

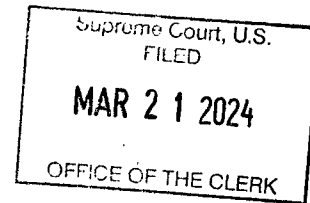
No. 23-7520
IN THE

ORIGINAL

SUPREME COURT OF THE UNITED STATES

Toran Peterson,
-PETITIONER

VS.



Ravindra Polavarapu
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
PETITION FOR WRIT OF CERTIORARI

~~Ionia Maximum Correctional Facility~~
~~1576 W. Bluewater Highway~~
~~Ionia, Mi. 48846~~

Gus Harrison Corr. Fac.
2727 E. Beecher St.
Adrian, Mi 49221

QUESTION(S) PRESENTED

I. In regards to prison involuntary mental health treatment hearings in which the mandatory language of the statute of Michigan compiled Law 330.2003a as well as prison policy directive 04.02.183 involuntary treatment unambiguously holds that all a prisoner must do to exhaust their administrative remedies regarding the structure/way in which the hearing is held is to fill out the form provided, would it not be contrary to or an unreasonable application of clearly established supreme court law for the courts to burden a prisoner to do more then that in which is clearly required by MCL & Policy Directive?

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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:

Esmail Emami, Psychiatrist; Christopher Zimmerman, Psychologist;
Katherine Zell; Heidi E. Washington, Director, MOOC; Jennifer Zafa

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

<u>Jones v. Bock</u> , 549 U.S. 199, 218 (2007)	1
<u>Ross v. Blake</u> , 136 Sup. Ct. 1850 (2016)	1
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STATUTES AND RULES

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☒ is unpublished.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 as Appendix B 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
[Nov. 22, 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: 1-4-2024, 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. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Prison Litigation Reform Act requires that the procedure in which the prison requires a prisoner to adhere to is the only process in which must be followed.

STATEMENT OF CASE

Pltf. Appellant transferred to adrian corr. fac. on Dec. 27, 2019 on Jan 30, 2020 def. Ravindra Polavarapu informed Pltf. App. that he was going to be panelled to be subjected to involuntary treatment and be injected with haldol. C. Brown was assigned to assist Pltf. with preparing for his hearing, Pltf. wished to present witnesses in which he couldn't receive assistance with. Pltf. received the documentation done by def. saying that Pltf. was very violent when not properly medicated, that this was his second time in prison, that he was having a hard time functioning in the unit, and that Pltf. was pouring out his medication (although not documented by nursing). Def. placed Pltf. on liquid haldol to which Pltf. informed nursing, his psych, filled out a health care request form, an informed def. at the hearing that he was suffering from numerous side effects. Def. documented that Pltf. tolerated the liquid haldol and that he would be subjected to a long lasting injection despite Pltf's complaints. During the hearing Def. admitted on the tape recording that although he spoke with Pltf. for a total of less than ten minutes on the two occasions combined in which he seen and changed Pltf's diagnosis partially due to Pltf. filing a PREA against him. Pltf. objected to everything at the hearing.

The def. read onto the record (tape recorder) the documents (CJS-307 form) in which he gave Pltf. as to his reason for subjecting Pltf. to involuntary mental health treatment. The other parties relied solely upon what was read onto the record failing to "FACT CHECK" then casually/nonchalantly holding that Pltf. should be subjected to involuntary mental health treatment under false/fraudulent pretenses.

Pltf. followed the procedure outlined within the Michigan Compiled Laws as well as MDOC policy to exhaust his administrative remedies by filing out the appeal form provided at the hearing. Pltf. went even further, by doing that in which wasn't required of him by filing a grievance. He didn't receive a receipt divulging the assigned griv. identifier no. to be able to cite that particular griev. He then transferred out around Feb. 24, 2020 then transferred back to ARF a month later at which time he inquired into the status of the grievance. Once it was divulged that it wasn't on file Appellant refiled the grievance, it was rejected as a duplicate at which time appellate appealed. Divulging that he never received the id. no. so he was forced to refile. It was rejected at each step.

Appellate filed a sect. 1983 claim in the Eastern dist. ct. of Mich. against def. for failing to "fact check" / investigate the facts in which doctors use to place individuals on involuntary mental health treatment / medications, for violating appell. due process by falsifying documents by stating this was his second time in prison, that he is very violent when not properly medicated, that he wasn't able to function in the unit, and that he was told that Appellate was pouring his medication out. The dist. ct. granted summ. judgment to the def. due to appell. not filing a griev. / failing to properly exhaust without reviewing / ordering the recording from the hearing 'contrary to' Mich. comp. Law, policy dir., 6th cir. & U.S. sup. Ct. precedent. The sixth cir. affirm.

Reasons For Granting

The decision of the sixth cir. conflicts with ~~an~~ is 'contrary to' an is an unreasonable application of supreme ct precedent, specifically, Woodford v. Ngo, 548 U.S. 81, 93 (2006); Jones v. Bock, 549 U.S. 199, 218 (2007); Ross v. Blake, 136 Sup. Ct. 1850 (2016); Michigan's compile Law 330.2003c holding, "If the prisoner is unhappy with that decision, the prisoner may appeal the decision of the committee to the director of the corrections mental health program..." in regards to involuntary treatment hearing. Michigan's compiled Law 330.2003c governs the process / procedure in which a prison within Michigan must comply with in promulgating an its policies must coincide with the statute. As previously established, this MCL holds that Pltf. must file an appeal to the director of the corrections mental health program to exhaust his administrative remedies. Pltf. Appellant appealed a decision of the Hearing Committee to the circuit court in 2017 and the court held: "The Appellant has exhausted his administrative remedies, having internally appealed the decision to the corrections Mental Health Program Hearing Committee and that decision having been reviewed and affirmed by the Mental Health Director Designee (see App. B order on Appellant's Petition For Judicial Review) citing MCL 330.2003c forth paragraph second sentence. Also see App. E. policy directive 04.06.183 Voluntary and involuntary Treatment of Mentally ill prisoners pg. 4 of 5 section AA. and D.D..

P.O. 04.06.183 voluntary and involuntary treatment of Mentally Ill Prisoners. X. cites the procedural safeguards, (see App B P.O. 04.06.183) The procedural safeguards are included in the appeal, meaning anything in which transpires within the framework of the hearing is included within the appeal. Section 4A of P.O. 04.06.183 states that "in to be provided an appeal form section 4D. holds that, "A prisoner may appeal the decision of the Hearing committee..." coinciding with the MCL.

Exhaustion of a grievance has no bearing within Appellant's case as shown, the sixth cir. abused its discretion in holding that appellant was required to do that in which policy nor Michigan Compiled Law required him to do.

The sixth cir. ruling conflicts with Woodford, #548 U.S.; Jones v. Bock, holding that it is the prison's policies/process which determines what a prisoner must do to exhaust his administrative remedies. The sixth cir. shouldn't have placed a heavier burden on Appellant than what prison policy required using their own discretion to impose that Appellant had to file a grievance.

Conclusion

Wherefore Pltff. Appell. states that his petition for a writ of certiorari should be granted due to the district court along with the sixth cir. abusing their discretion in holding that Appellant had to do that in which Michigan Compiled Law nor policy directive required to appeal a decision regarding a involuntary treatment hearing thus taking it upon themselves in holding that Pltff. Appell. had to file a grievance.

Date: March 21, 2024

Respectfully submitted.

T. Peterson

Toran Peterson #318935
Gus Harrison Corr. Fac.
2727 E. Beecher St.
Adrian, MI