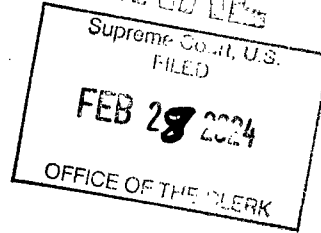


23-6911

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

Jeremiah Moore — PETITIONER
(Your Name)

VS.

Ms. Durand et al. — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

UNITED State District For Eastern District of PENNSYLVANIA And
THird Circuit U.S Court OF APPEALS

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

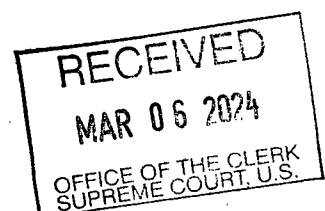
☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____, or

☐ a copy of the order of appointment is appended.

Jeremiah Moore
(Signature)



**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, JEREMIAH MOORE, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>1,200.00</u>	\$ <u>N/A</u>	\$ <u>1,200.00</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Interest and dividends	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Gifts	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Alimony	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Child Support	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Unemployment payments	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Public-assistance (such as welfare)	\$ <u>250.00</u>	\$ <u> </u>	\$ <u>250.00</u>	\$ <u> </u>
Other (specify): <u> </u>	\$ <u>N/A</u>	\$ <u> </u>	\$ <u>N/A</u>	\$ <u> </u>
Total monthly income:	\$ <u>1,450.00</u>	\$ <u> </u>	\$ <u>1450.00</u>	\$ <u> </u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>GIANT</u>	<u>141 Swedford RD</u>	<u>October 2023</u>	<u>\$ 1,200</u>
	<u>Exton PA</u>		<u>\$</u>
			<u>\$</u>

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>\$ N/A</u>
			<u>\$</u>
			<u>\$</u>

4. How much cash do you and your spouse have? \$ 60.00
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
<u>N/A</u>	<u>N/A</u>	<u>\$ 00.00</u>	<u>\$</u>
		<u>\$ 00.00</u>	<u>\$ N/A</u>
		<u>\$ 00.00</u>	<u>\$</u>

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

<input type="checkbox"/> Home	<input type="checkbox"/> Other real estate
Value <u>N/A</u>	Value <u>N/A</u>

<input type="checkbox"/> Motor Vehicle #1	<input type="checkbox"/> Motor Vehicle #2
Year, make & model <u>N/A</u>	Year, make & model <u>N/A</u>
Value <u>N/A</u>	Value <u>N/A</u>

<input type="checkbox"/> Other assets
Description <u>N/A</u>
Value <u>N/A</u>

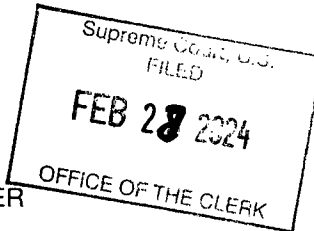
23-6011

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



JEREMIAH MOORE

(Your Name)

— PETITIONER

vs.

Ms. Durand et al.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES APPEALS For Third Circuit

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

PETITION FOR WRIT OF CERTIORARI

JEREMIAH MOORE

(Your Name)

317 S. 1st AVE

(Address)

COATESVILLE PA 19320

(City, State, Zip Code)

267 278 1962

(Phone Number)

QUESTION(S) PRESENTED

- 1) IF YOU WRITE TO A PRISON OFFICIAL AND EXPLAIN TO THEM YOUR SERIOUS MEDICAL NEED DUE TO THE AGGRAVATION OF (SECOND HAND SMOKING / ETS) YOUR PRE-EXISTING ILLNESS (ASTHMA), AND THEY SHOW DILIBERATE INDIFFERENCE TO PROVIDE RELIEF TO MY MEDICAL NEED... IS THAT A VIOLATION OF 8th AND 10th AMENDMENT OF U.S CONSTITUTION?
- 2) IF YOU WRITE TO A PRISON OFFICIAL AND EXPLAIN TO THEM THAT YOU HAVE CHRONIC ASTHMA AND THAT WHEN YOUR CELLMATE SMOKE THE SMOKE TRIGGERS YOUR ASTHMA (INCREASING YOUR ASTHMATIC CONDITION AND ASTHMA ATTACKS), YOU REQUEST FOR A CELL CHANGE BUT YOU ARE RECEIVING UNREASONABLE NEGLECT WHICH VIOLATE YOUR CONSTITUTIONAL RIGHTS... HAS THAT PRISON OFFICIAL BEEN PROVIDED WITH KNOWLEDGE OF MY PERSONAL INJURY?
- 3) ARE DEFENDANTS K. GORBER, K. OWENS, D. VARNER ACCOMPLICES IN THE DILIBERATE INDIFFERENCE ACTS TO THE VIOLATION OF PLAINTIFF 8th AMENDMENT RIGHT OF CONSTITUTION?
- 4) IF SOMEONE EXERCISE THE POWER RESERVED TO THEMSELVES IN THAT THEIR PURPOSE IS TO RELIEVE THEMSELVES FROM THE SITUATION AND CIRCUMSTANCE OF AFFLICTION, PAIN, SUFFERING, DISTRESS AND THESE IN POWER TO GRANT RELIEF, NEGLECT TO PROVIDE THEM RELIEF DUE... IS IT A VIOLATION OF 10th AMENDMENT RIGHT OF POWER RESERVED TO THE PEOPLE?

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Department of Corrections

SCI - Phoenix

Ms. Durand, K. Owens, K. Sorber

The Chief Secretary's Office of

Inmate Grievance and Appeals, D - Varner

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APPENDIX A	Decision of 3 rd circuit Appeals For Rehearing
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APPENDIX F	Appeal For 3 rd circuit U.S Court
APPENDIX G	Amended Complaint U.S Eastern District Court
APPENDIX H	Original Complaint U.S Eastern District Court

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

☒ reported at LAW.JUSTIA.COM; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 7/4/202 8/1/2023.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 12/4/2023, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) Eighth Amendment of Constitution Right Violation
Cruel AND UNUSUAL Punishments Inflicted
- 2) TENTH Amendment Violations
Powers Reserved To People
- 3) Fifth Amendment of Constitution Right Violation
Deprivation of Life, Liberty.

Statement Of The Case

A Tort was committed against me by the Department Of Corrections State Corrections Institution Phoenix in that after being housed with a cellmate who smoke cigarettes; I was exposed to **ETS**. This **Second Hand Smoke** causes my chronic illness (**being asthma**) to trigger more often than usual, and increase me having asthma attacks; inflation and inflammation of the lungs, disrupt my sleep suffer to breathe, etc. I brought the housing unit manager on board and requested for a cell change to cell up with a non smoker to be relieved from that torture. Ms. Durand said that she would move me but she never did after numerous request via paper request forms, I then filed a grievance via prison grievance system notifying the grievance officer (K. Owens) of my issue in request for relief due to my medical issue, My grievance was denied and my medical issue was ignored. I filed a grievance appeal notifying the grievance appeal officer (K. Sorber) of my issue, my grievance appeal was also denied and my medical issue was ignored; I became distressed. I filed a appeal to the final appeal grievance officer (D. Varner), my final grievance was denied. I was in severe distress feeling as if i was left for dead, left to suffer; pure torture. I was left with the scars of abuse, degraded, rape; my dignity was taken away from me Therefore I filed a 1983 civil complaint to be compensated and seek punitive damages from the **Tort/Neglect of duty of care** committed against me by the prison officials because they have surpressed my voice and cry for help in a perilous time being the pandemic of covid 19 when **fear of life became a factor and my chances of death was a high rating because of this neglect toward my medical condition**. My need for health was neglected and medical relief was denied. **NO ONE ACKNOWLEDGED MY MEDICAL NEED**. Therefore I Cried For The Voice Of The Constitution Of The To Speak For Me. That 1983 civil complaint was denied being dismissed with prejudice and without prejudice; with prejudice for failure to state a claim, with out prejudice for failure to state a claim and lack of subject matter jurisdiction. Therefore i filed a amended complaint, that to was dismissed with prejudice for failure to state a claim and without prejudice for lack of subject matter jurisdiction. I then filed a appeal and that appeal was found that the district court had erred in dismissing my original complaint and was affirmed impart and vacated impart and remanded for further proceedings for claims stated against Ms. Durand and vacated the claims against K. Owens, K. Sorber, D. Varner. I then filed a rehearing for the vacating defendants in that they each had knowledge of my personal injury via grievance, grievance appeal, final grievance appeal which are attached to original complaint They all showed the same deliberate indifference as Ms.Durant. That petition for rehearing was denied therefore I am appealing to the Supreme Courts of the United

States That K.Owens, K. Sorber, D. Varner may be acknowledged as legal defendants and be appointed as defendants to answer to the tort and claims brought against them as defendant Ms. Durant. That they may be held accountable for The violations of My Constitutional right which is the vehicle of my original complaint.

Date: _____

PRINT: _____

Signature: _____

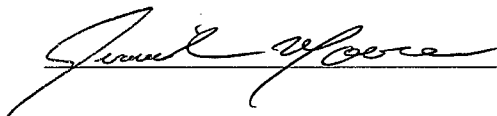
REASONS FOR GRANTING THE PETITION

The petition should be granted because the facts are True: I did suffer to breathe , I have a history of chronic asthma which is on file with the prison upon entering the jail. Second hand smoke did increase my asthmatic attacks and my chances of death in the time of the covid pandemic. My airways was closed up to 65 to 75% of my breathing ability, about 85% of the time spent in the cell during a 6-7 month stay at the prison, my lungs was inflated, Second hand smoke did cause my sleep to be disrupted. I did do everything in my power to obtain medical relief. I did notify the prison officials of my personal injury, I was denied medical relief by each prison official, Each prison official did act with deliberate indifference and it is recorded upon the original complaint via exhibits. My 10th amendment was violated, my 8th amendment was violated, my 5th amendment was violated, my 1st amendment was violated. I did suffer to breath, I was in great distress, I was degraded, Each defendant did create this tort and act with deliberate indifference and neglected their duty of care, Each named prison official was the cause of my suffering, torture, pain agonyfear, emotional distress, degradation, mental and emotional abuse.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Janet Y. Gera", is written over a horizontal line.

Date: 2-28-2024