

IN THE
SUPREME COURT OF THE UNITED STATES

ROBERT L. HEDNICK,
PETITIONER,

V.

UNITED STATES OF AMERICA,
RESPONDANT,

DR. PATRICK CRAFT,
RESPONDANT,

BOP OFFICER CUNNINGHAM,
RESPONDANT,

BOP OFFICER CAMPBELL,
RESPONDANT,

BOP OFFICER WILLIAMS,
RESPONDANT,

BOP OFFICER STANLIL,
RESPONDANT,

BOP SIS OFFICER LOWMYER,
RESPONDANT,

BOP AWR RUPSIKA,
RESPONDANT,

NO. 21-6773

APP. NO. 20-7036

USDC NO. 5:19-CT-03302-DO

MOTION TO RECONSIDER IN FORMA PAUPERIS STATUS
AND

FAILURE TO ACCESS TO THE COURT

ON FEBRUARY 28, 2022, THE CLERK OF THE COURT DISMISSED HEDNICK'S PETITION FOR WRIT OF HABEAS CORPUS BY DENYING IN FORMA PAUPERIS STATUS.

HEDNICK HAS, ALREADY, OVER THE PAST SIX (6) YEARS BEEN GRANTED IN FORMA PAUPERIS STATUS, TO ACCESS THE COURTS TO PURSUE HIS LEGAL ISSUES RELATED TO HIS CONVICTION AND ATTEMPTS TO MURDER HIM IN THE BOP.

FOR THE PAST THREE (3) YEARS HEDNICK HAS HAD \$.30 [30 CENTS] IN HIS BOP TRULINICKS ACCOUNT WHICH HAS BEEN VERIFIED, OVER AND OVER, AGAIN, IN THE DISTRICT COURT, USDC NO. 5:19-CT-03302-DO; IN THE COURT OF APPEALS, NO. 20-7036; AND SUBMITTED TO THE SUPREME COURT NO. 21-6773.

ON DECEMBER 30, 2020, IN UNITED STATES V. HEDNICK, CAS NO. 19-40531; USDC NO. 5:17-CV-36, USDC NO. 1:11-CR-715-1 THE 5TH CIRCUIT VACATED HEDNICK'S CONVICTION AND REMANDED IT BACK TO THE DISTRICT COURT FOR PROCESSING.

HEDNICK DELAYED HIS RESPONSE TO THIS COURT'S DISMISSAL USING IN FORMA PAUPERIS STATUS ANTICIPATING IMMEDIATE RELEASE AND THE ABILITY TO PAY THE FEES IF RELEASED.

HOWEVER, THE RECORD SHOWS, THAT THE U.S. ATTORNEY IN HOUSTON, TEXAS DELAYED, DELAYED AND DELAYED THEIR REQUIRED RESPONSE UNTIL MARCH 3, 2022 (DKT. 444). WHEN THE GOVERNMENT'S RESPONSE WAS FILED; THE GOVERNMENT COMMITTED CRIMINAL FRAUD IN VIOLATION OF TITLE 18 U.S.C. § 1001. ON MARCH 18, 2022, HEDNICK FILED HIS REPLY,

THREE (3) EMPLOYEES OF THE U.S. ATTORNEY'S IN HOUSTON, TEXAS ARE UNDER INVESTIGATION BY THE FBI IN RICHMOND, VA - CASE NO. RO-71- ROBERT L. HEDRICK. A MOTION FOR IMMEDIATE RELEASE HAS BEEN FILED IN THE UNITED STATES DISTRICT COURT IN LAREDO, TEXAS AND AT THE 5TH CIRCUIT.

THE MOTION TO RECONSIDER IN FORMA PAUPERIS STATUS AND FAILURE TO ACCESS TO THE COURT CAN NO LONGER BE DELAYED JUST WAITING TO PAY \$50. JUSTICE REQUIRES FAIR TREATMENT AND ACCESS TO THE COURT TO REDRESS HARMS.

ACCESS TO THE COURTS

COURTS IN ALL CIRCUITS AS WELL AS THE SUPREME COURT HAVE MADE IT CRYSTAL CLEAR THAT ALL INCARCERATED INDIGENT INMATES ARE ENTITLED TO ACCESS TO THE COURTS.

" UNDER THE FIRST AMENDMENT A PRISONER HAS BOTH THE RIGHT TO MEANINGFUL ACCESS TO THE COURTS AND A BROADER RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF HIS GRIEVANCES." SEE BRADLEY V. HALL 64 F.3d 1276, 1279 (9th Cir. 1995).

HEDRICK IS A CENTRAL INMATE MONITORING (CIM) INMATE DUE TO HARASSMENT, THREATS AND ATTEMPTS TO MURDER HIM IN THE BOP WHICH RESULTED IN SEVERAL MEDICALLY DOCUMENTED AND WITNESSED PHYSICAL INJURIES FROM WHICH HE STILL SUFFERS. THE CIM PROGRAM WAS DESIGNED TO PROTECT HEDRICK FROM THESE TYPES OF ASSAULTS. IT DID NOT. HEDRICK IS ENTITLED TO REDRESS WHICH REQUIRES ACCESS TO THE COURTS.

" PRISONERS HAVE A CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS." BOUNDS V. SMITH, 430 U.S. 817, 821 (1977)

" AN 'ACTUAL INJURY' FOR AN ACCESS TO THE COURT CLAIM MAY INCLUDE A COURT DISMISSAL OF A COMPLAINT [OR] INABILITY TO EVEN FILE A COMPLAINT." BOOTH V. KING, 346 F. SUPP. 2d 751, 758 (W.D. PA 2004) (CITING LEWIS, 518 U.S. AT 351). SEE ALSO GARCIA V. DECHAN, 384 Fed. App'x 94, 95 (3d Cir. 2010) (PER CURIAM) LEWIS V. CASES, 518 U.S. 343, 349-51 (1998)

MEDICAL RECORDS WERE SUBMITTED TO THIS COURT PROVING HEDRICK'S INJURIES. HEDRICK'S INJURIES ARE CONTINUING TO BECOME PROGRESSIVELY WORSE DUE TO THE LACK OF MEDICAL CARE BY THE "REFUSAL" OF DR. PATEL AT FCI-FORT DIX TO SCHEDULE THE OPERATION PRESCRIBED AT FMC-BUTNER. SPINAL AND NERVE INJURIES THAT WERE ORIGINALLY ISOLATED TO THE RIGHT LEG AND HIP HAVE NOW SPREAD TO THE LEFT LEG AND HIP.

THE CLERKS DISMISSAL OF HEDRICK'S PETITION IS AN INTENTIONAL DELAY THAT VIOLATES HEDRICK'S CONSTITUTIONAL RIGHTS.

" PRISONERS CLEARLY HAVE A CONSTITUTIONALLY PROTECTED RIGHT TO ACCESS TO THE COURTS AND INTENTIONAL INTERFERENCE WITH A PRISONER'S RIGHT TO ACCESS TO THE COURTS, SUCH AS A DELAY MAY RESULT IN A CONSTITUTIONAL DEPRIVATION." CRILEY V. PHILLIPS, 169 F.3d 313 (5th Cir. 1999)

"IN NO EVENT SHALL A PRISONER BE PROHIBITED FROM BRINGING A CIVIL ACTION FOR THE REASON THAT THE PRISONER HAS NO ASSETS AND NO MEANS BY WHICH TO PAY THE INITIAL FEE." 28 U.S.C. § 1915(b)(4), FULLER V. TERRY 381 F.2d 907 (JUNE 30, 2012).

"THE PRISONER'S RIGHT OF ACCESS HAS BEEN DESCRIBED AS A CONSEQUENCE OF THE RIGHT TO DUE PROCESS OF LAW." PROCTOR V. MARTINEZ, 416 U.S. 386, 419 (1974). SEE ALSO: BILLMORE V. LYNCH, 314 F.2d 596 (6th Cir. 1963); WILSON V. SAKLICH, 148 F.3d 596 (6th Cir. 1998); CHAPPELL V. RICH, 340 F.3d 1279 (11th Cir. 2004).

INDIGENT INMATE

HEDNICK is INDIGENT with \$.30 (30 CENTS) AVAILABLE TO HIM. IN FACT, 28 U.S.C. § 1915 DOES NOT REQUIRE A PRISONER TO BE PENNYLESS AND DESTITUTE TO ACCESS THE COURT. NOR DOES DECISION IN THE COURTS REQUIRE IT.

THE COURT IN RE: UNITED STATES V. PENNSYLVANIA 407 F. SUPP. 746 (M.D. PA 1976), RULED (REQUIRING A PRISONER WHO HAD \$ 170.40 IN HIS PRISON ACCOUNT TO PAY ... FEE TO COMMENCE ACTION IS UNREASONABLE."

SUMMARY

JUST BECAUSE HEDNICK IS INDIGENT, HE SHOULD NOT BE DENIED HIS CONSTITUTIONAL RIGHT TO ACCESS TO THE COURTS.

HEDNICK REQUESTS THAT THIS CASE BE RE-DOCKETED AND HEARD BY THE COURT.

SN RESPECTFULLY SUBMITTED,

DATED: April 27, 2022

Robert L. Hednick

ROBERT L. HEDNICK PRO SE
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PROOF OF SERVICE

I, ROBERT L. HEDNICK, DO SWEAR OR DECLARE THAT ON THIS DATE: APRIL 27 2022, I HAVE SERVED THE ABOVE DOCUMENT ON THE SOLICITOR GENERAL OF THE UNITED STATES, DEPARTMENT OF JUSTICE, 950 PENNSYLVANIA AVE. N.W., ROOM 5614, WASHINGTON D.C. 20536-0001 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. Hednick

ROBERT L. HEDNICK PRO SE