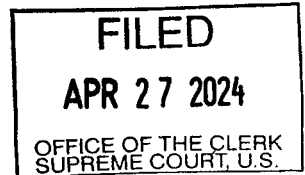


No. 23A664

23-7507



ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

Kenneth Allen Washington — PETITIONER  
(Your Name)

VS.

Rayl et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF INDIANA SOUTH BEND DIVISION  
UNITED STATES COURT OF APPEALS SEVENTH CIRCUIT, U.S. 9th Northern District of Indiana  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KENNETH ALLEN WASHINGTON  
(Your Name)

St. Joseph County Jail 901 W. Sample St.  
(Address)

South Bend, IN 46601  
(City, State, Zip Code)

NA  
(Phone Number)

(NO. 23 A669)

### QUESTION(S) PRESENTED

1. Do the United States District Court Northern District of Indiana Civil No. 3:20-CV-00461-PRL Judge Damon R. Leichty abuse his discretion or err in denying the Prose Plaintiff-Appellee Kenneth Allen Washington his Constitutional right Discovery TOOL "Production Rule 34 of the Federal Rules of Civil Procedure. Did above Judge violate Kenneth A. Washington rights under Federal Rule of Civil Procedure 26(b)(1) by denying him the CCTV video camera recordings that from the South Bend Police Station main lobby area from September 02, 2019, CCTV video camera recordings from outside of the St. Joseph County Jail entire parking lot area where arrest was made, St. Joseph County Jail main lobby area from September 02, 2019, the CCTV video camera recordings of the St. Joseph County Jail garage <sup>is</sup> where plaintiff-Appellee was carried an Deputy Nicholas Reppallie walked up to Kenneth A. Washington a planted a metal crack pipe into plaintiff appellee pants leg pocket, the CCTV video camera recordings from the vestibule lobby area from September 02, 2019 where plaintiff-Appellee was repeatedly choked while handcuffed behind his back sitting in a inmate restraint chair defenseless complying not resisting or being rude, the CCTV video camera recordings that views the entire booking intake area an CCTV video recordings of the hallway plaintiff was wheeled down an up where Capt. Olmstead office was on September 02, 2019, the CCTV video camera recordings of camera in ceiling outside of booking intake shower area that is next to inmate property room, CCTV video camera recordings of Booking Intake area Holding Cell 1 an padded cell, and the unaltered unedited original recordings of the St. Joseph County Jail Hand Held video camera recorder used in this case. Also All other Discovery requested in this case photos, medical records of Defendants, ~~see doc #1-270~~ See APPENDIX F.
2. ~~Did U.S.D.C. Judge Damon R. Leichty Abuse his discretion or err by granting the defendants motion For Summary Judgment in his OPINION AND ORDER doc #253 filed 04/19/2023 an doc #254 filed 04-20-2023 ~~which above judge relied on altered, edited video camera U.S.B. drive that the plaintiff-Appellee repeatedly signed sworn declaration an statements for that doc #128 filed 03-07-2022 an doc #129 filed 03-07-2022, and doc #215 was altered an edit. See doc #1-270~~~~ Did above Judge err an abuse his discretion by granting defendants motion For Summary Judgment doc #253 filed 04-19-2023 even tho the defendants didn't prove that there was no genuine issue as to any material fact and that the defendants was entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c) ~~because the plaintiff-Appellee disagree with every important issue see documents & doc #228 filed 11/02/2022, doc #276 filed 11/09-2022, doc #240 filed 11/15/2022. See doc #1-270. issue. See APPENDIX F~~
3. Did U.S.D.C. Judge Damon R. Leichty Abuse his discretion an err by deny the plaintiff Appellee his motions Requesting an Extension of Time to Appeal to U.S. C.A. 7th Circuit Court, See doc #259 filed 06-30-2023 see doc numbers 256-268. ~~See Sylvian, Rambo United States District Judge Court St. Louis, Plaintiff V. David Vucan, et al. Defendant Civil NO. 1:10-CV-1701 Magistrate Judge Harris. see doc #1-270~~ See APPENDIX D
4. Did U.S.D.C. Judge Damon R. Leichty, the United States Court of Appeals for the Seventh Circuit Abuse there discretion an err by deny the plaintiff-Appellee a chance to appeal in forma pauperis doc #266 filed 09-07-2023 See documents #263-265 270, and doc #260 filed 07-19-2023. See APPENDIX D, APPENDIX E
5. Did the U.S.D.C. ~~NO~~ abuse there discretion an err by not allowing the plaintiff-Appellee to appeal in forma pauperis doc # ~~256-270~~ 256-273. See November 13, 2023 Order, December 20, 2023 ORDER ~~UN. 11/13/23~~
6. ~~Is it legal for defendants to produce altered, edited, fake video recording evidence in a Civil Case 3:20-CV-00461-PRL-MGG on the record documents numbers: 128, 129 Filed 03/07-22 an doc #215~~

(Continued) x4

7. Did United States District Court Judge Damon R. Leicht Abuse his discretion an err in refusing to appoint counsel in U.S.D. /ND Civil No. 3:20-cv-00461-DRL-MGG see U.S.D.C. Northern District of Indiana documents numbers: ~~doc #4 filed 06-08-2020~~, doc #5 filed 06-22, 2020, doc #13 filed 07/23/2020, doc #15 filed 07-28-2020, doc #26 filed 08/07/2020, doc #91 filed 10/20/2021, doc #92 filed 10/22/2021, doc #97 filed 11/05/2021, doc #103 filed 11/12/2021, ~~see documents 1-278~~, also see 28 U.S.C. § 1915 (e)(1) ~~Montgomery v. Pinchak, 294 F.3d 492, 499 (3rd Cir. 2002), see Hendricks v. Cousin, 114 F.3d 390 (2d Cir. 1997). see Pacham v. Johnson, 126 F.3d 454, 461 (3d Cir. 1997)~~
8. Did The United States District Court Abuse Judge Damon R. Leicht Abuse his discretion an err by denying the plaintiff motions For Extension of Time documents numbers 258 Filed 06-126/2023, ~~doc #258 filed 06/26/2023~~ doc #258-1 Filed 06-26/2023, SEE CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED Number 3., See doc #258 filed 06-30-2023. SEE APPENDIX D

No. 23A669

**LIST OF PARTIES**

[ ] All parties appear in the caption of the case on the cover page.

[x] 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:

St. Joseph County Jail Deputy Sheriff Raven,  
St. Joseph County Jail Deputy Sheriff Mirrille  
St. Joseph County Jail Sgt. Zawtowski or Vawtowski  
Defendants - Appellees  
(NO. 23A669)

**RELATED CASES**

UNITED STATES COURT OF APPEALS FOR THE SEVENTH  
CIRCUIT NO. 23-2461

UNITED STATES SUPREME COURT NO. 23A669

## TABLE OF CONTENTS

|                                                        |   |
|--------------------------------------------------------|---|
| OPINIONS BELOW.....                                    | 1 |
| JURISDICTION.....                                      | 2 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED ..... | 3 |
| STATEMENT OF THE CASE .....                            | 4 |
| REASONS FOR GRANTING THE WRIT .....                    | 5 |
| CONCLUSION.....                                        | 6 |

(No. 23A669)

## INDEX TO APPENDICES

APPENDIX A United States Court of Appeals For The seventh Circuit November 13, 2023 ORDER  
IT IS ORDERED DENIED numbers 1, 2, and number 3.

APPENDIX B United States Court of Appeals For The seventh Circuit December 22, 2023 ORDER  
MOTION FOR RECONSIDERATION filed December 21, 2023. IT IS ORDER DENIED, and  
DOC # 260 filed 07-19-2023.

APPENDIX C United States District Court For The Northern District of Indiana South Bend Division  
Doc # 253 filed 04-19-2023 an Doc # 254 filed 04-20-2023 OPENION AND ORDER  
The court grants the defendants' summary judgement motion 210; signed on 04-17-2023, 04-2023.

APPENDIX D United States District Court For The Northern District of Indiana, South Bend  
Division Doc # 259 filed 06-30-2023 ORDER and Doc # 258 filed 06-26-2023. Doc #  
266 Inform Panperis

APPENDIX E United States Court of Appeals for the Seventh Circuit December 15, 2023  
order. FINAL ORDER PLRA C.A. 3 (6) an NOTICE OF MANDATE Dec. 15, 2023

APPENDIX F United States District Court For The Northern District of Indiana South Bend Division  
denied Plaintiff Kenneth A. Washington Discovery Tools such as all production of documents of  
St. Joseph County Jail CCTV video camera, an unaltered, unedited video camera recording and  
from South Bend Police Department in Indiana of relevant CCTV video records of main lobby  
entrance from September 02, 2019 an through September 09, 2019 of St. Joe, County Jail, see doc #  
1-279, which that Plaintiff have a right under Federal Rules of Civil Procedure 26(b)(1)  
an pre-trial procedure 26-37 eci, see Question(s) Presented number 1, see Constitutional And Statutory  
Provisions Involved Page 3, herein number 1, an Pages 1-4 herein,

TABLE OF AUTHORITIES CITED

CASES

N/A

PAGE NUMBER

NA

STATUTES AND RULES ~~NA~~

The Fourteenth Amendment *Miranda V. City of Lake*, 900 F.3d 335, 352 (7th Cir. 2018) (citing *Kingsley V. Hendrickson*, 576 U.S. 389(215). *Bell V. Wolfish*, 441 U.S. 520 (1979). *Miller V. Smith*, 220 F.3d 491, 495 (7th Cir. 2000). Fed.R. Civ. P. 56(a) ~~see~~ *Anderson V. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). *Ogden V. Atterholt*, 606 F.3d 355, 358 (7th Cir. 2010)

OTHER

NA

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.

(No. 23A664)

**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 NA; 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 NA; 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 NA to the petition and is

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

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

- ☐ reported at NA; 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 November 13, 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: December 22, 2024, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including May 13, 2024 (date) on January 22, 2024 (date) in Application No. 23 A 1269.

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 NA.  
A copy of that decision appears at Appendix NA.

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

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

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

(No. 23A669)

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

• Fourteenth Amendment *Miranda v. City of Lake, 400 F.3d 335, 352 (7th Cir. 2018)* (citing *Kingsley v. Hendrickson*, 576 U.S. 389 (2015)). *Bell v. Wolfish*, 441 U.S. 520 (1979). *Kingsley*, 576 U.S. at 398 (quoting *Bell*). *Miller v. Smith*, 220 F.3d 491, 495 (75<sup>th</sup> Cir. 2000), see USDC IN/NO case 3:20-cv-00461-DRL document number 75 Second Amended Pro Se Complaint filed 08/19/2021 all pages, see doc # 165 filed 05/05/2022, see doc # 166 filed 05/11/2022, see doc # 168 filed 05/16/2022, see doc # 228 filed 11/02/2022 Attachments: #1-5, see doc # 236 filed 11/09/2022, see doc # 210 filed 09-27-2022, see doc # 211 filed 09-27-2022, see doc # 212 filed 09-27-2022, see doc # 213 filed 09-27-2022, see doc # 214 filed 09-27-2022, see doc # 215 filed 09-27-2022, and see all documents number 1-275.

1. See page QUESTION(S) PRESENTED of this Petition for Writ of CERTIORARI herein. Under Federal Rule of Civil Procedure 26 (b)(1) Plaintiff-Appellee have a legal right to anything which is in any way "relevant to the subject matter involved in the pending action." *Hickman v. Taylor*, 329 U.S. 495 (1947). *Natural Resources Defense Council v. Curtis*, 189 F.R.D. 418 (D.D.C. 1999). *Alexander v. Rizzo*, 50 F.R.D. 374 (E.D. Pa. 1970). *Bench v. City of Olathe, Kansas*, 203 F.R.D. 489 (D. Kan. 2001). *King v. Lorde*, 121 F.R.D. 180, 190 (E.D. N.Y. Jan. 15, 1988). Pre-trial discovery, "Rules 26-37 Rules 26-37 of the Federal Rules of Civil Procedure." See USDC IN/NO case 3:20-cv-00461-DRL doc # 75 filed 08-19-2021, 165 filed 05-05-2022, see doc # 166 filed 05-11-2022, see doc # 169 filed 05/16/2022, see doc # 228 filed 11/02/2022, see doc # 236 filed 11/09/2022, see doc # 121 filed 02-18-2022, see doc # 114 filed 01/10/2022, see doc # 119 filed 02-07-2022, see doc # 122 filed 02-18-2022, see doc # 126 filed 03-01-2022, see altered-edited U.S.B. Drive doc # 127 filed 03-07-2022, see doc # ~~131~~ 131 filed 03-14-2022, see doc # ~~133~~ 133 filed 03-21-2022, see doc # 136 filed 03-22-2022, see doc # 141 filed 03/25/2022, see doc # 142 filed 03/28/2022, see doc # 155 filed 04-01-2022, see doc # 156 filed 04-01-2022, see doc # 156 filed 04-01-2022, see doc # 162 filed 04/21/2022, see doc # 163 filed 04-21-2022, see doc # 164 filed 04-21-2022, see doc # 168 filed 05/16/2022, see doc # 171 filed 05/23/2022, see doc # 172 filed 05/31/2022, see doc # 176 filed 06/06/2022, see doc # 177 filed 06-15-2022, see doc # 179 filed 06/22/2022, see doc # 180 filed 06-27-2022, see doc # 181 filed 07-05-2022, see doc # 182 filed 07-07-2022, see doc # 183 filed 07-12-2022, see doc # 185 filed 07/27/2022, see doc # 191 filed 08-11/2022, see doc # 192 filed 08-15-2022, see doc # 198 filed 08-26/2022, see doc # 199 filed 09-08/2022, see doc #

Also see: *Roman v. The City of Chi*, 20 C 1117 (N.D. Ill. Jan 06, 2023), see *Danbort v. Merrell Dow Pharmaceuticals, INC*, 509 U.S. 579, 1135, Ct. 2786, 125 L. Ed. 2d, see *AMW INVS. V. Town of Clarksville*, 23A-PL-508 (Ind. App. Jan 19, 2024), see *Brandenburg Indus. Serv. Co. v. Ind. Dept of State Revenue*, 26 N.E.3d 147 (Ind. Tax 2015), see *Amax Coal Co. v. Adams*, 597 N.E. 2d 350 (Ind. App. 1992) August 11, 1992, see *Koverock v. Mallus*, 660 N.E. 2d 638 (Ind. App. 1996) January 31, 1996, see *America Bldgs. Co. v. Kokomo Grain Co., Inc.*, 1506 N.E. 2d 56 (Ind. App. 1987) April 13, 1987, see *Auto. Club of N.Y., Inc. v. Port Auth. of N.Y. & N.J.*, Civ. 6746 (RKE) (HBP.) S.D.N.Y. Jan 04, 2014). See *Zimmerman v. Poly Prep Country Day Sch.*, NO. 09 CV 4586 (FB) (E.D.N.Y. April 13, 2011), see *Glassie v. Doucette*, C.A. No. NP-2019-0213, C/W C.A. NO. NC-2012-0261 (R.O. Super. Nov 06, 2020), see *Zielinski v. megg Mfg., Inc.*, case NO. 2:18-cv-05113-JDW (E.D. Pa. Nov 26, 2019), see *Scott v. Delaware Valley Regional Planning Commission*, 56 A.3d 40, 44 (Pa. Cm With. 2012).

2. See QUESTION(S) PRESENTED of this Petition for Writ of CERTIORARI herein. See rules and procedure for Summary Judgment in Rule 56 of the Federal Rules of Civil Procedure, see Fed. R. Civ. P. 56 (c), see ~~APPENDIX~~ INDEX TO APPENDICES: APPENDIX C, See Fed. R. Civ. P. 56 (c), (NOTE: Please Extra Writing Paper for Extra space needed CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED CONTINUED attached hereto.

APP. NO. 23A669 CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED (CONTINUED)

X1 pg.

Continued for Extra Space needed page 3 (Continued) See Scott, 550 U.S. at 378, 127 S.Ct. 1769 202-479-3000 TTY: 202-479-3472, See McKenna V. Edgell, 617 F.3d 432, 437-38 (6<sup>th</sup> Cir. 2010) (citing Champion V. Outlook Nashville, INC, 350 F.3d 893, 890 (6<sup>th</sup> Cir. 2004, see documents numbers: see documents 1-254, see documents 1 filed 06/08/2020, see doc# 19 filed 07-30/2020, see doc# 20 filed 07/30/2020, see doc# 90 filed 10/19/2021, see doc# 99 filed 11/09/2021, see doc# 127 filed 03-07-2022, see doc# 128 filed 03-07-2022, doc# 129 filed 03-07-2022, see doc# 75 filed 08-19/2021, see doc# 141 filed 03/25/2022, see doc# 142 03/28/2022, see doc# 155 filed 04/01/2022, see doc# 156 filed 04/01/2022, see doc# 164 filed 04-21-2022, see doc# 165 filed 05/05/2022, see doc# 167 filed 05/11/2022, see doc# 168 filed 05/16/2022, see doc# 169 filed 05/16/2022, see documents 210 filed 09/27/2022, see doc# 211 filed 09-27-2022, see doc# 212 filed 09/27/2022, see doc# 213 filed 09/27/2022, see doc# 214 filed 09/27/2022/ see doc# 215 filed 09-27-2024, see doc# 228 filed 11/02/2022 Attachments 1-5, see doc# 236 filed 11/09/2022, Also see Jerry T. Coble, Plaintiff-Appellant, City of White House, Tennessee and Curtis Carney Jr., Defendants - Appellees. NO. 09-6156. United States Court of Appeals, Sixth Circuit. Argued: Dec. 10, 2010. Decided and Filed: Feb. 11, 2011, 1634 F.3d 865, see Adickes V. S.H. Kress & Co., 398 U.S. 144, 157, 160 (1970); see also Curry V. Scott, 249 F.3d 493, 505 (6<sup>th</sup> Cir. 2001), see Federal Rule of Civil Procedure Rule 56(f), see Harris V. Tate, 440 F.2d 315, 318 (7<sup>th</sup> Cir. 1971),

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hereto

App. NO. 23A669 CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED (CONTINUED)

X2ps.

Continued for Extra space needed page 3 (Continued X2)

See *Slama V. City of Madera*, CASE NO. 1:08-CV-00810-AWT-SKO (E.D. Cal. sep 13, 2011, see *Klingele V. E. Kenberry*, 849 F.2d 409 9th Cir. 1988, see *Gage V. HSM Elec. Prot. Servs., Inc.*, 655 F.3d 821 Nitro Distrib., Inc. V. Alticor, Inc., 565 F.3d 417, 422 (8th Cir. 2009) (quoting *Matsushita Elec. Indus. Co. V. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986), see *Celotex*, 477 U.S. at 326 (citing Fed. R. Civ. P. 56F, see *Jacobs V. PT Holdings Inc.*, CASE NO. 8:11 CV106 C.D. Neb. Mar 02, 2012), see *Scott V. WPXI, Inc.*, 10 Civ. 4622 (WHP) (S.D.N.Y. Dec 21, 2011, see *Anderson V. Liberty Lobby, Inc.*, 477 U.S. 242, 247 1986, see *Matsushita Elec. Indus. Co. V. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (emphasis in original); see *Niagara Mohawk Power Corp. V. Jones Chem, Inc.*, 315 F.3d 171, 175 (2d Cir. 2003) (citation omitted). see *Beyer V. Cnty. of Nassau*, 524 F.3d 160, 163 (2d Cir. 2008) (quoting *Guilbert V. Gardner*, 480 F.3d 140, 145 (Cir. see Docket No. 04-1003-CV. United States Court of Appeals, Second Circuit. Argued: February 3, 2005. Decided: March 07, 2007, see *Lash V. Motwani*, case NO. 3:18-CV-01466-MABLS-D III, Dec 04, 2020, see *Grove City Garage Door, Inc V. Landrum*, case NO. 2:15 CV-1266 (S.D. Ohio Jul 26, 2016, see *Celotex Corporation V. Catrett*, 477 U.S. 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986) see . 244 U.S. App.D.C. 160, 756 F.2d 181, see *Miranda V. City of Lake*, 900 F.3d 335, 352 (7th Cir 2018) (citing *Kingsley V. Hodrickson*, 516 U.S.

(No. 23 A669)

## STATEMENT OF THE CASE

On September 02, 2019 the plaintiff went to the South Bend Indiana Police Department to ask for the contact information to the Federal U.S. Marshal, to speak with a detective, and report crimes in the main lobby area. The South Bend Police officers denied the plaintiff a chance to speak with a detective, obtain the contact information to St. Joseph County local U.S. Marshal and was told by the South Bend Indiana Police officers to go next door to the St. Joseph County Jail to get the contact information for the U.S. Marshal's (Fed). However the plaintiff-appellee was again denied the above contact information which the plaintiff refused to leave the property of the St. Joseph County Jail without help. On September 02, 2019 the plaintiff was arrested on the front property of above Jail for a misdemeanor. The plaintiff was carried into the garage or sallyport by South Bend Police officers and while plaintiff is being carried a St. Joseph County Jail Deputy Nickolas Reppellie walks up to the plaintiff Kenneth A. Washington a plant (illegally) and metal crack pipe within the plaintiff's pants leg pocket. The plaintiff was brought into the vestibule lobby area of Booking Intake area and was ordered to have a seat on the red bench and the plaintiff complied. Short moments later about 5 min to ten min the Defendants Sgt. Zawadowski had the St. Joseph County Jail hand held video camera recorder but there are (CCTV video camera in the ceiling of the Booking vestibule area), and Deputy Rayl and Merrill held bring in a St. Joseph County Jail safety restraints chair (S.R.C.).

The plaintiff was ordered to get on the ground the plaintiff complied but was slammed to the ground while handcuffed behind his back defenseless and not resisting in anyway the plaintiff was in pain from how he was carried into the garage or sallyport of the St. Joseph County Jail where there are several CCTV video camera recorders for security. The plaintiff was then strip searched while on the ground handcuffed behind his back all the way down to his underwear. The plaintiff had removed from him all personal property, shoes, socks, and all strings, identifications, and the metal crack pipe that was illegally planted on him by St. Joseph County Jail Deputy Nickolas Reppellie mention above. Then the plaintiff was ORDERED by Defendants an Lt. McPherson to stand and sit in the Safety Restraints (S.R.C.) which plaintiff complied. As soon as plaintiff complied with above Defendants an Lt. McPherson and Deputy Nickolas Reppellie commands Deputy Nicholas Reppellie began to place his hands around the back of plaintiff Kenneth A. Washington's head and neck, and back and started pinning down the plaintiff who is handcuffed behind his back defenseless sitting in a S.R.C. assaulting the plaintiff which caused the plaintiff a lot of pain in his neck and back area. The plaintiff never tried to resist, never tried to stand but was being assaulted by the defendants and St. Joseph County Jail Deputies above for refusing to leave St. Joseph County Jail property and for going to the South Bend Police Department on September 02, 2019. Then St. Joseph County Jail Deputy Nicholas Reppellie started choking Mr. K. Washington which Lt. McPherson yell "Let him breathe". Then Defendant Deputy Rayl started choking Plaintiff Mr. Washington while standing behind the S.R.C. and plaintiff Washington was still handcuffed behind his back sitting defenseless in the S.R.C. not resisting, not trying to stand, nor being rude.

\* NOTE: Please turn on the backside of this page 4 STATEMENT OF THE CASE AN COPY for extra space needed. The back side of this page is also numbered page 4 STATEMENT OF THE CASE CONTINUED.

STATEMENT OF THE CASE (CONTINUED) (X1) OF 3

[Continued] Then plaintiff Mr. Washington was taking out of the handcuffs from behind his back while sitting in the S.R.C. Defendants Mirrile and Raven is grabbing and pulling all over the plaintiff who is fully complying. Sgt. Zawadowski and Lt. McPherson is not ordering the Defendants or Deputies to stop harming the plaintiff. Then the plaintiff Mr. Washington was wheeled through the Booking Vestibule Lobby Area ~~door~~ sliding doors that leads to the main Booking Intake area desk ~~But~~ down the first hallway to plaintiff's left hand side where Capt. Olmstead office was on September 02, 2019 and into the booking shower area that is next to Inmate Property Room. This was only a few minutes after leaving the Booking Vestibule Lobby Area about three to five minutes before where plaintiff was stripped searched and assaulted, now out of plain site of others.

The Defendants Raven, Mirrile, and Sgt. Rayl became even more violate an erratively. The plaintiff was choked multiple times, ~~the~~ punched, and had his hair pulled out dread locks. The Defendants Rayl, Raven, and Mirrile picked up the plaintiff - Appellate Kenneth A. Washington while he was completely restrained into the S.R.C. into the air and turned the plaintiff upside down in the S.R.C. a ~~stained~~ dropped the plaintiff one time into the concrete floor on his forehead which left a bruise and scrap and pain in plaintiff Mr. Washington's head and neck area. The plaintiff yelled and screamed at the top of his lungs for help and St. Joseph County Jail Deputy Fowler runs into above Booking Intake Shower area and witnessed the plaintiff Mr. Washington still hung upside down in the S.R.C. and then (Sgt. Zawadowski, Rayl, Raven, and Mirrile to stop harming the defendant) runs or hurries out of the Booking Intake

shower area with the St. Joseph County Jail Hand held recording the original recordings of the incident which there are CCTV video cameras in above hallway and right outside of Booking intake shower area door above in the ceiling. Deputy Fowler helps Defendant Raven and Mirrile right the chair then Deputy Fowler wheels the plaintiff Mr. Washington to Booking holding cell 1 (one) for the first time. See documents numbers: ~~1~~ 1 filed 06-08-2020, see doc # 75 filed 08-19-2021, see doc # 142 filed 03/28/2022, see doc # 156 filed 04/01/2022, see doc # 163 filed 04-21-2022, see doc # 164 filed 04-21-2022, see doc # 165 filed 05-05-2022, see doc # 167 filed 05-11-2022, see doc # 168 filed 05-16-2022, see doc # 169 filed 05-16-2022, see doc # 176 filed 06-06-2022, see doc # 228 filed 11/02/2022 Attachments: #1 - 5 Memorandum of Law in support of Plaintiff's Response and Objections to Defendants statements of material facts Doc # 212-4, see pre-trial discovery, Rules 26-37 of the Federal Rules of Civil Procedure, see Rule 26(b)(1). The plaintiff have a right to know "the condition and location of any books, documents or other location of any tangible things and the identity of persons having knowledge of any discoverable material." Rule 26(b)(1). However the plaintiff was denied these rights through out the discovery process such as original unaltered CCTV video camera recordings and original recordings unaltered or edited St. Joseph County Jail hand held video recordings from 09-02-2019 civil incident involved herein. See documents 1 through 273.

(NOTE: please see Attachment page 4 ~~222~~ written on writing paper for extra space need titled STATEMENT OF THE CASE (CONTINUED) numbered page 4 also) (X1) I Kenneth A. Washington Swear under the penalties of Perjury that foregoing information herein is attached hereto is correct to the best of my knowledge. Kenneth A. Washington 04-27-2024, St. Joseph County Jail G-115 cell

STATEMENT OF THE CASE (CONTINUED) (X2) OF 3

1. United States District Court Northern District of Indiana Civil NO. 3:20-CV-00461-PRL-MGG Judge Damon R. Leichty abused his discretion and erred in denying the pro se Plaintiff-Appellee Kenneth Washington his constitutional right to Discovery Tools Rules 26-37 and Rule 26 (b)(1) by denying the plaintiff the CCTV video camera recordings from the St. Joseph County Jail of the entire jail front parking lot where plaintiff's arrest was made, CCTV video camera recordings of jail's garage or an sallyport where plaintiff was carried into to garage or sallyport and brought into the parking lot booking, vestibule lobby area, plaintiff was denied the CCTV video camera recordings of the security camera recordings that is in the ceiling of the St. Joseph County Jail Booking Vestibule Intake area, and all original CCTV video camera recordings and all other Requested Discovery, see documents number 1 through 273, see Federal Rules of Civil Procedure Rules 26-37 and Rule 26 (b)(1).

2. United States Judge Damon R. Leichty Abuse his discretion and erred by granting the defendants Motion For Summary Judgement in his OPINION AND ORDER  
(NOTE: see doc#253 filed: 04/19/2023 and doc#254 filed 04-20-2023 with which  
STATEMENT OF U.S.D.C. Judge Damon R. Leichty relied on altered and edited video camera  
THE CASE U.S.B. Drive doc#128 filed 03-07-2022, doc#129 filed 03-07-2022,  
(CONTINUED) and doc#215 even after plaintiff produced declarations and sworn states that  
X3 Attachment these above U.S.B. Drive thumb drive recordings were altered and edited,  
Number also and after above U.S.D.C. Judge Denied the original unaltered, unedited  
Page 4. CCTV video cameras recordings of the St. Joseph County Jail Security  
Cameras involved in this civil action herein. See documents numbers 1  
through 272, see doc#228 filed 11/02/2022 all attachments 1-5, SEE. Fed. R. Civ. P. 56(c)  
Plaintiff nor ~~defendants~~ the defendants agreed to any of the important facts creating a  
genuine issue to all material facts.

## STATEMENT OF THE CASE (CONTINUED) (X3) OF 3)

3. United States Judge Damon R. Leichty Abused his discretion an erred by denying the plaintiff-Appellete Kenneth A. Washington motion Requesting an Extention of Time To Appeal to U.S.C.A. 7th Circuit Court, see doct# 259 filed 06-30-2023. See doc numbers 256 - doc numbers 268. see sylvian Rambo United States District Judge Carl Stewart, plaintiff V. David Varano, et al, Defendants Civil No. 1:10-CV-1701 magistrate Judge Mannio. See doct# 1-273

4. The United States Court of Appeals for the seventh Circuit Abused there discretion an erred in Civil NO. 23-2461 by denying the plaintiff-Appellete a chance to appeal in forma pauperis doc# 266 filed 09-07-2023 see documents numbers 263 through 273 an doc# 26a

Attachment

filed 07-19-2023. see United States Supreme Court documents for

TO STATEMENT

Civil NO. 23A669 1-7. see Civil NO. 3:20-CV-00461-DRL-MGG documents

OF THE CASE

1-273. see United States Court of Appeals 7th Circuit documents

Page 4.

1-28.

5. ~~The~~ United States District Court Judge Damon R. Leichty abuse his discretion an erred by not allowing the plaintiff Appellete to appeal in forma Panporis documents number 256-273. See November 13, 2023 order, December 22, 2023 ORDER U.C.A. 7th Circiuit, and December 15, 2023 ORDERS.

6. ~~EST 1 legal~~ is illegal ~~to~~ for the defendants an there attorneys to produce altered, edited, fake video recording evidence in a civil case U.S.D.C. Northern Dist. Civil NO. 3:20-CV-00461-DRL-MGG on the record documents numbers 128 filed 03/07-2022, 129 filed 03/07/2022, and doct# 215. See documents numbers 1-273, see Fed. Rules 26-77 an Rule 26(b)(1).

(No. 23A669)

## REASONS FOR GRANTING THE PETITION

Comes now the pro se plaintiff Petitioner Kenneth Allen Washington Prayerfully requesting review on Certiorari from the UNITED STATES SUPREME COURT JUSTICES AN JUSTICE Barrett whom granted my application No: 23A669 on January 22, 2024. The pro se Plaintiff have been pro se since the filing of this original U.S.D.C. For The Northern District of Indiana South Bend Division Civil NO. 3:20-cv-00461-DRL-MGG filed 06-08-2020 with very limited knowledge of the law but kept pressing forward to the United States Supreme Court in the interest of Justice for all. See Cruz V. Beto, 405 U.S. 319, 322 (1972); also see Conley V. Gibson, 355 U.S. 41, 45-46 (1957). The plaintiff petitioner who is pro se with very limited knowledge prays for the mercy of the United States Supreme Court Justices to use it judicial discretion and powers to grant the petition. The petitioner Kenneth Allen Washington has presented issues of importance beyond the particular facts and parties involved. There existence conflicts between the decision of which review is sought and a decision of another appellate courts on the same issues. The plaintiff petitioner Kenneth A. Washington Prayerfully request Justice Barrett an all other United States Justices to resolve the disagreements among the lower courts about these specific legal questions, and the importance to the public of the issues. The pro se plaintiff petitioner is also seeking of a decision of the United States District Court For the northern District of Indiana Civil NO. 3:20-cv-00461-DRL-MGG herein an the United States court of Appeal 7th circuit NO. 23-2461 herein in which the review was sought. The decision of the United States District court For the northern District herein was erroneous because U.S.D.C. For The Northern District of Indiana above is in conflict with the decisions of other appellate courts. The United States District court For the northern District of Indiana an United States court of Appeal conflicts with other court of appeals on same issues presented herein an violated the Federal rules of Civil Procedure Rule 26(b)(1) an Rule 26 - 37, Fed. R. Civ. P. 56 (C). see Adickes V. S.H. Kress & Co., 398 U.S. 144, 157, 160 (1970); see also Curry V. Scott, 249 F.3d 493, 505 (6th Cir. 2001). Also see Rule 56 (F), see Rule 37 (a). The Defendants Respondents produced altered, edited video camera recordings to hide the fact that plaintiff was indeed turned upside down while fully restrained into a St. Joseph county Jail Inmate Safety Restraint Chair. An was repeatedly choked while defenseless, complying, not resisting, while handcuffed behind plaintiff's back an fully restrained into S.R.C., Judge Damon R. Leethy Denied relevant CCTV video camera security cameras an other requested discovery See documents numbers 1-273. U.S.D.C. For the northern District of Indiana an U.S.C.A. 7th circuit denied Plaintiff motion For Extension of Time which was filed timely an in Good faith. Plaintiff was also denied motion For Informa Papais that was taking in Good faith an timely also See documents 1-273 civil NO. 3:20-cv-00461-DRL-MGG. These question is of national important not only to me but to others similarly situated because the plaintiff could have lost his life on September 02, 2019 within the St. Joseph county Jail 401 W. Sample Street when he was turned upside down by defendants: Rayl, Raven, Merrill, and droved on his forehead into the concrete floor which caused the plaintiff alot of pain in his neck, head, and back. There are many inmates who have lost there life in the St. Joseph county Jail because Serants like defendant Zawtowski an Deputy failed to intervene, excessive force, and being choked ect. The United State Supreme court can help to uphold inmates rights who are similarly situated and can help deture this Ecessive Force. I Kenneth A. Washington swear under penalties of perjury that the foregoing information is true an correct to the best of my knowledge.

*Kenneth A. Washington*  
04-27-2024

## REASON FOR GRANTING THE PETITION (CONTINUED)

(Continued) On September 02, 2019 the pro se Appellee Kenneth A. Washington as a civilian with to the South Bend Police Station on Sample Street that is next door to the St. Joseph County Jail to report a crime and ask for the contact information to the Federal Marshals but was denied and instead instructed to go next door to the St. Joseph County Jail 401 W. Sample Street for the Federal Marshals contact information. So I Kenneth A. Washington took the South Bend Police Officer's advice while in the main lobby area of the South Bend Police Station between about 8:00 A.M. to about 5:30 P.M., so I walked over to St. Joseph County Jail and went into the St. Joseph County Jail's main front entrance lobby area and spoke with the deputy who was working the front desk area and informed him I was told to come to county jail for Federal Marshals contact information.

However I was again denied this public information so I could report a crime. I was then a little later arrested for refusing to leave the property of the St. Joseph County Jail without the help I need which was only a misdemeanor that was dropped (charges for trespassing). Furthermore I was ~~carried~~ routine ~~search~~ searched by South Bend Police. then carried into the St. Joseph County Jail garage or Sallyport because South Bend Police office had walked over and had no car readily available which I didn't resist arrested. I was brought into the St. Joseph County Jail Booking Intake lobby area where there are CCTV video camera recorder in ceiling. I was ordered

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth A. Washington

Date: 04-27-2024

(NO. 23AC69)