

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

MITCHELL CEE WALCK — PETITIONER
(Your Name)

MR. EFFIE REED vs. UNNAMED JANE AND JOHN DOE.
CORIZON HEALTH CARE — RESPONDENT(S)
SERVICES CONTRACT #090000331
ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MITCHELL CEE WALCK 110973
(Your Name)

13500 SOUTH PLEASANT VALLEY ROAD
(Address) KUNA, ID.

*
PO BOX 70010
(City, State, Zip Code) BOISE, IDAHO
83707

(Phone Number)

* QUESTIONS PRESENTED

BEING A PAUPER-PRISONER SHOULD NOT BE A REASON AND OR COURT RULE FOR GROUNDS TO DISMISS FOR FAILURE TO COMPLY TO MONETARY COURT COSTS, WANT OF PROSECUTION —

REFERENCE TO THE 3 STRIKES PROVISIONS WHICH PETITIONER HAS BEEN CREDITED TO INASMUCH THERE ARE VERY UNBELIEVABLE CIRCUMSTANCES TO THOSE SO CALLED 3 THREE STRIKES VIOLATION THAT PETITIONER GOT "LABELED" WITH OVER (12) TWELVE YEARS AGO PLUS. COLLUSION TO SUPPRESS BY GOVERNMENTAL STATE OF MONTANA OFFICIALS AT THE HIGHEST LEVELS PROTECTING A DEED DONE, MONTANA MEDICAL DOCTOR WHO "ILLEGALLY" PRESCRIBES NARCOTICS AND PSYCHOSIS DRUGS TO PETITIONER'S WIFE, CHARLIE WALCK AND ALSO TO PETITIONER. THE DISTRICT JUDGE, EVEN TRIED TO HAVE US BOTH COMMITTED TO A STATE HOSPITAL TO COVER THE ILLEGALLY DISPENSING OF THOSE CONTROLLED MEDICINES.

PETITIONER BELIEVES THE COURT SHOULD QUESTION ITSELF TO WHETHER A INDIGENT PRISONER SHOULD BE DENIED TO A REDRESS BECAUSE OF POVERTY. IF THAT IS THE CASE THEN THE SCALES OF JUSTICE ARE TWO (2) TIERED ... WHAT MORE IS THERE TO SAY —

WHEN PRISONER - PETITIONER WAS RELEASED FROM THE MONTANA STATE PRISON IN 2011 I HAD TO FLEE FOR MY SAFETY I CERTAINLY COULD NOT LITIGATE WITH A RELL LIFE CONTRACT ON MY LIFE. CALL THE FBI - REGIONAL HEADQUARTERS IN SEATTLE WASHINGTON FOR VERIFICATION. NO POLICE PROTECTION OR ATTORNEY HELP!

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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:

UNKNOWN JANE AND JOHN DOE.
WITNESS'S

TABLE OF AUTHORITIES CITED

CASES: * ESTELLE V. GAMBLE 429 U.S. 97, 104
(1976) Page (6)

* HALLETT V. MORGAN 296, F.3d 732, 744, (9TH
Circuit Court (2002) Page (6)

* PROF'1 REAL ESTATE INVESTORS, INC V. COLUMBIA
PICTURES INDUS., INC. 508, U.S. 49, 60-61, 113 S.
CT. 1920 (1993) REQUIRING BOTH SUBJECTIVE AND
OBJECTIVE INTENT. Page (8)

* HODSON, 503 U.S. 17-9 Page (6)
V. McMillan

* SCHMIOT V. ODELL, 64 F. Supp. 2d 1014 (D. KAN. 1999)
Page (7)

* CANSING V. SMITH 4 WEND. 9, 20 (1829)
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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 _____ 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 _____; 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 28TH 2018.

☒ No petition for rehearing was timely filed in my case. THERE WAS KNOW "WITH PARTICULARITY" SO PETITIONER DECLINED TO CHALLENGE.

☐ 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 N/A.

☐ 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 —

* 8TH EIGHT AMENDMENT VIOLATIONS PAGE (7)
1ST FIRST AMENDMENT VIOLATIONS PAGE (8)

PAGE (4)

STATEMENT OF THE CASE.

PETITIONER ON OR ABOUT MARCH 17TH 2016 AD. HAD BEEN MEDICALLY PRESCRIBED BY CORIZON HEALTH CARE MEDICAL DOCTOR MIGLIORI (3) THREE HIGH CALORIE HEALTH SUSTAINING SUPPLEMENTAL LIQUID BASED PROTEIN SHAKES TO BE CONSUMED DAILY AT NURSE PASS CART ET. 7:30 AM. A 1:00 PM. WINDOW PASS AND THE 3RD NURSE CART PASS AT ET. 4:30 PM. FOR SERIOUS CHRONIC MEDICAL CONDITIONS * ANEMIA SUBSTANTIAL WEIGHT LOSS ETC. THE SHAKES WERE BRAND NAMED BOOST * 530 CALORIES 8 OZ. AND BRAND NAMED PREMIER * 160 CALORIES 11 OZ. PER MEDICAL DOCTOR WRITTEN PRESCRIPTION PETITIONER WAS TO BE ABLE TO CHOOSE PREFERENCE OF THE 2 DIFFERENT BRANDS IN ALL 3 THREE DAILY DISPENSING "MY DECISION" NOT THE CPN. NURSE DEFENDANT REED. * I PUT EMPHASIS ON THE DOCTOR MIGLIORI'S WRITTEN PRESCRIPTION (MY CHOICE VERBATIM). CARTPASS NURSES WERE TO STOCK PASS CART WITH THOSE (2) TWO DIFFERENT BRAND TYPES FOR MY NEEDS AS PRESCRIBED. PETITIONER WAS NOT THE ONLY PRISONER THAT RECEIVED THESE BRAND SUPPLEMENTS. PRESCRIPTION WAS FOR 21 DAYS AND THERE WERE (4) FOUR OTHER DIFFERENT CORIZON NURSES THAT IMPLEMENTED CARTPASS SUPPLEMENTS AND TO THE BEST OF MY RECOLLECTION I HAD NO OTHER PROBLEMS THAT INTERFERED WITH MY PRESCRIBED CHOICES RE: NURSING STAFF ONCE THEY WERE INSTRUCTED TO COMPLY TO MY REQUESTS AND OR READ THE ORDER. MY 1ST EXPERIENCE WITH DEFENDANT MS. REED WAS THE 4:30 PM TIME CARTPASS I BELIEVE THE WEEK OF MARCH 20TH 2016 AD. CPN. REED HAD FORGOT TO STOCK THE CART WITH ANY SUPPLEMENTS,

FOR THE MANDATORY CAFE PASS TIME REQUIRING HER TO GO BACK TO THE INFIRMARY TO RETRIEVE THE SHAKES WHICH DID FROM THE GET-GO ANNOY HER. PRIOR TO CPN. REED LEAVING I ASKED HER TO BRING BACK THE LOW-SUGAR PREMIER^{*} SHAKE WHICH SHE IGNORED AND BROUGHT BACK THE BOOST^{*} SHAKE WHICH I HAD ONLY WANTED TO HAVE FOR CONSUMPTION IN THE AM. HOURS CAFE PASS. AGAIN FROM THE GET-GO CPN. REED WAS ANNOYED THAT SHE HAD TO RETURN THE WHOLE WAY BACK TO MEDICAL FOR MY SUPPLEMENT I HAD REQUESTED. UPON HER RETURN SHE BROUGHT ME THE ONE I HAD NOT REQUESTED (PREMIER^{*}) AND WHEN I MENTIONED THIS TO HER FOR THE NEXT TIME, SHE BECAME VERY COMBATIVE AND STATED YOU WILL RECEIVE WHAT I WANT TO DISPENSE TO YOU OR YOU CAN SIGN A REFUSAL. I TOLD HER TO READ THE DOCTOR'S PRESCRIPTION AS WRITTEN "ORDERED SHE IS IN ERROR!" NUMEROUS CONCERN FORMS (EXHIBITS) SHOW THE OVERT MISTREATMENT AND ABUSE FROM DEFENDANT LEADING INTO A "OUT OF THE BOX" MAIN MELT DOWN CONFRONTATION ON APRIL 3RD 2016 AD. WHERE DEFENDANT REED TRIED TO FORCE ME TO CONSUME A PREMIER SHAKE 11OZ. "WARM" NEVER REFRIGERATED OR CHILLED AS LABELS OR SUPPLEMENT'S RECOMMEND. CPN. REED ACTUALLY POURED THE SHAKE IN A STYER-FOAM CUP WITNESSED BY A CORRECTIONAL OFFICER BAUCK WHO IN FACT QUESTIONED CPN. REED ON THIS PROCEDURE, AS THE C.O. BAUCK YELLED THROUGH THE WINDOWS THIS WAS NEVER DONE LIKE THIS BEFORE. CPN. REED VERBALLY STATED DOCTOR MIGLIORI CHANGED THE PRESCRIBED ORDER FOR DISPENSING THE SUPPLEMENTS WHICH PETITIONER AND MR BAUCK

(5)

REQUESTED TO SEE AND CPN. REED HAPPILY COMPLIED BY SHOWING
THE CHANGED PRESCRIBED ORDER WHICH WAS A BOLD FACE LIE
AS PETITIONER FOUND OUT LATER CPN. REED HAD ACTUALLY HERSELF
CHANGED THE STRUCTURE OF THE MEDICAL DOCTORS WRITTEN
HEALTH SUSTAINING ^{IN} PRESCRIBED ORDER FOR DISPENSING OF
THE SHAKES. THERE IS NO CLEAR RATIONAL REASONING FOR
A CPN. TO ABUSE TRUST WITH MALICE INTENT A PRISONER
WHO PROFOUNDLY NEEDS HEALTH SUSTAINING PROTEIN SUP-
PLEMENTS ON A DAILY AM-PM BASIS AND THEN TO CHANGE
A MEDICAL DOCTORS WRITTEN PRESCRIPTION IS A CRIME IN
ITSELF WITH DEFENDANT'S ACTIONS AND IN ACTIONS. PETITIONER
DID NOT CONSUME THE WARM UNREFRIGERATED SHAKE AT
A LATER DATE ANOTHER CART PASS NURSE MS. SHERRY GILLETTE
TOLD PETITIONER THAT IN FACT DEFENDANT CPN. REED HAD CHAN-
GED THE PRESCRIPTION FROM THE DOCTORS ORIGINAL ORDER FOR
PROPER DISPENSING OF THOSE 3 THREE MILK PROTEIN SUP-
PLEMENTS. * HALLET V. MORGAN, 796 F.3D 732, 744 (9TH CIRCUIT 2002)
CORRECTIONAL OFFICER BAUCK AND CO. CARROLL HAD EXTENSIVE
EXPERIENCE WITH WORKING THE 1:00 PM HALLWAY WINDOW PASS
PILL AND SUPPLEMENT DISPENSING OF WITH INNUMERABLE INMATES
TODAYS A WEEK. CORRECTIONAL OFFICER CARROLL HAD WITNESSED
CPN. REED THROW MY ID CARD TO THE FLOOR AT WINDOW PASS
ON AN ATTEMPT FOR ME TO RECEIVE THE PROTEIN SHAKE OF
MY CHOICE UNWAVING CO. CARROLL WHO BEING VERY ALARMED
ASKED CPN. REED WHY SHE DID THIS. THE REASONING WAS I HAD
PLACED A NOTE WITH MY ID REQUESTING THE SUPPLYMENT OF
MY CHOICE AND RIGHTLY PREFERENCED AS WRITTEN. * ESTELLE V.
GAMBLE 429 U.S. 97, 104 (1976) * HUDSON, 503 U.S. A 7-9

V. McMILLAN

PRISONERS DO NOT NEED TO SHOW A SERIOUS OR PERMANENT INJURY TO ESTABLISH AN 8TH AMENDMENT VIOLATION

* SCHMIOT V. ORILL, 64 F. Supp. 2d 1014 (D. KAN. 1999) (11ED.)
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AN "11ED"
CLAIM REQUIRES A SHOWING THAT: (1) THE DEFENDANT ACTED
IN A WAY THAT IS EXTREME, OR OUTRAGEOUS FOR THE PURPOSE
OF CAUSING EMOTIONAL DISTRESS (2) THE PLAINTIFF-PETITIONER
ACTUALLY SUFFERED SEVERE OR EXTREME EMOTIONAL DISTRESS;
AND (3) THE DEFENDANT'S CONDUCT CAUSED THE EMOTIONAL
DISTRESS. DEFENDANT EFFERED WITH GREAT RESPONSIBILITIES,
DISPENSING CONTROLLED SUBSTANCES AND SUCH
AT HER DUTY AS MEDICAL PRISONER CAPTAIN CLEARLY
WAS IN HER OWN CAPACITY OUT OF CONTROL AND OUT
RAGEOUS IN HER ACTIONS

* U.S. SUPREME COURT IN CAUSING V. SMITH 4 WEND.
9, 20 1829 PEOPLE OF THE STATE ARE ENTITLED TO ALL
RIGHTS WHICH FORMERLY BELONG TO THE KING, BY
HIS PREROGATIVE.

REASONING FOR GRANTING THE PETITION

MY ISSUES ARE CONSTITUTIONAL CHALLENGES TO THE THREE (3) STRIKES PROVISION PROTECTED BY THE FIRST AMENDMENT. THE SUPREME COURT HAS SAID THAT SANCTIONS CANNOT BE IMPOSED BY PERSONS WHO BRING LITIGATION UNLESS THE LITIGATION IS BOTH OBJECTIVELY AND SUBJECTIVELY WITHOUT BASIS. THE THREE STRIKES PROVISION ALSO APPEARS UNCONSTITUTIONAL UNDER THE LEGAL PRINCIPLES THAT HAD DEVELOPED BEFORE THE (KRA) GOVERNMENT RESTRICTIONS ON PRISONERS LITIGATION IN THEIR OWN USE OF THE IN FORMA PAUPERIS PROVISIONS.

* PROFF REAL ESTATE INVESTORS, INC. V COLUMBIA PICTURES INDUS., INC. 508 U.S. 49, 60-61, 113 S.Ct. 1970 (1993) (REQUIRING BOTH SUBJECTIVE AND OBJECTIVE INTEREST).

PETITIONER IS AN INDIGENT PRISONER SEEKING REDRESS OF GOVERNMENT ACTION AND THE COLLATERAL HARM INFLECTED PURPOSELY RESULTING THEREFROM. IN AN EFFORT TO RESOLVE THE PETITIONER'S CLAIMS PRIOR TO SUIT, PETITIONER DID EXHAUST IDOC. CONCERN FORMS GRIEVANCES AND PETITIONS WITH NO FIX OR RELIEF IN A 3 THREE WEEK PERIOD WHEREAS REASONABLE MINDS OFTEN DISAGREE. DEFENDANTS WERE UNWILLING TO TAKE IMMEDIATE STEPS TO CORRECT THE VIOLATIONS THAT ONLY ELAPSED AS TIME WENT BY OR EVEN ADMIT TO THE WRONG-DOINGS. THE CORIZONE DEPARTMENT SUPERVISORS DEPT. HEADS CHOSE TO FIRST TRY TO COVER-UP THE MEDICAL LIABILITIES WHEN THEY HAD THE CAPACITY TO CORRECT THE LPN BEEN FROM THE BEGINNING OF HER "AGE". SUCH ACTS AND OMISSIONS BY THE LISTED DEFENDANTS HAS GIVEN RISE TO THIS ACTION.

CONCLUSION

The petition for a writ of certiorari should be granted. WHEREFORE AND FOR GOOD CAUSE APPEARING THIS COURT SHOULD GRANT PETITIONER REDRESS FOR PROPER AVENUES OF ADJUDICATION RELIEF THEREOF. I PRAY GOD ALMIGHTY!

Respectfully submitted,

Mitchell Per Wafel

Date: April 10th 2018 AD.