

No. 23-6996

23-6996

IN THE

SUPREME COURT OF THE UNITED STATES

Brian Anderson Pro Se — PETITIONER  
(Your Name)

Supreme Court, U.S.  
FILED

FEB 28 2024

OFFICE OF THE CLERK

vs.

Warden, Jeff Long — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S., Court Of Appeals ( 10TH Cir. )  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Brian Anderson #64193 (64193)  
(Your Name)

S.C.F., P.O.Box 6000  
(Address)

Sterling, Colorado 80751

(City, State, Zip Code)

(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

(1). If a State Prison Warden refuses to obey a Court Order & refuses to obey the Governor & refuses to obey the Executive Director Of Colorado Prisons, does this Prison Warden qualify for Qualified Immunity?

(2). Is it required under the U.S. 8TH Amendment that a State Prison Warden that disobeys a Court Order & Governor & Executive Director Of Prisons causing the deaths of a minimum of seven inmates, two Correctional Officers & causing the Petitioner to have two Strokes & Lung damage . Is it required that this Warden personally know the Petitioner before the Warden can be classified as violating the U.S., 8TH Amendment ?

## 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

## **U.S., 8TH AMENDMENT CONST., VIOLATION.**

(1). Farmer V.Brennan 114 S.CT.1970(1994) Headnotes # 1,2,3,5,7,13. Judgement Entered  
\_\_\_\_ June-6-1994 .

(2). Helling V.Mckinney 113 S.CT.2475 (1993), Headnote # 3. Judgement Entered June-18-1993 .

(3). Al-Turki V.Robinson 762 F.3d 1185 (10Th.Cir 2014), Headnote #3. Judgement Entered  
August-12-2014 .

(4). Sealock V.Colorado 218 F.3d 1205 (10TH.Cir.2000) Headnote # 4. Judgement Entered  
July-11-2000 .

## **NO QUALIFIED IMMUNITY; WHEN LAWS VIOLATED:**

(1). Buckley V.Fitzsimmons, 113 S.CT.2606 (1993). Judgement Entered JuNe-24-1993 .  
(2). Hope V.Pelzer 122 S.CT.2508 (2002) Headnote # 4, Judgement Entered JuNe27-2002 .

## COURT ORDERS:

(1). Walker V.Birmingham, 87 S.CT.1824(1967), Headnote # 4. Judgement Entered  
June-12-1967 .

(2). Howat V.Kansas 42 S.CT.277 (1922) Headnote # 3 Judgement Entered March-13-1922

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## INDEX TO APPENDICES

APPENDIX A : U.S., Court Of Appeals (10TH.Cir.).

APPENDIX B : U.S., District Court, Denver, Co. NOTE. The Petitioner, only has (3) Pages of the U.S, District Courts Dismissal. The Petitioner went to the Hospital for Lung Damage in December, 2023 & the Guards lost the pages.

APPENDIX C : U.S., Appellate Court (10TH.Cir.) Petition for Rehearing.

APPENDIX D

APPENDIX E

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
(1). <u>Helling V.Mckinney 113 S.CT.2475 (1993),Headnote # 6 &amp; at 2481.</u> Page 5 .	
(2). <u>Hope V.Pelzer 122 S.CT.2508(2002)Headnote # 4,&amp; at</u> .	Page 5 .
(3). <u>Walker V.Birmingham 87 S.CT.1824(1967),Headnote # 3 &amp; at</u> .	Page 5 .

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## STATUTES AND RULES

## OTHER

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**

**[X] 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,  
[X] 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,  
[X] 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 December-11-2023.

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: January-3-2024, 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**

**(1). U.S., Constitutional 8TH Amendment.**

## STATEMENT OF THE CASE

A Court Ordered Consent Decree was agreed to by the Denver District Court Case # 20CV31823 & the partys involved.

The ACLU & Multiple Law Firms representing the Plaintiffs & the Colorado Attorney General representing, Defendants, Governor Jared Polis, & Executive Director Of Colorado Prisons, Dean Williams.

The Court Ordered Consent Decree pertained to Medical Procedures that were designed to prevent & control the spread of the Coronavirus. Warden, Jeff Long at Sterling Prison refused to obey the Court Order & apply the Medical Procedures designed to prevent & control the spread of the Coronavirus, causing a minimum of (7) Inmate Deaths, (2) Correctional Officers. And due to fear over (300) Correctional Officers quit.

And causing hundreds of Correctional Officers & over 1,000 Inmates to be infected with the Coronavirus. And causing approximately (25) Inmates to have serious injurys, including the Petitioner, Brian Anderson with (2) Strokes & Lung Damage.

The Petitioner filed a Civil Complaint to the U.S., District Court Denver, Co Case # 1:21-CV 03453-KLM.

On February-14-2023, U.S., District Court, Judge Kristen L. Mix dismissed the Petitioners Civil Complaint "stating" (1). The Pettitioner did not prove a U.S., 8TH Amendment Violation & (2). Warden, Jeff Long is entitled to Qualified Immunity. The U.S., Appellate Court 10TH.Cir. agreed with the U.S., District Conit.

On Pages ( 10,11 ) of Judge Kristen L. Mix Dismissal, the the Magistrate Judge "states" Warden, Long did not implement the Court Ordered Consent Decree.

Within the Court Ordered Consent Decree, Denver, District Court, Case# 20 CV31823, Page (2) # 8, Colorado Governor, Jared Polis & Executive Director Of Colorado Department Of Corrections, Dean Williams "states" they are conducting Audits of Facilities to ensure compliance with Covid-19 prevention policy, etc.

Warden, Jeff Long lied to the Governor & the Executive Director when he told them that Sterling Prison was in Compliance with the Court Ordered Consent Decree. But according to Judge Kristen L. Mix Pages ( 10, 11 ) within her February 14-2023 ORDER GRANTING MOTION TO DISMISS, Warden Long did not implement

the Court Ordered CoNsent Decree.

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8TH Amendment U.S.

HelliNg V.McKiNNey 113 S.CT2475, HeadNote # 6 & at 2481. INmates are entitled to relief uNder the 8Th Amendment wheN they prove the miNgliNg of iNmat-ees with serious **contagious** diseases with other iNmates.

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Qualified Immunity

Hope V.Pelzer 122S.CT.2508 (2002) HeadNote # 4 & at . Official action is protected by qualified immunity, uNless the very action iN question has beeN held uNlawful.

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Court Orders

Walker V.BirmiNgham 87 S.CT.1824 HeadNote # 4 & at . DisobedieNce to a Court Order coNstitutes coNtempt.

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## REASONS FOR GRANTING THE PETITION

Warden Jeff Long refused to obey the Court Order, the Governor & the Executive Director. Multiple Military Veterans incarcerated here were infected or injured or died. Terrorist incarcerated at Guantánamo Cuba, etc have more rights than U.S. Citizens.

The Petitioner, Brian Anderson is apologetic to the Honorable Court, for not being able to provide the complete Dismissal from the U.S. Court in Appendix B. The Petitioner contacted the Clerk of the U.S. District Court, for another copy of the Dismissal. But the Clerk " stated " it will, cost \$. Due to the Petitioner making only approximately \$ 9 per Month, the Petitioner could not afford it.

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## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

B. Anderson

Date: Feb- 28 - 2024