

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

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Christopher Pyles — PETITIONER  
(Your Name)

vs.

William Spiller, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The 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

Christopher Pyles #R-43795  
(Your Name)

Stateville Correctional Center, Post Office Box 112  
(Address)

Joliet, Illinois 60434  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

Whether the surrounding circumstances of petitioner's confinement in a state penitentiary, resulting from prison overcrowding in Illinois, violates the Eighth and Fourteenth Amendments of the United States Constitution?

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

- Warden Michael Atchison (Retired)
- Warden Richard Harrington (Retired)
- Warden Kimberly Butler (Transferred)

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### 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☒ is unpublished.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 C 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☒ is unpublished.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☐ is unpublished.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☐ is unpublished.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 31 August 2017.

☐ 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: 4 October 2017, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

The Eighth Amendment of the Federal Charter, to be free from Cruel & Unusual Punishment, and the Fourteenth Amendment, which makes the Bill of Rights applicable to the states.

## STATEMENT OF THE CASE

An appeal to the Seventh Circuit was taken on 16 June 2016, following the District Court's granting of summary judgment to the respondents. Petitioner maintains that the record in this matter supported the existence of genuine issues of material fact and that due to the presence of an actual dispute he should have been permitted to proceed to trial.

Petitioner filed a Second Amended Complaint through appointed counsel on 12 August 2015. The claims were substantiated in his response to summary judgment (filed on 10 December 2015). Mr. Pyles contends that the respondents have been deliberately indifferent to the risk of and actual harm to his psychological and physical health and wellbeing. He has asserted that the 'surrounding circumstances' of his conditions of confinement at Menard Correctional Center were exacerbated through the abuse of lockdown policy and procedure, and that the aggregate of these harmful conditions are the result of long unremedied prison overcrowding.

Specifically, these conditions are:

- Small cell sizes (less than 40 square feet);
- Double-bunking;
- Lack of adequate out of cell exercise time for dynamic movement;
- Limited access to medical and mental health care;
- Environmental concerns, such as improper ventilation and heating and cooling issues;
- Poor nutrition and sanitation concerns.

## REASONS FOR GRANTING THE PETITION

Prison overcrowding in the state of Illinois, more narrowly at Menard Correctional Center ("Menard") (a maximum security facility), has progressively been getting worse for almost forty years. The prison has declined to a point of entropy where the conditions are detrimental to the psychological and physical health and wellbeing of the prisoners, including Mr. Pyles, and threaten to cause further harm—both immediate and long term. Moreover, in response to an increase of violence and other issues as a result of the increasing population, the cumulative impact of these conditions of confinement are exacerbated when the prison enters into institutional lockdowns for trivial, "run-of-the-mill," isolated incidents.

Generally, the prisoners are warehoused, they are double-bunked in cells where the paucity in size prohibits personal space and room to exercise. Confinement to these cells lasts an average of 160 hours per week while off of lockdown, and on lockdown there is nothing but solid confinement. Petitioner asserts that this environment in combination with a lack of adequate out-of-cell exercise time has aggravated his bi-polar disorder, has caused anxiety and insomnia, and has inflamed his spinal injury, as well as deteriorated his physical fitness through muscle atrophy and inhibited his mental/emotional development due to the loss of his drive and his ability to focus and concentrate. The extensive confinement is captivity and the inactive nature of this rapidly ages a person's body; the weakening muscles and joint stiffness, along with the stress are debilitating.

Throughout the inferior court record, Mr. Pyles has relied on this Court's 'totality of the circumstances' approach as was developed in *Rhodes v. Chapman*, 452 U.S. 337, 363 (1981), wherein if conditions have "a mutually enforcing effect that produce the deprivation of a single, identifiable human need" they must be found unconstitutional. However, this entire approach has been ignored.

Since 1980 the population at Menard has risen from 2,650 to around 3,700 today. In *Lightfoot v. Walker*, 486 F. Supp. 504, 524-26 (S.D. Ill. 1980) (conclusions of law) the Southern District admonished all respondent's successors to comply with a remedial plan that would reduce its ever-growing population. This admonishment was followed by a caveat that, if Menard cannot properly house its population without violating the prisoners' rights, a prisoner release order will have to be issued. *Id.*, at 528, para. G.

Additionally, in *Turley v. Bedinger, et al.*, No. 08-cv-007-SCW (S.D. Ill.) the same district court reviewing Mr. Pyles's claims had a jury rule favorably toward the plaintiff on the same cell size and double-bunking issue, where injunctive relief is currently anticipated. Also, since the litigation of *Rasbo, et al. v. Baldwin, et al.*, No. 07-cv-1298-MMM (C.D. Ill.), the Illinois Department of Corrections, including Menard's administrative staff, have been aware of the risks for harm to the mental health of prisoners living in conditions of excessive/long-term confinement.

The facts in dispute are whether Mr. Pyles suffers from or is under any threat of injury as a result of these conditions and whether the respondents know of or must have known about said harm. Conversely, the respondents never contested the existence of these conditions, only that they had no impact on petitioner.

The purpose of certiorari here is to determine whether severe prison overcrowding can culminate into conditions that become harmful to the persons confined therein, and if so does petitioner meet that burden to demonstrate that there was a substantial risk of imminent harm to his psychological and physical health and wellbeing, and that he actually suffered some injury as a result of this captivity. Also, given the history of the litigation against the prison in question, in combination with petitioner's grievances, there is no doubt that the respondents are/were aware of any such risk of harm.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Christopher Pyles

Date: 1 January 2018