

23-5482

No.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

AUG 25 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Timothy Allen Dwyer PETITIONER  
(Your Name)

vs.

Tim S. Zick RESPONDENT(S)  
Ward Campbell, Dr.  
ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Timothy Allen Dwyer  
(Your Name)

#35385, Tim S. Zick  
(Address)

P.O. Box 51 Base, ID, 83702  
(City, State, Zip Code)

812-946-1190  
(Phone Number)

QUESTION(S) PRESENTED

1. Whether the State of Idaho —  
Idaho Maximum Security Institution —  
— has the right under law — to keep  
Petitioner confined to solitary  
whereby depriving him of access to  
Mental Health Care?

2. Is the law — Idaho Code —  
Section 19-2705(1) unconstitutional?

## 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:

I, M. S. D. (Dardar) and  
Dr. Campbell, et al.

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CASES

U.S. vs. John Hindley

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STATUTES AND RULES

Idaho Code - Section 19-2705(1)

OTHER

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 31, 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: August 3, 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).

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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Idaho Code Section 19-2705(1)  
8th Amend. U.S. Const. Art. I



# STATEMENT OF THE CASE

In 2003 the Idaho Senate amended the death-penalty statute - See Appendix - to state death row need not be in solitary confinement.

In 2003 Ret Haver was moved to the Acute Mental Health Unit (A.M.H.U.), and given a pass for the mental health unit, where he remained for 2 1/2 years as a reserver up to his Capital Case, where in 2006 he was rescheduled to death.

In 2006 the worded in move me back into ~~solitary~~ directly conflict with the law.

Continued from Statement of the Case

In 2019, Petitioner had a severe incident. He asked Dr. Walter Campbell, who is the Chief psychologist for the Idaho State Penitentiary, to move him from Death Row to the Acute Mental Health Unit. He requested this subsequently. He filed a lawsuit due to Idaho Code Section 19-2705(1) to State Death row need not be housed in solitary confinement. It is the law that Death Row can be housed anywhere within the Idaho Maximum Security Institution. Violate the law.

## REASONS FOR GRANTING THE PETITION

Petitioner has no access to other inmates, just have mental health can't know, This is a violation of the law.

It could involve every other states lawyers, whom might want death-row housed in Solihane.

With it violating the law, has a crime been committed?

Whose to blame?

It was given a pass — the law is clear, I suppose to be out of Solihane.

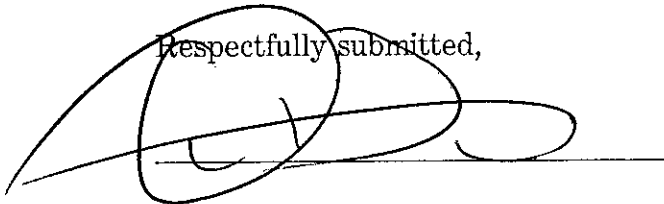
To rule death row should be housed in General population. Out of Solihane, and with all the access to mental health care,

The Court should enter an order  
accepting this case. In the very least,  
Grant's motion to recover damages,  
At the Court's earliest convenience,

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Date: August 9<sup>th</sup>, 2023,