

21-8241

ORIGINAL

1:19-cv-00596-LO-JFA

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

JUN 16 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

RANDY LASSITER Jr. — PETITIONER
(Your Name)

vs.

GERALD JENKINS — RESPONDENT(S)
NORFOLK CITY JAIL
ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Randy Lassiter Jr.
(Your Name)

P.S.C.C - P.O. Box 518
(Address)

Pocahontas, VA 24163
(City, State, Zip Code)

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(Phone Number)

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JUN 24 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

- 1.) The U.S. Court of Appeals Erred in Affirming the District Court's order Granting Respondents Summary Judgment in Favor of Defendants.
- 2.) The U.S. Court of Appeals Erred Stating Lassiter's Informal Brief has Forfeited Appellate Review of the Court's order.
- 3.) The U.S. District Court Erred in Finding that Cpl. Paul Brown was not deliberate Indifference to Petitioner's Health and Safety.

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:

~~XXXXXXXXXXXXXXXXXXXX~~

Deputy Klutts
Erica Williams
Erik Schildt
Paul Brown
Norfolk City Jail
Gerald Jenkins

RELATED CASES

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STATUTES AND RULES

Due Process of 5th & 14th Amendment

8th Amendment cruel & unusual punishment
unwarranted and unnecessary infliction of pain

OTHER

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 602 F.3d 926; 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☐ is unpublished.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 1:19-cv-0596-L0-JFA; 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☒ is unpublished.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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

DUE PROCESS was violated because I was a pre-trial detainee at time. The 8th Amendment requires prison officials to protect prisoners from violence at the hands of other prisoners.

Farmer v. Brennan, 511 U.S. 825 (1994) Bistrain v. Levi, 690 F.3d 352 (3^d Cir 2012) A prisoner need not wait until he is actually assaulted before obtaining relief, the 8th Amendment protects against sufficiently imminent danger as well as current unnecessary and wanton infliction pain and suffering. Helling v. McKinney, 509 U.S. 25, 34 (1993) You do not have to prove that the official definitely knew you were going to be attacked. You only have to show that the official knew there was a big chance that you could get hurt. You do not have to show that the officials knew you were personally at risk or that the risk came from a particular prisoner. The direct and circumstantial evidence show the officials knew about the risk for a long time. Johnson v. Johnson, 385 F.3d 503 (5th Cir 2004) You should expect prison officials to try to prove that they didn't know about facts I was in danger, and if they did know they didn't know what prisoner it was going to be. Brown v. N.C. Dept. of Corr., 612 F.3d 720 (4th Cir 2010) Finding that prison officials could be liable for sexual assault by one prisoner against the other even if they did not know about the risk of that specific prisoner committing the assault, as long as they knew about the general risk. Whitston v. Stone County Jail, 602 F.3d 920 (8th Cir 2010)

STATEMENT OF THE CASE

(Gerald Jenkins)

On April 17 2019, ~~XXXXXXXXXX~~ Petitioner was assaulted by an inmate in Block 5D after I told Cpl. Paul Brown I was in Fear For my Life and Cpl. Paul Brown ~~stated~~ I just said that on March, 25, 2019 in Block 7J to Deputy Davis when he put me on Disciplinary Segregation stating because he said I made False Statements and I refused to enter and stay in Block 7J because I felt unsafe. Norfolk City Jail is filled with members of the Blood gang and each assault were by certified Blood gang members who know my name very well and everywhere I go I'm being called a snitch or police and I always tell a deputy when I feel unsafe or being labeled a snitch. Stu Hoggard even stated he knew Bloods calling me a snitch through the jail. I was a target in the Norfolk City Jail and each incident was related to the other one. The other assaults in the jail stem from this assault because Gerald Jenkins knew the Blood members around the jail who previously attacked me & mob assaulted me which I explained to Cpl. Paul Brown and which he was clearly deliberate Indifference to my health and safety for him not taking me serious when I explained to him I was in Fear For my Life multiple time before I was attacked by Gerald Jenkins and my jaw was broken and I was sent to Norfolk Sentara Hospital to have surgery, and which the Norfolk City Jail took out and pressed Malicious Wounding charges in which he enter to a plea agreement to unlawful wounding and was convicted. Cpl. Paul Brown clearly was aware of my concerns of my health and safety after I ~~forwarn~~ warn him which he didn't take me serious and which I ended up hurt. Cpl. Paul Brown was Deliberate Indifference all the way.

REASONS FOR GRANTING THE PETITION

On April 17, 2019 Gerald Jenkins attacked me on video in Block 5D which I told Cpl. Paul Brown and he waived me off stating you are always in fear for your life after I explained the Blood Members are after me and that Gerald Jenkins was a Blood who knew about the other incidents of me ~~being~~ attack by other blood members which led up to this incident to Cpl. Paul Brown Being Deliberate Indifference to my Health and Safety.

Cpl. Paul Brown B team supervisor clearly was deliberate Indifference when he stated I just said that on March 25, 2019 to Deputy Davis that I was in fear for my life and felt unsafe and ~~was~~ put on Disciplinary Segregation stating that I made False statements, so he's just trying to cover his wrong to not get in trouble.

The 8th Amendment requires prison officials to protect prisoners from violence at the hands of other prisoners. Farmer v. Brennan, 511 U.S. 825 (1994) which Cpl. Paul Brown Failed to do when my Jaw was Broken by a member of the Blood Gang a Gang who communicates throughout the whole Jail everyday and word travels fast to who ever is a snitch or Police which makes me a target where ever I go. You do not have to prove that the official definitely knew you were going to be attacked.