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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Tarun Kumar Vyas — PETITIONER
(Your Name)

vs.

Bryan Hutchesson — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

1. This case squarely presents a question under the Ist, Vth, VIIIth and XIVth amendments that has sharply divided the federal courts of appeal. Inmates with sex charges are routinely subject to ruthless violence and extortion in prisons across the country due to the nature of their charges, which become known through the LEXIS law library provided in prisons.

The question presented is, whether this warrants the sealing or redaction of the personal identifying information of such inmates on the LEXIS law library, as held in the affirmative by the fifth circuit, or whether it does not, as held by the fourth circuit.

2. Whether the Vth amendment and Federal Rule of Civil Procedure 72, allow to not conduct a de-novo review of the magistrate judges' legal and factual conclusions, when a timely objection has been filed for those findings.

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:

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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 Vyas VS Hutcherson, 2024 U.S. App. LEXIS 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☐ is unpublished.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 Vyas V. Hutcherson, No. 24-6783; 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☒ is unpublished.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 Dec. 27, 2024.

☐ 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: Jan. 27, 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

Dr. Vyas respectfully states that the following constitutional and statutory provisions are involved :-

- ① The Ist amendment's freedom of speech clause.
- ② The Vth amendment's due process clause.
- ③ The VIIIth amendment's cruel and unusual punishment clause.
- ④ The XIVth amendment's due process clause.
- ⑤ Federal Rules of Civil Procedure 72.

STATEMENT OF THE CASE

Dr. Vyas respectfully states the following :-

I filed the motion to seal or redact my personal identifying information on LEXIS law library at the United States District Court for the Western District of Virginia in Roanoke on 6/17/2024, case no. 7023 - cv - 00102 - JPT - PMS. I did so because, I had recently been threatened in prison due to the nature of my charges (child pornography) and also had been physically assaulted in the past, owing to the same reason. In my motion, I included [] the authorities presented in this petition and emphasized that the fifth circuit had recently granted the same relief on 6/10/2024 in 'USA VS Ochoa'.

The magistrate judge denied the relief. I filed a timely objection to the minute order. The district judge affirmed

the denial without conducting a de novo review.

I then filed a timely notice of appeal, followed by the appeal to the fourth circuit. The fourth circuit denied the appeal on 12/27/2024.

I subsequently filed a timely petition for a rehearing en banc on 1/2/2025.

The petition for a rehearing en banc was [REDACTED] denied on 1/27/2025.

'REASONS FOR GRANTING THE PETITION'

- (A) The sealing or redaction of personal identifying information on LEXIS law library merits this court's review.
- (1) The issue is recurring and extremely important because inmates across the country face serious security risks in prisons, solely due to the nature of their charges. Those risks are more severe than that of the general population. Sealing or redacting their identifying information from the LEXIS law library, is the fastest and most efficient method of addressing the issue, as has been done by the fifth circuit.
- (2) The issue is causing serious problems across the nation because inmates with sex charges are unable to carry out their prison term without being the victim of ruthless violence and extortion.
- (3) The issue is of fundamental legal significance since the court's decision

③ will significantly impact the governance of all the prisons nationwide.

④ The issue is national in scope, because all the federal and state prisons face the same problem.

⑤ The petition also presents an important and recurring Vth, VIIIth, Ist and XIVth amendment issue, with significant implications for inmates and prison officials alike. A ruling like the fifth circuit will make it easier for inmates with sex charges to avoid needless violence and extortion, thereby also assisting the prison officials in running the facilities smoothly.

⑥ There are no factual or procedural impediments to the court in reaching the legal issue presented:

i The facts are undisputed,

ii The resolution of the question presented was outcome - dispositive,

iii There is a complete record,

- (6) (iv) The decision below was published,
(v) The case is not interdictatory and
(vi) The facts are emblematic of how this legal issue generally arises.
- (7) This is an ideal vehicle to address the question presented and provide guidance on the very important issue.
- (8) The question presented is extremely important and warrants review.
- (9) The case is worthy of the court's review, as the fourth circuit's decision should be overruled.
- (10) The fourth circuit has wrongly decided a very important legal question.
- (11) The fourth circuit has overstepped its authority.
- (12) A nationwide answer to the federal issue is necessary.
- (13) The petition presents a genuine, direct and outcome determinative conflict.

Dr. Vyas respectfully states the following in support thereof :-

① Numerous courts have found that individual privacy rights in personal identifying information and health records outweigh the presumption in favor of public access to court records [Hernandez VS Cnty. of Monterey, N.D. Cal., 7/21/23] (collecting cases...).

② In 'USA VS Busby (D. Nev., 7/18/2024)', the court granted the motion to seal because of :

- ① Past physical harm by other inmates and
- ② Serious threat of future harm.

I, too, satisfy both the factors.

③ In 'Hood VS Johnson (D. Nev. 9/18/2024)', the court granted the motion to seal, since the compelling need to protect the petitioner's and victim's safety, and privacy and/or personal identifying information, outweighs the public interest in open

- ③ access to court records.
- ④ In 'USA VS Shelton (N.D. Cal. 10/17/2024)', the court sealed the contents of the letter as they contained sensitive information.
- ⑤ In 'Doe VS Stover (D. Conn. 11/20/2024)', the court sealed the name and personal details in a child pornography case. The same result is warranted here.
- ⑥ In 'USA VS Carroll (W.D. Ky. 12/12/2024)', 'USA VS Sanders (N.D. Ohio, 3/28/2022)' and 'USA VS [redacted] Kixnick (E.D. Mich. 6/15/20)', the courts granted the motion to seal in order to preserve their privacy interest in those documents.
- ⑦ In 'USA VS Knapsinski (W.D. Wash. 9/19/2024)', the court granted the motion to seal. It was opined that the public's right to copy and inspect public records are not absolute and must yield when:

- (7) (i) sealing a document serves a compelling interest,
- (ii) that is substantially likely to be harmed if the document is not sealed and
- (iii) there are no less restrictive alternatives for protecting the interest [USA vs Doe, 870 F.3d 991, 998 (9th circuit, 2017)].

All the three factors are satisfied in my case:

- (i) The sealing or redaction of [all] personal details from the LEXIS law library serves a compelling interest of being free from unprovoked extortion and violence in prison, in accordance with the Ist, Vth, VIIIth and XIVth amendments,
- (ii) That right is substantially likely to be harmed if the [information] is not sealed [or] redacted, and
- (iii) There are no less restrictive alternatives for protecting that interest, apart from sealing or redacting all [the] personal

- ⑦ (iii) information from the online LEXIS law library, as has been done by the court in 'USA VS Ochoa, 5th circuit, 6/10/2024'.
- ⑧ Even district courts within the fourth circuit have granted the motion to seal personal identifying information — 'USA VS Hutton (S.D.W.Va. 12/24/2024)'.
- ⑨ Apart from the fifth circuit's opinion in 'USA VS Ochoa, 6/10/2024' and the ninth circuit's opinion in 'USA VS Doe, 870 F.3d 991, 998 (2017)', granting the petition is also supported by the fourth circuit's opinion in 'James VS Jacobsen, 6 F.3d 233, 238 (1993)':
- ⑩ The sealing or redaction will preserve privacy in a matter of sensitive and highly personal nature, since denying the sealing or redaction exposes me to a heightened risk of physical and mental harm, due to no fault of my own.

(9) (ii) The personal identification will pose a risk of retaliatory physical and mental harm to me, without the sealing or redaction.

(iii) The sealing or redaction of the personal identifying information will also preserve privacy of clinical information.

(iv) There is no risk of unfairness to the opposing party from allowing an action against it to proceed anonymously.

(v) The sealing or redaction has not been requested to merely avoid the annoyance and criticism that may attend any litigation, because even after all my personal identifying information has been sealed or redacted from the LEXIS law library, general public outside the prisons will still be able to access it, not only on other online law libraries such as Fastcase and Westlaw, but also on search engines like Google and Bing. Therefore,

- ⑨ ⑤ granting the petition is justified by the correctly narrow balance in favor of reasonable anonymity.
- ⑩ Extraordinary circumstances support the sealing or redaction [Doe vs Pub. Citizen, 749 F.3d 246, 273 (4th circuit, 2014)].
- ⑪ Not sealing or redacting the personal information on the LEXIS law library, puts all inmates with sex charges nationwide, at a substantial risk of physical and mental harm, solely due to the nature of the charges, in violation of their Ist, Vth, VIIIth and XIVth amendments.
- ⑫ Forcing inmates to report information publicly which is clearly linked to prison violence and extortion, as opposed to public safety, violates the Ist, Vth and XIVth amendments [Doe vs Whitmer, E.D. Mich. 2024].
- ⑬ 'USA vs Doe (D. Maine, 11/12/2024)' also redacted the name to protect the identity.

- (14) It is evident from the cases cited, that apart from the fifth circuit, the first, sixth and ninth circuits also lean towards granting the sealing or redaction. This is because many courts within those circuits have ruled in favor of sealing or redaction in similar or identical circumstances.

Hence, it is safe to say that the fourth circuit stands alone in its determination to deny the sealing or redaction.

- (B) The lack of a de - novo review of a magistrate judge's findings by the district judge also merits this court's review.
- (1) The United States District Judge (U.S.D.J.) retains the authority to review any magistrate judge's decision or recommendation, whether or not objections are timely filed [Thomas VS Arn, 474 U.S. 140, 154 (1985)] [Matthews VS Weber, 423 U.S. 261, 270 - 271 (1976)]. Hence, when the objections are timely filed, the USDJ should review the decision or recommendation de - novo.
- (2) The USDJ erred by not conducting a de - novo review of the magistrate judge's factual and legal conclusions, since I timely objected to those findings [USA VS Reyna - Tapia, 328 F.3d 1114, 1121 (9th circuit, 2003)].
- (3) A de - novo review should have been conducted in accordance with Federal Rules of Civil Procedure 72.

CONCLUSION

Thus, I most respectfully pray that the court grant the petition for a writ of certiorari.

Respectfully submitted,

~~Tarun~~

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Date : March 1st, 2025