

No. 22-5646

Supreme Court, U.S.
FILED

AUG 09 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Fred Freeman — PETITIONER
(Your Name)

vs.

Director Stirling et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
Supreme Court of the United States

Fourth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Fred Freeman
(Your Name)

Lieber Corr Institution P.O. Box 205
(Address)

Nidgettville, South Carolina 29472
(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. Did court of APPEALS error, Pursuant to American Disability Act, Where Director(S) of South Carolina Department of Corrections Stirling, Deputy Director McCall, Stated it was Classification, Depositions.
2. Did court of APPEALS error on basis of Director(S) Statements, It was CLASSIFICATION fault for injuries, Deprivations, to Infer- Unconstitutional Conditions, Unconstitutional Policies.
3. Did court of APPEALS error, Where Petitioner was Placed in Dorm NON-ACCESSIBLE AS PHYSICAL HANDICAP, Forced to CLIMB steps, Stair Cases, in unit and out of unit, Uneven Surfaces.
4. Did court of APPEALS error, Where Congress ENVOKED Sweep of Congressional authority- Power to enforce the Fourteenth Amendment to abrogate State Sovereign Immunity.
5. Did court of APPEALS error, Where Petitioner (CABA) Lumbar Night- Central- Canal STENOSIS, Forminal Stenosis's, Sciatica, Bulging Disc's, Degenerative, Annular Tears, Facet Arthropathy, Small SPinal canal.
6. Did court of APPEALS error, Where Defendants District court acts where deliberate indifference to serious medical needs, and disregarded an excessive risk to Plaintiff health and safety.
7. Did court of APPEALS error, Where District court on October 9/2020 Granted Petitioner objections against Defendants motion to SEAL MEDICAL RECORDS.
8. Did court of APPEAL- error, Where Petitioner medical Condition(S), ALSO INSERTED- NO- Left Femur hip, NO- Seizure- Precaution.
9. Did court of APPEALS- error Pursuant to Provisions- rehearing rehearing- En banc.
10. Did court of APPEALS error, based on Mr. Chief Justice Vinson, that formal consideration to application for rehearing- En banc, S. Ct. in upholding their right to sit En banc, of Five Justices.
11. Did court of APPEALS error, basic of Due Process and Equal Protection Violation(S).
12. Did court of APPEALS error, Where Defendants under Color of State Law, Violated Petitioner Federal civil Rights, Constitutional Rights.
13. Did court of APPEALS- error, Pursuant to Section Five (5) of Fourteenth Amendment, including Power to abrogate, State Sovereign immunity.
14. Did court of APPEALS error, Defendants were sued both Capacities.

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:

RELATED CASES

United States v. Georgia, 546 U.S. 151, 126 S.Ct. 877, Georgia, 546 at 158-59, Pennsylvania, Dept of Corr. v. Yeskey, 524 U.S. 206, 200 (1998), 42 U.S.C. 1231, With v. Surles, 563 F.2d 319, 322 (4th Cir. 1997); Lugar v. Edmondson-Oil Co., 457 U.S.C. 992 (1982), United States v. Price, 383 U.S. 787, 794, n.7 (1966); Lugar v. Edmondson Section 1983; Main v. Thiboutot, 448 U.S. 1980, Supra at 937, Blume v. Yaretsky, 457 U.S. 991-1005 (1982); Wendell v. Baker v. Kohn, 457 U.S. 830 (1982); 167-168 (1961), Levy v. State of Ill Dept of Corrections, 96, 4705; Reed v. Pearson; 1220 v. Goode, 423 U.S. 362 (1976), Slaken v. Porter, 737 F.2d 368 (4th Cir. 1984); Willington v. Daniels, 717 F.2d 932 (4th Cir. 1983); Estelle v. Gamble, 1976, 429 U.S. 97 S.Ct. 285, 5th Cir. 516 F.2d, Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 292, 50 L.Ed.2d 251, Estelle, S.Ct. 286 - 1976; Monroe v. Pape, 365 U.S. 161 (1961); (1978), 73 S.Ct. 656; Farmer v. Brennan, 511 U.S. 825 (1994); Wilson v. Seiter, 501 U.S. 294 (1991).

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	United States Court of Appeals 02/01/2022
APPENDIX B	February 14/2022 Temporary stay of mandate
APPENDIX C	May 13/2022 order denying rehearing en banc
APPENDIX D	The Port And The recommendation October 15/2020
APPENDIX E	Rule 59 motion May 13/2021
APPENDIX F	Deposition(s) of Director Stirling, Deputy Director McCall; Associate Warden Thompson; Emmett Lillian P. R. N; Wanda Sermon.

TABLE OF AUTHORITIES CITED

CASES *Farmer v. Brennan*, 511 U.S. 825, *Wilson v. Seiter* PAGE NUMBER
United States v. Georgia, 546 U.S. 151, 124 S. Ct. 877 *Georgia*, 546
at 158-59, *Pennsylvania, Dept of Corr. v. Yeskey*, 524 U.S.
206, 210 (1998), 42 USC. 1231; *Wirth v. Surles*, 563 F.2d 319,
322 (4th Cir. 1997); *Lugar v. Emondson Oil Co.*, 457
U.S.C. 99a (1982); *United States v. Price*, 383 U.S.
787, 794 n.7 (1966), *Lugar v. Edmondson* Section 1983;
main v. Thiboutot, 448 U.S. 1980, *Supra* at 937, *Blume v.*
Yaretsky, 457 U.S. 991-1005 (1982); *Tlendell Baker v.*
Kohn, 457 U.S. 830 (1980); 167-168 (1961); *Levy v. State*
of Ill Dept of Corrections, 96, 4705, *Reed v. Pearson*;
Lizzo v. Goode, 423 U.S. 362 (1976), *Slaken v. Porter*,
737 F.2d 368 (4th Cir. 1984); *Willington v. Daniels*,
717 F.2d 932 (4th Cir. 1983); *Estelle v. Gamble*, 1976,
429 U.S. 97 S.Ct. 285, 5th Cir. 516 F.2d, *Estelle v. Gamble*,
429 U.S. 97, 106, 91 S.Ct. 285, 292, 50 L.Ed. 2d 251, *Estelle*,
S.Ct. 286 - 1976; *Monroe v. Pape*, 365 U.S. 167 (1961);
STATUTES AND RULES *Monell v. New York City Dept of Social*
Service, 436 U.S. 658 (1978), 73 S.Ct. 656.

CYS Fed courts § 681, 681 Provisions Permitting
enban, CYS Federal courts § 403, § 402 Personnel
of Court enban, 28 U.S.C. § 221; 28 U.S.C. § 219,
28 U.S.C. § 222; 28 U.S.C. § 223; U.S.C.A. § 46 (c);
Rule 35, 28 U.S.C.A., ADA's Title II, 1990 § 3201
(1)(B), 202, 42 U.S.C.A. § 12131 (B), 1232, 61 P.S. §
1123, Title II of 1990 (ADA), 104 Stat. 337, 42
U.S.C. § 12131 et seq, § 12131 (1) (B).
Appendix Guide of American with disabilities
(CADA), Guide II, III.

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 A.B.C. to the petition and is

- ☐ reported at UnPublished; 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 D.E. 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 May 13/2022. Originally February 01/2022

☐ 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: May 13/2022, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

28 U.S.C. Rule 35; CJS Federal Courts § 402, 403;
CJS - Fed. Court § 681 Provisions, 28 U.S.C. § 219,
28 U.S.C. 28 U.S.C. § 221; 28 U.S.C. § 222; 42 U.S.C.
12101 (b) (4); Subsections 42 U.S.C. § 12101, Title
II, 42 U.S.C. § 12132, 1990 § 201 (1) (B), 202,
42 U.S.C. §§ 12132 (B), (1) (B), 12132-61 P.S.,
1123 - Disabilities Acts of 1990 (ADA), 104
Stat 337, 42 U.S.C. §§ 12132 et seq, § 12132
(1) (B); Pursuant to Federal Regulations,
APPENDIX'S Guid of American With Disabilities
(ADA) - APPENDIX'S Guid II, III, 4.10,
Rule 47

The Panel decision conflicts **STATEMENT OF THE CASE** ^{United States} ^{With Supreme Court, Court of Appeals}
 Petitioner is Disable Under American Disability Act (ADA),
 became disable working SCDC - South Carolina Department of
 Corrections Food Service, many years as Baker.

Director Stirling and Deputy Director McCall stated in
 their Depositions, it was Classification, Such a Statement
 to Infer, deprivation(s), Unconstitutional Conditions;
 Unconstitutional Policies, causing subsequent injuries,

Petitioner was placed in NON ACCESSIBLE Dorm upon
 Intake of of Kirkland Correctional Det Evaluation Center
 from September 01/2017 until October 16/2017, Forty Six
 Days, as Physical Handicap (ADA), was Force to Climb
 Stairs, Uneven Surfaces of Court Yard, NO Seizure
 Precaution

Petitioner (ADA) Lumbar, Right, Central Canal, Stenosis,
 Formal Stenosis, Sciatica, Bulging Disc's, Degenerative,
 Annular Tears, Lumbar Spine, Disc Bulging with accompanying
 Spondylitic End Plate changes and Facet Arthropathy,
 MRI of Lumbar Spine - Short Pedicle Syndrome,
 Developmental Small Spine Canal, Finding of South Carolina
 University of Neurology, Doctor HUAN and other Neuro-
 surgeon Surgeons, Referral by South Carolina Department
 Corrections,

Records Shows Defendants were deliberate indifference to
 Petitioner serious medical needs, and disregarded and
 excessive risk to Plaintiff - Petitioner health and Safety,

Congress Evoked Sweep of Congressional authority
 Power to enforce the Fourteenth Amendment to abrogate
 state Sovereign Immunity,

District Court on October 06/2020 granted Petitioner
 objections against Defendants motion to SEAL RECORDS,
 medical Records, These medical records as above reveals
 and proves why Social Security Office approved
 Disabilities of Petitioner Back, Records of the
 following continues to be suppressed, but are in
 South Carolina Department of Corrections medical
 records,

Petitioner medical conditions also of INSERTED
 No, Left-Femur-hip, NO Seizure Precaution,
 Disable Lumbar and SPINE Right-Side,

REASONS FOR GRANTING THE PETITION

As a former inmate Baker for many years, I did all requirements of my job, Trained many young inmates as Bakers, Subsequent injuries to Lumbar Spine - Right Side, Femur - hip - Left.

Supreme Court, in holding, Upholding the unanimous view of the Five Judges as to their rights to sit en banc.

Petitioner Present this writ of certiorari,
where case was before Fourth Circuit Court of
APPeals, Appellant request for rehearing en banc,
contesting the Judgment of District Court,

The determination of only three Judges,
Rule 35, Provides that a "majority of the
Circuit Judges, were not present during Poll.

I'm only elementary - Pro.se,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Hed Freeman

Date: July 10/2022

The following is a list of the names of the persons who have been appointed to the various positions in the Department of the Interior, under the act of March 3, 1879, entitled "An Act to provide for the better management of the public lands, and for other purposes."

100