

23-6374

ORIGINAL

No. \_\_\_\_\_

FILED

SEP 14 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
VONELL DAVIS, JR. — PETITIONER  
(Your Name)

vs.

\_\_\_\_\_  
WAYNE HILL, et.al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

\_\_\_\_\_  
VONELL DAVIS, JR.  
(Your Name)

923 BETHUNE ROAD

\_\_\_\_\_  
(Address)

BALTIMORE, MARYLAND 21215

\_\_\_\_\_  
(City, State, Zip Code)

443 928 6920  
(Phone Number)

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SUPREME COURT, U.S.

## QUESTION(S) PRESENTED

1. DID THE DISTRICT COURT ERR WHEN IT DENIED THE ORIGINAL COMPLAINT WITHOUT A HEARING, AND CONCLUDING APPELLANT HAD NO CAUSE OF ACTION?
2. DID THE LOWER COURT ERR OR ABUSE ITS DISCRETION WHEN DENYING THE MOTION TO AMEND?
3. IS IT DESIREABLE OR IN THE PUBLIC INTEREST TO CONSIDER A CIVIL RIGHTS CLAIM WHERE FOOD PROVIDERS KNOW OR SHOULD HAVE KNOWN THEY WERE FEEDING THE INMATES WITH PEANUT BUTTER WITH ACRYLAMIDE, WHICH CAUSES CANCER AND LEAD POISONING?

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

~~[x]~~ 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:

Plaintiff- Donell Davis Jr.-

Defendants: Wayne Hill, Maria Maximo-Sabundayo, Vernon Crowell,  
Peanut Kids, Inc. Lieutenant Silas, R. Hale

## RELATED CASES

DAVIS V. HILL, U.S. District Court, No. 1:21-cv-027040-PX  
(D. Md. January 30, 2023);

DAVIS V. HILL, No. 23-6212, Filed July 28, 2023

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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☒ is unpublished.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 January 30, 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).

## JURISDICTION:

With the United States Court of Appeals for the Fourth Circuit having affirmed the lower Court's decision, Certiorari Review is available, if the Supreme Court chooses to exercise its discretion.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED :

This case involves Amendment XIV 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.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions 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, Territory, or the 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 action at law, suit in equity, or other proper proceeding for redress.

## TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

2.(vi)



IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 2023

No. \_\_\_\_\_

VONELL DAVIS, JR.

Plaintiff-Appellant

V.

MR. WAYNE HILL; MS MARIA MAXIMO-SABUNDAYO, MR. VERNON  
CROWELL; PEANUT KIDS, INC; LIEUTENANT SILAS, Dietary  
Supervisor; R. HALE, Captain

Defendants-Appellees

PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

DECISIONS BELOW:

The decision of the United States Court of Appeals  
for the Fourth Circuit is unreported. It is cited as  
No. 23-6212, FILED July 28, 2023 (1:21-cv-02740-PX)  
The Order of the United States District Court in  
DAVIS V. HILL, No. 1:21-cv-027040-PX (D. Md, Jan. 30,  
2023) was affirmed Per Curiam. A copy of the decision  
of the United States Court of Appeals is attached, and  
a copy of the lower Court's decision will be provided  
to the Record within 14 days, although it is part of  
Record.

STATEMENT OF THE CASE :

Appellant's complaint alleges that Defendants denied his Constitutional rights when serving Appellant with Peanut Kids® Peanut Butter that contained the substance "Acrylamide" which warning label on the container reads as follows:

WARNING: Consuming this product may expose you to chemicals including Acrylamide which is known to the State of California to cause cancer, and lead poisoning, which is known to the State of California to cause birth defects and/or reproductive harm. P65WARNING .CA.gov.

The contents of the label was not divulged to the prison population, and the Defendants knew the contents for several reasons, including the known responsibility to NOT serve Pork products to the Muslim population. The Appellees served the contaminated peanut butter without any verbal or written warning, and without any warning on the served container. There would be no reasonable way an Inmate would know he was taking the risk of losing his life if he eats the peanut butter. Placing the entire Maryland prison population at risk was worthy of permitting proceedings to advance to discovery, and past summary judgement. The Appellant recognized that through the lack of knowledge, he filed grounds that amounted to "negligence", which is insufficient for 42 U.S.C. §1983. This was the reason Appellant attempted to amend his initial pleadings, but those efforts were denied.

On The Court's Memorandum Opinion, the court explained that the claims failed as a matter of law. Memo, p.2. Summary Judgement was granted in the District Court, and was affirmed in the 4th Circuit Court of Appeals.

FEDERAL QUESTION:

The District Court had original jurisdiction of all civil actions arising under the Constitution. laws, or treatise of the United States.

ARGUMENT IN SUPPORT OF GRANTING:

(A) IMPORTANCE OF QUESTIONS PRESENTED:

The question presented is first just how the Courts can ignore a prison emergency, with defendants essentially feeding the entire Maryland prison population peanut butter containing the cancerous chemical component "acrylamide" and lead (ECF No. 1 at 3), and defendants receive a free pass?

(B) The next question concerns the Court's refusal to permit amendment of the Claims, when:

- (a) Plaintiff knew nothing about the law;
- (b) Plaintiff obtained no help, books etc from the law library that was never open;
- (c) Plaintiff obtained help via a jailhouse lawyer in preliminary stages of the case to no avail;
- (d) The court could have dismissed the case without prejudice to correct the allegations.

(e) Defendants dispensed the contaminated peanut butter over three (3) years.

(C) Did the situation amount to an Objectively serious condition warranting discovery and pretrial action before considering dismissal or summary judgement?

(D) Other applicable issues include, but are not limited to: Objectively serious condition; Sufficiently Serious condition that subjectively - the officials acted with a sufficiently capable state of mind; unsanitary food and polluted water unconstitutional, JACKSON V. STATE V. ARIZONA 885 F.2d 639, 641 (9th Cir. 1989);

(E) DID the lower Court err when denying the amendment of claims when no responses had been filed when Appellant motioned to amend?

GROUND'S RAISED ON APPEAL:

Issue No.1- DID THE DISTRICT COURT ERR WHEN IT DENIED THE ORIGINAL COMPLAINT WITHOUT A HEARING?

Issue No. 2 DID THE COURT ERR BY CONCLUDING THAT THE APPELLANT HAD NO LEGALLY COGNIZABLE CAUSE OF ACTION?

Issue No. 3- DID THE LOWER COURT ERR OR OTHERWISE ABUSE ITS DISCRETION WHEN DENYING THE MOTION TO AMEND?

Issue No. 4- WAS THE GRANTING OF SUMMARY JUDGEMENT OR DISMISSAL PREMATURE WITH NO DISCOVERY COMPLETED?

RELIEF SOUGHT

Appellant respectfully requests this Honorable Court consider the amount of prisoners that were subjected to the peanut butter with the cancerous chemical component acrylamide and lead, and ;  
GRANT Certiorari review, for REVERSAL of the case to permit refiling of the case, if not amendment of claims.

Respectfully submitted ;

Vonell Davis  
VONELL DAVIS, Jr.  
923 BETHUNE ROAD  
BALTIMORE, MD 21225

CERTIFICATE OF SERVICE

I hereby certify that on this 1<sup>st</sup> day of Sept, 2023, a copy of the Motion for Issuance of a Writ of Certiorari was mailed first-class to:

MR. DAMON PACE, AAG  
200 ST. PAUL PLACE  
BALTIMORE, MD 21202

Vonell Davis  
VONELL DAVIS, JR.