

SEP 12 2022

OFFICE OF THE CLERK

No. 22-6205

IN THE
SUPREME COURT OF THE UNITED STATES

Demetric Hardaway — PETITIONER
(Your Name)

vs.

Lori Myers — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Demetric Hardaway, #330891
(Your Name)

4556 Broad River Road
(Address)

Columbia, SC 29210
(City, State, Zip Code)

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- 1) Did the Fourth Circuit Court of Appeals err in affirming the judgment of the district court, where the district court granted summary judgment in favor of Lori Myers on petitioner Hardaway's retaliation claim based on its opinion, that transferring an inmate from one work assignment to another would not deter an ordinary person from the exercise of First Amendment rights?
- 2) Did the Fourth Circuit Court of Appeals err in its failure to address, whether or not the district court erred in crediting Lori Myers reasons for transferring petitioner Hardaway from the litter crew to the chicken farm?

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

- Martin v. Duffy, No. 4:15-cv-04947-DCN, U.S. District Court, D. South Carolina, Florence Division. Filed 11/03/2022.
- Booker v. South Carolina Department of Corrections, No. 15-7679, U.S. Court of Appeals, Fourth Circuit, 855 F.3d 533, 543 Decided: April 28, 2017
- Williams v. Meese, 926 F.2d 994, 998 (10th Cir.)

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 Decision of Fourth Circuit Court of Appeals

APPENDIX B Decision of the United States District Court

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

Williams v. Meese, 926 F.2d 944, 998
Martin v. Duffy 977 F.3d 294, 305

PAGE NUMBER

5.

5.

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[] For cases from federal courts:

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from state courts:

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 13, 2022.

No petition for rehearing was timely filed in my case.

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

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

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

[] For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment Retaliation

STATEMENT OF THE CASE

The Plaintiff / Petitioner an incarcerated person previously assigned to a litter-crew which was responsible for the removal of trash and debris along interstates, roads filed an grievance outlining inadequate working conditions. In direct response to the grievance the Petitioner was removed from the litter-crew and assigned to the least desirable job at the prison which was the chicken farm. Aware that this was an act of retaliation the Petitioner initiated a civil complaint.

REASONS FOR GRANTING THE PETITION

The Fourth Circuit Court of Appeals has affirmed a decision of the United States District Court that is in conflict with the decision of the Tenth Circuit Court of Appeals as relates to the denial of a particular job assignment after having filed a grievance. Similarly but distinguishable Petitioner Hardaway was removed from a job assignment after filing a grievance.

See Williams v. Meese, 926 F.2d 994, 998 (10 Cir.)

Lastly, the Fourth Circuit Court of Appeals failed to address whether or not the United States District Court erred in crediting the Respondent's reasons for transferring the Petitioner from the litter crew to the chicken farm at the summary judgment stage?

See Martin v. Duffy 977 F.3d 294, 305 (4th Cir.)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Dennetrie Hardaway

Date: 11 / 17 / 22