

No. 22-7643

ORIGINAL

Supreme Court, U.S.
FILED

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IN THE
SUPREME COURT OF THE UNITED STATES

NATHANIEL R. WEBB — PETITIONER
(Your Name)

vs.

DIRECTOR BUTLER, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

NATHANIEL R. WEBB (#1163122)
(Your Name)

Sanford Corr. Center
P.O. Box 2490
(Address)

Sanford, NC 27330
(City, State, Zip Code)

NA
(Phone Number)

QUESTION(S) PRESENTED

1. Did the defendants violate the U.S. Constitutional protections afforded to marital relationships by imposing a blanket ban of all spousal communication for over two years, even though all forms of communication were monitored for security purposes?
2. Did the defendants' blanket ban on spousal communication violate the U.S. Constitution by preventing two married, incarcerated codefendants from communicating to establish a unified coordinated defense?
3. Did the defendants' Jail Mail Watch List violate the U.S. Constitutional protections of unfettered communication through the warrantless opening, reading, photocopying, and providing copies of all of plaintiffs' incoming and outgoing U.S. Mail to third parties which included investigators and a prosecutor.
4. Does an incarcerated pro se litigant's legal mail have protected status? If so, did the defendants violate the U.S. Constitution through the warrantless opening, reading, photocopying, and providing copies of plaintiffs' incoming and outgoing U.S. Mail containing pro se legal materials, clearly marked, to investigators and the opposing prosecutor?

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:

NATHANIEL R. WEBB, Plaintiff/Petitioner

v.

DIRECTOR BUTLER; YOLANDA BANKS; E. GEORGE; V. FREDERICK;
KENNETH BLACKWELL; MARK SZAJNBERG, WAKE COUNTY JAIL,
Defendants/Respondents.

RELATED CASES

- WEBB v. BUTLER, et al., No. 5:18-CT-3127-FL, U.S. District Court for the Eastern District of North Carolina. Judgment entered September 28, 2021.
- WEBB v. BUTLER, et al., No. 21-7441, U.S. Court of Appeals for the Fourth Circuit. Judgment entered March 22, 2023.

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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 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 22, 2023.

☒ 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. Const. Amend I; U.S. Const. Amend ~~VI~~; U.S. Const. Amend ~~VIII~~;
U.S. Const. Amend XIV — See Appendix C + D

Fed. R. Evidence 502(g)(2)

STATEMENT OF THE CASE

Petitioner and his wife were processed into the Wake County Jail on October 31, 2016. They were separately indicted and charged with the same singular offense, absent any mention or documentation of conspiracy, accessory, or aiding and abetting.

From the onset of their entry into the jail petitioner and his wife adamantly sought approval from jail administrators to allow them to communicate for purposes of maintaining their marriage as well as for legal purposes related to their defense. Jail policy allows approved communication, yet it was denied. Petitioner filed grievances and they were likewise denied. This blanket ban persisted for over two years, until petitioner's wife was released from her detainment. During the entirety of their detainment, all communication by mail, phone, video visit, and email was monitored for security purposes by the jail, nullifying any security aspect as a reason for the ban.

Also during Petitioner's detainment in Wake County Jail from October 31, 2016 through December 14, 2018, ~~petitioners~~ incoming and outgoing mail was read, photocopied, and distributed to third parties including four attorneys, three jail mailroom staff, two Wake County Sheriff Investigators, and a Wake County Criminal Prosecutor. This mail included petitioner's pro se legal materials from civil actions and a pending §2241 pretrial habeas corpus petition.

The mail seizures were part of a program called the "Jail Mail Watch List" which provided for the warrantless reading, copying, and provision of all mail deemed by the jail to be non-legal. The jail refused to acknowledge pro se litigants' research and materials as "legally privileged." Petitioner exhausted the grievance process on these issues, and was retaliated against for such. [The retaliation claim was remanded by the U.S. Fourth Circuit Court of Appeals for further proceeding.]

Petitioner filed suit under 42 U.S.C. §1983 for violations of the First, Fourth, Sixth, Eighth, and Fourteenth Amendments to the U.S. Constitution. The claims were for marital communication rights violations, violations of the right to freely communicate via U.S. Mail without a chilling effect, the right to protection of trial preparation material, and the right to file grievances free of retaliation. The U.S. District Court for the Eastern District of North Carolina granted summary judgment for the defendants' jail employees. Petitioner appealed.

The U.S. Court of Appeals affirmed in part, vacated in part, and remanded the retaliation claim back for further consideration.

REASONS FOR GRANTING THE PETITION

The issues presented are of a highly important nature impactful to persons all over the country. The rights to maintain a marital relationship are fundamental to our society and have been afforded much attention from the Courts. A blanket ban of all spousal communication for over two years, absent any institutional security issues, is undoubtedly damaging to a marital relationship. This is further unjustified by the fact that all communication was monitored. In decisions from Turner v. Safley, 482 U.S. 78 (1987), Albright v. Oliver, 510 U.S. 266 (1994), and Obergefell v. Hodges, 135 S.Ct. 2584 (2015), the U.S. Supreme Court has repeatedly upheld the vitality and importance of marriages and their protected status under our U.S. Constitution. Even North Carolina's own Supreme Court found marriages to be a "sacred institution" being "necessary to every well-ordered civilized society." Whitford v. N. State Life Ins. Co., 163 N.C. 179 (1913). Because of the compelling nature of maintaining marital protections, the U.S. Supreme Court should grant review.

Matters herewithin related to petitioners' communication by U.S. mail are important for two reasons. One, to maintain the right to unfettered and unchilled free speech. And, two, to properly establish that protections of a pro se litigants' legal mail are in place to ensure uninhibited access to the courts. The protections of Hickman v. Taylor, 329 U.S. 495 (1949) should be extended to cover

a pro se litigant's research and documents by U.S. Mail.

This is further protected by Fed. R. Evidence 502(g)(2).

This matter was neglected to be addressed by either the U.S. District Court or the U.S. Court of Appeals for the Fourth Circuit.

Both of the aforementioned hold a compelling interest to the public, warranting U.S. Supreme Court review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Nathaniel R. Wells

Date: May 8, 2023