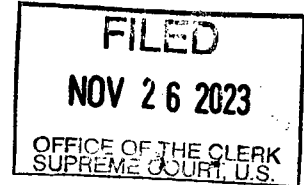


No. **23-6287** ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

PARNELL R. MAY

— PETITIONER

(Your Name)

vs.

Deputy Kawhun Tims, et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eighth Circuit

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

PETITION FOR WRIT OF CERTIORARI

PARNELL R. MAY - Pro Se

(Your Name)

P.O. Box 970

(Address)

MARIANNA, ARKANSAS 72360

(City, State, Zip Code)

A.D.C. # 153557

(Phone Number)

QUESTION(S) PRESENTED

1. Whether the U.S. District Court, in granting summary judgment, improperly and/or wrongly decided material disputed factual issues, in this case accordingly.
2. Whether Plaintiff's factual assertions of the excessive use of Physical force failure to protect, and delay of adequate medical care and/or treatment by Polaski County Jail Staff, raised a material issue under the 14th Amendment to the United States Constitution, which unlike the 8th Amendment, accordingly.
3. Whether the Use of Physical force by Deputy Tims against a pre-trial detainee, Parnell May, did violate against the 14th Amendment by recklessly caused serious physical harm and injury to Parnell May for a matter not necessary for such excessive physical force, ~~amounting~~ amount to punishment, accordingly.
4. Whether the U.S. District Court's decision, to dismiss Parnell May's civil rights lawsuit, conflicted with the holding in the United States Supreme Court's decision, of showing serious physical injury to win an excessive force lawsuit, accordingly.
5. Whether the Clerk of the U.S. Court, denied adequate and proper access to court, to the Plaintiff Parnell R. May, by tampering with the filing of legal documents into Court Record, as due process of law, accordingly.

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:

Kawhan Tims, Deputy Jailor, Pulaski County Regional Detention Facility,
(Originally named as Tims); Jawaski Connors, Supervisor, Sergeant, Pulaski County Regional Detention Facility,
(Originally named as Connors); Calvin, Lieutenant/Supervising Watch Commander, Pulaski County Regional Detention
Facility, Charles Hendricks, Chief of Detention, Pulaski County Regional Detention Facility, Erick Higgins Sheriff
Pulaski County, Bertha Lowe, Nurse/Doctor Pulaski County, (Originally named as Lowe) Doe, "Acting Charge
Nurse", some have been dismissed, "Without Prejudice",

RELATED CASES

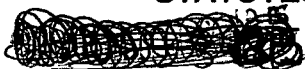
Parnell R. May Vs. Deputy Tims, case # 4:21-cv-00255-LPR-PSH (U.S. District Court)

Parnell R. May Vs. Deputy Tims, case # 23-1867 (U.S. Court of Appeals 8th Cir)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1. <u>Anderson Vs. Liberty Lobby Inc., 477 U.S. 242 (1986).</u>	P.11, P.12, P.17,
2. <u>Bell Vs. Wolfish, 441 U.S. 520 (1979).</u>	P.21,
3. <u>Block Vs. Rutherford, 468 U.S. 576 (1984).</u>	P.21, P.22,
4. <u>Bourds Vs. Smith 430 U.S. 817 (1977).</u>	P.14,
5. <u>Crawford-El Vs. Britton, 523 U.S. 574 (1998).</u>	P.12, P.17, P.18,
6. <u>Fischl Vs. Armitage, 128 F.3d 50 (2d Cir. 1997).</u>	P.11,
7. <u>Graham Vs. Connors, 490 U.S. 386 (1989).</u>	P.13, P.22, P.32
8. <u>Gray Vs. York Newspaper Inc, 937 F.2d 1070, (3d Cir. 1992).</u>	P.11,
9. <u>Hudson Vs. McMillian, 503 U.S. 1, (1992).</u>	P.21,
10. <u>Lewis Vs. Casey, 518 U.S. 343 (1996).</u>	P.14,
11. <u>Masson Vs. New Yorker Magazine Inc, 501 U.S. 496 (1991).</u>	P.12,
12. <u>Matsushita Electric Industrial Co., Ltd. Vs. Zenith Radio Corp., 475 U.S. 574 (1986).</u>	P.11, P.12,
13. <u>Plaisance Vs. Phelps, 843 F.2d 107. (5th Cir. 1988).</u>	P.11, P.12,
14. <u>Scott Vs. Coughlin, 344 F.3d 283 (2d Cir. 2003).</u>	P.2,
15. <u>Thaddeus-X Vs. Blatter, 175 F.3d 378 (6th Cir. 1999).</u>	P.18,
16. <u>United States Vs. Strange, 370 F.Supp.2d 641 (N.D. Ohio 2005).</u>	P.21,

STATUTES AND RULES



1. 28 U.S.C. § 1254
2. 28 U.S.C. § 1915
3. 42 U.S.C.A. § 15601
4. 42 U.S.C.A. § 15607
5. 42 U.S.C. § 1983
6. Federal Rules of Civil Procedure, Rule 56.

OTHER

1. Prison Rape Elimination Act / P.R.E.A.,

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APPENDIX D - Mandate, of the U.S. Court of Appeals for 8th Cir.

APPENDIX E - Order, of the U.S. Court of Appeals for 8th Cir.

APPENDIX F - Order denying Rehearing, of the U.S. Court of Appeals for 8th Cir.

Appendix G - Exhibit

Appendix H - Exhibit

Appendix I - Exhibit

Appendix J - Exhibit

Appendix K - Exhibit

Appendix L - Exhibit

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**: *see Appendix A, in its entirety*

The opinion of the United States court of appeals appears at Appendix C. 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 September 28th 2023 see Appendix C,

☐ 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: October 31st 2023, and a copy of the order denying rehearing appears at Appendix F.

☐ 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).[Ⓢ]

signed by: Pernell R. May Pro Se

☐ 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

This case involves Amendment "14" to the United States Constitution, which provides due process of Section 5. The Congress shall have power to enforce, by appropriate Legislation, the provision of this article. The Amendment is enforced by Title 42, section 1983, United States Code:

"Every person who, under color of any statute, ordinance, regulation custom or usage of any State or Territory or District of Columbia, subjects, or causes to be subjected, any citizen of the United States, or other person within the jurisdiction thereof to the deprivation of any rights, privileges or, immunities secured by the Constitution and Laws, shall be liable to the party injured in an act or omission taken in such officer's judicial capacity. Injunctive relief shall not be granted unless a declaratory decree was violated, or declaratory relief was unavailable. For the purpose of this section any act of Congress, applicable exclusively to the District of Columbia, shall be considered to be a statute of the District of Columbia." under the 14th Amendment to the United States Constitution, which provides:

Section 1. All Persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein, they reside. No State shall make or enforce any Law which shall abridge the privileges or immunities of citizens of the United States, 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.

This case raises questions of interpretation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution. The U.S. District Court and the U.S. Court of Appeals had jurisdiction under the general federal questions jurisdiction conferred by 28 U.S.C. 1331.

STATEMENT OF THE CASE

The Petitioner, asserted that he was, seriously physically injured, by the defendant Deputy Tims, whom did use excessive physical force, against the Petitioner, on March 21st 2021, for a matter, that did not warrant any use of such excessive physical force, where, such incident had occurred, as a result, of, a Sexual harassment incident, which had also occurred, by, the defendant Deputy Tims, whom had refused to report the sexual harassment incident, as the Prison Rape Elimination Act, had provided as a means for, any Pre-trial detainee, as Parrell May, was at the time, to report such Sexual violation, which was directly committed, by, Deputy Tims actions.

On March 20th 2021, Deputy Tims did make, unwelcome comments, of a sexual nature, that was derogatory, and sexually offensive, to Parrell May, who requested to report such incident accordingly, while on the contrary, Deputy Tims, refused to make a report of the sexual harassment incident, on that day, and left, his shift, that evening without reporting the P.R.E.A. complaint.

The Petitioner had to wait until the next shift, to, get a Superior Deputy's attention, to the matter, and that is when the Petitioner, filed a P.R.E.A. complaint, against Deputy Tims, for sexual harassment, that night of March 20th 2021.

The next day, on March 21st 2021, Deputy Tims, was informed by another Deputy, of the prior shift, that, the Petitioner Parrell May, had filed a P.R.E.A. complaint, against him (Deputy Tims). Deputy Tims showed up, at work, to the T-Unit section of the jail, and made his presence, known to the Petitioner, whom, requested for Deputy Tims, to not come around him, and also requested for Deputy Tims to call his Supervisor to come immediately to the T-Unit section of the jail, for his re-assertion of a P.R.E.A. complaint of sexual harassment, whereas, Deputy Tims, again, deliberately refused to call his Supervisor, and attempted to feed the Petitioner, through a 5x15 inch food tray port, that is when the Petitioner, stuck his left leg through, the 5x15 inch food tray port to prevent the food tray from being inserted, and, Deputy Tims tried to,....

... get the Petitioner to put his Left Leg back into the other side of the food tray port, the Petitioner, requested for the Deputy, Kawnun Tims, to call his supervisor, so he (Parnell May) could make another P.R.E.A. complaint to that very shift supervisor, since the Prior shift supervisor, may have not informed the next shift supervisor, of the P.R.E.A. complaint of sexual harassment, in regard of Deputy Tims, sexually harassing the Petitioner, and should not be around the Petitioner, pending a proper and thorough investigation, of such complaint, accordingly. Deputy Tims attempted to put the Petitioner's Left Leg back into the other side of the 5x15 inch food tray port, by administering the use of physical force, to the point of excessiveness, in which it did cause, serious physical injuries to the Left Leg of the Petitioner.

Deputy Tims continued his use of excessive physical force, by, opening the Locked cell door, where the Petitioner was housed, and, hit the Petitioner several times, in the back, and pulling on the Petitioner from behind, trying to remove the Petitioner from the cell door, where the Petitioner's Left Leg was still stuck in the 5x15 inch food tray port. This entire incident, was all captured on surveillance cameras, which timed the entire excessive force incident to be, over 10 minutes, and, there was audio from a body cam - which was, activated about, a few minutes after the start of the entire incident, where the voice of the Petitioner, can be heard yelling for Deputy Tims to "Please call your supervisor" "I want to file a P.R.-E.A. complaint for sexual harassment" please call your supervisors", ... Such accounts were not mentioned, by, the U.S. District Court, where the U.S. District Court, acknowledged that, it can be heard, of the same contents in the audio, and, the video footage, showed, Deputy Tims, bending and twisting the Petitioner's Left Leg, stuck out the 5x15 food tray port.

The video-footage showed, clearly, what Deputy Tims had did, on March 21st 2021, where, he (Deputy Tims) had used excessive physical force, against the Petitioner Parnell May, for a matter that did not warrant the use of such excessive physical force. Deputy Tims could have just, called for his supervisors as Parnell May had requested, which was reasonable, considering the fact, that the Petitioner Parnell May, wished to make a P.R.E.A. complaint against Deputy Tims, regarding the sexual harassment incident, the day before, where, for that fact, Deputy Tims, admitted in his affidavit that he (Deputy Tims) did know, that morning, from another Deputy, that the Petitioner Parnell May had filed a P.R.E.A. complaint, of sexual harassment, against him (Deputy Tims) the night, before, which, should have been, enough reasonable reason, for, Deputy Tims, to stay far away from the Petitioner Parnell May, as a reasonable show, of being innocent, of sexual harassment against Parnell May, and not having any adversity against Parnell May. Deputy Tims, should have, told his own supervisors, to re-assign him (Deputy Tims) to another section of the jail, regarding having knowledge of the P.R.E.A. complaint, prior, to the excessive force incident. However, it was evidence that showed proof, that Deputy Tims, wanted to get back, at the Petitioner, in some kind of manner, and, Deputy Tims, found the opportunity to retaliate, against Parnell May, by first showing up at work, and displaying his physical presence within Parnell May's, giving the indication that he (Deputy Tims) can sexually harass any person as Parnell May, and Nothing will be done about stopping it. Deputy Tims went so far, as to, deny Parnell May, the right, to exercise, and, enjoy a protected right, to, utilize, such grievance procedure, as to make a P.R.E.A. complaint, on March 20th 2021, and also, on March 21st 2021, where on March 21st 2021, Deputy Tims, did responded against Parnell May by Retaliation for speech.

The U.S. District Court, recognized that there did exist such a genuine issue to the material fact, that the Plaintiff, Parnell May had suffered such serious physical injuries, to the Left knee and back, and that those specific injuries, were caused by Deputy Tims, using excessive physical force, against Parnell May, for a matter regarding the fact, that the Plaintiff Parnell May wanted to report a P.R.E.A. complaint of sexual harassment, against Deputy Tims, whom, had refused to make a report of such P.R.E.A. complaint, and instead, Deputy Tims, tried to get closer and keep closer, to the Plaintiff Parnell May, by showing up to work, the next day, after, learning that the Plaintiff Parnell May had filed a P.R.E.A. complaint, for sexual harassment, with the Prior shift Supervisor against Deputy Tims, so,.... Deputy Tims, wanted to show Parnell May, that, he (Deputy Tims) was still, very capable to get to him (Parnell May) and that, nothing would be done, to stop or sanction the Deputy Kawan Tims, regarding the Prison Rape Elimination Act, the Plaintiff, Parnell May, wanted help, from the supervisor, to have Deputy Tims, removed and kept away from him (Parnell May) on March 20th and 21st 2021, regard Deputy Tims sexually harassing the Plaintiff, consequently, Deputy Tims, presence was a imposing threat to Parnell May,.... Deputy Tims tried to feed the Plaintiff Parnell May, his food, through a 5x15 inch food tray port, in a steel cell door, that, was locked with Parnell May on the inside of that small single-man cell room, but, the Plaintiff Parnell May's food was perceived to be, a weapon, that, was in the hands of Deputy Tims, so Parnell May stuck the left leg of his Limbs through the 5x15 inch food tray port, and kept requesting that Deputy Tims call his supervisor, so he (Parnell May) can make another P.R.E.A. complaint regarding the sexual harassment, because Deputy Tims, should not be near, nor feeding any food to the Plaintiff Parnell May, whom was a victim of sexual harassment, by the same Deputy Kawan Tims, whom, was at the moment, trying to feed such victim, after, a P.R.E.A. incident, where Deputy Tims saw another opportunity, to inflict serious physical injury.

- Against Parnell May, by, pretending to de-fuse the situation, by, trying put the Plaintiff's Left Leg back into, the other side of the 5x15 inch feed tray, port, where, each moment, progressed, Deputy Tims, use of physical force, increased escalated, as it was clearly showed on the video footage, showing Deputy Tims, for a whole 10 minutes, trying to put, the Plaintiff's Left Leg back, into the other side, of the 5x15 inch feed tray, port, with the use of physical force, that, certainly escalated, into, the excessive physical force of, bending, twisting, and beating the Left Leg and back, of the Plaintiff, Parnell May, which did resulted into the serious injuries of the Left knee and back, as it was thoroughly documented in medical, sick call, records and reports, accordingly. There were the specific, genuine issues, of such material facts, in this case, such such Police brutality, in the Pulaski County Jail, against a person as Parnell May, whom, was a, pre-trial detainee, at that time of March 20th and March 21st 2021, however, the U.S. District Court, for the Eastern District of Arkansas, wrongly, determined the Material facts, of such a genuine issue, where the U.S. District Court, incorrectly determined, that, "The video shows Tims calmly attempting to push May's Leg back through the feed port. Tims is heard repeatedly asking May to pull his Leg out of the door, and warning him he will hurt himself. Tims' demeanor was calm and reasonable. May however refused to cooperate and pull his Leg out of the trap door, and repeatedly yelled at Tims. What force Tims used in attempt to push May's Leg back into the cell was, necessitated by May's action in putting his Leg through the port in the first place then refusing to pull it back out fighting against Tims efforts. Tims' actions were not objectively unreasonable," see (Document # 104-0 page 20-21) of the case 4:21-CV-00255-LPR., Accordingly, None of the aforementioned description, of the incident, was truth, the U.S. District Court's version of, the Material facts, where very wrong and biased against the Plaintiff, Parnell May, at every, important issue, regarding

+ what, Deputy Tims had did and what the Plaintiff Parnell May had did, where the U.S. District Court, in its version of the Material facts, had, stated, about, "Tims is heard repeatedly asking May to pull his Leg out the door, and warning him he will hurt himself",.. the U.S. District Court did not consider the fact, that, the Plaintiff Parnell May can be heard, before the food tray part was opened by Deputy Tims, to "call the Supervisor" telling Deputy Tims that, "your not supposed to be around me you sexually harassed me," "Call the supervisor I want to make another report about you sexually harassing me." The U.S. District Court, did not reasonably consider the fact, that, Parnell May stuck his Leg out the 5x15 inch food tray part, to get the Supervisor, to come to the T-Unit of the jail, and feed him (Parnell May), whereas, Deputy Tims, was the perpetrator of sexual harassment against Parnell May, and should not be feeding the victim, Parnell May, after, Parnell May did file a P.R.E.A. complaint of sexual harassment against Deputy Tims, whom, did knew of such P.R.E.A. complaint, yet still tried, to deal directly with Parnell May. The U.S. District Court, did not, reasonably consider, such material facts, about such a very genuine issue, that was officially justifiable and entitled the Plaintiff Parnell May, to have his civil rights Lawsuit case be tried, and determined by a jury. The U.S. District Court, biasly, analysed and determined, the Material facts of such genuine issues, against Parnell May, which deprived Parnell May, of the due process, to have his civil rights complaint be tried by a jury as the 7th and 14th Amendment to the U.S. Constitution, had provided and guaranteed to a person as Parnell May, whom had been, seriously physically injured, by, a Law enforcement personnel, Deputy Tims, whom, had, used excessive physical force for a reason, not necessary, accordingly.

Also, the Petitioner has been unfairly treated by the Clerk of Court of the U.S. Court of Appeals for the Eighth Circuit, because, of the Petitioner, proceeding Pro Se, and in concert, the Clerk of Court for the 8th Circuit, had arbitrarily held, the Pro Se Petitioner's Petition for rehearing en banc and for rehearing by Panel, from being properly and timely filed, into Court record, as it was physically mailed and delivered by U.S. postal service, in a timely manner, in regard, of the strict 14 days time limit. The Pro Se Petitioner, had received the judgment, of 9-18-2023, and upon receiving such judgment, the Pro Se Petitioner, had mailed out his petition for rehearing en banc and rehearing by panel, immediately, due to the fact, that it was already pre-prepared for such legal action, and it was reasonably understood from past experience that it would take approximately 3 days to reach either, the location, of the Pro Se Petitioner, housed at the East Arkansas Regional Unit in Marianna, Arkansas, to the U.S. Court of Appeals for the 8th Circuit in Saint Louis, Missouri, accordingly, please see Appendix G, and Appendix K, The exhibit of the Pro Se Notice of the docket entry, shows that such document was filed on 10-06-2023, which was 18 days, after 9-18-2023, which showed tampering with the proper filing of Court Records, by the 8th Circuit Clerk of Court, see Appendix L, and J, where this has occurred before, in regard of legal cases, filed by the Pro Se Petitioner Parnell May, see Court of Appeals for the United States, case numbers 23-1326, Parnell May Vs. Dexter Payne, where the U.S. Court of Appeals Clerk had physically withheld, the Pro Se Petitioner's, filing of his document, and contacted the Arkansas Attorney General's Office on 3-08-2023, about missing its filing date, where the U.S. Court of Appeals Clerk, unfairly withheld filing the Pro Se Petitioner Parnell May's timely submitted document, until the Arkansas Attorney General had an unfair chance, to file its untimely document. See Appellate Case 23-1326 Page 1-2, date filed, 3-09-2023, Entry ID: 5253374.

see Appendix G, H, and I, accordingly.

✓ T.O.

REASONS FOR GRANTING THE PETITION

(A) Conflicts with Decisions of other Courts

The holdings of the Courts below, that "Rule 56(c)(2), Federal Rules of Civil Procedure, 'If there is no genuine factual issue, summary judgment does not violate the right to a jury trial since the purpose of trials is only to decide factual issues. See *Plaisance Vs. Phelps*, 845 F.2d 107, 108 (5th Cir. 1988). A material fact is one that might affect the outcome of the suit such as the material fact, of Deputy Tims using excessive physical force, against Parnell May, for a circumstance that was unnecessary under the governing law, where such genuine issue existed, where such evidence was such that a reasonable jury could return a verdict for the Nonmoving Party, as Parnell May in accordance with, *Anderson Vs. Liberty Lobby, Inc.*, 477 U.S. 242, 248, 106 S. Ct. 2505 (1986), *Gray Vs. York Newspapers, Inc.*, 937 F.2d 1070, 1078 (3d Cir. 1992). "In determining whether there was a genuine issue of material fact, the U.S. District Court must view all facts, but did not make all reasonable inferences, in favor of the Nonmoving Party, as Parnell May," in accordance with, *Matsushita Electric Industrial Co., Ltd. Vs. Zenith Radio Corp.*, 475 U.S. 574, 587, 106 S. Ct. 1348 (1986). There was circumstantial evidence that showed proof that Deputy Tims, did inflict serious physical injuries to Parnell May, by the use of unnecessary excessive physical force, for a situation, that could have been resolved by just calling the supervisor for the Plaintiff Parnell May whom reportedly requested to speak to a Supervisor, for the sole purpose of filing a, P. R. E. A. complaint of sexual harassment against Deputy Tims, where such "Circumstantial evidence can, and did create, such an issue, of such a material fact, which barred summary judgment, in accordance with *Fischl Vs. Armitage*, 128 F.3d 50, 56-59 (2d Cir. 1997), "showing proper, and improper inferences from the record in Prison assault case" *id.*, whereas the U.S. District Court, was not supposed to decide such disputed facts, and was not supposed to assess the credibility, of Parnell May's statement of the incident, that,

- was contained in his sworn and notarized Affidavit, regarding the summary judgment motion, in accordance with, *Masson Vs. New Yorker Magazine, Inc.*, 501 U.S. 496, 520, 111 S.Ct. 2419 (1991), and *Anderson Vs. Liberty Lobby, Inc.* 477 U.S. 242, 255, 106 S.Ct. 2505 (1986), where, the U.S. District Court, can not grant summary judgment because it thinks Parnell May's assertions in his sworn and notarized Affidavit about the incident and his inquiries are inconsistent with the evidence, in the record, see *Scott Vs. Coughlin*, 344 F.3d 283 289-90 (2d Cir. 2003), however, there was actual video footage of the excessive force incident, of March 21st 2002, and the U.S. District Court, flat out, wrongly described the action of Deputy Tims, in a manner, that gave the impression, of Deputy Tims, acting so calmly, and nice to Parnell May, while trying to put Parnell May's Leg back into the food tray port, whereas the true image in the video-footage showed the truth, of Deputy Tims increasing his use of physical force, to the level of excessive, where, that, it was not necessary, all Deputy Tims should have done, was, stay away from contacting Parnell May, after learning the truth, that Parnell May had actually filed a P.R.E.A. complaint of sexual harassment against Deputy Tims, the day before. Accordingly, the U.S. District Court, decided, the defendants motion for summary judgment, against the Plaintiff Parnell May, which did violate against the Plaintiff's right to a jury trial, in accordance with, *Plaisance Vs. Phelps*, 845 F.2d 107, 108 (5th Cir. 1988), and Rule 56 (c)(2) of the Federal Rules of Civil Procedure. The U.S. District Court basically showed bias support for Deputy Tims actions, and prejudiceness against the Plaintiff Parnell May, by the U.S. District Court turning a blind eye to the fact that Deputy Tims retaliated against Parnell May, by inhibiting Parnell May, from exercising the protected right to file any P.R.E.A. complaint, for sexual harassment, in accordance with, *Crawford-EL Vs. Britton*, 523 U.S. 574, 588 n.10 118 S.Ct. 1584 (1998). However, This Court should grant this Petition for a Writ of Certiorari, for the following reasons:

that, it was never, clearly decided, whether, a pre-trial detainee, as Parnell May was March 20th and 21st 2021, have a 14th Amendment due process right against being subject by jail guards, as Deputy Tims, to excessive force, that amounts to punishment, as it was somewhat decided, in accordance with *Graham Vs. Connor*, 490 U.S. 386, 395 n.10, 109 S.Ct. 1865 (1989), however this Court did not explain what amounts to punishment, regarding the question of what constitutes, punishment of a pre-trial detainee, as the Plaintiff, Parnell May was, on March 20th and March 21st 2021, accordingly. The Law, looks at Deputy Tims behavior, of, refusing to report about Parnell Mays P.R.E.A. Complaint of sexual harassment, on March 20th and 21st of 2021, also the Law looks at Deputy Tims behavior, of, coming back to work, on March 21st 2021, the day after a P.R.E.A. Complaint of sexual harassment, was filed against Deputy Tims, by Parnell May through the Prior shift supervisor, and Deputy Tims, was directly made aware of the fact, that, Parnell May had manage to file a report of sexual harassment, with the Prior shift supervisor, where, Deputy Tims, should have, recused himself, from working anywhere, around Parnell May, especially, serving food trays to Parnell May on March 21st 2021, which was the very next day after, the P.R.E.A. Complaint of sexual harassment was filed, the Law, looks at Deputy Tims behavior, of, coming into such direct contact, with Parnell May on March 21st 2021, and having clear knowledge of Parnell May filing a P.R.E.A. Complaint of sexual harassment, against him (Deputy Tims), as Retaliation, against Parnell May's right to exercise and enjoy a protected right to petition the government for a redress of such grievances, where, Deputy Tims, continued, to, inhibited Parnell May against exercising and enjoying such protect right, on March 20th and March 21st 2021, by inhibiting Parnell May from making a P.R.E.A. Complaint report, of sexual harassment, on both days.

See Appendix D, E, F, and also see Appendix J, K, L, examine the dates accordingly...

The right to proper and adequate access to the Courts, is a very important right, which it theoretically protects all Parnell May's other rights to equal protection of the Law, fair justice, by due process of Law, in any Civil and/or Criminal Court of Law, in the State of Arkansas, or any State, within the United States, however, the U.S. Court of Appeals for the 8th Circuit's Court Clerk, had wrongly interfered with the Pro Se Appellant Parnell May's, right to properly and adequately access to such Court, by tampering with the proper filing of a legal document into court record, as it was, properly timely received, by U.S. Postal Service, to the U.S. Court of Appeals Clerk of Court Office for the 8th Circuit, whereby, such wrongful action, the U.S. Court of Appeals Circuit Court Clerk, had arbitrarily withheld, the Pro Se Appellant Parnell May's Petition for Rehearing en banc and rehearing by Panel, from being properly filed into the

Court record, so as to, not be recognized by the Court, as filed in a timely manner, whereas, the right of access to Courts, is such a very important right, since, it theoretically protects all a person/prisoner's other rights, as this right does extends to all categories of prisoners as Parnell May, and it is supposed to be "adequate", "effective", and "meaningful", in accordance with *Bounds Vs. Smith* 430 U.S. 817, 822, 97 S.Ct. 1491 (1977), which did result the Pro Se Appellant Parnell May's suffering the actual injury to due process, by being impeded in having the Court, to reasonably consider the argument and merits, of his Petition for a rehearing en banc and rehearing by Panel, in accordance with *Lewis Vs. Casey*, 518 U.S. 343, 351-53, 116 S.Ct. 2174 (1996), causing the Court, to deny the Pro Se Appellant Parnell May's Petition, for a rehearing en banc and rehearing by Panel, for, not being timely filed into court records, before the deadline, which legally constitutes, an "actual injury" as required, in accordance with *Lewis Vs. Casey*, 518 U.S., at 351-53, accordingly, There is additional evidence to support this claim, where the U.S. Court of Appeals, for the 8th Circuit, Clerk of Court, had done such violation to adequate due process of Law, in the Past, to the same Person Parnell May, where, the same Clerk of Court, had arbitrarily withheld, filing the Pro Se Petitioner Parnell May's Reply brief which was mailed March 3rd 2023, and

- was received by the U.S. Court of Appeals Clerk, on March 8th 2023, that same Clerk refused to electronically file Parnell May's Pro Se Reply brief, at that very time, and wrongly withheld it, the same Clerk, telephoned the Arkansas Attorney General's Office, and told an Attorney General's Assistant, about their missed filing deadline, of March 3rd 2023, and how the Pro Se Petitioner Parnell May had, went ahead and mailed his Pro Se Reply brief, which would have, been filed into court records in such a timely manner, and, resulted in the Court's decision, to be, in Parnell May's favor,.... however, the same clerk, decided to wrongly unfairly withheld filing Parnell May's Legal document, into court record, properly adequately and meaningfully, as it was properly, adequately, received by the U.S. postal service in a meaningful timely manner, and, gave the State of Arkansas Attorney General's Office, an Advantage against Parnell May, in a legal action in a Civil Court of Law in the United States, which was clearly unconstitutional, examine the dates, accordingly, see Appendix G, Appendix H, Appendix I, and J, The same Clerk for the U.S. Court of Appeals for the 8th Circuit, has once again wrongly tampered with the filing of Legal documents, into Court record, the Clerk, telephoned the Arkansas Attorney General, and told the Attorney General of its missed deadline, days after the deadline, while deliberately withholding Parnell May's timely mailed Legal document, from being timely filed, the Clerk of Court would not have treated Parnell May the same, the Clerk for that Court, had, wrongly withheld, Parnell May's Legal document after, receiving such document by the U.S. mail, 3 or more days, prior to its deadline, and after, accordingly, violating against Parnell May's right of such due process, of adequate, effective, and meaningful access to court, as the U.S. constitutional law, provided and or guaranteed, to him, accordingly this Court should grant this Petition for a Writ of Certiorari, and, address the continued corrupt activity, of the tampering with Court records issue, committed by the same Clerk of Court, for the U.S. Court of Appeals 8th Circuit.

This Court can reasonably infer or deduce such fact in issue, by the Circumstantial Evidence, intrinsically, by the fact, that, on, the date of March 8th 2023 the U.S. Court of Appeals Clerk, contacted the Arkansas Attorney General's Office, by telephone, to inform, the Arkansas Attorney General, of missing its due date to file, its Legal Response with the U.S. Court of Appeals, which was "6" days after the due date's deadline, consequently the Arkansas Attorney General's Office, files a motion for extension, which was suddenly granted instantly by the U.S. Court of Appeals, as well as, the Arkansas Attorney General's Office, filed its Legal Response in with the U.S. Court of Appeals on the very date of March 10th 2023 and then suddenly the Clerk of the U.S. Court of Appeals, filed Parnell May's Legal document, into the U.S. Court of Appeals Record, immediately the very next day, after wards the filing of the Arkansas Attorney General's Office, Legal document,.... Accordingly, this Court, can reasonably draw conclusion, from such aforementioned factors, that, showed, that, the Clerk of U.S. Court of Appeals, did receive Parnell May's Legal document of Legal Brief by the U.S. Postal service and had possession of such Legal document, on the date of March 8th 2023, unfairly withheld filing it, into Court Record, on that date, of receiving such Legal document,.... the Clerk of U.S. Court of Appeals contacted the Arkansas Attorney General's Office, by telephone, ... informing that Office, of its failure to file its response, more likely informing that Office, of Parnell May's very arrival of his timely Legal document and the mis-fortune, the Arkansas Attorney General's Office would have, if Parnell May's Legal document is filed, into Court Record, without the Arkansas Attorney General's Office, filing its response, where the Arkansas Attorney General's Office, Capitalized, by the unfair advantage, given by the Clerk of U.S. Court of Appeals, through, tampering with the proper filing of a Legal document, into Court records, which did, wrongly interfered, with proper, adequate, and meaningful, access to the Court, as due process of proper procedural Law, permits, protects, and guaranteed, to a person, as Parnell May, see Appendix G, H, I, J, K, and L.

(B) Importance of the Questions Presented

This case presents a very fundamental question of the interpretation of this Court's decision in *Anderson vs. Liberty Lobby, Inc.* 477 U.S. 242, 255 106 S. Ct. 2505 (1986), and *Masson vs. New Yorker Magazine, Inc.*, 501 U.S. 496, 520 - 111 S. Ct. 2419 (1991). The question presented is of great public importance, because it affects the due process of Justice in a Civil Court, regarding, the genuine issue of a material fact, of a blatant form, of Police brutality, where the excessive use of physical force, against Parnell May, by Deputy Tims, who had just sexually harassed Parnell May, the day before the excessive force incident, where Deputy Tims, used such force, for a circumstance that did not warrant the use of such force, however, it was Deputy Tims efforts to keep Parnell May from reporting another P.R.E.A. complaint, which was a protected right, in accordance with, *Crawford-EL vs. Britton*, 523 U.S. 574, 588 n.10, 118 S. Ct. 1584 (1998), which violated such Constitutional right, accordingly. The question of whether the use of excessive force by Deputy Tims, against a Pre-trial detainee Parnell May, for a matter not necessary for the use of such excessive physical force, that did recklessly cause serious physical injuries, to Parnell May, whom was, inhibited by Deputy Tims to exercise such protected right, to make and file a report, of a P.R.E.A. complaint, of sexual harassment, against Deputy Tims, on March 20th and March 21st of 2021, did offend the Constitution, as well as, the Plaintiff Parnell May, by due Process of Law, accordingly. Congress has enacted the P.R.E.A., the Prison Rape Elimination Act of 2003, see 42 U.S.C.A. § 15601 et seq., 42 U.S.C.A. § 15607, Parnell May had a Constitutional right to report the sexual harassment, inflicted by Deputy Tims, whom, had refused, to report such incident, as the Plaintiff Parnell May, had requested to do so, both on March 20th and March 21st of 2021, instead Deputy Tims, inhibited Parnell May, from exercising such protected right to petition the government for a redress of grievances, see

Crawford-EL Vs. Britton, 523 U.S. 574, 588 n.10, 118 S.Ct. 1584 (1998). Also it was unconstitutional for Deputy Tims to retaliate against Parnell May for wanting to exercise his right the right of such protected right, and it was Unconstitutional for Deputy Tims to retaliate against Parnell May for, actually exercising his right of such protected right, Parnell May wanted to report the sexual harassment by the P.R.E.A. standards, as it was protected under the 1st Amendment to the United States Constitution, Deputy Tims did take adverse action, against Parnell May both times on March 20th and March 21st 2021, by inhibiting and refusing to report, Parnell May's sexual harassment complaint by the P.R.E.A. standards, which was Deputy-Tims attempt to deter Parnell May of ordinary firmness from continuing to engage in such protect right of conduct, and the fact that there was a clear causal connection between elements of one and two, that was the adverse action, which was motivated at least in part by the Plaintiff Parnell May's protected right to petition the government for redress of such grievance, regarding P.R.E.A., see *Thoddeus-X Vs. Blatter*, 175 F.3d 378, 394 (6th Cir. 1999). The U.S. District Court, had made its decision, that, conflicted with the decisions, of each court aforementioned, as well, as this Court's decision's accordingly. Such aforementioned questions presented, is of such a great public importance, because it is regarding an actual form of Police brutality, where a Law enforcement Personnel as Deputy Tims, seriously injured a Person who was a Pre-trial detainee, as Parnell May, who wanted, to report a sexual harassment complaint, that was committed by the actions of a Law enforcement Personnel, who was Deputy Tims, where such Law enforcement Personnel did use excessive physical force, against a Person who was a Pre-trial detainee, as Parnell May, in attempts, to inhibit exercising such Protected Right, accordingly.

The issue's importance is enhanced by the fact, that, the U.S. District Court and U.S. Court of Appeals for the Eighth Circuit, have seriously offended and prejudiced, every Person, as Parnell May, a U.S. citizen, by its decision to, grant the defendants motion for summary judgment and affirming such decision, which was, the judicial actions, of protecting and supporting the use of such excessive physical force, against any Person by Law enforcement Personnel, for, unwarranted circumstances, and also, it was such judicial actions, of protecting and supporting, such Law enforcement Personnel, in their action of inhibiting any Person, from, exercising the protected right, to petition the government for a Redress of grievances, such as Parnell May's, protected right, to report the very P. R. E. A. complaint of sexual harassment by Deputy Tims; accordingly, Now, The U. S. Court of Appeals for the 8th Circuit and the U.S. District Court for the Eastern District of Arkansas, have decided, that Law enforcement Personnel, can, use excessive physical force, for unwarranted reasons, which was, basically saying that, "regards to Gershun Freeman and Tyre Nichols, where Personnel of Law enforcement used, unnecessary excessive force, against both Persons, in the City of Memphis Tennessee, 2023, and tried to contrive the evidence, and told, of false accounts so as to, justify, their use of such excessive physical force, where both Gershun Freeman and Tyre Nichols died, is okay". The fact, that, if the Public would have not know about it, and that, it could have been, kept behind, such, bias Court-room doors, as the U.S. District Court for the Eastern District of Arkansas, and the U. S. District Court for the 8th Circuit, where, it will allow, such evil by the Law enforcement Personnels, to, continue to use, and get away with using excessive physical force, to any Person, as Parnell May, for, unwarranted reasons, which was Unconstitutional, accordingly.

It is also, very important, that, this Court, redress, the unfair treatment caused by the U.S. Court of Appeals, against, Pro Se Person's, as Parnell May was treated, whereby, the Clerk of Court, for the U.S. Court of Appeals, had, wrongly, withheld, Parnell May's legal documents at the time of receiving such legal documents, by, U.S. postal service and deliberately failed to file such legal documents, into Court record, as proper, adequate, access to court, by due process of law, provided to Parnell May, where such wrongful tampering with the properly timing and chronological order, of filing such legal or any legal documents, into court record, is absolutely unfair, and unconstitutional, to any person, whom is a U.S. citizen, in any, civil and/or criminal Court of law, within the United States, this Court can inference, such tampering with the filing of Court records, committed by the Clerk of Court, of the U.S. Court of Appeals, for the 8th Circuit, by, examining the documentary evidence provided by the Petitioner, Parnell May, see Appendix, G, H, I, J, K, and L. The Clerk, would not have telephoned or contacted the Petitioner, accordingly. Parnell May's Pro Se status, was not, properly and fairly recognized, respected, and treated with, proper due process of law, as, other U.S. Court of Appeals, such as the Second Circuit, had held that, "This Court has long envinced a sensitivity toward the plight of the uncounselled Prisoner attempting to navigate the technicality-laden road to the Courthouse, see, *Flaherty Vs. Coughlin*, 713 F.2d 10 (2d Cir. 1983) *Moorish Science-Temple of America, Inc Vs. Smith*, 693 F.2d 987, 990 (2d Cir. 1982). Again, Regarding Summary Judgment, the U.S. District Court cannot try such issues of fact as it did in Parnell May's case, see *Heyman Vs. Commerce and Indus-*

Accordingly, Deputy Tims Never followed any proper training Protocols, in regard, the self-control use of force, and judgment which did resulted into excessive force to be used in a situation, that, was not needed, to, get cooperation from Parnell R. May, and never followed any proper training Protocol, in regard, of calling for assistance when a situation, regarding having to physically force an inmate, to comply with any order, especially, in this case, where, it was not, a situation, that erupted, in an immediate and/or sudden second, to, where, the Deputy Tims could not have time to reasonably evaluate and have enough time to think about what type of power of persuasion, could or would he (Deputy Tims) would use, so as to, get Parnell R. M. to comply, accordingly, Deputy Tims showed, that, in his mind at that moment in time was to first not let any other staff personnel Sergeant or other guard know about Parnell R. May wanting to report a P.R.E.A. Complaint of Sexual Harassment, against him (Deputy Tims), knowing already that Parnell R. May had done enough by filing one the shift before, and knowing also, that, such refusal to call for his supervisors and/or others, would most likely, cause Parnell R. May to do something that would open up an avenue, for the opportunity, to blend some retaliation into, following duty, in controlling Parnell R. May, which is the usual form of manipulating the position of power and authority, over inmates, basically "Abuse of Power and Authority" however, Deputy Tims "Abuse of Power of Authority" was clearly exposed, by his stubborn use of excessive force against Parnell R. May in a situation that did not need such excessive force, which resulted into the left leg and back injuries and pains that Parnell R. May had suffered, after the excessive force incident that occurred March 20th 2021, at around 11:07 AM, by the Deputy Tims accordingly: Parnell R. May can be seen on the video footage trying as if to reach for the radio, and Deputy Tims is preventing Parnell R. May from touching the radio, please see the video footage of the sub-dayroom point of view in (Doc #44) Exhibit A, accordingly in the chambers of this Court and with the Clerk, there is, an, extra, copy of it, accordingly, and, if this Court was to review, the video footage, this Court will see for itself, that there is clearly a material fact of a genuine issue, regarding excessive use of unnecessary excessive force, being inflicted by the Deputy Tims against Parnell R. May, for a situation that did not warrant such level of physical force, so as to, get control of the very situation, basically all Deputy Tims had to do, was, call for assistance, and, let the assistance serve Parnell R. May his fecal tray, and, listen to Parnell R. May's account about the sexual harassment incident accordingly. it would have never went this far.

+stry Co., 524 F.2d 1317, 1319-20 (2d Cir. 1975), moreover the U.S. District Court, in Parnell May's case, must resolve all ambiguities and draw all reasonable inferences in favor of the Party against whom summary judgment is sought as it was in Parnell May's case, accordingly see, Heyman Vs. Commerce and Industry Co., supra, 524 F.2d at 1320, with the burden on the moving party to demonstrate the absence of any material issue genuinely in dispute, such as the actual video footage showing Deputy Tims, using excessive physical force against Parnell May, for 10 minutes, which did cause actual serious physical injuries, to Parnell May's left knee, and back, where medical records and reports showed proof, of such material facts, that were in dispute, see, Adickes, Vs. S.H. Kress & Co., 398 U.S. 144, 157 90 S.Ct. 1598, 1608, 26 L.Ed. 2d 142 (1970), while on the contrary, the U.S. District Court, in Parnell May's case, wrongly and Unconstitutionally precluded Parnell May from presenting such a case to a jury, as the 7th Amendment to the United States Constitution, had provided accordingly, see, Poller Vs. Columbia Broadcasting System, Inc., 368 U.S. 464, 473, 82 S.Ct. 486, 491, 7 L.Ed. 2d 458 (1962), see also Patrick Vs. LeFevre, 745 F.2d 153, at 158-160 (2d Cir. 1984), accordingly. Also, in regard, to the constant, unfair treatment against Pro Se Litigants, as Parnell May, by the Clerk of Court of the U.S. Court of Appeals where there has been, numerous accounts of his legal documents not being filed in timely or chronological order, as it was received by U.S. Postal Service at one time, absolutely no filing, where no copy receipt was returned, to Parnell May, which is corrupt unfair, access to the Courts, as due process of law, accordingly, while Parnell May tried to litigate his civil case.

The Appellant/defendant/Parnell R. May did specifically indicate particular deficiencies in, the State's evidence and or proof beyond a reasonable doubt, when moved for directed verdict, in regard, of the amount of blood loss, which was insufficient evidence, accordingly. Please Refer, "RT-325", "RT-380", "RT-382". The amount of blood loss found collected up, inside the Abdominal Cavity which was 800 mL of collectible blood loss, Please Refer "BP-177", "RT-222-227", did show absolute discrepancy, compared, to the testimonial evidence by the State Medical Examiner, where, he had stated that, "1.2 Liters of blood flows, through a person's Liver organ, per minute, per, 50 to 100 heart rates, per minute," Please Refer, "RT-228-229", "RT-301". Accordingly, there existed clear deficiency, in the amount of blood loss, that, was documented in Anna Marie Mireles Autopsy Report, which was a total of 960 mL of collectible blood loss, all, in all, whereas, it would reasonably take approximately, 1.4 Liters of blood loss, to cause a circulatory collapse of the Cardio Vascular system, Please Refer, "RT-503", also there was additional deficiency in the amount of blood loss that was found collected up inside the Abdominal Cavity, which was the 800 mL of blood loss. Had that, 50% Right Liver Lobe through-and-through Laceration, ever existed, Prior, to the Start of the 60 minutes of C.P.R. chest compressions, which does cause Cardio-blood flow, and would have produced, much more over blood leakage, and or over blood loss, Accordingly, it would and or should have been much more over blood leakage and or over blood loss, found at the autopsy examination, collected up, inside the Liver organ area, then just, that 800 mL of collectible blood loss, that, was found in her Abdominal Cavity, had that, 50% Right Liver Lobe through-and-through, ever existed, before the Start of the 60 minute, C.P.R. to had been a significant contributor to cause, Anna Marie Mireles, death, Accordingly, it was not enough blood loss, to had ever existed Prior the Start of the 60 minutes of C.P.R., to had significantly contributed to the cause of death, and, be the result of the 60 minutes of C.P.R. chest compressions, accordingly.

The U.S. District Court, in Parnell May's case, reasoned that Parnell May's statement in his sworn and notarized Affidavit, asserting that Deputy Tims, seriously injured him (Parnell May) March 21st 2021, by the unwarranted use of excessive physical force, instead of just calling his (Deputy Tims) supervisor, as the Plaintiff Parnell May, had, first repeatedly requested, for the clear purpose of reporting a P.R.E.A. Complaint regarding sexual harassment, reasonably prior, to Deputy Tims opening the 5x15 inch food tray port, where Deputy Tims was intending to slide a food tray into it. Where Deputy Tims, had already knew that Parnell May had manage to make a P.R.E.A. Complaint and report of sexual harassment, to the Prior shift supervisor, where, Deputy Tims should have taken the reasonable action, of Not Attempting to make any Near Contact with the food tray of Parnell May, knowing that Parnell May was Not comfortable, Nor trusted, Deputy Tims, to get the supervisor to be called Parnell May stuck his leg through the 5x15 inch food tray port, and, continued to request for Deputy Tims to call his (Deputy Tims) supervisor, so he (Parnell May) could file and report a P.R.E.A. Complaint with the Present Shift Supervisor, and have that shift supervisor, seize him (Parnell May's) food tray,... the U.S. District Court, reasoned that Parnell May's statement, of such, by a sworn and Notarized Affidavit, was "blatantly contradicted by the evidence in the record"... however though, the U.S. District Court, was, wrong in its analysis, first of all, there existed such a genuine issue, of such, material fact, as the due process of Law, required, where, there was evidence in the record of, serious physical injuries, which did result, from, the incident of excessive-physical force, that was a causal connection, between, Parnell May wanting to report a P.R.E.A. Complaint of sexual harassment, and Deputy Tims adverse actions of inhibiting Parnell May, of exercising such Protected Right, at that very point, in time, both on March 20th and March 21st 2021, accordingly. The U.S. District Court and U.S. Court of Appeals for the 8th Circuit, seriously decided

Parnell May's civil right lawsuit case, wrongly, and seriously offended the U.S. Constitutional due process, to have a jury decide the material facts, regarding the evidence in the record, whereas, the Lower Courts, had not mentioned the facts of the circumstantial evidence, of the actual report about Deputy Tims sexually harassing Parnell May, the day before the excessive force incident, that was, actually filed by the Prior shift supervisor, where the Lower Courts was suppose to view such facts and circumstantial evidence as aforementioned, and make all reasonable inferences in favor of the Non moving Party which was the Plaintiff Parnell May, in accordance with the United States Supreme Court case law, authority of, Matsushita Electric Industrial Co., Ltd. Vs. Zenith Radio Corp., 475 U.S. 574, 587, 106 S. Ct. 1348 (1986). Thus the Lower Courts seriously made an error, by, deciding to grant the defendant's motion for summary judgment and affirming such judgment, instead of at the least, granting or reversing in part, and remanding in part, the case back to the U.S. District Court, in regard, of the excessive force claim. Accordingly, This case of Parnell May, is, so very important enough, to actually justify devoting this Court's limited time, to review and decide on its merits, where the importance of such genuine issue, as Excessive and unnecessary force, by police or prison/jail staff, which violated the Constitution and can be remedied by damages, see United States Vs. Strange, 370 F. Supp. 2d 644, 651 (N.D. Ohio 2005). "sentencing former sheriff's deputy for retaliatory jail beating" see also, Graham Vs. Connor, 490 U.S. 386, 395, 109 S. Ct. 1865 (1989) and Hudson Vs. McMillian, 503 U.S. 1, 9-10, 112 S. Ct. 995 (1992), regarding the fact that, even "de minimis force" can be unconstitutional if it is "repugnant to the conscience of mankind," id, as Deputy Tims actions were against Parnell May, on March 20th and March 21st 2021, accordingly, where, under the Due Process Clause, a Pre-trial detainee as Parnell May was on March 21st 2021, can not be punished, see Bell Vs. Wolfish, 441 U.S. 520, 535, 99 S. Ct. 1861 (1979) in accordance with Block Vs. —

- Rutherford, 468 U.S. 576, 585-86, 104 S.Ct. 3227 (1984). Again, most importantly this Court should grant this petition for a Writ of Certiorari for, one of reason, that it was never clearly decided, as to whether a Pre-trial detainee, as Parnell-May was on March 20th and 21st of 2021, had either a 4th or 14th Amendment due process right against being subject by jailguard, as Deputy Tims, to excessive unnecessary force, that "Amounts to punishment," as, it was somewhat decided in the United States Supreme Court Case Lawrence v. Chiles, 490 U.S. 386, 395 n.10, 109 S.Ct. 1865 (1989), where this court did not explain, "What Amounts to punishment," also, this court, should not allow the lower courts to protect and support such Unconstitutional Actions and conduct, of Deputy Tims, in regard of All that was committed against Parnell May, on March 20th and 21st 2021 accordingly.

CONCLUSION

The petition for a writ of certiorari should be granted, consequently.

Respectfully submitted,

Parnell R. May

Date: November 19th 2023