

23-5323

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

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JUN 20 2023  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Don Collins Pro Se PETITIONER  
(Your Name)  
Rob Jeffreys et al  
Andrea Tack vs.  
Daidra Marano  
Brian Senodenos  
— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals  
Seventh Circuit

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

PETITION FOR WRIT OF CERTIORARI

Don Collins

(Your Name)

17019 County Farm Rd

(Address)

Rushville, IL 62681

(City, State, Zip Code)

PETITIONER IS INSTITUTIONALIZED IN THE DHS FACILITY  
IN RUSHVILLE, IL

(Phone Number)

### QUESTION(S) PRESENTED

Petitioner ask this court for review matters of law that were present at Appellate Court level but not replied.

Because petitioner incarcerated and unable secure documents for evidence and denied FOIA for me and for appt counsel raises fairness and ability be heard before court and other issues listed below.

1. Lower court dismiss case after give green light to serve defendants and matter not addressed at Appellate Court.
2. Court not informed by appt counsel that State(FOIA)refuse release documents that would verify facts in support of case.
3. Court not grant court order for FOIA documents by petitioner.
4. Court not allow evidentiary hearing for documents or evidence that could support stating a claim that petitioner knew esisted but needed documents to provide to court.
5. Concern for health issues, memory issues, lack of interest perhaps because petitioner is in prison. The on/off and changes in courts decision give rise if court recalls case history and prior orders.

These issues of law or conflict or fairness were before the U.S. Court of Appeals and petitioner is left with no sound reason for dismissal of this violent attack on a elder 68 year old prisoner.

Don Collins Pre Se

PETITIONER IS INSTITUTIONALIZED AT DHS TREATMENT & DETENTION FACILITY IN RUSHVILLE, IL. at 17019 County Farm Rd., Rushville IL 62681

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Apr 3, 2023.

No petition for rehearing was timely filed in my case.

N/A [ ] 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 \_\_\_\_\_.

N/A [ ] 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**:

N/A The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

N/A [ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

N/A [ ] 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

Petitioner raises issue of 4th and 8th amendment violations for following,

1. The violent attack recorded on video (State Attorney possession) was at a one-of-a-kind treatment in-patient prison opened to house the states severely mentally ill persons (SMI) under the Rasho Case court order.

Petitioner reiterated that the persons housed there are violent and mentally ill with unpredictable behavior.

As the court stated the actions and/or assailant would have to been foreseen to attack petitioner. Petitioner stated that correctional officer (CO) knew there were enemies (2) and upon his refer to Internal Affairs (IA) it was then stated that most persons not carry out the threats and it was safe to come into dayroom. Two days later in the dayroom the unprovoked attack happened with no exits open. Fact is that there is no screening or classification to separate known history and/or mentally ill from the lower non-violent and no history of violence. A threat or enemy should be taken serious, this was ignored.

2. Petitioner stated there was a known enemy per CO but unclear of what or if/when an attack would happen, but the CO knew who made threats. For this reason is why a mentally ill person targets anyone or someone told him and petitioner is blinded by any attack. Most people do not advertise of their attacks. Petitioner stated an enemy is a threat.
3. Because the aptt counsel was denied the FOIA documents on in-prison records of the assailant and did not follow thru w/PAC/AAG review or obtain court order, petitioner sought these records to no avail and evidentiary hearing for release and that was needed to state a claim.
4. Petitioner has constitutional right be free from assault and facility history of assailant was known and denied petitioner for stating a claim in the lower court. That facility had no safeguards, screening violent felons and mentally ill from non-violent elder prisoners who are vulnerable.
5. Petitioner had green light to serve complaint on defendants and the court reversed that when petitioner ask cost of service be waived.
6. Petitioner being indigent at that time should not be discriminated along with other court confusion on filed claim and not aware the counsel withdrew and petitioner ask health review of state judge and why APP Ct not addressed that as well.

Don Collins, Pro Se

## STATEMENT OF THE CASE

Petitioner incarcerated at the Joliet Treatment Center for severe mentally ill persons while on Nov 09, 2018 was violently attacked. No provocation, or known assailant to petitioner. IA said it was safe, most people w/not attack. Petitioner sent to two hospitals because nature of injuries that included broken jaw that lead to 7 teeth extracted, just 2 days after told it's safe. Petitioner was unable secure documents because of prisoner status but at later period found out there were at least 5 victims of which were brought before the courts. This petitioner appeared before state attorney-call for 3 counts of assault with bodily harm as the assailant in Chester Mental Hospital pending charges against this (then) 68 year old petitioner.

Petitioner argued that the facility at Joliet Treatment Center had zero security classification and many prisoners release and declassified from lock down, seg housing to roam free at JTC in Joliet, IL. from other prisons. The case proceeded and eventually U.S. District Court appt counsel. The counsel withdrew and prepared no reason for court and refused confirmation in writing to petitioner.

The court allowed petitioner amend complaint and service to defendants via U.S. Marshall Service.

When asked court for waiver of fees for service of summons, the court dismissed case and petitioner filed appeal with U.S. Court of Appeals for the seventh circuit.

Appellate Court dismissed case without ruling on issues in-full in the Appellants brief and because the matter involve issue of law brings this petition before this court for review.

Don Collins Pro Se

## REASONS FOR GRANTING THE PETITION

Petitioner cannot ask anymore than allowed under law and fairness.

Petitioner brings the issue for other cases from prisoners that may not get questions of law or judicial conduct and this case as guide for fairness and questions of law resolved.

Because petitioner is not an attorney, access to FOIA, evidentiary hearings, discovery, investigators, etc provides uphill struggle for what both court needs and the law ask for. And because that in this maatter was denied, petitioner ask this petition be granted for review. A case lacks the documents and evidence the court requires and ~~withdrew~~ out attorney credentials and the fight to overcome denials from the opposing party and the state are facts a case cannot state a claim. For these reasons the petition should be reviewable on petitioner's effort and closed door access to what the court is asking.

Petitioner further ask this court the unusual approach regards court not aware that clerk accepted mended complaint and mail/petitioner delay was overlooked and not petitioner not at fault. And court also unaware counsel withdrew and twice scheduled hearings calling counsel to access the hearing process with petitioner. This was done twice after counsel already withdrew. And that court also told petitioner to serve summons vis U.S. Marshall Service but then changed mind when petitioner asked for waiver of costs for the service. These conflicts do not provide fairness and a format that was thought expected and previously approved by that court. Petitioner ask for granting this petition becasue prisoner status closed doors from the court, attorney appt., and other agencies that DO NOT reply or grant(FOIA(documents.

Don Collins Pre Se

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Don Collins Pro Se

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Date: June 20, 2023