

24-7131

ORIGINAL

NO.-----

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
APR 15 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

KEVIN M. CARDWELL- PETITIONER

VS.

PAUL D. BOJRAB, CAROL B. SHERIDAN, TODD ROKITA,
MERRICK GARLAND, BRETT YONKUS, JOHN DOE POLICE OFFICER
LT. JOHN DOE - RESPONDENT(S)

THE INDIANA SUPREME COURT REFUSED TRANSFER

PETITION FOR WRIT OF CERTIORARI

KEVIN M. CARDWELL

5770 NORTH ALTON AVE.

INDIANAPOLIS, IN. 46228

317-737-9008

QUESTION(S) PRESENTED

- 1.] Should individuals convicted of sex offenses be considered a protected class under U.S.C 1985 (3) , given that their constitutional rights are often violated,as exemplified by this case where two doctors allegedly conspired to administer a fatal overdose to the petitioner solely because of his status as a child molester , with the act being averted only due to the lead doctor's personal connection to someone incarcerated for a similar offense?
- 2.] Should an attorney be appointed in cases involving serious allegations where the petitioner, suffering from cognitive impairments, is unable to seek redress due to the court's denial to expose the conspiracy due to petitioner's crime.
- 3.] Are people who work for the social security officer are considered liable under 42 U.S.C 1983

LIST OF PARTIES

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

RELATED CASE

KEVIN M. CARDWELL PLAINTIFF VS. EDNA M. KOCH , JOSEPH D. McPIKE, ERIN
E.MYERS AND MICHAEL O'NEILL 34D04-2409-CT-2978

Case involved the doctors whom conspired with their attorney's then came to petitioners home.

After petitioner moved to hide from the doctor's.Done to intimidate petitioner to stop this case.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE.....	4,5,6
REASON FOR GRANTING THE WRIT.....	7,8,9
CONCLUSION.....	9

INDEX TO APPENDICES

APPENDIX A

INDIANA SUPREME COURT DENIAL TRANSFER

APPENDIX B

APPEAL COURTS ORDER DENYING

APPENDIX C

INDIANA APPEAL COURT DENY REHEARING

APPENDIX D] Letter from Hospital

APPENDIX E Letter from doctor on Cognitive

APPENDIX F Emails trying to obtain counsel

APPENDIX G Letter From Social Security On Income Monthly

APPENDIX H Letter from landlord on rent cost

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
ADICKES V. S.H KRESS & CO., 398 U.S.144 (1970)	6
COLLIN V. CITY OF HARKER HEIGHTS 503 U.S. 115 (1992)	6
DENNIS V. SPARKS, 449 U.S. 24 (1980)	6
GRiffin V. BRECKENRIDGE, 403 US.88 (1971)	4, 7
HARLOW V. FITZGERALD, 457 U.S. 800 (1982)	6
LASSITER V. DEPARTMENT OF SOCIAL SERVICES,452 U.S 18 (1981)	7
PACKINGHAM V. NORTH CAROLINA , 582 U.S. 98 (2017)	5,7
SHOLES V. SHOLES, 760 N.E.2d 156 (IND. 2001)	5,7
 STATUTES AND RULES	
28 U.S.C. 1257 (a)	2
42 U.S.C 1985 (3)	4,7,8
42 U.S.C. 1983	5,8,9
INDIANA CODE	
34-10-1-2	5
 CONSTITUTION	
FOURTEENTH AMENDMENT	3,4,6,7
SIXTH AMENDMENT	5
 INDIANA CONSTITUTION	
ARTICLE 1 SECTION 1	3,4
ARTICLE 1 SECTION 12	8

IN THE
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PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

For cases from the state courts:

The opinion of the highest state courts to review the merits appear at Appendix C.

Is unpublished.

The opinion of the Indiana State Appeal court appears at Appendix B

JURISDICTION

For Cases from the State court:

The date on which the highest state court decided my case was February 12th,2025

A copy of that decision appears at appendix C

A Timely petition for rehearing was filed and denied on October 8th,2024

A copy of that decision appears at Appendix B

The Jurisdiction of this court is invoked under 28 U.S.C 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

1. The Fourteenth Amendment of the U.S Constitution

This amendment addresses citizenship rights and equal protection under the law.

It's pertinent to this case as it underpins the argument that individuals, regardless of their status Are entitled to equal protection, and that any conspiracy to violate these rights by any person(s) is unconstitutional.

2.] Article I, Section 1 of the Indiana constitution

This section of the Indiana Constitution States: "WE DECLARE, That all men are created equal; that they are endowed by their CREATOR with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness ." This provision supports the argument that State actions discriminating against a particular class of individuals violate the States constitutional commitment to equality.

3.] FIRST AMENDMENT TO THE U.S CONSTITUTION

The First Amendment guarantees freedoms concerning religion, expression, assembly and the right to petition.

STATEMENT OF THE CASE

Petitioner Kevin M.Cardwell alleges that two medical professionals conspired with a man who barged into the Operating Room {in which a Black Box was in operation } who Is a Social Security Officer {of whom told the Doctors that the Petitioner is a child molester } the three began to conspire to administer a fatal overdose solely based on the petitioners status as a convicted Child Molester. This Plan was allegedly abandoned only because the lead doctor had a personal connection to someone imprisoned for similar offense.

Petitioner contends that his constitutional rights under the Fourteenth Amendment and the Indiana Constitution Article 1 section 1 have been violated.{ Creating Extreme Fear for the petitioner due to this act.}Furthermore, the petitioner asserts that the lower court ignoring the hospital letter of apology at Appendix D and the request to produce the ESI { Black Box} Evidence and the denial to appoint counsel given the magnitude of the case despite his cognitive impairment have impeded his ability to seek justice.

ARGUMENT.

I.] Individuals Convicted of Sex Offenses as Protected Class Under 42 U.S.C 1985(3)

42 U.S.C.1985(3) addresses conspiracies to deprive individuals or classes of equal protection or privileges under the laws.

Historically, the Statute has been applied to classes based on race or political affiliation.

The Supreme Court, in *Griffin v. Breckenridge*, 403 U.S 88 (1971), emphasized that the statute requires an intent to deprive equal protection based on some class-based,invidiously discriminatory animus.

The question arises whether individuals convicted of sex offenses constitute a protected class under this status to individuals based solely on criminal convictions, the unique societal disdain and resulting discrimination faced by sex offenders may warrant reconsideration.

H

In *Packingham V. North Carolina*, 582 U.S 98 (2017) The Supreme Court recognized that law imposing restrictions on sex offenders must still comply with constitutional protection. Particularly the first Amendment. This acknowledgement suggest that sex offenders, despite their convictions, retain certain constitutional rights that merit protection against conspiratorial actions aiming to deprive them of equal protection.

II. Appointing Counsel in Case involving Serious Allegations and Cognitive Impairments.

The Sixth Amendment guarantees the right to Counsel in Criminal prosecution.

While the right does not automatically extend to civil cases, courts have recognized exceptions, particularly when fundamental rights are at stake or when the litigant's ability to represent themselves is compromised.

In *Lassiter V. Department of Social Services*, 452 U.S. 18 (1981) The Supreme Court held that an indigent litigant has a right to appointed counsel when their physical liberty is at stake.

However the Court also noted that due process may require the appointment of Counsel in certain civil cases where the litigant's interest are significant.

In Indiana, the court has inherent power to appoint counsel in civil cases when the interest of justice requires it. In *Sholes V. Sholes*, 760 N.E 2d 156 (Ind.2001), The Indiana Supreme Court recognized that trial courts have discretion to appoint counsel for indigent civil litigants when necessary to ensure equal access to justice.

Furthermore, Indiana Code 34-10-1-2 provides that a court may assign an attorney to defend or prosecute a civil action for an indigent person if the court determines that such appointment is necessary to assure the indigent person's access to justice.

This situation underscores the necessity for courts to consider appointing counsel to the principles of justice and equality before the law. SEE Appendix E For letter from doctor

III. Legal basis for Liability Under 42 U.S.C. 1983

1.] Acting Under Color of Law-

Government officials including Social Security Officers, can be sued under 1983 if they misuse their official authority to deprive someone of constitutional rights West V. Atkins, 487 U.S. 42 (1988) If they conspire with private actors (such as doctors) to violate rights, they may still be acting under "color of law" [Dennis V. Sparks, 449 U.S. 24 (1980)]

2.] Violation of Constitutional rights-

Murder or an attempt to kill someone would be a clear violation of the **Fourteenth Amendment's Due Process Clause**, which protects individuals from state-sanctioned harm Collin V. City of Harker Heights, 503 U.S. 115 (1992).

3.] Conspiracy to Violate Rights- If Social Security Officers and doctors **agree to harm** someone and take actions toward that goal,they may be liable under **1983 for conspiracy**, As established in Adickes V. S.H. Kress & Co., 398 U.S. 144 (1970).

Possible Defense and Challenges

Qualified Immunity: Social Security Officer may argue that they are protected Under **qualified immunity**, but this defense does not apply if they clearly violate established constitutional rights Harlow V. Fitzgerald, 457 U.S. 800 (1982)

Private vs. State Action: If Doctors are private individuals, plaintiff must prove that the Social Security Officer **willfully collaborated** with them to commit the Crime

The letter in Appendix F From the Hospital Apologizing for the issue. Obviously done After Viewing the Operating room Black box.Lower Courts Ignored this letter.

If a Social Security Officer Conspired with doctors to commit murder, they could be held liable under 42 U.S.C 1983, As their actions would constitute a state-sanctioned violation of constitutional rights.

REASON FOR GRANTING THE PETITION

The Supreme Court should Grant this Writ Of Certiorari for the following reasons:

I. The Case Raises an Important Question Regarding the Equal Protection Rights of a Disfavored Group Under 42 U.S.C 1985 (3)

The question of whether individuals convicted of sex offenses should be considered a protected class under 42 U.S.C 1985 (3) presents a significant constitutional issue.

The Supreme Court has long held that **equal protection under the law** applies even to the most unpopular individuals *Packingham V. North Carolina*, 582 U.S.98 (2017) The allegations in this case - that doctors conspired with a man being with the Social Security to administer a fatal overdose solely based on the petitioner's conviction - demonstrates a clear violation of the **Fourteenth Amendment's Equal Protection Clause.**

This issue is of national importance, as many jurisdictions impose broad civil restriction on sex offenders, some of which may be unconstitutional. The Supreme Court must decide whether such widespread discrimination rises to the level of a **class based animus**, as required under *Griffin V. Brickenridge*, 403 U.S. 88 (1971)

II. The Denial of Appointed Counsel in a Case Involving Fundamental Rights Conflicts Precedent.

The Lower Court's refusal to appoint counsel for the petitioner, despite his cognitive impairments and the complexity of the legal issue involved, violates fundamental due process principles.

In *Lassiter V. Department of Social Services*, 452 U.S.18 (1981) The Supreme Court recognized that courts **must appoint counsel in civil cases where fundamental rights are at stake.**

Indiana law acknowledges this principle : *Sholes V. Sholes* 760 N.E.2d 156 (Ind. 2001) held that courts may appoint counsel for indigent litigants when justice requires it.

The Indiana Constitution, Article 1, section 12, States that all courts must be open and justice must be administered freely

Given the petitioner's **cognitive impairments** and the serious nature of the claims-allegations of medical professionals conspiring to harm a patient- the failure to appoint counsel deprived him of a fair opportunity to present his case. This denial warrants review by the Supreme Court to ensure that **fundamental fairness and access to justice are upheld.**

III. The Case Presents a Question of Exceptional Importance That Has not Been Addressed by this Court.

The Supreme Court has **never ruled on wether sex offenders constitute a protected class under 42 U. S.C 1985(3)** or whether systemic discrimination against them amounts to an **unconstitutional denial of equal protection.** This case presents a rare opportunity to clarify the **scope of the Equal Protection Clause and the applicability of conspiracy laws** to groups facing widespread discrimination.

IV. Legal Basis for Liability Under 42 U.S.C 1983:

State Action Requirement: For liability under 1983, the defendant must have acted under color of state law, meaning their action are fairly attributable to the state .Government officials, including Social Security Officer,inherently act under color of state law when preforming their official duties. If they misuse their authority to violate constitutional rights they can be held liable under 1983.

Conspiracy With Private Actors: Even When private individuals,such as doctors,are involved,a government official's engagement in a conspiracy to violate constitutional rights can establish liability under 1983. The Supreme Court has held that private parties who conspire with state officials to deprive individuals of constitutional rights can be considered state actors for purposes of 1983 liability.

Application to the Present Case:

In this case, the petitioner alleges that the Social Security Officer {who Barged into the Operating Room Where A Black Box Is in operation} Conspired with two doctors to commit acts that violate constitutional rights. Such allegations, if proven, demonstrate a misuse of official authority and a collaborative effort to deprive the Petitioner of federally protected rights. This scenario squarely falls within the Purview of 1983, warranting judicial review.

CONCLUSION

For the above reasoning the Court Should Grant Writ Of Certiorari. Noting the Serious Nature Of the Issues Presented.

Respectfully Submitted



Kevin M. Cardwell

Date: April 7th, 2025