

No. 23 - 6930

FILED
FEB 14 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Anthony B. Williamson — PETITIONER
(Your Name)

vs.

Dexter Payne, Director ADC — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals, For The Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony B. Williamson
(Your Name)

Varner Supermax, P.O. Box 400
(Address)

Grady, Ark. 71644
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

If Petitioner Shows merit in his claim of retaliation does United States Supreme Court precedent demand review of his claim in the lower court by grant of a Certificate of Appealability?

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:

RELATED CASES

TABLE OF AUTHORITIES CITED

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A United States Court of Appeals, Eighth Circuit Order October 4, 2023

APPENDIX B United States District Court Order April 11, 2023

APPENDIX C United States Court of Appeals, November 20, 2023 Denial of Rehearing

APPENDIX D United States District Court Magistrate Judges recommended disposition November 21, 2022

APPENDIX E Circuit Court of Lincoln County, Arkansas Order October 7, 2019

APPENDIX F

EXHIBITS

Exhibit - A - Prison Major Disciplinary Report

Exhibit - B - Defendants Responses to Plaintiff's Request For Documents

Exhibit - C - Defendants Responses to Plaintiff's Request For Documents

Exhibit - D - Defense Counsel's Letter To A. Williamson informing him federal charges were dropped

Exhibit - E - Federal Detainer for Criminal drug indictment

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

For cases from **federal courts**:

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

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 is unpublished.

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

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 is unpublished.

For cases from **state courts**:

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

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

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

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

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 4, 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: November 20, 2023, and a copy of the order denying rehearing appears at Appendix C.

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

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

For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amend. I; XIV; V.

42 U.S.C. § 1983

28 U.S.C. § 2253 (c)

STATEMENT OF THE CASE

After i refused to cooperate with prison official Major B. Carroll's investigation, into who broke out a window and removed a security bar and exited the barracks i was assigned too. Major Carroll framed me with the incident (Exhibit A) by falsifying a disciplinary report after a lengthily investigation, and placement in punitive isolation pending the outcome. On June 10, 2019 i was found guilty by the disciplinary hearing officer on four out of six charges. In spite of the fact i informed the hearing officer, before and during the hearing there was no such video to prove i committed the act. A timely administrative appeal was taken and denied (Appendix E); thereafter i filed a timely petition for judicial review in the Lincoln County Circuit Court. Where it was denied with prejudice for failing to state a claim upon which relief may be granted (Exhibit's B-C). After rejecting my request to produce the video evidence relied upon by the hearing officer to find me guilty. As a result of this fabricated disciplinary, a federal grand jury investigation ensued upon the facts drugs were found on the prison compound surrounding the incident. And based upon Major B. Carroll's fabricated disciplinary report the federal Grand Jury found probable cause to unseal an indictment against me on February 8, 2022 (Exhibit E). That came abruptly to an end once i received the opportunity to personally address the Court and explain Major B. Carroll's disciplinary report was in fact a falsified document (Exhibit D) that there is no video evidence. From which the federal prosecutor would confirm by requesting said evidence from the ADC to no avail. And is the evidence from which i seek to overturn my disciplinary convictions on a federal writ of habeas corpus (Appendix I). Where the federal Magistrate construed my petition as a § 1983 and addressed the merits, but made a finding i had no "potentially viable" claims under said statute and it be dismissed with prejudice and

to deny me a C.O.A. (Appendix B). From which the district Court adopted (Appendix A) and the Eighth Circuit Court of Appeals denied my application for a C.O.A. Where i now seek review of that decision from this Court on Writ of Certiorari.

REASONS FOR GRANTING THE PETITION

I have steadfastly maintained there was no video evidence to prove me guilty of the disciplinary charges; confirmed by a federal prosecutor's efforts to obtain such evidence as the only evidence to prove her charge against me. See *Burnsworth v. Gunderson* 179 F.3d 771 (9th Cir. 1999). And that Major B. Carroll's actions to charge me with such a disciplinary was in fact an act of retaliation for exercising my Fifth Amend. right to remain silent during his investigation. See *Sprouse v. Babcock*, 870 F.2d. 450 (8th Cir. 1989).

Recommended Disposition

The Appeals Court abused its discretion, when it denied my application for a C.O.A. on that facts there was no evidence and proof of retaliation (Appendix D)-Page 5). These facts were highlighted in a timely written objection pointing out the mistake made by the magistrate in his findings. "That the disciplinary had already been filed when Mr. Williamson elected not to testify." When in fact and i have shown the incident occurred on May 18, 2019, the date from which i was placed in punitive isolation pending an investigation and interrogated by Major Carroll (Appendix A). Before he would decide to manufacture video evidence to place me at the scene of the incident in a disciplinary sixteen days later on June 3, 2019, all because i exercised my right to remain silent. See Fifth Amend.

To remain silent during questioning by State Correctional officials on matters of potential criminal consequence, is a federal right protected by the Fifth and Fourteenth Amend.

⁴ Filing of a disciplinary charge against an inmate, although otherwise not actionable under § 1983, is actionable under § 1983 if done in retaliation for his having filed a grievance pursuant to established procedures; prison officials cannot properly bring a disciplinary action

against an inmate for filing a grievance that is determined by those officials to be without merit any more than they can properly bring a disciplinary action against an inmate for filing a lawsuit that is judicially determined to be without merit."¹¹ *Sprouse v. Babcock*, Supra. There is no difference in Sprouse rights under the due process clause and my rights to exercise the Fifth Amend to remain silent, without the threat of retaliation. See *Freeman v. Rideout*, 808 F.2d 949, 951-52 (2d Cir. 1986).

In *Williams v. Taylor*, 529 U.S. at 434, 120 S.Ct 1479, 146 L.Ed.2d 435 (2000). This Court held, to obtain a C.O.A under § 2253(c), a habeas prisoner must make a substantial showing of the denial of a Constitutional right. A demonstration that, under Barefoot, includes showing that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further. *Barefoot*, Supra, at 893, And n. 4. 103 S.Ct. 3383 (summing up the substantial showing standard).

I did file my petition under the wrong statute, but in doing so the Magistrate Construed my habeas petition as a § 1983 and addressed the merits. However, Within the Magistrate's findings in fact were in error and as result made his decision grossly unreasonable and a C.O.A must be granted by this Court's precedence and the true facts and evidence presented to the Court of Appeals and herein.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arthur Miller

Date: February 14, 2024