

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Michael Lee Gordon PETITIONER  
(Your Name)

vs.

Doe, DScc official - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Michael Lee Gordon  
(Your Name)  
Iowa State Penitentiary  
PO Box 316  
(Address)

Fort Madison, Iowa 52627  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

QUESTION(S) PRESENTED

\* I) Whether or not the district court erred by denying Appellant's motion for recusal of the district court judge based upon the Judge being called as a witness in the instant case?

\* II) Whether or not the district court erred in denying Appellant to proceed in forma Pauperis under the imminent danger of serious physical injury exception?

## 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:

One (1) unknown DSOC official; Sabrina Thompson; Stacy Rimmer; Beth Skinner; Randy Gibbs; Carey Fox; Chris Tripp; Rebecca Bowker; Brad Hoenig; Janey Mendez; Daniel Roach; Lars Rude; John Martinez; La'donna Wilcox; Randy Coffman; John Hawk; Randy Vanwyer; David Degrange; Weston Wetherington; Nicco Ross; Brad Peterson; Several unknown Sergeants; Several unknown Correctional officers; Nicholas Kuiper; Christina Wynn; Tanner Bigger; Jaden Hawk; Paul Gager; Several unknown mail room personal and chad Oeltjen.

## RELATED CASES

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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[✓] is unpublished.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[ ] is unpublished.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 May 20, 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**

### STATEMENT OF THE CASE

- \* 1) Petitioner is incarcerated in the Zong Department of Corrections and his life, safety and personal well-being is at great risk. Specifically, Petitioner is being denied Medical treatment for two (2) life-threatening Medical conditions (ie degenerative back) spinal disease and a bacteria infection called (H-Pylory) that if untreated could cause great harm and death to Petitioner.
- \* 2) Sometime after filing the instant case Petitioner realized that the district court judge would be called as a material witness and Petitioner filed a motion to recuse to notify the district court judge of these circumstances.
- \* 3) The district court judge then issued his opinion and order dismissing Petitioner's complaint despite these circumstances.

#### REASONS FOR GRANTING THE PETITION

- \* 1) This case needs to be heard as the Eighth Circuit Court of Appeals has issued its decision in direct conflict with Eighth Circuit precedent and the United States Supreme Courts precedent.
- \* 2) This case needs to be heard to clarify a prisoners access to file a civil rights complaint when being denied life-threatening medical treatment.
- \* 3) This case needs to be heard to clarify at what point a district court judges should recuse themselves when called as a witness in the instant case.
- \* 4) These issues involve a wide range of litigants other than in this case and affects future litigation for thousands of prisoners affected by those issues having life-threatening consequences to Petitioner and thousands of others incarcerated.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,  
Michael Lee Gordon #6789635  
Iowa State Penitentiary  
Po Box 316  
Fort Madison, Iowa 52627  
Date: 1-3-2023