No. 24-6447

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

*Rufus Lamar Lavin Spearman. — PETITIONER
(Your Name)

vs.

Chad H. Williams, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

the United States Court of Appeals for the Sixth Circuit.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

*Rufus Lamar Lavin Spearman.
(Your Name)

4269 West M-80.
(Address)

Kincheloe, Michigan 49784.
(City, State, Zip Code)

906-495-2275.
(Phone Number)

QUESTION(S) PRESENTED

Whether the district court committed reversible error when they dismissed - sua sponte - more than 62% of the defendants and claims identified in my complaint at the screening stage, where the grievances submitted to the district court clearly showed I filed the complaint within three years of the Step III decisions being issued?

Whether Magistrate Judge Ellen S. Cornegy and Judge Janet T. Neff improperly broadened the scope of my discovery request when deciding whether to compel discovery by the defendants, and improperly denied my request to revise the discovery request after denying my motion to compel?

Whether - inter alia - defendant Tenby's perjured testimony, and my producing the July 15, 2014, DRF itinerary, establishing there was in fact a meeting between he and I, precluded summary judgment in favor of the defendants?

Whether the district courts deliberate disregard of my retaliation claim, identified in paragraph 64 of my original verified amended complaint, was improper?

How many clear, and unequivocally erroneous, opinions and orders need be issued to a particular litigant before they constitute "blackballing"; and/or "deep-seated favoritism"?

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:

*Rufus Lamar Lavin Spearman, INCLUDING ANY AND ALL DERIVATION(S); AND/OR VARIATIONS IN SPELLING, Petitioner v. Chad H. Williams, Assistant Resident Unit Supervisor (now employed at the Saint Louis Correctional Facility); David Osborne, Correctional Officer; Jennifer Hlebowski, Assistant Resident Unit Supervisor; Herd Ley, Correctional Officer; David Ferby, Deputy Warden; Peter Youngert, Correctional Officer; Lieutenant Shinaberg; Laura Prick, Deputy Warden, Respondents.

RELATED CASES

Spearman v. Williams, 1:17-cv-1070, United States District Court for the Western District of Michigan. Judgment entered March 24, 2022.

Spearman v. Williams, 22-1309, United States Court of Appeals for the Sixth Circuit. Judgment entered July 17, 2023.

Spearman v. Williams, 1:17-cv-1070, United States District Court for the Western District of Michigan (U.S.D.C., W.D.) (on remand) Judgment entered October 17, 2023.

Spearman v. Williams, 23-2093, United States Court of Appeals for the Sixth Circuit (U.S.C.A.6) (after remand). Judgment entered July 02, 2024. [NOTE: There was a significant delay in notifying me of the U.S.C.A.6's July 02, 2024 judgment due to MDOC staff's interference and my being transferred to a different facility. (refer Appendix E.)]

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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 2023 U.S. App. LEXIS 18152; 2024 U.S. App. LEXIS 16232; 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 2017 U.S. Dist. LEXIS 208111; 2022 U.S. Dist. LEXIS 53307; 2023 U.S. Dist. LEXIS 185961; 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 July 02, 2024 (after remand).

[ ] 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: September 11, 2023, 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 February 09, 2025 (date) on December 09, 2024 (date) in Application No. A . I did not file a petition for writ of certiorari prior to this one, however my first request for an extension of time to file the petition was somehow misconstrued as a petition filing. Please refer to Appendix E.

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

This case involves Articles I, VIII, and XIV in addition to and amendment of the Constitution of the United States of America (U.S. Const., Amend.). It also involves the Religious Land Use and Institutionalized Persons Act (RLUIPA). Title 42 United States Code Service (U.S.C.S.), Section (§) 2000cc.

The amendments are enforced by the Civil Rights Act, 42 U.S.C.S., § 1983. RLUIPA is enforced by its own authority, 42 U.S.C.S., § 2000cc-2.

The pertinent text of these provisions can be found in Appendix D.

STATEMENT OF THE CASE

My complaint alleges that after arriving at the Carson City Correctional Facility (DRF), and requesting religious accomodations pursuant to the Michigan Department of Corrections (MDOC) policy and procedure, the defendants sought to prevent my religious exercise by ignoring my request for religious accomodation. This caused me to file multiple inter-department grievances, and in retaliation the defendants attempted to sever my ability to contact outside support. When I filed additional grievances and made complaints to outside authorities, the defendants allowed me to be brutally attacked and began subjecting me to a campaign of emotional and psychological brutality. When I remained strong and resilient and continued to make complaints, the defendants conspired to have my security classification level increased for illegitimate reasons, while attempting to goad me into lashing out and attacking them, so that they might use my negative reactions to falsely justify the security reclassification. When I complained about the defendant's conspiracy efforts they spat in my face multiple times and threatened me with more violence. Shortly after grieving the assault and battery and threats, the defendants removed a valid departure, increased my security classification level, and transferred me to a level V prison. As a result of the transfer I fell extremely ill due to intentional food contamination, my personal property was confiscated and never returned, there were greater restrictions placed on my movement, I had to endure longer lock-in times, less privileges, fewer programs, and was - as a result of all this - placed on an institutional trajectory that led to many more abuses. The MDOC then violated their own policy by taking longer than 120 days to issue step III responses.

During initial screening the district court erroneously dismissed over 60% of the lawsuit, on the basis that I failed to timely file the lawsuit within Michigan's three-year statute of limitations period, further stating: "Plaintiff appears to have filed grievances concerning all of the alleged violations, though he does not indicate when those grievances were resolved through step III of the grievance process." The district court, later, in deciding my motion to compel, improperly broadened the scope of my discovery request, used the improper broadening to justify denying the motion to compel, then denied my request to revise the original discovery request. Following this, the district court granted summary judgment to the defendants concluding that there was no record evidence to support the causation element of retaliation. The USCA6 affirmed the district courts grant of summary judgment to the defendants for practically the same reasons articulated by the district court. The USCA6 also affirmed the district courts initial screening dismissal. However, the USCA6 found that the district court had

improperly dismissed my RLUIPA claim against defendant Osborne and thus vacated the district courts judgment and remanded as to that claim.

On remand the district court summarily dismissed the RLUIPA claim for failure to state a claim. Nevertheless, also on remand, I filed a motion to alter or amend the judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure (Fed.R.Civ.P.); and a motion to recuse Judge Janet T. Neff, Magistrate Judge Ellen S. Carmody, and Magistrate Judge Wally J. Berlin pursuant to 28 U.S.C.S. §455(a). The district court summarily dismissed these motions finding that although judicial errors may have occurred, the "proper remedy for such judicial 'errors' lies with the Sixth Circuit Court of Appeals in its review of the Courts decisions, not the replacement of the judge." The USCA6 affirmed the district court's denial of the aforementioned motions.

REASONS FOR GRANTING THE PETITION

It is manifest injustice for the lower courts to have blackballed me by sua sponte dismissing approximately 62% of my lawsuit, at the screening stage, on the false premise that I failed to "indicate [when th][e] grievances were resolved through Step III of the grievance process," and thus failed to timely file the lawsuit. When the grievances provided in Appendix F – and which were the same grievances before the district court at the time of the dismissal – clearly establishes: (1) The dates when the grievances were resolved through Step III of the grievance process; (2) The MDOC violated their own 120 day policy for resolving grievances; and, (3) That I filed my lawsuit within three years of the dates indicated on the Step III grievances.

It is manifest injustice for the lower courts to have blackballed me by perpetuating the defendants attempts to deprive me of discovery instruments, and thus completely shut me out of the discovery process. When they intentionally broadened the scope of my discovery requests in order to use the improperly broadened version as justification for not compelling the discovery by the defendants. And then refusing to allow me to revise my discovery request. This is clearly shown if one simply looks at and reads Magistrate Carmody's August 28, 2019 order denying my motion to compel discovery. First, the order correctly cites my discovery requests. Then, on the backside of the page, she incorrectly reiterates the requests with an exponentially broadened version of my discovery requests. She then goes on to use this broadened version as justification for denying my motion to compel the defendants to comply with discovery. When I filed objections to Magistrate Carmody's order denying my motion to compel, Judge Neff, in her order dated November 14, 2019, lied and said Magistrate Carmody "did not incorrectly reiterate" my "discovery request," and that my "contention that the Magistrate Judge 'intentionally misconstrued' [my] request to justify her denial of [my] motion is baseless." Even though one can clearly see and read that this is exactly what occurred. And, as a pro se litigant I should have been allowed to revise the discovery request.

It is manifest injustice for the lower courts to have blackballed me by granting summary judgment for the defendants where they gave false testimony during their

depositions. Both defendants Fenby and Williams lied and thus perjured themselves during their depositions, when they falsely claimed that defendant Williams did not conspire with defendant Fenby to increase my security classification. They both denied defendant Williams circulated a bogus Security Reclassification Notice to defendant Fenby, and that there was ever any meeting held concerning this. The July 15, 2014 prisoner itinerary that I produced clearly established the elements of perjury: (1) Defendants Fenby and Williams gave false testimony, i.e., that defendant Williams solicited defendant Fenby to increase my security classification, and that a meeting was held concerning the solicitation; (2) concerning a material matter, i.e., the conspiracy claim and whether the meeting was actually held or not; and, (3) with the willful intent to provide false testimony, rather than as a result of confusion, mistake, or faulty memory. It is important to note that there was never any dispute regarding the specific date of the meeting because the defendants always denied it ever occurred. Hence, the only dispute was whether the meeting had actually been held or not. For these reasons, at a minimum, the defendants should have been sanctioned with the dismissal of their summary judgment motion. I do not mean to be imposing... or to beat a dead horse, but does anyone else reading this think - as I think - it suspect that the lower courts completely omitted these facts surrounding the defendants perjured testimony from their opinions and orders?

It is manifest injustice for the lower courts to have blackballed me by intentionally conflating my conspiracy claim with the "Younger grievance" and the retaliation claims, in an effort of circumscribing the number of meritorious claims I presented, and thus was more easily able to dismiss the entire lawsuit. In Magistrate Berens' report and recommendation, dated September 02, 2021 (ECF Number 118), at the end of the first page, Magistrate Berens reports: "At this juncture, Plaintiff's remaining claims are that: (1) Defendants Williams and Fenby retaliated against Plaintiff for filing the July 25, 2014 Younger grievance; and (2) Defendants Williams and Fenby conspired to increase Plaintiff's security level." Despite the specific objections to this report and recommendation that I filed on or about September 23, 2021, Judge Neff, in her order dated March 24, 2022, was still conflating both

claims with the "Youngert grievance." For example, on page 3 of 5 of the March 24, 2022 order, Judge Neff writes: "Plaintiff raises apparent factual questions, but these questions do not address the summary judgment issue as correctly framed by the Magistrate Judge." Then, at the end of page 3 and beginning of page 4 of 5, she writes: "Plaintiffs objections do nothing to change the Magistrate Judge's conclusion that there is no affirmative evidence in the record that Plaintiff's grievance was a cause of Plaintiff's transfer: there is no evidence that the 'Youngert grievance influenced Fenby's transfer decision in any manner' [....]" Okay, so allow me to clarify and explain all this. The "Youngert grievance" was highlighted in my conspiracy claim not a retaliation claim. Refer to my amended complaint, paragraph 62. And was mistakenly highlighted for three reasons: (1) My inexperience with drafting legal documents; (2) I thought the date of the meeting between myself and defendant Fenby was July 31, 2014, instead of the correct date July 15, 2014; and, (3) That the "Youngert grievance" was the last grievance I had written before the "Fenby meeting", and thus, was the spurring event that caused defendant Williams to send defendant Fenby the bogus Security Reclassification Notice. Refer to my July 03, 2021 Declaration (ECF Number 112), pages 7-8 of 8. For the truth is well known... that no mention of the "Youngert grievance" would not have changed the fact and nature of the "Fenby meeting", and thus my conspiracy claim. My retaliation claim, however, has nothing whatsoever to do with the "Youngert grievance" in terms of its construct, and was not based solely on the "Youngert grievance." Refer to my amended complaint, paragraph 64. The July 15, 2014, itenerary is evidence supporting my conspiracy claim, where we now know that there was a meeting between myself and defendant Fenby concerning the bogus Security Reclassification Notice. And the July 28, 2014, email circulated by Warden Kathleen Stoddard to, inter alios, defendants Frick and Fenby is evidence supporting my retaliation claim, where just a day or two after being sent the July 28, 2014, email - and receiving it - notifying him of an ensuing PREA investigation against defendant Youngert, defendant Fenby in turn sent defendant Zekoski an email on July 30, 2014, stating, "Spearman needs to be transferred". Refer to ECF

Number 54-3, PageID 410-412. Defendant Fenby, as the deputy warden, was not responsible for the day-to-day transfers of prisoners, the ARUS's were. And defendant Hehoski was not the ARUS of 500 Unit, defendant Williams was, and I was being housed in 500 Unit. According to the July 30, 2014, email defendant Hehoski sent Defendant Williams, it appears defendant Williams began perfecting a Security Classification Screen-Review because he was the ARUS that was responsible for doing it. Also, it appears that defendant Fenby went to defendant Hehoski to create "plausible deniability" and leave no tracks that might connect him to a retaliatory effort. Think for a moment... how could defendant Fenby have made the decision to transfer me due to "management points", if neither of the ARUS's had yet to conduct a Security Classification Screen-Review identifying how many management points I had? All of these facts are a part of the record and clearly support the element of causation, and thus a jury finding of retaliation in my favor.

The district court, the state attorney general's office representing the defendants, and the Michigan Department of Corrections-MDOC strategically dismantled my lawsuit by consistently issuing unfavorable rulings against me, even though they were and are clearly erroneous. And I know that it is easy to advance this type of allegation as a "disgruntled litigant", when a party invests so much into their cause only to have it conclude unfavorably. But this is different. Here, the district court adversely interfered with or denied - excluding time extensions - practically every process, procedural, and motion that would have benefitted me, despite the rules and law supporting my pleadings. The following are examples of such:

- Sua sponte screening dismissal (resulted in suppressing more than 62% of the lawsuit);
- Denial of motion to compel on the basis of a fraudulent broadening of the scope of my discovery request (resulted in being denied material evidence establishing or supporting my claims);
- Denial of my request to revise my discovery request (resulted in being completely shut out of discovery of documents process);

Reasons for Granting the Petition, continued.

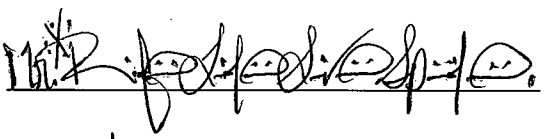
- Grant of summary judgment to defendant Haugert despite evidence of h- im sharing and participating in the overall conspiratorial objective (resulted in suppression of 75% of my lawsuit);
- Intentional conflation of conspiracy claim with retaliation claim, then deliberately ignoring the retaliation claim that was not based solely on the "Haugert grievance" (resulted in improper circumscribing of meritorious claims);
- Deliberately suppressing my July 15, 2014, DR7, prisoner itinerary, which corroborated the "Fenby meeting" and supported my conspiracy claim (resulted in dismissal of conspiracy claim);
- Deliberately suppressing the July 28, 2014, Warden Stoddard email to, inter alios, defendants Hrich and Fenby, and July 30, 2014, defendant Fenby email to defendant Kokoski, which was direct evidence of the element of causation (resulted in dismissal of retaliation claim); and,
- Grant of summary judgment to defendants Fenby and Williams despite genuine disputed and material questions of fact remaining (resulted in dismissal of my lawsuit).

Extremely troubled by this, similar blackballing treatment in other lawsuits by the same district court and judge, and failure of the state attorneys general's office and N- DOC to take effective corrective action, it has culminated to the point where I no longer consider it a privilege to be housed in general population with another Male assigned to the same room, and have opted for living in a cement box 24 hours a day, everyday. Hence, I now ask the Justices of the United States Supreme Court ...How many clear, and unequivocally erroneous, opinions and orders need to be issued to a particular litigant before they constitute "blackballing" of a party's Seventh Amendment right to trial by a jury, or "deep-seated favoritism"?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: January 02, 2025.