

22-5230

No. _____

FILED

JUL 22 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

Juan Estay Session — PETITIONER
(Your Name)

vs.

Charles Narc "et al" — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals, Fifth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Juan Estay Session 01714978
(Your Name)

Hughes unit, Rt 2 Box 4400, Groesville, Texas 76597
(Address)

Groesville Texas 76597
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

- 1). Civil action number 1:20-cv-00116Bk is Pending in Justice James Wesley Hendrix Courtroom in Abilene Texas. Hughes unit former Warden Cynthia A. Lofton murder attempt on my wife is the reason Justice James Wesley Hendrix granted me to amend my Complaint. I was ordered 30 days to do so. and when I sent my amended Complaint to Justice James Wesley Hendrix district Court. my Case was transferred to Justice Alan D. Albright district Court in Waco Texas. my Case was dismissed with Prejudice for failure to exhaust administrative remedies. why am I being held accountable for following Justice James Wesley Hendrix Court order?
- 2). In my granted [27] Amended Complaint I completed the exhaustion requirement. The 5th Circuit added my granted [27] Amended Complaint to my Court file. Also, the 5th Circuit served the defendants my granted [27] Amended Complaint in November 2022. why wasn't my granted [27] Amended replaced the original Complaint?
- 3). Is it legal for Hadley A. Herring to work as a sergeant at Hobby unit and work as a lieutenant at Hughes unit on September 23, 2020 and September 24, 2020?
- 4). my five hundred and five dollars was Paid in full on January 5, 2022. why the 5th Circuit denied me to appeal the district Court final Judgment using in forma pauperis status. When I Paid the \$505.00 before the 5th Circuit denied me to appeal in April 22, 2022 I gave the 5th Circuit their money. why wasn't I allowed to appeal Case No. 6:20-cv-01058ADA

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:

Cynthia A. Leffen (Warden), Michael E. Alsobrook (Assistant Warden), Chimdi A. Akwitt (Assistant Warden), Vicki ill. Cundiff (Investigator), Crystal E. Lillis (Investigator), Leslie L. Harman (Program Supervisor), Dawn Steward (Nurse), Ashley Thomas (Nurse), Lawrence H. Lisker (Mayor), Michael Vovles (Mayor), Hadley R. Herrins (Impersonations Lit on 9/23/2020 and 9/24/2021, Kendall Caldwell (Lieutenant), Dr. Hany Hartley (Sergeant), Jamal Lark (Sergeant), Frederick Harris (Sergeant), Joshua D. Kroch (Sergeant), Jennifer Elder (Ces), Robert D. Armour (C.O.S), Patrick L. Chastinelek (C.O.S), Jensen Den. W (C.O.), Charles Wase (C.O.), Shane Dulski (C.O.), Leonardo A. Valenzuela (C.O.)
Defendants / Appelles

RELATED CASES

Ross v. Blake, 136 S. Ct. 1850 (2016), Tucker v. Grover, 660 F.3d 1249 (10th Cir. 2011).

These are the only two cases I can find that is related to my case.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

Farmer v. Brennan, 511 U.S. 825 (1994).	4 through 9
Harper v. Daurreth, 107 Fed. Appx. 444 (5th Cir. 2004).	5
Prisoner Rape Elimination Act of 2003, 42 U.S.C. § 15601 et seq. and its implementing regulations, 28 C.F.R. § et seq. (collectively "PREA").	9 And 10
Lisle v. Welborn, 923 F.3d 725, 710 (7th Cir. 2019).	6, 7, 8
Hudson v. McMillian, 503 U.S. 1 (1992).	9 And 10
Henry v. Hulet, 969 F.3d 769 (7th Cir. 2020).	5 and 11
Castillo v. Cook County Mailroom 990 F.2d 304 (7th Cir. 1993).	7 And 8
Biergu v. Reno, 59 F.3d 1445 (3d Cir. 1995).	7 And 8
Cody v. Weber, 256 F.3d 764 (8th Cir. 2001).	7 And 8

STATUTES AND RULES

This was established in an important Supreme Court Case called Farmer v. Brennan, 511 U.S. 825 (1994). Which found that "Prison officials have a duty to protect prisoners from violence at the hands of other prisoners" under the Eighth Amendment, including violence in the form of sexual assault. Id. at 833.

Harper v. Daurreth, 107 Fed. Appx. 444 (5th Cir. 2004). A court explained that it is not reasonable for guards to do nothing after a prisoner has reported a substantial risk of injury.

PREA instructs federal and state prisons, jails, lockups, and immigration detention centers to adopt a zero-tolerance approach to sexual abuse. Although PREA does not offer a legal remedy for violations, you can use it to support my Eighth Amendment claim by citing it as evidence that prison officials knew of but disregarded my substantial risk of harm.

The seventh circuit found that a plaintiff who was taunted for his failed suicide attempts and encouraged to try again had a valid Eighth Amendment claim.

Hudson v. McMillian, 503 U.S. 1 (1992). The court found a violation of the Eighth Amendment when prison officials punched and kicked a prisoner, leaving him with minor bruises, swelling of his face and mouth and loose teeth.

Henry v. Hulet, 969 F.3d 769 (7th Cir. 2020) (en banc), in analyzing body cavity searches, strip searches, or any invasions of bodily privacy, a court will balance the need for the search against the invasion of privacy the search involves. In Jean-Laurant v. Wilkenson, 540 F. Supp. 2d 501 (S.D.N.Y. 2008) for example one court stated that a second strip search might be unconstitutional because the prisoner was under the constant supervision of guards since the first search.

OTHER Castillo v. Cook County Mailroom 990 F.2d 304 (7th Cir. 1993). Prison officials cannot read your legal mail. But they can open it in your presence to inspect it for contraband.

Biergu v. Reno, 59 F.3d 1445 (3d Cir. 1995). If they open it outside your presence this may violate the first amendment because it chills my rights to communicate confidentially with my lawyer.

Cody v. Weber, 256 F.3d 764 (8th Cir. 2001). The court found "actual injury" based on the advantage defendants gained by reading a plaintiff's confidential legal material.

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 NA to the petition and is

☐ reported at NA; 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 NA to the petition and is

☐ reported at NA; 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 NA to the petition and is

☐ reported at NA; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

☐ reported at NA; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

1.

APPENDIX A

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

officer Charles Ware knew that there was a Substantial risk I would be seriously harmed by intentionally leaving 12 building, 1 Cell 10 Cell and 7 Cell doors unsecured to stab me or kill me

officer Jensen Down knew that there was a Substantial risk I would be seriously harmed by ordering Mexican inmate to stab session when he walk by and by unsecuring his door slot

officer Brittany Hartley unreasonably disregarded an excessive risk to my safety by refusing to reassign me to another cell after I told her my life is in danger

officer Jennifer Elder knew that there was a Substantial risk I would be seriously harmed or killed by ordering someone to take his head off when he come out the cage.

nurse Dawnsteward knew that there was a Substantial risk I would be seriously harmed or killed by ordering the mental health care manager Joshua Down to get away from because the guards just told her they are going to kill me. nurse Ashley Thomas knew that there was a Substantial risk I would be seriously harmed or killed by taunting me all night while I was inside the cage next to medical on September 23, 2006 by stating You are getting killed snitch.

officer Patrick L. Chustmolowicz knew that there was a Substantial risk I would be seriously harmed or killed by the death threats and racial slurs I was receiving from impersonating lieutenant Hadley A. Herring and Sergeant Frederick D. Harris.

officer Robert D. Armour used excessive force against Plaintiff/Appellant session by opening my cell door and grabbing me by the neck that was around my neck and shoving me on the ground and holding me on the ground while he choke me out when I was not violating any Prison rule and was not acting disruptively. officer Robert Armour's action violated Plaintiff/Appellant session's rights under the Fifth Eighth Amendment to the United States Constitution and caused Plaintiff/Appellant session Pain, Suffering, Physical injury, and emotional distress.

officer Charles Ware used excessive force against Plaintiff/Appellant session by coming into my cell, turning me over on my stomach, pulling my underwear down past my waist, saying I been wanting some of this a -- and grinding his penis on my buttocks. When Plaintiff/Appellant session was not violating any Prison rule and was not acting disruptively. officer Charles Ware action violated Plaintiff/Appellant session's rights under the Eighth Amendment to the Constitution and caused Plaintiff/Appellant session Pain, Suffering, Physical injury, and emotional distress.

officer Shane Dulski used excessive force against Plaintiff/Appellant session by grinding his penis on my buttocks when Plaintiff/Appellant session was not violating any Prison rule and was not acting disruptively. officer Shane Dulski action violated Plaintiff/Appellant session's rights under the Eighth Amendment to the Constitution and caused Plaintiff/Appellant session Pain, Suffering, Physical injury, and emotional distress.

officer Shane Dulski used and continues to use excessive force against Plaintiff/Appellant session by cutting an X on my chin with a razor blade, laughing and saying now you got that 3 -- t n -- er. when is not violating any Prison rule nor acting disruptively in any way. Defendant Shane Dulski's action violated and continues to violate Plaintiff/Appellant's rights under the Eighth Amendment to the Constitution and is causing session Pain, Suffering, Physical injury, and emotional distress.

By witnessing defendants Armour, Dulski, Ware, Chustmolowicz's illegal actions on video, failing to correct that misconduct and encouraging the continuation of the misconduct. defendant Cynthia A. Lofton (Warden) defendant Michael Alsbrook (Assistant Warden), defendant Chindi Akwitti (Assistant Warden) Defendant Vicki Cundiff (Investigator), defendant Crystal Collins (Investigator), defendant Leslie Harman (Program Supervisor), Lawrence Lighten (Major), Michael Vallas (Major), Joshua Kneel (Sergeant) is also violating Plaintiff/Appellant session's rights under the Eighth Amendment to the United States Constitution and causing Plaintiff/Appellant session Pain, Suffering, Physical injury, and emotional distress.

By threatening Plaintiff/Appellant session with a death attempt on my life for my 1983 Civil suit that I filed on French Roberts unit former 12 building Captain N. Lofton. It takes unit former Warden Cynthia A. Lofton retaliating against Plaintiff/Appellant session unlawfully in violation of Plaintiff/Appellant session rights under the First Amendment to the United States Constitution. These illegal actions are causing Plaintiff/Appellant session injury to his First Amendment's rights.

APPENDIX C

STATEMENT OF THE CASE

- 1). I am Plaintiff / Appellant *Tuican Estais* vs Session 01714978. I am a African American inmate at Alfred D. Hughes unit, in Gatesville, Texas 76597. I am a victim of a hatecrime, I am also a victim of a Sexual assault by the hands of Prison Guard Robert D. Armour, Prison Guard Charles Ware, Prison Guard Shane Dolski. Alfred D. Hughes unit former Warden Cynthia A. Lofton retaliated against me for my 1983 Civil Suit that I filed on French Robertson unit former 12 Building Captain N. Lofton. Alfred D. Hughes unit former Warden Cynthia A. Lofton and French Robertson unit former 12 Building Captain N. Lofton paid money to some Mexican inmates to kill me for filing my 1983 Civil Suit on Robertson unit Official.
- 2). Because of Hughes unit former Warden Cynthia A. Lofton position of authority and her money, I was unable to get some Court action for the Justice I deserve. I was also unable to get trauma counseling for my anxiety and my PTSD that I suffered because of this hatecrime.
- 3). I was denied a fair investigation for my allegation's that I reported on the defendants / appellies. due to the fact. Hughes unit former Warden Cynthia A. Lofton investigated her own murder attempt on my life.
- 4). I mailed statements of what happened to me to the Office of the Inspector General office and PREA. No Action taken.
- 5). In my Statement of the Case, here in my Petition for Certiorari, I'm going to explain this entire hatecrime, Criminal Activity, Campaign of harassment, Sexual assault, Hughes unit former Warden Cynthia A. Lofton must be held accountable.
- 6). on March 13, 2020, on French Robertson unit in Abilene, Texas, 12 Building, C Pod, my assigned housing area was 43 Cell. on or after 4 P.m.
- 7). While being transported to 2 Row Shower, Prison Guard Giannotti intentionally spit in my face. officer Giannotti witnessed his spit hitting my entire face, including inside of my left eye.
- 8). officer Giannotti then laughed and threatened me by stating "I just gave you the Coronavirus". I feared for my life, instead of going into the shower, I turned around and asked officer Giannotti if he can let me back into my cell so I can get dressed so I can go to medical?
- 9). officer Giannotti stated "I'm not letting you go to medical!" I told officer Giannotti that his spit got inside my left eye and he said, "I just gave you the Coronavirus!" officer Giannotti told me, "If you go back into your cell, I'm not letting you back out."
- 10). I turned back around and accepted my shower. While I was getting out of the handcuffs officer Giannotti stated "I'm going to give everybody else the Coronavirus too."
- 11). I informed officer Giannotti, "No you are not!" I'm going to report you to the Sergeant's right now. Call me a Sergeant! officer Giannotti walked off.
- 12). This incident was caught on the Video camera. Please review Video on French Robertson unit, on March 13, 2020, C Pod, 43 Cell, on 2 Row, after 4 P.m.

APPENDIX D

STATEMENT OF THE CASE

- 13). After Showering I told officer Giannetti, "That im not getting back in these handcuffs until you Call me a Sergeant. So officer Giannetti called me a Sergeant without further incident.
- 14). as soon as I entered my cell, three Sergeants came to investigate my Problem. Sergeant odum, Sergeant Lafarance and Sergeant Pfister was the investigating Sergeants.
- 15). To show respect for authority. I stepped back and told officer Giannetti: tell rank what You did to me. after officer Giannetti was done telling his side of the story, I then told mine.
- 16). I informed these Sergeants that officer Giannetti intentionally spit in my face and he laughed and said that he just gave me the Coronavirus. and that he is going to give every body else the Coronavirus too.
- 17). Sergeant Lafarance told me spit will not kill me. Sergeant odum told me the Coronavirus isn't real. and these Sergeants denied me medical care. because they claimed my Complaint isn't serious enough.
- 18). I asked Sergeant Lafarance and Sergeant odum if they can go review the video then come back to transport me to medical? they said, No! then they walked off.
- 19). I was dissatisfied with how Sergeant odum, Sergeant Lafarance and Sergeant Pfister handled my situation. I filed grievances which I turned in on March 14, 2020.
- 20). I sent statements explaining my situation to Captain N. Lofton and Major Breeden. No Action Taken!
- 21). 2 days later on March 15, 2020, I woke up around 3 A.M - really sick with what I thought was a chest cold. I explained what happened to me in a medical sick call request form also in a mental health sick call request form.
- 22). on March 15, 2020, on or after 3 A.M I told nurse Haines what officer Giannetti did to me and if she can give me 2 sick call request forms to the doctor? She said yes and took my 2 sick call request forms.
- 23). Nurse Haines never turned in my 2 sick calls like she told me she did. I suffered breathing Problems for a week.
- 24). after seeing nurse Haines for a second time. I asked nurse Haines, what did she do with my 2 sick call request forms? She stated "I turned them in." Then nurse Haines asked, "haven't no one seen you yet?" I said, No! I need to see the doctor right now, something is wrong with me. nurse Haines said, She will check on my sick call request forms. I never seen or talked to nurse Haines again.
- 25). I was never interviewed by the administration or the medical department while on French Robertson unit.
- 26). I sent letters to Captain N. Lofton and Major Breeden through Mail on March 24, 2020 regarding my allegations against officer Giannetti. No Action Taken!
- 27). I mailed out a letter to the office of inspector General. No Action Taken! I also mailed off a statement to the Texas Board of Criminal Justice.

STATEMENT OF THE CASE

- 28). On March 26, 2020 I was transferred from Franch Robertson unit to Alfred D. Hughes unit.
- 29). On April 6, 2020, I was transported to Captain Y. Garcia's office. I was interviewed by Captain Y. Garcia regarding the statement I sent to the Texas Board of Criminal Justice of Officer Giannotti intentionally spitting in my face, laughing and saying I just gave you the Coronavirus and I'm going to give the Coronavirus to everybody else too.
- 30). Captain Y. Garcia was on the phone with the staff at the Texas Board of Criminal Justice. I was questioned by both staffs.
- 31). During the interview, Captain Y. Garcia asked me, why you didn't write a grievance? I answered, I did file a grievance. Please review video on Franch Robertson unit, March 14, 2020, 12 building, C Pod, 4 Section, 43 Cell on or after 10 P.M.
- 32). You will see me hand my grievances to officer Gomez. You also will see Officer Gomez go and place my my grievances inside the dayroom grievance box. On March 16, 2020 you will see the grievance lady come and get my grievance out of that grievance box and leave with it. But I never heard heard back by Robertson unit officials.
- 33). After the phone interview with the staff at the Texas Board of Criminal Justice. Captain Y. Garcia called the investigator here on Alfred D. Hughes unit. Vicki Lundiff and asked when was the last step 1 grievance that Tuson Estayro Session 01714978 had filed?
- 34). After looking up my grievance record, investigator Vicki Lundiff responded November 2019. Captain Y. Garcia explained my situation to the investigator Vicki Lundiff and Vicki Lundiff waved off my grievance that was never investigated and reviewed on Franch Robertson unit and granted me a second chance to file my grievances on Franch Robertson unit officials.
- 35). Captain Y. Garcia then asked me what did medical say? I informed Captain Y. Garcia that I was denied medical care. including when I got sick with a really bad chest cold two days later after officer Giannotti spit in my face. I explained the entire assault and threats in my medical sick call request form and in my mental health sick call request form. No action taken.
- 36). Captain Y. Garcia called the medical department here on Alfred D. Hughes unit. Captain Y. Garcia explained my situation to nurse Terri Rauschenberg. nurse Terri Rauschenberg informed Captain Y. Garcia to transport me to medical immediately.
- 37). While in medical, I explained everything that happened to me on Franch Robertson unit. to nurse Terri Rauschenberg and nurse Kayla Phipps.
- 38). I informed nurse Terri Rauschenberg and nurse Kayla Phipps that when I was on Robertson unit, that I had explained everything in my medical sick call request form and in my mental health sick call request form. but I was never called out to medical.
- 39). I was asked by nurse Kayla Phipps. who did you give your sick call request forms to? I answered to Pill nurse Haines. She told me she turned them in.

STATEMENT OF THE CASE

- 40). Nurse Teryn Rauschenberg Pulled up my medical file on her Computer. nurse Teryn Rauschenberg informed me that I never had an appointment to see the doctor and there is nothing on my medical file that stated officer Giannotti intentionally spit in my face, laughed and said I just gave you the Coronavirus and that im going to give everybody else the Coronavirus too.
- 41). Nurse Teryn Rauschenberg ordered me to tell her everything that happened to me on French Robertson unit again. and as I did. nurse Teryn Rauschenberg typed my statement in her Computer, Word for word.
- 42). After going through all my medical Procedures doctor Todd Milton determined I was also infected with a left eye infection. I was treated with eye ointment and eyedrops.
- 43). I filed a 1983 Civil Suit on French Robertson unit officials, Officer Giannotti, Officer Burnett, Sergeant Odom, Sergeant LaFarance, Sergeant Pfister, nurse Haines, investigator Reyes, assistant warden Lopez, assistant warden Cano, Master Breeden, Captain [Loften]
- 44). my 1983 Civil Suit that I filed on French Robertson unit officials are still Pending. that Civil Action No. 1: 20-CV-00116-BU
- 45). STATEMENT OF THE CASE: regarding USDC No. 6:20-CV-1058, APPEAL No. 21-50250
- 46). on September 21, 2020 through September 25, 2020. I was dealing with major retaliation here on Alfred D. Hughes unit by the former warden Cynthia A. Lofton.
- 47). Hughes unit former warden Cynthia A. Lofton attempted to murder me because I sued French Robertson unit former 12 building Captain N. Lofton.
- 48). I believe Hughes unit former warden Cynthia A. Lofton and Robertson unit former 12 building Captain N. Lofton are husband and wife.

FACTS

- 49). on September 21, 2020, Alfred D. Hughes unit, 12 building, C Pod, 1 Section, Officer Charles Ware intentionally left 6 Cell and 7 Cell doors unsecured. This ambush failed due to the fact I am aware of my surroundings. This attempted ambush was encouraged and or allowed by the former warden here on Hughes unit. Cynthia A. Lofton.
- 50). after I confronted officer Charles Ware about failing to secure AD seg / restrictive housing cell doors. Claim that is a violation of the Texas Department Criminal Justice Prison Policy.
- 51). officer Charles Ware went down stairs and secured 6 Cell and 7 Cell doors. I exhausted administrative remedies on officer Charles Ware for putting my life in harms way.
- 52). my Complaint ^{of} officer Charles Ware failed even though this incident were caught on video. my Complaint failed because Hughes unit former warden Cynthia A. Lofton is the defendant / appellee who encouraged and or allowed her Prison guards and her inmates to directly participate in the violation of my Constitutional rights.
- 53). 12 C 6 Cell and 12 C 7 Cell did inform me that officer Charles Ware allowed them to keep their cell doors unsecured so they can kill me for money.

STATEMENT OF THE CASE.

- 54). On September 23, 2020, Alfred D. Hughes unit, 12 building, C Pod, 1 Section. Officer Jensen Den. W. unsecured 12 cell door slot, and ordered that Mexican inmate to stab session when he walk by. also, officer Jensen Den. W. instructed that Mexican inmate, "Do Not Open Your until im off of 2 Row".
- 55). The second officer Jensen Den. W. walked off of 2 Row. 12 cell opened his door slot and he shot target practice with his shank mounted on the tip of his pole.
- 56). Please review video on Alfred D. Hughes unit, September 23, 2020, C Pod, 1 Section, 12 cell on or after 8 A.M.
- 57). Officer Arthur instructed me to get ready to close my cell door. he said that officer Jensen Den. W. was about to open all the cell doors to allow all the inmates to run into my cell to kill me for money.
- 58). I asked officer Arthur to please call me a Sergeant, so I can report my life in danger? officer Arthur told me the Sergeant already knew about my situation. I told officer Arthur, how the Sergeant already knows about my situation, if I haven't reported my life is in danger yet?
- 59). Sergeant Brittany Hartley came to my assigned housing area 12 C 14 cell. I informed Sergeant Brittany Hartley that first I want to let you know that im high on 200lbs. but im in my right state of mind.
- 60). I informed Sergeant Brittany Hartley that my life is in danger. The entire C Pod threatened to kill me they claiming that need the money. Sergeant Brittany Hartley stated you should have thought about that before you did what you did on Robertson unit.
- 61). I informed Sergeant Brittany Hartley, I didn't do anything on Robertson unit. I asked Sergeant Brittany Hartley to please re-assign me to a different Pod?
- 62). Sergeant Brittany Hartley told me No! She will not re-assign me to another Pod. Sergeant Brittany Hartley stated, there will be no catching out's, there is no where for you to run to. and Sergeant Brittany Hartley stated, she will never help a nigger who snitched. Then she walked off.
- 63). Please review video on Hughes unit, September 23, 2020, C Pod, 1 Section, 14 cell on or after 11 A.M.
- 64). Later that day, I was stripped search by officer Charles Ware and transported to the hallway case.
- 65). While waiting to enter the case a Mexican inmate walked pass me and threatened to stab me. when he saying that, he made the stabbing motion with his hands.
- 66). Please review video on Hughes unit, September 23, 2020, 12 building hallway case on or after 2 P.M.
- 67). While I was inside the hallway case. I was reporting my life is in danger to the mental health case manager Joshua Bouse.
- 68). I informed the mental health case manager Joshua Bouse that I am high on 200lbs and coffee.
- 69). Nurse Dawn Steward walked up on the mental health case manager and said, "Get away from him!" The guards just to me, "They're going to kill him!"
- 70). The mental health case manager said, No! im doing my job. nurse Dawn Steward said im serious. you got to get away from him, they are going to kill him. nurse Dawn Steward told the mental health case manager Joshua Bouse come with me.

STATEMENT OF THE CASE

- 71). nurse Downsteward and the mental health case manager Joshua Bause went inside an office across from me and held a quick meeting on me.
- 72). The mental health case manager Joshua Bause were the first to leave the meeting. I called out to Joshua Bause, Counselor!, Counselor! Joshua Bause ignored me and kept walking.
- 73). Sergeant John C. Mesolei had this Mexican inmate keep walking pass the cage I was in taunting me by calling me a snitch, Catchout, Punk, Bi-h.
- 74). and officer ordered that some Mexican inmate to go get me a sack lunch. That Mexican inmate said he was going to pee in my food. and when that Mexican inmate brought me my sack lunch. The food inside was wet. So I gave the sack lunch back to the officer.
- 75). Sergeant John C. Mesolei went to CPod and let out four or five inmates and assigned them on the side of the cage that I was in. They was there all night threatening to kill me for money.
- 76). Please review video on Hughes unit, 12 building, CPod, 1 Section on September 23, 2020 on or after 5 P.m.
- 77). I was scared I had to pee. So I asked the supervising officer can he take me to go pee? he said, No! Pull out and pee on the floor, or else your pee going to come out while you getting stabbed to death.
- 78). I turned around to pee at the back of the cage but it was a wheel chair at the back of the cage. So I turned to the front of the cage I pulled out and peed on the floor, like the supervising officer ordered me to do.
- 79). denying to transport me to the restroom and forcing me to pull my pants out in public to urinate on the floor after I asked repeatedly, Please take me to go pee.
Clarity that is cruel and unusual punishment
- 80). officer Jennifer Elder showed up to relieve the supervising officer. Hughes unit, September 23, 2020, 12 building Hallway Case, on or after 6 P.m.
- 81). as soon as I was done explaining my situation to officer Jennifer Elder. she got up from her seat. She walked up the hallway and yelled out. "Yall take his head off when he come out of the cage!" Jennifer Elder said it so loud, as if she wanted me to hear her.
- 82). officer Jennifer Elder came back and sat next to me. in hearing on officer Jennifer Elder walkie talkie, impersonating lieutenant Hadley R. Herring saying guys let's take him to 11 building we can do it there.
- 83). Hadley R. Herring had no authorization to be inside of Alfred D. Hughes unit on September 23, 2020 and September 24, 2020 impersonating a lieutenant. because Hadley R. Herring was transferred to Hobby unit on August 1, 2020 to be a sergeant.
- 84). when impersonating lieutenant Hadley R. Herring said on officer Jennifer Elder walkie talkie. Guys let's take him to 11 building we can do it there. She was telling her team to take me to 11 building that they can kill me there.

STATEMENT OF THE CASE

- 85). Officer Jennifer Elder tell me. "They're going to kill you". I said, I knew. I heard you tell somebody to take my head off when I come out of the cage.
- 86). I told officer Jennifer Elder to give all my Hygiene and my Radio to a inmate who is indigent.
- 87). Hughes unit, 12 building hallway cage next to medical on September 23, 2020 the entire night. nurse Ashley Thomas threatened me all night stating "You are getting killed snitch".
- 88). I remained inside the hallway cage for the rest of the night on September 23, 2020 due to the fact it was nowhere I could go. the entire 12 building, AD Sec / Restrictive housing was after me. they claimed they need the money.
- 89). on September 24, 2020, on or after 5:30 a.m., Hughes unit, 12 building cage. impersonating lieutenant Hadley R. Herring and Sergeant Frederick D. Harris Passed by me in the cage. I asked impersonating lieutenant Hadley Herring. Please take me to my cell. She said she will call me a transporter officer.
- 90). impersonating lieutenant Hadley R. Herring body language was so suspicious that I noticed it. Hadley R. Herring snuck inside of Hughes unit on September 23, 2020 and September 24, 2020. to carry out a death attempt on my life.
- 91). September 24, 2020 on or after 9 a.m. Sergeant Jamal D. Lark showed up to take me to 12 building, B Pod, 44 cell. Before leaving the cage. I asked Sergeant Jamal D. Lark. Let me grab my property? He responded, by saying "I'm going to take you to your cell first. then I'm going to come back and pick up your property and bring it to you.
- 92). A copy of my 1983 Civil Suit that I filed on French Robertson unit officials ended on the next section over from me along with grievances that I filed on Prison officials.
- 93). Hughes unit former Warden waisted no time to murder me. as soon as I entered 12 building, B Pod, 44 cell on September 24, 2020 on or after 9 a.m.
- 94). Hughes unit former Warden Cynthia A. Lofton had Sergeant John L. Meszky, Sergeant Frederick D. Harris, and impersonating lieutenant Hadley R. Herring to transport 4 Mexicans around my cell to set up an ambush while im asleep or while im being transported somewhere in hand cuffs.
- 95). Please review video on Alfred D. Hughes unit, September 24, 2020, on or after 9 a.m. through midnight. Cells to review.
- 96). 12 building, C Pod, 4 cell (Mexican inmate), 12 building, C Pod, 8 cell (Mexican inmate), 12 building, C Pod, 12 cell (Mexican inmate), 12 building, C Pod, 38 cell (Mexican inmate).
- 97). 12 building, C Pod, 4 cell is in Prison for life for stabbing a African American Male to death. 12 building, C Pod, 8 cell is in Prison for life for murdering his victim in society. that's why Hughes unit former Warden Cynthia A. Lofton se assigned 12 C 4 cell and 12 C 8 cell next to my new assigned housing area 12 building, B Pod, 4 section, 44 cell.

STATEMENT OF THE CASE

- 98). 12 building, C Pod, 12 Cell (Mexican inmate), and 12 building, C Pod, 38 Cell (Mexican inmate) was re-assigned on the same section as I. but on 2 P.m. while being stabbed to death by 12C 4 Cell and 12C 8 Cell. 12C 12 Cell and 12C 38 Cell was going to run down stairs and join the attack on me. There is no way I would have survived my injuries.
- 99). Alfred D. Hushes unit former Warden Cynthia A. Lofton said she want me dead for suing Franch Robertson unit former 12 building Captain N. Lofton. then that is what she meant.
- 100). Hushes unit former Warden Cynthia A. Lofton attacked me with a four way "Campaign of harassment" in this order.
- 101). For hours, I am standing my ground against these Mexicans who threatened to rape me and kill me. along with an inmate reading a COPY of my 1983 Civil Suit and Grievances that I filed on Franch Robertson unit officials.
- 102). Please review Video on Hushes unit, 12 building, B Pod, 5 section dayroom, on September 24, 2000, on 4 P.m. thru 9 P.m. These Video Camera's can zoom in to where you can read my T.D.C.S number on my identification card.
- 103). Hushes unit former Warden had no right to intercept my Confidential legal material and pass it out like the way she did. that is why I have no witnesses. because everybody want to kill me for the money Cynthia A. Lofton is offering.
- 104). Shift changed. officer Smith informed officer Patrick L. Chestmelowicz that it was about to be a use of force. as soon as that are done. Put him back in the cell. and that don't want your chair in front of the cell. Sit your chair to the side of the cell. officer Smith said to officer Patrick L. Chestmelowicz.
- 105). as soon as officer Patrick L. Chestmelowicz sat down. A woman say on officer Patrick L. Chestmelowicz Radio. "You getting murdered tonight nigger"! I responded back by saying, who are you talking too? and a man said, "You nigger?" Are you ready to die nigger?"
- 106). I was being harassed with these death threats and racial slurs through officer Patrick L. Chestmelowicz Radio for hours. and officer Patrick L. Chestmelowicz showed no remorse.
- 107). On officer Patrick L. Chestmelowicz Radio a man said to the Mexican inmate who was re-assigned next door to me. Stab him in the right side of his stomach.
- 108). And the woman come in and say stomp on his feet. he has dog paws tattooed on his feet. first and foremost. impersonating lieutenant never seen my feet before. only department that have pictures of my tattoos and I is the security threat group. Some one in the security threat group gave Hadley R. Herring and Frederick D. Harris pictures of my tattoos and I.
- 109). While I'm dealing with these death threats and racial slurs on officer Patrick L. Chestmelowicz Radio. it was an inmate in the next section over from me. inside B Pod, 5 section dayroom reading my 1983 Civil Suit that I filed on Franch Robertson unit officials.
- 110). The woman said on officer Patrick L. Chestmelowicz Radio Robertson unit paid for your death already. I didn't believe her. She said Yeah. Robertson unit want you dead.
- 111). I told the woman to tell Robertson unit to leave me alone and drop my 1983 Civil Suit on them. The woman said that is not an option. Robertson unit paid for your death already.

STATEMENT OF THE CASE

- 112). I asked for the lieutenant. excuse me lieutenant? the lady answered on officer Patrick L. Chestmellow with Radio. She said Yes! I said im not talking to you lady, im talking to the lieutenant. The lady said im lieutenant Herring and he is sergeant Harris.
- 113). I responded by saying I was reporting them both in the morning. it was a long Pause. Then sergeant Harris said, "You will be dead by morning!"
- 114). Alfred D. Hughes unit former Warden Cynthia A. Lofton same Plan was to bully me until I ^{couldn't} take it anymore and start retaliating back. but it didn't work as planned.
- 115). officer Robert D. Armour showed up at my cell just to tell me im here to rape you! Hughes unit former Warden Cynthia A. Lofton used this tactic to get me to spit in officer Robert D. Armour's face so I would be caught on video camera spitting in officer Robert Armour's face.
- 116). This entire incident was caught on video camera. Please review video on Hughes unit, 12 building, BPod, 4 section downtown video camera above the Pull up bar. that camera was directly on my assigned cell 12B44 cell, on September 24, 2020
- 117). Hughes unit former Warden Cynthia A. Lofton used that video camera to force me in to retaliating so she can build criminal charges against me and exchange for my 1983 Civil suit that I filed on French Robertson unit officials.
- 118). Instead, 12 building, BPod, 4 section downtown video camera above the Pull up bar caught the entire hate crime, criminal activity, sexual assault.
- 119). After officer Robert D. Armour threatened me by sexual harassing me by saying im here to rape you! I said, No! You are not raping me, because im about to kill myself right now.
- 120). I walked away from the door. I took my sheet off the bed. I walked back to the door. I tied my sheet to the door. officer Robert D. Armour didn't say anything. He just stood there and watched. I then tied a noose around my neck, officer Robert D. Armour didn't say anything. he just stood there and watched. I then sat down and hung myself officer Robert D. Armour did say Yeah, that's right. Kill yourself nigger!
- 121). Im sure I was hanging over a minute before officer Robert D. Armour decided to spray me with tear gas.
- 122). I stood up on my feet trying to take the noose off from around my neck. officer Robert D. Armour opened my door. Grabbed me by the noose that was around my neck and officer Robert D. Armour shoved me violently face down on the floor. and he closed the cell door to the level of his arm. he held me down on the ground and he choked me out by the noose that was around neck.
- 123). I was held against my will. after I was drilled backwards by officer Robert D. Armour. officer Charles Ware picked me up and turned me on my stomach, officer Charles Ware said "I been wanting some of this a --". officer Charles Ware then pulled my underwear down passed my waist, and he started grinding his Penis on my buttocks.
- 124). While I was being sexually assaulted by officer Charles Ware, officer Robert D. Armour continued to choke me out by the noose that was around my neck.

STATEMENT OF THE CASE

- 125). When Officer Charles Ware was done grinding his Penis on my buttocks Officer Shane Dulski then ground his Penis on my buttocks. Officer Robert D. Armour Continued to Choke me out by the noose that was around my neck.
- 126). This hate Crime, Sexual assault is on video Please review video on Alfred D. Hughes unit, 12B building, B Pod, 4 section, 44 cell on or after 8 P.M. Dayroom video camera above the Pull up bar.
- 127). Also, I want the United States Supreme Court to know Hughes unit former Warden Cynthia A. Lottan watched this entire hate Crime / Sexual assault on her Monitor had at her home. Warden's have screens at their homes where they can watch outside the unit and inside the unit.
- 128). after Officer Charles Ware was done grinding his Penis on my buttocks. Officer Shane Dulski then took Officer Charles Ware Place. and Officer Shane Dulski then ground his Penis on my buttocks. and while Officer Shane Dulski grinding his Penis on my buttocks, Officer Robert D. Armour Continued to choke me out by the noose around my neck.
- 129). Officer Charles Ware and off. ur Shane Dulski work day time. They both was off on September 24, 2020. but came in that night to run a use of force on me and possibly murder me for the money Hughes unit former Warden Cynthia A. Lottan was offering.
- 130). I was restrained on the ground by officer Charles Ware and officer Shane Dulski for a very long time while in handcuffs and while Officer Robert D. Armour Choked me out by the noose that was around my neck.
- 131). Please review video on Alfred D. Hughes unit on September 24, 2020, 12B building, B Pod, 4 section day room camera above the Pull up bar, 44 cell on or after 8 P.M.
- 132). After I played dead. officer Robert D. Armour said okay, that's enough. he took the noose off from around my neck. officer Robert D. Armour told officer Charles Ware help me hold his head up. and he told officer Shane Dulski, go ahead, cut him.
- 133). I stop playing dead. I said Please don't cut me. all 3 officers started Yelling at me. Stop resisting!, Stop resisting. officer Shane Dulski cut my Chin open with a razor blade. Officer Shane Dulski said, Now you got that S---t removed! all 3 officers laughed.
- 134). I had fear gas all over my face and off. ur Shane Dulski still cut my Chin open with that razor blade.
- 135). off. ur Shane Dulski and off. ur Charles Ware lifted me up and walked me out of 12B 44 cell. officer Shane Dulski on my left hand side and off. ur Charles Ware on my right hand side.
- 136). While being transported to wherever they was taking me. I Passed out while walking from officer Robert D. Armour Streettation Strangulation.
- 137). Instead of laying me down and calling me a nurse. Officer Shane Dulski and off. ur Charles Ware Shook my body. it was their way of waking me up. but they only hurted my neck and my back.

STATEMENT OF THE CASE

- 138). Please review video on Alfred D. Hughes unit, September 24, 2020, 12 building, 13 Pod, 44 Cell on or after 8 P.m. while being transported out the cell. if there is no video then Hughes unit former warden Cynthia A. Lofton tampered with evidence by destroying the videos. But I still have exhausted administrative remedies.
- 139). Officer Shane Dusk and officer Charles Ware dragged my body to the front of 12 building. Lieutenant Kendall Caldwell said im about to cut this camera on and you are going to lie about how you got that hole in your chin.
- 140). Before cutting the camera on. Lieutenant Kendall Caldwell said somebody put a face mask on him. Lieutenant Kendall Caldwell said if I didnt lie, that he going to have his officers knock out my teeth.
- 141). as soon as Lieutenant Kendall Caldwell cut his video camera on, I said im hurt. homicidal / suicidal. Lieutenant Kendall Caldwell said aint that a b---h put this mother----- in the cage.
- 142). Lieutenant Kendall Caldwell said strip him naked. This strip search was ~~de~~ excessive because it was used to harass, intimidate or to punish me. Because I was under the constant supervision of guards since officer Charles Ware first strip search.
- 143). Please review video on Alfred D. Hughes unit, September 24, 2020, Hallway Cane on or after 8 P.m. 12 building.
- 144). Lieutenant Kendall Caldwell told officer Charles Ware take his face mask, he dont deserve to wear a face mask. officer Charles Ware took my face mask away from me.
- 145). Please review video on Hughes unit, September 24, 2020, Hallway Cane on or after 8 P.m. 12 building.
- 146). I was then transported inside medical to be examine by nurse Ashley Thomas. She said oh my god, what did yall do to him? I dont have the materials in here to patch up his laceration. You have to bring him to 10 building. nurse Ashley Thomas said to Lieutenant Kendall Caldwell.
- 147). inside 10 building medical, nurse Ashley Thomas told me to hold my head up so she can clean my laceration. I said No! You are going to cut me. after nurse Ashley Thomas told me she wasnt going to cut me. I let her patch me up.
- 148). nurse Ashley Thomas told Lieutenant Kendall Caldwell, im sorry guys. I have to lay him in to see the doctor in the morning. He is going to need stitches.
- 149). after being patched up. nurse Ashley Thomas injected me with an illegal drug. She never walked to the cabinet and pulled out a brand new syringe. She had a syringe already filled up with drugs on stand by. and she injected me with illegal drugs without my consent.
- 150). after injecting me with her illegal drugs. She told Lieutenant Kendall Caldwell, im done get him out of here.

STATEMENT OF THE CASE

- 151). I was Placed back inside 12 building cage. I realized how high I was. I started panicking, I was hallucinating.
- 152). I had to Pee, I asked the officer, Sir Can Please take me to go Pee? He said, No! Pee on Yourself. You about to die anyway. So I Pilled out and Pee'd on the floor.
- 153). Lieutenant Kendall Caldwell 12C 4 Cell (Mexican inmate), 12C 8 Cell (Mexican inmate) on the side of the cage that I was in.
- 154). I Put my head down and asked God to Please Save me up so I can get ahold of my Situation before I die.
- 155). Please review Video on Hughes unit 12 building, B2ed, 44 Cell. I was denied a shower, Food, Laundry/Necessities.
- 156). former Hughes unit Warden Cynthia A. Lofton wanted me to suffer for filing a 1983 Civil Suit on Robertson unit Captain N. Lofton.
- 157). on September 25, 2000 I was transported to medical. doctor Toso Mitter Saved in his Computer, The doctor's report. and the injury report.
- 158). Doctor Toso Mitter told me I needed stitches. I told him No. because my laceration had my entire neck, chin/Jaws swollen. and my laceration was sore. and it burned from the tear gas.
- 159). I was re-assigned to 12 building, E2ed, 78 Cell. while Sergeant Whitaker Jr. William was inside the cell, searching it before I entered.
- 160). officer Leonardo A. Valenzuela Crept up behind. and Put a hit on my life in my Presence. and in the Presence of sergeant Whitaker.
- 161). officer Leonardo A. Valenzuela Stated to this Mexican inmate who was in the dayroom. That want his head busted. You'll get alot of money for doing so.
- 162). The Mexican inmate asked officer Leonardo A. Valenzuela, is that him? officer Leonardo A. Valenzuela said Yeah! thats him. the Mexican inmate said, okay, I'll do it.
- 163). I refused housing after witnessing a death attempt on my life.
- 164). I was transported back to the cage. I told the mental health Clinician Thomas Vaccaro to Please send me to SKVview. I have to report whats going on. my life is in danger. Somebody Paid money to have me killed on the behalf of my 1983 Civil Suit that I filed on French Robertson unit officials.
- 165). The mental health Clinician Thomas Vaccaro Set me a bed that night. while I was at SKVview unit. I reported what happened to me. I then asked the treatment team to Please send me back to Hughes unit. I'm only here to report my life is in danger.

STATEMENT OF THE CASE

- 166). I stayed at Huntsville unit overnight and I also reported what happened to me through Grievance and Sick call request forms.
- 167). back on Hughes unit. as soon as I got my Property. I wrote the district Court Judge Justice James Wesley Hendrix and the Magistrate Judge Justice John R. Parker.
- 168). I explained everything that happened to me, due to the fact im dealing with this retaliation because of my 1983 Civil suit that is still Pending in the district Court in Abilene, Texas.
- 169). Justice James Wesley Hendrix responded to my letter by ordering me to Pay the filing fee of 400.00 or file with the Clerk of the Court the following.
- 170). A sign application to Proceed in forma Pauperis, and
- 171). A Certified COPY of my inmate trust fund Account Statement.
- 172). Plaintiff must answer each Question on the form and must Present my entire Complaint on the form unless it is necessary to attach additional Pages.
- 173). on Justice James Wesley Hendrix Court order. he told me to ComPLY with his Court order within 20 days.
- 174). Failure to file the required documents will result in a denial of in forma Pauperis status and a dismissal of Plaintiff Complaint for Want of Prosecution without further notice.
- 175). I wasted no time ComPLYING with Justice James Wesley Hendrix Court order due to the fact I have a 1983 Civil suit Pending in Magistrate Judge John R. Parker Courtroom. in the United States district Court, Northern District of Texas, Abilene Division.
- 176). I also wrote a statement and sent it to the office of Inspector General office in Huntsville, Texas, through Postal Mail. No action.
- 177). I also wrote a statement and sent it to PREA.
- 178). my amended Complaint was transferred from the United States district Court, Northern District of Texas, Abilene Division to the United States district Court, Western district of Texas, Waco Division.
- 179). Justice Alan D. Albright sent me a Court order to Correct / Amend my Complaint. Also Justice Alan D. Albright changed the Case No. from 1:20-CV-00116 Bu to 6:20-CV-21058-ADA
- 180). on December 1, 2020 I was transported to Captain Richey D. Sanders office regarding my statement I wrote to PREA.

STATEMENT OF THE CASE

- 181). After reading my statement that I sent to PREST Captain Rickert D. Sr. Sanders asked me all this happened to you? I said, Yes sir.
- 182). Captain Sanders said to himself. Why I didn't hear about this? He kept saying why I didn't hear about this? I kept saying, I don't know, I thought you knew.
- 183). Captain Sanders asked me, are you sure that was lieutenant Herring on that walkie talkie? I answered, Yes! That was her because she told me who she was on a accident.
- 184). Captain Sanders then stated, if that was Herring. She wasn't supposed to be here. Captain Sanders said Herring was transferred to Hobby unit on August 1, 2020 to be a Sergeant.
- 185). I responded by stating impossible because I seen and talked to lieutenant Herring on September 24, 2020 while I was in the hallway cage, on or after 5:30 A.M. Captain Sanders said he was going to review the cameras.
- 186). Captain Sanders asked me did that take pictures of my injuries? I said No. Captain Sanders took pictures of my scar and he gave me a victim statement to fill out.
- 187). I reported this incident to the mental health clinician Richard Spiras, Hilary Keoches, Vicki Neal, Robyn Roberts.
- 188). They refused to help me because they are loyal to Cynthia A. Lofton.
- 189). I reported what happened to me to my mother Lorraine Session I explained Cynthia A. Lofton entire Murder attempt on my life.
- 190). My mother called up here to speak with Cynthia A. Lofton. She refused to accept my mother's phone call. She also refused to return my mother's phone call.
- 191). However, assistant warden Michael Alsebrook did return my mother's phone call, on the behalf of Cynthia A. Lofton.
- 192). This racist white man intentionally lied to my mother who is a African American woman, Michael Alsebrook told my mom that I was on hard drugs, because I was acting crazy.
- 193). But what Michael Alsebrook didn't tell my mother, that the night of September 24, 2020, 10 building that nurse Ashley Thomas, injected me with these hard drugs, without my consent while I was in handcuffs.
- 194). These hard drugs that Michael Alsebrook told my mom that I was on was perked into my veins and not by choice.
- 195). Michael Alsebrook told my mom that I was acting crazy, but he didn't tell my mom that Cynthia A. Lofton paid Mexican's who is in prison for life for killing their victims.

STATEMENT OF THE CASE

- 196). I want the United States Supreme Court to know that Hughes unit former Warden Cynthia A. Lofton forced me into a false drug debt with these Mexicans.
- 197). If these four Mexicans would have caught me and rape and kill me like they said they was going to do. That would've said I owe them money for drugs.
- 198). my aunt PSY would have proved that I had illegal drugs in my system. nurse Ashley Thomas should be charged with a Criminal Charge.
- 199). Michael Atsbrook lied to my Mom by saying the officer's rushed me because they had to cut me down.
- 200). my mother asked Michael Atsbrook for the names of Robert Armour, Charles Ware, Shane Dulski. but Michael Atsbrook refused to give my Mother those three names.
- 201). after continuing to send in sick calls request forms to the mental health department that I'm having severe PSYCHOLOGICAL or emotional trouble regarding Cynthia A. Lofton murder attempt on my life.
- 202). I was interviewed by nurse Amber Gutierrez about what officer Robert Armour, Charles Ware, Shane Dulski did to me in my cell.
- 203). nurse Amber Gutierrez and I went to lieutenant Harvey Haws office. I told him everything that happened. he told me Charles Ware and Shane Dulski are his officers and they was off work September 24, 2020 and that work daytime and not night time.
- 204). I told lieutenant Harvey Haws well they came in on their off day to murder me for money. lieutenant Harvey Haws pulled up the names on his computer to see what all officials worked building the night of September 24, 2020.
- 205). after witnessing officer Charles Ware and officer Shane Dulski were here the night of September 24, 2020 he said he will go review the video camera and go talk to his supervisor.
- 206). I wrote medical requesting the doctor's report and injury report that Togo Milton saved in his computer about the laceration on my chin. I also requested the doctor's report and the injury report that Togo Milton and nurse Terna Rauschenberg saved in their computer's of French Robertson unit official. Giannotti intentionally spitting in my face, laughing and threatened me by saying he just gave me the Coronavirus and he is going to give everybody else the Coronavirus too.
- 207). nurse Dawn Steward substituted her notes for Togo Milton doctor's report and injury report. Also Terna Rauschenberg and Togo Milton reports that they saved in their computer's of Robertson unit official Giannotti was erased out of the computer. nurse Ashley Thomas and nurse Dawn Steward are responsible for that. and must be held accountable.

STATEMENT OF THE CASE

- 208). Hughes unit former Warden Cynthia A. Lefter investigated my allegations on the defendants Cynthia A. Lefter (Warden), Michael E. Alsebrook (Assistant Warden), Chond: A. Akrothi (Assistant Warden), Vicki M. Cundiff (Hughes unit investigator), Crystal E. Collins (Hughes unit investigator), Leslie L. Harman (Program Supervisor), Lawrence H. Lichten (maier), Michael Voles (carcer), Joshua D. Knoch (Sergeant).
- 209). The above staff showed deliberate indifference toward's my allegations and I. and I let Justice Alan D. Albright know. and granted [27] Motion to Amend Complaint.
- 210). In my granted [27] motion to amend. I completed the exhaustion requirement. The Mailroom withheld my granted [27] motion to amend for 2 months.
- 211). Grievance numbers 2021014633 Was Completed at Step 2 on December 23, 2020, and Grievance number 2021014527 was Completed at Step 2 on December 29, 2020. The attorney General filed his motion to dismiss my 1983 Civil Suit against the defendants on January 7, 2020.
- 212). Civil action number Session v. Ware 6:20-cv-01058-ADA was dismissed with Prejudice for failure to exhaust administrative remedies before filing Suit.
- 213). The district Court was correct on the Final Judgment. because the law on exhaustion of administrative remedies says:
- 214). The PLRA states that "[n]o action shall be brought with respect to Prison Conditions... by a Prisoner Confined in any jail, Prison, or other Correctional facility until such administrative remedies as are ~~not~~ available are exhausted." 42 U.S.C. A§ 1997 e.(a).
- 215). My argument about the exhaustion requirement. I believe my Case Should have been treated as no fault of my own.
- 216). In my opposing Motion that I filed against the defendants. I mentioned Justice James Wesley Hendrix Court order that I stated in this Petition. On Page 13, number 169 through 174.
- 217). Very rarely, exhaustion may not be required. If I can show the Court that the Grievance System was not "available" to me such that I was unable to file a Grievance through No fault of my own. Ross v. Blake, 136 S. Ct. 1850 (2016).
- 218). I showed the district Court no fault of my own because with my opposing Motion to the defendants motion to dismiss my lawsuit. I sent to the Court, Justice James Wesley Hendrix Court order. it was ignored by the district Court and the 5th Circuit.
- 219). Justice Alan D. Albright granted [27] motion to amend Complaint at the end of February 2021. or the beginning of March 2021.
- 220). I Complied with Justice Alan D. Albright Court order. My granted [27] Motion to amend Complaint was intercepted by the mailroom Jennifer Coalston.
- 221). I Completed the exhaustion requirement on the Mailroom for withholding my granted [27] Amended Complaint. Their response were it is the Post office fault.

STATEMENT OF THE CASE

- 222). I sent a statement to the Court of Appeals, 5th Circuit, explaining how the Mailroom staff's withheld my Granted [27] Amended Complaint for two months. I also sent to the 5th Circuit my Granted [27] Amended Complaint.
- 223). The 5th Circuit responded back by saying the Court accepted my Granted [27] Amended Complaint. That it was placed in my Court record.
- 224). In my Granted [27] Amended Complaint, I completed the exhaustion requirement. The United States Court of Appeals, 5th Circuit served every defendant named in my Granted [27] Amended Complaint.
- 225). The defendants was served my Granted [27] Amended Complaint in November 2021. before Thanksgiving - Therefore, my Granted [27] Amended Complaint should have completely replaced my original Complaint and all the other motions or notices in which I have attempted to amend my claims.
- 226). I was instructed by the 5th Circuit ~~to~~ send in a Motion requesting to appeal in forma Pauperis or pay the full \$65.00.
- 227). I sent in a motion to appeal the district Court final Judgment using in forma Pauperis. January 5, 2022 I paid my entire \$65.00 off of my inmate trust fund account. and the 5th Circuit said they did not receive my money.
- 228). The 5th Circuit denied my payments even after I sent the 5th Circuit my receipts to show the Court of Appeals that my \$65.00 is paid in full.

VERIFICATION

- 229). I have read the foregoing Petition for Certiorari with the Clerk of the United States Supreme Court. I hereby verify that the matters alleged therein are true and as to those I believe them to be true. I Plaintiff / Appellant Tuisuan Estaiyo Session 01714978 Certify under the Penalty of Perjury that the foregoing Petition for Certiorari with the clerk of the United States Supreme Court is true and correct.

Executed at Alfred D. Hughes unit on June 28, 2022

Tuisuan Estaiyo Session 01714978
Tuisuan Estaiyo Session 01714978

REASONS FOR GRANTING THE PETITION

MY Case Was dismissed with Prejudice because I Complied with Justice James Wesley Hendrix Court order. it is not fair that I am being held accountable. I was sexually abused and nearly murdered on 9-21-2020 through 9-25-2020. by Prison officials. I tried so hard to keep MY Case moving forward without wasting too much of the Court's time. I'm asking the U.S. Supreme Court to Please Grant MY Petition. I had no idea what I was doing, but I tried to the best of MY ability to follow the rules. I am a Victim of a hatecrime, I'm also is a Victim who were sexually abused. and I deserve Justice and trauma Counseling just like all the other victims who suffered the same abuse as I. The defendant's / Appellies is not exempt from Justice. none of the officials that I reported in my Writ of Certiorari is above the law. im sure there is some errors in this Writ of Certiorari. it's because I dont understand what to do- i am reading the instructions over and over. But I still dont understand what I'm doing. what I do know how to do is testify under oath to a jury and let the Court know what Cynthia A. Leffen did to me. Not just her. her clerks, her medical department, her mental health department, her Prison guards and her inmates. not even that. Hadley R. Herring snuck inside this unit on September 23, 2020 and September 24, 2020 to Place me in harm's way to be killed. nurse Ashley Thomas injected me with drugs so those Mexicans who were hired by Cynthia A. Leffen to murder me would have just said they killed me because I owe them money for drugs. I believe I deserve Justice. I dont understand why the 5th Circuit accepted MY Granted [27] Amended Complaints including serving the defendant's MY Granted [27] Amended Complaint when I completed the exhaustion requirement in MY Granted [27] Amended Complaint.

These are MY reasons on why I think the United States Supreme Court should Grant MY Petition.

Respectfully Submitted

Swain Estelle Senior