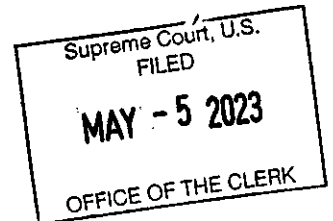


No. _____
22-7849 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Jensen Alexander — PETITIONER
(Your Name)

vs.

JOSEPH ELY, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the 4th circuit, 1100 EAST Main Street, suite 501, Richmond, VA 23219
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jensen Alexander
(Your Name)

Wallens Ridge State Prison, P.O. Box 759
(Address)

BIG STONE GAP, VIRGINIA 24219
(City, State, Zip Code)

(276) 523-3310
(Phone Number)

QUESTION(S) PRESENTED

- ① DIDN'T JENSEN Provide several Grievances to the Warden and the Regional ombudsman about the officers violating the common fare trays and isn't all of the Grievances was ruled on as "FOUNDED" by the Warden and Regional ombudsman about officers violating the common fare trays, common fare Policy, and Jensen 1st Amendment Rights under the U.S. constitution?
- ② ISN'T the decision OF the Warden and Regional ombudsman to rule these Grievances as "FOUNDED" have any merits in this case?
- ③ DOESN'T the meaning of having A FOUNDED Grievance means that the Person(s) who ruled on the Grievance have ruled in your favor? and because of these "FOUNDED" Grievances you have good grounds to get relief and money damages?
- ④ IF the Warden and the Regional ombudsman after Reviewing the facts in this case including the camera photabe of the officers serving and collecting the common fare trays, if they didn't see any violations wouldn't they have ruled the Grievance(s) as UNFOUNDED?
- ⑤ ISN'T all religious meals, Religious Gatherings Religious doctrines, Religious items etc Governed under the 1st Amendment of the U.S. constitution?
- ⑥ IF you violate someone religious meals, Religious Gatherings, Religious doctrines, Religious items etc and these things are governed by the 1st Amendment of the U.S. constitution, IF you violate these things doesn't it means you have violated that Person(s) 1st Amendment Rights of the U.S. constitution?
- ⑦ WHY did the VIRGINIA Dept. of Corrections Prison officials make the common fare Policy? wasn't the Purpose of VADOC making the common fare Policy was for the Person(s) serving, collecting, handling, cooking, washing the common fare trays to keep the common fare trays separate from the Regular trays?
- ⑧ WASN'T the Purpose of the common fare Policy was to respect someone Religion through the way you handle the common fare tray?
- ⑨ THROUGH the "FOUNDED" Grievances and we know that the officers WAS GUILTY OF violating the common fare trays and Jensen 1st Amendment Rights of the U.S. constitution isn't these defendant(s) are to be held responsible for their wrong doings? and isn't Jensen deserved to be Awarded money damages Against all the defendant(s) listen in this case?

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

Because the Plaintiff is unable to go physically in Wallens Ridge Law Library to do proper research, he was unable to find any Related cases.

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Because the Plaintiff was unable to go physically in Wallens Ridge Law Library to do proper research, he was unable to find any cases.

STATUTES AND RULES

- ① 1ST AMENDMENT OF THE U.S CONSTITUTION - congress shall make no Law respecting an establishment of Religion or Prohibiting the free exercise thereof, or abridging the freedom of speech, or of the Press, or the right of the People Peaceably to assemble, and to Petition the Government for A Redress of Grievances.
- ② THE FREE EXERCISE CLAUSE OF THE 1ST AMENDMENT - Forbids the adoption of Laws and Policies that are designated to suppress Religious beliefs or Practices. Under the Free Exercise clause an inmate has A clearly established Right to A Religious diet consistent with his Religious beliefs, including the proper serving and collecting of A Religious Diet common Fare meal.
- ③ COMMON FARE POLICY - PAGE 4 #6 ci and cii states that common Fare Trays will be delivered to offenders using A separate serving cart than that used for Regular meal trays. (cii) Empty common Fare Trays will be kept separate from empty Regular meal trays upon being collected from offenders and will be cleaned in Accordance with established Procedures.
- OTHER
- ④ QUALIFIED IMMUNITY - Protects Government employees in their official capacity only if ① The Allegations in the claim Against them if A violation of A Federal Statute or U.S constitutional Right is False / UNTRUE and ② if they violated A Law or Policy they had no knowledge of.

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 February 8, 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

- ① All Religious meals, Religious Gatherings, Religious doctrines, Religious items etc are governed under the 1st Amendment of the U.S Constitution. when the officers (defendants) violated the common Fare Trays (religious meal) they violated Jensen 1st Amendment Rights of the U.S constitution. The Grievances Jensen provided which the Warden and the Regional ombudsman ruled on as "FOUNDED" shows that these violations of the common Fare TRAYS (religious meals) occurred on multiple occasions and it is still occurring today because prison officials has not set up A Policy that will discipline officers / anyone who violates the Religious meals (common fare trays).
- ② QUALIFIED IMMUNITY - Protects Government employees in their official capacity ONLY IF ① The Allegations in the claim Against them IF A violation of A Federal statute or U.S constitutional right is false / untrue and ② if they violated A Law or Policy they had NO knowledge of. The defendants in this case officers hounshell, clouse, and cheeks WAS IN violation of Jensen 1st Amendment Rights of the U.S Constitution because After the Warden and the Regional ombudsman reviewed the camera Photage of the officers violating the common Fare trays, they ruled the level 1 and level 2 Grievances AS "FOUNDED" and Agreed with Jensen that the officers violated his 1st Amendment Rights of the U.S constitution. At the time of the incident when officers clouse, cheeks, and hounshell violated the common fare trays A Religious Diet that is Governed by the 1st Amendment of the U.S constitution and they knew that they was violating common Fare Policy because it is Part of there training and none of the officers was A Rookie at the time of the incident. So none of the defendant(s) are immune from this Lawsuit.
- ③ The Free Exercise clause of THE 1st Amendment - Forbids the Adoption of Laws AND Policies that are designed to suppress and downgrade Religious beliefs or Practices. Under the free exercise clause an inmate has A clearly established right to A Religious meal consistent with his Religious beliefs, including the proper serving and collecting of Religious meals the (common Fare trays).
- ④ According to the Common Fare Policy Page 4 #6 c i and c ii states that common Fare trays are to be served and delivered to inmates using Seperate serving cart than that used for Regular trays. Empty common Fare trays will be kept Seperate from Regular trays. officers clouse, cheeks, and hounshell violated Jensen 1st Amendment Rights when they violated the common Fare Policy. All Religious meals, Religious Gatherings, Religious doctrines, and Religious items are all Governed under the 1st Amendment of the U.S constitution.

STATEMENT OF THE CASE

This case is based on the Religious meal (Common Fare Tray) which is governed under the 1st Amendment of the U.S. Constitution. All Religious meals, Religious Gatherings, Religious doctrines, Religious items etc. are governed under the 1st Amendment of the U.S. Constitution. Officers Clouse, Cheeks, and Houndshell violated the Religious meals and when Jensen wrote up grievances about Officers Clouse, Cheeks, and Houndshell, violating the Common Fare Trays the Warden and the Regional ombudsman ruled on the grievances as "Founded" meaning that they agreed with Jensen that the officers violated the Common Fare Policy and Jensen 1st Amendment Rights of the U.S. Constitution. Jensen provided the court several grievances that was ruled on as "Founded" that shows that officers and inmates was guilty of mishandling the Common Fare Trays, which resulted in a violation of the Common Fare Policy and a violation of Jensen 1st Amendment Rights of the U.S. Constitution. Even after all the "Founded" grievances defendant(s) Ely, Light, and Manis failed to address the violation of the Common Fare Trays to Officers Clouse, Cheeks, and Houndshell. So the violation of the Common Fare Policy and the violation of Jensen 1st Amendment Rights was violated and the violations keep happening over and over again with other officers because defendant(s) Ely, Light, and Manis never addressed the issue to the officers below them, so the violation of the Common Fare Trays (Religious meals) was never resolved.

Jensen addressed all these issues to the U.S. district court and the lawsuit was denied. Jensen also appealed these issues to the U.S. court of Appeals and the lawsuit was also denied. When the Warden and the Regional ombudsman ruled on several grievances Jensen provided to the court as "Founded" these decisions should not be taken lightly. When we know that all religious meals, religious gatherings, religious doctrines, religious items etc. are all governed under the 1st Amendment of the U.S. Constitution, these things should not be ignored. The defendant(s) in this case was clearly in violation of violating the Common Fare Policy and Jensen 1st Amendment Rights of the U.S. Constitution. None of the defendant(s) in this case is immune from this lawsuit. According to the QUALIFIED IMMUNITY STATUTE states that Government employees, in their official capacity are immune from a lawsuit only if (1) The allegations in the claim against them if a violation of a Federal statute or U.S. constitutional right is false/untrue and (2) if they violated a law or policy they had no knowledge of. The "Founded" grievances clearly showed that the defendant(s) was in violation of the Common Fare Policy (Religious meal) which is governed under the 1st Amendment of the U.S. Constitution. The officers knew about the Common Fare Policy because it is part of their training and none of the officers were rookies at the time of the incident. Also Ely, Light, and Manis had a higher occupation than the officers at the time, so they definitely knew about the Common Fare Policy.

Based on these facts none of the defendant(s) are immune from this lawsuit and Jensen deserves money damages for the violations the defendant(s) did when they violated the Common Fare Policy and violated Jensen 1st Amendment Rights of the U.S. Constitution. The lower court's decision to dismiss this case needs to be reversed, it is clear that the defendant(s) violated a policy they knew about (Common Fare Policy) and violated a Religious meal (Common Fare Tray) which is governed under the 1st Amendment of the U.S. Constitution.

REASONS FOR GRANTING THE PETITION

The Reasons this Petition Needs to be Granted is because there needs to be a case that defends Religious meals (Common Fare TRAY) for inmates in State Prisons and Federal Prisons. There needs to be known that a Religious meal is Governed under the 1st Amendment of the U.S. Constitution. Violation of Someone Religious meals is a violation of their 1st Amendment Rights. When there are Policies set in Place especially Policies that suppose to be enforced in the Prison System for instance (Common Fare Policy) if officers or inmates violates these Religious Policies there needs to be severe consequences for their wrong actions. There also needs a case where the inmates are protected from the violations of Government employees in their official capacity, under the Free Exercise clause of the 1st Amendment it forbids the adoption of Laws and Policies that are designed to suppress and downgrade religious beliefs or practices. An inmate has a clearly established right to a Religious meal consistent with his Religious beliefs, including the proper serving and collecting of a Religious meal. The (Common Fare Policy) clearly states in the Policy that common fare trays and Regular TRAYS are to be washed served and collected separately. There is camera footage of the defendant(s) officer clouse, cheels, and hounshell serving and collecting the common fare TRAYS and Regular trays together on the same food cart. They knew what the Policy states for the common fare Policy, but they chose to violate the common fare Policy over and over again. Based on these facts there needs to be consequences when Government employees violates a Policy they know about, and there need to be consequences for violating Jensen 1st Amendment Rights of the U.S. Constitution. All Religious meals, Religious Gatherings, Religious doctrines, Religious items are all Governed under the 1st Amendment of the U.S. Constitution.

When the Warden and the Regional Administrator make A decision that the Grievances Jensen Filed in Wallens Ridge concerning the violation of the Common Fare Policy and the violation of Jensen 1st Amendment Rights of the U.S constitution was ruled on as "FOUNDED". They came to this decision because they saw the camera footage of officers clause, cheeks, and houndshell violating the common fare TRAYS, which is A Religious TRAY that is Governed under the 1st Amendment of the U.S constitution. All Religious meals, Religious Gatherings, Religious doctrines Religious items etc are Governed under the 1st Amendment of the U.S constitution. qualified immunity protects Government employees only if ① The Allegations in the claim against them if A violation of A federal statute or U.S constitutional Right is false/untrue and ② if they violated A Law or Policy they had NO knowledge of. We know that officers clause, cheeks, and houndshell are guilty of violating Jensen 1st Amendment Rights through the "FOUNDED" Grievances and for violating the common fare Policy. A Policy they knew about at the time. Based on these facts the defendant(s) are not immune from this lawsuit, they violated religious meals that are protected by the 1st Amendment and they knew about the common fare Policy because it is part of their training and at the time none of the officers was A rookie. so therefore the defendant(s) should be held responsible for the violations of Jensen 1st Amendment Rights and the relief Jensen seeks and the money damages against the defendant(s) needs to be Granted, and the ruling of the lower courts decision needs to be reversed, so that justice can prevail in this case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jensen Alexander

Date: May 5TH 2023