

25-5489

No.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

PETER FOWLER, -PETITIONER

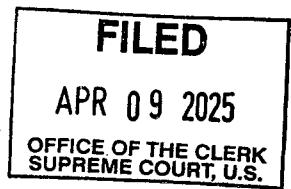
vs.

LUCAS BOHNERT, et al., -RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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



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QUESTION(S) PRESENTED FOR REVIEW

I.

WHETHER "EQUAL PROTECTION" APPLIED TO ELDER INMATES
UNDER [SEXUAL ABUSED] WHILE INCARCERATED
(14TH AMEND. U.S.CONST.)

II.

WHETHER U.S.COURT OF APPEALS BOUND BY ITS AMENDMENT OR
ERRED DENYING MOTION FOR RECONSIDERATION,
IN 'PLRA' REQUIREMENT THREE STRIKES PROVISION,
UNDER IMMINENT DANGER OF SERIOUS PHYSICAL INJURY,
(8TH AMEND. U.S.CONST.)

LIST OF PARTIES

[] All parties appear in the caption of the case 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 "Writ of Certiorari" is as follow;

1. Nicholas Puckett, Correctional officer at Lawrence Correctional Center.
2. Brandon Deweese, Lieutenant, at Lawrence Correctional Center.

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- Appendix-D, (Circuit Rule Fee Notice)
- Appendix-E, (U.S.COURT OF APPEALS, ORDER)
- Appendix-F, (Mandate Order)

TABLE OF AUTHORITIES CITED

<u>NAMES OF CASES</u>	<u>PAGES</u>
1) Meyers v. Birdsong, 2023 WL 6614357 (G.A.9-Cal).....
2) Meriweather v. Coughlin, 879 F.3d 1037 (1989).....
3) Phiffer v. Columbia River Correctional Institute, 384 F.3d 791 (9th Cir.2004)	384
4) Adickes v.S.H.Kress & Co.,398 U.S. 144, 157, 160 (1970).
5) Curry v. Scott, 249 F.3d 493, 505 (2001).....
6) Jones v. Blanas, 393 F.3d 918 (2004).....
7) Avery v. King, 110 F.3d 12, 13 (1997).....
8)Turner v. Safley, 482 U.S. 78 (1987).....
9) Pell v. Procunier, 417 U.S. 817 (1974).....
10)David K. v. Lane, 839 F.2d 1265 (7th Cir.1988).....
11)771 F.3d 1021 (7th Cir.2014).....

STATUTES AND RULES

Title 20 Ill.Adm.Code 504.820;(Grievance Officer-"No person who is directly involved in the subject matter of the grievance or who was a member of the Adjustment Committee that heard a disciplinary report concerning the grievance may serve as the Grievance Officer reviewing that particular case or Investigator").

28 U.S.C. 1331; (This court has subject matter jurisdiction over petitioner Federal questions and claims, as petitioner's alleges that Respondents deprive him of his rights, Due Process, and Under Equal Protection or/and to be Free from Cruel and Unusual Punishment, secured by the U.S.Constitution.

Rule 8(c)(2) and (e)(FRCP).

Rule 59(e)(FRCP).

Under Imminent Danger of Serious Physical Injury; 28 U.S.C.A. § 1915 (g);[PLRA](IFP).

Rule 3(c)(1).

Rule 28(a)(2).;Docket Statement.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully requests that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[x] For Cases from federal courts:

The opinion of the united states court of appeals appear at appendix ___ to the petition and is

[X] is unpublished.

The opinion of the united states district court appear at appendix ___ to the petition and is

[x] is unpublished.

JURISDICTION

This court has Subject Matter Jurisdiction over petitioner's claims pursuant to 28 U.S.C. 1331, as this action arises under the constitution and the Laws of the u.s., and pursuant to 28 U.S.C. 1333(a)(3), as petitioner's alleges that respondents deprived him of his rights, privilege or immunities secured by the U.S.Constitution.

On May 16, 2024, the u.s.district court, southern district of illinois issued an Order denying petitioner Motion for Leave to Appeal in Forma Pauperis ("IFP"). On July 11, 2024 petitioner filed Motion for Reconsideration, On July 16, 2024 the u.s.district court deny it. See(Appendix)

On August 15, 2024, the u.s.court of appeals deny leave to proceed on appeal in forma pauperis. On August 26, 2024 the u.s.court of appeals deny its motion to recall the mandate, on Motion for Leave to withdraw Notice of Appeal and Terminates the entire Appellate Appeal Process by pro se petitioner.

On September 16, 2024, the u.s.court of appeals GRANTED request, VACATED final order, the mandated RECALLED, and REINSTATED appeal to a determination of petitioner's fee status. See(Appendix)

On November 6, 2024, the u.s.court of appeals denied:PLRA Memorandum of Law in support of Late Notice petition for Leave to File and Proceed on appeal In forma pauperis, filed on September 13, 2024. See(Appendix)

On December 11, 2024, the u.s.court of appeals denied:Motion for Reconsideration for Three Strikes Provision under Imminent Danger of Serious Physical Injury. See(Appendix)

On January 13, 2025, the u.s.court of appeals DISMISSED appeal for failure to pay the required docketing fee \$605.00 . See(Appendix)

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

8th amendment claim, (Free from Cruel and Unusual Punishment,
u.s.constitution

14th amendment claim, (Equal Protection of the Law),
u.s.constitution

'PLRA' Provision:"In no event shall a prisoner bring a civil action or appeal a judgment in a civil action on 3 or more occasions, brought an action or appeal in a court of the united states that was dismissed on the grounds that it is frivolous, malicious or fail to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.
28 U.S.C. 1915(g).

NOTE:(Defendant Nicholas Puckett, investigator, who investigated his [0]wn incident involvement regarding this lawsuit, in violation of Title 20 Ill.Adm.Code 504.820
See(Appendix)

STATEMENT OF THE CASE

On January 23, 2018, Approx.3:00pm, at Lawrence Correctional Center, and as a Hospice Care Attendant and a Laundry Porter as part of job detail for close to 3 years. I went to the control bubble tower to get my daily "Soap/Disinfect"supplies, like 'all' porters must do everyday. At this time, my supervisor C/O Tracy and 2 other correctional officers was also in the bubble control tower too. I went to open the small chuke-hole door, and I heard a loud bang on the window class of the bubble control tower. I looked up and c/o Nicholas Puckett horse-playing homosexual games. he took a rubber glove, blew-it-up with the knot and aiming at me his genital, aiming it at me and saying do you want some of this! I responded back, "I LIKE WOMEN!" NOT MEN!

I talk with my supervisor the next day, and asks her to talk with c/o puckett, and ask him stop horse-playing and harassing me. As the weeks, months, and years went by and doing this time I talk with c/o puckett supervisor Brandon Deweese, Lieutenant of Internal of Affairs. and filed numerous grievances, and 'all' efforts to attempt to solve this matter was to no avail. Defendant puckett has cause me to "Miss-Chow" for lunch or dinner many times, at least twice a week whenever he is working the cellhouse-8,5.

Subsequently, c/o puckett has cause me to miss "Many" call-passes to attend the law library during court deadlines such as, *Fowler v. Keefer et al*, no.20-cv-00856-DWD, *Fowler v. Bohnert et al*, no.24-1840, *Fowler v. Wills*, no.19 c 1498, *Fowler v. Wills*, no.21-2230. just to name a few cases miss and lost. He also had other officers harass me too, by refusing to give me any medical ice due to my back pain.

Then, I filed a complaint against defendant puckett to "PREA!" and sent copies to the "John Howard Association" and other agency

Cont:State of the Case

or Civil Rights Groups too. I also attached "Sworned Affidavits" from other inmates such as, Terry Scott#N91107, who witness c/o pucket "kick-slammed" my cell door with the back of his shoe-heel so loudthat it echo all over the dayroom and other inmates started complaining too. at the time I was typing some legal work when c/o pucket disrupted my concentration. his retaliation was getting worsen everyday.

On July, 2023, petitioner was transfer from Menard Correctional Center to Pinckneyville Correctional Center and assigned to Housing Unit #1D20 cell, a gallery or wing consist of "Elders" inmates. age 50,60 and 70 years old, with his age bracket, 65 years old. and On July 24, 2024, petitioner was order to move 'All' his personal property and move to housing unit#4D20, were inmates 21,25, and 30 years old, that be horseplaying, fighting, stabbing, stealing and throwing feces and urine on each other everyday. Also, some got on me many times, and petitioner were compell to walk in feces in order to go to the chow-hall to eat. On October 8, 2024, petitioner decided to walk himself to segregation after coming from an attorney phone-call in the administration building. See(appendix)

On November 25, 2024, petitioner's filed a motion for Three Strikes Provision under Imminent Danger of Serious Physical Injury, for the purposes of granting ("IFP") In Forma Pauperis regarding filing fees. On December 11, 2024, the united states court of appeals denied reconsideration (motion).

REASONS FOR GRANTING THE PETITION

INMATE'S ARE NOT COMPLETELY ["STRIPPED"] OF THEIR CONSTITUTIONAL RIGHTS UNDER EQUAL PROTECTION OF THE LAW, THE QUESTION IS LOWER COURT'S BOUND OR SUBJECT TO THE RULE OF LAW

PLRA States:"In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section [In forma Pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or appeal in a court of the united states that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury". 28 U.S.C.1915(g)Id.

That, Petitioner's question remain the Same, involved undisputed facts in accepting this case for review, to determine the decisions of both u.s.court of appeals 7th circuit or u.s.court of appeals 9th circuit on "SAME" issue. Supra. That, petitioner's in forma pauperis ("IFP") should be allow to proceed with his claim. InFra:

Subsequently, the (PLRA) under 3 Strikes claim, Prison litigation Reform Act states:"Filing fees requirement does not permit the collection of fees from a prisoner who attempts to file an appeal in forma pauperis and (PLRA) requirement that a prisoner pay the full filing fees Neither permit Nor require the collection of fees from a prisoner who has "3 Strikes" and attempts to file an appeal in forma pauperis. Meyers v. Birdsong, 2023 WL 6614357 (C.A.9-Cal)Id.

CONCLUSIONS

THEREFORE, The Petitioner, respectfully pray your Honorable court review this case on its question or merits, is petitioner entitled under 14th amendment U.S.Constitution to proceed with [in forma pauperis] with 3 Strikes claim?

Respectfully submitted,



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Date: March 19, 2025