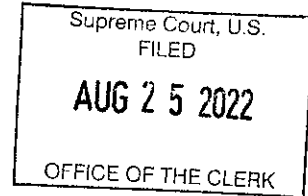


22-5659

No. _____

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

DONOVAN WILLIAMS — PETITIONER
(Your Name)

vs.

Wake County Sheriff's Office — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals, Circuit #4
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DONOVAN WILLIAMS #180560
(Your Name)

Postoffice Box 2419
(Address)

Raleigh, NC 27602
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

(attached, pg. 1-3)

1. The right to be secure in your papers & effects as a pretrial detainee (or inmate) is different from Amendment 4 interpretation of searches of incarcerated persons. Arbitrary seizure should never be justified on this soil.
2. Responder Superior theory could never be validly called null when officer has direct knowledge of action, is negligent in response or failed to respond, or also acted on behalf of the violator of constitutional rights or against Plaintiff.
3. Does the truth & commonsense facts outweigh legal jargon & machinations. Like is the Court going to just simply see that I need help or is it all about technicalities and stuff. I trust that the Supreme Court will help me but I honestly don't comprehend how any other court didn't just handle the problem in the 1st place. Like everyone that's here with me knows what's going on, it shouldn't be this complicated to get redress.

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:

Sheriff Gerald Baker
Director Jackson
Captain Anderson

RELATED CASES

Donovan Moenell Williams

✓
The State of North Carolina

Civil action #5:21-CT-3174-D, Western Division of Eastern District of N.C. 1/6/2022

Judgment
Entered

Donovan Moenell Williams

✓
The State of North Carolina

Civil action #5:21-ct-03174-D U.S. Court of Appeals, Circuit 4

Judgment
Entered
8/19/2022

JURISDICTION

☐ For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was 9/19/2022.

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

I did a reconsideration motion 2 day after limit I think it was only for Defendant Anderson though.

☐ 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).

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 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 B 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.

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OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

attached, pg. 4
(cont write legibly without lines)

In The Supreme Court of
The United States of America

Civil suit # 5:21-CT-03174-D

Donovan Williams

RECEIVED

SEP - 2 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Wake County Sheriff's Office

Application for Writ of Certiorari

1. Plaintiff appeals to the U.S. Supreme Court for the review of an interlocutory judgement in Circuit #4 decided on 8/19/2022. Judgment vacated and remanded a reckless decision made in District Court, but plaintiff asserts that the release of Defendants "Director Jackson" and "Sheriff Baker" were void of logic, and wholly improper seeing as Plaintiff has, amongst exhibits, provided a copy of a direct correspondence from Defendant Jackson acknowledging not only his extensive knowledge of the situation, but also the fact that he and I had an "agreement" that he did not make good on. Lower courts also erred by entering/affirming a judgment on a transfer that didn't follow the procedure this Court made binding in *Wolff v. McDonnell*, and absolving Jackson (who initiated transfer) from liability on the basis of a pre-trial detainee not having a right to be housed in a specific facility when that wasn't the claim asserted by the Plaintiff. The Plaintiff asserts that the transfer, which took place a few hours after turning in his 2nd court order on the jail, was capriciously formulated in a retaliatory fashion (contributing to the campaign of harassment, abuse, and constitutional violations alleged in district complaint) which effectually abrogated his Constitutional right to pursue judicial competency (being his own lawyer), not receive legal mail and trial evidence by mail until the day of his trial date, stopped his law library visits a month and a week before his 1st trial date, and caused him to lose key, irreplaceable paperwork which forced him to ask for a continuance, making the jail's actions not only violative of 1st amendment protections listed above, but basically the formulation of the denial of his right to a speedy trial, due process, and equal protections. An aggravating factor in the situation is the fact that Jackson told Plaintiff's mother that he transferred plaintiff for plaintiff's "safety", yet the Court orders signed by a Wake County judge

authorizing a safekeeping transfer was entered in the system as granted on the basis of plaintiff's "aggressive behavior", which was, after video review, reversed by the Senior Resident Superior Court Judge. Therefore, Plaintiff seeks to have the Supreme Court publish that the respondent superior doctrine should not be deemed as null if the Superior is shown to have direct involvement and knowledge of the claims asserted and failed to respond appropriately and/or reprimand their staffs to prevent similar occurrences from transpiring (with the reasonable relationship, turner test, & rational basis test standards still applying to any asserted curative actions claimed to be taken by the Superiors (defendants) or at least that Jackson's actions at minimum amounted to a form of contributory negligence by failing to take relevant action against his staff but worsening conditions for plaintiff. Regarding Baker, He and Plaintiff's mother worked together fairly closely for over 2 decades, and he was personally notified about the events that took place before they worsened, spoke with plaintiff directly on more than one occasion, and was present physically when he watched plaintiff get arbitrarily assaulted resulting in his hair being ripped out (which can be seen on the floor on camera), and his neck & back being in debilitating pain for over 2 months on June 4th, 2021. In fact, he said "take care of #17" before the assault began, unto which, resident(s) responded "what!?", To allow these 2 individuals to hide behind a legal machination that doesn't reflect the objectively inarguably veracious actuality of the circumstance is "rejecting the fairness, integrity, or public reputation of judicial proceedings" - *Ross v. Mireless v. U.S.*, 138 S. Ct. 1897 (2018).

2. Defendant Anderson has made his self very liable for his acts under color of law that included arbitrarily removing the plaintiff from the law library list on 5 different occasions in a span of less than a year in retaliation for legal threats and personal legal debates he and plaintiff have had (some of which are preserved as correspondences through request forms and grievances), and as the supervising officer of the mailroom (as exhibits show) has repeatedly obstructed my legal mail by tampering with it, returning it to sender, or outrightly refusing to furnish it to me (including my trial evidence). Also, of 24 issues of the well-known (and continually banlisted nationally) "Prison

Legal News" & "Criminal Legal News" papers published by the Human Rights Defense Center, I only received (3). The only case I've cited in this motion came from an issue of Criminal Legal News that I read. All of these actions denied me of my right to effectively petition for redress (1st amndmt), to produce witnessing materials in my favor and subject the prosecution to significant adversarial testing (6th amndmt), and puts me at risk of being deprived of my liberty by a flawed process of law less than what was Constitutionally due to me, giving me standing due to the threat of the devastating impact that could result, as well as denied me equal protection under the law since the State has a surplus of resources to prosecute and persecute me with while the little resources that I do have are being malevolently denied to me under color of law, violating yet again the original intent as well as the textual and interpretative basis(s) of the U.S. Constitution (14th & 5th amdmnts). Therefore, Defendant moves the tribunal to remand these 3 definitely valid claims back to District Court for further proceedings. None of the claims asserted are without merit, and each of these Defendants would not even personally deny that they know me and that we have had many correspondences. The events involving physicality as well as the basis for the transfer are all on video, and other documents corroborating the events alleged have dual corroborances acknowledging their veracity by signed & dated communications from the Defendants or other supervisors discussing the issue. In fact, an exhibit I have is from when I wrote ~~that attorney~~ attorney Jeron Gurney and it got returned to sender for some reason and they opened it under Anderson's watch although it was noted "Legal mail" and other legal mail that was returned was treated as privileged before, meaning it was read. Guess what the letter was about? The Kincaid incident that I'm about to serve a summons for.

Respectfully, DW
8/24/2022

In The Supreme Court of
The United States of America

Donovan Williams

Civil suit # 5:21-ct-03174-D
USCA4 No. 22-6064

Wake County Sheriff's Office

List of Constitutionally Protected
Provisions Reserved & Asserted

1. Amendment 4, U.S. Const. - right against unreasonable (arbitrary, capricious) seizures/searches (Capt Anderson with my mail, transfer initiated by Jackson during which key paperwork was lost & never returned, Baker's presence/inhibition of search of 9 Yellow when event that allegedly caused search took place in 9 Blue and 9 Yellow residents do not travel there). Plaintiff primarily asserts right to be secure in papers in effect exposed to search.

2. Amendment 14, U.S. Const. - Equal protection denied by continual interference ^{to benefit} ~~and benefit~~ of the State that irreparably prejudiced Plaintiff's preparation of his criminal defense, violation of the judicially correlative 8th amendment protection as a pre-trial detainee not only prima facie regarding physicality but also the anxiety & stress associated with fear of the return of repeated wantonly malicious words & deeds by jail staff prejudicing Plaintiff's ability to focus on the presentation of his defense as a proper litigant while state has uninhibited & unlimited resources to pursue an (unjust) conviction. The opening of the legally privileged correspondence with Attorney Jason Burney (the 1st letter was mysteriously not received by his office) directly gives an unfair advantage to the defendant(s) Kincaid, Baker, & Jackson because it discussed the intention and facts that will be utilized by plaintiff during ^{the} ongoing litigation in the instant suit. (Cody v Weber, 256 F.3d 764 (8th Cir. 2001). Retaliatory transfer initiated hours after turning in and court order against jail had absolutely no due process, which violated that clause of this amendment. Transfer deprived plaintiff of law library access a month before trial, and during his appeal to Circuit 4, which prejudiced the appeal which was only reversed in part I suppose due to legal/judicial technicalities. Plaintiff also was not allowed to bring all of his legal books/materials, and lost an irreplaceable index card that was going to be used at trial, and was not allowed to bring his coffee to study with, and couldn't purchase any due to the visitation form process to receive money, which made plaintiff had to ration stamps and envelopes at a time like that. Wake County's clerk of court also did not

return copies of correspondences sent from the other facility, which I think was on purpose because due to Central Prison not providing legal copies, they seen I sent the original document, something I never do. When I requested the full file they were also not on the file either. Other facility had no chairs at the desks either, making study and work more complicated and dangerous due to necessity of doing it in day room. (Allah v Seiverling, 229 F.3d 220 (3rd cir. 2000))

3. Amendment 4, U.S. Const. - Including ^{the} above claims under the 14th amendment that are accumetively conglomerated in an applicable fashion, Plaintiff asserts that the Office's campaign also violated his 1st amendment rights under color of law, by removing/separating ^{him} from the law library during 2 nonfrivolous claims and both of their appeals to circuit 4, which were done on a whim with basically no knowledge of civil procedure & case law. ^{Eastern District of N.C.} 5:20-CV-27-D & ^{U.S. COA cir # 4} 5:20-CV-00027-D, and this one)

In fact, during the District complaint of the 5:20-CV-27-D suit, Plaintiffs were told that (2) library visits were "enough to file your 1983 claim" in 2019 and didn't access library again until 2021. (Lewis v Casey, 518 U.S. 343 (1996)), (Bounds v Smith, 430 U.S. 817 (1977)). The opening of returned legal mail about this case chilled plaintiff's 1st amendment right to confidentially communicate with counsel. (Al-Amin v Smith, 511 F.3d 1317 (11th cir. 2008)). Freedom of association impeded by delayed delivery until they thought it was the day of trial, and because of the letters missed during absence. Association was also limited by return of Criminal Legal News & Prison Legal News, as well as failure to deliver correspondences from the Jailhouse Lawyer's Initiative / Legal Empowerment Advocacy Hub and the National Lawyer's Guild's 'Guild Notes' for Jailhouse Lawyers. These correspondences help with legal research & legal paper formats, and CLN & PLN has actual case law and updates about relevant decisions made in tribunals such as this 1. (Benjamin v Kerik, 102 F.Supp.2d 157 (S.D.N.Y. 2000)) The inadequacy of law library visits due to staff's irrational fear of a lawsuit which actually played a factor in it coming true, is in itself enough, due to the irreparable prejudice it caused in (3) different litigations. (Trujillo v Williams 465 F.3d 1210 (10th cir. 2006))

4. Amendment 6, U.S. Const. - Plaintiff asserts that all of the (documented exhibits) breaches

of his legal mail which included over a dozen articles to be used as evidence and/or materials to show to the jury in his pending criminal defense brings standing for a valid claim of the denial of the ability to produce materials that effectually witness in his favor. The repeated return of this mail not only caused Plaintiff to have to divulge his trial strategy to malevolent staff members but also consumed an extremely tolling amount of time and energy for each addition to his trial evidence, and also was all out of the limited resources that he can even access and he was never reimbursed in the least. Losing the index card that was going to be my step by step guide to my trial made me have to ask for a continuance which basically denied me my right to a speedy trial due to circumstances out of my control. Law library visits and confiscation/denial of legal materials denied my right to be informed of the nature/elements, case law, sentencing structures) of the accusations against me. Although attorneys are referred to as "counsel", I am a textualist, and counsel can simply mean informative treatises, books and reviews on legal subjects, and such. These forms of counsel were continually denied by mail tampering and library obstruction and book confiscation.

Amendment 5 - Plaintiff asserts that his due process rights under *Procunier v Martinez*, 416 U.S. 396 (1974) & *Thaddeus-X v Blatter*, 175 F.3d 378 (6th Cir. 1999) & *Wolff v McDonnell* (418 U.S. 539 (1974)) were violated, and they ultimately extended the length of his pre-trial detainment. Plaintiff was removed from law library for being in d'seq which is not legal, and given no notice or process, transferred to a dangerous ^{legal} ~~un~~detained person with no notice or process and had I not been brought back by enthusiastic ^{legal} action on behalf of my family, I self I would've been there for years like everyone else with no library, no copies, and no stamps like everyone else that gets sent there where people are regularly raped & stabbed up. *Aref v Lynch*, 833 F.3d 242 (D.C. Cir. 2016). Law library was not in operation for about a year due to corona, but inmates were transferred for disciplinary actions and housing reassignments, which creates a liberty interest for a pro per pre trial detainee. (*Lopez v Youngblood*, 609 F.Supp.2d 1125 (2009))

AW

- Donovan Williams

Public Safety Center #180560

Post Office Box 2419

Raleigh, NC 27602

STATEMENT OF THE CASE

Plaintiff has endured movie-like abuses by staff and has begged them to stop but they didn't.

REASONS FOR GRANTING THE PETITION

1. 4th amendment jurisprudence - It is important that a detainee's right to be secure in his papers & effects is taken seriously by the fiduciaries of the nation, and that is separated from being subject to searches while incarcerated, otherwise, it is too close to a justification of seizing a prose detainee's trial strategy paperwork the day before trial.
2. Common knowledge of plaintiff's situation in facility and somewhat in community - Plaintiff is known as the most effective pro per litigant in the facility, and many residents sympathize with his plight and have expressed their concern and gratitude. A great amount of staff members have personal knowledge of plaintiff's continual legal struggles, some of which are neutral, some of which are apathetic, and some which are sympathetic. Many court officials in the county, including lawyers, bailiffs, and judges are personally acquainted with plaintiff's dilemma, and have expressed different viewpoints both informally and on record. The jailhouse lawyer community that plaintiff is a part of have encouraged plaintiff along his path, and at the moment a member of NC Prisoner legal services has expressed familiarity and concern for plaintiff and the head of the NC American Civil Liberties Union has said that he will personally read plaintiff's complaint this weekend. Due to the general consensus in Petitioner's locale that there is something very wrong with how he's been treated, it would be another stain on the history of the Nation's morality.
3. 6th amendment jurisprudence - inhibiting items/evidence used to prepare a defense effectively denies one's right to "produce witnesses in his favor". Otherwise, what if there's no human witness but a defendant isn't allowed to gather evidence to strategize his defense? That isn't fair, nor is it justice. Plus, what's "fair" if the citizen isn't given more consideration and constitutional regard than the prosecution/state actors? Is that not just simply contrary to the whole basis of the declaration of independence and the U.S. Constitution in the 1st place?
4. People are going through it while incarcerated. I'm just a person that filed paperwork about it. People need help.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

DW

Date: 9/12/2022