

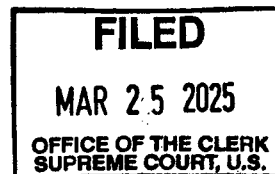
No. \_\_\_\_\_

**ORIGINAL**

**24-7009**

**IN THE SUPREME COURT OF THE UNITED STATES**

**October Term, 2025**



**LEONARD HARRIS, Petitioner,**

**v.**

**NAKITA ROSS, et al., Respondents.**

On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Fourth Circuit

**PETITION FOR WRIT OF CERTIORARI**

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Date of Filing: \_\_\_\_\_

## **(II) QUESTIONS PRESENTED**

1. **Whether the district court's dismissal of Petitioner's case without permitting the development of the record deprived Petitioner of a meaningful opportunity to present evidence, in violation of the Fourteenth Amendment's Due Process Clause.**

(See *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982).)

2. **Whether the lower court erred in dismissing Petitioner's claims without considering newly discovered evidence that was material to the issues presented.**

(See *United States v. Bagley*, 473 U.S. 667 (1985).)

3. **Whether the district court's denial of discovery contravened precedent requiring litigants be afforded a fair opportunity to develop the factual record before summary judgment.**

(See *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986).)

4. **Whether the denial of discovery to a pro se petitioner, when similarly situated litigants were allowed discovery, violates the Equal Protection Clause of the Fourteenth Amendment.**

(See *Griffin v. Illinois*, 351 U.S. 12 (1956); *Flowers v. Mississippi*, 588 U.S. \_\_\_\_ (2019).)

5. **Whether the use of inhumane detention conditions to coerce involuntary pleas violates due process and raises systemic concerns of coercion.**

(See *Brown v. Mississippi*, 297 U.S. 278 (1936); *Brady v. United States*, 397 U.S. 742 (1970); *McMann v. Richardson*, 397 U.S. 759 (1970); *United States v. Ruiz*, 536 U.S. 622 (2002).)

6. **Whether the assertion of jurisdiction and imposition of parole conditions after the expiration of Petitioner's mandatory supervised release (MSR) violates due process and exceeds lawful authority.**

(See *Doyle v. U.S. Parole Comm'n*, 894 F.2d 593 (D.C. Cir. 1990); *Jones v. Cunningham*, 371 U.S. 236 (1963).)

7. **Whether the introduction and improper use of expunged and jurisdictionally barred records in sworn affidavits by high-ranking Maryland Parole Commission (MPC) officials, who were also defendants, tainted the judicial decision granting summary judgment.**

(See *United States v. Crowell*, 374 F.3d 790 (9th Cir. 2004).)

8. **Whether the reconstruction of lost records without notice, using inaccurate or expunged materials, violated due process by depriving Petitioner of a fair chance to defend against the allegations.**

(See *California v. Trombetta*, 467 U.S. 479 (1984); *California ex rel. Cooper v. Mitchell Bros.' Santa Ana Theater*, 454 U.S. 90 (1981).)

9. **Whether the suppression of exculpatory evidence regarding Petitioner's MSR expiration date and the warrant's procedural defects violated due process.**

(See *Brady v. Maryland*, 373 U.S. 83 (1963).)

10. **Whether the unlawful conditions of pre-revocation detention, prolonged**

**isolation, denial of prescription glasses, lack of legal resources, constituted cruel and unusual punishment, in violation of the Eighth Amendment.**

(See *Hope v. Pelzer*, 536 U.S. 730 (2002); *Estelle v. Gamble*, 429 U.S. 97 (1976).)

- 11. Whether retaliatory actions and collusion by MPC officials, directed at punishing Petitioner for asserting legal rights (including lawsuits), violated the First Amendment.**

(See *Hartman v. Moore*, 547 U.S. 250 (2006); *Dennis v. Sparks*, 449 U.S. 24 (1980).)

- 12. Whether the inclusion of expunged and erroneous records in the FBI database by MPC officials, despite prior notice, constitutes a violation of the Privacy Act.**

(See *Doe v. FBI*, 936 F.2d 1346 (D.C. Cir. 1991).)

### (III) LIST OF PARTIES

1. NAKITA ROSS, Parole Agent, DPSCS
2. KERRI SMITH, FSI, Parole Supervisor, DPSCS
3. DANIELLE FLYNN, Field Supervisor II, DPSCS
4. MARTHA DANNER, Director of Parole and Probation, DPSCS
5. DAVID BLUMBERG, Chairman Maryland Parole Commission
6. OFFICER KYLE THOMAS, Elkton Police Department
7. OFFICER C. SOTO OCASIO, MARYLAND TRANSPORTATION  
AUTHORITY
8. ANNE ARUNDEL COUNTY JENNIFER ROAD DETENTION CENTER
9. RHONDA OSBORN, Detective Warrant Apprehension Unit (WAU)
10. CLEVELAND C. FRIDAY, Warden Jessup Correctional Institution (JCI)
11. DEMETRIUS E. PAGE, Regional Administrator, DPSCS
12. BRUCE GERBER, Maryland Division of Parole and Probation
13. CORRIE MCCALL, Parole Supervisor, DPSCS
14. ERICA DYER, Parole Agent, DPSCS

Defendants

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15. LEONARD HARRIS

Plaintiff, Pro se

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## **(V) TABLE OF AUTHORITIES**

### **U.S. Supreme Court Cases**

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Brady v. United States, 397 U.S. 742 (1970)
- Brown v. Mississippi, 297 U.S. 278 (1936)
- California v. Trombetta, 467 U.S. 479 (1984)
- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- Dennis v. Sparks, 449 U.S. 24 (1980)
- Doe v. FBI, 936 F.2d 1346 (D.C. Cir. 1991)
- Doyle v. U.S. Parole Commission, 894 F.2d 593 (D.C. Cir. 1990)
- Estelle v. Gamble, 429 U.S. 97 (1976)
- Flowers v. Mississippi, 588 U.S. \_\_ (2019)
- Franks v. Delaware, 438 U.S. 154 (1978)
- Gonzaga Univ. v. Doe, 536 U.S. 273 (2002)
- Griffin v. Illinois, 351 U.S. 12 (1956)
- Hartman v. Moore, 547 U.S. 250 (2006)
- Hope v. Pelzer, 536 U.S. 730 (2002)
- Jones v. Cunningham, 371 U.S. 236 (1963)
- Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)
- Mapp v. Ohio, 367 U.S. 643 (1961)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574 (1986)

- *McMann v. Richardson*, 397 U.S. 759 (1970)
- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *United States v. Bagley*, 473 U.S. 667 (1985)
- *United States v. Crowell*, 374 F.3d 790 (9th Cir. 2004)
- *United States v. Ruiz*, 536 U.S. 622 (2002)

#### **Other Federal Cases**

- *California ex rel. Cooper v. Mitchell Bros.' Santa Ana Theater*, 454 U.S. 90 (1981)
- *Evans v. Techs. Applications & Serv. Co.*, 80 F.3d 954 (4th Cir. 1996)

#### **Constitutional Provisions**

- U.S. Const. amend. I
- U.S. Const. amend. V
- U.S. Const. amend. VIII
- U.S. Const. amend. XIV

#### **Statutes and Rules**

- 28 U.S.C. § 1254(1)
- Privacy Act of 1974, 5 U.S.C. § 552a
- Fed. R. Civ. P. 56



## (VI) OPINIONS BELOW

- The opinion of the United States District Court for the District of Maryland in **Harris v. Ross**, Case No. **TDC-21-1983**, was entered on March 17, 2023. It is unreported and is reproduced in **Appendix A**.
- The decision of the United States Court of Appeals for the Fourth Circuit in **Harris v. Ross**, No. **23-6433**, was entered on January 22, 2025. It is unpublished but reproduced in **Appendix B**.
- The Stay of Mandate of the United States Court of Appeals for the Fourth Circuit in **Harris v. Ross**, No. **23-6433**, was issued on September 13, 2024, **Appendix C**
- The Mandate of the United States Court of Appeals for the Fourth Circuit in **Harris v. Ross**, No. **23-6433**, was issued on January 30, 2025. **Appendix D**

## (VII) JURISDICTION

- Petitioner seeks review of the order and judgment entered by the United States Court of Appeals for the Fourth Circuit in Case No. 23-6433. The judgment was entered on September 13, 2024, and Petitioner's timely petition for rehearing was denied on January 22, 2025. This Petition is filed within 90 days of the denial of rehearing, in accordance with Supreme Court Rule 13.1. Jurisdiction is invoked under 28 U.S.C. § 1254(1), as the Petition seeks review of a decision of a United States court of appeals.

## **(IX) STATEMENT OF THE CASE**

### **A. District Court Proceedings (Case No. TDC-21-1983)**

Petitioner Leonard Harris commenced a pro se civil rights action in the United States District Court for the District of Maryland, alleging multiple constitutional and statutory violations, including:

- **Due Process:** Improper revocation or extension of parole after Petitioner's mandatory supervised release (MSR) had already expired, coupled with the introduction of expunged and erroneous records.
- **Equal Protection:** Petitioner, proceeding pro se, was denied discovery and an opportunity to develop the factual record, whereas similarly situated litigants with counsel often receive such discovery rights.
- **Eighth Amendment:** The inhumane detention conditions, prolonged isolation, unsanitary environment, denial of prescription glasses, allegedly coerced involuntary pleas and caused needless suffering.
- **First Amendment Retaliation:** State officials allegedly conspired to punish Petitioner for asserting his legal rights in prior lawsuits and grievances, filing sworn affidavits containing inaccuracies in furtherance of the retaliation.
- **Privacy Act Violations:** Petitioner maintained that expunged records improperly appeared in the FBI database, harming Petitioner's liberty interests.

Without **allowing discovery**, the district court dismissed or granted summary judgment against Petitioner's claims. The court found no genuine dispute of

material fact, concluding Petitioner had not demonstrated constitutional or federal statutory violations. This **procedural shortcut** prevented Petitioner from disputing the validity of the affidavits, warrant documents, and reconstructed parole records that introduced expunged and jurisdictionally barred materials.

#### **B. Fourth Circuit Proceedings (No. 23-6433)**

Petitioner appealed, emphasizing that:

1. The district court violated basic principles of *Logan v. Zimmerman Brush Co.* and *Celotex Corp. v. Catrett* by disposing of his case without discovery, despite genuine factual disputes.
2. Expunged and erroneous records were relied upon to justify a parole revocation and continued detention beyond MSR expiration, conflicting with *United States v. Crowell* (9th Cir.).
3. Newly discovered evidence confirmed state officials had lost and surreptitiously reconstructed Petitioner's file, using out-of-jurisdiction materials.
4. Petitioner had been held under "punitive" pre-revocation conditions that arguably violated the Eighth Amendment and coerced him into waiving certain hearing rights or pleas.
5. The FBI's maintenance of erroneous data (despite notice) runs afoul of the Privacy Act, implicating the logic of *Doe v. FBI* (D.C. Cir.).

In an **unpublished opinion**, the Fourth Circuit affirmed, without substantively addressing Petitioner's claims regarding the improperly introduced expunged

materials, the newly discovered evidence, or the inhumane detention conditions.

The Fourth Circuit similarly did not engage Petitioner's arguments regarding

*Brady* materials or the Privacy Act, sidestepping the possibility of a circuit conflict.

Hence, Petitioner seeks certiorari from this Court to resolve pressing constitutional and federal statutory questions, including direct conflicts with decisions from other circuits and potential departures from this Court's rulings on due process, discovery standards, and the right to be free from arbitrary re-incarceration.

### **(X) Newly Discovered Evidence**

In support of the Petition for a Writ of Certiorari, the following newly discovered evidence is submitted, which was not available during previous proceedings and is directly relevant to the claims of wrongful actions, misuse of expunged materials, jurisdictional errors, and violation of due process rights. Due to the confidential nature of some of these documents and their sealed status by the court, the Petitioner respectfully requests that these documents be reviewed in-camera, or as otherwise directed by the Court.

#### ***1. Affidavits***

- **Affidavit from the Chairman of the Maryland Parole Commission:** This affidavit contains expunged and jurisdictionally barred materials introduced in retaliation for the Plaintiff's filing of a lawsuit against the Chairman. The inclusion of these materials violates the Plaintiff's constitutional rights and

demonstrates improper conduct by high-ranking officials.

- **Affidavit from the ex-Director of Parole and Probation:** This affidavit contains expunged and out-of-state charges that were improperly used to influence the Plaintiff's parole status and subsequent legal proceedings. The ex-Director's direct involvement in advising agents to continue abusive practices further exemplifies the misuse of power.
- **Parole Case Notes:** State Of Maryland Department Of Public Safety and Correctional Services Case Notes (PCN) on 07/26/2022, filed as exhibits with affidavit of MARTHA DANNER. These PCN notes indicate the involvement of Agent Ross and Flynn regarding the suppression of exculpatory evidence, including the official closure of the Plaintiff's case, loss and rebuilding of Plaintiff's files, the expiration of the Plaintiff's MSR, and the invalidity of the warrant. Additionally, the substitution of Flynn, who provided agent hearsay testimony instead of the original agent, at the revocation hearing, resulted in a denial of fair process.

## ***2. Warrant Copies***

- **Invalid Warrant Issued Post-MSR Expiration:** Documentation shows that the Plaintiff was arrested on an invalid warrant after the MSR expiration date. The warrant was classified as a detainer yet treated as a valid warrant, violating the Plaintiff's due process rights.
- **SOC Correction Documentation:** Evidence reveals that the Statement of Charges (SOC) correction was made before the MSR expired, but the warrant

was not served until several months later, creating a significant procedural defect.

- **Lack of Report Number on the Warrant:** The absence of a report number on the warrant further proves its invalidity and raises questions about the legitimacy of the arrest and detention.
- **Lack of Agent Signatures Under Oath:** The Statements of Charges (SOC) associated with the warrants lacked signatures by agents under oath. This procedural defect violates statutory requirements that agents must attest to the accuracy and truthfulness of the information provided under penalty of perjury. The absence of such signatures undermines the legitimacy of the warrants and calls into question the validity of the charges based on those defective documents.
- **Multiple Commissioner Signatures & Improper Amendment Without Reissue:** The original warrant dated July 23, 2020, was signed by one Commissioner. However, an amendment to the July 23, 2020 warrant was authorized by a different Commissioner on August 12, 2020, adding an additional charge of "Escape from Custody." The amendment was made without the proper reissue of the warrant, and the charge was added over seven months after the Plaintiff's MSR expired. This improper amendment process constitutes a fundamental procedural error and highlights the arbitrary and inconsistent handling of the Plaintiff's case.

Furthermore, the delayed service of this warrant exacerbates the due process

violations and shows a blatant disregard for established legal standards.

### ***3. Correspondence Documenting Expunged Data***

- **Introduction of Expunged Records by Officials:** High-ranking DPSCS officials knowingly introduced expunged records and jurisdictionally barred materials to influence legal proceedings against the Plaintiff. Such actions directly contradict established laws protecting expunged materials from being reintroduced.
- **FBI Background Challenge:** Documents obtained through the FBI challenge process demonstrate that the Maryland Parole Commission (MPC) reintroduced erroneous data into the FBI files, further compounding the due process violations.

### ***4. Other Relevant Documents***

- **Maryland Offender Arrest Notification System Records:** Records indicate that the warrant was classified as a 'detainer' rather than a valid warrant. Agents proceeded to act upon it as if it were a valid warrant, thus violating procedural safeguards.
- **Reconstruction of Lost Files Using Expunged Materials:** Evidence reveals that the Plaintiff's files were lost and rebuilt without notification. The reconstructed files improperly included expunged records and jurisdictionally barred materials, which were then used to alter the Plaintiff's parole status.
- **Detainer vs. Warrant Misclassification:** Documentation shows that what was presented as a warrant was, in fact, a detainer, further demonstrating



procedural defects and violation of due process rights.

***5. Relevance to Claims***

The above evidence is directly relevant to the Plaintiff's claims, as it demonstrates procedural errors, jurisdictional overreach, improper use of expunged materials, and violation of due process rights. The inclusion of expunged records and barred materials has prejudiced the Plaintiff's ability to receive a fair proceeding. The documents presented further prove the abuse of authority by high-ranking officials and the fundamental errors that occurred during the Plaintiff's legal proceedings. The Petitioner stands ready to provide redacted copies of the documents or arrange for their in-camera review, as the Court deems appropriate.

## (XI) REASONS FOR GRANTING THE WRIT

**Supreme Court Rule 10** outlines considerations for granting certiorari, including conflicts among circuits, departure from established Supreme Court precedent, and unsettled or important federal questions. Petitioner's case satisfies these criteria.

1. **Circuit Conflicts on the Use of Expunged Records:** The Ninth Circuit in *United States v. Crowell*, 374 F.3d 790 (9th Cir. 2004), held that reliance on expunged materials can violate due process. The Fourth Circuit's allowance of such records here, without even permitting discovery, creates a direct conflict.
2. **Disparate Discovery Rights and Equal Protection:** Petitioner cites *Griffin v. Illinois*, 351 U.S. 12 (1956), which compels equal procedural treatment regardless of economic or representational status. Denying Petitioner discovery while granting it to similarly situated, represented parties contravenes that principle.
3. **Extended Detention Beyond MSR Conflicts with Doyle/Jones:** *Doyle v. U.S. Parole Comm'n*, 894 F.2d 593 (D.C. Cir. 1990), and *Jones v. Cunningham*, 371 U.S. 236 (1963), confirm that supervision ends when lawful authority expires. The Fourth Circuit's approval of Petitioner's extended detention without addressing these precedents deepens confusion.
4. **Eighth Amendment Inhumane Conditions:** The Fourth Circuit's failure to address Petitioner's allegations of inhumane conditions before a parole revocation hearing (denial of medical accommodations, isolation) conflicts

with *Hope v. Pelzer*, 536 U.S. 730 (2002), which demands humane treatment even for detainees.

5. **Retaliation and First Amendment Violations:** *Hartman v. Moore*, 547 U.S. 250 (2006), recognizes that retaliation for legal actions can be inferred from circumstantial evidence. By ignoring Petitioner's retaliation claims altogether, the Fourth Circuit diverged from the protective thrust of *Hartman*.
6. **Privacy Act Implications:** In *Doe v. FBI*, 936 F.2d 1346 (D.C. Cir. 1991), the court underscored the obligation for accurate federal records. Petitioner's claims that the FBI data remained uncorrected despite official notice, thus harming him, were never examined. This fosters inconsistency in the treatment of Privacy Act duties across circuits.
7. **Newly discovered evidence**, as described in the section titled "Newly Discovered Evidence," directly demonstrates that the lower courts' decisions were based on erroneous facts, improper procedural handling, and violations of the Petitioner's constitutional rights. The use of expunged records and jurisdictionally barred materials fundamentally undermined the integrity of the proceedings. Moreover, the failure of lower courts to properly address these errors constitutes a denial of due process.
8. This Court's intervention is necessary to ensure that lower courts are held accountable for upholding established legal standards concerning the use of expunged materials and due process requirements. **Furthermore, the**

implications of this case extend beyond the Petitioner, as similar violations could occur against others if unaddressed. Therefore, a writ of certiorari is warranted.

Collectively, these issues highlight **fundamental due process concerns**, including the right to present evidence (*Logan v. Zimmerman Brush Co.*), the impropriety of coerced guilty pleas (*Brown v. Mississippi*, *Brady v. United States*, *McMann v. Richardson*), and the problem of summary dismissals without discovery (*Celotex, Anderson*). The Court's review is necessary to **resolve these conflicts** and ensure uniform application of constitutional protections for pro se litigants and all detainees.

### **1. Denial of Discovery and Dismissal Without Record Development**

As recognized in *Celotex* and *Anderson*, summary judgment is inappropriate where genuine issues of material fact exist and no opportunity for discovery has been granted. Petitioner was denied any chance to probe the authenticity of newly reconstructed parole files or affidavits from officials who were direct defendants. This contravenes the principle that litigants must have a "meaningful opportunity" to present material evidence. (*Logan*, 455 U.S. at 429.)

### **2. Improper Use of Expunged Records and Exculpatory Suppression**

The Ninth Circuit in *Crowell* found using expunged records in a criminal matter violated due process. Here, the state used identical or analogous practices, expunged documents formed the basis for new custody and a wrongful revocation. Suppressing evidence of the MSR expiration also raises *Brady* concerns. The Fourth

Circuit's refusal to address these claims presents a direct conflict with controlling principles that require the government to respect expungement orders and to disclose exculpatory evidence (*Brady v. Maryland*).

### **3. Continued Detention Beyond MSR & Eighth Amendment Implications**

A detainee's Eighth Amendment rights are violated when held in conditions that are inhumane or beyond lawful authority. (See *Hope v. Pelzer*.) Petitioner's MSR was complete, yet he remained detained. Extended confinement post-sentence is especially suspect under *Doyle* and *Jones*, which limit parole agencies from unilaterally extending supervision. The Fourth Circuit's silence on this tension warrants review to safeguard basic liberty interests.

### **4. Equal Protection and Retaliation Against a Pro Se Litigant**

The Fourteenth Amendment's Equal Protection Clause prevents disparate treatment of pro se litigants, particularly in discovery. (See *Griffin v. Illinois*.) Further, evidence suggests that retaliatory motives drove the extended detention and misuse of affidavits, contrary to *Hartman v. Moore*. That the Fourth Circuit did not even consider this dimension merits this Court's intervention.

### **5. Privacy Act Violations and National Uniformity**

Allowing state officials to feed expunged or erroneous data into an FBI database, thereby reanimating sealed records, undermines *Doe v. FBI*, which enforces strict standards for data accuracy. Without a consistent interpretation across circuits, individuals can face widely varying outcomes on claims involving inaccurate federal

records. This question has broad ramifications for citizens seeking relief when federal databases perpetuate wrongful or outdated information.

## (XII) CONCLUSION AND REQUEST FOR CERTIORARI

For the reasons stated above, Petitioner Leonard Harris respectfully requests that this Court **grant a Writ of Certiorari** to review the judgment of the United States Court of Appeals for the Fourth Circuit (No. 23-6433). Given the fundamental constitutional questions, the conflicts with other circuits' decisions, and the direct impact on due process, equal protection, and Eighth Amendment standards, **vacatur** of the Fourth Circuit's opinion and **remand** to permit proper factual development or **reversal** on the merits is warranted.

Respectfully submitted,

Dated: March 25, 2025.



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