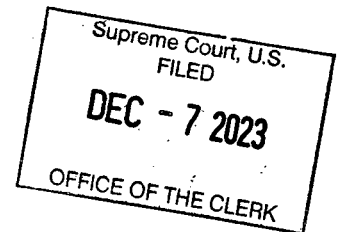


No. 23-6533 ORIGINAL

IN THE

Supreme Court of the United States



James O. Bradley, et al,

Petitioner

v.

Governor Roy Cooper, et al,

Respondents

On Petition For Writ of Certiorari
To The Court of Appeals of North Carolina

PETITION FOR A WRIT OF CERTIORARI

James O. Bradley ; Petitioner

4600 Swamp Fox Hwy. West

Tabor City, N.C. 28463

SUPREME COURT OF THE UNITED STATES

QUESTIONS PRESENTED

1. Liberally construed, does Petitioner's civil action state a claim upon which relief can be granted?
2. Did Columbus County Superior Court err in ruling Petitioner's lawsuit Frivolous?
3. Did the NC Court of Appeals err in taking no action on Petitioner's appeal?
4. Does Plaintiffs' Complaint constitute a Class?
5. Did the Supreme Court of North Carolina err in denying "Discretionary Review"?
6. Did any or all Defendants exceed the protections of "Qualified Immunity"?
7. Do NC prisoners have a right to access the courts when the Administrative Remedy Procedure is Dysfunctional?
8. Does Governor Cooper's assignment of previous Asst. Attorney Generals, Jodi Harrison and Kimberly D. Grande (once subordinates of Gov. Cooper when he was Attorney General); as well as appointments of anti prison reform / judicial reform officials, into prominent State Offices, constitute a conspiracy and / or Abuse of Power-Process?

SUPREME COURT OF THE UNITED STATES

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Civil Lawsuit (Bradley, et al v. Cooper, et al) File No. 23-CV-000553 - 22 - pages	App. III
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SUPREME COURT OF THE UNITED STATES

NO. _____

JAMES OPLETON BRADLEY, et al)

Petitioners,)

V.)

PETITION FOR WRIT OF CERTIORARI

GOVERNOR ROY COOPER, et al)

Pursuant to U.S. Sup. Ct. Rules 14 and 22, USCA

Respondents.)

NOW COMES The Petitioner, James Opleton Bradley, prayerfully petitioning this Most Honorable Court to grant its Certiorari in this matter.

PARTIES

Petitioner - James O. Bradley, OPUS# 0041676, is an offender incarcerated at Tabor Correctional Institution #4885, NC Dept. of Adult Correction (hereafter NCDAC)

Plaintiff - James H. Conley, OPUS# 0685816, is an offender incarcerated at Tabor Correctional Institution #4885, NCDAC. (NOTE: This action was filed by these named plaintiffs and on behalf of similarly situated persons)

Defendant - Governor Roy Cooper is the Governor of North Carolina and Respondent Superior.

Defendant - Secretary Todd E. I Shee is head administrator of NCDAC.

STATE OF NORTH CAROLINA

File No.

23 01 000553

COLUMBUS

County

In The General Court Of Justice
☐ District ☒ Superior Court Division

Name Of Plaintiff

James O. Bradley, et al Plaintiffs

VERSUS

Name Of Defendant

Governor Roy Cooper, et al Defendants

FILED

PETITION TO PROCEED

AS AN INDIGENT

2023 JUN -8 P 1:18

G.S. 1-110; 7A-228

AFFIDAVIT

(check one of the four boxes below)

☒ **Petition To Assert Claims** - As a party in the above entitled action, I affirm that I am financially unable to advance the required costs for the prosecution of the claims I have asserted. Therefore, I now petition the Court for an order allowing me to assert my claims as an indigent.

☒ I am an inmate in the custody of the Division of Adult Correction and Juvenile Justice.

(NOTE TO CLERK: If this block is checked, this Petition must be submitted to a Superior Court Judge for disposition provided on the reverse.)

☐ **Petition To File Motions** - As a party in the above entitled action, I affirm that I am financially unable to advance the required costs to file a notice of hearing on a motion. Therefore, I now petition the Court for an order allowing me to file my motion as an indigent.

☐ **Petition To Appeal** - As the individual appellant in the above entitled small claims action, I affirm that I am financially unable to pay the cost for the appeal of this action from small claims to district court. Therefore, I now petition the Court for an order allowing me to appeal this action to district court as an indigent.

☐ **Petition To File Expunction Petition** - As the petitioner in the above entitled action, I affirm that I am financially unable to advance the required costs to file an expunction petition. Therefore, I now petition the Court for an order allowing me to file my expunction petition as an indigent.

(check one or more of the boxes below as applicable)

☐ I am presently a recipient of

☐ Supplemental Nutrition Assistance Program (SNAP/food stamps).

☐ Temporary Assistance for Needy Families (TANF).

☐ Supplemental Security Income (SSI).

☐ I am represented by a legal services organization that has as its primary purpose the furnishing of legal services to indigent persons, or I am represented by private counsel working on behalf of such a legal services organization. (Attach a letter from your legal services attorney or have your attorney sign the certificate below.)

☐ Although I am not a recipient of SNAP/food stamps, TANF, or SSI, nor am I represented by legal services, I am financially unable to advance the costs of filing this action or appeal.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

March 26, 2023

Date

Signature

Signature Of Petitioner

James O. Bradley

Title Of Person Authorized To Administer Oaths

Name And Address Of Petitioner (type or print)

James O. Bradley #0041676
 4600 Swamp Fox Hwy, West
 Tabor City, N.C. 28463

Date Commission Expires

SEAL

Public

Notary Public

Columbus County

Commission Expires

2025

CERTIFICATE OF LEGAL SERVICES/PRO BONO REPRESENTATION

I certify that the above named petitioner is represented by a legal services organization that has as its primary purpose the furnishing of legal services to indigent persons or is represented by private counsel working on behalf of or under the auspices of such legal services organization.

Date

Signature

A TRUE COPY

CLERK OF SUPERIOR COURT

COLUMBUS COUNTY

Name And Address (type or print)

BY Asheerie

Assistant Deputy, Clerk Superior Court

ORDER

Based on the Affidavit appearing above, it is ORDERED that:

☐ the petitioner is authorized to assert claims, to appeal, or file notices of hearing or petitions in this action as an indigent.

☐ the petition is denied.

Date

Signature

☐ Assistant CSC

☐ Clerk Of Superior Court

☐ Judge

☐ Magistrate (for appeal only)

NOTE TO CLERK: If the petitioner is NOT a recipient of SNAP/food stamps, TANF, SSI or is NOT represented by legal services or a private attorney on behalf of legal services, you may ask for additional financial information to determine whether the petitioner is unable to pay the costs.

(Over)

ORDER - DACJJ INMATES

The undersigned superior court judge of this district finds that the petitioner is an inmate in the custody of the Division of Adult Correction and Juvenile Justice and that the complaint

☐ is not frivolous.

☒ is frivolous.

It is ORDERED that

☐ the petitioner is authorized to sue in this action as an indigent.

☐ the petitioner is not authorized to sue as an indigent.

☒ the action is dismissed.

Date

6/7/2023

Name Of Superior Court Judge (type or print)

Douglas B. Sessor

Signature Of Superior Court Judge

Douglas B. Sessor

CERTIFICATION

I certify that this Petition has been served on the party named by depositing a copy in a post-paid properly addressed envelope in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Date

06/08/2023

Signature

Ashley Pri

☒ Deputy CSC

☐ Assistant CSC

☐ Clerk Of Superior Court

NOTE: G.S. 1-110(b) provides: "The clerk of superior court shall serve a copy of the order of dismissal upon the prison inmate."



Supreme Court of North Carolina

Fax: (919) 831-5720
Web: <https://www.nccourts.gov>

GRANT E. BUCKNER, Clerk
Justice Building, 2 E. Morgan Street
Raleigh, NC 27601
(919) 831-5700

Mailing Address:
P. O Box 2170
Raleigh, NC 27602

From Columbus
(23CV000553)

24 October 2023

Mr. James O. Bradley
Pro Se
Tabor Correctional Institution
4600 Swamp Fox Highway West
Tabor City, NC 28463

RE: Bradley v Cooper, et al. - 188P23-1

Dear Mr. Bradley:

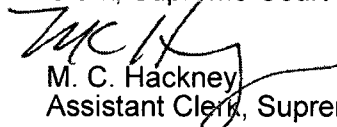
The following order has been entered on the motion filed on the 3rd of August 2023 by Petitioner for Petition for Discretionary Review:

"Motion Denied by order of the Court in conference, this the 18th of October 2023."

**s/ Riggs, J.
For the Court**

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 24th day of October 2023.

Grant E. Buckner
Clerk, Supreme Court of North Carolina


M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

Copy to:
Mr. James O. Bradley, For Bradley, James O.
Mr. Daniel P. O'Brien, Special Deputy Attorney General - (By Email)
West Publishing - (By Email)
Lexis-Nexis - (By Email)

W



Supreme Court of North Carolina

Fax: (919) 831-5720
Web: <https://www.nccourts.gov>

GRANT E. BUCKNER, Clerk
Justice Building, 2 E. Morgan Street
Raleigh, NC 27601
(919) 831-5700

Mailing Address:
P. O Box 2170
Raleigh, NC 27602

From Columbus
(16CRS7232 23CVS00053)
From N.C. Judicial Standard Commission
(00000)

24 October 2023

Mr. James O. Bradley
Pro Se
Tabor Correctional Institution
4600 Swamp Fox Highway West
Tabor City, NC 28463

RE: Bradley v Sasser - 230P23-1

Dear Mr. Bradley:

The following order has been entered on the motion filed on the 11th of September 2023 by Plaintiff to Proceed In Forma Pauperis:

"Motion Allowed by order of the Court in conference, this the 18th of October 2023."

**s/ Riggs, J.
For the Court**

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 24th day of October 2023.

Grant E. Buckner
Clerk, Supreme Court of North Carolina


M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

Copy to:
Mr. James O. Bradley, For Bradley, James Opelton
West Publishing - (By Email)
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Mailing Address:
P. O Box 2170
Raleigh, NC 27602

From Columbus
(16CRS7232 23CVS00053)
From N.C. Judicial Standard Commission
(00000)

24 October 2023

Mr. James O. Bradley
Pro Se
Tabor Correctional Institution
4600 Swamp Fox Highway West
Tabor City, NC 28463

RE: Bradley v Sasser - 230P23-1

Dear Mr. Bradley:

The following order has been entered on the motion filed on the 11th of September 2023 by Plaintiff for Appeal:

"Motion Dismissed by order of the Court in conference, this the 18th of October 2023."

**s/ Riggs, J.
For the Court**

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 24th day of October 2023.

Grant E. Buckner
Clerk, Supreme Court of North Carolina


M. C. Hackney
Assistant Clerk, Supreme Court Of North Carolina

Copy to:
Mr. James O. Bradley, For Bradley, James Opelton
West Publishing - (By Email)
Lexis-Nexis - (By Email)

STATE OF NORTH CAROLINA

In The General Court Of Justice

COLUMBUS

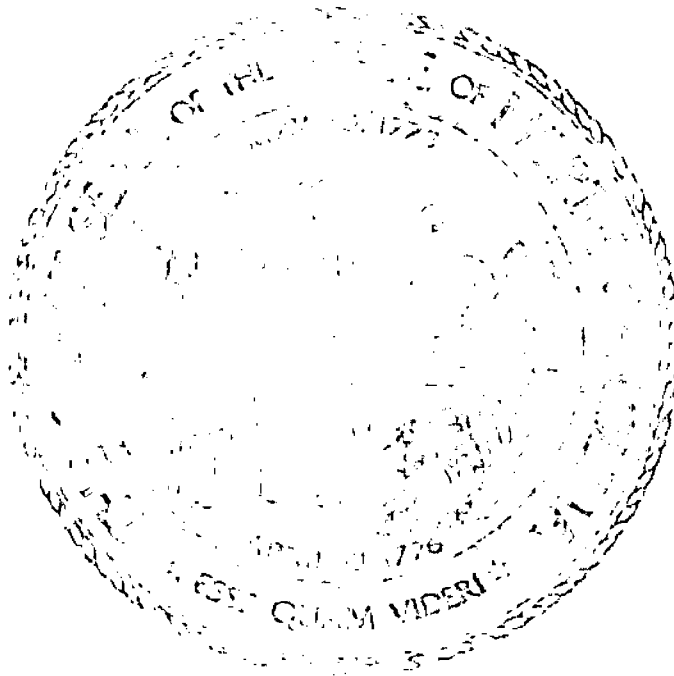
County

CERTIFICATE OF TRUE COPY**OFFICE OF THE CLERK OF THE SUPERIOR COURT**

As a Clerk of the Superior Court of this County, State of North Carolina, I certify that the attached copies of the documents described below are true and accurate copies of the originals now on file in this office.

Number And Description Of Attached Documents:

PETITION TO PROCEED AS AN INDIGENT
COVER LETTER
GENERAL CIVIL ACTION COVER SHEET
CIVIL SUMMONS X 2
SERVICEMEMBERS CIVIL RELIEF ACT DECLARATION X 3
COMPLAINT FOR CIVIL LAWSUIT

**SEAL**

Witness my hand and the seal of the Superior Court

Date

06/08/2023

Clerk Of Superior Court

JESS HILL

Name Of Undersigned Clerk (type or print)

ASHLEY PRICE

Signature☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILED FILE NO. 23 CV 000553

JAMES O. BRADLEY;

2023 JUN -8, P 1:19

JAMES H. CONLEY; et al. COLUMBUS, CO., C.S.C.

Individually and on behalf of BY Anne

All other persons similarly situated

at TABOR CORRECTIONAL INSTITUTION,

Plaintiffs)

CIVIL LAW SUIT (CLASS ACTION)

v.)

Pursuant to N.C.G.S. § 1A-1 et. seq.

)

GOVERNOR ROY COOPER;

)

SECRETARY TODD E. ISHEE;

)

SUPT./WARDEN JAMIE BULLARD,

)

Defendants)

NOW COMES Plaintiffs, James O. Bradley and James H. Conley, Individually and as members of the
Class of all other persons, similarly situated at TABOR CORRECTIONAL INSTITUTION #4855.

PARTIES

Plaintiff James O. Bradley, OPUS# 0041676 has been incarcerated at T.C.I. since September 27, 2021.

Plaintiff James H. Conley, OPUS# has been incarcerated at T.C.I. since August, 2018.

Defendant Governor Roy Cooper is the Governor of North Carolina and the Executive Leader of all

App. III

Page 1 of 22

subordinate Departments of the State of North Carolina's infrastructure. (The Grievance Board is established as a separate agency within the Department of Adult Correction. It shall consist of five members appointed by the Governor to serve four-year terms - N.C.G.S. § 148-118.6);

Defendant Secretary Todd E. Ishee is the Head Administrator of the Department of Adult Correction. (Secretary of the Department of Adult Correction to control classification and operations of prison facilities - N.C.G.S. § 148-36); (Department of Adult Correction to supervise sanitary and health conditions of prisoners - N.C.G.S. § 148.10);

Defendant Supt./Warden Jamie Bullard is the Chief Administrator of Tabor Correctional Institution #4885, and is responsible for any and all activities, actions, and supervision of all prison personnel and residents.

STATEMENT OF THE CASE

On or about September 27, 2021, Plaintiff James O. Bradley arrived at T.C.I. He was placed in LPDLE01B (Red Unit E-Block). Plaintiff had been a resident at this facility previously, (From 2017-2019), when in Close Custody. At that time E-Block contained 48 offenders. Upon his return 9/27/2021, E-Block was now Medium Custody and had been converted to double-celling. Despite repeated complaints to Supt. Bullard, his subordinates, and grievances submitted to Governor Roy Cooper and Secretary (nee Commissioner) Todd E. Ishee, the oppressive overcrowding still exists. Recently, Supt. Bullard converted the Gymnasium to an open dormitory, housing dozens of offenders. Plaintiff Bradley sent carbon copies of his grievances to the U.S. Dept. of Health and

Human Resources // Centers for Disease Control, N.C. Dept. of Health and Human Services, N.C. Dept. of Human Resources - Division of Health Services Regulation, and Larry Dail - Eastern Region Director.

STATEMENT OF FACTS

- 1) On January 21, 2022, plaintiff submitted an Administrative Remedy Procedure concerning the oppressive overcrowding and the effects thereof. At the time of filing, plaintiff and nineteen other offenders were being housed in the gym due the devastating effects of the COVID 19 outbreak. In E-Block, out of 94 offenders, only 19 offenders tested negative for the virus, although some of these persons had experienced the virus previously. This grievance was rejected on the premise that it contain more than one incident. Successive complaints were simply ignored.
- 2) Throughout the whole COVID 19 debacle, Red Unit Cell blocks D, E, F remained overcrowded, operating at 196% over capacity. The mandatory guidelines provided by the U.S. Dept. of Health/CDC; N.C. Dept. of Health; and other significant health agencies, were all but ignored by T.C.I. personnel. No social distancing, no separation of vaccinated/nonvaccinated offenders and staff, no minimum standards pursuant to N.C.G.S. § 153A-217 et. seq. (which existed pre-COVID), only masking and sporadic testing. In fact, throughout the whole pandemic, vaccinated and unvaccinated offenders, prison personnel, and N.C. Enterprise personnel remained in close contact.
- 3) Approximately a year later, December 22, 2022, Plaintiff submitted another grievance concerning overcrowding. Sgt. Bullard accepted and signed it on Christmas Day. For some reason, this grievance wasn't processed. Sgt. Gene accepted and processed a copy of this grievance on

1/23/2023, (Grievance No. 4885-2023-LPDL-00167). The Facility respondent, Megan L. Locklear, again rejected this grievance, citing "More than one incident". Plaintiff complained to Gov. Roy Cooper, the interim Secretary Eddie M. Buffaloe, Jr., and Executive Director of the Inmate Grievance Resolution Board, Kimberly D. Grande on January 20, 2023. On February 23, 2023 Ms. Grande responded saying: "Your recent correspondence and rejected grievance addressed to the official listed above [Gov. Roy Cooper] has been forwarded to me for review." Ms. Grande further stated that the Board agreed that the Plaintiff's grievance should have been processed. It was returned to T.C.I. where the respondents gave a generic reply to the grievance, rather than addressing the specific concerns relating to overcrowding. The Administrative Remedy Procedure was exhausted through Step #3.

4) There has never been a time when "Double-Ceiling" was suspended, to control the spread of COVID. The dayroom remained oppressively congested and both vaccinated/unvaccinated offenders shared the same cramped cell. The average cell measures approximately 74 sq. ft. with double bunks, two wall lockers, a toilet/sink fixture, and a table/desk. This is in blatant violation of N.C.G.S. § 153A-217, et seq. "Minimum Standards", as well as Fire/Safety regulations.

5) The NCDHHS/Environment Quality provided supervision of Health Conditions for prison facilities prior to September 15, 2021. The NC Dept. of Public Safety assumed responsibility and now the NCOAC has acquired this task. (See history of N.C.G.S. § 148-10). Once the prison system assumed responsibility for its own facilities, oversight evaporated and conditions of confinement have undergone a dramatic degradation.

6) The overcrowding affects other important issues, i.e. commissary access, recreation;

access to adequate medical care, etc., etc., etc.,

7) Aside from U.S. Const. Am 8 concerns of "Cruel and Unusual Punishment", there exist major 14th Amendment violations of "Equal Protection of the Law" due to the fact that "similarly situated" offenders in other "Medium Custody" environments, have not been, nor are currently being subjected to the horrific effects of gross overcrowding that are being presently experienced by the residents of Tabor Correctional Facility #4885. Offenders are being held in the gymnasium, close custody and elsewhere, although they have Medium Custody.

The aggregate dysfunctions of this gross overcrowding, forms the foundation of a "Class". The potential pool of litigants will be overwhelming for any tribunal to consider on a case-by-case basis. Additionally, it is a violation for prisoners to represent one another in court. The progress of this civil action has been, and will be, closely monitored by civil rights organizations, and these prison reform, social media entities are already preparing to create as much exposure as possible to this atrocious and inhumane conduct of T.C.I. #4885 and the associated defendants included herein. The publicity will bring droves of litigants to the Plaintiff's Class.

PLAINTIFF BRADLEY'S INDIVIDUAL CLAIMS

1) Although the core issue is "overcrowding", and its collateral effects, it was/is the dysfunctional Administrative Remedy Procedure that prevented Plaintiff from filing this civil action a year ago. Plaintiff contends, and the record bears witness that pursuant to § 804 Prison Litigation Reform Act (1995), an inmate must exhaust administrative remedies; and 42 U.S.C.

§ 1997e (a) "No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Wherefore, the defendant's denial of the administrative remedy process constitutes an "obstruction of justice" due to the fact that defendants willfully interfered with plaintiff's Constitutional/Federally mandated rights to access the courts by inhibiting his ability to "exhaust" administrative remedies.

NC-CURE conducted a comprehensive investigation of NCPS/NCDC Administrative Remedy Procedure, in cooperation with ECU School of Law and Aimee Alexander of the Charlotte Observer. They reviewed inputs from the Policy and Procedure (G.0300), ECU analysis of complaint letters to NC-CURE, and FY21-22 reports from the Inmate Grievance Resolution Board. NC-CURE published its findings March 27, 2023 and availed Secretary Todd Ishee, State Senators, and various other parties of the dysfunction grievance process, i.e., "Grievance procedures are not followed by DPS staff"; "Grievance Appeals are ineffective"; and "People in prison fear retaliation or retribution". These findings solidify the independent issues that Plaintiff has experienced since 2021, in bringing the "Overcrowding" issue to bear, and explains why this nefarious conduct has remained unchanged for years. NCPS/NCDC Controls/inhibits offenders' access to court.

3) Due to the lack of response from the various State and Federal agencies, that were sent carbon copies of Plaintiff's grievances/letters, it seems likely that T.C.I. mailroom is censoring both outgoing and incoming mail. This administration has established a pattern and practice of elusiveness and subterfuge to prevent their malicious acts from being publicized.

4) Plaintiff has Complex PTSD and is currently being treated for anxiety and depression, with medication. Plaintiff has agoraphobia and is very uncomfortable in crowded environments. This overcrowding and excessive noise, greatly contributes to Plaintiff's stressors. Plaintiff has become germophobic due to COVID 19 and the unsanitary environment in E-Block.

5) Plaintiff has went above and beyond the exhaustion requirement of PLRA and CRTA. He has vehemently attacked the issue of overcrowding for a year and the efforts of T.C.I. to thwart, inhibit and prevent Plaintiff's administrative remedy, while continuing the overcrowding, speaks volumes of the Defendants' deliberate and callous indifference to the many inherent dangers, threats, and deprivations stemming from the overcrowding at T.C.I.

PLAINTIFF CONLEY'S INDIVIDUAL CLAIMS

1) Plaintiff Conley moved to LPDLE08A upon being assigned to the Sewing Plant. He went from a Modified Cell Block, with 12 offenders out of their cells at the same time, to E-Block with 94 out at the same time. This was a culture shock, to say the least.

2) Plaintiff had developed an exercise routine based upon medical advice, to reduce his cholesterol. Due to double-celling, he cannot adequately exercise in his cell, Officers Graham and Blanks have severely harassed him for walking laps in the block (witnessed by the cameras, other officers, and Sgt. Carr). The yard call is sporadic and, due to working, only available on the weekends. And there is no gym access due to dozens of offenders being housed there in a dormitory setting. Although daylight savings time began a month ago, there is still no 3rd yard call in the early evenings.

Plaintiff practices yoga and has always been an outdoors person. Keeping him, and others, from regular outside recreation can create potential health hazards.

3) The cellblock is excessively noisy and raucous. It is hard to talk on the phone due to the elevated noise level. The lack of outdoor recreation creates more unrelinquished stress and anxiety for everybody. God forbid the tablets malfunction. Then you have 94 offenders trying to use one phone. Being able to connect to the outside world is a crucial aspect of our lives. Without this communication, Plaintiff would be mentally dysfunctional.

4) The cellblock is extremely filthy. The showers only get cleaned once a day. On weekdays, the showers are filthy by the time the plant workers return to the cellblock. Oftentimes dirty clothes litter the shower stall, the area smells like urine, and the shower curtains are molded/mildewed, and rarely replaced. The unit officers/sgt's/ Unit Mgr.s fail to make daily or even weekly inspections of the cellblock common areas. Many staff are more concerned with enforcing/creating benign policies rather than ensuring a healthy environment. Now that the Dept. of Adult Corrections supervises its own Health Standards for its facilities, there is no external oversight and therefore nothing gets better, only worse and worse. Plaintiff Bradley has already mentioned the investigative report by NC-CURE. Grievances seem useless.

5) It takes months to obtain a dental appointment and medical sickcalls may take weeks to process, due to the diminished ratio of medical/Dental staff to the overcrowded offender population. Simple medical ailments can become serious illnesses due to the waiting periods to get treatment from a qualified physician and/or someone with the abilities to diagnose and treat medical issues.

6) On Canteen visits, the mad rush to get a decent spot in line (when the doors open at 7pm), resembles the gates opening at a horse race track. People pushing, falling, jumping ahead of others, all add up to an anxiety nightmare. The worst day is Monday. It is "Cruel and Unusual Punishment" to spend close to ten hours in the sewing plant and then have to rush to get in the showers, canteen line, medication line, etc.... Ninety people trying to get to the store in 2 hours!

There are seemingly endless effects of overcrowding. Red Unit D, E, F, Blocks are powder kegs of anxiety awaiting the right catalyst to explode. Review the camera footage on any Monday that is a scheduled workday, from the time count clears until lockdown. The images will convey the shocking, horrific nature of a cell block operating at 196% over capacity. Surely this violates every Fire / Safety Code ever written. Do the Defendants care? Apparently not.

ARGUMENT

1) The defendants know that the overcrowding, at T.C.I. is unconstitutional, oppressive, and egregious;

(a) Pursuant to N.C.G.S. § 148-118.6 "The Grievance Resolution Board is established as a separate agency within the Department of Adult Correction. It shall consist of five members appointed by the Governor to serve four-year terms. Of the members so appointed, three shall be attorneys selected from a list of persons recommended by the Council of the North Carolina State Bar. The remaining two members shall be persons of knowledge and experience in one or more fields under the jurisdiction of the Secretary of the Department of Adult Correction. In the event a vacancy occurs on the Board prior to the expiration of a member's term, the Governor shall appoint a new Board

member to serve the unexpired term. If the vacancy occurs in one of the positions designated for an attorney, the Governor shall select another attorney from a list of five persons recommended by the Council of the North Carolina State Bar. The Board shall perform those functions assigned to it by the Governor and shall review the grievance procedure. The Grievance Resolution Board shall meet not less than quarterly to review summaries of grievances. All members of the Inmate Grievance Commission appointed by the Governor pursuant to G.S. 148-101, may complete their terms as members of the Board. Each member of the Board shall receive per diem and travel expenses as authorized for members of State commissions and boards under G.S. 138-5 (Emphasis mine).

Clearly, Governor Roy Cooper is the primary party accountable for the dysfunctional Administrative Remedy Procedure. His office is mentioned five times as the sole individual responsible for the establishment; appointment of members; replacement of members; and correctional oversight of the "Grievance Resolution Board/Inmate Grievance Commission". No other person nor entity has the direct and specific responsibility for this grievance system. Governor Cooper created it, and recreates it periodically. He is ultimately responsible for reviewing the grievance procedure.

Regarding the instant case, Plaintiff Bradley specifically sent a letter and complained to Governor Cooper about how his grievance, concerning overcrowding, was not processed correctly. Rather than investigate and correct the matter, he sent the letter to the very person in charge of the dysfunctional grievance system, Executive Director Kimberly D. Grande. Surely Gov. Cooper knew of NC-CURE's report on the grievance procedure, and/or Charlotte Observer's article on this matter. Yet there is no indication of any action to resolve the issues,

There can be no doubt that; 1) The NC Dept. of Adult Correction Administrative Remedy Procedure is wholly dysfunctional; and 2) Governor Roy Cooper is the primary creator and overseer of the Grievance Resolution Board / Inmate Grievance Commission. This is his brain-child. As an Attorney General, he was certainly an expert on Administrative Remedy Procedure. So, if the current A.R.P. is dysfunctional, it is by design. Defendant Roy Cooper has therefore exhibited "deliberate and callous indifference", both Officially and Personally. Due to the additional facts that: 1) Plaintiff Bradley availed Gov. Cooper of the problems with the A.R.P. as is specifically applied to the issue of overcrowding; and 2) by the language of N.C. Gen Stat. § 148-118.6, Gov. Roy Cooper is the Respondent Superior because... "the Governor... shall review the grievance procedure." His subordinates overlooked the problems just as he did.

In Griffin v. Bryant, 56 F. 4th 328 (4th Cir. 2022) (IF the avenues for recourse provided to a prisoner by a prison's grievance procedure are not meaningfully capable of use to obtain some relief for the action complained of, the Prison Litigation Reform Act's (PLRA) exhaustion requirement does not come into play. Civil Right of Institutionalized Persons Act § 7, 42 U.S.C.A. § 1997e (a)). The NC Attorney General was involved with this litigation from the beginning. See Griffin v. Bryant, 5:17-CT-3173-M (USDC ED/WD 2021). It would be highly unlikely that a case of this magnitude and distinction would have escaped Defendant Roy Cooper's attention. A civil case of this sensitivity (ADA violations), could impact Gov. Cooper's political future. What Griffin v. Bryant really shows, is that Gov. Cooper's "Grievance Resolution Board / Inmate Grievance Commission" is corrupt. Plaintiff contends this is a deliberately designed system implemented to curtail, inhibit, and deny offenders' right to Administrative Remedy Procedure, thereby denying their access to the court.

According to Black's Law Dictionary (11th ed. 2019) Deliberate Indifference: "Conscious disregard of the harm that one's actions could do to the interests or rights of another." (Also termed reckless indifference; conscious indifference; extreme indifference). See also Willful Indifference to the safety of others/willful and wanton misconduct: "Conduct committed with an intentional or reckless disregard for the safety of others, as by failing to exercise ordinary care to prevent a known danger or to discover a danger." C.f. gross negligence.

Respondent prisoners, who complained to NC-CURE, state: "What exactly is the grievance process for? Is it to help us resolve issues with our complaints or help staff cover them up and conceal them?" Obviously, the 4th Circuit Court of Appeals agrees. NC DPS/NC DAC administrators are intelligent people. Unfortunately, many of them are corrupt and facilitate a corrupt manner in which to deal with offenders. Defendants Roy Cooper and Todd E. Ishee, are the leaders as well as the progenitors of this vile corruption. The new motto for the Dept. of Adult Correction is: "Protection, Innovation, Rehabilitation". These defendants speak with a "Forked Tongue". Their purpose and intent is to mislead and deceive the public. On paper, they appear to be the champions of justice, equality, and prisoners' rights. Behind this political mask is a vile, malignant mindset that abuses the authority given to them by their supporters. Who are they protecting? Certainly not the incarcerated. Not the public either. After years, sometimes decades, of abuse, many released felons aren't rehabilitated... rather they have been debilitated!

Plaintiffs aver that the Defendants do not deserve Executive, Absolute, nor Qualified Immunity. These Defendants' actual motto is "Deviancy, Connivance, Injustice, Torture...." These are the principles and fundamentals given, as examples, to incarcerated persons.

The actions of these Defendants are unconscionable. Rather than promote "Public Safety", they promote "Public Endangerment" akin to releasing a purpose-bred fighting dog into a local community. These Defendants are the "Clear and Present Danger" to society. They get to decide the caliber of person that returns to the community. Wherefore, all of these Defendants are liable in both their Official and Personal Capacities.

Defendant Todd E. Ishee is the Secretary of the N.C. Dept. of Adult Correction. In 2019 he became the Director/Commissioner of the N.C. Dept. of Public Safety. In his acceptance speech, he promised "Prison Reform". For the past four years, the prison system hasn't evolved, it has degraded. Very few fair minded personnel remain within the NC DAC infrastructure. Through nepotism, favoritism, and cabalistic collusions, the corrupt personnel get promoted while the conscientious ones get overlooked. This ^{is} what Sec. Ishee has created. His administration has succeeded in removing external oversight from NC DAC. The "Grievance Resolution Board/Inmate Grievance Commission" operates upon his behalf. He shares full responsibility for their activities and NC-CURE informed him of the dysfunctional grievance procedure. As of this writing, nothing has changed. As for the overcrowding at T.C.I., Asst. Administrator Mark W. Barnhill responded to step two of Plaintiff Bradley's grievance stating...; "offenders who are in medium custody are approved to be double celled if they meet the requirements." The only person who could approve this is Secretary Todd E. Ishee.

Defendant Jamie Bullard is the Superintendent/Warden of Tabor Correctional Institution #4895. He is the first-line Administrator directly responsible for creating and maintaining the conditions of overcrowding/conditions of confinement that many offenders have constantly comp-

lained about. He personally controls the hellish overcrowding and the effects of it. While he was on television being awarded "Warden of the Year" his prison Facility was engaged in some of the most heinous, unconstitutional activities within NCDC. His codefendants surely had a hand in rewarding their protégé for earnestly adhering to their protocols and directives, while emulating their deceitful conduct.

To be clear, the argument here is not double-celling! If the cells and cellblocks were originally built to those specifications, and if those specifications were compliant with N.C.G.S. §§ 153A-217 et. seq., there would be no arguable issues with regard to "double-celling". However, this noteworthy point must be considered.... The cells originally designed to hold one occupant, now holds two. The cellblocks designed to hold 48 occupants, now hold 94. The cellblocks are 196% over occupied. This constitutes "overcrowding", which, by itself is a constitutional violation. But the overcrowding is so horrific, it has spawned a wide array of other violations.

In *Brown v. Plata*, 131 S.Ct. 1910 (2011) several determinations were made:

- (1) As a consequence of their own actions, prisoners may be deprived of rights that are fundamental to liberty, yet the law and the Constitution demand recognition of certain other rights, because prisoners retain the essence of human dignity inherent in all persons, and respect for that dignity animates the Eighth Amendment prohibition against cruel and unusual punishment;
- (2) The basic concept underlying the Eighth Amendment prohibition of cruel and unusual punishment is nothing less than the dignity of man;
- (3) A prison that deprives prisoners of basic sustenance, including adequate medical care, is incompatible with the concept of human dignity and has no place in civilized society; and

(4) If government fails to fulfil its obligation to provide basic sustenance to prisoners, the courts have a responsibility to remedy the resulting Eighth Amendment violation.

Concerning the instant case, the Defendants have little to no regard for offender's rights, much less dignity. To these Defendants, prisoners are essentially chattel to be exploited for political, monetary, and career advancements. Prisoners' rights are not part of their equation.

In Webb v. Deboo, 423 Fed. Appx. 299 (4th Cir. 2011) (Prisoner stated an Eighth Amendment claim that prison conditions exposed him to a substantial risk of harm, even if he failed to allege a significant personal injury, by alleging that severe overcrowding was causing unsanitary conditions, the spread of disease, an increased risk of violence, and lack of access to medical care, among other effects). See also Tillery v. Owens, 907 F.2d 418, 428 (3d Cir. 1990) (holding that evidence of increased stress, anxiety, and depression, as well as the opportunity for predatory activities and the spread of disease due to overcrowding and unsanitary conditions was sufficient to show Eighth Amendment violation).

In McCray v. Burrell, 516 F.3d 357 (4th Cir. 1975) (The basic concept underlying the Eighth Amendment is nothing less than dignity of man and therefore the punishment imposed must be justified in light of evolving standards of decency that mark the progress of a maturing society); and McCray at 358 (The Eighth Amendment and its proscription against cruel and unusual punishment is made applicable to the states through the Fourteenth Amendment).

The lists of overcrowding and prison condition cases are quite numerous. The two topics are hand-in-glove. Here, this case is more about culpability and accountability. The following

facts are incontrovertible:

Tabor Correctional Institution # 4885 is operating at 196% over capacity;

Medium Custody offenders now occupy the gymnasium, in a dormitory type setting;

The NC. Dept. of Health and Human Services have a list of "minimum standards" pursuant to NCGS §§ 153A-217 et seq. T.C.I. violates every one of these standards; especially egregious during the COVID 19 outbreak;

Governor Roy Cooper is personally responsible for implementing, staffing, maintaining, and monitoring the Grievance Resolution Board/Inmate Grievance Commission. This entity is wholly dysfunctional and its very existence is to curtail, obstruct, prevent and inhibit the offenders' rights to administrative remedy pursuant to PLRA and CRIPA. NC-CURE's investigative report and the 4th Circuit decision in *Griffin v. Bryant*, substantiates this fact;

Unbeknownst to Plaintiff Bradley was the investigative endeavors of NC-CURE, and historical civil litigation of *Griffin v. Bryant*, yet he had attempted to have his grievances, concerning overcrowding, processed for a year, before Gov. Cooper had Executive Director Kimberly D. Grande - Inmate Grievance Review Board - insist that T.C.I. process the grievance. Even after all of this, T.C.I. respondents and T.C.R.B. STEP THREE EXAMINER, gave banal, generic responses that purposefully sidestepped the issue of "overcrowding" and its associated maladies;

Governor Cooper played a role in the NC General Assembly's decision to allow the NCops/ NCDAC to assume responsibility of supervising health and sanitation of prison facilities, that was once the responsibility of NC DHHS/ Dept. of Environment Quality. This removed external oversight;

Secretary/Commissioner Todd E. Ishee was also involved in the aforementioned decision;

Superintendent/Warden Jamie Bullard is the pivotal link who has developed this existing condition of overcrowding. His subordinate staff is responsible for the local dysfunctional grievance system, and has allowed his administration to egregiously violate Plaintiffs' Bradley and Conley's constitutional rights, as well as all other offenders affected by this oppressive overcrowding and inept grievance procedure; and

All of the Defendants have failed to address any of the aforementioned concerns to the best of the Plaintiffs' knowledge.

PERSONAL CLAIMS (Plaintiff James O. Bradley)

From the Defendant, Governor Roy Cooper, Plaintiff seek the following Injunctive Relief, in Gov. Cooper's Official Capacity:

- 1) Immediately cease and desist from the crowding/double-celling at T.C.I. #4885;
- 2) Conduct a complete overhaul of the Administrative Remedy Procedure and remove the Grievance Resolution Board/Inmate Grievance Commission from under the direct auspice of the NC Dept. of Adult Correction;

3) Restore (or have restored) the Supervisory Responsibilities of "Health and Sanitation" of all prison facilities, to the NC. Dept. of Health and Human Services/ Dept. of Environmental Quality and compel all prison facilities to strictly adhere to the "minimum standards" as outlined in N.C.G.S. 153A-217 et. seq.; and

4) Develop a task force to interact with prison reform and judicial reform advocates to ensure a transparent oversight of prison conditions.

From Defendant Governor Roy Cooper, Plaintiff seeks the following General/Punitive damages from Defendant Cooper's Official and/or Personal capacities, in excess of \$25,000:

Any and all damages, assessed by the tribunal, related to the aforementioned claims of relief.

From the Defendant Secretary Todd E. Ishee, Plaintiff seeks the following relief in Defendant Ishee's Official capacity.

Cease and desist the overcrowding/double-celling at T.C.I. and assist Gov. Cooper in implementing the relief mentioned as "Injunctive Relief" in the claims against Gov. Cooper.

From Defendant Secretary Todd E. Ishee, Plaintiff seeks General/Punitive damages from Defendant Ishee's Official and/or Person Capacities, in excess of \$25,000.

Any and all damages, assessed by the tribunal, related to the aforementioned claims of relief.

From the Defendant, Superintendent/Warden Jamie Bullard, Plaintiff seeks the following relief, in Defendant Bullard's Official capacity:

Injunctive Relief to immediately cease and desist from the overcrowding/double-celling of Medium Custody offenders at T.C.I. #4885.

From Defendant Bullard, Plaintiff seeks General/Punitive damages in excess of \$25,000, in Defendant Bullard's Official and/or Personal Capacities.

Any and all damages, assessed by the tribunal, related to the aforementioned claims of relief.

PERSONAL CLAIMS (Plaintiff James H. Conley)

From the Defendant, Governor Roy Cooper, Plaintiff seeks the following Injunctive Relief, in Gov. Cooper's Official Capacity:

- 1) Immediately cease and desist from the overcrowding/double-celling at T.C.I. #4885;
- 2) Conduct a complete overhaul of the Administrative Remedy Procedure and remove the Grievance Resolution Board/Inmate Grievance Commission from under the direct auspice of the the NC Dept. of Adult Correction;
- 3) Restore (or have restored) the Supervisory Responsibilities of "Health and Sanitation" of all prison facilities, to the NC Dept. of Health and Human Services/Dept. of Environmental Quality and compel all prison facilities to strictly adhere to the "minimum standards" as outlined in N.C.G.S. §§ 153A-217 et. seq.; and

4) Develop a task force to interact with prison reform advocates, to ensure a transparent oversight of prison conditions.

From Defendant, Governor Roy Cooper, Plaintiff seeks the following General/Punitive damages from Defendant's Official and/or Personal Capacity, in excess of \$25,000:

- Any and all damages, assessed by the tribunal; related to the aforementioned claims of relief.

From Defendant, Secretary Todd E. Isher, Plaintiff seeks the following Injunctive Relief from Sec. Isher's Official capacity:

- Cease and desist the overcrowding/double-celling at T.C.I. #4885, and assist Gov. Cooper for implementing the injunctive relief sought from Defendant Cooper.

From Defendant Todd E. Isher, Plaintiff seeks General/Punitive damage from Defendant Isher's Official and/or Personal Capacity, in excess of \$25,000

From Defendant, Superintendent/Warden Jamie Bullard, Plaintiff seeks the following Injunctive Relief in Defendant Bullard's Official capacity:

- To immediately cease and desist from overcrowding/double-celling of Medium Custody offenders at T.C.I. #4885 and restore the gymnasium and dining facility to their intended use.

From Defendant, Superintendent/Warden Jamie Bullard, Plaintiff seeks General/Punitive damages from Defendant Bullard, in his Official and/or Personal capacity, in excess of \$25,000:

- Any and all damages, assessed by the tribunal; related to the aforementioned claims of relief.

CLASS ACTION

Pursuant to N.C.G.S. § 1A-1, Rule 23: A Class Action...

- (1) Must be a "class" (def. a group of persons or things having characteristics in common; as a group whose members are represented in a class action. -- Merriam Webster Dictionary of Law)
- (2) Numerosity as to make impracticable the joinder of all members of the class;
- (3) There must be an assurance of adequacy of representation. (C.F. Fed. R. Civ. P. Rule 23)

Tabor Correctional Institution # 4885 Upper Red Unit houses 282 offenders who are directly affected by the oppressive overcrowding. This not include the dozens of Medium Custody offenders being crammed into the gym, in a dormitory setting, and all other Medium Custody offenders housed elsewhere, at T.C.I. All of these offenders are potential class litigants, many of them likely to publish on their own attached claims, upon the docketing of this action. Also, one offender cannot represent another, so numerous complaints would benefit a "class" designation to further the economy of judicial process, See Hansberry v. Lee, 311 U.S. 32, 61 S.Ct. (1940).

WHEREFORE Plaintiffs James O. Bradley and James H. Conley respectfully pray that this Honorable Court submit this Civil Action, pursuant to N.C.G.S. § 1A-1 Rules of Civil Procedure; determine this action to be a "Class", pursuant to N.C.G.S. § 1A-1, Rule 23; and appoint Counsel.

Submitted this 18th day of May, 2023.

151 James O. Bradley

151 James H. Conley

DECLARATION

The Plaintiffs, James O. Bradley and James H. Conley, hereby Declare under penalty of perjury that the contents of the preceding Civil Lawsuit are true and correct, to the best of our information and belief. We solemnly pray that this Honorable Court allow our humble pleadings to proceed in forma pauperis, due to our indigency, and appoint for us effective counsel to represent us individually and as a Class, due to our shared complaints and grievances. We have exhaust our Administrative Remedy Procedure.

Respectfully submitted this 18th day of May, 2023.

1st James O. Bradley
James O. Bradley; Plaintiff

1st James H. Conley
James H. Conley; Plaintiff

4600 Swamp Fox Hwy. West
Tabor City, N.C. 28463

North Carolina Department of Adult Correction

State of North Carolina
Roy Cooper
Governor

Inmate Grievance Resolution Board
4207 MAIL SERVICE CENTER, RALEIGH, NC 27699-4207

Kimberly D. Grande
Executive Director

Members

David W. Addison, Esq.
Robert E. Campbell, Esq.
Phyllis S. Leary
Travis F. Ellis, Esq.
Carlton B. Joyner

Step Three - Administrative Remedy Response

Inmate: BRADLEY, JAMES O
Inmate #: 0041676
Location: 4885-TABOR CI - LPDLE33A
Courier # 04-21-29

Tracking No: 0000582853
Unit Grievance No: 4885-2023-LPDLE-00167
Date Received: 03/12/2023

Grievance Examiner: Findings and Disposition Order

This examiner has reviewed this grievance and the response by facility staff given in the Step 1 and/or Step 2 responses. My review of these responses reveals that prison staff have taken appropriate action to address and resolve the offender's concerns voiced in the grievance.

Per policy Offender's in medium custody can be doubled cell in there housing area. Schedules are made to accommodate Offender's that are doubled housed in regular population for recreation, canteen, showers and other needs offenders may have.

The offender has been appropriately advised regarding the concerns by prison staff and is encouraged to follow up on this issue as needed. The grievance is considered resolved by prison staff and is, therefore, dismissed.

03/16/2023

Date

DELLARIPA, ANGELA M

Inmate Grievance Examiner Electronic Signature

cc: CTS

North Carolina Department of Adult Correction

State of North Carolina
Roy Cooper
Governor

Inmate Grievance Resolution Board
4207 MAIL SERVICE CENTER, RALEIGH, NC 27699-4207

Kimberly D. Grande
Executive Director

Members
David W. Addison, Esq.
Robert E. Campbell, Esq.
Phyllis S. Leary
Travis F. Ellis, Esq.
Carlton B. Joyner

Step Three - Administrative Remedy Response

Inmate: CONLEY,JAMES H
Inmate #: 0685816
Location: 4885-TABOR CI - LPDUE08A
Courier # 04-21-29

Tracking No: 0000588194
Unit Grievance No: 4885-2023-LPDUE-00519
Date Received: 03/23/2023

Grievance Examiner: Findings and Disposition Order

This examiner has reviewed this grievance and the response by facility staff given in the Step 1 and/or Step 2 responses. My review of these responses reveals that prison staff have taken appropriate action to address and resolve the offender's concerns voiced in the grievance. The offender has been appropriately advised regarding the concerns by prison staff and is encouraged to follow up on this issue as needed. The grievance is considered resolved by prison staff and is, therefore, dismissed.

03/24/2023

Date

GREENE, WAKENDA

Inmate Grievance Examiner Electronic Signature

cc: CTS

STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 23 CV 000553

JAMES O. BRADLEY, et al)

Plaintiffs)

— v.)

NOTICE TO APPEAL

Pursuant to NC R. App. Proc.

GOVERNOR ROY COOPER, et al)

Rule 3(c); Gen. R. Proc. Rule 5

Defendants)

NOW COMES The Plaintiffs, James O. Bradley, et al, giving Notice To Appeal pursuant to NC Rules of Appellate Procedure, Rule 3(c); and General Rules of Practice, Rule 5; from the Judgement of The Honorable Douglas B. Sasser, Senior Resident Superior Court Judge, Columbus County Superior Court; entered 6/7/2023 and received by Plaintiff, James O. Bradley on 6/13/23 at approx. 3 pm.

Plaintiff wishes to proceed as an indigent as reflected by his "Petition to Proceed as an Indigent" Notarized on 5/26/2023 and Filed in this Court 6/8/2023, at 1:18 pm.

Respectfully submitted this 13th day of June, 2023

FILED

2023 JUN 19 P 12:50

COLUMBUS CO., C.S.C.

BY

A TRUE COPY

JESS H. HILL
CLERK OF SUPERIOR COURT
COLUMBUS COUNTY

BY W. Hinson
Assistant Deputy Clerk of Superior Court

APP. IV

James O. Bradley

James O. Bradley; PLAINTIFF

4600 Swamp Fox Hwy. West

Tabor City, N.C. 28463

Office of the Clerk
Court of Appeals of North Carolina



Eugene Soar
Clerk

Telephone
Area Code (919) 831-3600

P. O. BOX 2779

Raleigh, North Carolina 27602

26 June 2023

James O. Bradley
4600 Swamp Fox Highway West
Tabor City, NC 28463

RE: Notice of Appeal

The North Carolina Court of Appeals recently received your "Notice of Appeal" from a matter disposed of in a trial court or administrative tribunal.

Under the North Carolina Rules of Appellate Procedure, a notice of appeal is to be filed with the clerk of superior court in the county where the judgment or order was entered that the party is seeking to appeal or the clerk of the administrative tribunal. See N.C.R. App. P. 3, 3.1, 4, and 18.

Please consult an attorney and/or the North Carolina Rules of Appellate Procedure for guidance in filing for relief with this Court. This Court does not provide legal advice to parties as to what should be in their filings. Nor can court personnel provide legal advice to an individual pursuant to guidelines adopted by the North Carolina Supreme Court.

No action will be taken on the notice of appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Arquatia Carter".

Arquatia Carter
Appellate Clerk
N.C. Court of Appeals

APP

STATE OF NORTH CAROLINA
JUDICIAL STANDARDS COMMISSION
IN RE: JUDGE DOUGLAS B. SASSER

JAMES O. BRADLEY,)

Complainant)

COMPLAINT

v.)

) Pursuant to Judicial Standards Commission

DOUGLAS B. SASSER,)

) Rule 14; and NCGS §§ 7A-376(a), 7A-377

Respondent)

NOW COMES The Complainant, James O. Bradley, humbly petitioning this Honorable Commission to investigate the Judicial Conduct of Columbus County Superior Court Judge, Douglas B. Sasser. Complainant avers the following:

1) Judge Douglas B. Sasser presided over Complainant's criminal trial in New Hanover County, Superior Court, File No. 16 CRS 7232;

2) Complainant filed a Motion for Appropriate Relief, with regards to this trial, on December 22, 2023, in New Hanover County Superior Court. In this M.A.R., Complainant cited: "The Honorable Judge Douglas B. Sasser committed various abuses of discretion and clearly erroneous judicial decisions, comprising Judicial Misconduct." This M.A.R. is currently under review and awaiting an evidentiary hearing;

3) On or about September 27, 2021, Complainant was transferred to Tabor Correctional Institution # 4885, which is located in Columbus County, Judge Sasser's Judicial District. The New Hanover County District Attorney's twin brother, Jon David, is the D.A. of Columbus County.

4) On June 8, 2023, Complainant filed a Civil Lawsuit in the Columbus County Superior Court, citing "Overcrowding" and "Dysfunctional Grievance Procedure". See Bradley v. Cooper, 23 CV 000553. Judge Sasser ruled this action as "Frivolous", on the Petition to Sue as an Indigent Person. He dismissed this action June 7, 2023, the day before it was even filed, June 8, 2023!

COMPLAINT

In Complainant's criminal case, and the current civil action, Judge Sasser has demonstrated "Clearly Erroneous" decision making. In the opening phase of 16 CRS 7232, Judge Sasser expressly forbade the reference to Complainant's phone records. Yet, when D.A. Benjamin R. David ignored this ruling, Judge Sasser overruled the defense's objections to the D.A.'s breach of instructions. (Tpp. 7022 - 7079). Judge Sasser expressly forbade mentioning the murder conviction and disappearance of the victim in a previous case. Again, when D.A. Ben David ignored these rulings and began introducing this information to the jury, Judge Sasser overruled defense's objections to the breaches of Judge Sasser's pretrial rulings (Tpp. 7275, 7276, 7411, 7412). To fully understand the scope and magnitude of these erroneous decisions and biased conduct, Complainant suggests scrutinizing 16 CRS 7232, and the M.A.R. attacking this conviction. Due to Judge Sasser's inane rulings, Complainant missed the death penalty by one juror.

Regarding civil action 23 CV 000553, Judge Sasser abused his discretion and power by entering a "Frivolous" ruling to a case that clearly has significant merit. According to Black's Law Dictionary 11th Edition (2019):

Frivolous (15C) Lacking in high purpose, trifling, and silly. Lacking a legal basis or legal merit,

manifestly insufficient as a matter of law.

Frivolous Claim(18c) A claim that has no legal basis or merit, esp. one brought for an unreasonable purpose, such as harassment.

The foundation of 23 cv 000553 is twofold; 1) Tabor Correctional Institution #4885 is egregiously overcrowded; operating at 196% overcapacity in Red Unit D, E, F, Pods, and housing dozens of Medium Custody prisoners in the gym, and other locations within the prison. This oppressive overcrowding thoroughly saturates every aspect of daily life with stress, uncleanness, noise, lack of adequate medical care, lack of regular recreation activities, etc., etc. . . . ; 2) The NC Dept. of Adult Correction Administrative Remedy Procedure is wholly dysfunctional. This prevents matters such as "overcrowding" from being resolved at the Departmental level, through the three step exhaustion policy. NE-CURE, in collaboration with ECU Law Professors, researched this dysfunctional system, publishing their findings, along with Ames Alexander (Charlotte Observer) and Kelan Lyons (NC Policy Watch) e

Although these issues were tediously addressed in 23 cv 000553, Judge Sasser deemed the Complaint "frivolous". This is yet another of his "Clearly Erroneous Decisions", in the same pattern as his rulings in 16 CRS 7232, The Judicial Bias (For the State), and Judicial Abuse of Discretion is still prevalent in Judge Sasser's conduct. Due to the premature dismissal of this civil action, Complainant has been denied the right to civil redress; the right to access the court; the right to be free from Cruel and Unusual Punishment (due to Judge Sasser's ignoring of request for Injunctive Relief to end overcrowding); and the denial of Due Process and Equal Protection of the Law.

RELIEF SOUGHT

Pursuant to the disposition of In re Peoples, 1978, 250 S.E. 2d 890, 296 NC 109, Judge Sasser has exhibited "Willful misconduct in office" and the established record of proceedings 16 CRS 7232 and 23 cv 000553 authenticates "malpractice in any office" as used in constitutional provisions, disqualifying from office any person who has been adjudged guilty of corruption or "malpractice in any office".

Wherefore, Complainant respectfully requests a comprehensive review of Judge Sasser's decisions in 16 CRS 7232 and 23 cv 000553, not to decide matters of law, but rather, to establish Judge Sasser's propensity and pattern of "Clearly Erroneous Decisions", biased for the State, and to establish Judge Sasser's definition of frivolous, in order to set the record as to his sense of discretion in making these rulings.

Finally, Complainant contends the Judge Sasser should have recused himself from addressing Complainant's civil action, based upon his bias and conflict of interest due to the criminal case 16 CRS 7232, and subsequent M.A.R. currently under review.

DECLARATION

I, James O. Bradley, hereby declare, under penalty of perjury, that the preceding Complaint is true and correct to the best of my information and belief. Due to my indigency and inaccessibility, I am unable to provide this tribunal with copies of criminal case 16 CRS 7232, the respective M.A.R., nor civil action 23 cv 000553. However, I adjure this Commission to obtain and review these instruments in order to give context to the allegations of "Clearly Erroneous Decisions"; "Judicial Bias"; and "Abuse of Discretion".

Again, I reiterate that my purpose is not to obtain decisions of law, but rather, to illustrate the "willful misconduct" of Judge Douglas B. Sasser, and to have his dishonorable conduct established and addressed accordingly. This man wields tremendous power and authority over many lives. For him to callously abuse this privileged position is evil, corrupt and unconscionable in any office, and in any capacity.

Humbly submitted this 14th day of June, 2023

151 James O. Bradley
James O. Bradley; DECLARANT
4600 Swamp Fox Hwy. West
Tabor City, N.C. 28463

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA

FILE NO. 23 CV 000553

JAMES O. BRADLEY, et al)

Appellant)

V.)

GOV. ROY COOPER, et al)

Respondents)

PETITION FOR DISCRETIONARY REVIEW

Pursuant to N.C.G.S. § 7A-31

NOW COMES The Petitioner/Appellant, James O. Bradley, respectfully petitioning the Supreme Court of North Carolina to certify for discretionary review the judgment of the Court of Appeals. In actuality, no judgment was issued, but rather a letter from the Appellate Clerk, Arquatia Carter, stating that "No action will be taken on the notice of appeal." This letter is dated 26 June 2023. In support of this petition, Petitioner/Appellant shows the following:

1) Due to the fact that the Appellate Clerk chose not to forward the Notice of Appeal to the actual Justices, for review, Appellant's right to appeal, pursuant to N.C.G.S. § 7A-28, was abrogated. This constitutes violations of Appellant rights pursuant to U.S. Const. Am. 4, 5, 6, 8, and 14; N.C. Const. Art. I. §§ 1, 3, 18, 19, and 25; and other relevant Federal/State Codes, Statutes, and Common Law decisions; and

2) The Supreme Court of the United States, Office of the Clerk has succinctly stated, "Your case must first be reviewed by . . . the highest state court in which a decision could be had 28 USC 1257." Since the NC Appellate Clerk provided a letter, SCOTUS does not recognize it as an actual ruling/judgment.

FACTS

Petitioner filed a civil lawsuit 23 CV 000553 in the Superior Court of Columbus County June 8, 2023. The Honorable Judge Douglas B. Sasser judged the matter as frivolous, on the "Petition to Proceed as an Indigent", and dismissed the civil action on June 7, 2023, before it had even been filed. Since the lawsuit involves acts of egregious overcrowding and a dysfunctional grievance system, no reasonable fact finder could find the pleadings as "frivolous".

Petitioner filed a Notice of Appeal June 19, 2023, and a complaint with the NC Judicial Standards Commission, regarding Judge Sasser's "Clearly Erroneous" ruling. On June 26, 2023, the NC Appellate Clerk sent a letter stating, "No action will be taken on the notice of appeal." Petitioner prepared and file a Petition for a Writ of Certiorari with the Supreme Court of the United States on July 19, 2023, with instructions to allow the State's highest Court to adjudicate this issue.

REASONS WHY CERTIFICATION SHOULD ISSUE

1) Any factfinder will see the existence of a claim of "overcrowding", and the host of ancillary claims predicated upon, and coexistent with the primary claim. The Supreme Court of the United States has set a firm precedent by its own rulings. Tyler v Hennepin County Minnesota, 143 S. Ct. 1369 (2023) (On a motion to dismiss for failure to state a claim, the court takes the facts in the complaint as true). See also Wood v. Moss, 572 U.S.

744 (2014) (same); Ashcroft v. Iqbal, 556 U.S. 662 (2009) (same); Erickson v. Pardus, 551 U.S. 89 (2007) (same); as well as several other identical rulings. North Carolina allows Superior Court Judges to make these decisions sua sponte, as a "Frivolous Test".

The Court of Appeals North Carolina declined to take any action on the matter. The Clerk of Appellate Court, Arquatia Carter, made this decision by letter, not by Order. In this letter she cites "Please consult an attorney...." Petitioner specifically requested Counsel and submitted a "Petition to Proceed as an Indigent." Since the NC. Court of Appeals recognized the Petitioner's need for counsel, they should have appointed counsel.

2) Judge Sasser erred in his judgment of Plaintiffs' Claim as "frivolous". A reading of the pleadings will show that nothing about these claims are "Frivolous". Judge Sasser made this "Clearly Erroneous" decision to abrogate Plaintiffs' access to the Courts, and this exacerbates the egregious conditions within the Complaint, while protecting the Respondents, allowing them time to preempt further civil action. Whether purposeful or not, Judge Sasser violated the Judicial Code of Conduct and Petitioner placed a complaint against this judge, with the NC Judicial Standards Commission, citing Judicial Bias/Misconduct/Abuse of Discretion for his "Clearly Erroneous Decisions" in both this civil action 23 CV 000553, and Petitioner's criminal case, 16 CRS 7232.

3) Judge Sasser's and NC Court of Appeals' decisions are blatant violations of U.S. Constitution Am. 4, 5, 6, 8, and 14; N.C. Const. Art. I §§ 1, 3, 18, 19, and 25; as well as other relevant Federal/State Statutes and Common Law decisions.

ISSUES TO BE BRIEFED

- 1) Liberally construed, does Petitioner's/Plaintiffs' civil action state a claim upon which relief can be granted?
- 2) Did the Honorable Judge Sasser erringly rule 23 cv 000553 as "Frivolous"?
- 3) Did the NC Court of Appeals err in taking note of 23 cv 000553, yet taking no action on appeal?
- 4) Does Plaintiffs' Complaint constitute a Class, as averred in the pleadings?
- 5) Does the denial of Plaintiff's Complaint, in Superior Court, and denial of right to appeal, by the NC Court of Appeals, violate U.S./N.C. Constitutional Provisions?
- 6) Will this Supreme Court of North Carolina make determination of which rights were violated, and in which ways were these violations made?

Should this Supreme Court of North Carolina certify this Petition For Discretionary review, the aforementioned questions pertain to the record presented here and in the Civil Action 23 cv 000553.

Submitted this 25th day of July, 2023.

James O. Bradley
Petitioner

DECLARATION

28 USC 91746

I, James O. Bradley, the Petitioner, hereby declare that the statements within this Petition for Discretionary Review are true and correct to the best of my information and belief.

Submitted this 25th day of July, 2023.

15 James O. Bradley
James O. Bradley, PETITIONER
4600 Swamp Hwy. West
Tabor City, N.C. 28463



State of North Carolina
Inmate Grievance Resolution Board
4207 MAIL SERVICE CENTER
RALEIGH, NC 27699-4207

Roy Cooper
Governor

Kimberly D. Grande
Executive Director

Members
David W. Addison, Esq.
Robert E. Campbell, Esq.
Phyllis S. Leary
Travis F. Ellis, Esq.
Carlton B. Joyner

Feb 23, 2023

BRADLEY, JAMES O(#0041676)
4885
TABOR CI

Re: Facility Concerns/Supervision

Dear Mr. Bradley,

Your recent correspondence and rejected grievance addressed to the official listed above has been forwarded to me for review. The Inmate Grievance Resolution Board is in agreement with you that your grievance should have been processed consistent with the Administrative Remedy Procedure guidelines. Therefore, we are sending your rejected grievance to the Superintendent's designee requesting that it be processed via the Administrative Remedy Procedure guidelines. We hope this information is useful to you.

Sincerely,

GRANDE, KIMBERLY D.
Electronic Signature

cc: File/CTS

NC prison staffer sounds alarm on overcrowding, neglect of basic prisoner health and safety

Email describes disturbing, inhumane conditions at Scotland Correctional Institution

By: Kelen Lyons - September 27, 2023 6:40 am



Scotland Correctional Institution, one of the largest prisons in North Carolina. Photo: Google Earth

A prison so packed that people on suicide watch are sleeping in 5-by-5-foot holding cages. A disabled Vietnam veteran sent to segregation after his peers attacked him. Incarcerated people spending months in solitary confinement, not because of misconduct inside the prison, but because they're waiting for a bed to become available elsewhere.

These were among the conditions of confinement described by a prison employee in an email shared with NC Newsline.

"This is not a good situation, and until someone in Raleigh comes down and really pays attention to us, I'm afraid it's going to get worse, and something is going to break!" the email reads.

The message details the realities of living and working at Scotland Correctional Institution in Laurinburg, one of the state's largest prisons that holds more than 1,700 men — and a facility where five people died between January and April of this year.

NC Newsline has confirmed that the author of the email works for the prison system, but is withholding their name because they are afraid of retribution.

A spokesperson with the Department of Adult Correction told NC Newsline the agency is "not going to respond to anonymous allegations," but acknowledged that the staffing shortage detailed in the email is "something we've been quite up front about for the past several years, and something that is being experienced by virtually every state corrections agency in the country."

The allegations are similar to reports received by Disability Rights North Carolina, a Protection and Advocacy System agency that monitors conditions in North Carolina prisons to protect incarcerated people with disabilities, including mental illnesses, traumatic brain injuries and intellectual disabilities.

"The email aligns perfectly with everything that I've heard from people in listening sessions, as well as one-on-one conversations in other accounts of people's experiences in solitary confinement in our state's prisons," said Craig Waleed, project manager for the Unlock the Box Campaign Against Solitary Confinement at Disability Rights NC.

Sick and elderly prisoners

The employee wrote in their email that many sick and elderly people imprisoned at Scotland Correctional are eligible for parole, but they "are repeatedly overlooked or denied, keeping that burden on the state and taking up bed space and resources."

The only people eligible for parole in North Carolina are those who committed their crimes before Oct. 1, 1994. Ben Finholt, director of the Just Sentencing Project at Duke University Law School's Wilson Center for Science and Justice, said attitudes about parole have changed significantly over

the past few decades, and parole denials like those alleged in the email are common.

"Parole just became less favored after the 'tough on crime' period of the 1990s," he said. "The way it happens in North Carolina feels especially like a 'pass over.' In many states, you have an actual hearing every time you're up for parole. But for people who committed their crimes as adults in North Carolina, if they're getting rejected at each review, all they get is a letter."

According to the email, some incarcerated people are so ill that granting them medical release is "the only humane solution, but the conditions of medical release are so strict and are worded so that, basically they say if you've ever been to prison, you're disqualified."

As an example, the employee recounted the experience of Jonie Brendle, a 75-year-old white man more than three decades into a life sentence for second-degree murder. In 1987, in Surry County, Brendle shot his wife and her boyfriend and turned his gun at his son, who returned fire. The prison employee wrote that Brendle had served four tours in Vietnam and returned to the U.S. "broken." Brendle's cousin later told the employee that Brendle called him during the shooting; Brendle had been speaking "military talk" and wasn't making sense. Brendle ultimately tried to get the police to kill him, the employee said in the email, but he survived, suffering a shattered back and numerous medical issues that still affect him today.

Now Brendle is in a wheelchair and has a catheter bag. He needs an orderly for "every basic need," the employee wrote.

As NC Newsline has reported, age and disability can make people targets of violence perpetrated by younger, stronger incarcerated people. Brendle was sent to solitary after he was attacked by fellow incarcerated people in August. There, the employee wrote, he had no one to help him shower or change his adult diaper. When employee went to see him, Brendle was "lying in his own filth." The cell smelled like urine as Brendle babbled to himself.

"Mr. Brendle is a textbook case of who should be granted parole, or at least Medical leave," the prison staffer wrote. "He served his country. He came home, very likely suffering from PTSD, but nobody talked about it that much back then, or in the '80s when he committed his crime. He has a family that will look after him."

And yet he remains imprisoned.

According to state records, Brendle has had one infraction since first going to prison in 1989. It was in 1996, and it wasn't for a violent act. He had disobeyed an order and was written up.

Parole options remain extremely limited

State legislators expanded the qualifications for medical release in the budget they passed last week. They widened the age range of people who are eligible for the "geriatric" category of that form of supervision, lowering it by a decade to include those age 55 and older. They also changed the policy so that people who are so ill that they pose "no risk or low risk" to public safety are eligible; before, they needed to pose "no" risk.

"It's a really high bar. It's an incredible barrier," said Yvette Garcia Missri, the Wilson Center's executive director, said of the old standard, but the recent changes will make more people eligible for supervised release.

According to figures provided by the Department of Adult Correction, 59 people were referred for early medical release in 2019. Forty-six wound up being ineligible under state law either because of the severity of their crime or because their medical ailment didn't rise to the level of eligibility; eight people wound up getting released.

Last year, 67 people were referred for medical release. Three were denied by the Parole Commission, nine were released and six died while their case was pending.

"[Medical release has] always been meant for people who are very ill or frail and who don't pose this risk, and really need to be out so that they can be with their families and die at home rather than dying in a prison, alone and without their families," she said.

Reducing the number of people in prison who are seriously ill will save the state a huge amount of money. Garcia Missri said the sickest, oldest people in prison cost the state up to a million dollars a year.

"These are folks that are going to be covered by Medicaid or Medicare when they get out of prison," Garcia Missri said, "and are likely to have to live with their families because of the very strict medical release plans that are necessary in order to be released."

Brendle likely had been eligible for medical release before the change passed last week, and he remains eligible now.

"There is absolutely a case to be made here," Garcia Missri said of Brendle.

Facilities that are understaffed and overcrowded

Keeping people like Brendle in prisons leads to overcrowding at facilities like Scotland Correctional, the employee wrote. Scotland Correctional is so beyond its capacity, the employee wrote, that people on suicide watch are sleeping in 5-by-5 "holding cages," while some others "are on the concrete floor in the rec cages of the restricted housing unit, because we don't have beds for them."

Waleed said the prison system uses different names for solitary confinement — segregation, medical custody, protective custody, restrictive housing — but the conditions essentially mean the same thing: someone locked in a cell, alone.

"No contact with other incarcerated people, minimal and low-quality contact with security staff or health care staff," Waleed said. "Also, limited or lack of opportunity to get out of the room or have showers."

The employee's email also said that Scotland Correctional admits people at a higher rate than it releases them. The facility receives people from county jails, the employee wrote. Scotland Correctional puts those new admissions in solitary, where they can wait for months until a bed becomes available.

That also aligns with reports received by Disability Rights NC, said Susan Pollitt, a supervising attorney with the organization.

"We've heard of people being placed in solitary confinement cells because a general population bed is not available," she said. "They're being held in solitary confinement for no reason at all."

It has become so crowded at Scotland Correctional that the prison's gym has become "a makeshift dorm," the employee wrote in their email, where 50 people share a single toilet and a single shower.

"It is creating a situation where the offenders — who FAR outnumber us — are becoming increasingly irate, and staff are suffering burnout," the employee wrote.

"That's been on our radar for a while," Pollitt said of the dorm at Scotland.

That overcrowding comes at a time of pervasive staffing shortages of prison employees across North Carolina.

"All the hiring incentives are not enough to get people in and adequately trained at a rate that is comparable to the rate at which people are entering the prison system, while releases are stagnant," the employee wrote. "I hope you will consider these issues, as nobody else in a position to do anything seems to care. Out of sight, out of mind, right?"

It isn't new for the prison system to transfer incarcerated people to different facilities, Pollitt said. But what is new is the Department of Adult Correction closing housing units because of systemic understaffing. Staff vacancy rates range from 30% to 70%, depending on the prison, and the prison system is forced to close units to consolidate where people are incarcerated. That means incarcerated people can be sent to prison that aren't equipped to accommodate people with disabilities.

"For instance, they don't have shower chairs, they don't have toilets that they can access," Pollitt said. "It's creating crisis situations for people who are living in the prisons and for people who are working in the prisons."

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