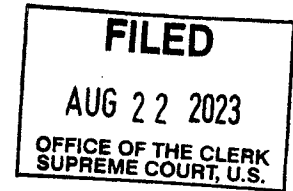


No. 23-5496

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

S COURT OF APPEALS For the 4th circuit, 1100 EAST Main Street, suite 501, Richmond, Virginia 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

IF the Plaintiff JENSEN DON'T have Physical Access to A Law Library, NO U.S.V.I. law books can't get up to date U.S.V.I. cases from Law Library here in Wallens Ridge. NO JENSEN is Proceeding PRO SE on more than 5 cases in the court system doesn't that make JENSEN ill-equipped? and isn't this situation A violation of JENSEN 1st Amendment Rights to Redress Government Grievances?

JENSEN is A U.S.V.I. inmate that was transferred to Virginia Prison(s) in April of 2013. JENSEN was transferred from the U.S.V.I. Prison which is A Level 2/3 minimum prison to Virginia Supermax Prison(s) which are Level 5 Prisons. Virginia inmates that are housed in Level 2/3 or 4 Prisons are ONLY transferred to Level 5 Supermax Prisons on an ORION or Wallens Ridge if they have caught A serious institutional charge that is 100 Series. IF U.S.V.I. inmates are to be treated equally like Virginia inmates isn't JENSEN suppose to be transferred from A Level 2/3 minimum prison to A Level 5 Supermax Prison ONLY if he caught A serious institutional charge 100 Series? and the different treatment of U.S.V.I. inmates compare to Virginia inmates isn't that A violation of JENSEN 14th Amendment Rights to equal Protection of the Laws?

IF Virginia Prison officials are refusing to transfer JENSEN to A Level 4 Prison stating that they will not transfer JENSEN to A Lower Level Prison because of the length of his sentence and the nature of the crime he is in Prison for. Yet these Virginia inmates with the same or similar charges as JENSEN that are being transferred from Wallens Ridge to Level 4 Prisons. So isn't this rejection of prison officials to transfer JENSEN to A Lower Level Prison A violation of his 14th Amendment Rights to equal Protection of the Laws?

When the hair pod closed down in June of 2019 because the Grooming Policy got abolished there was A U.S.V.I. inmate named Edwin Encarnacion #1413921 who was not eligible to be transferred to A Level 4 Prison. To be transferred and eligible you have to be at least one year charge free which Edwin was not one year charge free at the time. JENSEN was two years and two months charge free and was not transferred to A Level 4 Prison, Edwin was not one year charge free but was transferred to Keen Mountain in July of 2019. Isn't this discrimination, and A violation of JENSEN 14th Amendment Rights to equal Protection of the Laws under the U.S. Constitution?

JENSEN is being kept in A Level 5 Supermax Prison for no reason and his security classification points is 25 points which is A Level 3. Why is JENSEN being kept housed in A Level 5 Supermax Prison when other inmates with the same or similar charges are being transferred to Lower Level Prisons isn't this A violation of JENSEN 14th Amendment Rights to equal Protection of the Laws?

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

- 1) BOUNDS v. SMITH 430 U.S. 817 (1977) - Prisoners brought suit under 42 U.S.C.S. § 1983 alleging that they were denied access to the courts in violation of their 14th Amendment rights by the state's failure to provide legal research facilities. On petition for writ of certiorari the court affirmed holding that the inmates had a constitutional right of access to the courts.
- 2) The court in *Younger v. Gilmore* affirmed a three judge court judgment which require state officials to provide inmates with access to a reasonable adequate law library for preparation of legal actions.
- 3) *Lewis v. Casey*, 518 U.S. 343 350-51 116 S.Ct. 2174 135 L.Ed 2d 606 (1996)
- 4) *Johnson v. Avery*, 393 U.S. 483, 485 (1969)

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- 1) *Bounds v. Smith* 430 U.S. 817 (1977) - Prisoners brought suit under 42 U.S.C. § 1983 Alleging that they were denied Access to the courts in violation of their 14th Amendment Rights by the State's Failure to Provide Legal Research for Facilities. On Petition for writ of certiorari the Court Affirmed holding that the inmates had A constitutional right of Access to the courts.
- 2) The court in *Younger v. Gilmore* Affirmed A three-judge court judgement which required state officials to provide inmates with Access to A reasonable Adequate Law Library for Preparation of Legal Actions.
- 3) *Lewis v. Casey* 518 U.S. 343 350-51 116 S.Ct. 2174 135 L.Ed 2d 606 (1996)
- 4) *Johnson v. Avery*, 393 U.S. 483, 485 (1969)
- 5) *Pratt v. Tarr*, 464 F.3d 730, 731 (7th Cir 2006)

STATUTES AND RULES

Interstate correction compact - states that all inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in A reasonable and humane manner and shall be treated equally with such similar inmates in the receiving state as may be confined in the same institution. The fact of confinement in A receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution in the sending state.

Not having the proper Access to U.S. & cases, Laws, and statutes to answer the defendant(s) Filings to the courts makes the Plaintiff ill-equipped A violation of the Plaintiff 1st Amendment Rights to redress Government Grievances.

1) The requirements of due process in A given type of case are determined by balancing three factors ① how serious the deprivation is ② how much good additional Procedures are likely to do and ③ how expensive or difficult additional Procedures would be for the officials who must carry them out.

OTHER

This balancing test determines what due process requires even if state law or prison regulations call for something different. The basic requirement of due process is the right to notice and A opportunity to be heard in A meaningful time and in A meaningful manner. The process that is due can take different forms in different kinds of cases for example in some cases require A face to face hearing but in others it is enough for the inmate/prisoner to be heard in writing.

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 MAY 26, 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) Violation of 1st Amendment Rights to Redress Government Grievances. Once A defendant have taken away A Plaintiff Right to do Proper research on cases, laws, and statutes and if that Plaintiff is proceeding PRO SE it makes him/her ill-equipped resulting in A difficulty to respond to court Petitions effectively.
- 2) Violation of 14th Amendment Rights to equal Protection of the Laws. If it states in A contract that A sending state inmate have to be treated equally as an inmate in the receiving state that is what suppose to happen. When an inmate from the sending state is being treated differently in the receiving state and especially if this Qualifications is in A contract that A sending state inmate suppose to be treated equally as receiving state inmates and if this is not happening then that inmate from the sending state 14th Amendment rights to equal Protection of the Laws has been violated.
- 3) Violation of 8th Amendment Rights to cruel and unusual Punishment and Violation of 8th Amendment Rights to effective medical care - when A Plaintiff is forced to drink water from A faucet that's connected to A toilet where inmates Piss and defecate on A daily basis that's (UNSANITARY). Jensen had A surgery on his toe in January of 2018 and the medical staff failed to GIVE Jensen Proper Supplements so that his toe can cure properly. UP to this Present DAY his toenail has blackened because he did not get the proper medical care from Wallens Ridge medical staff.

STATEMENT OF THE CASE

This case is based on the violation of the 1st Amendment Rights to Redress Government Grievances, the violation of the 14th Amendment Rights to equal Protection of the Laws and AN ILLEGAL transfer from A minimum level 2/3 Prison to A Level 5 Supermax Prison for NO reason, Jensen did NOT get ANY institutional charges to be transferred to A Level 5 Supermax Prison.

Jensen is from the United State Virgin Islands (U.S.V.I) territory that's where he was housed at before he was transferred to Virginia Supermax Prison(s). In April of 2013 Jensen was transferred from the Prison in St. Croix U.S.V.I A Level 2/3 minimum Prison to Red onion in Pound Virginia without getting any institutional charges. Virginia inmates in Level 2, 3, or 4 prisons or ONLY transferred to A Level 5 Prison if they have caught A serious institutional charge A 100 series charge. U.S.V.I inmates are to be treated equally with Virginia inmates According to the Interstate corrections Compact which is A party to the contract between Virgin Islands Department of Justice (V.I.D.J) and Virginia Department of Corrections (VADOC) the contract that governs the rules and regulations of U.S.V.I inmates being housed in Virginia Prisons.

UPON Arrival in Virginia Supermax Prison (Red onion) Jensen was subjected to be kept housed in segregation because of the grooming policy that was in effect at the time. Jensen is A Rastafarian and because of his dreadlocks he could not be housed in any Population Pods besides the hair Pod. which was/is A violation of Jensen 1st Amendment Rights to Practice his religion Freely without being discriminated Against. The 16 PLUS months Jensen was housed in Red onion segregation he didn't have Access to Go Physically in A Law Library, NO Religious Programs, NO Vocational Programs, NO U.S.V.I Law Material (Limited), NO Radio, NO T.V, Had to PAY A Fee to see the Nurse or Doctor for A basic checkup, NO educational Programs, NO JOB, could only take A shower 3 times A week, Force to drink water from faucet in cell that's connected to toilet (How UNSANITARY), Not even A mirror in cell to see own image.

ALL these things Jensen was forced to endure UPON Arrival in Virginia Supermax Prisons. Violations of his 1st 8th and 14th Amendment Rights is still occurring in this Present DAY. Jensen would like for the relief seek in this case to be granted money damages Against all the Defendant(s) and to be transferred out of Virginia Prisons and to never be accepted back in Virginia Prisons.

REASONS FOR GRANTING THE PETITION

This is a case based on illegal transfer from A minimum level 2/3 Prison to A Level 5 Supermax Prisons for no reason A violation of due process rights under the 14th Amendment. Upon arrival in Supermax Prisons the Plaintiff had no access to U.S.V.I. up to date cases and limited U.S.V.I. Law material, he also could not go physically in A Law Library to do proper research on cases, laws, and statutes A violation of 1st Amendment Rights to Redress Government Grievances. Prison officials not treating Jensen equally to Virginia inmates when it came time for him to be transferred to A Lower Level Prison as Virginia inmates having the same or similar charges as Jensen and Jensen transfer was still denied, A violation of his 14th Amendment Rights to equal Protection of the Laws.

This case can be the main case for any transfer inmate being transferred to A higher level Prison for no reason. This case also can be a case based on how inmates from A sending state suppose to be treated equally with inmates in the receiving state and the conditions that inmate endured that receiving state A violation of the Plaintiff 1st, 8th, and 14th Amendment Rights of the U.S. Constitution. The defendant(s) need to be held responsible for their actions when they knew about the violations and did nothing to resolve these situations.

the Facts of this case is that Jensen was Transferred From A Level 2/3 Minimum Prison From in the U.S.V.I to Level 5 Supermax Prison(s) in Virginia & No Reason. Jensen never had A 24 hour Notice or A hearing before the transfer. The Golden Grove Handbook said suppose to happen A violation of his due process Rights under the 14th Amendment of the U.S Constitution. Upon Arrival in Virginia Supermax Prisons Jensen was forced to endure multiple constitutional violations of his 1, 8, and 14th Amendment Rights. Through out these endeavours the defendant(s) was aware that Jensen was enduring these violations. The defendant(s) knew either through Jensen talking to them Face to Face or through the Grievances Jensen Filed in Wallens Ridge Grievance office. Based on the Facts that the defendant(s) knew about these violations and failed to do anything to resolved the situations, the money damages and relief seeked by the Plaintiff Jensen should be Granted. The Golden Grove Facility is the Facility where Jensen was housed at in St. Croix U.S.V.I)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jensen Alexander

Date: August 21, 2023