure to provide electronically stored information, if electroncially stored information that should have been preserved in the anticipation or conduct of litigattion, is lost becuase a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court (1) upon finding of prejudice to another party, from loss of the information, may order measures no greater than necessary to cure the prejudice, or

(2) only upon finding that the party acted with the intent to deprive another party of the informations use in the ligitation, may (A) presume that the lost information was unfavorable to the party (B) instruct the jury that it may or must presume the information was unfavorable to the party or (C) dismiss the action or enter a default judgment".

28.) These circumstances, was the first proof of the court intentionally prejudicating the plaintiff becuase of intentionally failing to find in favor of the plaintiff, delibertly avoiding finding of prejudice agianst the defendants, to circumvent them being held in violation of this F.R.C.P. of intentionally witholding, and distorying evidnace, that is proved that should have been, and able to been preserved.

29.) Then, upon pre-trial proceedings, court was required to discuss, and rule on evidnace allowed, or not during trial, however they only gave a outline of trial procedures, non compleint to Fedderal Rules of Civil Procedure, of how to commence pre trial conferances.

30.) Plaintiff filed a interlocutory appeal to this matter, as to which the appellate court then indciated that plaintiff was supsoed to wait to the finalization of the case to file a appeal. This dosent comply with the interlocutory appeal standards that plaintiff dosent have to wait to resolution of the case as appelate justices directed. see: 28 U.S.C. Section 1292 (b) "when a district judge in making a civil action an order not otherwise appealable under this section, shall be the openion of that such order invovles controlling question of law, as to which there is substanital ground for differance of openion, and that an immeidate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing such order, the court of appeals which would have jurisdiction of an appeal of such action, may thereupon in its discresion premit an appeal to be taken from such order, if applciation is made within ten days after the entry of the order, provided, however, that applciation for appeal hereunder shall not stay proceedings in the district court, unless the district judge or the court of appeals or a judge thereof shall so order".

31.) However the plaintiff was told and instructed that he must wait for the finalization of the case, to appeal, inspite of this standard indcitating inlacutory appeals dont have to wait for finalization of the case.

32.) The court, however, once the interlocutory appeal was dismissed, seemed to correct this imblance, by reissuing pre-trial orders compleint to the critera the plaintiff initally contested in such interlacuroty appeal. However, the courts corection of the matter, without docuemtations of allowing the plaitiff to prevail essetially allows the court to reengage in the wrong condcut agian.

33.) During the commencement of the 2nd pre-trial scheduling/conferances, the court and defendants provided docuemtations that indicated that the defendants counsel intends on calling witnesses that are medical experts.

34.) The Plaintiff then indciated, that he is required to have representation of counsel, whatever means thats indciated as, as becuase any time medical witnesses are in testimony, as to when plaintiff, proceeidng pro-se has to cross examine them, requires appoinment/recrument of

counsel see: JACKSON V. COUNTY OF MCLEAN 953 f 2d 1070 1073 (7th cir 1992) (headnote #5) "trial court should have appointed counsel for inndigent prisioner seeking to bring a section 1983 action agiasnt jail officals with regard to restraints used agianst him, district court should have realized that it was highly probable that prisioner would not have recognized the need to call expert witnesses to present a prima facie case"; MCNEIL V. LOWNEY 831 f 2d 1368 (7th cir 1987) at * 1371 "presuant to 28 U.S.C. Section 1915 (d) he contends that he was denied meaningful discovery and was left to his own devices to adduce the evidnace essetial to sustain a claim, appellants Br at 14. Further the appellant aserts that he as not in a position to contest the assertions of the appellees about what occured, or to investigate the facts of his case because he was denied all acess to the treating physicans orders who could have refuted the declarations made at trial regarfding their orders, I.D. at 15, without the assistance of counsel, Mr. McNeal was helpless to investigate and present facts which might have refuted the assertions of the appellees I.D. Mr. McNeal cites Maclin V. Freake 650 f 2d 885 (7th cir 1981) to suport his assertion that in a medical case it is particularly essetial to have an attorney to elicit relevant comprehensible testimony that will elucidate for the fact finder the treamtent recieved and the adequacy of that treatment" appellants Br at 15-16 (Quoting Maclin 650 f 2d at 889); NAVEJAR V. IYIOLA 718 F 3d 692 (7th cir 2013) (headntoe #6) "trial court abused its discresion in denying prisioners request for the appoinment of counsel undeer the federal In Forma Pauperis Stature in prisioners section 1983 action agisnt guards using excessive force to subdue him after he punched a prison guard where the court fouced on prisioners comptancy to try his case, instead of whether prisioner appeared competant to litgiate his own claims, the court faile dto address prisioners personal abilities and allegations that he had limtied edcuation, mental illness, language difficulties and lacked acess to other resources and the court applied the appellate review standard of whether the recrument of counsel would affect the outcome of the case".

35.) Court however, once again, with deliebrate and intentional acts to prejudicate the plaintiff, to rule otherwise, to not become in vioaltion of these standards, then claimed a litny of excuses, for example, claiming the courts representations of claiming they supsoebaly contacted over 1,500 atorneys to no avail, supsoebaly is sufficent.

36.) Plaintiff however contested this, becuase of earlier such litigations i.e. LAIKO V. COX established this same problem, the courts representtations of such attorneys, were falsfied, as well as when the plaintiff tried to get the court to submit a list of such attorneys they contacted, the court claimed that 'he could look online for those', however, plaintiff dosent have acess to this only westlaw correctional web page, as to which dosent have list of 7th circuit bar assoication attorneys. Plaitniff even went one step further to have his mother look on the 7th circuit bar assoication web page, as to which she informed woudlent allow her to acess the names/lists of attorneys.

37.) This was also then the courts lies, falsfied representations, and intentionally

prejudciating the plaintiff.

38.) Then the plaintiff discovered the case of SORELL V. IMS HEALTH INC 564 U.S. 131 s ct 2563 (2011) (headnote #22) "the first amendment direct courts to be especially skeptical of regualtions that seek to keep people in the dark for what the governemnt precieves to be their own good" essetially the courts keept the plaintiff in the dark, and imposed regualtions prohibtied under this standard, to do so, claiming plaintiff is not entitled to such list, and court represetnations are sufficent. However plaintfif indciated they are no sufficent when courts have falsfied such simualr representation in the past, in this regard.

39.) Court then attempted to claim, that such medical expert witnesses dont plan on testifying anything beyond what a lay person could understand/comprehend, thus tring to justify is why such woudent be presued of appointing/recuriting counsel. Plaitiff contested claiming, thats irrelvant, the court dosent get to determine whats 'relevant' testimony premptivally that they will be testifying about, becusae the parties havent even gone through what they plan on testifying yet. Regardless, the Plaitniff metioned, that the courts interpretations of them not testifying beyond what a lay person could understand, and baring the plaitiff from cross examining into anythign beyond what a lay person coould comprhend, is prejudicating the plaitniff. Beucase the litgiation calls for cross examination as to whether such medical witnesses made accurate treamtent/diagnosis of plaintiffs injuries. The court barring this from plainitff is yet another delierbate act to prejudicate him.

40.) During this contention, plaintiff also proposed the problem that, as prior explained herein, as plaintif refered to prior filings in the litgiation, of the problem of the courts still not ruling about the destroyed evidnace, related to the video footage, that by facts showing the defendants deliebratly distoryed the evdinace of video, and shall be found to prejduciate and deprive the plaitniff of such. Court however, seemed to become peevish with the plaintiff, indciating that 'they are not going to readdres/rehash this issue, its been ruled on'. The Plaitniff contends that the courts rulings were not proper, and served only to prejudciate the plaitniff, and favor the defendants to conceal their wrongdoing, and destroying of eivndace, as to circuvment the courts finding that they infact did that. Court agian, refused to listen to this substantial departure from controling legal standards, and threatned plaitnfif with sanctions of dismissal of the case, and indciating he cannot argue, nor file such repetive motions on the issue, when the court already ruled. Agian the Courts rulings is the problem, as they continsually ruled in conflict to controllign law, expecting the plaintiff to be coerced to accept this, and continue the litigation, which would set him up to loose in this regard, so why should he comply with court orders and instructions, when coserion tactics are employed with deliebrate attempts to coerce plaintiff to accept their rulings, in order to set him up to loose his case, or otherwise if contends rulings, threatned, as led to, dismissal of action, becusae of arguing with court.

41.) Court imposing this coersion, threatning, manulaption tactics in this regard, to get the plaintiff to accept their rullings, when in fact to set up the plaitnfif to not prevail on

defendants, by courts not ruling agiasnt defendants, becusae of such clear vioaltions of controlign legal standards/controlign law/appelalte court decisions, also becuase of the court wanting to apply non relevant prision/jail cases to impose attempts that plaintiff supsoebaly refused defendants orders, rules, to ultimatlly find in favor of defendants, is infact demosntrations of multiple examples throughout this litgiations of court refusing to comply with controlling legal standards, case law/appellate rulings related to the plaitnfifs confinment, which is grounds for recusal when courts continue to rule in favor of adverse parties, and prejudicate plaintiff in such manners.

42.) thus plaintiff filed motion to recuse, under these reasonings, authorized under 28 U.S.C. Section 144 "bias or prjudice of judge, whenever a party to any proceeding in a district corut makes and files a timely and sufficent affidavit that the judge before whom the matter is pending has a personal bias or prejudice either agianst him or in favor of any adverse party, such judge shall proceede no further therein, but another judge shall be assigned to hear such proceeding"

43.) the problem then was that the court attempted to coerce the plaintiff further, by ruling on, (denying) his such motion to recuse, Plaitniff stated court cant do that, udner this section, another judge must proceede. Court rather imposed a differnt critera of standard, of 28 U.S.C. section 455, as to which the plaintiff didnt file under, thus altering his proceeidngs/filings.

45.) Court then claimed that there must be a substantial departure from controlling law to show, demonstrate actual bias occured, citing many appellate court cases to try to suade the plaintiff to be coerced to accept this. However regardless of these appeallate findings, one thing held true, that both in 28 U.S.C section 144, and 455 only requires 'a' bias or prejudice of judge, not a substantial departure, as the court tried to impose.

46.) Plaintiff, then filed another interlocutory appeal on these matters. Yet district courts seemed to hurry up, (questioning falfying of such filing) to file dismissal of plaintiff litiations, claiming of his repetive filings suposably delayed the case, and cannot argue, or contend the courts rulings. THe court used many examples to try to demonstrate this conclusion BUT ALL EXAMPLES WERE EARLIER FILINGS YEARS PRIOR IN THE LITIGATIONS WHICH WAS AIREADY MOOT IN THE LITGIATION, THUS IF THE COURT WANTED TO DISMISS THE LITGAITION, OF THE SUPSOED ACCUSATION OF PLAITNFIF SUPOSEABLY ABUSING THE PROCESS OF SUCH REPETIVE FILINGS, WHY DIDNT THEY DO IT YEARS PAST, OF THE INFORMATION THE COURT NOW RELIED ON TO DO SO, IROCNALLY THE COURT NEVER RELIED ON THE RECENT FILINGS BY THE PLAINTIFF TO DISMISS THE CASE, IF THEY DID, WOULD SHOW THIS INTENTIONAL PEJUDICE AND BIAS.

47.) The court did try to claim, one issue, that plaitniff suposebaly tried to dely the case from commencement to trial, without denoting, and crediting the credible reasoning, beucase trial commencment, and personal appearance by the plaintiff, would require, becusae of COVID issues, the plaintfif to be quarintined on a unit with known postive cases. To which the plaitiff exclamed to the court, shall not subject his health to harm, in order to commence trial. The plaitniff even gave multiple suggestions, i.e. video proceedings, etc, all to which the court ignored. Defendants however filed a response to this, claiming plaitnff would be isolated, but have acess to all his

legla materials, withotu addressing the core issue, of 'where' the plaintiff wold be confined.

48.) When these issues arose, then court seemed to hurry to file their dismissal of plaintiffs case, with prejudice, claiming already moot issues of contention in the case, that occured years ago, of plaintiffs such repetive filing and supsoed arguing with the court, not relying, nor indicating the fact that the case proceeded well beyond those conflicts, and not denoting the real reasonings, becusae plaintiff has proposed these legiamte issues of the judges bias, prejudice of tring to coerce plaintiff to not argue with their rulings, so their rulings woudl favor the defendants, as plaintiff explaiend, as well as court never accounting for the fact that IN YEARS EARLIER, IF THEY COMPLIED WITH TIMEFRAME TO RESPOND, BY COURTS DEADLINES, OF PLAINTIFFS FILINGS, AND NOT WAITED FOR MONTHS, THERAFTER, THE CASE WOULD HAVE COMMENCED TO TRIAL AND THESE ISSUES PRESENTED AND ARGUEMNTS PRESENTED AND PROPOSED AND OUTCOMES REACHED LONG BEFORE THE COVID PANDEMIC, THEREFORE WAS THE COURTS OWN DELAY, BY NOT COMPLYIGN WITH DEADLINES OF TIMELY RESPONDING TO PLAITIFFS FILINGS IS WHAT CREATED SUCH DELAY, THESE ISSUES OF CONTENTION WOULD HAVE BENE PROPOSED AND ADDRESSED WAY BEFORE THE COVID PANDEMIC, HAD THE COURT COMPLIED WITH RESPOSNE DEADLINES OF PLAITNFIFS FILINGS, THEIR FAILURE TO DO SO, DELAYING SUCH RESPONSES MONTHS THEREAFTER, WAITING TILL THE LAST MINUTE TILL PRE TRIAL, ETC, TO PROPOSE THESE ISSUES, UNDER THE ASSUMPTION NONE OF THEIR RULINGS WOULD NEED TO BE CONTESTED IS THE PROBLEM. THUS THE PLAITNFIFS REPETIVE CONTENSIOUS FILINGS HAS NOTHING TO DO WITH THE DELAYING OF THE CASE, BECUASE SUCH ISSUES THE COURT RELIED ON OCCURED YEARS PRIOR IN THE CASE, AND WAS ALREADY MOOT, AS THE CASE ALREADY COMMENCED BEYOND THOSE CONTENTIOUS FILINGS, TO HIDE THE FACT THAT NOW THE ISSUE IS SUCH PREJUDICE, AND BIAS, OF JUSTICES FAILING TO MAKE RULINGS, WHEN EVIDNACE AND CONTROLING CASE LAW, LEGAL STANDARDS, HIGH COURT RULINGS OPOSE THE COURTS RULINGS, IN THE MANNERS EXPLAIEND HEREIN THIS WRIT OF CERTERORI.

49.) Only when plaintiff filed a second interlocutory appeal, indciating such issues explaiend, is when then the district court used the guise of prior such moot contentious filings by plaitnfif to claim and impsoe sanctions.

50.) thus the plaintiffs dismissal of case, with prejudice, of courts imposing sanctions is infact falsfied, prejudcial, and bias agianst this plaintiff, as to which is substantial conflict to controlling law, and other appelate court rulings explaiend herein this Writ.

51.) When plaintiff appealed this litgiation for the second time, to the appeallate court for the seventh circuit court of appeals via interlocutory appeal, they atttmpted to impose the same. However plaitniff had to remind them, they already said, in earlier filings in the litgiation, that interlocutory appeals, in spite of conflict to such controlling law, of United States Code, is only allowed after case is finalized. So now since case is finalized, interlocutory appeal challangeing judical condcut, in this explaiend regard, must be allowed.

52.) Appellate court didnt respond to this, rather claimed, without reasoning, plaintiffs appeal is not taken in good faith. Thus without giving a resoning founded upon, considering such susbtantial, multiple repetive ongoing substantial departures of courts failure to comply with controlling legal standards/high court rulings, in contest, rather courts applying non relevant case

law/legal standards not approrrpaite for plaitniffs confirment, etc as explaiend herein then the appelate court, also seems to be prejudicating this plaintiff in such simualr fassion, by then holding his appeal and I.F.P. to be in high regards which is prohibited by: JOHNSON V. U.S. 352 U.S. 565 77 s ct 550 (1957) (headnote #1) "certification by judge presiding at trial that appeal of one seeking to appeal in forma pauperis is not taken in good faith, carries great weight, but is not final or conclusive, and does not preclude convicted defendant from showing that certification was not unwaranted and that appeal should be allowed, and upon proper showing, court of appeals must displace district courts certifiation"

53.) In that the appelate court, also stated denial/dismissal of the case, becusae plaintiff didnt pay the filing fee. However as he cannot pay the fee, as has no monies on his trust fund account, and regardless of that, such I.F.P filings were screened udner 28 U.S.C. Section 1915 (h), as to is only for 'prisioners' and 'persons instutionalized but not prisioners serving sentaces **FOR CRIMINAL VIOALTIONS**, court applying any screening, revieing of plaintiff, or simularly situated person, as courts repetivally apply, in litigations agianst this Rushville facility, under 28 U.S.C. 1915 (h) then is not approrpatie, becusae such persons in such facility are not being held for criminal vioaltions, also see: TIMOTHY BELL V. SHAN JUMPER case No: 4:16-cv-4101-SEM, Doc 14, page 9 "plaintiff is not a prisioner, as that term is defined in 28 U.S.C. Section 1915 (h) the term prisioner means any person incarcarated or detained in any facility who is accused of, convicted of, or sentanced for, or adjudicated delquient for **VIOALTIONS OF *CRIMINAL* LAW**...) accordingly the clerk is directed to remove the referance to the strike from the three strike log".

54.) Thus courts reviweing and screening plaintiff as under this sectioon of the united states code, for screening, merit review, and I.F.P proceeidngs is not approirpatie and in conflict, becuase he, nor any simularly situated persons in this Rushville facility is being held for 'criminal' vioaltions as to which only such applies. thus courts have reeptivally scereened, and considered good faith I.F.P proccedings, etc, of persons, including this plaintiff, in this rushville facility have been substantally and repetivally eronious, and needs to be corrrcted by this Supreme Court Via This Granting of Writ of Certerori, among these multiple conflicting issues to controlling/precidental case law/legal standards, higer court rulings, and conflict to courts rulings on same issues.

REASONINGS FOR GRANTING THE PETITION

1.) The lower Courts have, as Petitioner explaines herein this Writ of Certerori, has substantially departed from controlling legal standards (i.e. United States Code) by reviewing, and continuing to preside in the litigation, where the Petitioner filed a timely affidavit/Motion to recuse lower court justice, as to which 28 U.S.C. Section 144 spefices that when such filings are made by the Plaintiff such presiding justice shall no longer preside in that litigation.

2.) To Resolve disagreements between the lower courts, having dismissed plaintiff/petitioners litigation, based on suposed petitioners refusal to comply with judges rulings, orders, as to which was intended to coerce plaintiff/petitioner to accept such, which conflicts to legal standards, controlling laws, and same/appellate court rulings.

3.) The lower courts erriounsly dismissed plaintiffs case/litiation, with referance to prior, moot issues of contention in the litigation, not currently present at the time of the dismissal.

4.) Lower courts attempted to blame plaintiff for unessarly delaying the litigation, in error, becuase Plaintiff/Petitioner was subjected to requirements, in order for trial commencemnt, to move to other locations in the facility , for isolation purpouses, related to COVID pandemic, as to which Plaintiff will not subject himself to harm, as such locations have knowen COVID Positive cases. Plaintiffs refusal to do this, which was required, at the time, if persons leave, and reenter the facility was supsoeably deemed as him unessarly delaying the litigations.

5.) Lower courts claimed plaintiff delayed litigations, by identifying multiple facors, including, but not limtied to, multiple, repetive filings. Yet these filings by plaintiff were becuase of lower courts/justices refusal to comply with precidental/controlling law, as to which such justices presideing in the litigation was the one that delayed litigations, by taking weeks, or months beyond courts set deadline to hear and rule on such filings by plaintiff, as to which is rather the cause that delayed the litigation. Had filings been ruled on in time, as court deadlines required, case would have made it to trial (as it was scheduled to have been) long before the COVID pandemic, and such concerns, noted above, woudlent have taken place. Courts/justices placement of blame on plaintiff of delaying litigations, by his repetive filings, then is erronious.

6.) Lower court justices, made repetive rulings, expecting plaintiff to accept such rullings, and not contest them, when such rullings were (for a lack of better explination) was intended to 'set up plaintiff' to not prevail on litgiation. I.e. expecting plaintiff to not dispute courts rulings, when denied his motion to recuse, as to which, justice, as explained, cannot preside in the case further, when a plaintiff files a motion to recuse, expecially with showing that such justice is favoring an adverse party, i.e. favoring the defendants, as by lower courts continsually ruling in their favor, in spite of plaintiffs repetive showing that courts rulings contested with, and opposed multiple, more superceeding legal standards, higher rulings of appellate court rulings.

7.) Lower courts refused to accept plaintiffs cites and case law, that was more precidental,

and controlling, to what court proposed, with a litny of excuses, like, but not limited to, that Plaintiffs cites are non related to his confinment, yet courts cases simularly were not either, as related to prisioners, as to which plaintiff is not.

8.) Courts attempted to apply the standard that plaintiff cannot refuse direct orders of defendants, which is in error, becuase that standard only applies to persons encarcarated of prisions, jails, as to which plaintiff is not, thus cannot be held to standards, as court attempted to coerce plaintiff to accept legal standards of compleicne to direct orders, in order to maintain instutional order. Such cases court used to justify this position are of prisions, jails, as to which plaintiff is not being held in, nor being in a instution for criminal violations. Thus this standard dosent apply to this plainitff. Yet the Court continsually indciated plaintiff shoudlent be contesting, arguing with the court on these matters.

9.) Plaintiff and simularly situated persons are entitled to more considerate treatment, and conditions of confinment as opposed of criminals whos conditions are designed to punish see Youngberg V. Romeo 457 U.S. 307, yet lower courts continsually use 'prision, jail' cases to justify such Rushville facility to be premitted to impose direct orders and compleince to instutional rules to maintain instutional order, which is then conflicting with this legal standards, as to which, lower courts shall not be directing plaintiffs to accept their rulings, not argue with courts, and especially shall not be dismissing plaintiffs complaints for refusal to accept courts rulings, and continsually contesting their orders, as related to such contentions.

10.) Defendants, in this litigation, claimed plaintiff refused their orders, yet, plaintiff demonstrated in the litigations, he, by the such facilitys rules, cannot be given orders to accept a cool down, as he was ordered to do. Lower courts attempted to falsfy docuemtation, in pretrial orders, claiming plaintiff admited that he refused orders, he never admited this, he admited he refused a cool down, as to which, by facility rules, he can do, as identifed is not a order, as to which defendants shall not be exdpecting compleince to orders anyhow, as thats prision, jail standards, in vioaltion of plaintiff being entitled to more considerate conditions of confinment, and conditions.

11.) Lower Courts refused to rule agiasnt defendants, when controlling law applied, as such, by Federal Rules Of Civil Procedures, spefffially, when spefic camras in question, in this incident was required to be preserved, and wasnt, litgiation favors the Plaintiff. Courts allowed defendants (by not ruling agiasnt them) to propose a litny of non legiamte excuses, like, but not limteid to, such areas of the facility dont have ability to record, when plaintiff demonstrated, based on prior events, such areas are able to record. As to which defendants also intentionally refused to provide applciable video to the plaintiff that would show legimaticy to plaintiffs litigations, this is deemed by Fedeeral rules of civil proceudre, as to be witholding evidnace to the plaintiff, or destroying evidnace, as to which autonically is suposed to favor the plaintiff, court rather ruled

in favor of defendants, instead of plaintiff. (see Federal Rules of Civil Procedure #37 (e) failure to provide electronically stored information, if electronically stored information (video footage) that should ahve been preserved in the anticipation or conduct of litigation is lost becuase of a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court (1) upon finding prejudice to another party (which court refused to do to absovle them ruling agianst defendants, as to show bias, by ruling in favor of adverse party, to avoid, circumvent lieability imposed agianst defendants) from loss of the information, may order measures no grater than necessary to cure the prejudice; (2) only upon finding that the party acted with intent to deprive another party of the informations use, in the litigation, may (A) presume that the lost information was unfavorable to the party (B) instruct the jury that it may or must presume the information was unfavorable to the party or (c) dismiss the action, or enter a fefault judgment"

12.) Lower courts atttempted to deny plaitiff ability to proceede In Forma Pauperis, upon appeal to the Seventh Circuit COurt of Appeals, by claiming his appeal was not taken in good faith, rather bad faith, WITH NO SEMBLANCE OF COMPLEINCE TO OPOSING, AND MORE CONTROLLING PRECEDITAL LEGAL STANDARDS, AND RULINGS. Lower courts dismissed plaintiffs I.F.P. becuase of 'failure to timely pay the docketing fee', yet, plaintiff has no funds, (as indciated by his trust fund ledgers) to pay for the litgiations, as to which, he cannot be regarded as screened under 28 U.S.C. 1915 (H) anyhow, as courts did, claiming of ability for 'prisioners' or incarcarated persons' to be screened for In Forma Pauperis Proceedings. Plaintiff is thus NOT serving sentance for **CRIMINAL** violations, rahter serving sentances for 'civil' violations, (I.E. detained, udner the Sexually Violent persons Committment laws, which are not criminal, rather civil proceedings) thus courts reviewing and screening plaintiffs to be able to prepay, or have reduced filing fees, under court rules, like 28 U.S.C. 1915 (h) are not aproprate. Thus Appellate courts denial of proceeding to appeal, becuase of PLaintiff not paying fees is in error by denying his Motion to Proceede to Appeal I.F.P. as such.

13.) Lower courts certifications of Plaintiffs Appeal to be taken in good faith, is deliberatly prejudicating this Plaintiff, as it is in good faith, becuase of contention to controlling, more precidental law, court rulings, that which opose courts. Courts erronsly denied plaintiffs filings. See: Johnson V. U.S. 352 U.S. 565 77 s ct 550 (1957) (headntoe #1) "certification by judge presideing at trial, that appeal of one seeking to appeal in forma pauperis is not taken in good faith CARRIES GREAT WEIGHT but it is not a final or conclusive and does not preclude conviced defedant from showing that certification was not unwaranted, and that appeal should be allowed and upon proper showing court of appeals **MUST** (not is their discresion,, as appellate court imposed) district courts certification"

14.) Lower courts, while all these issues are present, seem to eroniously dismiss plaintiffs litgiation, simply beucase of him proving contention to courts rulings. Spefffially, Plaintiff varified that since this issue invovles medical professionals, and at trial, such witnesses were

intended by defendants to be called, plaintiff is then entitled to cross examinations, as to which he is required the appoinment of expert, or attorney on his behalf, see: Jackson V. County Of Mclean 953 F 2d 1070 1073 (7th cir 1992) (headnote #5) "trial court should have appointed counsel for indigent prisioner seeking to bring section 1983 action agaisnt jail officals with regard to restraints used against him, district court should have realized that it was highly probable that prisioenr would not have recognized the need to call expert witnesses to present a prima face case", court, however, claimed they contacted over 1,500 attorneys, to no avail, plaintiff, requested a list of these, as to which he was denied. COurt claimed he is not entitled to such list, yet, such seems to be intentional to cover up/cocneal courts refusal to appoint/recruit counsel, simply becuase they refuse to pay attorneys required fees, as to which plaintiff cited that court shall not 'keep him in the dark' and 'not impose reguatlions to support the governemt in this regard, see: Sorrell V. IMS Health Inc 564 U.S. 552 131 s ct 2653 (headnote #22) "the first amendment directs courts to be especially sckeptical of regualtions that seek to keep people in the dark for what the government precieves to be their own good" thus the courts claims of attorneys unavaibility, or ability for courts to pay such attonrey fees, such is still required. It should be noted, Plaintiff cited to the Court of Latko V. Cox that which this simualr situation occured, of the court claiming they falsfied claims of contacting thousands of attorneys, such litigation identifed that courts falsfied this represetantion. In this matter, in this litigation, plaintiff contended this issue, as to which then such lower court justices seemed to become disgruntal by when plaintiff proposed these evidantuary findings, claiming he cant contest the courts representations, and rulings. Once agian, why whouldent, when courts rulings, and instructions are thus intended to coerce plaintiff to accept them as to which would prejudicate him.

15.) Courts failure to allow plaintiff to prevail in this litigation, against defendants, esstially allows defendants to reengage in the wrongful condcut, that only showing and proving by defendants that wrong conduct will not be repeated is legally acceptable to render a case moot (as Litigaitons agisnt this Rushville Facility are often corrected by 'behind the door' corrections, etc) See: HARGETT V. ADAMS #02 c 1456, section III 'conclusions of law', Paragrpah #7 "to prevail on their claim of mootness, defendants face a heavy burdon, they must show that subsequent events have made it absolutly clear that the alledgly wrong behavior could not reasonably be expected to recur see: FRIENDS OF THE EARTH INC V. LAIDLAW ENVTL SERVS INC 528 U.S. 167 189 120 s ct 693 145 L ed 2d 610 (2000) defendants must show that there is no reasonable expectation that the wrong will be repeated". This Rushville facility has had a longstanding problem of boating about policy changes, or behind the door corrections to resovle litgiations, or grievances in their favor, as to which then, absent written legal obligations of permant corrections imposed, allows, and they go right back to the wrongful condcut imposed, as in this litiation of Hargett V. Adams, is a landmark example of it, by changing policy to no longer use behavioral manamgent, discipline, punishment to

take residents electronic items, for deterances of rule violations commissions, unless they are a Suicidal threat/risk, see section II findings of fact' paragraph #14, last sentance therein, "if the patient is not showing suicida ideation or self injurous behavior, he typically retains the right to use all peronal items in his room, including if aviable, the television, music players, and books". The facility has, shortly after resolving this litiation, whent right back to using behavioral manamgent to temporally restrict residnets such items, regardless of this litgiation favoring the Defendants, becuase they only made policy changes, which allowed them to change policy right back after ligiation was finalized, thus demosntrating how the Facility/Defendants boasting about policy changes, courts favoring them, allows, and proves how the Defendants will eventually infact reengage in the wrongful condcut, THATS WHY PLAINTIFFS PREVAILING IN LITIGAITON, AND THIS WRIT IS SO IMPORTANT, ABSENT THAT, THE DEFENDANTS CONTINUE THEIR WRONGFUL CONDCUT AS REPETIVALLY PROVEN TIME AND TIME AGIAN.

16.) Absent Plaintiff prevailing on litigations, to ensure Defendants, and The Rushville facilitys ongoing compleicne, courts allowing them to continsually prevail, and applying legal standards of discressionary, judgmental enforcment, as they deem necessary to manage the instution, and imposing rules, requiring such persons like the plaintiff confined in such facility to comply with the rules, and their orders, is what has continsually, for reasonings stated herein, allowed the Defedants, the Facility to circumvent compleicne to law. It has been well established that Such Facility is NOT a prision, and such facilitys, that are 'civil committment' settings are infact 'entitled to more considerate conditions of confinment, as opposed to conditions like prisions, jails, whos conditions are designed to punish' AGIAN SEE YOUNGBERG V. ROMEO 457 U.S. 307, yet, courts continue to apply prisioner, jail cases, such as HUFF V. TABLER 2019 WL 3499494 etc, to claim the facility has broad, discressionary authroity and persons confined must comply with the rules, and staff orders. Once agian this case, as well as many others may instruct that alough one being a pretrial detainee, must comply with instutional rules, staff orders BUT SUCH CASES THAT CITE THIS AS THE COURTS RELY ON, ARE FOR PRISIONS, JAILS, AS TO WHICH DOSENT APPLY TO THIS RUSHVILLE FACILITY IN WHICH THE PLAINTIFF, OTHERS ARE CONFINED AT. See also BROWN V. PLATA 563 U.S. 493 (headnote #6) "while courts must be senstive to the states interist, in punishment, deterance and rehibilation, as well as the need for deferance, and expert prision adfministrations faced with the difficult and dangerous task of housing large numbers of convicted criminals, **COURTS NEVERLESS MUST NOT SHRINK FROM THEIR OBLIGATION TO ENFORCE CONSTUTIONAL RIGHTS OF ALL PERSONS, INCLUDING PRISIONERS, AND COURTS MAY NOT ALLOW CONSTUTIONAL VIOLATIONS TO CONTINUE, SIMPLY EBCUSAE A REMEDY WOULD INVOVLE INTROUSION INTO THE REHELM OF PRISION ADMISTATION"**; (headnote #34) "a court invokes equitys poweer to remedy a constutional vioaltion by an injunction, mandating systemic changes to a instution, has the duty and responaibilty to assess the efficacy and conquenses of its order". Thus courts must not allow Defendants to prevail, by dismissing of plaintiffs litgiation, or otherwise, by allowing 'behind the door' corrections, as to which continue to premit such Rushville facility to impose rules, direct orders agiasnt Persons Detained in such facility, becuase such allowance, absence

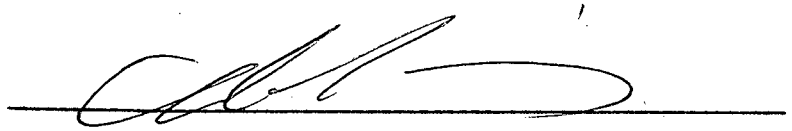
court orders, has repetivally shown, demosntrated Defendants Facilitys recurant conduct. Thats why, courts ruling in favor of the facility, dismissing Plaintiffs litigations, for whatever reasonings, then allows Defendants to reengage in their condcut, by esssetially rendering the case/matter moot, in vioaltion of: KIKUMURA V. TURNER 28 f 3d 592 (7th cir 1994) (headnote #4) "officals voluntary cessation from engaging in conduct as unconstutional does not render case moot"; STANLEY v. ILLINOIS 405 U.S. 547 92 s ct 1208 (1972) "the court has not, however embraced the geenral proposition that if a wrong can be done, it can be undone"; SAN DIEGO CITIZENS FOR QUALITY EDCUATION V. BARRERA 2018 WL 4599700 (headnote #31) "voluntary cessation of purportedly unlawful condcut does not ordinarly renddeeer a case moot"; U.S. V. W.T. GRANT 345 U.S. 629 73 s ct 894 (1953) (Headnote #2) "voluntaary cessation of alledgly illegal condcut does not deprive tribunal of power to hear and determine case, that is it does not make case moot"; (headnote #21) "a discontinuance of wrongful condcut does not alone warant denial of injunctive releaf"; DEWALT V. CARTER 224 f 2d 607 612 (7th cir 2000) (headnote #15) "an act taken in retalaition for excersise of a constutionally protected right, violates the constution"; GRIFFIN V. COUNTY SCHOOL BD OF PRINCE EDWARD COUNTY 377 U.S. 218 84 s ct 1226 (1969) (headnote #12) "constutional principals cannot yeald simply becuase of disagreement with them"; HOLTZMAN V. SCHLISSINGER 141 U.S. 1304 94 s ct 1 (1973) (headnote #11) "United states constution ensures that the law will ultimatly prevail, but it also ensures that the law be applied in accordance with lawful procedures"; KOONTZ V. ST JOHNS RIVER WATER MANAGMENT DISTRICT 570 U.S. 595 133 s ct 2568 (2013) (headnote #2) "the unconstutional conditions doctrine vindicates the constutions enumerated rights by preventing the government from coercing people into giving them up"; (headntoe #3) "regardless of whether the government ultimatlly suceeds in pressuring someone into forfitting a constutional right, the unconstutional conditions doctrine forbids burdoning the constutions enumerated rights by coservisly witholding such benifits"; MARTIN V. HUNTERS LESSEE 14 U.S. 304 1816 WL 1721 4 l ed 97 (headnote #10) "the government of the united states can claim no powers which are not granted to it by the constution"; SIMON & SCHUSTER V. N.Y. 502 U.S. 105 112 s ct 5012 (1991) (headnote #8) "even if reguatlions are aimed at legiamte governmental purpouse, can not unduly restrict excersing of rights protected by the first amendment"; SCHULTZ V. ILLINOIS FARMERS INS CO 237 Ill 2d 391 930 N.E. 2d 943 341 Ill Dec 429 (2010) (headnote #12) **"COURT MUST INTERPRET AND APPLY STATUTES IN THE MANNER IN WHICH THEY ARE WRITTEN AND CAN NOT REWRITE THEM TO MAKE THEM CONSISTANT WITH THEIR OWN IDEA OF ORDERLINESS AND PUBLIC POLICY"**

Thus becuase of lower courts refusal to accept, and comply with such precidetnal, controlling legal standards, higer court rulings, rather they blamed plaintiff, dismissing his case, claiming when such issues presented, shouldent be arguing with the court, cannot contest courts rulings, etc, clearly such lower courts rulings are intended to coerce plaintiff, and prejudicate him from prevailing, allowing defendants to prevail, since the importance of these issues are a contention of controlling, precidental high court rulings, and controling legal standards, this petition shall be granted.

CONCLUSION

The petiton for a writ of certiorari should be granted.

Respectfully Submitted,



Chadd Morris

Plaintiff/Petitioner/Pro-Se

Date

11-16-21