

NO.

23-6429

ORIGINAL

SUPREME COURT OF THE UNITED STATES

FILED

OCT 03 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

GAWLIK, JAN.M.

PETITIONER

V.

SEMPLE, SCOTT/COMMISSIONER. ET.AL., CORRECTIONS OF CONNECTICUT  
RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES SUPREME COURT OF  
THE SECOND CIRCUIT COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

DECEMBER 20th, 2023

GAWLIK, JAN.M.  
PRO-SE  
C.C.I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410  
(203) 651-6257

ARGUING COUNSEL  
OF RECORD

I. QUESTIONS PRESENTED

2020-28  
WHERE THE CONNECTICUT DISTRICT COURT FAILED TO UTILIZE THE, "MAILBOX-RULE", WITHIN PLAINTIFFS TIMELY SUBMISSION OF HIS ADMINISTRATIVE REMEDIES/EXHAUSTION. WHERE IT WAS IMPROPER FOR DEFENDENTS TO VIOLATE PLAINTIFFS FREE EXERCISE CLAUSE/CATHOLIC BELIEFS. WHERE IT WAS IMPROPER FOR DEFENDENTS TO VIOLATE THE, (RLUIPA), IMPOSING A RELIGIOUS BURDEN OF RELIGIOUS EXERCISE. WHERE IT WAS IMPROPER FOR DEFENDENTS TO VIOLATE THEIR OWN, (PROPERTY MATRIX), CONFISCATING RELIGIOUS ARTICLES FROM PLAINTIFF THAT WAS ALLOWED TO RETAIN. WHERE IT WAS IMPROPER FOR THE CONNECTICUT DISTRICT COURT TO RULE IN FAVOR OF DEFENDENTS ON SUMMARY JUDGEMENT, AND, FAILING TO UTILIZE THE, "MAILBOX RULE". WHERE IT WAS IMPROPER FOR THE SECOND CIRCUIT COURT OF APPEALS DISMISSING THE APPELLANTS CASE WHILE PLAINTIFF ONLY MOTIONED FOR APPOINTMENT OF COUNSEL DENYING DUE PROCESS OF APPELLANT TO SUBMIT PRIMARY BRIEF/APPENDIX.

## II. PARTIES

MR. SCOTT SEMPLE  
COMMISSIONER  
DEPT. OF CORRECTION  
24 WOLCOTT HILL ROAD  
WETHERSFIELD, CT. 06109

MR. ANGEL QUIROS  
DIST. ADMIN.  
DEPT. OF CORRECTION  
1153 E. STREET. SOUTH  
SUFFIELD, CT. 06080

REV. DR. CHARLES WILLIAMS  
DIR. RELIGIOUS SERVICES  
DEPT. OF CORRECTION.  
24 WOLCOTT HILL ROAD  
WETHERSFIELD, CT. 06109

MR. SCOTT ERFE  
WARDEN  
DEPT. OF CORRECTION  
CHESHIRE. C. I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

MR. WATSON  
CAPTAIN  
DEPT. OF CORRECTION  
CHESHIRE. C. I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

MR. CZEREMCHA  
LIEUTENANT  
DEPT. OF CORRECTION  
CHESHIRE. C. I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

MS. CHANDICE PARKER  
CORRECTIONAL NURSE  
DEPT. OF CORRECTION  
CHESHIRE. C. I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

MR. SMITH  
OFFICER  
DEPT. OF CORRECTION  
CHESHIRE. C. I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

MR. N. BUCKLAND  
OFFICER  
DEPT. OF CORRECTION  
CHESHIRE. C. I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

MR. BROWN  
OFFICER  
DEPT. OF CORRECTION  
CHESHIRE. C. I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

MR. PARKER  
OFFICER  
DEPT. OF CORRECTION  
CHESHIRE. C. I.  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

MR. CUNNINGHAM  
OFFICER  
DEPT. OF CORRECTION  
900 HIGHLAND AVENUE  
CHESHIRE, CT. 06410

### III. TABLE OF CONTENTS

I. QUESTIONS PRESENTED.....	i
II. PARTIES.....	ii
III. TABLE OF CONTENTS.....	iii
IV. TABLE OF AUTHORITIES.....	v
V. PETITION FOR WRIT OF CERTIORARI.....	viii
VI. OPINIONS BELOW.....	viii
VII. JURISDICTION.....	viii
VIII. CONSTITUTIONAL PROVISIONS INVOLVED.....	viii
IX. STATEMENT OF CASE.....	1
1.) THE DEFENDENTS VIOLATE THE FIRST AMENDMENT FREE EXERCISE CLAUSE AND THE RIGHT TO PRA- CTICE HIS CATHOLIC BELIEFS.....	10
2.) THE DEFENDENTS VIOLATE THE RLUIPA-RELIGI- OUS LAND USE AND INSTITUTIONALIZED PERSONS ACT, IMPOSING A SUBSTANTIAL BURDEN ON RELIGI- OUS EXERCISE.....	11
3.) THE DEFENDENTS VIOLATE CONSTITUTION OF ASSAULT AND BATTERY.....	12
4.) PLAINTIFFS TIMELY EXHAUSTION PURSUANT THE, "MAILBOX RULE".....	13
5.) PLAINTIFF ONLY REQUIRES TO, "ALLEGE" IN COMPLAINT WITHOUT GREAT DETAIL, AND, PURSUANT TO RULE#20, PERMISSIVE JOINER OF PARTIES IN COMPLAINT TO EXTENT OF RELIEF NEED NOT ANY GREAT DETAIL.....	16
6.) CORRECTIONS PROPERTY-(MATRIX)-ALLOWS ALL RELIGIOUS ARTICLES OF ALL RELIGIOUS DENO- MINATIONS WITHIN ADMINISTRATIVE SEGREGA- TION/RHU; OFFICERS VIOLATED THEIR OWN DIR- ECTIVES, POLICIES, PROTOCOL, CONFISCATING THE RELIGIOUS CRUCIFIX AND ROSARY OF A DEVOUT CATHOLIC TO PRAY WITH.....	19
7.) RLUIPA-RELIGIOUS LAND USE AND INSTITU- TIONALIZED PERSONS ACT/VIOLATION.....	20

<u>8.)</u>	THE UNITED STATES SUPREME COURT PRECEDENT, "MAILBOX RULE".....	21
<u>9.)</u>	CONNECTICUT DISTRICT JUDGE:STEFAN- UNDERHILL PROPERLY RULED WITHIN THE INITIAL REVIEW ORDER THAT PLAINTIFF HAS-PREMA FACIA-CLAIMS.....	24
<u>10.)</u>	CONNECTICUT U.S.DISTRICT HON.JUDGE: SARAH A.L.MERRIAM,(FAILED),TO UTILIZE THE,"MAILBOX RULE",OF PLAINTIFFS EXHAUS- TED GRIEVANCE/ADMINISTRATIVE REMEDIES AND RULED FOR DEFENDENTS ON DEFENDENTS MOTION FOR SUMMARY JUDGEMENT WITH PREJUDICE.....	25
<u>11.)</u>	STANDARDS APPLIED.....	31
<u>12.)</u>	STATEMENT OF RELIEF AND DEMANDS REQUESTED.....	31
X.	REASONS FOR GRANTING CERTIORARI.....	36
XI.	CONCLUSION.....	36

IV.  
TABLE OF AUTHORITIES  
CASES

BELL ATLANTIC V. TWOMBLY, 550 U.S. 544, 555-56 (2007).....	PG#4
BOOKER V. GRAHAM, 947 f.3d.101, 107-08 (2nd.cir.2020).....	PG#12
BODDIE V. SCHNIEDER, 105 f.3d.857, 861 (2nd.cir.1997).....	PG#9
BRAUN V. STERNO, 2018 U.S.DIST.LEXIS 187654, at*14, (D.CONN.OCT.31,2018).....	PG#11
BOYD V. DOE, 2019 U.S.DIST.LEXIS 68214, AT*19 (N.D.N.Y.APR.23,2019).....	PG#9
BRAUN V. STERNO, 2018 U.S.DIST.LEXIS, 187654, at*14, (D.CONN.OCT.31,2018).....	PG#21
CAMPOS V. COUGHLIN, 845 f.supp.194 (S.D.N.Y.MAY 3rd.1994).....	PG#5
CRETACCI V. CALL, 988 f.3d.860 (6th.cir.2021).....	PG#14
CRUZ V. JORDAN, 80 f.supp.2d.109, 124 (S.D.N.Y.1999).....	PG#15
CRETACCI V. CALL, 988 f.3d.860 (6th.cir.2021).....	PG#14
CRETACCI V. CALL, 988 f.3d.860 (6th.cir.2021).....	PG#25
CUTTER V. WILKINSON, 544 U.S. 709, 719 (2005).....	PG#10
CUTTER V. WILKINSON, 544 U.S. 709, 719 (2005).....	PG#20
DEAN V. CITY OF WORCHESTER, 924 f.rd.464, 369 (1st.cir.1991).....	PG#19
DAVIDSON V. FLYNN, 32 f.3d.27, 30 (2nd.cir.1994).....	PG#9
DAVIS V. GOORD, 320 f.3d.346 (2nd.cir.2006).....	PG#14
DUNN V. WHITE, 880 f.2d.1188, 1190 (10th.cir.1989).....	PG#16
ENRON OIL CO. V. DIAKUHARA, 10 f.3d.90, 96 (2nd.cir.1993).....	PG#3
EX PARTE WILLIAMS, 651, 1.2d.569, 571 (ALA.1992).....	PG#16
EVICCI V. BAKER, 190 f.supp.2d.233, 239 (D.MASS.2002).....	PG#18
EX-PARTE YOUNG, 209 U.S. 123 (1908).....	PG#7
FORDE V. ZICKEFOOSE, 612 f.supp.2d.171, 177 (D.CONN.2002).....	PG#11
FORD V. MCGINNIS, 352 f.3d.582, 588 (2nd.cir.2003).....	PG#10
FALLEN V. UNITED STATES, 378 U.S. 139, 84 S.CT.1689, 12.1.ed.2d, 760 (1964).....	PG#14
FORDE V. ZICKEFOOSE, 612, f.supp.2d.171, 177 (D.CONN.2009).....	PG#20
FALLEN V. U.S., 378 U.S. 139 (1964).....	PG#2
FALLEN V. U.S., 378 U.S. 139 (1964).....	PG#21
FALLEN V. U.S., 378 U.S. 239 (1964).....	PG#28
HAFFER V. MELO, 502 U.S. 21, 31 (1991).....	PG#7
HAGG V. FLORIDA, 591, SO.2d.614, 617 (FLA.1992).....	PG#16
HOLLAND V. GOORD, 758 f.3d.215, 224 (2nd.cir.2014).....	PG#11

HUDSON V.LACK,478 U.S.266(1988).....	PG#9
HOUSTON V.LACK,478 U.S.266(1988).....	PG#2
HICKY V.OREGON STATE PENITENTIARY,127,OR.APP.727, 874,p.2d.102,105(1994).....	PG#16
HOUSTON V.LACK,487 U.S.266(1988).....	PG#14
HOUSTON V.LACK,487 U.S.266(1988).....	PG#21
HOUSTON V.LACK,487 U.S.266(1988).....	PG#24
IN RE DEPOSIT INS.AGENCY,482 f.3d.612,618(2nd.cir.2007).....	PG#8
IN RE FLANAGAN,999 f.2d.753,755(3rd.cir.1992).....	PG#22
IN RE JORDAN,4.Cal.4th,116,13,CAL.RPTR.2d.878,840, p.2d.983,985(1992).....	PG#16
JEFFERYS V.CITY OF NEW YORK,426 f.3d.549,544(2nd.cir.2005).....	PG#18
JOHNSON V.AVERY,393 U.S.483,89.S.CT.747,21,1.ed.2d, 718(1967).....	PG#14
JONES V.BERTRAND,171 f.3d.499,501-02(7th.cir.1999).....	PG#22
JOVA V.SMITH,582 f.3d.410,415(2nd.cir.2009).....	PG#23
KELLOGG V.JOURNAL COMMUNICATIONS,108,NEV.474,835, P.2D.12,13-14(1992).....	PG#16
MARSHAL V.JERRICO INC.,446 U.S.238,242,100,S.CT.1610, 64,L.ED.2D.(1980).....	PG#30
MUNSON V.STATE,128,IDAHO,639,917 p.2d.796,799, 800(1996).....	PG#16
MASSALINE V.WILLIAMS,274.GA.522,554,S.E.2d.720,722(2001).....	PG#16
MATER V.ARIZONA,184.ARIZ.242,908,p.2d.56,57(APP.1995).....	PG#16
MORIARTY V.LIPPE,162.CONN.371,389(1972).....	PG#12
MONELL V.NEW YORK CITY DEPT.OF SOCIAL SERVICES,463, U.S.658,690.n.54.98,S.CT.2018(1978).....	PG#7
PORTER V.NUSSLE,534 U.S.516,524,122,S.CT.983(2002).....	PG#15
RICHARD V.RAY,290 f.3d.810,813(6th.cir.2002).....	PG#22
ROSS V.BLAKE,578,U.S.632,638(2016).....	PG#29
RUBLE V.KING,911 f.supp.1544,1558-59(N.D.GA.1995).....	PG#18
SIMMS V.CHAISSON,277,CONN.319,331(2006).....	PG#12
SALAHUDDIN V.GOORD,467,f.3d.263,280(2nd.cir.2006).....	PG#8
SKYES V.MISSISSIPPI,757,So.2d.997,1000-01(MISS.2000).....	PG#16
SOOT V.CAIN,570,f.3d.699,571-71(5th.cir.2009).....	PG#15
STEWART V.ROE,776,f.supp.1304,1307-08(N.D.ILL.1991).....	PG#19
SMITH V.EVANS,853,f.2d.155,166-162(3rd.cir.1988).....	PG#16
STATE EX REWL.EGANA V.LOUISIANA,771,So.2d.638(LA.2000).....	PG#16
SETELA V.J.C.PENNEY COMPANY,97,HAWAI'I,484,40,p.3d., 886,890-93(HAW.2002).....	PG#16

SCHOENLEIN V. HALAWA CORRECTIONAL FACILITY, 2009 WL 4761791, *3-5(D.HAW., OCT 29th, 2008).....	PG# 15
TAPIA-ORTIZ V. DOE, 171 f.3d.150,152(2nd.cir.1999).....	PG# 15
TAYLOR V. McKUNE, 25, KAN. APP. 2d.283, 962, p.2d., 566, 569-70(1998).....	PG# 16
TRACY V. FRESHWATER, 623 f.3d.90,101-02(2nd.cir.2010).....	PG# 4
TRAGUTH V. ZUCK, 710 f.2d.90,95(2nd.cir.1983).....	PG# 3
UNITED STATES V. CRAIG, 368 f.3d.738,740(7th.cir.2004).....	PG# 22
UNITED STATES V. MOORE, 24, f.3d.624,626(4th.cir.1994).....	PG# 22
WOODY V. OKLAHOMA EX REL. DEPT. OF CORRECTIONS, 1992, OK, 45,838, p.2d.257,259-60(OKLA.1993).....	PG# 16

#### SUPPLEMENTAL CASE LAWS;

ESTELLE V. GAMBLE, 429 U.S.97,104-05(1976).....	PG# 8
COMMONWEALTH V. JONES, 549, PA.58,700, A.2d.423,426(1977).....	PG# 16
FAILE V. UPJOHN CO., 988 f.2d.985,988(9th.cir.1993).....	PG# 15
FALLEN V. U.S., 378 U.S.139(1964).....	PG# 24
COMMONWEALTH V. HARTGROVE, 407, MASS.441,553, N.E., 2d.1299,1301-02(1990).....	PG# 16
HOUSTON V. LACK, 487 U.S.266(1988).....	PG# 28
O'LONE V. ESTATE OF SHABAZZ, 484 U.S.342,348(1987).....	PG# 10
PARKER V. ASHER, 701 f.supp.192(1988).....	PG# 19
RUCKER V. GIFFEN, 997 f.3d.88,93(2nd.cir.2021).....	PG# 29
TAPIA-ORTIZ V. DOE, 171, f.3d.150-150-152(2nd.cir.1999).....	PG# 22

#### STATUTES AND OTHER SOURCES

RLUIPA-RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT/§2000.

1st AMENDMENT OF U.S.CONSTITUTION/FREE EXERCISE CLAUSE.

8th AMENDMENT OF U.S.CONSTITUTION/EXCESSIVE USE OF FORCE.

CONNECTICUT STATE LAW/ASSAULT AND BATTERY.

#### ADDITIONAL SUPPLEMENTAL CASE LAWS:

MERRIWEATHER V. COUGHLIN 879 f.2d.1037,1046(2nd.cir.1989).....	PG# 35
PHELPS-ROPER V. NIXON, 545 f.ed.685,690(8th.cir.2008).....	PG# 36
DURAN V. ANAYA, 642 f.supp.510-527(D.N.M.1986).....	PG# 36
LLEWELYN V. OAKLAND COUNTY PROSECUTORS OFFICE, 402 f.supp.1379,2393(E.D.MICH.1975).....	PG# 36



## V. PETITION FOR WRIT OF CERTIORARI

GAWLIK, JAN. M., AN INMATE CURRENTLY INCARCERATED AT CHESHIRE CORR.-INST., IN CHESHIRE, CT. AS A PRO-SE LITIGANT RESPECTFULLY PETITIONS THIS COURT FOR WRIT OF CERTIORARI TO REVIEW THE JUDGEMENT OF THE SECOND CIRCUIT COURT OF APPEALS, AND, CONNECTICUT U.S. DISTRICT COURT.

## VI. OPINIONS BELOW

THE DECISION BY THE CONNECTICUT U.S. DISTRICT COURT GRANTING SUMMARY JUDGEMENT AND CLOSING THIS PLAINTIFFS CASE IS REPORTED AS; GAWLIK V. - SEMPLE. ET. AL., 3:20-CV-564(SALM), DATED: 6/14/2022. (APPENDIX(A)). THE 2nd CIRCUIT COURT OF APPEALS DENIED PLAINTIFF MOTION FOR APPOINTMENT OF COUNSEL, AND, DISMISSED THE APPEAL ON GROUNDS IT LACKS AN ARGUABLE BASIS EITHER IN LAW OR IN FACT. DATED: 2/3/2023. (APPENDIX(B)). PLAINTIFFS MOTION FOR RECONSIDERATION DENIED BY SECOND CIRCUIT ON: 7/31/2023, BY THE PANEL. (APPENDIX(C)). THE 2nd CIRCUIT COURT OF APPEALS ON 8/7/2023, ISSUED A, "MANDATE", CLOSED THE APPEAL, AND, THE 2nd CIRCUIT COURT NO LONGER HAS JURISDICTION OF PLAINTIFFS APPEAL. (APPENDIX(D)).

## VII. JURISDICTION

GAWLIK, JAN. M., PETITION FOR MOTION FOR RECONSIDERATION WAS DENIED ON JULY 31st, 2023. THE SECOND CIRCUIT COURT OF APPEALS ISSUED A, "MANDATE" AND CLOSED THE APPEAL ON: AUGUST 7th, 2023, WHICH NO LONGER HAS JURISDICTION OF PLAINTIFFS APPEAL. THE PLAINTIFF INVOKES THE U.S. SUPREME COURT'S JURISDICTION UNDER 28 U.S.C. §1257, HAVING TIMELY FILED THIS PETITION FOR WRIT OF CERTIORARI WITHIN NINETY DAYS OF THE SECOND CIRCUIT COURT OF APPEALS, "MANDATE", CLOSING APPEAL, AND, NO LONGER HAS JURISDICTION.

## VIII. CONSTITUTIONAL PROVISIONS INVOLVED

UNITED STATES CONSTITUTION, AMENDMENT #1:

CONGRESS SHALL MAKE NO LAWS RESPECTING AN ESTABLISHMENT OR RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

UNITED STATES CONSTITUTION, AMENDMENT#XIV:

ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, ARE 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.

IX. STATEMENT OF THE CASE

THE PETITIONER IS FILING THIS CERTIORARI DUE TO THAT THE SECOND CIRCUIT COURT OF APPEALS RESPECTFUL JUDGES: LOHIER, JR., MENASHI, ROBINSON ON: FEBRUARY 3rd, 2023, DISMISSED THIS PETITIONERS APPEAL WITHOUT ALLOWING THE APPELLANT UNDER DUE PROCESS TO SUBMIT A PRIMARY BRIEF AND APPENDIX WHEN THE APPELLANT ONLY MOVED FOR APPOINTMENT OF COUNSEL WHICH WAS DENIED. (SEE- EXHIBIT(B)). THE APPELLANT WITHIN THE SECOND CIRCUIT PURSUANT UNDER DUE PROCESS OF THE 14th/AMENDMENT PROPERLY FILED HIS INITIAL APPEAL TO THE SECOND CIRCUIT COURT OF APPEALS WITHIN THE DISTRICT COURT OF CONNECTICUT ON: 7/7/2022-ENTERED ON: 7/8/2022, DOCKET#[1], SECOND CIRCUIT. THE APPELLANTS APPEAL WAS FILED DUE TO THE DISTRICT COURT JUDGEMENT DATED: 6/14/2022, IN FAVOR OF THE DEFENDENTS SUMMARY JUDGEMENT, AND, PLACED ON: 7/7/2022, DOCKET#-[2], ENTERED ON: 7/8/2022, SECOND CIRCUIT. (SEE: EXHIBIT(A)).

THE APPELLANT WITHIN THE SECOND CIRCUIT MOTIONED FOR EXTENSION OF TIME TO FILE THE MOTION FOR RECONSIDERATION IN THE APPEAL DUE TO PLAINTIFFS HABEAS CORPUS CRIMINAL TRIAL WAS PENDING DURING THE TIME OF REQUEST FOR EXTENSION OF TIME, DOCKET#[38], ENTERED: 2/24/2023. ON 3/6/2023, THE APPEALS COURT, ORDERED, GRANTING APPELLANT AN EXTENSION OF TIME UNTIL: 6/9/2023, TO FILE MOTION FOR RECONSIDERATION FILED BY APPELLANT. (APPENDIX(E)/EXTENSION) THE PETITIONER, NOW FILES THIS PETITION FOR WRIT OF CERTIORARI TO PRESENT THE PETITIONERS ORIGINAL APPEAL POSITION THAT WAS DISMISSED BY THE SECOND CIRCUIT JUDGES WHILE APPELLANT MOTIONED ONLY FOR APPOINTMENT OF COUNSEL INWHICH THE SECOND CIRCUIT JUDGES DENIED THIS PETITIONER DUE PROCESS.

THE PETITIONER WILL ARTICULATE WITHIN THIS CERTIORARI, THE TIMELY FILING OF ADMINISTRATIVE REMEDIES PURSUANT THE PLRA-PRISON LITIGATION REFORM ACT, THAT WAS/TIMELY FILED UNDER THE, "MAILBOX RULE", IN ACCORDANCE WITH, (HOUSTON V. LACK, 478 U.S. 266 (1988)): HOLDS; PRO-SE PRISONERS NOTICE OF APPEAL WAS FILED AT MOMENT OF DELIVERY TO PRISON AUTHORITIES. (SEE: FALLEN V. U.S., 378-U.S. 139 (1964)).

THE APPELLANT WILL ARTICULATE THE PROPER RULING WITHIN THE: CHIEF JUDGE; STEFAN R. UNDERHILL, OF THE CONNECTICUT DISTRICT COURTS RULING OF INITIAL REVIEW ORDER DATED: SEPTEMBER 27th, 2021, AFTER THE COVID-19/PANDEMIC DURING YEAR 2020.

THE APPELLANT WILL ARGUE THAT: (1) - THE EIGHTH AMENDMENT EXCESSIVE FORCE CLAIM ASSERTED AGAINST LIEUTENANT CZEREMCHA, AND, OFFICERS BUCKLAND, BROWN, SMITH, PARKER, AND CUNNINGHAM IN THEIR INDIVIDUAL CAPACITIES; (2) - THE FIRST AMENDMENT FREE EXERCISE CLAUSE CLAIM AGAINST LIEUTENANT CZEREMCHA, CAPTAIN WATSON, AND, OFFICERS SMITH, BUCKLAND, BROWN, PARKER, AND CUNNINGHAM IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES, AND, AGAINST COMMISSIONER SEMPLE, WARDEN ERFE, DISTRICT ADMINISTRATOR QUIROS, AND DIRECTOR REV. WILLIAMS IN THEIR OFFICIAL CAPACITIES TO THE EXTENT THAT THIS APPELLANT WILL SEEK INJUNCTIVE RELIEF RELATED TO THE CLAIM; AND, (3) - THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000, (RLUIPA), CLAIM ASSERTED AGAINST LIEUTENANT CZEREMCHA, CAPTAIN WATSON, OFFICERS SMITH, BUCKLAND, BROWN, PARKER, AND CUNNINGHAM, COMMISSIONER SEMPLE, WARDEN ERFE, DISTRICT ADMINISTRATOR QUIROS, AND DIRECTOR REV. WILLIAMS IN THEIR OFFICIAL CAPACITIES FOR INJUNCTIVE RELIEF AND DECLARATORY RELIEF. ALSO, THE STATE LAW ASSAULT AND BATTERY CLAIMS AGAINST OFFICERS BUCKLAND AND BROWN IN THEIR INDIVIDUAL CAPACITIES. THE APPELLANT WAS UNABLE TO PRESENT ANY APPELLATE BRIEF AND APPENDIX DUE TO THE UNPRECEDENTED DISMISSAL OF APPEAL BECAUSE THE APPELLANT MOTIONED FOR APPOINTMENT OF COUNSEL.

THE PLAINTIFF WAS DENIED ANY CHANCE TO PRESENT HIS CASE OF THE DISMISSAL OF THE DISTRICT COURTS DEFECTIVE AND IMPROPER DISMISSAL UNDER DEFENDENTS SUMMARY JUDGEMENT.

THE APPELLANT PRESENTS WITHIN THIS CERTIORARI INWHICH THE APPELLANT WAS DENIED AND APPEAL DISMISSED UPON APPELLANTS MOTION FOR APPOINTMENT OF CO-UNSEL. THE APPELLANT WAS DENIED HIS DUE PROCESS OF LAW TO PRESENT PRIMARY BRIEF AND APPENDEX. ON FEBRUARY 3rd, 2023, WITHIN THE DENIAL OF MOTION FOR COUNSEL, THE 2nd CIRCUIT DISMISSED PLAINTIFFS APPEAL CLAIMING, "LACKS-AN ARGUABLE BASIS EITHER IN LAW OR IN FACT" (SEE: EXHIBIT#B/D).

THE PLAINTIFF ALLEGES THAT THERE IS A BASIS AND ALLEGATIONS IN THIS CASE THAT HAVE CREDIBLE MERIT IN LAW OR IN FACT. THIS PETITIONER REQUESTS FOR, "SPECIAL SOLICITUDE AND LENIENCY IN MEETING THE PROCEDURAL RULES GOVERNING LITIGATION, (TRAGUTH V. ZUCK, 710 f.2d.90, 95(2nd.cir.1983)), PRO-SE LITIGANTS MAY IN GENERAL DESERVE MORE LENIENT TREATMENT THAN THOSE REPRESENTED BY COUNSEL, THE SPECIAL SOLICITUDE AFFORDED TO PRO-SE LITIGANTS TAKES A VARIETY OF FORMS. IT MUST OFTEN CONSIST OF LIBERAL CONSTRUCTION OF PLEADINGS, MOTION PAPERS, APPELLATE BRIEFS, CERTIORARI, INJUNCTIONS, ECT... (ENRON-OIL CO., V. DIAKUHARA, 10 f.3d.90, 96(2nd.cir.1993)). THIS PETITIONER, JAN.M.-GAWLIK, (GAWLIK), PROCEEDING PRO-SE, ORIGINALLY BROUGHT THIS ACTION UNDER, 42 U.S.C. §1983, AGAINST DEFENDENTS, COMMISSIONER SCOTT SEMPLE, DISTRICT ADMINISTRATOR ANGEL QUIROS, DIRECTOR OF RELIGIOUS SERVICES REV. CHARLES WILLIAMS, WARDEN SCOTT ERFE, LIEUTENANT CZEREMCHA, CAPTAIN WATSON, OFFICERS SMITH, BUCKLAND, BROWN, PARKER, AND CUNNINGHAM, NURSE CHANICE PARKER, CONNECTICUT STATE TROOPER MEJIAS, TROOPER LIEUTENANT JOHN B. CERUTI, AND, DETECTIVE EDMUND VAYAN, AND COMMISSIONER OF THE DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION COM'R/JAMES ROVELLA.

THE STANDARD OF REVIEW, ALTHOUGH DETAILED ALLEGATIONS ARE NOT REQUIRED, A COMPLAINT MUST INCLUDE SUFFICIENT FACTS TO AFFORD A PLAUSIBLE RIGHT TO RELIEF

(BELL ATLANTIC V. TWOMBLY, 550 U.S. 544, 555-56 (2007)), AND IT IS WELL ESTABLISHED THAT, "THE SUBMISSION OF PRO-SE LITIGANT MUST BE CONSIDERED LIBERALLY AND INTERPRETED TO RAISE THE STRONGEST ARGUMENTS THAT THEY MAY SUGGEST. (TRACY V. FRESHWATER, 633 f.3d.90, 101-02 (2nd.cir.2010)).

ON MARCH 26th, 2018, DEFENDENT LIEUTENANT CZEREMCHA CALLED ME TO HIS OFFICE AND WHEN I ARRIVED TO HIS OFFICE I FOUND SIX OFFICERS WAITING OUTSIDE, AND THEY WERE LAUGHING, AND, THE OFFICERS TOLD ME, (GAWLIK), THAT I AM BEING SENT TO ADMINISTRATIVE SEGREGATION. WITHIN THE LIEUTENANTS OFFICE DEFENDENT OFFICER BUCKLAND PULLED OUT HANDCUFFS AND HANDCUFFED GAWLIKS WRIST SO TIGHTLY THAT BLOOD CIRCULATION WAS CUT OFF IN THE HANDS. GAWLIK EXPLAINED TO DEFENDENT OFFICER BUCKLAND THAT THE CUFFS WERE SO TIGHT THAT THEY WERE CUTTING OFF CIRCULATION TO THE WRISTS AND ASKED HIM TO LOOSEN THE CUFFS BUT OFFICER BUCKLAND IGNORED MY PLEAS.

DEFENDENT OFFICER BUCKLAND THEN WENT ON GAWLIKS LEFT SIDE, AND, USING THE WRIST-LOCK ESCORT POSITION, TWISTED GAWLIKS LEFT HAND UPWARD SO HARD THAT GAWLIK FELT THAT HIS WRIST WAS GOING TO BREAK. GAWLIK CONTINUED TO PLEAD WITH LIEUTENANT CZEREMCHA TO DIRECT OFFICER BUCKLAND TO STOP TWISTING HIS WRISTS BECAUSE GAWLIK WAS EXPERIENCING EXTREME PAIN. LIEUTENANT CZEREMCHA/DEFENDENT TURNED TO THE VIDEO CAMARA HELD BY ONE OF THE OFFICERS AND STATED: "FOR THE RECORD, THERE IS NO ABNORMAL FORCE USED AGAINST GAWLIK" THE OFFICERS CONTINUED FILMING GAWLIK UNTIL THEY ARRIVED AT THE ADMINISTRATIVE SEGREGATION UNIT. GAWLIK LOOKED AT HIS HANDS AND NOTICED THAT THE TOP LAYER OF SKIN HAD BEEN PEELED AWAY BY THE HANDCUFFS, AND, THAT HIS ENTIRE HANDS HAD TURNED BLUE FOR LACK OF CIRCULATION. LIEUTENANT CZEREMCHA THEN ORDERED GAWLIK TO REMOVE HIS CLOTHES SO THAT THE DEFENDENTS COULD STRIP SEARCH PRIOR TO ADMITTING GAWLIK INTO ADMINISTRATIVE SEGREGATION. GAWLIK REMOVED HIS CLOTHES, BUT, KEPT HIS ROSARY AND CRUCIFIX AROUND HIS NECK.

THE DEPT.OF CORRECTION PROPERTY MATRIX ALLOWS INMATES TO KEEP THEIR RELIGIOUS ARTICLES WHILE CONFINED WITHIN ADMINISTRATIVE SEGREGATION. THE PLAINTIFF USES HIS ROSARY AND CRUCIFIX HOURLY TO PRAY WITH AS A DEVOUT CATHOLIC,BUT,LIEUTENANT CZEREMCHA ORDERED GAWLIK TO REMOVE HIS ROSARY AND CRUCIFIX FROM AROUND HIS NECK. GAWLIK REFUSED,EXPLAINING TO DEFENDENT LIEUTENANT CZEREMCHA THAT THE ROSARY AND CRUCIFIX PRESENTED:NO SAFETY AND SECURITY ISSUE. (CAMPOS V.COUGHLIN,845 f.supp.194(S.D.N.Y.MAY 3rd,1994), HOLDS:PRISON OFFICIALS CANNOT MERELY BRANDISH THE WORDS,"SAFETY AND SECURITY",AND EXPECT THAT THEIR ACTIONS WILL AUTOMATICALLY BE DEEMED CONSTITUTIONALLY PERMISSIBLE CONDUCT. INADEQUATELY FORMULATED PRISON REGULATIONS GROUNDED ON MERE SPECULATION,EXAGGERATED FEARS,POST-HAC RATIONALIZATIONS WILL NOT SUFFICE,...REGULATIONS BASED ON SPECULATION,EXAGGERATED FEARS OF THOUGHLESS POLICIES CANNOT STAND. (OPINION BY:SONIA SOTOMAYOR/FUTURE U.S.-SUPREME COURT ASSOCIATE JUSTICE).

GAWLIK WAS PLACED INTO A CELL IN ADMINISTRATIVE SEGREGATION,DEFENDENT NURSE PARKER EXAMINED GAWLIK,AND,GAWLIK SHOWED HER HIS WRISTS,WHICH WAS INJURED,BLUEFROM LACK OF BLOOD CIRCULATION AND CUT PAINFUL LACERATIONS FROM THE HANDCUFFS,NURSE PARKER DEFENDENT NOTED ON HER EXAMINATION REPORT THAT GAWLIK HAD NO VISIBLE INJURIES,WHICH WAS PREJUDICIAL. AFTER NURSE PARKER LEFT,GAWLIK INFORMED THE OFFICERS PERFORMING SAFETY CHECKS THAT GAWLIK HAD BEEN INJURED BY DEFENDENT/BUCKLAND AND NEEDED MEDICAL TREATMENT FOR HIS WRISTS. AFTER NEARLY TWO HOURS OF IGNORING GAWLIKS PLEAS,THE OFFICERS FINALLY CALLED THE MEDICAL DEPT. TO EXAMINE GAWLIK AGAIN. DEFENDENT NURSE PARKER RETURNED TO AGAIN EVALUATE GAWLIKS INJURIES AND EXAMINED HIS WRISTS AGAIN. AFTER EXAMINING GAWLIK,SHE FILLED OUT A SICK CALL REPORT INWHICH SHE PROPERLY NOTED THAT GAWLIKS WRISTS WERE DISCOLORED,TENDER,AND SWOLLEN WITH LACERATIONS,SKIN REMOVED AS A RESULT OF HANDCUFFS THAT WERE APPLIED TOO TIGHTLY.

SHE PRESCRIBED GAWLIK MOTRIN FOR THE PAIN, BUT, REFUSED TO TAKE PICTURES OF THE INJURIES.

ON MARCH 27th, 2018, GAWLIK TOLD DEFENDENT/WATSON-CAPTAIN, AS THE ADMINISTRATOR THAT RUNS THE ADMINISTRATIVE SEGREGATION UNIT, THAT HIS WRISTS HAD BECOME INCREASINGLY SWOLLEN OVERNIGHT AND HE NEEDED TO SEE THE NURSE. THE DEFENDENT. WATSON-CAPTAIN TOLD GAWLIK THAT HE HAD ALREADY BEEN SEEN THE PREVIOUS DAY AND DID NOT NEED TO BE EXAMINED BY THE NURSE AGAIN. GAWLIK-WAS LEFT IN EXTREME PAIN. SEVERAL HOURS LATER, GAWLIK ASKED CAPTAIN/WATSON WHY HIS ROSARY AND CRUCIFIX HAD BEEN CONFISCATED AND EXPLAINED THAT HE NEEDED THEM IN ORDER TO PRAY. CAPTAIN/WATSON TOLD GAWLIK THAT HE DID NOT CARE ABOUT MY RELIGIOUS ARTICLES AND SUGGESTED THAT GAWLIK WRITE TO THE CHAPLAIN. GAWLIK'S ROSARY AND CRUCIFIX WERE NEVER RETURNED TO HIM DURING THE SEVEN DAYS THAT HE REMAINED IN ADMINISTRATIVE SEGREGATION, THUS, VIOLATING DOC POLICY MATRIX THAT ALLOWS RELIGIOUS ARTICLES IN ADMINISTRATIVE SEGREGATION OF ALL DENOMINATIONS, AND, VIOLATED THIS PLAINTIFF'S FREE EXERCISE CLAUSE.

ON APRIL 12th, 2018, GAWLIK SUBMITTED AN INMATE REQUEST TO LIEUTENANT CZEREMCHA ALLEGING THAT THE CONFISCATION OF HIS ROSARY AND CRUCIFIX VIOLATED ADMINISTRATIVE DIRECTIVE 6.10. ON APRIL 25th, 2018, LIEUTENANT CZEREMCHA REPLIED TO GAWLIK'S REQUEST, STATING THAT GAWLIK'S CRUCIFIX AND ROSARY WERE CONFISCATED BECAUSE THEY WERE METAL AND COULD POSE A THREAT TO SAFETY AND SECURITY. THE RELIGIOUS ARTICLES WERE PURCHASED ON DOC COMMISSARY WHICH CORRECTIONS SELLS ON THE COMMISSARY APPROVED FOR INCARCERATED, AND, ROSARIES ARE CONSTRUCTED OF PLASTIC, NOT METAL, AS DEFENDENT CZEREMCHA MISREPRESENTS. ON APRIL 26th, 2018, GAWLIK FILED A LEVEL #1 GRIEVANCE REGARDING LIEUTENANT CZEREMCHA'S CONFISCATION OF HIS CRUCIFIX AND ROSARY ON MARCH 26th, 2018.

ON MAY 7th, 2018, WARDEN ERFE REJECTED GAWLIKS GRIEVANCE ON THE BASIS OF IT WAS UNTIMELY. ON MAY 8th, 2018, GAWLIK FILED A LEVEL#2 APPEAL. ON MAY-31st, 2018, DISTRICT ADMINISTRATOR QUIROS UPHELD THE REJECTION OF THE LEVEL#1 GRIEVANCE BY WARDEN ERFE AND DENIED THE LEVEL#2 APPEAL.

ON JUNE 17th, 2018, GAWLIK SENT A LETTER TO COMMISSIONER SEMPLE CLAIMING THAT ON MARCH 26th, 2018, DEFENDENT/LT. CZEREMCHA HAD CONFISCATED HIS CRUCIFIX AND ROSARY IN VIOLATION OF ADMINISTRATIVE DIRECTIVES 10.8/6.10., AND THAT GAWLIK NEEDED BOTH ITEMS TO BE ABLE TO ENGAGE IN PRAYER. COMMISSIONER SEMPLE FORWARDED GAWLIKS LETTER TO DIRECTOR WILLIAMS FOR RESPONSE.

THE ELEVENTH AMENDMENT BARS CLAIMS FOR MONETARY DAMAGES BROUGHT AGAINST THE STATE, OR, AGAINST A STATE EMPLOYEE ACTING IN HIS OR HER OFFICIAL CAPACITY, UNLESS A STATE HAS WAIVED THE IMMUNITY OR CONGRESS HAS ABROGATED IT.

(MONELL V. NEW YORK CITY DEPT. OF SOCIAL SERVICES, 436 U.S. 658, 690, n.54. 98-S. CT. 2018(1978): HOLDS; THAT THE 11th AMENDMENT DOES NOT FORBID SUING STATE OFFICIALS FOR DAMAGES IN THEIR INDIVIDUAL CAPACITIES AND FOR DECLARATORY RELIEF AND INJUNCTIVE RELIEF IN THEIR OFFICIAL CAPACITIES, GOVERNMENTS AND THEIR AGENCIES ARE NOT PROTECTED BY THE 11th/AMENDMENT EVEN IN DAMAGE SUITS.

THE HONORABLE CHIEF JUDGE UNDERHILL IN THE INITIAL REVIEW ORDER RULED: WHEN A PLAINTIFF SEEKS MONETARY DAMAGES FROM STATE OFFICIALS IN HIS OR HER INDIVIDUAL CAPACITY-EVEN IF THE ALLEGED WRONGDOING OCCURRED IN THEIR COURSE OF OFFICIAL DUTIES UNDER, (HAFER V. MELO, 502 U.S. 21, 31(1991): HOLDS; THE STATE OFFICIALS ARE NOT "ABSOLUTELY IMMUNE FROM PERSONAL LIABILITY UNDER §1983 SOLELY BY VIRTUE OF THE OFFICIAL NATURE OF THEIR ACTS". THE CHIEF JUDGE/STEFAN UNDERHILL ALLOWED CLAIMS FOR MONETARY DAMAGES AGAINST DEFENDENTS SUED IN AN INDIVIDUAL CAPACITY TO PROCEED CONSISTANT WITH THE ELEVENTH AMENDMENT.

UNDER THE EXCEPTION TO ELEVENTH AMENDMENT IMMUNITY RECOGNIZED IN, (EX PARTE YOUNG, 209 U.S. 123(1908): HOLDS; A PLAINTIFF MAY ADDITIONALLY SEEK PROS-



PECTIVE INJUNCTION AND DECLARATORY RELIEF AGAINST STATE OFFICIALS SUED IN THEIR OFFICIAL CAPACITIES. (SEE ALSO: IN RE DEPOSIT INS. AGENCY, 482 f.3d.-612,618(2nd.cir.2007)). THE EIGHTH AMENDMENT BAN ON CRUEL AND UNUSUAL PUNISHMENT HAS BEEN INTERPRETED TO PROHIBIT DELIBERATE INDIFFERENCE TO AN INDIVIDUALS SERIOUS MEDICAL NEEDS BY PROVIDERS AND PRISON OFFICIALS. (ESTELLE V. GAMBLE, 429 U.S. 97, 104-05(1976)).

DELIBERATE INDIFFERENCE MAY BE MANIFESTED BY PRISON DOCTORS IN THEIR RESPONSE TO THE PRISONERS NEEDS OR BY PRISON GUARDS IN INTENTIONALLY DENYING OR DELAYING ACCESS TO MEDICAL CARE OR INTENTIONALLY INTERFERING WITH TREATMENT ONCE PRESCRIBED. THIS OCCURED WHEN THE ADMINISTRATIVE SEGREGATION DELAYED TREATMENT HOURS LATER FOR PLAINTIFFS SWOLLEN WRISTS, SKIN PEELING OFF WRISTS FROM HANDCUFFS TO TIGHT INWHERE PRISON OFFICIALS ACTED WITH DELIBERATE INDIFFERENCE. (SALAHUDDIN V. GOORD, 467 f.3d. 263, 280(2nd.-CIR.2006)).

FACTORS OF WHETHER A PARTICULAR MEDICAL NEED IS SUFFICIENTLY SERIOUS INCLUDES WHETHER, "A REASONABLE DOCTOR OR PATIENT WOULD FIND IT IMPORTANT AND WORTHY OF COMMENT OR TREATMENT", WHETHER THE CONDITION, "SIGNIFICANTLY AFFECTS AN INDIVIDUALS DAILY ACTIVITIES, AND, WHETHER IT CAUSES "CHRONIC-AND SUBSTANTIAL PAIN".

HERE, GAWLIK ALLEGES THAT HE WAS HANDCUFFED SO TIGHTLY THAT BOTH WRISTS BECAME BRUISED, SWOLLEN, AND THE SKIN ON THE WRISTS WERE PEELING AND RUBBED AWAY. NURSE PARKER WAS NEGLIGENT IN FAILING TO NOTE OR TREAT GAWLIKS SYMPTOMS DURING THE INITIAL EVALUATION, AND, WITH RESPECT TO DEFENDENT CAPTAIN WATSON, GAWLIK ALLEGES THAT CAPTAIN WATSON REFUSED TO CALL NURSE AGAIN THE FOLLOWING DAY DESPITE GAWLIKS CLAIM THAT THE SWELLING HAD INCREASED, DENYING ADEQUATE MEDICAL CARE TO GAWLIKS CHRONIC AND SUBSTANTIAL PAIN.

IN DETERMINING EXCESSIVE USE OF FORCE AND WHETHER OFFICIALS ACTED WITH A SUFFICIENTLY CULPABLE STATE OF MIND, THE "CORE JUDICIAL INQUIRY IS...WH-

ETHER FORCE WAS APPLIED IN A GOOD-FAITH EFFORT TO MAINTAIN OR RESTORE DISCIPLINE, OR, MALICIOUSLY AND SADISTICALLY TO CAUSE HARM." NO LEGITIMATE LAW ENFORCEMENT OR PENOLOGICAL PURPOSE CAN BE INFERRED FROM A DEFENDENTS ALLEGED CONDUCT, THE ABUSE ITSELF MAY...BE SUFFICIENT EVIDENCE OF A CULPABLE STATE OF MIND. (BODDIE V. SCHNIEDER, 105 f.3d.857,861(2nd.cir.1997)).

THE NEED FOR APPLICATION OF FORCE, THE RELATIONSHIP BETWEEN THAT NEED AND THE AMOUNT OF FORCE USED, THE THREAT REASONABLY PERCEIVED BY THE RESPONSIBLE OFFICIALS, AND, ANY EFFORTS MADE TO TEMPER THE SEVERITY OF A FORCEFUL RESPONSE, MAY BE INDICATIVE OF WHETHER THE USE OF FORCE WAS INDEED DRIVEN BY LEGITIMATE PURPOSE OR INSTEAD WANTON OR UNNECESSARY. (HUDSON V. LACK-478 U.S.266(1988)). THE SECOND CIRCUIT HAS RECOGNIZED THAT THE APPLICATION OF EXCESSIVELY TIGHT HANDCUFFS OR RESTRAINTS IN, "EXCESS OF WHAT WAS NECESSARY UNDER THE CIRCUMSTANCES" MAY RISE TO THE LEVEL OF EIGHTH AMENDMENT CLAIM. (DAVIDSON V. FLYNN, 32 f.3d.27,30(2nd.cir.1994)). (SEE ALSO: BOYD V. - DOE, 2019 U.S.DIST.LEXIS 68214, at\*19(N.D.N.Y.APR.23,2019)).

COURTS HAVE HELD THAT TIGHT HANDCUFFING GIVES RISE TO AN EIGHTH AMENDMENT CLAIM WHEN, (1)-THE HANDCUFFS WERE UNREASONABLY TIGHT; (2)-THE DEFENDENTS IGNORED THE PLAINTIFFS PLEAS THAT THE HANDCUFFS WERE TOO TIGHT; AND, (3)-THERE IS A DEGREE OF INJURY TO THE WRISTS. THE KEY INQUIRY IS NOT THE EXTENT OF THE INJURIES SUSTAINED AS A RESULT OF THE TIGHT HANDCUFFS, BUT, INSTEAD, "WHETHER THE ALLEGED CONDUCT INVOLVED UNNECESSARY AND WANTON INFLICTION OF PAIN."

GAWLIK ALLEGES THAT HE SUFFERED INJURIES FROM THE APPLICATION OF THE HANDCUFFS-INJURIES THAT WERE BARELY MANAGED BY MOTRIN PRESCRIBED FOR A PERIOD OF THREE-DAYS, THE CRUX OF HIS CLAIM IS THAT THE DEFENDENTS APPLIED THE HANDCUFFS TOO TIGHTLY AND BENT HIS WRISTS FOR THE VERY PURPOSE OF CAUSING HIM PAIN AND SUFFERING WITH EXTREME PAINFUL INJURIES.

GAWLIK STATED REPEATEDLY, AND, ON CAMERA, AND, ASKED LIEUTENANT CZEREMCHA TO DIRECT OFFICERS TO STOP TWISTING WRISTS DUE TO EXTREME PAIN GAWLIK WAS EXPERIENCING. LT. CZEREMCHA IGNORED PLEAS, ALSO THE OFFICERS. CHIEF JUDGE UNDERHILL RULED ALLEGATIONS ARE SUFFICIENT THAT EXCESSIVE FORCE WAS BEING USED, EIGHTH AMENDMENT EXCESSIVE FORCE CLAIMS WILL PROCEED AGAINST DEFENDENTS IN THEIR OFFICIAL CAPACITIES.

1.) THE DEFENDENTS VIOLATE THE FIRST AMENDMENT FREE EXERCISE CLAUSE AND THE RIGHT TO PRACTICE HIS DEVOUT CATHOLIC BELIEFS.

GAWLIK ALLEGES THE CONFISCATION OF HIS CRUCIFIX AND ROSARY VIOLATED HIS FIRST AMENDMENT RIGHT TO PRACTICE RELIGION. GAWLIK BRINGS CLAIMS AGAINST THE INITIAL DEFENDENTS WHO GAWLIK ALLEGES PERSONALLY CONFISCATED RELIGIOUS ITEMS, AND, CAPTAIN WATSON WHO REFUSED TO ENSURE RELIGIOUS ITEMS WERE RETURNED TO GAWLIK HELD IN ADMINISTRATIVE SEGREGATION. GAWLIK ALLEGES CLAIMS ALSO AGAINST DIR. WILLIAMS, COM'R SEMPLE, WARDEN ERFE, DIRECTOR QUIROS WHO WERE INFORMED ABOUT THE GAWLIK CONFISCATION OF RELIGIOUS ITEMS AFTER HE WAS RELEASED FROM ADMIN. SEGREGATION.

THE FIRST AMENDMENT FREE EXERCISE CLAUSE REQUIRES OFFICIALS TO RESPECT, AND, AVOID INTERFERENCE WITH RELIGIOUS BELIEFS AND PRACTICES OF THE PEOPLE. (CUTTER V. WILKINSON, 544 U.S. 709, 719 (2005)). IT IS WELL ESTABLISHED LAW THAT THE RIGHT TO FREE EXERCISE OF RELIGION IS NOT FORFEITED DUE TO INCARCERATION. "INMATES CLEARLY RETAIN PROTECTIONS OF FIRST AMENDMENT, INCLUDING ITS DIRECTIVE THAT NO LAW SHALL PROHIBIT THE FREE EXERCISE OF RELIGION." (O'LONE V. ESTATE OF SHABAZZ, 484 U.S. 342, 348 (1987))

(SEE ALSO: FORD V. MCGINNES, 352 F.3d 582, 588 (2nd. cir. 2003): HOLDS; "PRISONERS HAVE LONG BEEN UNDERSTOOD TO RETAIN SOME MEASURE OF CONSTITUTIONAL PROTECTION AFFORDED BY THE FIRST AMENDMENTS FREE EXERCISE CLAUSE").

THE DEFENDENTS CONDUCT SUBSTANTIALLY BURDENED HIS SINCERELY HELD BELIEFS AND THAT SINCERELY HELD RELIGIOUS HOLDS A PARTICULAR BELIEF, THAT THE BELIEF IS RELIGIOUS IN NATURE, AND, DEFENDENTS SUBSTANTIALLY INTERFERED WITH THE EXERCISE OF THAT BELIEF.

(FORDE V. ZICKEFOOSE, 612 f.supp.2d.171,177(D.CONN.2002):HOLDS;THE FOCUS OF THE INQUIRY IS NOT "THE OBJECTIVE REASONABLENESS" OF A PARTICULAR BELIEF, BUT, INSTEAD WHETHER A PLAINTIFFS "SINCERELY HOLDS A PARTICULAR BELIEF, AND, WHETHER THE BELIEF IS RELIGIOUS IN NATURE." (FORD, 352-f.3d.at 590).

GAWLIK ALLEGES HE IS A "LIFELONG DEVOUT CATHOLIC" WHO PRAYS HOURLY WITH ROSARY AND CRUCIFIX, AND, THAT WITHOUT THE ROSARY AND CRUCIFIX, "HE IS UNABLE TO PRAY." ALLEGATIONS ARE SUFFICIENT TO DEMONSTRATE THAT THE ROSARY, AND, CRUCIFIX USED, AND, DUE TO THE REFUSAL OF DEFENDENTS TO RETURN THOSE ITEMS INTERFERED WITH SINCERELY HELD BELIEFS. (SEE: CUTTER, 544 U.S.at 720)HOLDS; "THE EXERCISE OF RELIGION OFTEN INVOLVES NOT ONLY BELIEF AND PROFESSION BUT THE PERFORMANCE OF PHYSICAL ACTS SUCH AS ASSEMBLING WITH OTHERS FOR WORSHIP SERVICE OR PARTICIPATING IN SACRAMENTAL USE OF BREAD AND WINE."

2.) THE DEFENDENTS VIOLATE THE RLUIPA-RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT, IMPOSING SUBSTANTIAL BURDEN ON RELIGIOUS EXERCISE. THE RLUIPA PROVIDES THAT:"NO GOVERNMENT SHALL IMPOSE A SUBSTANTIAL BURDEN ON THE RELIGIOUS EXERCISE OF A PERSON RESIDING IN OR CONFINED TO AN INSTITUTION...UNLESS THE GOVERNMENT DEMONSTRATES THAT IMPOSITION OF THE BURDEN ON THAT PERSON-(1), IS THE FURTHERANCE OF A COMPELLING GOVERNMENTAL INTEREST; AND(2)-IS THE LEAST RESTRICTIVE MEANS OF FURTHERING COMPELLING GOVERNMENT INTEREST. (42 U.S.C. §2000cc-1(a)).

GAWLIK ALLEGES THE CONFISCATION OF ROSARY AND CRUCIFIX DURING PLACEMENT IN ADMIN.SEGREGATION INTERFERED WITH GAWLIK'S ABILITY TO PRAY, THEREFORE INTERFERED WITH HIS ABILITY TO PRACTICE HIS CATHOLIC FAITH. ALLEGATIONS ARE SUFFICIENT TO STATE A PRIMA FACIE CLAIM UNDER RLUIPA. (SEE: BRAUN V. - STERNO, 2018 U.S.DIST.LEXIS 187654, at\*14(D.CONN.OCT.31,2018), PERMITTING RLUIPA CLAIM TO PROCEED ON SAME SET OF FACTS AS FIRST AMENDMENT CLAIM.

SECOND CIRCUIT HELD THAT RLUIPA, "DOES NOT AUTHORIZE MONETARY DAMAGES AGAINST STATE OFFICERS IN EITHER OFFICIAL/INDIVIDUAL CAPACITIES. (HOLLAND V. - GOORD, 758 f.3d.215,224(2nd.cir.2014). A PLAINTIFF MAY INSTEAD OBTAIN ONLY INJUNCTIVE RELIEF AS A REMEDY FOR A RLUIPA VIOLATION.

(SEE:BOOKER V.GRAHAM,947 f.3d.101,107-8(2nd.cir.2014):HOLDS;RLUIPA ONLY PROVIDES FOR INJUNCTIVE AND DECLARATORY RELIEF OF VIOLATION RELIGIOUS RIGHTS BY PRISON OFFICIALS.

JUDGE UNDERHILL ALLOWED RLUIPA ACT TO PREVAIL AGAINST ALL THE DEFENDENTS.

3.) THE DEFENDENTS VIOLATE CONSTITUTION OF ASSAULT AND BATTERY CLAIM.

GAWLIK ALLEGES THAT DEFENDENTS APPLICATION OF EXCESSIVELY TIGHT HANDCUFFS AND USE OF THE WRIST-LOCK TECHNIQUE BY LIEUTENANT CZEREMCHA, SMITH, BUCKLAND, BROWN, PARKER, CUNNINGHAM CONSTITUTED ASSAULT AND BATTERY. UNDER CONNECTICUT LAW, "LIABILITY FROM BATTERY ARISES IF A PERSON ACTS INTENDING TO CAUSE, (A)-HARMFUL OR OFFENSIVE CONTACT WITH THE PERSON OF THE OTHER OR A THIRD PERSON...AND, (B)-A HARMFUL CONTACT WITH THE PERSON OR THE OTHER DIRECTLY OR INDIRECTLY RESULTS." (SIMMS V.CHAISSON,277 CONN.319,331(2006)).

TO CONSTITUTE AN ACTIONABLE ASSAULT AND BATTERY THERE MUST HAVE BEEN AN UNLAWFUL FORCE APPLIED TO ONE PERSON OR ANOTHER. (MORIARTY V.LIPPE,162-CONN.371,389(1972):HOLDS);ASSAULT AND BATTERY IS THE INFLICTION OF PAIN TO CAUSE HARM TO ANOTHER PERSON OR INDIVIDUAL.

HERE,THE SAME ALLEGATIONS THAT GAWLIK RELIES UPON TO PLEAD A CLAIM FOR EXCESSIVE FORCE GIVES RISE TO COGNIZABLE CLAIMS FOR ASSAULT AND BATTERY AGAINST OFFICERS BUCKLAND AND BROWN. DEFENDENTS WERE ACTING OUTSIDE THE SCOPE OF EMPLOYMENT,STATE OFFICIALS DO NOT HAVE,"STATUTORY IMMUNITY FOR WANTON,RECKLESS OR MALICIOUS ACTIONS",AND THEREFORE ASSAULT AND BATTERY CLAIMS RAISED AGAINST DEFENDENTS IN THEIR INDIVIDUAL CAPACITIES ARE NOT BARRED BY STATUTORY IMMUNITY. JUDGE UNDER HILL ALLOWED ASSAULT AND BATTERY CLAIMS TO PROCEED IN THIS ACTION AGAINST OFFICERS BUCKLAND & BROWN.

CHEIF JUDGE UNDERHILL ALLOWED THE FOLLOWING CLAIMS TO PROCEED;

- 1.) THE EIGHTH AMENDMENT EXCESSIVE FORCE CLAIMS ASSERTED AGAINST LIEUTENANT CZEREMCHA, OFFICERS BUCKLAND, BROWN, SMITH, PARKER, CUNNINGHAM IN THEIR INDIVIDUAL CAPACITIES.
- 2.) THE FIRST AMENDMENT FREE EXERCISE CLAIM ASSERTED AGAINST LT.CZEREMCHA, CAPTAIN WATSON, OFFICERS SMITH, BUCKLAND, BROWN, PARKER, CUNNINGHAM, IN THEIR INDIVIDUAL & OFFICIAL CAPACITIES, AND, AGAINST COM'R SEMPLE, WARDEN ERFE, DIST.ADMIN QUIROS, DIR.WILLIAMS IN THEIR OFFICIAL CAPACITIES TO THE EXTENT THAT GAWLIK SEEKS INJUNCTIVE RELIEF RELATED TO THE CLAIM ASSERTED IN THE COMPLAINT.

3.) I WILL ADDITIONALLY EXERCISE SUPPLEMENTAL JURISDICTION OVER STATE LAW ASSAULT AND BATTERY CLAIMS RAISED AGAINST OFFICERS BUCKLAND & BROWN IN THEIR INDIVIDUAL CAPACITIES.

(EXHIBIT#(E)-INITIAL REVIEW ORDER BY HON.UNDERHILL/9-27-2021).

4.) PLAINTIFFS TIMELY EXHAUSTION PURSUANT THE, "MAILBOX RULE."

THE PETITIONER PROPERLY EXHAUSTED THE ADMINISTRATIVE REMEDIES TIMELY WITHIN THE, (30-DAY), TIME FRAME PURSUANT THE, "MAILBOX RULE". THE FEDERAL COURTS PRACTICE AND PROTOCOL UTILIZES THE, (30/60/90), DAY TIME FRAMES IN THE INITIAL REVIEW ORDERS, APPEALS, ECT, FOR PLAINTIFFS. THIS PLAINTIFF PURSUANT TO COURT PRACTICE ADOPTED ALSO THE PROCEDURES OF A, (30/60/90), DAY TIME FRAME TO SUBMIT ALL PROSPECTIVE DOCUMENTS TO BE RULED UPON, AND, NOT CALENDAR DAYS. PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE: RULE#6(A)(1)(A), - STATES: EXCLUDE THE DAY OF THE EVENT THAT TRIGGERS THE PERIOD. THE PLAINTIFF DOES NOT COUNT THE DAY OF THE EVENT, BUT, CONSIDERS THAT, (24-HOURS), MUST LAPSE TO BE CONSIDERED ONE DAY, IN WHICH PROPERLY IN GRIEVANCE EXHAUSTIONS ONE MUST WAIT, (24-HOURS), UNTIL THE NEXT DAY TO BE CONSIDERED ONE DAY. PLAINTIFF EXHAUSTION OF ADMINISTRATIVE REMEDIES IS TIMELY UNDER THE "MAILBOX RULE".

ON MARCH 26th, 2018, THIS PETITIONER WAS PLACED IN ADMIN. SEGREGATION, DUE TO THAT THIS PETITIONER WAS HELPING A POOR INMATE PAY FOR HIS POSTAGE OF \$3.50/THREE DOLLARS & FIFTY CENTS TO SEND (2-TWO) RELIGIOUS ARTWORKS HOME TO HIS SMALL CHILDREN AND FAMILY.

THE PETITIONER UPON HIS RELEASE FROM ADMINISTRATIVE SEGREGATION FILED TIMELY HIS ADMINISTRATIVE REMEDIES/EXHAUSTION WITHIN THE, (30-DAY), TIME FRAME UTILIZING THE "MAILBOX RULE", IN WHERE THE GRIEVANCE WAS FILED ON THE (30th-DAY), PRIOR TO THE ADMINISTRATIVE REMEDIES COORDINATOR COLLECTING REMEDIES THE FOLLOWING DAY AT THE PROMULGATED COLLECTION TIME BETWEEN THE HOURS (7am) to 8am), M-F/BUISNESS DAYS. AND, PLAINTIFF PROPERLY AND TIMELY SUBMITTED HIS EXHAUSTED GRIEVANCE PRIOR ON: 4/25/2018, ON THE (30th-DAY).

PLAINTIFF SUBMITTED HIS GRIEVANCE ON THE BUINESS DAY OF:4/25/2018,AND, USING THE,"MAILBOX RULE",PLAINTIFF TIMELY FILED ON THE,(30th-DAY),FROM, (3/27/2018 to 4/25/2018). ADMINISTRATIVE DIRECTIVE/9.6,DATED:8/15/2013, INMATE ADMINISTRATIVE REMEDIES,SEC#5(D)(4):STATES;ENSURE THAT COLLECTION OF ADMINISTRATIVE REMEDY FORMS IS COLLECTED EACH BUINESS DAY.

IN THE YEAR/2018,INCARCERATED WERE LOCKED UP UNTIL:9:00am,DAILY,NEVER RE-LEASED PRIOR TO COUNT OF INMATES CLEARING AT:9:00am,EVERY MORNING. IT IS AND WOULD HAVE BEEN IMPOSSIBLE FOR THIS PLAINTIFF TO PLACE HIS EXHAUSTED GRIEVANCE IN THE BOX ON THE,(31st-DAY),AS ALL INMATES ARE LOCKED UP UNTIL 9:00am,AND,GRIEVANCE COORDINATOR PICKS UP ALL GRIEVANCES PRIOR 8:00am.

THE PLAINTIFF HAS PROVED BEYOND A REASONABLE DOUBT GAWLIK EXHAUSTED ADMINISTRATIVE REMEDIES WITHIN THE,(30-DAY),TIME FRAME,AND,DATES FROM:3/27-2018 to 4/25/2018,THAT IS EXACTLY:(30) DAYS PROTECTED UNDER THE,"MAILBOX-RULE". THE PLAINTIFF IS AN INCARCERATED INDIVIDUAL,AND,PRO-SE,AND THE,"MAILBOX RULE APPLIES TO THIS PETITIONER". (CRETACCI V.CALL,988 f.3d.-860(6th.cir.2021):HOLDS;THE MAILBOX RULE APPLIES ONLY TO PRISONERS WHO ARE NOT REPRESENTED BY COUNSEL AND ARE PROCEEDING:PRO-SE. IT IS WELL ESTABLISHED THAT PRISONERS HAVE A CONSTITUTIONAL RIGHT TO COMPLAIN AND PETITION THE GOVERNMENT IN REDRESS. (JOHNSON V.AVERY,393 U.S.483,89 S.CT.747,21.1.ed.2d.718(1967)). PRISONERS HAVE THE RIGHT UNDER THE FIRST AND FOURTEENTH AMENDMENT,DUE PROCESS,TO PURSUE INSTITUTIONAL GRIEVANCES-ACCESS THE COURTS. (DAVIS V.GOORD,320,f.3d.346(2nd.cir.2006)). THE UNITED STATES SUPREME COURT IN CASE:(HOUSTON V.LACK,487 U.S.266(1988):HOLDS;SUPREME COURT JUSTICE BRENNEN,THAT:...FILED WITHIN (30) DAYS,PRISONERS NOTICE...FILED AT MOMENT OF DELIVERY TO PRISON AUTHORITIES FOR FORWARDING TO DISTRICT COURT. (SEE:FALLEN V.UNITED STATES,378 U.S.139,84 S.CT.1689,12.1.ed.2d.760(1964):HOLDS;UNSKILLED IN LAW,UNAIDED BY COUNSEL AND UNABLE TO LEAVE PRISON,A PRO-SE PRISONERS CONTROL OVER PROCESSING HIS NOTICE CEASES AS SOON AS HE-

OR SHE HANDS IT OVER TO THE ONLY PUBLIC OFFICIAL TO WHOM HE HAS ACCESS -THE PRISON AUTHORITIES-AND ONLY INFORMATION HE WILL HAVE IS THE DATE HE DELIVERED THE NOTICE TO AUTHORITIES.(QUOTE).

UNDER THE "MAILBOX RULE",A PRISONERS COMPLAINT,(GRIEVANCES),WOULD BE DEE-  
MED FILED WHEN IT IS DELIVERED TO PRISON OFFICIALS FOR MAILINGS

(SCHOENLEIN V.HALAWA CORRECTIONAL FACILITY,2009 WL 4761791,\*3-5(D.HAW.-OCT,29th,2009)). (TAPIA-ORTZ V.DOE,171 f.3d.150,152(2nd.cir.1999)):HOLDS;  
PRISON "MAILBOX RULE" ALSO APPLIED TO ADMINISTRATIVE CLAIM UNDER FTCA.

PRO-SE,PRISONER LOSES CONTROL OVER HIS NOTICE:THE MOMENT OF DELIVERY TO  
PRISON OFFICIALS/AUTHORITIES FOR FORWARDING. "MAILBOX RULED DEEMED & APP-  
LIES IN THIS CASE". PLAINTIFF,(30-DAYS),BEGAN ON:3/27/2018,AND,ENDED ON:  
4/25/2018,WHEN PLAINTIFF PLACED HIS GRIEVANCE IN GRIEVANCE BOX ON THE NI-  
GHT OF:4/25/2018.

ALTHOUGH EXHAUSTION THOUGH REQUIRED,EXHAUSTION IS NOT JURISDICTIONAL.  
(PORTER V.NUSSLE,354 U.S.516524,122,S.CT.983(2002)). MANY JURISDICTIONS DO  
NOT REQUIRE EXHAUSTION OF ADMINISTRATIVE REMEDIES UNDER THE PLRA DUE TO  
THE FACT THAT IT IS MANY TIMES THE NATURE OF THE CONSTITUTIONAL VIOLATION  
INWHICH THE ATROCITIES ARE SO MUCH THAT,"SHOCKS THE CONSCIENCE",THAT MANY  
DISTRICT COURTS ALLOW CASES TO PROCEED DUE TO ITS NATURE. (CRUZ V.JORDEN,-  
80 f.supp.2d.109,124(S.D.N.Y.1999)). THE DISTRICT COURTS HAVE JURISDICTION  
ON THE EXHAUSTION OF ADMINISTRATIVE REMEDIES AND IF REQUIRED THAT IT IS  
BALANCED AGAINST THE NATURE OF THE COMPLAINT,IF,REMEDIES WERE AVAILABLE  
OUTWEIGHS THE EXHAUSTION REQUIREMENTS. THE "MAILBOX RULE" APPLIES TO ALL  
DOCUMENTS DELIVERED TO PRISON AUTHORITIES EVEN THE DOCUMENTS,GRIEVANCES,  
NEVER REACH THEIR DESTINATIONS. (SOOT V.CAIN,570 f.3d.669,571-72(5th.cir-  
2009)):HOLDS;MAILBOX RULE APPLIES TO PAPERS GIVEN TIMELY TO PRISON AUTHO-  
RITIES FOR MAILING,EVEN IF THE NEVE REACH THE COURTS. THE PRISON "MAIL-  
BOX RULE" APPLIES TO ALL PRO-SE FILING ABSENT EXCEPTIONAL CIRCUMSTANCES.  
(FAILE V.UPJOHN CO.,988,f.2d.985,988(9th.cir.1992)),IN DISCOVERY RESPONSES.



(DUNN V. WHITE, 880 f.2d.1188, 1190(10th.cir.1989), FILING OBJECTIONS TO MAGISTRATE REPORT AND RECOMMENDATIONS. (SMITH V. EVANS, 853, f.2d.155, 161-162, - (3rd.cir.1988), HOUSTON RATIONALE APPLIES TO RULE#59(e), , MOTION FOR RECONSIDERATION. COURTS HAVE PERMITTED PLEADINGS OF PRO-SE PRISONERS TO BE FILED AT THE TIME THEY ARE DEPOSITED IN THEIR PRISON MAIL SYSTEM OR GIVEN TO A PERSON DESIGNATED TO RECIEVE PRISON MAIL. (EX PARTE WILLIAMS, 651, 2d. 569, 571(ALA.1992)(MATER V. ARIZONA, 184, ARIZ.242, 908 p.2d.56, 57(APP.1995); (IN RE JORDAN, 4.CAL.4th, 116, 13, cal.rptr.2d.878, 840, p.2d.983, 985(1992)). (HAGG V. FLORIDA, 591, so.2d.614, 617, (FLA.1992)(MASSALINE V. WILLIAMS, 274-GA.552, 554, S.E.2d.720, 772, (2001)(SETALA V. J.C. PENNY COMPANY, 97 HAWAI'I, - 484, 40 P.#D.886, 890-93(HAW.2002)(MUNSON V. STATE, 128, IDAHO, 639, 917 p.2d.- 796, 799-800(1996)(TAYLOR V. McKUNE, 25.KAN.APP.2d.283, 962, p.2d.566, 569-70-(1998)(STATE EX REWL. EGANA V. LOUISIANA, 771, so.2d.638(LA.2000)(COMMONWEALTH V. HARTGROVE, 407, MASS.441, 553, N.E.2d.1299, 1301-02(1990)(SKYES V. MISSISSIPPI, 757 so.2d.997, 1000-01(MISS.2000)(KELLOGG V. JOURNAL COMMUNICATION-108 NEV.474, 835, p.2d.12, 13-14(1992)(WOODY V. OKLAHOMA EX REL. DEPT. OF CORRECTIONS, 1992 OK.45, 833, p.2d.257, 259-60(OKLA.1992)(HICKY V. OREGON STATE-PENITENTIARY, 127 OR.APP.727, 874, p.2d.102, 105(1994)(COMMONWEALTH V. JONES-549, pa.58, 700, a.2d.423, 426(1997). THE PRISON "MAILBOX RULE" APPLIES TO DOCUMENTS IN ALL ASPECTS FORWARDED TO THE PRISON OFFICIALS, APPEALS, MOTION, GRIEVANCES, ECT, AND DEEMED FILED. (MAILBOX RULE).

5.) PLAINTIFF ONLY REQUIRES TO (ALLEGE) IN COMPLAINT WITHOUT GREAT DETAIL AND PURSUANT TO RULE#20, PERMISSIVE JOINER OF PARTIES IN COMPLAINT TO EXTENT OF RELIEF NEED NOT ANY GREAT DETAIL ALLEGED.

THE DEFENDENTS, IN THE COMPLAINT, HAVE VIOLATED PLAINTIFFS CONSTITUTIONAL RIGHTS, AND, PLAINTIFF REQUIRES ONLY IN §1983 TO ALLEGE THE VIOLATIONS WHEN THERE IS DIRECT "VIDEO" EVIDENCE THAT SOLIDIFIES THE DEFENDENTS IN, (EIGHTH AMENDMENT EXCESSIVE FORCE CLAIM/FIRST AMENDMENT FREE EXERCISE CLAIM/-STATE ASSAULT AND BATTERY/CLAIMS/RLUIPA CLAIM), ARE VIOLATIONS.

THE DEFENDENTS ACTIONS STEMMED FROM THE SAME DAY INCIDENT. PURSUANT TO:  
RULE#20-PERMISSIVE JOINER OF PARTIES, SUBSECTION#(A)(1)(A): STATES; PLAINTIFF...THEY ASSERT ANY RIGHT TO RELIEF JOINTLY, SEVERALLY, OR, IN THE ALTERNATIVE WITH RESPECT TO OR ARISING OUT OF THE SAME TRANSACTION OR OCCURRENCE, OR SERIES OF TRANSACTIONS OR OCCURRENCES....!

HERE, THE DEFENDENTS WHILE UNDER ASSAULT AND BATTERY AND THE EXCESSIVE USE OF FORCE VIOLATED MY RELIGIOUS FREE EXERCISE CLAUSE TO ALSO PRACTICE MY CATHOLIC FAITH WHILE THE ASSAULT WAS ALSO BEING PERPETRATED AGAINST THIS PLAINTIFF, INWHICH THIS: "SHOCKS THE CONSCIENCE".

IN ADDITION, RULE#20, SECTION#3-EXTENT OF RELIEF+STATES; NEITHER A PLAINTIFF, NOR, DEFENDENT, NEED BE INTERESTED IN OBTAINING OR DEFENDING AGAINST ALL THE RELIEF DEMANDED. PLAINTIFF DOES NOT HAVE TO DEFEND AGAINST ALL THE RELIEF AGAINST THE DEFENDENTS. PLAINTIFFS PROPERLY & TIMELY EXHAUSTED GRIEVANCE, PLAINTIFF ALLEGED VIOLATIONS OF HIS RELIGIOUS RIGHTS TO FREE EXERCISE CLAUSE, EXCESSIVE FORCE WITH ASSAULT AND BATTERY, AND, LEAVING PHYSICAL INJURY DOCUMENTED ON VIDEO, INCLUDING VIOLATION OF FREE EXERCISE CLAUSE UNDER THE THREAT OF PEPPER SPRAY, BEATINGS, OR POSSIBLE DEATH ON VIDEO.

THE EIGHTH AMENDMENT EXCESSIVE FORCE CLAIM AND STATE LAW CLAIMS FOR ASSAULT, AND, BATTERY, PLAINTIFF ALLEGES AS FOLLOWS: BEFORE ESCORTING TO ADMINISTRATIVE SEGREGATION/RHU, ON; MARCH 26th, 2018, DEFENDENT BUCKLAND THIGHTLY AND INTENTIONALLY WITH FORCE HANDCUFFED PLAINTIFFS WRISTS TO A POINT THAT THERE WAS NO, "BLOOD CIRCULATION", AND THE PLAINTIFFS PLEAS TO LOOSEN THE HANDCUFFS WERE IGNORED, (DOCUMENTED VIDEO). DEFENDENTS BUCKLAND AND BROWN TWISTED GAWLIKS WRISTS UTILIZING THE REAR WRIST LOCK POSITION IN A MANNER TO "INFLECT, 'PAIN FOR NO REASON'", DOCUMENTED ON VIDEO, THE PLAINTIFF FELT THAT HIS WRISTS WERE GOING TO BREAK. TODAY THIS PLAINTIFF HAS PERMANENT DAMAGE WITHIN BOTH WRISTS, NUMBNESS IN HIS FINGER, THROBING PAIN UPON SLEEPING AND IT CONTINUES TO WORSEN WITH THIS PLAINTIFFS ELDERLY AGE.

THE DEFENDENT SUPERVISOR LIEUTENANT CZEREMCHA, SMITH, PARKER, CUNNINGHAM FAILED TO INTERVENE, WHILE OFFICERS BUCKLAND AND BROWN WERE IMPLEMENTING EXCESSIVE FORCE/AASSAULT AND BATTERY AGAINST PLAINTIFF WHO WAS COMPLIANT AND UNRESISTING.

(JEFFEREYS V. CITY OF NEW YORK, 426 f.3d.549, 544(2nd.cir.2005):HOLDS; THE SECOND CIRCUIT REMINDED, "THE MERE EXISTANCE OF A SCINTILLA OF EVIDENCE IN SUPPORT OF THE PLAINTIFFS POSITION WILL BE INSUFFICIENT; THERE MUST BE EVIDENCE ON WHICH THE JURY COULD REASONABLY FIND FOR THE PLAINTIFF."

HERE, THE VIDEO EVIDENCE IS SUFFICIENT AND FACTUAL EVIDENCE WHERE A JURY WILL FIND THAT DEFENDENTS BUCKLAND AND BROWN APPLIED UNREASONABLE EXCESSIVE AMOUNT OF FORCE WHERE LIEUTENANTS CZEREMCHA, SMITH, PARKER, CUNNINGHAM, ALL CAUGHT ON THE VIDEO CAMERA FAILED TO INTERVENE IN THE ASSAULT AND BATTERY, EXCESSIVE USE OF FORCE.

PLAINTIFF WAS THREATENED WITH A GESTURE OF ASSAULT WHEN LIEUTENANT CZEREMCHA WHILE STRIP SEARCHING THIS PLAINTIFF, I REFUSED A SECOND TIME TO RELINQUISH HIS CRUCIFIX AND ROSARY TO OFFICERS TO PRAY WITH HOURLY. DEFENDENT LT.CZEREMCHA PULLED OUT HIS PEPPERSPRAY CAN, AND, WAS READY TO ASSAULT THIS CATHOLIC ONLY WANTING TO USE HIS RELIGIOUS ARTICLES TO PRAY WITH. PLAINTIFF SEEING THE PEPPERSPRAY CAN BY LT.CZEREMCHA AND GESTURING TO BEGIN POSSIBLY USING THE PEPPERSPRAY FEARED FOR HIS LIFE, I HANDED OVER MY ROSARY AND CRUCIFIX INWHICH DOC PROPERTY MATRIX ALLOWS CRUCIFIXES/ROSARIES, AMOUNG OTHER RELIGIOUS ARTICLES WITHIN ADMINISTRATIVE SEGREGATION. (EVICCI V. BAKER, 190 f.supp.2d.233, 239(D.MASS.2002):HOLDS; AN ASSAULT IS THE THREATENING GESTURE COUPLED WITH THE APPARENT ABILITY TO INJURE A PERSON WITH FORCE OR VIOLENCE: A BATTERY IS AN ACCOMPLISHED ASSAULT." DEFENDENTS FAILED TO INTERVENE IN THE ASSAULT AND BATTERY AND EXCESSIVE USE OF FORCE AGAINST THE PLAINTIFF BY OFFICERS--BUCKLAND, , AND BROWN.

(RUBLE V. KING, 911 f.supp.1544, 1558-59(N.D.GA.1995):HOLDS; A BYSTANDING OFFICER(S) MAY BE FOUND NEGLIGENT FOR FAILING TO INTERVENE. THERE IS MORE THEN A SCINTILLA OF EVIDENCE WITHIN THIS PLAINTIFFS CASE WHERE A JURY WILL UNANIMOUSLY FIND IN FAVOR OF THIS PLAINTIFF.

THIS PLAINTIFF FEARED FOR HIS LIFE AND COMPLIED TO HAND OVER HIS ROSARY AND CRUCIFIX USED TO PRAY DAILY. (PARKER V. ASHER, 701 f. supp. 192 (1988)): HOLDS; CORRECTIONAL OFFICERS ALLEGEDLY THREATENING TO SHOOT INMATE WITH "TASER GUN" FOR NO REASON, HELD, THAT INMATE STATED COGNIZABLE CLAIMS FOR VIOLATION OF HIS EIGHTH AND FOURTEENTH AMENDMENT RIGHTS, AS WELL AS STATE LAW OF ASSAULT. DEFENDENT CZEREMCHA THREATENED THIS PLAINTIFF WITH PEPPERSPRAY WHICH CONSTITUTES ASSAULT AND BATTERY. IN THE JUDGES INITIAL REVIEW ORDER, JUDGE UNDERHILL, WAS ON POINT, COURTS CAN EXERCISE SUPPLEMENTAL JURISDICTION OVER BATTERY CLAIMS. (STEWART V. ROE, 776, f. supp. 1304, 1307-08 (N.D. ILL. 1991)): HOLDS; COURTS CAN EXERCISE SUPPLEMENTAL JURISDICTION OVER ASSAULT AND BATTERY CLAIMS. (DEAN V. CITY OF WORCHESTER, 924 f. rd. 364, 369- (1st. cir. 1991)): HOLDS; STATE LAW ASSAULT AND BATTERY STANDARD IS ESSENTIALLY THE SAME AS THE FOURTH AMENDMENT STANDARD.

PLAINTIFF PROPERLY AND TIMELY EXHAUSTED HIS ADMINISTRATIVE REMEDIES WITH RESPECT TO HIS EIGHTH AMENDMENT EXCESSIVE FORCE CLAIM AND STATE ASSAULT AND BATTERY RELATIVE TO EXCESSIVE FORCE DURING ESCORT TO ADMIN. SEGREGATION/RHU ON: MARCH 26th, 2018, FOR PURPOSES OF 1st AMENDMENT FREE EXERCISE CLAUSE CLAIM AND RLUIPA, PLAINTIFF FILED WITHIN THIRTY DAYS OF: MARCH 27th-2018 to APRIL 25th, 2018, ON WHICH HIS ROSARY AND CRUCIFIX WERE CONFISCATED.

6.) CORRECTIONS PROPERTY-(MATRIX)-ALLOWS ALL RELIGIOUS ARTICLES OF ALL RELIGIOUS DENOMINATIONS WITHIN ADMINISTRATIVE SEGREGATION/RHU; OFFICERS VIOLATED THEIR OWN DIRECTIVES, POLICIES, PROTOCOL, CONFISCATING THE RELIGIOUS CRUCIFIX AND ROSARY OF A DEVOUT CATHOLIC TO PRAY WITH.

DEFENDENTS DID NOT FOLLOW THEIR OWN DIRECTIVES, POLICIES, PROTOCOL, ECT; DURING THIS ENTIRE INCIDENT. DIRECTIVE/6.10: STATES; THAT INMATES PLACED WITHIN ADMINISTRATIVE SEGREGATION OR RHU/RESTRICTIVE HOUSING UNITS IN CONNECTICUT MUST HAVE A REVIEW CONDUCTED IN ORDER TO RETAIN ALL RELIGIOUS ARTICLES IN PROPERTY MATRIX, AND, ARE ALLOWED TO RETAIN RELIGIOUS ARTICLES UNTIL THE REVIEW IS COMPLETE. THIS REVIEW MUST BE PRIOR TO ANY CONFISCATION OF ALL RELIGIOUS ARTICLES, AND, MUST BE REVIEWED BY THE RELIGIOUS FACILITATOR, UNIT MANAGER/RHU, MEDICAL DEPT, IN WHICH DEF. WATSON WAS MANAGER.

THERE WAS NO REVIEW CONDUCTED BY ANY OF THESE ADMINISTRATORS,ONLY,THE THREAT OF BODILY INJURY OF THIS PLAINTIFF IF I DID NOT HAND OVER MY ROSARY AND CRUCIFIX. THE PROPERTY MATRIX ALLOWS ALL AND EVERY RELIGIOUS DENOMINATIONAL ARTICLES TO BE USED AND WORN IN ADMINISTRATIVE SEGREGATION BY EVERY KIND OF RELIGIOUS DENOMINATIONS:CATHOLIC,JEWISH,PROTESTANT,MUSLIM,NATIVE AMERICAN,RASTAFARIAN,ECT. THE DEFENDENTS ACTED OUTSIDE OF THE SCOPE OF THEIR OWN PROPERTY MATRIX,DIRECTIVES,POLICIES,PROTOCOL,AND,ACTED WITH ASSAULT AND BATTERY/EXCESSIVE FORCE/VIOLATED FREE EXERCISE CLAUSE, AND,VIOLATED RLUIPA AGAINST THIS PLAINTIFF WITH DISCRIMINATION.

WHEN PLAINTIFF RESPECTFULLY REQUESTED DEF.CAPTAIN/WATSON THE RETURN OF ROSARY & CRUCIFIX,DEFENDENT WATSON STATED:I DO NOT CARE ABOUT RELIGIOUS-ARTICLES! (QUOTE). FIRST AMENDMENT FREE EXERCISE CLAUSE REQUIRES THAT GOVERNMENT OFFICIALS RESPECT & AVOID INTERFERENCE WITH RELIGIOUS BELIEFS AND PRACTICES OF THE PEOPLE. (CUTTER V.WILKINSON644 U.S.709,719(2005)).

A SUBSTANTIAL BURDEN EXISTS WHERE THE STATE PUTS SUBSTANTIAL PRESSURE ON AN ADHERENT TO MODIFY HIS BEHAVIOR AND TO VIOLATE HIS BELIEFS. (FORDE V.-ZICKEFOOSE,612 f.supp.2d.171,177(D.CONN.2009)). THESE ALLEGATIONS BY PLAINTIFF ARE SUFFICIENT TO DEMONSTRATE THAT THE CONFISCATION OF HIS ROSARY/CRUCIFIX,AND,REFUSAL TO RETURN THOSE ITEMS INTERFERED WITH SINCERELY HELD BELIEFS. (SEE:CUTTER,544 U.S.at.720), THE EXERCISE OF RELIGION OFTEN INVOLVES NOT ONLY BELIEF AND PROFESSION,BUT,THE PERFORMANCE OF PHYSICAL ACTS,SUCH AS ASSEMBLING WITH OTHERS FOR WORSHIP SERVICE OR PARTICIPATING IN SACRAMENTAL USE OF BREAD AND WINE. (EXHIBIT#(F)-PROPERTY MATRIX).

7.) RLUIPA-RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT/VIOLATION  
RLUIPA PROVIDES THAT "NO GOVERNMENT SHALL IMPOSE A SUBSTANTIAL BURDEN ON THE RELIGIOUS EXERCISE OF A PERSON RESIDING IN OR CONFINED TO AN INSTITUTION...42 U.S.C. §2000cc-1(a)."

THE CONFISCATION OF PETITIONERS ROSARY AND CRUCIFIX DURING PLACEMENT IN ADMINISTRATIVE SEG. INTERFERED WITH ABILITY TO PRAY, AND, THEREFORE INTERFERED WITH HIS ABILITY TO PRACTICE HIS CATHOLIC FAITH. (SEE: BRAUN V. STERNRNO, 2018 U.S. DIST. LEXIS 187654 at\*14 (D. CONN. OCT. 31st, 2018): HOLDS; PERMITTING RLUIPA CLAIMS TO PROCEED ON SAME SET OF FACTS AS FIRST AMENDMENT CLAIMS OF THE U.S. CONSTITUTION. THE REFUSAL OF CAPTAIN WATSON TO RETURN THE RELIGIOUS ARTICLES, AND, NO ADMINISTRATION TO CONDUCT A REVIEW BY ADMINISTRATION, ALSO, DEFENDENT/WATSON REFUSED AND DENIED THIS CATHOLIC THROUGHOUT THE, (7-DAYS), OF ADMINISTRATIVE SEGREGATION WITHOUT A ROSARY AND CRUCIFIX VIOLATED THE PLAINTIFFS RIGHTS UNDER RLUIPA. ALL INMATES IN/ON RESTRICTIVE HOUSING UNITS, ALL PHASES, PROGRAMS, CHRONIC DISCIPLINE, DEATH ROW, ECT, ARE ALLOWED TO RETAIN RELIGIOUS ARTICLES IN RESTRICTIVE HOUSING UNITS. WHEN THIS PLAINTIFF FILED THIS CIVIL ACTION COMPLAINT, GAWLIK, DID NOT REQUIRE TO ALLEGE IN HIS GRIEVANCE THE EXCESSIVE FORCE, AND, ASSAULT AND BATTERY, AS THE DIRECT EVIDENCE ON THE VIDEO IS SUFFICIENT OF THE VIOLATIONS. PURSUANT TO RULE#20(3): EXTENT OF RELIEF; STATES: NEITHER A PLAINTIFF NOR DEFENDENT NEED BE INTERESTED IN OBTAINING OR DEFENDING AGAINST (ALL) THE RELIEF DEMANDED. (FED. R. CIV. P.).

8.) THE UNITED STATES SUPREME COURT PRECEDENT, "MAILBOX RULE".

PURSUANT TO: (HOUSTON V. LACK, 487 U.S. 266 (1988) (FALLEN V. U.S., 378 U.S. 139- (1964): HOLDS; A PRO-SE PRISONERS NOTICES ARE "FILED" AT THE MOMENT OF DELIVERY TO PRISON OFFICIALS FOR FORWARDING TO THE DISTRICT COURTS. (SEE: - FALLEN V. U.S.)). THE PRISON MAILBOX RULE APPLICABLE TO THE FILING OF A NOTICE WAS LATER CODIFIED IN THE FEDERAL RULES OF APPELLATE PROCEDURE IN THE STATES. TODAY, THE "MAILBOX RULE", STATES: IN RELEVANT PART; "IF AN INMATE FILES A NOTICE IN EITHER A CRIMINAL OR A CIVIL CASE, THE NOTICE IS TIMELY IF IT IS DEPOSITED IN THE INSTITUTIONS INTERNAL MAIL SYSTEM ON OR BEFORE THE LAST DAY FOR FILING. (PLAINTIFFS FILED GRIEVANCE ON LAST DAY).

THE PRISON. "MAILBOX RULE", HAS SINCE BEEN EXTENDED IN MANY CIRCUITS TO APPLY TO OTHER NOTICES. (RICHARD V. RAY, 290 f.3d.810,813(6th.cir.2002)); (PER CURIUM)(CIVIL COMPLAINTS):JONES V. BERTAND, 171 f.3d.499,501-02(7th-cir.1999))(HABEAS CORPUS PETITIONS)(IN RE FLANAGAN, 999 f.2d.753-755(3rd.-cir.1992))(APPEALS OF BANKRUPTCY ORDER)(TAPIA-ORTIZ V. DOE, 171 f.3d.150-152(2nd.cir.1999))(ADMINISTRATIVE FILINGS UNDER THE FEDERAL TORT CLAIMS-ACT). MANY CIRCUITS HAVE ALSO APPLIED THE "MAILBOX RULE", TO PRISONERS REPRESENTED BY COUNSEL IN THE CONTEXT OF A NOTICE OF APPEAL IN CRIMINAL PROCEEDINGS. (SEE: UNITED STATES V. MOORE, 24 f.3d.624,626(4th.cir.1994)); (UNITED STATES V. CRAIG, 368 f.3d.738740(7th.cir.2004)).

THIS PLAINTIFF FILED ADMINISTRATIVE REMEDIES PROPERLY AND TIMELY AND SUBMITTED HIS ADMINISTRATIVE REMEDIES EXACTLY ON THE, (30-DAY), UTILIZING THE, "MAILBOX RULE." THE MAILBOX RULE IS A RULE THAT HAS BEEN ARGUED BY LITIGANTS MANY TIMES OVER WHERE IT IS STARE DECISIS ON MANY CASES BEFORE THE UNITED STATES SUPREME COURT. THE PLAINTIFFS RESOLUTION OF THE HIGHEST LEVEL RESPONSE BY DISTRICT ADMINISTRATOR QUIROS RESPONDED IN RELEVANT PART ON LEVEL#2, STATED: YOU ARE APPEALING LEVEL#1 GRIEVANCE REGARDING STAFF CONDUCT AT CHESHIRE.C.I....WHEN YOUR RELIGIOUS ITEMS WERE CONFISCATED, (3/26/2018), TO THE DATE YOU FILED YOUR GRIEVANCE, (4/26/2018), TOTALS, (31-DAYS).

THE PETITIONER WILL ANALYZE FOR THIS COURT AND CONFIRM THAT THIS PLAINTIFF PROPERLY AND TIMELY FILED HIS EXHAUSTION OF ADMINISTRATIVE REMEDIES TIMELY.

FIRSTLY: THE DAY OF THE INCIDENT OCCURED ON 3/26/2018, WHICH THE DISTRICT ADMINISTRATOR AND MYSELF DO NOT DISPUTE. THE DIST. ADMINISTRATOR QUIROS STATED THAT I FILED MY GRIEVANCE, (31), DAYS AFTER THE INCIDENT, BUT, IN HIS RESPONSE HE DOES NOT ARTICULATE THAT HE BEGAN THE, (31-DAYS), ON, (3/27/18) WHICH HE CALCULATED PROPERLY THAT TO COUNT ONE DAY A, (24-HOUR), PERIOD OF TIME MUST LAPSE TO PROPERLY CONSTITUTE ONE DAY.

HERE,THE DISTRICT ADMIN.QUIROS PROPERLY TOOK INTO ACCOUNT THAT THE DATE:  
3/27/2018,ONE DAY LATER FROM THE INCIDENT DATE:3/26/2018,WAS ONE DAY IN  
HIS RESPONSE. (JOVA V.SMITH,582 f.3d.410,415(2nd.cir.2009)).

(EXHIBIT#(G)-QUIROS-DIST.ADMIN./LEVEL#2-RESPONSE/DATE:5/31/2018).

THE PLAINTIFF COULD NOT PLACE ANY GRIEVANCE,NOR,ADMINISTRATIVE REMEDIES  
BEING LOCKED UP IN ANY GRIEVANCE BOX,PRIOR AND BETWEEN THE PICK-UP TI-  
MES WITHIN TIME FRAME OF:7am to 8am,INMATES RELEASED ONLY AT 9:00am.

THERE IS NO MOVEMENT OF ANY INMATES PRIOR THE 9:00am,RELEASE UNTIL COUNT  
COMPLETELY CLEARED,PLAINTIFF CONTENDS THAT GRIEVANCE WAS TIMELY FILED ON  
THE LAST DAY.

SECONDLY:DURING COUNT AND NO MOVEMENT OF INMATES,IT IS IMPOSSIBLE FOR  
PLAINTIFF TO PLACE EXHAUSTED GRIEVANCE IN THE GRIEVANCE BOX ON DATE:4/26/2018,  
26/2018,AND,THE ONLY WAY I AM ABLE TO PLACE GRIEVANCE TIMELY TO PROPER-  
LY EXHAUST WITHIN,(30-DAY),TIME FRAME IS THAT THIS PLAINTIFF PLACED HIS  
GRIEVANCE THE NIGHT BEFORE ON:4/25/2018,AND,UNABLE TO PUT THE GRIEVANCE  
IN GRIEVANCE BOX ON DATE:4/26/2018. WHEN THE GRIEVANCE COORDINATOR AND  
DIST.ADMIN.QUIROS STATED THAT MY GRIEVANCE WAS PICKED UP AND DOCUMENTED  
ON:4/26/2018,THIS MEANS THAT IT WAS PICKED UP ON THAT DAY EARLY IN THE  
MORNING,INWHICH WHEN THE GRIEVANCE COORDINATOR PHYSICALLY HELD MY TIMELY  
GRIEVANCE IN HER HAND,IT WAS PICKED-UP TIMES OF:7am to 8am,ON THE DATE:  
4/26/2018. THE SECOND LEVEL#2 RESOLUTION INDIVIDUAL DIST.ADMIN.QUIROS  
USED THE DATE OF:4/26/2018,ON THE BASIS OF THE 31st-DAY WHICH CONSTITU-  
TES AS BEING TIMELY.

THIRDLY:THE DISTRICT ADMINISTRATOR QUIROS LEVEL#2,PROPERLY COUNTED THAT  
THE FIRST DAY BEGAN ON:3/27/2018,THE DAY AFTER THE,(24-HOUR),PERIOD MU-  
ST PASS TO CONSTITUTE ONE DAY,AND,THIS PLAINTIFF DEPOSITED HIS GRIEVANCE  
TIMELY ON:4/25/2018,THE NIGHT BEFORE,(PRIOR),PICK-UP ON:4/26/2018.



SO, ANALYZING THE MATH INVOLVED ON THE DATES AND INCLUDING THE START DAY AND DEPOSIT DAY FALLS INTO THE MATHEMATICAL EQUATION OF: 3/27/2018-to-4/25/2018=30/DAYS.

FOURTHLY: THE FEDERAL COURTS MANY TIMES WILL RULE ON LETS SAY DATE OF: 1/1/2022, YEAR AS EXAMPLE, AND, THEY GIVE THE LITIGANT TILL: 2/1/2022, AS AN EXAMPLE TO THE COURTS. THIS IS A, (30-DAY), TIME FRAME EVEN THAT THE MONTH OF JANUARY HAS, (31-DAYS), IN IT. ANOTHER EXAMPLE IS A RULING IS DONE ON: 2/1/2022, AND, THE COURT TELLS THE LITIGANT THAT HAS, (30-DAYS), UNTIL: MARCH 1st, 2022, BUT, FEBRUARY THERE ARE ONLY, (28-DAYS).

THE COURTS AND PETITIONERS LITIGATION CONSIDERS THAT A, (30-DAY), IN THAT MONTH OF FEBRUARY, THUS, IN MY AND MANY OF THE COURTS AND EXPERIENCE WITH COURTS MANY JUDGES CONSIDER DATES OF: FEBRUARY 1st, to, MARCH 1st, AS/IS CONSIDERED THIRTY DAYS PURSUANT COURT PROTOCOL AND PROCEDURE RULINGS.

THE UNITED STATES SUPREME COURT HELD THAT PRO-SE PRISON LITIGANTS NOTICES ARE DEEMED FILED ON THE DAY THEY ARE DELIVERED FOR MAILING TO PRISON AUTHORITIES, RATHER THAN APPLYING THE USUAL RULE THAT IT IS FILED THE DAY IT ARRIVES AT THE COURT, (AS PLAINTIFFS GRIEVANCE BOX), SINCE THE LITIGANT HAS NO CONTROL OVER THE NOTICE, (GRIEVANCE), IT IS DEEMED FILED ONCE SUBMITTED. (HOUSTON V. LACK, 478 U.S. 266 (1988) (FALLEN V. U.S., 139 (1964)).

9.) CONNECTICUT DISTRICT JUDGE: STEFAN UNDERHILL PROPERLY RULED WITHIN THE INITIAL REVIEW ORDER THAT PLAINTIFF HAS-PRIMA FACIA-CLAIMS.

ON 9/27/2021, THE DISTRICT JUDGE: STEFAN UNDERHILL, RULED, AND, ARTICULATING IN THE INITIAL REVIEW ORDER THAT THE PLAINTIFFS ALLEGATIONS ARE CREDIBLE CLAIMS DUE TO THE DEFENDENTS VIOLATING: STATE ASSAULT AND BATTERY, EXCESSIVE USE OF FORCE, 1st/AMENDMENT FREE EXERCISE CLAUSE, AND RLUIPA. THE PLAINTIFF PROPERLY AND TIMELY UTILYZING THE, "MAILBOX RULE", AND, PLACING HIS EXHAUSTED GRIEVANCE TIMELY ON THE, (30th-DAY), TIME FRAME IN THE GRIEVANCE BOX ON: 4/25/2018.

PURSUANT: FED. R. CIV. P., RULE #6(1)(A): EXCLUDE THE DAY OF THE EVENT THAT TRIGGERS THE PERIOD; WHICH BEGAN ON: 3/27/2018, AND, ENDED ON: 4/25/2018=30/-DAYS, WAS/IS WITHIN THE THIRTY DAY TIME FRAME, TIMELY FILED GRIEVANCE. THIS PLAINTIFF ONLY REQUIRES TO ALLEGE IN §1983 THE VIOLATIONS OF: EXCESSIVE USE OF FORCE, ASSAULT AND BATTERY, STATE ASSAULT AND BATTERY, 1st/-AMENDMENT FREE EXERCISE CLAUSE, AND, RLUIPA. THE DEFENDENTS MUST DISPROVE BEFORE A TRIAL JURY THAT THESE ALLEGATIONS DID NOT OCCUR, AND, DISPROVE THE DIRECT PHYSICAL EVIDENCE PRESERVED ON: VIDEO, OF THE CONSTITUTIONAL VIOLATIONS. PLAINTIFFS GRIEVANCE IS TIMELY PURSUANT THE: "MAILBOX RULE." (EXHIBIT#(H)-HOUSTON V. LACK, 487 U.S. 266(1988)(FALLEN V. U.S., 378 U.S. 239-(1964).

10.) CONNECTICUT U.S. DISTRICT HON. JUDGE: SARAH A.L. MERRIAM, (FAILED), TO UTILIZE THE "MAILBOX RULE", OF PLAINTIFFS EXHAUSTED GRIEVANCE/-ADMINISTRATIVE REMEDIES AND RULED FOR DEFENDENTS ON DEFENDENTS MOTION FOR SUMMARY JUDGEMENT WITH PREJUDICE.

ON JUNE 14th, 2022, THE: HON. SARAH A.L. MERRIAM, OF CONNECTICUT U.S. DISTRICT COURT RULED IN FAVOR OF THE DEFENDENTS MOTION FOR SUMMARY JUDGMENT. THE COURT FAILED TO ADHERE AND UTILIZE THE, "MAILBOX RULE", IN PLAINTIFFS EXHAUSTION OF ADMINISTRATIVE REMEDIES/GRIEVANCE, AND, FAILED TO RECOGNIZE THE PRECEDENTS OF THE U.S. SUPREME COURTS, "MAILBOX RULE", AND, WITH ERROR DISMISSED THE PLAINTIFFS CASE WITH PREJUDICE.

THE RULING BY; HON. MERRIAM, WAS IN ERROR AND THE PLAINTIFF WILL ARTICULATE THE ERROR OF THE DISMISSAL OF PLAINTIFFS CASE DUE TO THE DISTRICT COURT DID NOT APPLY THE, "MAILBOX RULE", AS A PRO-SE LITIGATING IN FEDERAL COURT UNDER THE CASE: (CRETACCI V. CALL, 988 f.3d.860(6th.cir.2012): HOLDS; THE PRISON, "MAILBOX RULE", WAS CREATED TO PREVENT PRO-SE PRISONERS FROM BEING PENALIZED BY ANY DELAYS IN FILING CAUSED BY THE PRISON MAIL SYSTEM, AND, THE, "MAILBOX RULE", APPLIES ONLY TO PRISONERS WHO ARE NOT REPRESENTED BY COUNSEL AND ARE PROCEEDING PRO-SE, AND THE "MAILBOX RULE" APPLIES.

THE PLAINTIFFS ADMINISTRATIVE REMEDIES WAS TIMELY UNDER THE PLRA AND THE DEFENDENTS MOTION FOR SUMMARY JUDGEMENT SHOULD HAVE BEEN DENIED/MAILBOX RULE.

ON SEPTEMBER 27th, 2021, THE: HON. JUDGE. UNDERHILL, THEN PRESIDING JUDGE, CONDUCTED AN INITIAL REVIEW ORDER OF THE COMPLAINT, (SEE: DOCKET#25), AND, THE JUDGE. UNDERHILL, PERMITTED THE FOLLOWING CLAIMS TO PROCEED;

(1)-THE EIGHTH AMENDMENT EXCESSIVE FORCE CLAIM ASSERTED AGAINST LIEUTENANT CZEREMCHA AND OFFICERS BUCKLAND, BROWN, SMITH, PARKER, CUNNINGHAM IN THEIR INDIVIDUAL CAPACITIES; (2)-THE FIRST AMENDMENT FREE EXERCISE CLAUSE CLAIM ASSERTED AGAINST LIEUTENANT CZEREMCHA, CAPTAIN WATSON, AND, OFFICERS, SMITH, BUCKLAND, BROWN, PARKER, CUNNINGHAM IN THEIR INDIVIDUAL CAPACITIES AND OFFICIAL CAPACITIES, AND, AGAINST COMMISSIONER SEMPLE, WARDEN ERFE, DIST. ADMIN. QUIROS, AND, DIRECTOR WILLIAMS IN THEIR OFFICIAL CAPACITIES TO THE EXTENT THAT GAWLIK SEEKS INJUNCTIVE RELIEF TO THE CLAIM; AND, (3)-THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000, (RLUIPA), CLAIM ASSERTED AGAINST LIEUTENANT CZEREMCHA, CAPTAIN WATSON, OFFICERS, SMITH, BUCKLAND, BROWN, CUNNINGHAM, COM'R SEMPLE, WARDEN ERFE, DIST. ADMIN. QUIROS, PARKER, DIR. WILLIAMS, IN THEIR OFFICIAL CAPACITIES FOR INJUNCTIVE AND DECLARATORY RELIEF. THE U.S. DISTRICT COURT ADDITIONALLY EXERCISED SUPPLEMENTAL JURISDICTION OVER STATE LAW OF ASSAULT AND BATTERY CLAIMS RAISED AGAINST OFFICERS BUCKLAND AND BROWN IN THEIR INDIVIDUAL CAPACITIES FOR ASSAULT AND BATTERY.

ON OCTOBER 15th, 2021, THE CASE WAS TRANSFERRED TO: HON. JUDGE. SARAH A.L. MERRIAM, FOR ALL FURTHER PROCEEDINGS. (SEE: DOCKET#[28]).

ON FEBRUARY 8th, 2022, PURSUANT THE SCHEDULING AND CASE MANAGEMENT ORDER, THE DEFENDENTS FILED A MOTION FOR SUMMARY JUDGEMENT, LIMITED TO THE ARGUMENT THAT PLAINTIFF FAILED TO EXHAUST HIS ADMINISTRATIVE REMEDIES. THE COURT GRANTED AN EXTENSION OF TIME TO FILE A RESPONSE. (SEE: DOCKET#[61]).

ON MARCH 1st, 2022, PLAINTIFF FILED AN OBJECTION TO DEFENDENTS SUMMARY JUDGEMENT. (SEE: DOCKET#[76]). ON APRIL 13th, 2022, DEFENDENTS FILED A REPLY. (SEE: DOCKET#[80]). ON APRIL 21st, 2022, PLAINTIFF FILED A "REPLY TO DEFENDENTS OBJECTION", RE: EARLY MOTION FOR SUMMARY JUDGMENT. (SEE: DOCKET#[81]).

AN INMATE MAY FILE A GRIEVANCE IF THE INMATE IS NOT SATISFIED WITH THE INFORMAL RESOLUTION OFFERED. THE GRIEVANCE MUST BE FILED WITHIN, (30), DAYS OF THE OCCURANCE OR DISCOVERY OF THE CAUSE OF THE GRIEVANCE. THE GRIEVANCE MUST BE SUBMITTED ON A "CN9602", INMATE REMEDIES FORM, AND, THE INMATE MUST ATTACH A "CN9601" INMATE REQUEST FORM, CONTAINING THE APPROPRIATE STAFF MEMBERS RESPONSE, AND, IF THERE IS NO RESPONSE WITHIN, (14-DAYS), THE GRIEVANCE PROCEEDS WITH "NO" RESPONSE ON CN9601/FORM.

DOC STAFF MUST RESPOND, "IN WRITING WITHIN-(30)-BUSINESS DAYS OF RECEIPT" ADDITIONALLY, THE DOC MAINTAINS A "GRIEVANCE LOG", FORM, "CN9608", WHICH INCLUDES THE NAME & NUMBER OF THE GRIEVANT, THE DATES OF THE INITIAL RECEIPT AND OF THE RESPONSE AT THE LEVEL, A BRIEF DESCRIPTION OF THE PROBLEM AND THE DISPOSITION.

ON APRIL 12th, 2018, PLAINTIFF SUBMITTED AN INFORMAL RESOLUTION, STATING THAT AT HIS CRUCIFIX AND ROSARY WERE, "CONFISCATED FOR NO REASON", DURING THE INCIDENT PLAINTIFF ASKED: "WHY WAS MY ROSARY AND CATHOLIC CRUCIFIX CONFISCATED/OUTSIDE OF DIRECTIVE POLICY."

DEFENDENT/CZEREMCHA EXPLAINED THAT PLAINTIFFS ROSARY AND CRUCIFIX WERE CONFISCATED BECAUSE THEY ARE METAL AND CAN POSE A THREAT TO SAFETY AND SECURITY. THE DEFENDENT/CZEREMCHA PLAINTIFF CONTENDS IS FABRICATING THAT THE ROSARY WAS METAL, IT IS MADE OUT OF PLASTIC THE ENTIRE ROSARY, AND, APPROVED FOR USE WITHIN ADMINISTRATIVE SEGREGATION PURSUANT THE DOC PROPERTY MATRIX. THE CRUCIFIX IS CONSTRUCTED OUT OF ALUMINUM AND IS APPROVED ALSO FOR USE WITHIN THE ADMINISTRATIVE SEGREGATION, AND, ALL DENOMINATIONAL RELIGIOUS ARTICLES ARE ALLOWED WITHIN ADMIN. SEGREGATION PURSUANT DOC PROPERTY MATRIX THROUGHOUT ALL FACILITIES. (PROPERTY MATRIX/SEE: EXHIBIT#(F)). DEFENDENT/LT. CZEREMCHA REALIZED THAT THIS PLAINTIFFS FREE EXERCISE CLAUSE WAS VIOLATED, AND, FABRICATING THAT RELIGIOUS ARTICLES PRIOR APPROVED ARE ALLOWED IN RHU. ALSO, THERE WAS NO REVIEW FOR THE CONTINUED POSSESSION OF THIS PLAINTIFFS RELIGIOUS ARTICLES WITH ADMINISTRATION WHICH THE DEFENDENTS VIOLATED THEIR OWN DIRECTIVE, POLICY, AND, PROCEDURE.

HERE, DEFENDENT DISTRICT ADMINISTRATOR QUIROS ON THE LEVEL#2 RESOLUTION STATED: (QUOTE), YOU ARE APPEALING A LEVEL#1 GRIEVANCE REGARDING STAFF CONDUCT AT CHESHIRE.C.I. THE REJECTED RESPONSE GIVEN BY WARDEN ERFE WAS APPROPRIATE. THE NUMBER OF CALENDAR DAYS FROM THE OCCURRENCE WHEN YOUR RELIGIOUS ITEMS WERE CONFISCATED, 3/26/2018, TO THE DATE YOU FILED YOUR GRIEVANCE, 4/26/2018, TOTALS, (31), DAYS. ACCORDINGLY, YOUR LEVEL#2 GRIEVANCE APPEAL IS REJECTED. THIS GRIEVANCE DOES NOT MEET THE CRITERIA FOR A LEVEL#3 REVIEW. (SEE: EXHIBIT#(G)-QUIROS/LEVEL#2, RESOLUTION).

THE DISTRICT ADMINISTRATOR DEFENDENT QUIROS IN HIS LEVEL#2 RESPONSE ARTICULATED THE GRIEVANCE WAS FILED ON;APRIL 26th, 2018, AND, STATED IT WAS, (1), DAY LATE ON THE THIRTY FIRST DAY, AND, PICKED UP ON THE, (31st-DAY), THIS IS TIMELY FILED GRIEVANCE PICKED UP ON THE THIRTY FIRST DAY PRIOR INMATE RELEASE AT: 9:00am, PICKED UP BETWEEN: 7am-8am, THE "MAILBOX RULE", APPLIES.

THE HON. SARAH A. L. MERRIAM, OF CONNECTICUT U.S. DISTRICT COURT RESPECTFULLY DID NOT CONSIDER ANY, "MAILBOX RULE", WITHIN THIS PLAINTIFFS CREDIBLE CASE AND EXHAUSTION OF ADMINISTRATIVE REMEDIES/GRIEVANCE. THE PLAINTIFF CONTENDS THAT HIS CREDIBLE GRIEVANCE DATE OF SUBMISSION WAS TIMELY ON: 4/25/-2018, AND, ASSERTS THAT IF/WHEN THIS PLAINTIFF PRESENTS THE MATERIAL FACTS BEFORE AN IMPARTIAL JURY AT TRIAL, THE PLAINTIFF WILL CREDIBLY ESTABLISH THAT GAWLIK UNDISPUTABLY FILED HIS TIMELY EXHAUSTION OF GRIEVANCE ON THE NIGHT OF DATE: APRIL 25th, 2018. THE COURT FAILS TO RECOGNIZE THE AUTHORITY OF THE, "MAILBOX RULE", OF THE U.S. SUPREME COURT PRECEDENT CASES OF: (HOU- STON V. LACK, 487 U.S. 266(1988))(FALLEN V. U.S., 378 U.S. 239(1964)).

THE PLAINTIFF ARGUES THAT UTILIZING THE, (30), DAY PRACTICE AND PROCEDURE IN FEDERAL COURTS IS PROPER AND THE SECOND CIRCUIT PROSPECTIVELY UTILIZES ALSO, THE, (30-DAY), TIME FRAME INCLUDING THE, (30/60/90), TIME FRAME AND THIS IS RULE OF THUMB IN ALL FEDERAL COURTS ON ALL RULINGS, ECT.

THE HON. MERRIAM/INDICATED IN HER RULING ON DEFENDENTS MOTION FOR SUMMARY JUDGEMENT:(QUOTE); THUS, ANY PROCEDURAL RULE THAT APPLIES IN THIS COURT IS IRRELEVANT TO WHETHER PLAINTIFF COMPLIED WITH DIRECTIVE, 9.6/ADMINISTRATIVE REMEDIES. THIS IS A DOUBLE STANDARD RESPONSE BY HON. MERRIAM, THE COURT MAY RULE THE WAY THIS PLAINTIFF ARTICULATES AND IS PROPER, BUT, WHEN THIS PLAINTIFF USES THE SAME COURT STANDARD IT IS IMPROPER, AND, IRRELEVANT??? THE COURT CLEARLY INDICATED IN THIS STATEMENT THAT IT IS IRRELEVANT THAT THE CONNECTICUT U.S. DISTRICT COURT UTILIZES THE, (30/60/90), DAY TIME FRAME, BUT, THE COURT WILL NOT APPLY THIS, (30/60/90), DAY TIME FRAME WITHIN

THIS PLAINTIFFS CASE ON RULING, AND, PLAINTIFF CONTENDS THIS IS: PREJUDICIAL, AND, THIS IS CLEARLY A DOUBLE STANDARD ON RULING(S).

THE COURT, HON. MERRIAM, ALSO RULED IN DEFENDENTS MOTION FOR SUMMARY JUDGEMENT THAT: (QUOTE); RULE#6, REQUIRES THAT FEDERAL COURTS, (A), EXCLUDE THE DAY OF THE EVENT THAT TRIGGERS THE PERIOD; AND, (B) - INCLUDE THE LAST DAY OF THE PERIOD, UNLESS IT IS A SATURDAY, SUNDAY, OR, LEGAL HOLIDAY. (F.R.C.P./6(A)(1)).

APPLYING THESE PRINCIPLES TO THIS CASE, THE CALCULATION OF THE THIRTY-DAY PERIOD WOULD BEGIN ON: MARCH 27th, 2018, AND, END ON: APRIL 25th, 2018, THUS, EVEN IF THE FEDERAL RULES WERE RELEVANT TO THE QUESTION OF WHETHER PLAINTIFF COMPLIED WITH THE AD/9.6, PLAINTIFFS ARGUMENT WOULD STILL LACK MERIT. (QUOTE HON. MERRIAM/pg#25-SUMMARY JUDGEMENT). (DOUBLE STANDARD RESPONSE).

THE PLAINTIFF IS EXEMPT FROM PLRA EXHAUSTION IN VARIOUS CIRCUMSTANCES, AND, THE, "MAILBOX RULE", APPLIES TO PROPER EXHAUSTION OF THIS PLAINTIFFS CASE, AND, TIME FRAME OF EXHAUSTION OF REMEDIES. (ROSS V. BLAKE, 578 U.S. 632, 638-(2016)) (RUCKER V. GRIFFEN, 997 f.3d.88, 93(2nd.cir.2021)).

THE HON. MERRIAM/COURT, ARTICULATED THAT EVEN IF PLAINTIFFS GRIEVANCE HAD BEEN TIMELY FILED, IT WOULD NOT BE SUFFICIENT TO EXHAUST PLAINTIFFS EXCESSIVE FORCE CLAIMS. (QUOTE). THIS IS INCORRECT, THIS PLAINTIFF ALLEGES THAT, RULE#20(3), IN TOTALITY: STATES; EXTENT OF RELIEF; NEITHER A PLAINTIFF, NOR, DEFENDENT NEED BE INTERESTED IN OBTAINING OR DEFENDING AGAINST ALL THE RELIEF DEMANDED. THE COURT-(MAY GRANT)-JUDGEMENT AGAINST ONE OR MORE DEFENDENTS ACCORDING TO THEIR LIABILITIES. (ALL EXHAUSTION NOT REQUIRED).

THE PLAINTIFF IS A TEXTUALIST AND WHAT THE STATUTE, RULES, ARTICLES OF THE CONSTITUTION, ANY, LAW READS IS WHAT IT SAYS, AND, ONE SHOULD NOT TRY TO CLARIFY THE MEANING OF WHAT IS IN PLAIN TEXT CLEARLY. THIS PLAINTIFF READS THAT: RULE#20(3), AS WHAT IT TEXTUALLY ARTICULATES: NEED NOT BE INTERESTED, ...AGAINST ALL THE RELIEF DEMANDED. THE FEDERAL RULES OF CIVIL PROCEDURE ARE CLEAR, AND, THIS PLAINTIFF NEED NOT EXHAUST ALL INCIDENTS WITHIN ANY CONSTITUTIONAL VIOLATION.

THE UNITED STATES SUPREME COURT JUSTICES: NEIL GORSUCH, CLARENCE THOMAS, AND THE SAME, SAMUAL ALITO, RELIED ON, "TEXTUALISM", LETTING THE STATE SPEAK FOR THEMSELVES. THE LATE JUSTICE/SCALIA, ANTONIN, AND OTHER JUSTICES STATED: "TRY TO UNDERSTAND WHAT THE WORDS ON THE PAGE MEAN, NOT, IMPORT WORDS THAT COME FROM US", "IF THE WORDS ARE PLAIN YOU STOP", JUSTICE GORSUCH!!! (EXHIBIT#(I)-IN THIS SUPREME COURT, EVERY WORD COUNTS/ARTICLE). THE PLAINTIFFS EIGHTH AMENDMENT EXCESSIVE FORCE AND STATE LAW ASSAULT & BATTERY CLAIMS WERE PERMITTED TO PROCEED BY: HON: STEFAN R. UNDERHILL, BASED ON GAWLIK'S ALLEGATIONS THAT, "DEFENDENTS APPLIED THE HAND-CUFFS TOO TIGHTLY AND BENT BACK HIS WRISTS FOR THE PURPOSE OF CAUSING EXTREME PAIN". PLAINTIFF FILED HIS GRIEVANCE ON: APRIL 25th, 2018, AND EXHAUSTED HIS ADMINISTRATIVE REMEDIES ON ALL COUNTS PURSUANT TO: F.R.C.P., RULE#6(A)(1)(A)-STATES: EXCLUDE THE DAY OF THE EVENT THAT TRIGGERS THE PERIOD. THE DEFENDENTS WOULD HAVE CHEMICALLY ASSAULTED AND SPRAYED PLAINTIFF IN THE EYES AND FACE, IF, PLAINTIFF DID NOT RELINQUISH UNDER THREAT OF FORCE, BEATINGS, OF HIS ROSARY AND CRUCIFIX WHILE IN ADMINISTRATIVE SEGREGATION. THE COURT: HON. SARAH A.L. MERRIAM, MINIMALIZED THE DEFENDENTS PROSPECTIVE AND PROBABLE USE OF PEPPERSPRAY, AND, WITHOUT ANY COMPASSION AND/OR THE DEFENDENTS USE OF PEPPERSPRAY, THE COURT, MINIMALIZATION AND LANGUAGE OF THEORETICAL, (BUT, NON-OCCURRING), USE OF PEPPERSPRAY IN PLAINTIFFS CASE, REFLECTS THAT THE COURT: HON. MERRIAM, RESPECTFULLY DOES NOT UNDERSTAND THAT THE CONNECTICUT DEPT. OF CORRECTIONS ENTAILS IN ASSAULT AND BATTERY TACTICS, BEATINGS, AND, MURDER OF INCARCERATED. THUS, THE PLAINTIFF PROPERLY EXHAUSTED HIS ADMINISTRATIVE REMEDIES OF THE EIGHTH AMENDMENT EXCESSIVE USE OF FORCE, AND, ASSAULT AND BATTERY, FIRST AMENDMENT FREE EXERCISE CLAUSE, RLUIPA, WERE PROPERLY EXHAUSTED. THE COURT: HON. MERRIAM, ERRORED IN HER RULING ON SUMMARY JUDGEMENT FOR DEFENDENTS. (MARSHAL V. JERRICO INC., 446 U.S. 238, 242, 100 S. CT. 1610, 64 1. ed. 2d. 182- (1980): HOLDS THE NEUTRALITY REQUIREMENT HELPS GUARANTEE THAT LIFE, LIBERTY, OR, PROPERTY, WILL NOT BE TAKEN ON THE BASIS OF ERRONEOUS OR DISTORTED CONCEPTION OF THE FACTS OR THE LAW. (EXHIBIT#(J)-HON. MERRIAM RULING/SUMMARY JUDGMENT-6/14/2022).

11.) STANDARDS APPLIED.

STATE AND FEDERAL STANDARDS ARE APPLIED TO THIS PETITIONERS WRIT OF PETITION FOR CERTIORARI.

12.) STATEMENT OF RELIEF AND DEMANDS REQUESTED.

A.) ISSUE A DECLARATORY JUDGEMENT STATING THAT:

- 1.) DEFENDENTS-SEMPLE,ERFE,QUIROS,CZEREMCHA,WATSON,PARKER,SMITH,BUCKLAND,BROWN,CINNINGHAM,WILLIAMS,NURSE PARKER,VIOLETE RLUIPA,8th/AMENDMENT OF U.S.CONSTITUTION,18 U.S.C.§245/HATE CRIMES,18 U.S.C.§247/OBSTRUC-TION OF PERSONS IN THE FREE EXERCISE OF RELIGIOUS BELIEFS,FEDERALLY PROTECTED ACTIVITIES,42 U.S.C.§1985/CONSPIRACY TO INTERFERE WITH CI-VIL RIGHTS,ASSAULT AND BATTERY,MALICIOUS AND SADISTIC USE OF EXCESSI-VE USE OF FORCE,1st/AMENDMENT FREE EXERCISE CLAUSE,SYBBOLIC EXPRESSI-ON OF SPEECH,14th/AMENDMENT DUE PROCESS CLAUSE.
- 2.) THE PHYSICAL ABUSE OF THE PLAINTIFF BY DEFENDENTS,CZEREMCHA,PARKER,SMITH,BUCKLAND,BROWN,CUNNINGHAM,VIOLATED THE PLAINTIFFS RIGHTS UNDER THE EIGHTH AMENDMENT,AND,ASSAULT AND BATTERY UNDER STATE LAW.
- 3.) DEFENDENT/LIEUTENANT CZEREMCHA FAILURE TO TAKE ACTION TO CURB THE PHYSICAL ABUSE AND EXCESSIVE USE OF FORCE BY DEFENDENT BUCKLAND AND BROWN,VIOLATED THE PLAINTIFFS RIGHTS UNDER THE EIGHTH AMENDMENT AND CONSTITUTED ASSAULT AND BATTERY UNDER STATE LAW.
- 4.) DEFENDENTS NURSE/PARKER,AND,UNIT MANAGER/CPT.WATSON,ACTIONS IN FAIL-ING TO PROVIDE ADEQUATE MEDICAL CARE TO THE PLAINTIFF VIOLATED THE EIGHTH/AMENDMENT OF U.S.CONSTITUTION.
- 5.) DEFENDENTS-SEMPLE,ERFE,QUIROS,CZEREMCHA,WATSON,PARKER,SMITH,BUCK-LAND,BROWN,CUNNINGHAM,WILLIAMS,NURSE/PARKER,VIOLATES:CGS§46a-71/-DISCRIMINATORY PRACTICES BY STATE AGENCIES PROHIBITED,CGS§52-571b/-ACTION FOR DEFENSE AUTHORIZED WHEN STATE OR POLITICAL SUBDIVISION BURDENS A PERSONS EXERCISE OF RELIGION,CGS§52-571a/ACTION FOR DEPR-



IVATION OF EQUAL RIGHTS AND PRIVILEGES,CGS§53-37b/DEPRIVATION OF A PERSONS EQUAL RIGHTS AND PRIVILEGES BY FORCE OR THREAT,CGS§53a-62-THREATENING IN THE SECOND DEGREE:CLASS-(A)-MISDEMEANOR,CGS§52-571c-ACTION FOR DAMAGES RESULTING IN INTIMIDATION BASED ON BIGOTRY AND BIAS, CGS§53a-181j/INTIMIDATION BASED ON BIGOTRY AND BIAS IN THE FIRST DEGREE IS A CLASS-(C)-FELONY,CGS§53a-181k/INTIMIDATION BASED ON BIGOTRY OR BIAS IN THE SECOND DEGREE:CLASS-(D)-FELONY,CGS§53a-181l/INTIMIDATION BASED ON BIGOTRY OR BIAS IN THE THIRD DEGREE,ASSAULT AND BATTERY UNDER STATE LAW, DUE PROCESS OF U.S.CONSTITUTION,AND,STATE OF CONNECTICUT.

B.) ISSUE AN INJUNCTION ORDERING DEFENDENTS,AND,ITS AGENTS TO:

- 1.) ORDERING-COMMISSIONERS OFFICE/COM'R SEMPLE,ITS AGENTS,TO REMOVE THE UNCONSTITUTIONAL LANGUAGE OF ADMINISTRATIVE DIRECTIVE-10.8/RELIGIOUS SERVICES,SECTION#16-RELIGIOUS ARTICLES AND RELIGIOUS ITEMS MAY BE CONFISCATED FOR CAUSE IN ACCORDANCE WITH ADMINISTRATIVE DIRECTIVE-6.10/INMATE PROPERTY. REMOVE ABOVE UNCONSTITUTIONAL DIRECTIVE AS IT VIOLATES:DUE PROCESS,AND,THE UNITED STATES CONSTITUTION.
- 2.) ORDERING-COMMISSIONERS OFFICE/COM'R SEMPLE,AND,ITS AGENTS,TO CEASE DENYING ALL INMATES OUTSIDE FRESHAIR WHILE CONFINED TO ADMINISTRATIVE SEGREGATION DUE TO EAST BLOCK#1 HAS INADEQUATE ACCOMODATIONS.
- 3.) ORDERING-COMMISSIONERS OFFICE/COM'R SEMPLE,AND,ITS AGENTS,TO ALLOW AND ACCOMODATE INMATES CONFINED WITHIN ADMINISTRATIVE SEGREGATION, RHU/RESTRICTIVE HOUSING UNITS TO OBTAIN,(1-2/HOUR),OF FRESHAIR DAILY WITHIN CHESHIRE.C.I.,NOT,THROUGH AN OPEN WINDOW,AS NOT TO VIOLATE THE EIGHT AMENDMENT,AND,PURSUANT:KEENAN V.HALL-1996/LOPEZ V.SMITH-200/WILLIAMS V.GOORD-2001/ADAMS V.WOLFF-1985/FRAZIER V.WARD-1997).
- 4.) ORDERING-COMMISSIONERS OFFICE/COM'R SEMPLE,AND,ITS AGENTS,TO CEASE CONFISCATING INMATES ROSARIES,CRUCIFIXES,SCAPULARS,ECT,WITHIN ALL CONNECTICUT DEPT.OF CORRECTIONS FACILITIES,WITHIN ALL ADMINISTRATIVE

SEGREGATIONS/RHU-RESTRICTIVE HOUSING UNITS,CORRECTIONAL HALLWAYS, BUILDINGS,FACILITY GROUNDS,ANY AND ALL AREAS,ECT,THAT THE CONNEC- TICUT DEPT.OF CORRECTIONS CEASE ENTIRELY CONFISCATING ALL CATHOLIC AND CHRISTAIN RELIGIOUS ARTICLES OF CRUCIFIXES,SCAPULARS,ROSARIES, ALL RELIGIOUS ARTICLES RELATED TO CATHOLIC/CHRISTAIN FAITH.

C.) ISSUE AN INJUNCTION ORDERING THE COMMISSIONERS OFFICE,AND,ITS AGENTS:

1.) ORDERING-TO CEASE THE BEATINGS,ASSAULT AND BATTERY,PEPPERSPRAYING, THREATENING,ECT,OF INMATES WITH CATHOLIC/CHRISTAIN RELIGIOUS ARTICLES THAT WEAR CRUCIFIXES,ROSARIES,SCAPULARS,ECT,AROUND THEIR NECKS DUE TO THEIR FIRST AMENDMENT PROTECTION OF SYMBOLIC EXPRESSION OF SPEECH,AND, ALLOWING CATHOLICS AND CHRISTAINS TO VENERATE THEIR RELIGIOUS SCAPU- LARS,CRUCIFIXES,ROSARIES,ECT,WITHIN AND BEING HOUSED IN ADMINISTRAT- IVE SEGREGATION,RHU-RESTRICTIVE HOUSING UNITS,GENERAL POPULATION AR- EAS,DORMS,ECT,WITHIN CONNECTICUT DEPT.OF CORRECTIONS.

D.) AWARD COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS:CORRECTIONS STAFF;

1.) (\$7,000,000.00/SEVEN MILLION DOLLARS),JOINTLY AGAINST DEFENDENTS:

SEMPLE,ERFE,QUIROS,CZEREMCHA,WATSON,NURSE/PARKER,SMITH,BUCKLAND, BROWN,PARKER,CUNNINGHAM,WILLIAMS,AGAINST STAFF OF THE DEPT.OF CORR- ECTION FOR DENYING CONSTITUTIONALLY PROTECTED RELIGIOUS RIGHTS,AND, ALLOWING EXCESSIVE USE OF FORCE,AND,FOR PHYSICAL,EMOTIONAL,MENTAL, INJURIES OF THE PLAINTIFFS PHYSICAL INJURIES SUSTAINED TO HIS BODY PERMANENTLY/MENTAL AND EMOTIONAL DAMAGES.

2.) (\$750,000.00/SEVEN HUNDRED FIFTY THOUSAND DOLLARS),EACH/DEFENDENT; VIOLATING CONSTITUTIONALLY PROTECTED RELIGIOUS RIGHTS,ALLOWING EX- CESSIVE USE OF FORCE,ASSAULT AND BATTERY,ECT,PHYSICAL AND EMOTIONAL INJURIES SUSTAINED TO THIS PLAINTIFFS PHYSICAL BODY PERMANENTLY,AND, MENTAL AND EMOTIONAL INJURY,PURSUANT:42 U.S.C.§1997(e)e.

THE PLAINTIFFS INJURIES ARE PERMANENT AND EXTREMELY PAINFUL.

3.) (\$750,000.00/SEVEN HUNDRED FIFTY THOUSAND DOLLARS), AGAINST-NURSE PARKER, AND, CAPTAIN WATSON, DEFENDENTS, FROM THE PHYSICAL AND EMOTIONAL INJURIES RESULTING FROM THE FAILURE TO PROVIDE ADEQUATE MEDICAL CARE TO THIS PLAINTIFF AFTER THE EXCESSIVE FORCE, ASSAULT AND BATTERY, BY DEFENDENTS BUCKLAND AND BROWN, WHERE CUTS AND LACERATIONS WERE INCURRED AND DENIED ADEQUATE MEDICAL CARE, INCLUDING MENTAL/EMOTIONAL INJURIES SUSTAINED DURING THE EXCESSIVE FORCE/ASSAULT AND BATTERY.

E.) AWARD PUNITIVE DAMAGES IN THE FOLLOWING AMOUNTS;

1.) (750,000.00/SEVEN HUNDRED FIFTY THOUSAND DOLLARS/EACH), EACH DEFENDENT; SEMPLE, ERFE, QUIROS, CZEREMCHA, WATSON, NURSE/PARKER, SMITH, BUCKLAND, BROWN, PARKER, CUNNINGHAM, WILLIAMS, FOR PUNITIVE DAMAGES FOR VIOLATING THE U.S. CONSTITUTION AND STATE CONSTITUTION.

F.) GRANT SUCH RELIEF AS IT MAY APPEAR THAT PLAINTIFF IS ENTITLED.

G.) 42 U.S.C. §1997e(e).

PURSUANT TO PLRA, UNDER 42 U.S.C. §1997e(e): PLAINTIFF HAS PRESENTED PHYSICAL INJURY WHILE IN CUSTODY FOR EMOTIONAL AND MENTAL INJURY SUFFERED, MENTAL AND EMOTIONAL DAMAGES ARE ENTITLED IN PLAINTIFFS CASE. (DEPRIVATION OF RELIGIOUS FREE EXERCISE CLAUSE/CATHOLIC BELIEFS).

H.) PLAINTIFFS NON-MONETARY DEMANDS AND RELIEF.

PLAINTIFF DEMANDS NON-MONETARY DEMANDS AND RELIEF IN ADDITION TO THE MONETARY DEMANDS AND RELIEF WITHIN THIS CIVIL ACTION.

THE PLAINTIFF DEMANDS THE FOLLOWING NON-MONETARY RELIEF;

- 1.) BRAND NEW NAKAJIMA/NON-MEMORY BASIC ELECTRONIC TYPEWRITER WITH ORIGINAL STORAGE BOX THAT ACCOMPANIED THE TYPEWRITER FOR STORAGE.
- 2.) (5)-BOXES OF REPLACEMENT TYPEWRITER RIBBONS TO BE ON HAND WITHIN THE INMATES LIVING QUARTERS, AND REPLACEMENT RIBBONS AS REQUIRED WHILE INMATE IS INCARCERATED DURING ENTIRE SENTENCE BY PRISON OFFICIALS WITHIN-(2)-ONLY TO BE DELAYED OF RIBBONS TO THIS PLAINTIFF.
- 3.) (12)-POINT DAISY WHEELS FOR TYPEWRITER, AND, REPLACEMENT WITHIN INMATES LIVING QUARTERS, (2-BOXES), AND REPLACEMENT AS REQUIRED DURING ENTIRE SENTENCE OF PLAINTIFF BY PRISON OFFICIALS.
- 4.) UPON DAMAGE AND/OR MALFUNCTION DURING PRISONERS TRANSPORTATION, AND/OR MALFUNCTION DUE TO ELECTRONIC FAILURE, TYPEWRITER BREAKING DUE TO USAGE OF WEAR AND TEAR, PLAINTIFF WILL RECEIVE ANOTHER BRAND NEW TYPEWRITER WITH A (12-POINT) DAISY WHEEL REQUIRED FOR APPEALS, DISTRICT, SUPREME COURTS DUE TO THE RULES OF COURT REQUIRING (12-POINT) FORMAT. UNTIL

PLAINTIFF RECIEVES REPLACEMENT TYPEWRITER, WITHIN ONE DAY PLAINTIFF IS TO RECIEVE AN EQUAL REPLACEMENT TYPEWRITER TO CONTINUE HIS LITIGATION WITHOUT DELAY OR HINDERANCE UNTIL NEW TYPEWRITER ARRIVES.

- 5.) (2)-BOXES OF CORRECTION RIBBONS TO BE WITHIN THE INMATES LIVING QUARTERS, AND, CORRECTION RIBBONS TO BE AS REQUIRE REPLACED ENTIRE SENTENCE OF INMATE BY PRISON OFFICIALS.
- 6.) THE ABOVE NON-MONETARY DEMAND AND RELIEF IS TO BE PLACED PERMANENTLY WITHIN THE INMATES MASTER FIL, AND, PROPERTY MATRIX, AND, THAT ALL THE LANGUAGE OF THE ABOVE DEMAND AND RELIEF BE ARTICULATED AND DOCUMENTED WITHIN THE INMATES MASTER FILE/PROPERTY MATRIX DURING THE ENTIRE INCARCERATION OF THIS PLAINTIFFS RELEASE DATE, AND, PLAINTIFF IS ABLE TO KEEP THE TYPEWRITER, RIBBONS, ECT, UPON RELEASE.

THE PLAINTIFFS ADDITIONAL DEMANDS/RELIEF OF NON-MONETARY RELIEF;

- 1.) THE PLAINTIFFS DEMANDS/RELIEF THAT A CATHOLIC ROSARY BE CONSISTING OF STONE QUALITY PRAYER BEADS OR EQUAL QUALITY, AND, SOLID WELDED METAL LINKS BE PURCHASED BY THIS PLAINTIFF AND NOT THE CONNECTICUT DEPT. OF CORRECTIONS, TO BE USED BY THIS PLAINTIFF DURING ENTIRE SENTENCE, AND, PURCHASE COST UP TO ANY AMOUNT AND VALUE THIS PLAINTIFF DESIRES TO SPEND HIS OWN FUNDS.
- 2.) THE PLAINTIFF DEMANDS AND RELIEF THAT THE ROSARY PURCHASE BE AT THE DISCRETION OF THIS PLAINTIFF ON THE TYPE OF ROSARY THIS PLAINTIFF REQUIRES FOR HIS PRAYERS WITHOUT HIDERANCE BY PRISON OFFICIALS.
- 3.) THE PLAINTIFF UPON ANY DAMAGE OF METAL/STONE BEAD ROSARY IS DAMAGED OR BREAKS FROM WEAR AND TEAR USAGE, PLAINTIFF MAY ORDER REPLACEMENT AT ANY TIME DURING ENTIRE SENTENCE, AND, SEND BROKEN ROSARY HOME AND POSTAGE PAID BY INMATE.
- 4.) IF PLAINTIFF HAS NO MONEY, FAMILY MAY SEND ROSARY TO PLAINTIFF WITH THE SAME ABOVE CONDITIONS. (NOTE: METAL CROSSES ARE SOLD IN COMMISSARY)

I.) PLAINTIFFS TRANSFER AND RETALIATION CLAIM AND DEMANDS.

(MERRIWEATHER V. COUGHLIN, 879 f.2d.1037, 1046(2nd.cir.1989): HOLDS; THAT A JURY COULD REASONABLY CONCLUDE THAT PRISONERS WERE TRANSFERED SO- LY BECAUSE THEY EXERCISED THEIR FIRST/AMENDMENT RIGHTS, AND, THUS, HAD A VALID CLAIM, WHERE THE PRISONERS WERE TRANSFERED AFTER CRITIQUING THE PRISON ADMINISTRATION.

THE PLAINTIFF PRESENTS A TRANSFER AND RETALIATION CLAIM AND DEMAND IF THE STATE OF CONNECTICUT AND THE STAE DEPT. OF CORRECTION TRANSFERS THIS PLAINTIFF OUTSIDE OF HIS PRESENT FACILITY AS A PUNITIVE MEASURE OF RETALIATION, AND, IF THE STATE OF CONNECTICUT, ITS AGENTS, CONNECTICUT DEPT. OF CORRECTIONS, HARASSES, VIOLATES 4th/AMENDMENT PRIVACY RIGHTS, SEARCHES, PHYSICAL ASSAULTS, BEATINGS, SLANDER, FABRICATION OF CHARGES, DISCRIMINATION, ANY UNCONSTITUTIONAL VIOLATIONS OF THE PLAINTIFFS RIGHTS, ECT.

THE PLAINTIFF WILL SEEK AND DEMAND THE AMOUNT OF, (\$500,000.00/FIVE- HUNDRED THOUSAND DOLLARS), FROM THE STATE OF CONNECTICUT, DEPT. OF CORRECTIONS, ITS AGENTS, UPON A TRANSFER/RETALIATION CLAIM, PURSUANT UNDER (MERRIWEATHER V. COUGHLIN).

J.) PURSUANT TO 42 U.S.C. §1988; PLAINTIFF REQUESTS ATTORNEY FEES, COSTS, FEE FEES, COPIES, POSTAGE, FILING FEES, SERVICE OF MARSHAL, INTEREST, ECT.

K.) THE PLAINTIFF HAS EXHAUSTED HIS ADMINISTRATIVE REMEDIES TIMELY WITH RESPECT TO ALL CLAIMS AND ALL DEFENDENTS.

L.) PLAINTIFF DEMANDS TRIAL BY JURY. PURSUANT TO ARTICLE VII OF THE U.S. CONSTITUTION... THE RIGHT OF TRIAL BY JURY SHALL BE PRESERVED.  
(RULE#38-RIGHT TO A JURY TRIAL: DEMAND).

M.) UPON A FAVORABLE JUDGEMENT, PLAINTIFF DEMANDS THAT THE, (U.S. DEPT OF JUSTICE), ORDERED, BY THE COURT ON HATE CRIMES WITHIN CONNECTICUT DEPT. OF CORRECTIONS, COMMISSIONERS OFFICE, AND, ITS AGENTS.

#### X. REASONS FOR GRANTING CERTIORARI

A.) TO AVOID CONSTITUTIONAL DEPRIVATIONS OF INCARCERATED INDIVIDUALS ACROSS THE ENTIRE UNITED STATES OF THEIR CONSTITUTIONALLY PROTECTED 1st/AMENDMENT RIGHTS OF FREE EXERCISE CLAUSE, EIGHTH/AMENDMENT CRUEL AND UNUSUAL PUNISHMENT, RELIGIOUS EXPRESSION, ECT.

THE GRANTING OF CERTIORARI, AND, RELIEF WILL SERVE THE PUBLIC INTEREST BECAUSE IT IS ALWAYS IN THE PUBLIC INTEREST FOR PRISON OFFICIALS, AND, STATE COURTS TO OBEY THE LAW, ESPECIALLY THE CONSTITUTION. (PHELPS-KOPER-V. NIXON, 545 f. ed. 685, 690 (8th. cir. 2008) (DURAN V. ANAYA, 642 f. supp. 510-527- (D.N.M. 1986): HOLDS; "RESPECT FOR LAW, PARTICULARLY BY OFFICIALS RESPONSIBLE FOR ADMINISTRATION OF STATES CORRECTIONAL SYSTEMS, IS IN ITSELF A MATTER OF THE HIGHEST PUBLIC INTEREST." (LLEWELYN V. OAKLAND COUNTY PROSECUTORS OFFICE, 402 f. supp. 1379, 2393 (E.D. MICH. 1975): HOLDS; THE CONSTITUTION IS THE ULTIMATE EXPRESSION OF THE PUBLIC INTEREST. INCARCERATED HAVE CONSTITUTIONAL RIGHTS UNDER THE FIRST AND FOURTEENTH AMENDMENTS UNLESS IT IS TAKEN AWAY UNDER DUE PROCESS OF LAW. INCARCERATED HAVE A CONSTITUTIONAL RIGHT IN THE UNITED STATES OF AMERICA.

#### XI. CONCLUSION

FOR THE FOREGOING REASONS, CERTIORARI SHOULD BE GRANTED IN THIS CASE.

DATED: THIS 20th DAY OF, DECEMBER, 2023.

RESPECTFULLY SUBMITTED,

(36)

GAWLIK, JAN. M. #138888

C.C.I., 900 HIGHLAND AVENUE,  
CHESHIRE, CT. 06410.