

No. 21-7744

ORIGINAL

3:21 cv 50423/APPEAL #21-3301

FILED

APR 14 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

WRIT OF CERTIORARI

BRALEN JORDAN, LAMAR — PETITIONER
(Your Name)

VS.

FEDERAL BUREAU OF PRISON — RESPONDENT(S)

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BRALEN LAMAR JORDAN
(Your Name)

AUSP THOMSON, P.O. BOX 1002

(Address)

THOMSON, ILLINOIS. 61285

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

WHAT IS IMMINENT DANGER AS TO THE ELEMENT OF STATUTE 28 USC § 1915(9), AS TO THE "AT RISK" FACTOR, MEANING SOMETHING GOING TO HAPPEN OR SOMETHING IS ABOUT TO HAPPEN?

WHICH SEVENTH STATES 28 USC § 1915(9) IS WARRANTED AS A PHYSICAL INJURY VIOLATION OF ~~THE~~ THE CAUSE TO WARRANT "IMMINENT DANGER".

WHAT IS THE ELEMENT OF IMMINENT DANGER AS TO THE "AT RISK FACTOR" OF IMMINENT DANGER?

LIST OF PARTIES

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

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

Charles E. Samuels Jr. Barb Von Blanckensee; D. Gonzales

RELATED CASES

Schmidt v. Odell 64 F. Supp 2d 1014 (D. Kan 1999)

Farmer v. Brennan 511 U.S. 30 (1983)

CIAPAGLINI v. Saini 352 F. 328 (7th Cir 2003)

Benny v. Piles 799 F2d 489 (9th Cir 1986)

RALSTON v. McGovern 167 F3d 1160 (7th Cir 1999)

Berkovitz v. U.S. 486 U.S. 531 (1988)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

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- Koehl v. Dalsheim 85 F.3d 86 (2^d cir 1996)
LAPAGLINI v. SAINI 352 F.3d 328 (7th cir 2003)
RALSTON v. MCGOVERN 167 F.3d 1160 (7th cir 1999)
Schmidt v. ODELL 64 F. SUPP. 2d 1014 (D. Kan 1999)
FORMER v. BRENNAN 511 U.S. 825 (1994)
BENNY v. PIPES 799 F.2d 489 (9th cir 1986)
U.S. v. WILKINS, 742 F.3d 354, 361 (8th cir 2014)
WOLFE v. McDONNELL 418 U.S. 539 (1974)
SANDIN v. CONNORS 515 U.S. 472, 484, 115 S. Ct 2293, 2300 132 L. ed (1995)
Phillip v. NORRIS 320 F.3d 844 (2003)
U.S. v. Ashley 141 F.3d 63 (2^d cir 1998)
Natalie v. Camden County Corr Facility 318 F.3d 575 (3^d cir 2005)

STATUTES AND RULES

- 28 USC § 1915 (g)
38 USC § 7316 (a) (1); B (2) MEDICAL MALPRACTICE
28 USC § 1346 (b), 2680-2671
42 USC 1997 (e)

OTHER

PROGRAM STATEMENT Policy FEDERAL BUREAU OF PRISONS
Policy# 6270.01, 6090.04; 3090.01, & 3420.11

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APPENDIX B UNITED STATES DISTRICT COURT NORTHERN ILLINOIS; JORDAN V. U.S.A. et al, CASE No: 3:20 cv 50514 / APPEAL# 21-1171 & USSC# 20-8154

APPENDIX C UNITED STATES DISTRICT COURT NORTHERN ILLINOIS; JORDAN V. L. RIVERS, et al CASE No: 3:20 cv 50297 / APPEAL# 20-3372 & USSC# 20-862

APPENDIX D UNITED STATES DISTRICT COURT MIDDLE OF PENNSYLVANIA; JORDAN V. R. BROCKMAN CASE No: 4:19 cv 01472 mwb / APPEAL# 21-1638

APPENDIX E UNITED STATES DISTRICT COURT OF EASTERN DISTRICT OF KENTUCKY; JORDAN V. JAN COADNORS, et al CASE No: 6:20 cv 00164 HRW

APPENDIX F

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.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 2/15/2022.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

WITH THESE PROVISIONS INVOLVED MY RIGHTS AND STATUTORY PROTECTION OF THE LAW WAS INTENTIONALLY VIOLATED UNDER THE COLOR OF FEDERAL LAW WHERE MY DUE PROCESS OF THE 5TH AMENDMENT WAS IN FACT AN DEPRIVATION OF LIBERTY, LIFE, AND PROPERTY. BY THE GOVERNMENT ACTIONS, WITHOUT DUE PROCESS THAT EFFECTED JUDICIAL MISCONDUCT, WHERE THE LIBERTY INTEREST OF A PRISONER LIMITED HIS FREEDOM FROM RESTRAINTS WHICH IMPOSES AN ATYPICAL & SIGNIFICANT HARDSHIP IN RELATION TO THE ORDINARY INCIDENTS OF PRISON LIFE, MEANING AS THE PETITIONER STATES THESE PROVISIONS. HE LOOKS AT ALL HIS EXHAUSTION OF ADMINISTRATIVE GRIEVANCES OF REMEDIES. EVEN IN HIS CIVIL LITIGATIONS OF JORDAN V. SAWYER CASE NO 3:20 CV 50121; JORDAN V. CHARLES E. SAMUELS, JR CASE NO 3:20 CV 50211; AS WELL AS JORDAN V. C. RIVERS, ET AL 3:20 CV 50294. PETITIONER SHOWED PROOF THAT HE EXHAUSTED HIS REMEDY TO IT'S FINAL LEVEL OF THE GRIEVANCE PROCESS; WHETHER IT WAS PROOF OF ACKNOWLEDGEMENT, THAT IT WAS BEING PROCESSED ADHERING TOWARDS PRISON LITIGATION REFORM ACT TITLE 42 USC § 1997e AND TOWARDS FEDERAL BUREAU OF PRISONS POLICY 1330.18 OF ADMINISTRATIVE GRIEVANCE PROCEDURES. PRIOR TO FILING HIS TITLE 42 USC § 1983 (BIVENS ACT). THE LIBERTY INTEREST THAT IS SUPPOSE TO BE PROTECTED UNDER THE COLOR OF FEDERAL LAW WAS DEPRIVED WITHOUT DUE PROCESS WITHOUT PROPER SCREENING IN U.S. DISTRICT COURT FOR NORTHERN ILLINOIS LIKE VIOLATIONS IN CASE U.S. V. WILKENS 742 F.3d 354, 361 (8th Cir 2014). AS WELL AS THE FEDERAL BUREAU OF PRISONS OFFICIALS IMPOSING A "TYPICAL & SIGNIFICANT HARDSHIP" WHERE THE "AT RISK FACTOR" OF TITLE 28 USC § 1915(g) OF IMMINENT DANGER STATES UNLESS PHYSICAL OR AN AT RISK FACTOR FOR SOMETHING GOING TO HAPPEN OR SOMETHING ABOUT TO HAPPEN IS ENOUGH TO WARRANT "IMMINENT DANGER". (SEE CASE: ASHLEY V. DILWORTH 147 F.3d 715 (8th Cir 1998); & GIBBS V. CROSS 160 F.3d 962 (3rd Cir 1998)) TOWARDS ONE PROCEEDING IN FORMA PAUPERIS WHEN THE CASE IS FILED. WHERE THE F.B.O.P. DEPRIVE THE PETITIONER RIGHT TO LIBERTY OF ADEQUATE MEDICAL TREATMENT FOR THE TREATMENT OF HIS HEARTMURMUR/OBSTRUCTIVE CARDIAC PULMONARY DISORDER, HYPERTENSION; GLAUCOMA; DIABETES, AND HYPOLYCEMIA/OBSTRUCTIVE SLEEP APNEA CHRONIC TRAUMATIC WITH A C-PAP MACHINE. AS WELL AS DEPRIVE INSULIN FOR "TYPE 1 DIABETIC" WHERE HIS A1C IS ABOVE 7% TO 11% AND IS CLEARLY NEGLECTED THIS ONLY SHOWS ACT OF MALICIOUS INTENT OF DELIBERATE INDIFFERENCE AND VIOLATES MY LIBERTY INTEREST OF PAIN & SUFFERING. SEE CASE: KOEHL V. DALLHEIM 85 F.3d 86 (2nd Cir 1996); CHARLES ZY V. D.C. 834 F. SUPP 439 (D.D.C. 1992); NATALIE V. CAMDEN CORR. COUNTY FACILITY 318 F.3d 575 (3rd Cir 2005); AND BRANSON V. GREEN 108 F.3d 1296 (10th Cir 1998). THIS LIBERTY INTEREST IS PROTECTED UNDER THE 5TH AND 14TH AMENDMENT OF THE DUE PROCESS CLAUSE UNDER THE COLOR OF FEDERAL LAW & STATE LAW THAT WORKS A MAJOR CHANGE IN THE INMATES CONDITION OF HEALTH AND CONFINEMENT. IRRESPECTIVE OF WHETHER THE PUNISHMENT AMOUNTED TO A DEPRIVATION OF LIBERTY INTEREST THAT'S INDEPENDENT OF FEDERAL & STATE LAW IS TO THEIR INTENTIONAL ACT WITHIN THEIR SCOPE OF EMPLOYMENT OF DUTY OF CARE. AS WELL AS TO THEIR OWN PRISON POLICY OF REGULATIONS OF ORDINANCE THAT CABINES THE AUTHORITY, OF PRISON PERSONNEL OPERATIONS OF ORDER IN EACH DEPARTMENT IN THE INSTITUTION. ALTHOUGH THE "F.B.O.P" FAILED TO RESOLVE MY SERIOUS CHRONIC TRAUMATIC MEDICAL NEEDS IS DELIBERATE INDIFFERENCE CONDUCT AND VIOLATES MY LIBERTY INTEREST RIGHTS AS PROTECTIONS UNDER COLOR OF FEDERAL LAW TO BE PROVIDED ADEQUATE MEDICAL CARE; PROPER DUTY CARE OF HANDLING. TOWARDS TREATING MY SERIOUS MEDICAL NEEDS DEFINED UNDER THE COLOR OF LAW OF FEDERAL CODE OF REGULATION WHICH GOVERNS THE F.B.O.P. POLICY OF REGULATIONS 6270.01, 6090.04, 3090.01, AND 3420.11.

STATEMENT OF THE CASE

PETITIONER BROUGHT CIVIL CLAIM AGAINST THE U.S. UNDER STATUTORY STATUTES OF FEDERAL STATUTES. FILED AGAINST THE FEDERAL BUREAU OF PRISON IN THE U.S. DISTRICT COURT OF NORTHERN ILLINOIS FOR (WESTERN DIVISION). THEN PETITIONED AN APPEAL IN THE 7TH CIRCUIT COURT OF APPEAL. PETITIONER SOLE CLAIM WAS BROUGHT UNDER THE COLOR OF FEDERAL LAW 28 USC § 1915(a) AND 28 USC § 2671-2680, 1346(b) OF IMMINENT DANGER. PETITIONER CLAIM THAT THE "IMMINENT DANGER" ELEMENT "AT RISK FACTOR" IS THE MEANING FOR SOMETHING GOING TO HAPPEN; OR SOMETHING ABOUT TO HAPPEN IS ENOUGH FOR IMMINENT DANGER. TO PROCEEDING IN FORMA PAUPERIS & NOT SOLELY BASE ON "PHYSICAL INJURY" SEE CASE: Ashley v. Dilworth 147 F.3d 715 (8th Cir 1998); Ciarpaglini v. Saini 352 F.3d 28 (7th Cir 2003); Gibbs v. Cross 160 F.3d 962 (3rd Cir 1998). EVEN THOUGH PETITIONER EXHAUSTED ALL OF HIS ADMINISTRATIVE REMEDIES, AND WAS "DENIED". ACCORDING TO 42 USC § 1997e; 28 USC § 1346(b), 2671-2680; AND FED. BUREAU OF PRISON OWN POLICY 1330.18. DUE PROCESS WAS VIOLATED IN U.S. DISTRICT COURT FOR SCREENING AND WITH THE FEDERAL BUREAU OF PRISONS TOWARDS PROVIDING A PROPER INVESTIGATION. SEE SIMILAR CASE RELEVANT AS WOLFF v. McDONNELL 418 U.S. 539 (1974), SANDIN v. CONNORS 515 U.S. 472, 484, 115 S.Ct. 2293, 2300, 132 L.Ed.2d 418 (1995), AND U.S. v. COMMON B1B F3d 323 (7th Cir 2016).

PETITIONER HAS BEEN DIAGNOSED WITH CHRONIC TRAUMATIC CARDIAC PULMONARY DISORDER, HEARTMURMUR, GLUCOMA; DIAGLUCOMA; HYPOGLYCEMIA; HYPERTENSION; OBSTRUCTIVE CHRONIC TRAUMATIC SLEEP APNEA WITH A C-PAP MACHINE; AND ASTHMA/ALLERGIC RHINITIS, etc. SOME OF THESE DIAGNOSES WAS CONDUCTED BY OUTSIDE PHYSICIAN AT MERCY 1 HOSPITAL OF CLINTON IOWA. WHERE LAB WORK THAT'S ACCURATE, VERSE THE INSTITUTION. A1C BLOOD LAB WORK. AS WELL AS CAT SCAN AS TO DIAGNOSES OF DIAGLUCOMA AND OBSTRUCTIVE CARDIAC PULMONARY DISORDER. THEIR LAB WORK A1C READING SHOWED READING WHERE MY A1C WAS ABOVE 8% TO 11% OF A HGBA1C READING 18.0 DIAGNOISING AS A TYPE 1 DIABETIC, BUT THE INSTITUTION TOTALLY DEPRIVE INSULIN, PROVIDING FABRICATING A1C READING OF 5.8 WHICH IS INACCURATE. SEE CASE RELEVANT GREEN v. BRANSON 108 F.3d 1296 (10th Cir 1998); Natalie v. CAMDEN COUNTY CORRECTION FACILITY 318 F.3d 575 (3rd Cir 2005). ALSO (SEE CASE JORDAN v. R. BROCKMAN 418 U.S. 1472 MWB) AS THIS CASE IS RELEVANT EVEN THOUGH IT'S DISMISSED. IT SHOWS MEDICAL HISTORY OF MY DIABETICAL HISTORY, FROM PRE DIABETES TO TYPE II DIABETES. IN KNOWINGLY THIS OFFICIALS AT AUSEP THOMSON OF THE FEDERAL BUREAU OF PRISON IMPLIES DELIBERATE INDIFFERENCE THAT CONDUCT A TOTAL DISREGARD AND PRODUCES EMOTIONAL DISTRESS AS INADEQUATE MEDICAL SERVICES IS OPPRESSED ON CHRONIC TRAUMATIC ILLNESS AS CASE RALSTON v. MCGOVERN 167 F3d 1160 (7th Cir 1999) WHERE A PRISONER WITH CANCER IS TREATED WITH DELIBERATE INDIFFERENCE AND WAS PROVIDED INADEQUATE CARE, WHILE BEING HOUSE IN SOLITARY CONFINEMENT OVER 4 YEARS FOR DETERIORATION

REASONS FOR GRANTING THE PETITION

FOR THESE REASON ALONG, AND OTHER REASONS CITED WITHIN THIS PETITION. THE QUESTION AT HAND OF "IMMINENT DANGER AT RISK FACTOR" CLEARLY STANDS IN OTHER SPLIT CIRCUIT AS ENOUGH GROUND TO WARRANT "IMMINENT DANGER" TOWARDS PROCEEDING IN FORMA PAUPERIS.

THUS STATING THE FACTS AND SHOWING PROOF THROUGH STATUTES, CASE LAW CITE, U.S. CONSTITUTIONAL LAW OF RIGHTS. /

THEREFORE I PRAY THE COURTS WILL GRANT MY PETITION BEFORE OUR LORD THIS DAY.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: 4-12-2022