

22-6619
No. _____

ORIGINAL

FILED

JAN 13 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Reginald L. Dunahue

(Your Name)

— PETITIONER

vs.

Dexter Payne, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals (8th Cir.)

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Reginald L. Dunahue

(Your Name)

Arkansas Division Of Correction

(Address)

Brickeys, Arkansas. 72360

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Did the U.S. Ct. Of Appeals (8th Cir.) render a decision in Reginald Donahue v. Dexter Payne, et al. Case No. 22-2862 that conflicts with decisions rendered in cases—Jones v. Boock, 549 U.S. 199, 219 (2007) and Woodford v. Ngo, 548 U.S. 81, 89-91 (2006)? The answer is —Yes it did.
2. Did Reginald Donahue meet & satisfy the requirements of 42 U.S.C. § 1997e(a)? The answer is —YES, he did.
3. Was the Respondents entitled to Judgment as a matter of Law?
Answer is — NO.

LIST OF PARTIES

Dexter Payne; Marshall D. Reed; Greg Musselwhite; Robert Pierce; Clyde Daniel; Curry Branham & Shaqueta Johnson.

☐ 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:

Arkansas Prison Director - Dexter Payne; Chief Deputy Dir. Marshall D. ~~Reed~~ Reed; Warden - Gary Musselwhite; Dep. Warden, Robert Pierce; Major - Clyde Daniel; Lieutenant, Curry Branham; and Captain, Shaqueta Johnson.

RELATED CASES

Booth v. Churner, 532 U.S. 731, 734 (2001)

Jones v. Bock, 549 U.S. 199, 219 (2001)

Woodford v. Ngo, 548 U.S. 81, 89-91 (2006)

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APPENDIX B is marked exhibit "B"

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TABLE OF AUTHORITIES CITED

CASES

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Booth v. Churner, 532 U.S. 731-734 (2001)

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STATUTES AND RULES

42 U.S.C. § 1997e(a)

42 U.S.C. § 1983

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 J 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 I 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 November 17, 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

U.S.C.A. 8th Amendment

U.S.C.A. 14th Amendment

42 U.S.C. § 1983

42 U.S.C. § 1997e(a)

STATEMENT OF THE CASE

Both the U.S. District Court & U.S. Ct. Of Appeals (8th Cir.) Erred and denied the Petitioner the relief he deserves because both Courts decided the PLRA's requirements wasn't met by the petitioner, after the respondents Submitted a motion for Summary Judgment.

The petitioner's Safety & Security routinely was put at risk recklessly by the respondents, at the Cummins prison — So he Submitted numerous grievances on it per 42 U.S.C. § 1997e(a) but to no avail.

The 8th Cir. Ct. Of Appeals recklessly failed to handle the petitioner's appeal in accord to the Commands of fed. law and rules on review of evidence corroborating appeals' argument.

REASONS FOR GRANTING THE PETITION

The U.S. District Court granted the petitioner leave to amend his complaint, plus included a contemporaneous warning to the petitioner, his Original Complaint would be null & voided and discredited if petitioner submitted an amended complaint—See Exhibit "A" that's apart of the appendix. Also, see Exhibits B thru F, they prove the distr. court accepted pet. complaint & the petitioner's amended Complaint was filed by the U.S. district Court on April 27, 2022. Magistrate Judge's Rec. Disposition—(Exhibit "I") purports it's two grievance(s) the petitioner filed that are pertinent to his claim of deliberate & reckless indifference for persistent breaches to his safety, plus another claim of failure to protect the petitioner—but the grievances weren't exhausted before submission of the petitioner's Complaint. However, the magistrate observed and deducted incorrectly because grievances the district court received & filed in this matter, accompanied the Original Complaint, and are Court marked, Case: 4:21-CV-00959, Document #: 2-0, filed on 10/20/2021, pages 123 to 142 and; Case: 4:21-CV-00959, Document #: 42-0, filed 04-19-2022, pages 4 to 9—Proves the petitioner grieved the lack of Safety Precautions, Supervision & ~~failure to alleviate many~~ of Obvious risks for Serious ~~to befall~~ harm to befall the petitioner at Cummins's isolation Section—but to no avail.

District Court's records for this case here established the petitioner's grievances, relative to his claims were forwarded to the final step, and addressed before he submitted his §1983 action. Also, D.C.'s records proves

The district court warned this petitioner his amended complaint would replace his original complaint and render it w/o any legal effect—See Ex. "A". Petitioner's amended complaint of failure of prison staff to protect him was preceded by the (2) grievances the district court brought up in it Rec. Disposition on page #4, Exhibit "H"; therefore he met & satisfied the requirements of 42 U.S.C. § 1997e(d) — The U.S. Ct. Of Appeals (8th Cir.)

Deliberately Overlooked the blatant, reckless indifference for the risks the prison officials—respondents put the petitioner's safety & security in routinely at Cummins's isolation section, he expressed in the many grievances the D.C. marked, Case: 4:21-CV-00959; Document #2-0, filed on 10/20/2021; Also, the petitioner articulates about in his original & amended complaints for this instant case.

The U.S. Sup. Ct. previously has declared—prisoners who employ grievances to redress issues they are suffering from, due to their custodians' wanton infliction of abuse or reckless indifference—but get no result out of exhausting the grievances, have done everything 42 U.S.C. § 1997e(d) requires prisoners do before filing a civil action in the federal court—See Jones v. Boock, 549 U.S. 199, 219 (2001) & Woodford v. Ngo, 548, U.S. 81, 89-91 (2006).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Reginald Dunahue

Date: 1-13-2023