

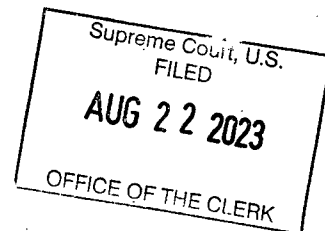
23-5915

No.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



KEITH Alexander — PETITIONER
(Your Name)

vs.

THOMAS mcgintley ET, AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

the UNITED STATES —
THIRD circuit Appeals court

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

PETITION FOR WRIT OF CERTIORARI

KEITH Alexander #GP-1965
(Your Name)

SCI-MAHANOX 301 GREY LINE, DRIVE.
(Address)

FRACKVILLE, PA 17931
(City, State, Zip Code)

PHONE → 570-773-2158
(Phone Number)

QUESTION(S) PRESENTED

- ① WHETHER THE DISTRICT COURT JUDGE ABUSED HIS DISCRETION WHEN HE REFUSED TO APPOINT THE APPELLANT COUNSEL. U.S. CONST. AMEND VIII, & U.S. CONST AMEND XIV.
- ② WHETHER THE DISTRICT COURT JUDGE ABUSED HIS DISCRETION WHEN HE, "REFUSED" TO ALLOW THE "APPELLANT" TO "OBTAIN THE EVIDENCE," "HE REQUEST" "HIS DISCOVERY" "REQUEST"? ALL EVIDENCE FROM THE HOSPITAL AND "OTHER
- ③ WHETHER THE DISTRICT COURT JUDGE DENIED THE APPELLANT - EQUAL PROTECTION OF THE LAW OR, DENIED THE APPELLANT "DUE-PROCESS" OF THE LAW, OR DENIED THE "APPELLANT HIS RIGHT" TO, ALLOWING A, MAGISTRATE JUDGE TO, RENDER A - DECISION ON, THAT MATTER FIRST. U.S. CONST. - Amend (1) U.S. CONST. AMEND, 14

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:

ATTORNEY GENERAL
HOWARD HOPKINS E.SQ.
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PA 17120

RELATED CASES

WELLMAN V. FAULKNER (715 F.2D 269)

COOK V. CITY OF NEW YORK (578 F. SUPP. 175)

WELLMAN V. FAULKNER (715 F.2D 269)

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136430), DONNA M. GREG V. NANCY A BERRYHILL 92018 U.S. DIST.
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ST. LEXIS 194010) AND DAWN GUTHRIE V. JOHN WETZEL, ET AL.
(2022 U.S. DIST. LEXIS 6384),

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☐ reported at UNPUBLISHED; or,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 UNPUBLISHED; 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 N/A to the petition and is

☐ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the N/A court appears at Appendix to the petition and is

☐ reported at N/A; 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 JUN 13, 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: JUN 13, 2023, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A N/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 N/A.
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONST. AMEND. I:

CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH.

U.S. CONST. AMEND. VIII:

EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR EXCESSIVE FINES IMPOSED, NOR CRUEL AND UNUSUAL PUNISHMENTS INFLICTED.

U.S. CONST. AMEND. XIV:

NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY, WITHOUT DUE-PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL-
PROTECTION OF THE LAWS.

42 U.S.C. § 1983.

THIS IS A CIVIL RIGHTS ACTION THAT WAS FILED BY AN INMATE UNDER 42 U.S.C. § 1983

RULE 12 (b) (6) OF FRCP

RULE 8 OF FRCP

STATEMENT OF THE CASE

(B.) STATEMENT OF THE CASE

THE APPELLANT IS ALLEGING THAT ON AUGUST 14 2020 KATHY BISCOE GAVE HIM A DIRECT ORDER TO GO TO SCI-COAL TOWNSHIP'S COMMISSARY TO PICK UP THE COMMISSARY ITEMS THAT THE COMMISSARY WORKERS PLACED IN A 7 FT. HIGH LAUNDRY CART AND TO PUSH THAT 7 FT. HIGH LAUNDRY CART TO D/B HOUSING UNIT SO THAT KATHY BISCOE COULD GIVE THE INMATES WHO WERE RESIDING ON D/B HOUSING UNIT THE COMMISSARY ITEMS THAT THEY ORDERED FROM COMMISSARY. WHEN THE APPELLANT ARRIVED AT SCI-COAL TOWNSHIP'S COMMISSARY ON 08-14-20, HE WAS ORDERED BY JUSTIN AGUSTA AND LINDSAY NYE TO PUSH A NEARLY 7 FT. HIGH LAUNDRY CART TO D/B HOUSING UNIT THAT HAD THE COMMISSARY ITEMS IN IT THAT THE INMATES WHO WERE HOUSED ON D/B HOUSING UNIT ORDERED. THE APPELLANT GOT INJURED IN THE PROCESS OF HIM PUSHING THAT 7 FT. HIGH LAUNDRY CART TO D/B HOUSING UNIT WHEN ANOTHER INMATE RAMMED THE 7 FT. HIGH LAUNDRY CART THAT HE WAS PUSHING INTO THE APPELLANT'S ANKLE AND HIS ACHILLES TENDON. THE APPELLANT HAD TO BE TRANSPORTED TO GEISINGER HOSPITAL SHORTLY AFTER THAT INCIDENT OCCURRED TO HAVE SURGERY ON THE INJURY THAT HE SUSTAINED.

THE APPELLANT FILED A GRIEVANCE ABOUT THAT MATTER AND HE EXHAUSTED HIS ADMINISTRATIVE REMEDIES FOR THAT MATTER. THE APPELLANT FILED C.A. NO. 3:20-2226. THE APPELLANT FILED A MOTION WITH THE COURT FOR THE APPOINTMENT OF COUNSEL AND TO AMEND HIS CIVIL COMPLAINT. THE APPELLANT SUBMITTED THE DEFENDANTS AND THE COURT DISCOVERY REQUESTS. ON SEPT. 27, 2022 JUDGE MALACHY E. MANNION GRANTED THE DISMISSAL.

REASON FOR GRANTING THE PETITION

THE DIST. CT. JUDGE ABUSED HIS DISCRETION WHEN HE REFUSED TO ALLOW THE APPELLANT TO OBTAIN THE EVIDENCE THAT HE REQUESTED FOR HIS DISCOVERY REQUEST

LONG BEFORE JUDGE MALACHY E. MANNION DECIDED TO DISMISS C.A. NO. 3:20-2226 ON 09-27-22, THE APPELLANT SUBMITTED THE DIST. CT. A DISCOVERY REQUEST IN WHICH HE ATTEMPTED TO OBTAIN HIS MEDICAL RECORDS AND SOME OTHER EVIDENCE FROM THE APPELLEES. TO THE APPELLANT'S SURPRISE, JUDGE MALACHY E. MANNION REFUSED TO ALLOW THE APPELLANT TO OBTAIN THE EVIDENCE THAT HE REQUESTED. THE APPELLANT SUBMITTED THE DEFENDANTS' ATTORNEYS INTERROGATORIES AND DISCOVERY REQUESTS FOR THEIR CLIENTS BEFORE JUDGE MALACHY E. MANNION DECIDED TO DISMISS C.A. NO. 3:20-2226. TO THE APPELLANT'S SURPRISE, THE DEFENDANTS' ATTORNEYS NEVER GAVE THE APPELLANT THE RELEVANT EVIDENCE THAT HE REQUESTED. NOR DID THEY ADVISE THE APPELLEES TO ANSWER THE INTERROGATORIES THAT THE APPELLANT MAILED TO THEM. ALTHOUGHT JUDGE MALACHY E. MANNION WOULD LIKE THE JUDGES OF THIS HONORABLE COURT TO BELIEVE THAT THE APPELLEES WERE NOT REQUIRED TO ANSWER THE APPELLANT'S INTERROGATORIES OR GIVE THE APPELLANT THE DOCUMENTS THAT HE REQUESTED, THEY WERE. THE FED.R. CIV.PROC. THE FEDERAL RULES OF EVIDENCE, *WELLMAN V. FAULKNER* (715 F.2d 269), *GILLESPIE V. CIVILETTI* (620 F.2d 637), *MARTINEZ V. CORNELL CORRECTIONS OF TEXAS* (229 F.R.D. 215), *MURPHY V. KELLER* (950 F.2d 290),

REASON FOR GRANTING THE PETITION

COOK V. CITY OF NEW YORK (578 F.SUPP. 179), MONTANEZ V. TRIFT (2016 U.S. DIST. LEXIS 69330), GOODMAN V. WAGNER (553 F.SUPP. 255), WISNIEWSKI V. JOHNS-MANVILLE CORP. (812 F.2d 81) COVINGTON V. INT'L ASS'N OF APPROVED BASKETBALL OFFICIALS 9710 F.3D 114) AND THOMPSON V. REAL ESTATE MORT. NETWORK 9748 F.3d 142) MAKES IT ABSOLUTELY CLEAR THAT THE APPELLEES WERE REQUIRED TO ANSWER THE INTERROGATORIES THAT THE APPELLANT SUBMITTED TO THEM AND GIVE THE APPELLANT THE DOCUMENTS THAT HE ASKED THEM TO GIVE TO HIM. IF THE APPELLANT WOULD HAVE RECEIVED THE DOCUMENTS THAT HE REQUESTED, THERE'S A GREAT CHANCE THAT HE COULD HAVE PROVED THAT THE APPELLEES WERE AWARE OF THE FACT THAT SOMEONE ELSE HAD GOTTEN INJURED FROM PUSHING THE 7 FT. HIGH LAUNDRY CART THAT KATHY BISCOE, JUSTIN AGUSTA AND LINDSAY NYE FORCED THE APPELLANT TO PUSH TO D/B HOUSING UNIT ON 08-14-20. IF THE APPELLEES WOULD HAVE ANSWERED THE INTERROGATORIES THAT THE APPELLANT MAILED TO THEM AND THEY WOULD HAVE GAVE THE APPELLANT THE DOCUMENTS THAT HE REQUEST, THERE'S A GREAT CHANCE THAT THE APPELLANT COULD HAVE PROVED THAT THOMAS MCGINLEY, KATHY BISCOE, JUSTIN AGUSTA AND LINDSAY NYE WERE AWARE OF THE FACT THAT THE SHARP METAL OBJECT THAT WAS MOUNTED ON THOSE 7 FT. HIGHT LAUNDRY CARTS CAUSED SOMEONE ELSE TO GET INJURED BESIDES THE APPELLANT. FOR THE FOREGOING REASONS, THE HONORABLE JUDGES OF THIS COURT SHOULD REMAND THIS CASE BACK TO THE DIST. CT. WITH INSTRUCTIONS STATING THAT JUDGE MALACHY E. MANNION IS TO RECUSE HIMSELF FROM C.A. NO. 3:20-2226, THAT THE NEW DIST. CT. JUDGE IS TO ASSIGN A MAGISTRATE JUDGE TO THIS CASE AND THAT THE NEW DIST. CT. JUDGE IS TO APPOINT THE APPELLANT COUNSEL A.S.A.P. SINCE IT IS EVIDENT THAT THE APPELLANT DOES NOT POSSESS THE LEVEL OF INTELLIGENCE THAT'S REQUIRED OF A PRO SE LITIGANT TO LITIGATE A MATTER OF THIS NATURE IN A COURT OF LAW. THE THIRD CIRCUIT "OVERLOOK" THESE ISSUES.

Where MR. Alexander Ask United States
Justice's "TO Remand BACK. And GIVE
MR. Alexander A CHANCE, WITH HIS DISCOVERY
TO PRESENT TO A JURY. He's CONFINED TO A (WHEEL-
CHAIR) THE PRISON CART, SLICING HIS ACHILLES -
TENDONS FROM BEHIND. CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Keith Alexander

Date: AUG 20, 2023