

ORIGINAL

No.

23-6423

FILED

OCT 23 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Jasper Frasier — PETITIONER
(Your Name)

VS.

Christine Beale — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals For The Seventh Cir.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jasper Frasier 799545B
(Your Name)

E.J.S.P. 1100 Woodbridge Rd
(Address)

Bayway, NJ
(City, State, Zip Code)

(Phone Number)

Questions Presented

Petitioner ask Geo Group New Castle

Correctional Facility Sgt. B. Worth, Lt.

Outlaw, Screening Officer Melissa Ruth-
ledge, Conduct Adjustment Board Tyrone-

Thomas, Administrative Assistance S. D. Fitch

Final review Authority J. Lytle and United
States District Court Judge Richard L.

Young judgement is sought to be review
base on the below:

Can Sgt. Worth immediate supervisor play
apart into writing the conduct charge on
Petitioner, then sign off as the immediate
supervisor and have Lt. Outlaw his immedi-
ate supervisor cosign February 3, 2021
9:20 A.M. App. 10 A.

Questions Presented

Did Geo Group Private Prison new
Castle Correctional Facility Sgt. Worth,
and Lt. Outlaw violate Petitioner
Due Process by falsifying Geo Group
Officer N. Fredericks name down as
A witness when he never was
Present or witness the evidence
record February 3, 2021 9:15 A.M.
APP. 10A.

Sgt. Worth filing SIR Description
report to be Presented to Geo
Group Conduct Adjustment Board Tyrone
Thomas NOV-21-02-008 February 3, 2021
9:20 hours: List of staff involved: Sgt.
B. Worth; Ofc. Fredericks falsifying -

Questions Presented

GeoGroup Officer N. Fredericks
name down as a witness App. 11a
Conduct Adjustment Board Tyronne
Thomas, Administrative S. D. Fitch,
and Final Review J. Lytle violate
Petitioner due Process by knowing
Sgt. Worth, Lt. Outlaw played a part
into fabricating evidence record
by writing GeoGroup Officer N.
Fredericks name down as a witness
of the weapon February 3, 2021 9:15 A.M.
App. 11a, Sir Description February 3, 2021
9:20 A.M. App. 11a And Petitioner
showing GeoGroup Officer N. Fredericks
real signature by him Offender

Questions Presented

Personal Property June 4, 2021 App. 10A.
App. 11a And App. 12a.

Lt. Outlaw email over 30 people February 3, 2021 11:48 A.M. to influence the guilty finding, the email kept out of disciplinary proceedings by conduct Adjustment Board Tyrone Thomas withholding exculatory evidence to Petitioner, and not presented by Indiana Attorney General David Arthur App. 13a.

Petitioner obtain email on discovery re: Jaster Trazier v. Gard et al. defendant's U.S. Dist Court 1:21-cv-24MS-seB-TAB

Did the United States District Court error in law by stating evidence in the

Questions Presented

record to support Guilty findings Sgt. Worth and Lt. Outlaw Played a part into writing the conduct report as immediate supervisor, sign off as the immediate supervisor, falsifying Geo Group Officer N. Fredericks name down as a witness when he never was present or witness the evidence record and Lt. Outlaw email over 30 people February 3, 2021 11:48 A.M. to influence Guilty finding on Petitioner. App. 10A App. 11a; App. 12a And App. 13a

United States Court Judge Richard L. Young error in law when Petitioner was never afforded a impartial -

Questions Presented

decision maker by conduct Adjustment Board Thorne Thomas, Melissa Ruthledge, Arbitrary Action And Constitutional infirmity in proceedings by Sgt. B. Worth, Lt. Outlaw, S.D. Fitch, And final review Authority J. Lytle

Question(s) Presented

Did United Court of Appeals for Seventh Circuit error in law denied Petitioner Appeal Brief / Appendix July 25, 2023 Untimely filed Rule 4(a)(6) And Rule 77 Cd) while U.S. District allow Petitioner to proceed.

Did United States Court of Appeals for Seventh Circuit error in law when it denied Petitioner a rehearing En banc August 29, 2023

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:

Private Prison GEOGRAPH New Castle Correctional
Facility - Conduct Board Hearing Tyrone Thomas - Sgt.
B. Worth - Lt. Outlaw - S. D. Fitch - J. Lytle

RELATED CASES

Frazier v. Marksawier NO. 19-cv-04687-JRS-TAB
District For the Southern District of Indiana
Judgement entered November 2, 2022

Frazier v. Robert E. Carter NO. 1:22-cv-2466-JRS-
MJD Judgement entered June 22, 2022

Table of Contents

Page

I. OPINIONS BELOW	1
Jurisdiction	2
Constitutional and Statutory Provision	3
involved	
Statements of the case	4-6
Reason for Granting writ	7-39
Conclusion	40

Index TO APPENDICES

- Appendix A: Decision of Federal State of Appeals
- Appendix B: Decision of U.S. District Court
- Appendix C: Decision of Federal State of Appeals
- Denying Rehearing - En Bar

Index of Appendices

The Appellee brief filed by David A. Arthur for Appellee Christina Reagle stated Petitioner untimely filed the Appeal under 77(d) of the Federal Civil Procedure and ask his Appeal Brief / Appendix be denied 5/24/2023

On JULY 25, 2023 United States Court of Appeals For the Seventh Circuit denied Petitioner Brief / Appendix untimely filed. Petitioner is asking this court to review United States Court of Appeals

APPENDIX A

Index of Appendices

denied decision untimely filed under Rule 461(b) and Rule 77(d). Petitioner was transfer back and forth to lock up at Northern State Prison Newark, NJ East Jersey State Prison Rahway, NJ denied legal mail from U.S. District Court

Appendix A

Index of Appendices

GeoGroup contacted New Jersey Dept. of Corrections "East Jersey State Prison and Northern State Prison to withhold denied decision 6/6/2022 by U.S. Dist. Court. USING a black marker to rub out Postal date on legal envelope, falsified ir legal book when arrive And Place Petitioner in lock up without any form of legal material or access to law library.

Petitioner then found out about denied decision Almost 4-5 months later, another inmate Advise him how to get back in court.

Appendix B

Index of Appendices

October 20, 2022 Petitioner file Rule 4(a)(6) of the Federal Rule of Civil Procedure and Federal Rule of Civil Procedure 71(d) did not receive denied 6/6/2022 notice And motion filed within 180 days. U.S. District allow Petitioner to Proceed with his Brief And no Party will be Prejudice.

Petitioner filed his Brief And short Append: March 24, 2023 with Seventh Appeals Court. Seventh Appeals Court denied Petitioner Brief Appendix on July 25, 2023 Appendix A "Untimely filed" And now this Court has jurisdiction to

Appendix B

Index of Appedices

Review of Geogroup Private Prison New Castle Correctional Facility Conduct Adjustment Board Thorne Thomas judgement is sought, impartial decision maker, withholding evidence, didnt find out until later on in discovery (1:21cv-2445-SEB-TAB) Petitioner filed his 2254 habeas corpus April 21, 2021 on grounds of Sgt. Worth - Lt. Atlan falsifying evidence record 2/3/2021 9:15 AM. Placing of Fredericks name down as a witness and U.S. District Court denied his petition 6/6/2022.

Appendix B

Index of Appendices

Review the judgment on a writ of certiorari as Petitioner has shown the Federal Question was timely filed under Rule 4(a)(6) And Rule 77(d) Federal Rules of Civil Procedure And properly raised.

Appendix B

Index of APPendices

Asking this Court to review a decision of U.S. District Court Judge Richard L. Young for Seventh Circuit Order Reopening of Petitioner 2254 Appeal under Rule 4(a)(6) November 1, 2022 And Rule 77(d) of The Federal Rules of Civil Procedure re: Jasper Frazier, Petitioner-Appellant v. Christina Pegole, Commissioner of the Indiana Dept. of Corrections, Respondent-Appellee, (22-2980; NO. 1:21-cv-01011-RLY-TAB).

Petitioner was order to proceed on his 2254 because East Jersey State Prison and Northern-Prison mailroom denied 6/6/2022 decision

APPENDIX B

Index of APPENDICES

by Judge Richard Y. Young. Petitioner was
order to Pay initial filing fee \$34.20 as his
informa Pauperis was Granted And file
his Brief / Appendix on or before April 24, 2023

Appendix B

Index of Appendices

On AUGUST 21, 2023 Petitioner file motion to resend final decision And motion for EN Banc Rule 35(a) 40(a)

On AUGUST 29, 2023 United States Court of Appeals For Seventh Circuit order NO Judge in regular active service to hear or requested a vote on rehearing Denied.

Petitioner need this Court to review the denied decision of United States Court of Appeals to deny Petition a En Banc

Appendix C

Index of Appendices

hearing and respond. Petitioner thinks there is a conflict of Interest with one of the Judges on Panel "Michael T. Scudder. Captain Debra Scudder who work for GEO Group Private Prison new Castle Correctional Facility connected to this petition might be related see APP. B a.

Appendix C

Table of Authorities Cited

Cases	Page number
<u>Sahiloon v. Dickey</u> , 1827 F.2d ... 8-9 90-93-94 (7th Cir. 1987)	
<u>Kaufman v. McCaughy</u> , 419 F.3d ... 9-19; 38 678, 685-86 (7th Cir. 2005) ... <u>Castillo</u> <u>v. Cook County Jail</u> , 1990 F.2d 304, 306 (7th Cir. 1991)	
<u>Cleggatt v. Pate</u> , 229 F.Supp. 818 ... 20-22 (N.D. Ill. 1964)	
<u>Allan v. Seversling</u> , 229 F.3d 220 ... 22-23 (3d Cir. 2000)	
<u>Dixon v. Godinez</u> , 114 F.3d 640, 643 ... 23 (7th Cir. 1997)	
<u>Ponnell v. McBride</u> , 1306 F.3d 499, ... 24-25 502 (7th Cir. 2000)	

Table of Authorities Cited

Cases

PAGE number

Wolff v. Hillie v. Sandquist, . . . = 24-25
609 F.2d 864, 869 (7th Cir. 1983)

Segretti v. Gillen, 259 F.Supp. 2d . . . = 25-28
733, 736 C.N.D. III. 2003)

Piggie v. McBride, 344 F.3d 674, 678 . . = 28-29
(7th Cir. 2003)

Campbell v. Hammer, 1931 F.2d 1212, 1214 . 28-2
(7th Cir. 1991)

Conti v. Jones, 293 F.2d 981 (7th Cir. 2002) . 29
30

Walker v. Godinez, 912 F.Supp. 302 . . = 30-31
312-13 C.N.D. III. 199)

Witt v. Wisconsin Dept. of Correction . 31-
416 F.3d 1031 (7th Cir. 2006)

Zilich v. LunchTime, 1981 F.2d 694 (3d Cir. 1992) . . = 38

Table Authorities Cited

Cases	Page number
<u>Dennis v. Spack</u> 449 U.S. (1990)...	12-18
<u>Johnson v. Alex</u> 393 U.S. 483 490 (1969)	18-20
<u>Bounds v. Smith</u> 1430 U.S. 817 (1977)...	20-21
<u>McCarthy v. Madigan</u> 1503 U.S. 140 (1992)...	23-31
<u>Hudson v. Palmer</u> 468 U.S. 517, 1104 S.Ct. ... 3194, 60 L.Ed. 2d 447 (1984)	31-37
<u>Tower v. Glover</u> 467 U.S. 914, 920 104 S.Ct. 2820 (1984)	37
<u>Johnson v. Lehman</u> 1609 A.2d 880 (883 ... (Pa. Cmwlth 1992); <u>Rodriguez v. Plymouth Ambul-</u> <u>ance Service</u> 363 F.3d 816 (821 7th Cir. 2009)	39
<u>Alston v. Parker</u> 1363 F.3d 1299 233 n.6 (3d Cir. 2004)	
<u>Billmar v. Indiana Dept. of Correction</u> 56 F.3d -	

Table of Authorities Cited

Cases

Page number

785, 789-90 (7th Cir. 1995) (Posner
(C.J.) ... Erickson v Pardus, 551 U.S.

89, 94 (27, 219 (2007)) (Per curiam ...
Hughes v. Rowe, 404 U.S. 519, 520, 520-
21 S.Ct. 594 (1972) (Per curiam) 39

Holston v. Acl, 489 U.S. 266, 273-76, ... 40
108 S.Ct. 2379 (1988)

Table of Authorities Cited

Statute and Rules

Page number

Rule 77(d); Rule 4(a)(6) Rules
of Civil Procedure 7-

Contract For Services Between
The State of Indiana: Indiana
statute IC 11-8-4 and The State
of New Jersey: New Jersey Annotated
30:7C-1 effective 10/1/2019 to
10/1/2029 PG 1-15 (31). Access
to courts etc. 7-38

18 U.S.C. 3103D; 18 U.S.C. 3251D ... 32-34
42 U.S.C. 3200(c) - 2(a)(-1) ... 31-32-

Other

New Jersey Department of 10-12

Correction mail out/incoming
local mail LOA: 18-3.1; LOA: 18-3.3.

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 July 25, 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: August 29, 2023 and a copy of the order denying rehearing appears at Appendix C.

☐ 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

Due Process in Disciplinary Hearings

Hannan v. Neighborhood Hous. Servs. of Chi., 138
S.Ct. 13, 21 (2017) Jurisdictional Question See
Fed. R. App. P. 4 (a) (1) (A) Rules Governing Section
2254 cases, Rule 11(b). CBY operation of the prison
mail box Rule see Fed. R. App. P. 4 (c) See Appendix
A PAGE 3 by U.S. Court of Appeals for Seventh
Circuit, And Appendix B

28 U.S.C. 32107 (c) A district court may reopen
a party's time to appeal when they didn't receive
timely notice of judgment. See Bowles v. Russell
551 U.S. 205, 208 (2007), Permits district
court to Grant Petitioner to reopen his
appeal under 77(d) within 180 days after
the entry of judgment or 14 days from
petitioner receipt. Appendix A PG 3 Appendix
B November 1, 2022; March 14, 2023

STATEMENT OF THE CASE

Petitioner been having problems with New Jersey Department of Corrections "East Jersey State Prison" "Southwood State Prison" And Northern State Prison Violating Petitioner Constitutional Rights, Due Process Rights, Confiscation over 500 pieces of legal mail out/incoming And (3) legal books Since June 21, 2021.

Petitioner been Place in lock up X8 times and X3 times without any conduct charge to stop litigation of his U.S. District Court 2254. Everytime Petitioner Place in lockup at Northern State Prison he have to wait up 30 days to get And his legal mail is withheld from him

Petitioner was Place in lock up at Northern State Prison March 31, 2022 to October

Statement of the Case

11/12/2022 And never received the denied decision from U.S. District Court Judge Yang 6/16/2022 from Northern State Prison / East Jersey State Prison mailroom.

U.S. District Court Judge Richard Yang allow Petitioner to proceed with his Appeal under Rule 4(c)(6) and Rule 77(d) because he never receive denied decision. March 14, 2023 Petitioner was order to file his Brief Appendix on or before April 24, 2023 and Appellee's on or before May 24, 2023

Appellee's file there brief/Appendix May 24, 2023 stating Petitioner un-

Statement of the case

timely filed his Brief / Appendix under Rule 4(a)(6) and Rule 77(d) of Fed. R. Civ. P.

July 25, 2023 US. Court of Appeals for Seventh Circuit denied Petitioner Appeal under Rule 4(a)(6) and Rule 77(d) untimely filed

Petitioner filed Petition for Rehearing and En banc "Denied" on August 29, 2023.

Reason For Granting The Petition

There is a conflict with the U.S. District Court And United States Court of Appeals For THE Seventh Circuit in denying Petitioner to reopen his appeal under Rule 77(d).

Petitioner been denied legal materials under the Interstate Correction Compact PAGE 14 of 15: (31). Access to Courts: The sending state shall be responsible for providing sufficient legal research materials for the inmate to be capable of bringing his conviction or sentence where the same are not available in the institution of the receiving state while the receiving state shall be responsible for providing sufficient legal research materials for the inmate to be capable of bringing a suit before

Reason For Granting The Petition

An appropriate court challenging his conditions of confinement APP. 1a.

See *C" Sullivan v. Dickey, 827 F.2d 90-93-94 (7th Cir. 1987) C" Prisoners transfer from one state to another have a right to access legal materials from there home state.

Petitioner have wrote to State of Indiana Interstate Correction Compact Joel Gruber who responsible for Petitioner well being in New Jersey Penal system. Joel Gruber refuse to send Petitioner any legal materials to litigate any state of Indiana and Federal cases for 7th Circuit. Petitioner was sent to New Jersey as a punishment for filing lawsuit's against State