

22-7861

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

**ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES

FILED  
JUN 12 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

DARRYL C. DANIELS — PETITIONER  
(Your Name)

vs.

Z. CULPEPPER et.al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Circuit Court of Appeals, Eleventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Darryl C. Daniels # H07217  
(Your Name)

1760 HWY 67 NORTH  
(Address)

CARRABELLE, FL. 32322  
(City, State, Zip Code)

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

QUESTION(S) PRESENTED

~~CAN A PRISON ADMINISTRATION~~

CAN A PRISON ADMINISTRATION ARRANGE A COMMITTEE THAT DENIES A PRISONER PROTECTION, WHENEVER HE OR SHE REQUESTS FOR SUCH PROTECTION?

CAN A PRISONER BE PUNISHED FOR REQUESTING FOR SUCH PROTECTION?

## **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: (FNU) Ms. Melvin, Chanda Taylor, R. Taylor III., (FNU) Seargant Mr. Sanders, and (FNU) Ms. Captain Mr. Cochran.

## **RELATED CASES**

I don't have access to any of that information at this time due to the retaliatory transfer that has been issued upon me from Respondents.

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APPENDIX C (United States Court of Appeals' c.i.e. Eleventh Circuit) order of Dismissal, c.i.e. April 12, 2023)

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## TABLE OF AUTHORITIES CITED

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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/8 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[ ] is unpublished.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 C 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[ ] is unpublished.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 April 12, 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**

28 U.S.C. 1915A(b)(1)

Federal Rule of Evidence 201(b)

N.D. Fla. Loc. R. 72.2

28 U.S.C. § 636(b)

Fed. R. Civ. P. 72(b)

## STATEMENT OF THE CASE

Petitioner arrived at The Florida Department of Corrections back on August 24, 2021. (i.e. Tuesday) Since his arrival within The Florida Department of Corrections; (i.e. herein after F. D. O. C.) Petitioner has been subjected to and has suffered the following:

- (a). reprisal (e.g. [FNU] Ms. Bembenaste, Ms. Chanda Taylor, [FNU] Captain Mr. Cochran, and Charles M. Smith)
- (b). threatening verbiage, threatening behavior, and threatened injury (e.g. [FNU] Sergeant Mr. Sanders, [FNU] Sergeant Mr. R. Taylor III, and [FNU] Ms. J. Santiago)
- (c). frivolous disciplinary reports (e.g. See paragraph [a] supra)
- (d). retaliatory transfer (e.g. [FNU] Ms. Melvin, and [FNU] Ms. J. Santiago)

Petitioner requested for protective custody or including to be transferred to a prison institution where there aren't any gang members at all, or prison officials who will try to physically abuse or murder Petitioner. But Respondents have only continued to deny Petitioner's requests and place him in environments (i.e. prison environment) where petitioner has suffered physical abuse, sexual harassment, threats, and bullying from prison inmates (i.e. Some of whom are gang members) and threatening verbiage, threatening behavior, and threatened injury from prison officials. Respondents threatened petitioner with punitive isolation, for his numerous requests for protection and for filing grievances. Respondents issued a retaliatory transfer upon petitioner, in which he arrived at The Franklin Correctional Institution on Thursday December 15, 2022; subjecting Petitioner to another extremely violent and hostile environment. Petitioner expressed his concerns and fears to mental health counselor (FNU) Ms. Bembenaste regarding his safety; which Ms. Bembenaste

## STATEMENT OF THE CASE (i.e. continued)

violated the psychotherapist-patient privilege (i.e. FLORIDA STATUTE 90.504) by writing a frivolous disciplinary report upon petitioner, which included baseless allegations. Petitioner, (i.e. based on Ms. Bembenaste's baseless report allegations in said report) was transferred way up in the Northern part of Florida in which he experienced flag and suffered flagrant injuries (mentioned herein) at prison institutions in said locations by Respondents and the particular prison inmates mentioned herein. Petitioner even filed a 42 U.S.C. § 1983 civil rights complaint regarding said herein issues, including numerous requests for the federal court to appoint him civil counsel; only to be rejected and denied by both The United States District Court and the United States Circuit Court of Appeals for the Eleventh Circuit. (i.e. Federal Appellate Court) Petitioner has limited knowledge of the law, experienced extraordinary circumstances way beyond his control, and has suffered and still suffers flagrant injuries mentioned herein. Respondents continue to have a culpable state of mind, culpable negligence, and ~~deliberate~~ deliberate indifference towards petitioner. (i.e. petitioner also has a severe seizure condition which he daily has to take dilantin seizure medication, in addition to having to take headache, high blood pressure, and allergy medications daily)

## REASONS FOR GRANTING THE PETITION

- (a), for petitioner to receive punitive damages in the form of placing me in a safe prison environment.
- (b), for me to receive compensatory and actual damages in the amount of \$200,000.00.
- (c), for my \$500.00 filing fee to be waived due to my indigency.

2. It certifies conflict with these three established authorities:

- (a), FARMER v. BRENNAN, 511 U.S. 825, 845, 128 L.Ed.2d. 811, 114 S.Ct. 1970 (1994)
- (b), WILDBERGER v. BRACKNELL, 862 F.2d. 1467 (11th Cir. 1989)
- (c), GRAHAM v. VANN, 394 So.2d. 178 (Fla. 1st DCA 1981)

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Date: \_\_\_\_\_