

24-6834

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

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

MAR 14 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

FILED

MAR 14 2025

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SUPREME COURT, U.S.

Kimeo Delmar Conley — PETITIONER  
(Your Name)

vs.

Tami J. Schult — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United states Court of Appeals for the Seventh Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kimeo Delmar Conley  
(Your Name)

Racine Correctional Inst P.O. Box 900  
(Address)

Sturtevant, WI 53177  
(City, State, Zip Code)

N/A  
(Phone Number)

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### QUESTION(S) PRESENTED

Did the petitioner (Kimeo Delmar Conley) state a claim in his complaint with a short and plain statement showing that as a pleader that he was entitled to relief? Fed. R. Civ. P. 8(a)(2) and if so did the Complaint contain enough facts, "accepted as true, to state a claim to relief that was plausible on its face? (Ashcroft v Iqbal) 556 U.S. 662, 678 (2009) quoting (Bell Atlantic corp v Twombly) 550 U.S. 544, 570 (2007).

Could a reasonable jurist conclude that the defendant (Tami J schultz) violated the petitioner's Eighth Amendment rights, which imposes a duty to ensure that the petitioner (Kimeo Delmar conley) received adequate food, (Farmer v Brennan) 511 U.S. 825, 834 (1994)? Which protects against deprivation of essential food.

## 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:

## RELATED CASES

(Ashcroft v Iqbal) 556 U.S. 662, 678 (2009)  
(Bell Atlantic corp v Twombly) 550 U.S. 544, 570 (2007)  
(Ferner v Brennan) 511 U.S. 825, 834 (1994)  
(Estelle v Gamble) 429 U.S. 97, 104-05 (1976)  
(Helling v McKinney) 509 U.S. 25, 113 S.Ct. 2475, 125 L.Ed. 2d 22 (1973)  
(Us v Park) 421 U.S. 658, 95 S.Ct. 1903, 44 L.Ed. 2d 489 (1975)

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
(Ashcroft v Iqbal)	556 U.S. 662-678 (2009)
(Bell Atlantic Corp v Twombly)	550 U.S. 544-570 (2007)
(Fermer v Brennan)	511 U.S. 825, 834 (1994)
(Estelle v Gamble)	429 U.S. 97, 104-05 (1976)
(Heiling v McKinney)	509 U.S. 25, 113. S. Ct. 2475, 125 L. Ed. 2d. 22 (1993)
(Us v park)	421 U.S. 658, 95 S. Ct. 1903, 44 L. Ed. 2d. 489 (1975)

## STATUTES AND RULES

Fed. R. Civ. P. 8(a)(2)  
Fed. R. Civ. P. 1915(a)  
21 U.S.C § 321 (2)(f)  
21 U.S.C § 342 (a)(3)  
21 U.S.C § 342 (a)(4)

## 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 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 at Appendix B 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 1/27/2025.

[ ] 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: 2/25/2025, 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 \_\_\_\_\_ (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**

Eighth Amendment of the U.S. Constitution  
Fed. R. Civ. P. (8)(a)(2)



## STATEMENT OF THE CASE

on (2/25/2024):

All I know is I ate metal shavings that were on the bottom of the peanut butter bars served that day. I ate one whole one and didn't notice until the second one that there were shiny metal pieces at the bottom of the second peanut butter bar. I stop eating the (peanut butter bar) and went and showed it to the unit officer on 2nd shift to make him aware. That night I got sick, very sick and was vomiting out the shiny metal shavings and this is what made me put in a request to see health services for what made me sick and the source of the problem was the peanut butter bars. As a result I filed a grievance in which the Prison [Affirmed] = meaning granted, something they never do and they affirmed the fact that - [metal was indeed in the food]. As a result I filed a law-suit against the food supervisor (Tami schult) who quit her job soon after. In my law-suit I pointed to the fact (schult) has been known to order her work's to feed us rotten potatoes and pointed to case # (23-CV-00680) of another inmate Richard Najee whom filed a suit in the Western District of Wisconsin to show a pattern of times where (schult's) while in her position disregarded inmate's health by serving inadequate food which to me demonstrates a (deliberate indifference mind set) because she was aware and did nothing. I also pointed to another inmate (Cortez Robinson) whom also filed a law suit against (schult's) for the same exact reason that I did in the eastern District of Wisconsin in case # (24-CV-00789) and was allowed to proceed pass the screening stage, when I wasn't only thing different was he had a different judge than I. But both the district and Appeal's court overlooked this fact. They feel that my 8th Amendment rights have not been violated even though this metal in my food made me extremely sick and cause an unnecessary risk to my health all because it happen one time. But my question is did I have a valid complaint?

### REASONS FOR GRANTING THE PETITION

The petitioner did indeed state a claim pursuant to Fed R. Civ. P. 8 (a)(2) that the defendant violated the petitioners 8th Amendment rights to have adequate food (Ferner v Brennan) 511 U.S. 825. 834 (1994). This is why the petition should be granted.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James D Conley

Date: March 6, 2025