

23-7546

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

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

Enrique Zacaarias — PETITIONER
(Your Name)

*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 Zaca
(Your Name)

707 Stanton Blvd.
(Address)

Ottawa, OR 97914
(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.
A. Blanca

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

County of Sacramento v. Lewis 300
523 U.S. at 833, 842-44, (Circumstances Satisfied
115 S. 1705 (1993). Help Litigation
Plan 18)

Paz - Brizo v. Rivera - Montanez,
307 F.3d 617, 622 (1st Cir.
2000)

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

OTHER

Sacramento v. Lewis,
523 U.S. at 832-53.

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

QUESTION(S) PRESENTED

Was plaintiff Enique Diaz
assaulted via excessive force
on 12/5/11?

Was plaintiff Enique 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 practice in this
case in the district court
about the C.O.C.I. handbook
that the Department of Corrections
includes guidance information about
a 14 day deadline to file a
situation 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 5 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 is unpublished.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 is unpublished.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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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

STATEMENT OF THE CASE

On December 5, 2021 at
C.O.C. while being escorted
to disciplinary segregation
I was assaulted by
Correctional Officer M. Tarter
in which he bent my rib
cage and indented it by
slamming me into the housing
unit stairs handrail in which
my right rib is permanently
inflamed.

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 incident was late however, there was no information pertaining to a 14 day deadline to file a grievance in the E.O.C. handbook. (Court order to the U.S. District Court.)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 1/10/21