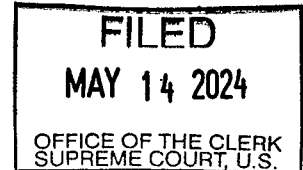


23-7546

No. \_\_\_\_\_

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



ENRIQUE ZACARIAS — PETITIONER  
(Your Name)

vs.  
Oregon Department of Corrections,  
et al. — RESPONDENT(S)  
ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. 9th Circuit Court of Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Enrique Zacarias  
(Your Name)

1111 Stanton Blvd.  
(Address)

Ontario, OR 97141  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

## 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:

M. T. T. T.

A. Blanco

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# TABLE OF AUTHORITIES CITED

## CASES

## PAGE NUMBER

County of Sacramento v. Lewis 500  
523 U.S. 813, 848-49. (Prisoners Self  
Help Litigation  
Manual)

Perez - Guazo v. Rivera - Montanez,  
507 212 F.3d 617, 622 (1st Cir.  
2000)

Cramer v. Fawcett, 288 F.3d 532, 546-47  
STATUTES AND RULES (3d Cir. 2002)

## OTHER

Sacramento v. Lewis,  
523 U.S. at 852-53.  
Police misconduct during arrest is  
governed by the Fourth Amendment.  
(Id., 523 U.S. at 842-45.)

QUESTION(S) PRESENTED

Was plaintiff Enrique Diaz  
assaulted via excessive force  
on 12/5/21?

Was plaintiff Enrique Diaz  
warned prior to the assault  
that excessive force would be  
used?

Was this incident that is  
being litigated admitted to  
by correctional staff?

Was there a pretense in this  
case in the District court  
about the C.O.C.I. handbook  
that the Department of Corrections  
included guidance information about  
a 14 day deadline to file a  
situation and/or incident?

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   D   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☒ is unpublished.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   A   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 2/14/24

☒ 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: \_\_\_\_\_, 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).

☐ 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).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

violation of my 8th Amendment  
Right of the U.S. Constitution  
for protection against cruel or  
unusual punishment.



# STATEMENT OF THE CASE

On December 5, 2001, at  
C.O.C. I while being escorted  
to disciplinary segregation  
I was assaulted by  
correctional officer M. Tester  
in which he hit my rib  
cage and indented it by  
slamming me into the housing  
unit stairs handrail in which  
my right rib is permanently  
indented.

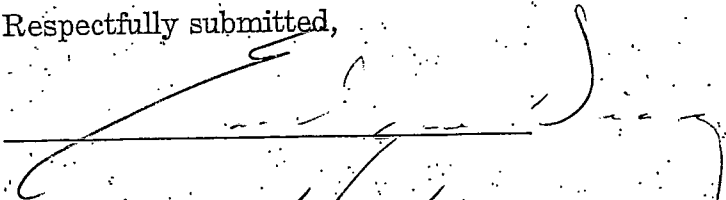
## REASONS FOR GRANTING THE PETITION

I was not warned by  
the correctional officers that  
force would be used before  
this assault occurred. Also,  
this was assault and  
battery. Also, my grievance  
for this complaint and/or  
incident was late however,  
there was no information  
pertaining to a 14 day  
deadline to file a grievance  
in the C.O.C. handbook.  
(Sent copy to the U.S.  
District Court.)

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: 4/20/27