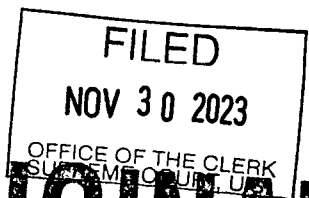


23-6223

No.



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Christopher Louis Sindone 331371 — PETITIONER
(Your Name)

VS.

MDOC, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Appeals Court for the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Christopher Louis Sindone 331371
(Your Name)

320 N Hubbard
(Address)

St. Louis Michigan 48880
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Did The defendants retaliate against The Plaintiff after he filed a Federal habeas Corpus Complaint by firing him from his job which was funding his legal pursuits, Then further retaliate by transferring him after he filed prison grievances about it?

Plaintiff answers "yes"

Lower Courts answer "No"

Did The defendants discriminate against the Plaintiff when after They transferred him, They rehired all the other wrongly fired POA's back to their POA positions?

Plaintiff answers "yes"

Lower Courts answer "No"

Are the defendants assessing pre ratings wrong by using multiple decades old past convictions, which have no bearing on who the Plaintiff is Today Especially Since he has NEVER been suspected or accused of any sexual Type of criminal behavior, and has never been to prison before now?

Plaintiff answers "yes"

Lower Courts answer "No"

Is The Plaintiff entitled to Constitutional protections even though he does not have a paid attorney, which the funds from his prison employment possibly could have been used to pay for, Separating him from a similar case *Siggers-el V Barlow* 433 F. Supp. 2d 811 (2006) which the Plaintiff relies on to support his claim here, as stated by by the appeals court for the 6th Circuit in their opinion (appendix B)

Plaintiff answers "yes"

Lower Court answers "No"

Did the Court of appeals for the 6th Circuit now create an additional Equal Protection violation when they denied Mr. Sindone the same Constitutional protections the US District Court ~~denied~~ Mr. Siggers-el he had in a very similar scenario, which was actually less severe than the Constitutional violation committed against the Plaintiff here?

Plaintiff answers "yes"

Lower Court answers "No"

Did defendant Somers commit a fraud by falsifying the Pres list to make his job scheduling easier by changing every POA's actual Pres score to No Score?

Plaintiff answers "yes"

Lower Court answers "No"

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:

*Michigan Department of Corrections
Melinda Braman, warden Richard Handlen fac. 1.74
Michael Moran, Unit Chief Richard Handlen fac. 1.74
MDOC officer Somers, First Name unknown
MDOC officer Bowen, First name Unknown
Residential Unit Manager VanVeeK First Name Unknown*

RELATED CASES

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MDOC PREA Policy Directive 03.03.140

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OTHER

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 B 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 A 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 Sept. 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

- (1) First Amendment Retaliation and Access to the Courts Claims
- (2) Fifth Amendment Due Process and double Jeopardy Claims
- (3) Fourteenth Amendment Due Process and Equal Protection Claims.
- (4) Constitution of Michigan 1963, Article 1 § 15
- (5) 11 M.L.P 2d Criminal Law & Procedure § 82
- (6) MCL 750.81a
- (7) MCL 750.81d and 750.479
- (8) MCL 750.81(4)

STATEMENT OF THE CASE

Plaintiff became a Trained Prisoner Observer aide (POA) in 2018 while housed at St. Louis Correctional Facility (SLF) and he also was employed in the facility kitchen as prep cook. The funds generated from these jobs have funded his continuing legal appeals. In January ~~2020~~ 2021 he was transferred to Richard Handlon facility in Ionia Michigan (MTU) he was again employed as poa and food service, which continued to fund his legal fights. In June 2021 he filed a habeas corpus complaint in the United States 6th Circuit Court for western Michigan against Warden Melinda Braman. On July 29, 2021 Plaintiff was removed from the POA duty roster. The poa job provided the bulk of the funds from the plaintiff's ~~POA~~ 2 jobs. The staff also removed around 20 other poa's from the roster as well, telling everyone it was ~~the~~ temporary removal because their PREA scores were PA or PV, and told every one to kite Rumsen week. Between 7/29 and 8/5/2021, Plaintiff spoke with Defendant Somers, who had been poa supervisor for the past 10 years until recently turning the position over to Defendant Bowen the prior month. Somers informed the plaintiff that he had previously changed every poa's PREA score to NS (No score) on the duty roster to make scheduling easier for himself. (Exhibit A)

On 8/5 Defendant Michael Moran sent a memorandum to all poa's which had been removed, stating MTU policy was that only NS prea ratings were allowed to be poa's, but cites MDOC policy which states only that poa's rated PA or PV are only allowed to observe a prisoner with a comparable PREA score (Exhibits B and C). On 8/7/21 Plaintiff filed Step I grievance which was denied, and returned on 9/16/21. He filed Step II on 9/17/21.

On 9/23/21 The plaintiff was transferred to Central Michigan Correctional (STF) he kited psych services and was placed back on the poa roster.

On 1/10/22 he received the Step II denial and promptly filed Step III, receiving Step III denial 5/20/22.

In July 2022 plaintiff learned that another of the fired poa's had been transferred to STF. That poa informed the plaintiff that after plaintiff's transfer MTU rehired all the poa's, and volunteered to write a statement (which plaintiff includes as exhibit D). Plaintiff filed the 1983 complaint on 11/28/2022 in US District Court for western district of Michigan which the Court summarily dismissed under PLRA for failure to state a claim.

Plaintiff appealed to the US district court of appeals for the 6th circuit on 3/27/2023. They affirmed the dismissal, Plaintiff now files this appeal in this court for review of the case.

REASONS FOR GRANTING THE PETITION

The United States Constitution as well as The Michigan Constitution Guarantees EVERY person protections from Government overreach and Constitutional rights to Equal protection of the law, freedom to access the Courts, and the freedom to not be discriminated against.

On April 10, 2006 in a case titled *Siggers-el v Barlow* (attached appendix C) The US District Court for Eastern district of Michigan deemed that Mr. Siggers-el was entitled to \$200,000 punitive damages, \$4000 economic damages, and \$15,000 in mental or emotional damages. After a Corrections Officer refused to process Mr. Siggers-el's payment to his attorney from his prisoner account. Then retaliated by transferring him after he contacted the officers superiors and filed grievance, causing him to lose his "high paying" prison work assignment which was funding his legal pursuits, and causing him to suffer the indignity of Strip Searches due to the Unlawful transfer.

This Plaintiff relies upon the *Siggers-el* case because it is comparable in some ways to the instant case, while it pales in comparison to the instant case in other ways, it is the only case of comparable value he was able to find.

While Mr. Siggers-el's Constitutionally protected conduct was simply the payment he was trying to make to his attorney, Mr. Sindone in the instant case was in the process of searching for an attorney to possibly retain, and had actually filed a Federal Habeas Corpus Complaint prior to the prison officials firing him from his "high paying" prison employment. (The POA positions pay \$3.34 for each assignment while the standard prison employment pays 18 to 34 cents per hour.)

Then further retaliated by transferring him after he filed grievance Step I, causing him to also lose his regular prison job as well as making him suffer the indignity of multiple Strip Searches due to the transfer. (Plaintiff attaches a pay print out asking for attorneys to contact as proof (Exhibit I))

The lower courts opinion is, that because the plaintiff in the case at hand did not have an attorney like Mr. Siggers-el had so the same Constitutional protections do not apply to this plaintiff, or his 42 USC 1983 claim, and that after the transfer he was given his POA job back at the new facility, no harm no foul, although at the current facility, the POA position is basically a title only as its very rare that any inmate is suicidal and needs observation.

The very fact that he was given his job back is proof that MTA Wrongfully terminated him because his Preq Score. Therefore he is still suffering economic hardship and cannot properly fund his legal endeavors.

The lower courts also state that since the current facility is a level I no adverse consequence occurred, as they moved him to a lower security level, although the living conditions are in an open housing unit where he has a hard time finding a table to write legal briefs, and upon arrival the facility was still under Covid lockdown with no library access, as with where he was transferred from was not. They also say that inmates have no constitutional right to employment, which may be true, but the Michigan Parole requires inmates to have a job while incarcerated as a condition to obtain a parole.

For the US District Court for Western Michigan, where the Plaintiff filed this 1983 complaint to say that the same constitutional rights the US District Court for Eastern Michigan determined Mr. Siggers-el has, do not apply to the Plaintiff Mr. Siggers simply because he does not have a paid attorney (which the MDOC staff guaranteed he could not even try to obtain by firing him from his job) is itself an equal protection violation.

As the Constitution guarantees every person equal protection of the law, and to be free from retaliation and discrimination for doing any protected Constitutional right.

The United States District Court for the Western District of Michigan has entered a decision in conflict with a decision the United States District Court for Eastern Michigan entered on the same important matter, which calls for the exercise of this Court's supervisory power to prevent any future repeat which would adversely affect other plaintiffs or inmates. The Plaintiff attaches all the exhibits which were attached to the original complaint here as appendix D for this Court's review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Chris S. Christopher Sindane 331371

Date: Nov, 19, 2023