

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OSCAR ARMANDO S-M — PETITIONER
(Your Name)

vs.

Lorie Davis Dir, ETAL RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF Appeals Fifth Circuit ✓
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

OSCAR ARMANDO
(Your Name)

~~500 Hilbig Road~~
(Address) 15850 EXPORT PLAZA Dr. Houston TX 77032

~~CONROE TEXAS 77301~~
(City, State, Zip Code)

(Phone Number)

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES

WASHINGTON D.C. 20543-0001

02/25/2018.

OSCAR ARMANDO SARRES, \$ LORIE DAVIS ET AL;
A#072810778 \$RESPONDENTS"IN
15850 EXPORT PLAZA \$ THEIR OWN CAPACITY
HOUSTON TEXAS 77032

RE:OSCAR ARMANDO
USDC N0.1:15-CV-093

QUESTIONS

1]HOWMANY TIMES THE PETETIONER FILED FOR OPI UNDER MATT KENNELLY DIRECTION FILLING FOR TRANSFER?

2] ARE YOU RESPONSIBLE FOR THE RECOMENDATION OF THE STATE CLASSIFICATION AND RECORDS OFFICE?

3]IF THE STATE CLASSIFICATION AND RECORDS FAILS TO PROVIDE SAFETY BY TRANSFER BECAUSE OF AN OPI BEING FILED, IS THE RESPONDENT RESPONSIBLE OR THE MEMBERS OF THE STATE CLASSIFICATION?

4] AREYOU AWARE OF THE BASIC UNQUESTINABLE CONSTITUTIONAL RIGHTS OF WHICH YOUR BEING CHARGED FOR NOT TAKEN PETITIONER OPI SERIOUSLY?

5] DID THE MEMBERS OF THE COMMITTEE OF STATE CLASSIFICATION AND RECORDS OFFICE KNOWS OF THE INPENDING DANGER THAT WAS FILED BY PETITIONER BY THE OFFICIAL DOCUMENTS OF AN O P I?

**6] IS TRUE THAT THE COMMITTEE MEMBERS
STATE CLASSIFICATION AND RECORDS OFFICE
ARE VERY CAREFULL TO THREET EVERY O P I
COMPLAINTS WITH OUT BEING PREJUDICE BYEST
OR RACIST AND WITHOUT VIOLATING THEIR
CONSTITUTIONAL RIGHTS?**

**7] IS IT TRUE THAT THE COMMITTEE MEMBERS OF
STATE CLASSIFICATION AND RECORDS
OFFICE UNDER LORIE DAVIS THAT DENIED
TRANSFER AND THE O P I FILED BY PETITIONER**

**8] HOW MANY TIMES DID THE PETITIONER FILED
FOR O P I AT THE WALLACE UNIT ?**

**9]HOW MANY TIMES DOES IT TAKE TO FILED AN O
P I BEFORE AN O P I IS TAKEN SERIOUSLY ?**

**10] DOES A VICTIM LIKE PETITIONER WHO DID
FILED O P I HAVE TO TAKE PHISICAL BODLY
DAMAGES TO BE TAKEN SERIOUSLY TO GET A UNIT
TRANSFER ?**

**11] DO YOU KNOW THAT AFTER THIS INCIDENT
AT THE WALLACE UNIT .THE PETITIONER WAS
TRANSFERED TO THE ROACH UNIT AND THAT WAS
PETITIONER 3RD ASSIGNMENT TO THE ROACH UNIT**

CONCLUSION

**ACCORDING WITH WARDEN KENNELLY
MOTION FOR SUMMARY JUDGMENT RELIEF IN
HIS CASE No. 1:13-CV-040- BL- AND WARDEN
KENNELLY AFFIDAVIT . THE STATE
CLASSIFICATION ARE RESPONSIBLE FOR THE
DENIAL OF HIS RECOMMENDATION OF
TRANSFER FROM THE WALLACE UNIT. AND IT IS
TRUE SINCE LATER ON OCTOBER 18-2012
PETITIONER IN FACT WAS PLACED IN MORE
DANGER AT THE ROACH UNIT THE SUPREME
COURT DENIED REVIEW THAT CASE No.17-10217.
NOW HE IS SHOWING EVEN MORE EVIDENCE
ACCORDING WITH WARDEN KENNELLY IN THIS
PRESENT CASE.**

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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- 1]SAFE PRISON DOCUMENTS
- 2]WALLACE UNIT CLASSIFICATION,DOCUMENTS
- 3]WARDEN KENNELLY AFFIDAVIT
- 4] ORDER GRANTING SUMMERY JUDGMENT
- 5]PETITIONER AFFIDAVIT
- 6] PETITIONER STATEMENT
- 7]PETITIONER PREVIOUS SUIT EXHIBIT-G
- 8[MOTION TO PROCEED IN FORMA PAUPERIS
- 9] OPINION and ORDER OF DISMISSAL

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

FARMER V. BRENNAN 511 U.S. 825, 835, 39-40 (1994)

STELL V GAMBLE 429 U.S. 97, 104 (1976)

STATUTES AND RULES

42 U.S.C. 1983

FED. R. CIV. P. 56 (C)

OTHER CITATION Omitted and Facts Finder may
CONCLUDE That the Prison Officials knew
OF SUBSTANTIAL risk TO Petitioner Health
And Safety. At Both Unit of T.D.C

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 _____ 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 Supreme Court of Texas; 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 February 24th 2018.

☐ 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 _____.
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

Deliberate Indifference Standard, in *Farmer v. Brennan* 511 U.S. 825 (1994) The Supreme Court Described The Appropriate Standard For Determining deliberate indifference to inmate health and safety in violation of the 8th Amendment. Cruel and Unusual Punishment. The only issue is whether the defendants "knew or should have known they was violating Petitioner-Rights": *Harlow v. Fitzgerald*, Supra note 184, at 27 37-39 If a Right is clearly established, prison officials knows or should have known whether their act violate it except in extra ordinary circumstances, *Trejo v. Perez*, 693 F.2d 484, 485 (5th Circuit 1982). If prison officials have acted in direct violation of a judgement against them: *Williams v. Bennett*, 689 F.2d 1370, 1385-86 (11th Cir. 1982); *Powell v. Ward* 643 F.2d 924, 934 n.13 (2nd Cir. 1981). OR Contrary to the specific holding of previously - decided case in the Supreme Court or in the local state or federal courts: *Chavis v. Rowe* - 643 F.2d 1281 (7th Cir. 1981); *Weyne* 575 F.2d 593 (7th Cir 1978) *Bryant v. McGinnis*, 643 F. Supp. 373 (W.D. NY 1978). They are NOT entitled to Qualified Immunity.

STATEMENT OF THE CASE

United States Court Of Appeals
For the Fifth Circuit
Office of the Clerk

Oscar Armando Sarres Mendoza

A# 072810778

VS.

Lorie Davis

Director of T.D.C.J.

ET AL;

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§

§

§

§

No. 17-10870

NO. 16-11178

U.S.D.C. No. 1:15-CV-093

Statement

Being physically assaulted by 7 prisoners at the Wallace Unit and the warden of that unit having filed request to have the plaintiff transfer on two separate occasions (DOC-33-E.X.A.) It is clear from request for transfer filed by the warden unit that plaintiff was in actual eminent danger of being a victim of prison violence if placed in general population at the Wallace unit because of individuals housed there which sought to kill or maim the plaintiff. Plaintiff knows that officials cannot prevent all inmate on inmate violence however, plaintiff is showing that the state classification and records office where the defendants work, acted with deliberate indifference to plaintiff health and safety in denying both request filed by the warden Matt Kennelly whom the court in civil action no. 1:13-CV-040 BL granted summary judgment as not being liable under 1983. It is clear that the defendants William Stephens at the time, and the (SCC) who denied warden Matt Kennelly Request, to have the plaintiff transferred knew of an excessive risk. Plaintiff establishes that the defendants were aware of the facts from which and inference of an excessive risk to the plaintiff health and safety could be drawn, and that they actually drawn and inference that such potential harm existed. Later plaintiff was seriously injured and left with some irreversible damage and injury to his brain by the physically beaten he suffered when placed in general population after defendants denied him transfer by rejecting the recommendation of warden Matt Kennelly. furthermore: defendants immediately had plaintiff transferred to another unit where he was previously assaulted and received injuries head and ribs injuries, and that was plaintiff 3rd assignment to this other unit of T.D.C.J. of which that another suit case No.17-10217, back in this case;

Warden Matt Kennelly summary judgment motion in this case shows that he did in fact recommend a transfer to protect the plaintiff safety on two separate occasions and that those recommendations were ultimately denied by the defendants that (SCC) (DOCK 33 E.X.D.) while warden M. Kennelly alleged good faith immunity and was granted summary judgment relief in his case, the defendants according to his M.S.J. are responsible for any injury or damaged suffered by plaintiff once he put him back in general population from transient custody where he had him from his protection and warden Kennelly claimed that he act reasonable in placing plaintiff back in general population.

It is clear that liability is shifted from Warden Kennelly to the defendants perhaps the Warden did this to save himself of any liability. The truth is plaintiff suffered injuries, serious injuries

approximately caused by negligence of defendant's deliberate indifference and/or disregard for plaintiff health and safety knowing he was in danger of suffering injuries at the hands of other prisoners at the Wallace Unit. Such conduct constitutes a recognizable claim under 1983.

Plaintiff does not know how many defendants were involved in the denial process in refusing to him transfer from the Wallace Unit and in allowing for such denial to bring the warden to said unit to return plaintiff to general population where he was brutally beaten by other prisoners as he had warned the warden what would happen if he was made to return to general population.

Plaintiff was threatened with major disciplinary action if he refused housing in general population. Therefore he complied with warden order to return to general population any and all injury and damage where the proximate cause of defendants action or inaction.

Plaintiff now suffers from permanent brain damage, head injuries, lower back, left shoulder injuries and suffers from major headaches. Plaintiff will require medical attention for the rest of his life. Defendants are liable on plaintiff is entitled to relief.

From page 40.FS \$900 hundred millions of dollars medical expenses present and future, which plaintiff will incur as a result of the injuries he approximately suffered due to the defendant's violation of his constitutional rights. Plaintiff seeks Compensation Damages Award from defendants acting under their individual capacity as he cannot obtain monetary damages from said defendants while acting their official capacity. Court costs and fees and any other relief exemplary special and general which the plaintiff may be justify and rightly entitled to;

Relief

Seeking justice of law and convictions of crimes against the justice system of which we all should be threatened equally and without prejudice of crime against me, plaintiff also seeking relief of all who may concern in the T.D.C.J. system including those given immunity that are given based on the facts of injuries done to me, that hold them reliable according too the constitution they claim that break their loyalty to the writ in words their-in if no conviction can be done to any of immunity then they must become liable to the damages done to me as well. All corporations, entities businesses, person, institutions are liable of my injuries and of my safety while in their custody of which I'm claiming a relief suit of 20 million dollars.

Plaintiff's Full Name;

Oscar Armando Sarres Mendoza
A# 072810778


Respectfully Submitted

REASON FOR GRANTING THE PETITION

THE HONORABLE JUDGE E. SCOTT FROST FROM THE U.S. DISTRICT COURT OF ABILENE, TEXAS. GRANT WARDEN MATT KENNELLY MOTION FOR SUMMARY JUDGEMENT ON OCTOBER 17-/2014. IN CASE NO.1:13-CV-040-BL . THE U.S.DISTRICT COURT FAIL TO TAKE ACTION AND TO BRING THOSE RESPONSIBLE TO JUSTICE ACCORDING WITH WARDEN MATT KENNELLY M.S.J . WARDEN MATT KENNELLY CLERLY STATED IN HIS AFFIDAVIT THAT THE [SCC] ARE THE RESPONDENT. DOC 33-E.X.A - SINCE THE U.S.D.C. GRANTED WARDEN KENNELLY MOTION FOR SUMMARY JUDGEMENT THEN IT IS CLEAR THAT THE U.S.D.C FAIL TO TAKE ACTION, THE PETITIONER REFILED HIS CASE ON 05,/06/2015.THE CLERK ASSIGNED NEW CASE NO.1:15-CV-093 BUT THEN AGAIN DISMISSED. IT IS OBVIOUS THAT THE LOWER COURT CONSPIRED AGAINST THE PETITIONER. FORMORE THE PETITIONER FILED THIS CASE AFTHET HE WAS TRANSFERRED TO THE ROACH UNIT THEN AGAIN RESPONDENTS PUT THE PETITIONER IN SERIOUS DANDER SINCE HE HAD ENEMIES THERE AND THAT WAS PETITIONER 3RD ASSINGMENT TO THE ROACH UNIT FROM THE WALLACE UNIT SO THE RESPONDENT ARE RESPONSIBLE FOR THE ATTACK TO THE PETITIONER AT THE WALLACE UNIT. THEN LATER ON OCTOBER 18. WAS PLACE AT THE ROACH UNIT. THE SUPREME COURT DENIED REVIEW THAT CASE 17-10217 . UPON SHOWING FROM WARDEN KENNELLY M.S.J RELIEF IN HIS CASE AND BEING PLACED AT THE ROACH UNIT FOR HIS 3RD ASSINGMENT SHOULD BE ENAUGHT REASON[S] FOR GRANTIN THE PETITION.

RESPECTFULLY;OSCAR ARMANDO,SARRES MENDOZA

WARNING

THIS COURT DID NOT REVIEW THE FOLLOWING CASE. BUT IS EVIDENCE TO SUPPORT, THAT THOSE RESPONDENTS. IN HUNTSVILLE STATE CLASSIFICATION PUT THE PETITIONER IN SERIOUS SITUATION AT WALLACE UNIT ON 10-01-2012. AND 10/18/2012 AT THE ROACH UNIT. PLEASE REVIEW BOTH CASES.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Oscar Armando Torres M.

Date: 08-24-2018