

Case # \_\_\_\_\_

21 - 7288

ORIGINAL

IN THE \_\_\_\_\_

FILED

FEB 25 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

ROLANDIS LORENZO CHATMAN

PETITIONER

Vs.

DEXTER PAYNE, ET AL.

RESPONDENT

On Petition For A Writ of Certiorari To

United States Court of Appeals for The

EIGHTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Rolandis Chatman #140078

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## QUESTIONS PRESENTED

- 1.) Has the U.S. Court of Appeals for the Eighth Circuit created a harmful precedent that would establish that an officer/ prison guard could give a citizen/ inmate an order and without giving the citizen / inmate the opportunity to comply with those orders use physical force, lethal chemical weapons, deadly force, etc.— without fear of violating the Constitution—so long as the citizen/ inmate doesn't state he/ she is willing to comply with orders, or otherwise do or say anything to indicate that he/ she would comply?
- 2.) Does the disparity between the rules of the Arkansas prison system, i.e. (prison officials must give the prisoner the opportunity to comply with an order before using any force on him/ her) compared to the actual practices of the Arkansas prison system, i.e. (prisoners must state to officer that he/ she is willing to comply to an order or otherwise indicate that he is willing to comply to an order before force will be used), create a classic practice of Orwellian double think that is accepted by the Courts to shield prison officials from liability?
- 3.) Has the Eighth Circuit Court of Appeals shifted the power and authority within the prison system to the prisoners ~~to~~ tell prison officials how ~~to~~ <sup>to</sup> implement prison policies and procedures, calling into question its own findings in Treats v. Morgan, 308 F.3d 868?

4.) In Core judicial inquiry for Eighth Amendment excessive force cases, is malicious intent shown when an officer gives an inmate an order that the inmate can't reasonably comply with and uses force under the disguise that the inmate failed to obey command, failed to tell officer to allow him to follow command, and failed to indicate that he would follow command ?

### LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceedings in the Court whose judgment is the subject of this petition is as follows:

- 1.) Rodney Brown
- 2.) Mary Lloyed
- 3.) Laquista Swopes

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APPENDIX B- United States District Court for the Eastern District of Arkansas order

and the findings and recommendations of the United States Magistrate Judge

Appendix C - United States Court of Appeals for the Eighth Circuit  
denial of Petition for Rehearing

### TABLE OF AUTHORITIES CITED

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<u>WILKERSON V. UTAH, 99 U.S. 130, 136, 25 L.ED. 345(1848)</u>	1d

### STATUTES AND RULES

42 U.S.C. § 1983

Fed. R. Civ. Pro. Rule 56

### OTHER

AD 18-16

AD 17-06

**In The**  
**Supreme Court of the United States**  
**Petition for Writ of Certiorari**

Petitioner respectfully prays that a Writ of Certiorari issue to review the judgment below.

**OPINION BELOW**

- 1.) the opinion of the United States Court of Appeals for the Eighth Circuit appears at Appendix A to the petition and is unpublished.
- 2.) The opinion of the United States District Court for the Eastern District of Arkansas appears at Appendix B to the petition.

## JURISDICTION

The date on which the United States Court of Appeals for the Eighth Circuit decided my case was on January 11<sup>th</sup>, 2022. ~~My petition for rehearing was timely.~~  
~~My~~ A timely petition for rehearing was denied by the United States Court of Appeals for the Eighth Circuit on February 15<sup>th</sup>, 2022, and a copy of the order denying rehearing appears at Appendix C.

The jurisdiction of the court is invoked under 28 U.S.C. § 1254(1).

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**1.) U.S.C.A. CONST. AMEND. 8**

**2.) 42 U.S.C.A. § 1983**

### **STATEMENT OF THE CASE**

This is an Arkansas prisoner case alleging excessive force in violation of the Eighth Amendment to the United States Constitution. On August 2<sup>nd</sup>, 2019 prison officials gave petitioner an order to “submit to restraints” while he was completely locked and sealed in a small cell. Prison officials gave petitioner a warning that if he failed to “submit to restraints” he would be sprayed with chemical agent. Without unlocking the foodport to allow petitioner to come into compliance with the officer’s order to “submit to restraints”, prison officials ultimately sprayed petitioner with lethal chemical weapons using a device known as a “wand” which allowed prison officials to spray petitioner without ever unlocking his foodport or cell door.

Petitioner filed a 42 U.S.C § 1983 suit in the district Court alleging that defendants gave him an order that he couldn’t reasonably comply with and the use of chemical weapons with wand attached amounted to cruel and unusual punishment and was a malicious intent to inflict pain. Defendants moved for summary judgment arguing that plaintiff “never told defendant Brown that he was going to comply with Brown’s orders” and declares in a declaration that plaintiff

“never told me to open the trap on the door, and did not otherwise indicate that he was willing to comply with the orders I and other officers had given him”.

The district court appeared to rely on this argument when it determined that plaintiff “gives no indication that he intends to comply with defendants orders or state that he would”. Petitioner appealed to the U.S. court of Appeals for the Eighth Circuit where he argued **“District Court erred in granting Summary judgment”** as there were genuine materials issues of fact that precluded summary judgment and those issues were the question of whether (1) defendants intentionally gave plaintiff <sup>an</sup> ~~an~~ order that he <sup>couldn't</sup> ~~wouldn't~~ reasonably comply with prior to deploying lethal chemical weapons and (2) did defendants intentionally <sup>come</sup> ~~come~~ to spray lethal chemical weapons into plaintiff's cell unreasonably.

The Eighth Circuit Court of Appeals affirmed the district court order finding that petitioner **“failed to present evidence that any of the defendants acted maliciously”**. Petitioner now petitions this Court for Certiorari to review the Courts rulings.

### Reasons For Granting The Petition

This court should grant Certiorari because the lower Court's findings in the case will create a harmful precedent that would establish that an officer/ prison guard could give a citizen / inmate an order and without giving the citizen /inmate the opportunity to comply with those orders use physical force, lethal chemical weapons, deadly force, etc.- without fear of violating the Constitution-so long as the citizen / inmate doesn't state that he / she is willing to comply with orders, or otherwise do or say anything to indicate that he/ she would comply.

The national importance of having this Supreme Court decide the questions involved is necessary because it would affect citizens of society and also those incarcerated and would open the door for officers/ prison guards to torture, torment and murder citizens / inmates without judicial oversight. The Court of Appeals for the Eighth Circuit decision ~~in its own Circuit.~~ <sup>conflicts with cases in its own circuit.</sup> See, Treats v. Morgan, 308 F.3d 868; as well as conflicts with decisions in other circuits, see Miller v. Leathers, 913 F.2d 1085,1088(4th Cir. 1990); United States v. Cobb, 905 F.2d 784, 789 (4th Cir. 1990); Wilkerson v. Utah, 99 U.S. 130, 136, 25 L.Ed. 345 (1848); Foulk v. Charrier, (8th Cir. 2001); Whitley v. Albers, (1986); Hickey v.

Reeder (8th Cir. 1993); Lawrence v. Bowersox, (8th Cir. 2002); Stenzel v. Ellis (8th Cir. 1990); Hudson v. McMillian, 503 U.S. 1, 5, 112 S.Ct. 995, 998 117 L.Ed.2d 156 (1992).

Defendants in this case gave petitioner an order to “submit to restraints” while petitioner was completely locked and sealed within a small cell and without unlocking the foodport giving plaintiff the opportunity to comply with order defendants deployed lethal chemical weapons into plaintiff’s cell using a device known as a wand, which allowed defendants to utilize the lethal chemical weapon without opening the foodport on plaintiff’s cell. Plaintiff filed 42 U.S.C. § 1983 alleging Eighth Amendment violation arguing that defendants gave him an order that he couldn’t reasonably comply with and coming fully equipped with all the necessary tools needed to use lethal chemical weapons without allowing plaintiff the opportunity to come into compliance with their orders was a malicious intent to inflict pain and injury.

While these facts were caught on camera footage, defendants moved for summary judgment arguing that plaintiff “never told defendants that he was going to comply to orders” and declared in their declarations that plaintiff “never told me that he would comply with my orders, never asked me to open the trap on the door, and did not otherwise indicate that he was willing to comply with the orders I and other officers had given him”.

The district Court appeared to rely on this argument when it determined that plaintiff “gives no indication that he intends to comply with defendants orders”, ignoring the fact that the only way plaintiff could follow defendants orders defendants had to open plaintiff’s trap on his door. With this fact in mind, defendants never indicated to plaintiff that they were willing to allow plaintiff to comply with their orders by simply unlocking the foodport on plaintiff’s cell door allowing him the opportunity to follow their orders. F.R.Civ.P. Rule 56.

Similar to the facts surrounding the black Minnesota motorist, George Floyd, who was killed by Minnesota police who had their knees on his neck while being fully restrained. After George Floyd stated and indicated to officers that he “couldn’t breathe”, officers never took their knee off of Floyd’s neck which resulted in Floyd’s death. While Floyd’s death was caught on camera and his plea to the officer that he “couldn’t breathe” was ignored, his death brought about Civil disturbance and unrest throughout this nation, calls for police reform, calls to defund the police, cities throughout this nation had been declared “Anarchy Jurisdiction”, and his death created complete chaos and a total disrespect for law enforcement.

George Floyd stated and indicated to officers he “couldn’t breathe” and this fact was caught on camera, but it did not stop officers from doing what they intended to do, which ultimately resulted in Floyd’s death. The Court’s and the

defendant's assertion that plaintiff "didn't state or indicate that he would follow defendant's orders" is absurd only because defendants never took measures to allow plaintiff to comply with their orders which was simply unlocking the feedport on plaintiff's cell door.

Eighth Circuit Court of Appeals case at Treats v. Morgan, 308 F.3d 868 clearly sets out the requirements and law that an officer must give an inmate a chance to comply to an order before using any force on him, citing the prison policy governing the use of force by Correctional officers. The policy and the case of Treats v. Morgan does not require the prisoner to state that he is willing to follow an order, nor does it require the prisoner to indicate that he is willing to follow an order, it simply mandates that an officer give the prisoner an opportunity to comply before using any force on him—nothing more or less.

**AD 17-06, AD 18-16.**

The Court's findings in petitioner's case calls into question Treats v. Morgan, 308 F.3d 868 and also ignores the concept of dignity, civilized standards, humanity, and decency that animate the Eighth Amendment. The Court's findings in petitioner's case would give officer's/ prison guards the license to kill unjustifiably and shift the responsibility onto the citizen/ inmate to tell these officers/ prison guards how to do their jobs and for these reasons compelling reasons exist for this

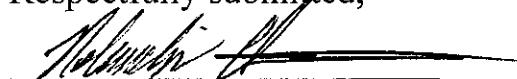
Court to exercise its supervisory authority and discretionary jurisdiction through a writ of certiorari.

### Conclusion

Wherefore, for the reasons and authorities cited this Supreme Court should hear this case to decide the questions involved to prohibit a harmful precedent and from opening the flood gates to officer / prison guards brutality, assault, deadly force, etc., on citizens/ inmates under the disguise that citizen/ inmate didn't state that he/ she is willing to comply with orders or say anything to indicate that he/ she would comply and to properly place the accountability, responsibility and authority <sup>color</sup> onto those cloth with the ~~color~~ of authority under State/ Federal law.

Therefore, petitioner prays that this Petition for a Writ of Certiorari should be granted.

Respectfully submitted,



Date: 2-25-2022

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