

22-7493

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
MAR 23 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

GLEN T. DOTSON — PETITIONER
(Your Name)

vs.
FEDERAL BUREAU OF PRISONS; JOHN P. YATES;
CHRISTOPHER HALK; MIKE DANAHER
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

No. 22-3470
UNITED STATES COURT OF APPEALS EIGHTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

Glen T. Dotson

(Your Name)

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QUESTION(S) PRESENTED

Question: Was Petitioner's First Amendment Right violated when he was retaliated by Federal Bureau of Prisons staff for exercising his right to pursue his lawsuit against them?

Question: Was Petitioner's Eighth Amendment Right violated when the Federal Bureau of Prisons staff failed to provide him medical treatment during a hunger strike?

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

Bitzan v. Buck, No. 17-3391 (8th Cir.).

Staszak v. USA, 2:20-cv-00138-KGB, 2021 U.S. Dist. LEXIS 181684

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Bitzan v. Buck, No. 17-3391 (8th Cir.)	
Santiago v. Blair, 707 F.3d 984, 993 (8th Cir. 2013)	
Staszak v. USA, 2:20-cv-00138-KGB, 2021 U.S. Dist. LEXIS 181684	

STATUTES AND RULES

First Amendment U.S. Constitution

Eighth Amendment U.S. Constitution

OTHER

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LEXIS 181684

APPENDIX E

APPENDIX F

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 C to the petition and is

reported at Bitzan v. Bartruff, No. 17-3391 (8th Cir); 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[] is unpublished.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 to the petition and is

reported at Staszak v. USA U.S. Dist. LEXIS 181684; 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[] is unpublished.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 JANUARY 3, 2023 App 'x A.

[] 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: Februray 13, 2023, and a copy of the order denying rehearing appears at Appendix B.

[] 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 & Eighth Amendments of the U.S. Constitution

Bitzan v. Buck, No. 17-3391 (8th Cir.)

STATEMENT OF THE CASE

The Petitioner, Glen T. Dotson, (Petitioner), brings his Writ before this Supreme Court to address his two questions. Was Petitioner's First and Eighth Amendment Rights violated by the Federal Bureau of Prisons and members of its staff when Petitioner suffered irreparable harms, as lack of proper medical care during a hunger strike, and further being retaliated by FBOP staff to move to another unit that was gross and inhumane conditions because Petitioner filed his complaints. Petitioner suffered nearly passing out as a result of no medical treatment from the lack of food intake during a hunger strike at the FCC Forrest City prison from October 20, 2021 through October 24, 2021. FBOP staff refused to provide Petitioner any medical treatment during this time.

Once Petitioner began filing his complaints about the Mass Punishment of the inmate population and the hunger strike his counselor Christopher Halk cordinated with Mike Danaher a case manager to have Petitoner moved to another unit that was inhumane with conditions of exposed outlets, leaking pipes, non-working toliets, lights that were out, doors not functional, non-working urinals, non-working computer screens, non-working showers, lack of hot water from August to September 2021, batroom covered in mold and mildrew from lack of cleaning supplies and a sub-standard and at times non-working HVAC system. During this course of time, Warden John P. Yates was the overseer of FCC Forrest City-Low facility.

REASONS FOR GRANTING THE PETITION

Starting on September 18, 2021, Petitioner was denied his right to recreation in its entirety, (meaning no indoor or outdoor recreation for one-hour per day), due to Mass Punishment being enforced by the Complex Warden John P. Yates. Petitioner was further retaliated against and punished by not being able to work at his prison job located at the FCC recreation department because Petitioner had begun filing his administrative remedy process due to the Mass Punishment. Petitioner during this time was living in gross and inhumane conditions located within his unit in which he had filed a complaint against. These conditions were exposed power outlets, leaking pipes, non-working toilets, lights out, doors not functional, non-working urinals, non-working computer screens, non-working showers, lack of hot water (for nearly 45-days), mildew, mold, lack of cleaning materials and supplies, rust everywhere on metal surfaces, HVAC system not working properly and maintained. Due to all these inhumane conditions the inmates of FCC Forrest City went on a "Hunger Strike." The inmates (to include Petitioner) were enduring retaliation by staff to such as Petitioner's retaliation against him by the Respondents. Petitioner endured living in a state of filth throughout his incarceration at FCC Forrest City-Low. The Hunger Strike was a measure by the inmate population to draw attention to higher authorities concerning the sub-human style conditions that were clear Eighth Amendment violations against Petitioner.

Petitioner suffered great harm during the hunger strike period of having little to no food in his locker in preparation for a Hunger Strike, where Petitioner suffered light-headed and low blood sugar symptoms nearly passing out from the lack of medical attention and hunger pains from

from no food. Petitioner was placed into a situation that the Respondent's administration lost control, i.e., that Petitioner had no access to food due to the overwhelming inducement placed on him by the other remaining inmates to not eat. Petitioner went four days without eating, because the Respondent lost control of the prison.

On April 12, 2022, Petitioner was ordered to pack up and leave his assigned unit located at H-C and to move to W-A located at FCC Forrest City-Low. See App'x C & App'x D as supporting Memorandum of Law. This move was a direct act of retaliation against Petitioner by the Respondents for Petitioner's "non-stop filings and [my] injunction....", according to Respondent Halk whom coordinated the retaliatory move with Respondent Danaher. This action against Petitioner happened shortly after he wrote a letter to U.S. District Court Judge Brian S. Miller complaining of the illegal acts recently committed by Respondent Danaher concerning legal information that was sensitive and scanned into Respondent Danaher's computer. There are numerous sworn statement thereof attesting to these facts in Case No. 2:21-cv-00147-BSM surrounding the acts and events that occurred.

After the retaliatory move by the Respondents, Petitioner was placed into a unit that had been "condemned" with the following conditions: one working toilet for nearly 40 men, no ice machine (not working), no televisions, no working computers and charging stations, no working exit signs, leaking water and sewage pipes, urinals not working (only two) for nearly 40 men, lack of cleaning supplies (no brooms, mops, cleaners, trash bags, etc.).

The retaliatory move of Petitioner was planned by the Respondents to punish Petitioner for his continued exercises of his access to the

administration and the Courts by Petitioner's filings and letters.

Petitioner was not afforded an opportunity to argue his case by the lower court due to that no response was ordered by the lower court to the Respondents. Petitioner has suffered text book examples of retaliation and cruel and unusual punishment by the Respondents. The Respondents are not being held per the law as in Bitzan (App'x C). Petitioner further met the threshold in Santiago v. Blair, 707 F.3d 984, 993 (8th Cir. 2013)(defendant may defend retaliatory discipline claim by showing "some evidence" inmate actually committed rule violation). Petitioner was clearly punished and retaliated by the Respondents due to his filing of his court documents.