

No. 24-6609

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

FEB 06 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

BARRY MORRIS Pro-se — PETITIONER
(Your Name)

vs.

Rob Jeffrey's et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Illinois

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BARRY MORRIS
(Your Name)

5835 State Route 154
(Address)

Pinkneyville Illinois 62274-3400
(City, State, Zip Code)

(618) 357-9722
(Phone Number)

QUESTION(S) PRESENTED

1) There is no conflict among the courts of appeals on the question presented by petitioner. Petitioner nonetheless urges this Court to grant review on the issue if a pro-se litigant should be held to the same standards as a licensed lawyer or attorney.

2) On October 23, 2021 Petitioner filed a lawsuit against Rob Jeffrey's et al., because Defendant Robert K. Zieger (Zieger) a correctional officer (C/O) at Western Illinois Correctional Center (WICC) accused the petitioner of attempted assault and among other bogus trumped up falsified charges.

See Ex. "A" Adjustment Committee Final Summary Report/Disciplinary Report (Content 2 sheets).

3) After several motions filed on both sides and phone call hearings throughout two years it has been established that Defendant Zieger committed perjury by filing a falsified disciplinary report on the petition and each named Defendant went right along with the injustice against the petitioner.

4) Petitioner has maintained his innocence from day one when he was accused of assaulting Zieger.

5) On August 13, 2023 The "NEW 2023" Internal Affairs Team at WICC was ordered by the Honorable Judge Jennifer Asher, through Assistant Attorney General (AAG) Robert Hogue to inform the I. A. team at WICC to allow the petitioner to review the video footage of the alleged attempted assault against C/O Zieger by the petitioner.

6) The video footage showed that c/o Zieger falsified the disciplinary report against the petitioner because it was no assault of any kind.

7) I was verified by the "NEW 2023" I.A. Team at Wicc by I.A. Lt. Little, I.A. C/o Richmiller and the AAG Hague who later told the Honorable Judge Jennifer Asher at one of our court phone calls hearing that the petitioner was/is innocent of all charges in the disciplinary report of December 13, 2021 written by incident officer Robert K. Zieger review ex. "A".

8) On March 25, 2024 The Honorable Judge Jennifer Asher conducted a court hearing by Zoom video feed on Defendants Motion To Dismiss petitioner's Complaint

9) The AAG Hague argued in his motion to dismiss that petitioner did not state a claim against the Defendants.

10) The Honorable Judge agreed with AAG Hague stating that petitioner has not allege facts sufficient to plead a cause of action upon relief can be granted, pursuant to 735 ILCS 5/2-615.

See Ex. "B" Court Order dated March 26, 2024 (Content 2 sheets).

11) During the March 25, 2024 hearing petitioner cited the same three cases that the AAG Hague cited in his Motion To Dismiss petitioner complaint, citing 1) Rubino vs. Circuit City Store, 2) Cable America vs. Pace Electronics and 3) Knox College vs. Celotex and in each case the Appellate Judges gave the petitioner's/Plaintiff's multiple chances to state a claim against the defendants.

12) At the March 25, 2024 hearing petitioner repeatedly cited the three cases from the Appellate court cases were over turned and all those cases were remanded back to the circuit court.

13) Petitioner stated to the Honorable Judge Jennifer Asher to allow him to file his First Amended Complaint if she felt that petitioner did not state a claim.

14) Plaintiff had foot notes going into the hearing and on page 11 of 11 petitioner's footnotes stated to the Honorable Judge to allow him to amend his Complaint for the first time.

See Ex. "C" Petitioner's Footnotes (Content 11 sheets)

15) In the leading case: Spencer V. Doe 139 F.3d 107, 2nd Cir. (1988), Green V. MacDougall 454 U.S. 364, 70 L.Ed 102 Supreme Court 700, (1982) and Haines V. Kerner 404, 30 L.Ed 2d 652, 92 Supreme Court 597 (1972).

16) The United Supreme Court recognize that untrained litigants pleadings et' al., are to be construed liberally and held less stringent standards then the formal pleading drafted by ~~lawyers~~ Lawyers or attorneys.

17) In this case the Honorable Judge Jennifer Asher did not give the Petitioner a chance to correct his errors, if any in his Complaint by holding petitioner to the same standards as a trained Attorneys or Lawyers.

18) Plaintiff filed a timely Notice of Appeal on April 17, 2024 but the petitioner failed to file a docketing statement with his notice of appeal by May 8, 2024 and the appellate court dismissed petitioner appeal

See Ex. "D" Notice of Appeal and order (Content 2 sheets).

19) Petitioner had no idea what a docketing statement even was let alone he had to file one and if the petitioner had known about the docketing statement he would have filed it with his notice of appeal.

20) Plaintiff filed several motions along with a docketing state he believed was the correct one.

See Ex. "E" Proof of Service and docketing Statement (Content 2 sheets).

21) Petitioner received a letter from the Clerk of the Appellate Court informing the petitioner that he filed the wrong/improper docketing statement so petitioner reached out to a friend/retired attorney and his friend provided the correct docketing statement/Notice of Motion//Proof of Service and Motion For Leave and petitioner filed those documents to the Appellate Court Fourth District BUT the Appellate Court cited Supreme Court Rule 369 and they would not allow petitioner to file his correct docketing statement. See Ex. "F" Clerk's Letters and Petitioner Correct Docketing Statement (Content 12 sheets).

22) Plaintiff was instructed that all of his options to file in the appellate court has ended and petitioner only option was to file in the Supreme Court of Illinois. See Ex. "G" Appellate Court letter Dated July 2, 2024, (Content 1 sheet).

23) Plaintiff filed a timely Motion For Leave To File Petition To Appeal Instantly and after a few corrections ~~the~~ the Supreme Court of Illinois accepted petitioner's motion on September 17, 2024 then on November 27, 2024 the Supreme Court of Illinois denied petitioner Petition For Leave.

See Ex. "H" Letters From the Clerk from July 25, 2024

through November 27, 2024 (Content 8 Sheets).

24) Plaintiff filed a timely Motion For Leave To File Instantly To File a Motion To Stay Mandate and a Motion To Stay Mandate on January 2, 2025.

25) The Supreme Court OF Illinois denied petitioner's Motion To Stay Mandate.

See Ex."I" Letters From the Clerk, Motion and Proof OF Service (Content 5 Sheets).

26) By petitioner being a pro-se litigant he filed a Motion For Extension OF Time To File Appeal after the Supreme Court OF Illinois Case No. 131053 denied his appeal so petition filed in the United States District Court For the Southern District OF Illinois and he was given Case No. 24-CV-2647-NJR.

27) The Honorable Chief Judge Nancy J. Rosenstengel transferred petitioner's case to the Central District OF Illinois and given Case No. 25-CV-03006-JES. See Ex."J" District Court Documents (Content 6 Sheets).

28) After petitioner's Motion For Leave to Appeal was denied on November 27, 2024 by the Supreme Court OF Illinois petitioner filed the Motion For Extension OF Time With the District Court OF Southern Illinois on December 18, 2024.

29) Then on December 26, 2024 Plaintiff received a letter from the Clerk of the Supreme Court OF Illinois informing the petitioner that he has to file a Writ OF Certiorari in the United States Supreme Court to appeal his state case.

30) Now petitioner has already filed a motion with the District Court of Illinois Review ex. "J" and now petitioner has been instructed to file his State appeal with the United States Supreme Court.

See Ex. "K" Letter from The Clerk Dated January 14, 2025.
(Content 1 Sheet).

31) Petitioner is a pro-se litigant and he should not be held to the same standards as an licensed trained Attorney and petitioner believes that the Illinois Honorable Judges in his case Circuit Court, Appellate Court and the Supreme Court of Illinois should have followed the leading case *Spences V. Doe*, *Green V MacDougall* and *Haines V. Kerner* recognizing that untrained litigant pleadings are to be construed liberally and held to less stringent standards, then formal pleadings drafted by Lawyers and Attorneys

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:

Rob Jeffrey's IDoc Director
Brittany Greene, Warden At Will
Correctional Officers
Robert K. Zieger
Bryce L. Hubbard
Sgt. Jeremy M. Fink
Joseph Fowler

Timber Totsch
and

John and Jane Doe's

Defendants

RELATED CASES

Circuit Court Sangamon County, Illinois Case No.
21 MR 1372 Honorable Jennifer Ascher Judge Presiding

Appellate Court Fourth Judicial District
Case No. 4-24-0699

Supreme Court of Illinois Case No. 131053

District Court of Southern Illinois Case No. 24-CV-02647-NJR

District Court of Central Illinois Case No. 25-CV-03006-JES

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- APPENDIX B is Ex. "B" Court order From Circuit Court Borgornon County, Illinois by Honorable Judge Jennifer Ascher dated March 26, 2024 Case No. 21-MR1372. Content 2 sheets.
- APPENDIX C is Ex. "C" Petitioners Footnotes From the March 25, 2024 Zoom hearing. Content 11 sheets.
- APPENDIX D is Ex. "D" Notice of Appeal in Circuit Court Case No. 21-MR-1372 Content 2 sheets.
- APPENDIX E is Ex. "E" Proof of Service and improper docketing Statement. Content 2 sheets.
- APPENDIX F is Ex. "F" Clerk letters and petitioners correct docketing Statement, Content 12 sheets.
- Appendix G is Ex. "G" Appellate Court letter dated July 2, 2024 Content 1 sheet
- Appendix H is Ex. "H" Letters from the Clerk of The Supreme Court of Illinois Content 8 sheets.
- Appendix I is Ex. "I" Letter From The Clerk of The Supreme Court, Motion & Proof of Service Content 5 sheets.
- Appendix J is Ex. "J" District Court Documents Content 6 sheets
- Appendix K is Ex. "K" Letter From the Clerk of The Supreme Court Dated January 14, 2025 Content 1 sheet.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1) Rubino VS. Circuit City Store	2 at 11 par.
2) Cable America VS. Pace Pace Electronics	2 at 11 par.
3) Knox College VS. Celotex	2 at 11 par.
4) Spencer V. Doe	
5) Green v MacDougall	3 at par. 15
6) Haines V. Kerner	3 at par. 15
	3 at par 15

STATUTES AND RULES

OTHER

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 _____ 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 _____ 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 ~~H,I,K~~ to the petition and is

- ☒ reported at Supreme Court of Illinois Case No. 131053; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Supreme Court of Illinois court appears at Appendix ~~H,I,K~~ 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 _____.

☐ 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 Nov. 27, 2024.
A copy of that decision appears at Appendix H, I, K.

☐ 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

STATEMENT OF THE CASE

1) Petitioner will try to give this Honorable United States Supreme Court a brief statement of his case.

2) Petitioner has described some important details on his case on page (1) through (5) and to reiterate a little more of petitioner case let me explain.

3) Petitioner did nothing to be put in a position like this.

4) Petitioner followed the policies, procedures and rules that was given to him at WICC in the hand book/orientation manual that was put together by the governing body of the Illinois Prison System and the Administration at Western Illinois Correctional Center and the Administrative Review Board in Springfield Illinois that has the final word/decision with all of the grievances that comes from the Illinois Prisons just simply went along with the correctional officer Robert K. Zieger misconducts and turned a blind eye to the injustice that the petitioner had to deal with for the last past few years, Review ex. "A".

5) There is a video footage that was/is available to them "all" at WICC and to Springfield administrative review board (of the alleged incident (staff assault) that supposedly took place on December 13, 2021 Review ex. "A") and they "ALL" turned a blind eye to the injustice of the petitioner.

6) When the Defendants representative's Assistant Attorney General Robert Hague at 500 S. 2nd Street Springfield Illinois 62701 informed the Circuit Court

presiding Judge Jennifer Ascher of Sangamon County, Illinois Case No. 21-MR-1372 that petitioner is innocent of "ALL" of those charges that was written on him by C/O Robert K. Zieger at WJCL on December 13, 2021 Review ex. "A".

7) Petitioner thought that the Honorable Judge Ascher was going to at the very least continue the case No. 21-MR-1372 against defendant Zieger but that did not happen at all.

8) The case has a very clear picture of the judicial system on how it has failed the petitioner.

9) Petitioner cannot articulate on how to put the words together to make things sound better in legal terms but I believe that I showed this Honorable Supreme Court of The United States the evidences to prove this case and it deserves to be reviewed.

10) I am asking for Counsel to be assigned/appointed to represent the petitioner.

REASONS FOR GRANTING THE PETITION

- 1) Petitioner followed the rules that the Illinois Department of Corrections (IDOC) has provided for him and thousands of other inmates in the IDOC facilities as well.
- 2) Inmates has to follow those policies, procedures and rules otherwise a disciplinary report will be issued to the inmate who broke the rules.
- 3) In this case before this Honorable United States Supreme Court, petitioner was issued a disciplinary ticket review ex. "A" because he was accused of attempted assault against a correctional officer Robert K. Zieger at Western Illinois Correctional Center (WICC).
- 4) As Petitioner explained to this Court a number of times in this petition that he was proven innocent of those falsified bogus charges by the "NEW 2023 Internal Affairs Team" at WICC and by the AAG Hague.
- 5) Petitioner went through the Prisoners Litigation Reform Act (PLRA) and the video footage was available for them to review.
- 6) They "ALL" refuse to acknowledge that petitioner did not do what he was accused of, assaulting a Correctional officer.
- 7) Petitioner filed a lawsuit because the PLRA failed to do what was right and throughout the entire lawsuit petitioner was held to the same standards as a licensed trained attorney or lawyer.
- 8) Petitioner has that falsified DR on his institutional record so no matter where IDOC transfer the petitioner that staff assault will be there. ~~see~~
See Ex. "L" Inmate Disciplinary Card (Content 1 sheet).

- 9) Petitioner will be liable as a staffer assaulter as long as that falsified DR is on my institutional record.
- 10) Petitioner has maintained his innocence from day one and the entire WICC administration who was involved in adjudicating the disciplinary ticket of petitioner was complicit in the harm of willfully and knowingly intend to act with deliberate indifference, to petitioner.
- 11) When petitioner was accused of that assault against C/O Zieger, ~~the~~ petitioner can not get certain jobs in any IDOC facilities.
- 12) Petitioner has a first degree murder charge which is considered a violent crime.
- 13) To have a staff assault on my institutional record it will have a very bad domino effect on any hopes of clemency, sentence reduction(s), good time and any new laws that might come out in the future that might benefit the petitioner.
- 14) By petitioner having that falsified DR on his institutional record this Honorable United States Supreme Court can see why this case need your immediate review.
- 15) For these reasons in paragraph 1 through 14 petitioner prays that this Court grant this petition for review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


A handwritten signature in dark ink, appearing to read "Barry Morris", is written over a horizontal line.

Date: February 5 2025