

No. 25-7117

ORIGINAL

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SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Devin Kugler — PETITIONER
(Your Name)

Gregg Scott, James^{vs.} McCurry
and Eric Kunkle — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF
APPEALS SEVENTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Devin Kugler, Pro Se
(Your Name)

17019 County Farm Rd.
(Address)

Rushville, IL 62681
(City, State, Zip Code)

(217) 222-3204
(Phone Number)

COVER

QUESTION(S) PRESENTED

1. Petitioner maintains and calls into question that the central District of Illinois and the U.S. Court of Appeals seventh circuit Erred by Denying petitioner Due Process and elementary fair play and, that;

~~the Dist~~
2. The District court and the U.S. court of Appeals seventh circuits procedure and conduct constituted such a departure from accepted and normal procedure of the judicial procedure that this petition should be granted as after winning/overcoming summary judgment against Respondents on three separate occasions, as Respondants conceded they made no Rule 26 Disclosures expert or lay and that the District court Judges actions were called into question as Bias and colluding with Defendants - Respondents to commit Fraud and harmful error by instructing Defendants what to file to get my victories in summary judgment overturned, Denying my Rule 60 Relief from judgment, and Purging Petitioners appeal they admit they were instructed by the Judge in the U.S. District court, Central District of Illinois to do the very things I called into question, preventing and over turning trial against Respondents, halting and hindering Petitioners Right to Redress the wrongs AGAINST Petitioner by Respondents ACTIONS.

3. IF Questions 1 and 2 are in Petitioners Favor, is the admission of Dr. Kingstons report fraudulent and untimely and

4. DID THE CENTRAL DISTRICT OF ILLINOIS

and the United States Court of Appeals
For the Seventh Circuit Depart from the
normal and accepted judicial procedure?

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:

RELATED CASES

Kugler v. Scott, et al., 19-cv-04168-CSB,
U.S. District Court for the Central
District of Illinois, judgments entered
Jan. 14, 2022, March 29, 2023, July 17, 2024,
August 8, 2024, August 9, 2024, August 16,
2024, September 13, 2024,

no. 22-1468,
Kugler v. Scott et al, Interlocutory Appeal,
United States Court of Appeals seventh
circuit, ~~the~~ Order Dated March 23, 2022

Kugler v. Scott et al, Appeal # 24-2456,
United States Court of Appeals,
seventh circuit, judgments entered on
September 29, 2025, October 21, 2025.

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- APPENDIX D SUMMARY JUDGMENT DECISION OF THE U.S. DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS
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- APPENDIX F ORDER / Decision of the United States Court of Appeals seventh circuit in re Kugler v. Scott 22-1468 Interlocutory Appeal
- APPENDIX G: Other material the petitioner believes ~~the~~ essential to understand the petition.
- APPENDIX H: Other material essential to understand the petition
- APPENDIX I: constitutional provisions, treaties and statutes involved in this case ~~IV~~ IV

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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 September 29, 2025

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: October 21, 2025, 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

UNITED STATES CONSTITUTION
FIRST AMENDMENT

UNITED STATES CONSTITUTION
FOURTEENTH AMENDMENT

28 U.S.C. Section 1331

28 U.S.C. Section 1343(a)(3)

28 U.S.C. Section 1391(b)(2)

42 U.S.C. Section 1982

42 U.S.C. Section 1983

42 U.S.C. Section 1985(3)

42 U.S.C. Section 1986

STATEMENT OF THE CASE

1. PETITIONER Brought civil Action Against Respondents Gregg Scott, James McCurry and Eric Kunkle, and two former Defendants Shan Jumper and Sharlene Caraway whom Petitioner Dismissed from the civil action before summary Judgment, for a First Amendment claim that Policy Banning/restricting Pornographic material that is legal violates The First Amendment.
2. Merit was granted to petitioners First Amendment challenge on Respondents Facility policy banning Legal Adult Pornography. on 2/13/2020.
3. On Oct. 14, 2020 Petitioner Filed a Motion For Permanent/Temporary Restraining order.
4. On Oct. 29, 2020 The District court granted Petitioners Motion For Permanent/Temporary Restraining order.
5. In late February of 2021 Petitioner Filed a motion to Dismiss Sharlene Caraway and Shan Jumper as Defendants from this suit.
6. In early March around the 5th, the TDF legal liaison informed me the court scan did not go through and the central District requests I rescan the document to dismiss Caraway and Jumper from the suit. Defendants were then dismissed. Due to complications of scanner on May 10, 2021.
7. Discovery closed on March 1, 2021.

8. For whatever the reasons, the court scanner system at the TDF was malfunctioning causing confusion in re plaintiffs motion to dismiss Caraway and Jumper between March through May 2021. See court record.

9. After the confusion was sorted, the court dismissed defendants Caraway and Jumper from the suit. 05/10/2021 Text order.

10. On 4/01/2021 Defendants Scott, Mercury and Kurkle by way of their legal counsel, filed their motion for summary judgment.

11. On January 14, 2022, the District court denied Defendants motion for summary judgment as they had no scientific data to support the Bar on legal Pornography. Leave to renew was granted. Discovery was not reopened. Doc. 95 Appendix E

12. On March 14, 2022 Defendants filed their Doc. 98 motion for summary judgment renewed.

13. On March 16, 2022, this Plaintiff filed a motion to strike/deny Defendants Doc. 98 as creating a Bias precedent.

14. On 3/17/22 the District court Denied my Doc. 100 objection

15. on 3/22/22 plaintiff filed an Interlocutory appeal. Doc. 103.

16. pursuant to the Appellate court for the seventh circuit U.S. Appellate court's recommendation, plaintiff voluntarily dismissed his Interlocutory appeal with leave to renew his appeal when the need was necessary and case proceedings had closed. Appendix F

17. in May of 2022 Defendants filed the Doc. 118 renewed motion for summary judgment.

18. Plaintiff filed his Doc. 120 response to Defendants Doc. 118 motion.

19. in March of 2023 the court again Denied Defendants motion for summary judgment as they lacked any scientific data to support the TDF Ban on Legal Porn. Trial was set in favor of Plaintiff. Doc. 129 Appendix D

20. on September 11, 2023 during the pretrial conference, a settlement conference was set by Defendants and Trial was stayed.

21. On January 22, of 2024 Defendants chose not to meet my Settlement Demands.

22. On January 23, of 2024 trial was rescheduled for April 10, 2024.

23. On Feb. 06 2024, Defendants Filed a Rule 12(b)(1) motion to Dismiss on mootness. Doc. 160, 161, 162.

24. Plaintiff Filed his response to Defendants Doc. 162 motion.

25. On Feb. 06 2024 the court vacated my trial.

26. On 7/17/24 the court Denied Defendants Doc. 162 motion to Dismiss for mootness Doc. 178 Appendix H

27. On 7/17/24 the court granted plaintiffs request to impeach Gregory Donathan and his report as ^{he} was not properly disclosed. (Appendix H)

28. Despite the Donathan report was impeached and not to be considered or used, the District court Dissected it and took a portion of it stating it was the expert testimony of

Dr. Drew Kingston, Instructing Plaintiff to address the "Kingston expert Report" Defendants and the Judge concluded to Fabricate to undermine Plaintiff's trial and victory. Appendix H

29. Plaintiff Filed his Doc. 179 properly disputing that the Kingston report was fraudulent as the court in its text order dated 8/9/24 stated: "Plaintiff attaches ample documentation indicating that certificate of service 77 did not relate to the disclosure of Dr. Kingston." and "Defendants did not engage with this pivotal issue in their reply. Appendix C"

30. Trial was set for Tuesday, September 10, 2024. Appendix C

31. The court vacated trial for the plaintiff after Defendants filed a renewed reply on 8/16/24. Appendix B

32. Plaintiff Filed a motion for relief from judgment Doc. 186 on August 20, 2025.

33. on August 21, 2025 plaintiff Filed his notice of Appeal. The District court stayed the Appeal until the motion 186 relief from

Judgment was ruled on.

34. on September 13, 2024, the District court Denied this Appellants motion for relief from Judgment.

35. on the same date of September 13, 2024 the District court denied my motion to show ex-Parte communication and assertion of the District court and Defendants and their legal counsel committing conspiracy.
Appendix G

36. on the same date of 11/13/24, the District court denied my motion for appeal in forma pauperis in correctly citing Hauk, 404 U.S. 59, 62 (1971); Coppedge v. United States, 369 U.S. 438, 445 (1962); Lee v. Clinton, 209 F.3d 1025, 1026-27 (7th Cir. 2000) and Pate v. Stevens, 163 F.3d 437, 439 (7th Cir. 1998). Appendix G

37. on 10/2/24 this Appellant filed his (Renewed) Motion For Leave To Appeal in forma pauperis with his renewed/reinstated issues on Appeal with the 7th Circuit U.S. Court of Appeals.

38. on December 19, 2024 Justice David F. Hamilton granted my in forma pauperis motion, setting a scheduling order for Appellate brief, Appellees response brief, and Appellants reply brief.

39. plaintiff-Appellant timely filed his Initial Brief complete. with Appendix of evidence.

40. Defendants Legal counsel continuously failed to meet their deadlines to file their response brief, asking for extensions of time between January through May 2025, for reasons of "I'm too busy with another case" ("paraphrased") and upon research the cases Mr. Studer (Defendants legal counsel) cited, either did not exist or he did not participate in. Despite this the Appellate courts granted - by an unknown judge as no judges name was attached to the order - the motions against plaintiffs objections.

41. On 5/21/25 Defendants filed their Response brief conceding that they did not cite to the evidence in question Dr. Kingstons report nor did they attach it to their summary judgment motions, they also conceded that they lost summary judgment on January 14, 2022 and March 29, 2023, as they had no evidence to support the Ban on legal pornography at the TDF Facility. Defendants conceded also that they did not make any Rule 26 Disclosures whatsoever. Appendix G pg. 1-5

42. On April of 2025 plaintiff-Appellant-Petitioner filed his Reply brief in a timely fashion

43. on september 29, 2025 the seventh circuit U.S. court of appeals acknowledged that Defendants/Respondents "The Detention officials concede that they never disclosed Dr. Kingston as an expert witness. Appendix A

44. Defendants-Respondents fraudulent acts and admitted collusion with the central District court of Illinois caused the seventh circuit U.S. court of Appeals to Affirm the District courts Decision stating it was harmless error, on sept. 29, 2025. Appendix A

45. on october 6, 2025, this petitioner, filed his motion to Reconsider the seventh Circuits order Affirming the District Courts Ruling, which the seventh circuit read as a petition for Panel Rehearing.

46. on october 21, 2025, the seventh circuit Denied my Petition for rehearing. Appendix A

REASONS FOR GRANTING THE PETITION

Pursuant to Rule 10 of this court's rules concerning Review on certiorari, the Petitioner affirms that:

i. The United States~~es~~ court of Appeals has so far departed from the accepted and usual course of judicial proceedings and sanctioned such a departure by a lower court as to call for an exercise of this court's supervisory power; as;

ii. Respondants lost summary judgment against petitioner on three separate occasions, Doc. 95, Doc. 127, Doc. 180, 181, text order dated 8/9/2024 attached here to in the Appendices to my writ of certiorari, Appendix's C, D, E

iii. Defendants conceded that they disclosed no rule 26 disclosures expert or otherwise, see Doc. 136 Appendix G page 5 see also Appendix G 2-4
12

page 1-5 attached hereto in the
Appendix G. See also Defendants
Response brief pages 9 and 10 Appendix G
and see also U.S. Appellate court
seventh circuits ORDER AFFIRMING
the District courts Decision, Appendix A
page 4. hereto attached in
the appendix A

iii. Defendants admit to
conspiracy with the central
District of Illinois Judge
Colin Stirling Bruce by
stating in the Response brief
page 9, 10, 11, 12, 13 where
after losing summary judgment (95)
the court directed them to
obtain an affidavit and renew
summary judgment - against
my protest - and after losing
summary judgment a second
time (127) for lack of scientific
Data provided by their affiant
Gregory Donathan, they took
that as direction to obtain
scientific Data - Discovery was
never re-opened - Filing their
rule 12(b)(1) motion to dismiss
with "The Dr. Drew A. Kingston
Report" again they were
Denied their motion to Dismiss
and Donathan's report
which contained the so called

'Kingston Report' was impeached as a witness Barred by rule 37 for failure to timely disclose under rule 26, yet the court kept the part of Gregory Donathans report and renamed it the "Dr. Kingston report" Doc. 178 pg. 10. See appendix H

iv. The court admits in its Doc. Text order Dated 8/9/2024, "The court inferred that certificate of Service [77] related to the disclosure of Dr. Kingston." ~~But~~ "Plaintiff attaches ample documentation indicating that the certificate of service (77) did not relate to the disclosure of Dr. Kingston. Defendants do not engage with this pivotal issue in their reply (182)." Defendants are now directed to file a supplemental reply, no later than 8/16/24, with attached evidence if it exists, stating when and whether Dr. Kingston was disclosed to Plaintiff as an expert witness, and when and whether Dr. Kingston's report was disclosed to Plaintiff." Appendix C pg 5

v. Then on the very Date the District court - August 16 2024 - Judge Colin Stirling Bruce directed Defendants to provide "the supplemental reply" with "attached documentation" Defendants committed further fraud at the courts behest to overturn my victories in summary Judgment

thus preventing this petitioners right to trial in violation of rule 61 of the Federal rules of civil procedure.

vii) In fact plaintiff had accused his then legal counsel Devlin Schoop of colluding with Defendants and their legal counsel in this matter to "railroad" me and get my case thrown out. He became livid and after I filed a motion to fire him for collusion he filed a motion to recuse himself for irreconcilable differences denying working and colluding with the Defendants and their legal counsel to get my trial vacated and to get my civil action thrown out, however, in spite of this Denial Defendants Document 157 MOTION FOR LEAVE TO FILE RULE 12(b)(1) MOTION TO DISMISS AND TO VACATE TRIAL DATE page 2 paragraph 8, "That defense counsel has spoken to plaintiffs counsel and he has no objection to this motion." Appendix 6 page 7

viii) In fact as this petitioner has pointed out in his Appellant brief and his reply brief to the Seventh circuit every time defendants colluded with the District court to commit fraud and harmful error I would object and when my arguments were so sound and supported by evidence the court had to rule in my favor

Yet, left a back door open for Defendants to wriggle out of Liability in this civil action, and when in the end Defendants own Assistant Javier Leyva Salas proved that I was telling the truth that DOC. 77 was NOT THE EXPERT DISCLOSURE OF Dr. Drew A. Kingston by any party - "co Defendants" Jumper and Caraway, or Scott, McCurry and Jumper - the court decided to ignore this evidence in document 193 Defendants response to my relief from judgment and accusations of fraud ruling against me and using what I call the "oo badoo ba Defense" as in Doc. 193 they cite to Javier-Leyva Salas' Declaration stating that it was proof that DOC. 77 was in fact the Disclosure of Dr. Kingstons report as expert testimony by co-Defendants Jumper and Caraway referencing through Doc 193 and attached exhibit Doc. 183-1 attached to Javier Leyva-Salas' Declaration and to Doc. 193, misleading the court record to believe it as Doc. 183-1 when in fact it was 193-1 see attached Document 193, 193-1, 193-2

as Javier Leyva Salas references
in his Declaration 193-2 paragraph 4
page 1, "I was able to access and
print out the information on Team connect
regarding when I scanned in the Expert
Disclosures (document # 183-1, Exhibit 1)
which is attached as Exhibit 1 to
this Declaration. Appendix G pg 36-41

via in paragraph 5. pg. 2 of Javier
Leyva-Salas affidavit/Declaration
he stated "... However, the expert
Disclosures Document (Dkt. # 183-1,
exhibit 1) was not altered prior
to my scanning it and saving
it in Team connect." Appendix G pg. 42

a.) The attached exhibit to Javier
Leyva-Salas' declaration he and
Defendants name incorrectly
as 183-1, exhibit 1, is in fact
193-1, exhibit 1 - Initial Disclosures
of Shan Jumper and Sharlene
Caraway, NO EXPERT DISCLOSURE
OF DR DREW A. KINGSTON
IS MENTIONED! Javier Leyva-
Salas knew that Lying Under
Oath in a Declaration is
a Federal crime so he
set out Defendants fraud
and when doing so, Defendants
refiled his Declaration 193-2 with
193-1 exhibit attachment, as

Document 124, but purposefully left out Exhibit 1, Doc. 123-1 as if it never existed. Appendix G pgs. 36-41

b. When this Petitioner pointed this out in his reply brief pages 4-6, the 7th circuit Denied that evidence and Lied by stating I provided NO evidence or argument contradicting the affidavit that confirmed the reports 2021 delivery. The seventh circuit went on to Falsely state that Dr. Kingston was redisclosed in February 2024 as an expert disclosure as an exhibit in their Doc. 162 motion to dismiss and that "the district court gave Kugler" an opportunity to dispute the Kingston report after it had be re-disclosed by the defendants in February 2024. But Kugler neither challenged the reports contents nor requested additional time to secure his own expert, even though he had previously sought - and obtained extensions for similar purposes." THIS IS A BLATANT LIE!!

1.) I DID Argue and provide evidence that Defendants DID NOT DISCLOSE KINGSTON see Doc. ~~180~~ 180, 181, text order Dated 8/9/24 in Appendix. C see also Appendix ~~4~~ pgs. 4-6

2. Dr. Kingston was Not Re-Disclosed in February 2024 in Doc. 162 motion to dismiss as evidenced by Doc. 162

EXHIBITS IN SUPPORT OF FRCP RULE 12(b)(1)
MOTION TO DISMISS. NO DR. KINGSTON
REPORT IS LISTED OR NAMED, ONLY
6, Donathan report - which was
impeached as untimely 3 years
later pursuant to the district
courts Doc. 178 order pages 9-10
see Doc. 122 Exhibits List and
Doc. 178 in Appendix G and Appendix H

3. Further this petitioner did not
seek "additional time to secure his own
expert." because it would have been
futile as when I tried to secure
subpoenas to obtain Lay and
expert witnesses from my treatment
team and TDF staff as they were
told they would be fired for
providing testimony in my favor
against Defendants, it was denied
by the judge Colin S. Bruce in its
Doc. Text order Dated 10/16/2020
"Plaintiff's motion for blank subpoena
forms to secure the testimony of Rushville
Treatment and Detention Facility employees
is denied 40. In order to depose a nonparty
witness, Plaintiff would be responsible for
obtaining and paying the court reporter,
serving the nonparty witnesses with the
subpoena, and arranging for the taking
of the deposition in compliance with
Fed Rule Civ. P. 31 and 30. Plaintiff
Does not appear able to do this in
light of plaintiff's indigency and detention."
I was denied access to expert
AND LAY WITNESSES BY THE

CENTRAL DISTRICT COURT because in
poor and institutionalized. This
is clear bias and violates my
14th and 1st Amendment rights
secured by the U.S. Constitution.

How can plaintiff obtain remedy
for Defendants violating my
constitutional rights when Defendants,
their legal counsel, The District court
Judge, the Seventh circuit panel and
petitioners own former legal counsel
collude to conspire to prevent
plaintiffs victory at trial and
overturn all my summary
judgment victories in Doc. 95, 127,
and 180, 181 causing harmful error.

2) Defendants Scott and former
Defendants Jumper did something
similar yet less bold by attempting
to provide Dr. Jumper as expert
testimony in Brown v. PHILLIPS,
801 F.3d 849 United States Court of Appeals
Seventh Cir. No. 14-3325, September 14, 2015
"The defendants, through Dr. Jumper and
Scott, have offered a conclusion that
eliminating "counter-therapeutic" images of
graphic content further a s residents treatment
and security. But a bare assertion that
Rushville's ban on sexual material promotes
treatment is insufficient to justify
summary judgment on a First Amendment
claim (citing Ramirez v. Pugh, 379 F.3d 122, 128
(3d Cir. 2004) (reversing dismissal of First amend
ment challenge to keeping sexually explicit
magazines from all prisoners, reasoning
that a mere assertion of rehabilitative
effect is inadequate); Wolk v. Ashcroft,

297 F.3d 305, 308, (3d Cir. 2002) (reversing decision upholding restriction on R-rated and NC-17-rated movies in federal prison where "brief, conclusory statement" drawing connection between policy and psychological interest insufficient), as the "Defendants' assertion are insufficient to justify summary judgment in a matter whether they are treated as lay or expert opinions. The Defendants apparently offered the affidavits as lay opinion testimony, since they did not comply with the rules of civil procedure required to submit expert affidavits."

In fact Jumper and Scott were deemed to have supplied "nothing of value to the judicial process" Brown at 844 paragraph 4. Seventh circuit vacated Brown in regard to the challenge on sexually explicit movies and video games. This petitioners civil action is a mirror image of Brown and against the same Ban on sexually explicit material/pornography in Brown and against the same Defendants!

Legal pornography has been found to lower recidivism in sex offenders and thus policies banning porn have been overturned on many occasions in the federal courts see UNITED STATES v. Taylor, 796 F.3d 788, 792-93 (7th Cir. 2015), United States v. Siegel, 753 F.3d 705, 709 (7th Cir. 2014), Ramirez v. Pugh, 379 F.3d 122, 128 (3d Cir. 2004), Wolf v. Ashcroft, 297 F.3d 305, 308 (3d Cir. 2002), U.S. v. Shannon,

743 U.S. 496 (7th Cir. 2014) including
against this facility and the Defendants
herein, in BROWN v. PHILLIPS, 801 F.3d 849
(Seventh Cir. 2015) Yet, Defendants Do NOT
HEED THE LAW AND RULINGS AGAINST
THEM Hence why I Filed this
CIVIL ACTION and Petition this
court for remedy, Please, I Beg
this court to help me!

4.) In DUNCAN v. CRANSTON, Supreme
court of the UNITED STATES 1971
WL 133243 (U.S.) Appellate brief
NO. 1089 Oct Term 1970 at 14
this Supreme court stated:

"The Petitioner's second Question
raises not only substantial questions
concerning class actions, But Also Due
process And a Departure From
Accepted And Normal Judicial
procedure" and at 7 "the
respondents as in prior instances,
not only did not respond to the
allegations made by petitioners
Duncan concerning colluding etc,
but did not even answer his
motion to intervene for 40 to
45 days or until Duncan filed a
motion for summary judgment
based on such failure to respond
and at 22 and 23:
"we submit that court approval of
such unfair tactics, let alone authorization
for the awarding of compensation
under such circumstances, would

constitute a dangerous precedent from the standpoint of discouraging members of the bar from representing their clients in exposing fraud and collusion. Approval of such deplorable tactics merely encourages additional utilization of the same, and approval of such type of malodorous suit, irrespective of the decision on the merits, can only result in similar or even more objectionable suits, all with untold side effects and direct injury to the litigants, the bar and the courts." This case in escrow, is a practical mirror image of collusion and harmful error raised by this petitioner in this civil action.

IN FACT this Supreme Court has already ruled in *Ashcroft v. Free Speech Coalition*, Supreme Court of the United States, 535 U.S. 234, 122 S.Ct. 1387, 152 L.Ed.2d 403, "The Government submits further that virtual child pornography whets the appetites of pedophiles and encourages them to engage in illegal conduct. This rationale cannot sustain the provisions in question. The mere tendency of speech to encourage unlawful acts is not a sufficient reason for banning it. The government cannot constitutionally premise legislation on the desirability of controlling a person's private thoughts." IN Ashcroft, this court went on to state: ("The normal method of deterring unlawful conduct is to impose an appropriate punishment on the person who engages in it.")
The Government MAY NOT PROHIBIT

speech because it increases the chance an unlawful act will be committed "AT SOME INDEFINITE FUTURE TIME" emphasis added. This court ruled that 2256(B)(D) was substantially overbroad and in violation of the First Amendment. That case had to do with a Ban on virtual child pornography in the child pornography prevention Act of 1996 (CPPA) being unsustainable against overbreadth challenge under the First Amendment on the theory that virtual child pornography whets the appetites of pedophiles and encourages them to engage in illegal conduct, as the government has shown no more than a remote connection between speech that might encourage thoughts or impulse and any resulting child abuse."

Ashcroft v. Free Speech Coalition, Supreme Court of the United States, April 16, 2002, 535 U.S. 234, 122 S.Ct. 1389, 152 L.Ed.2d 403.

where as in this Petitioners civil action, Petitione raised a First Amendment challenge on the Respondents Facility Ban on Legal ADULT PORNOGRAPHY, and Respondents Argument is that the Ban on Legal ADULT Pornography, supports the governments Non-Punitive Interest in Reducing sexual Recidivism in sexually Violent persons.

ASHCROFT and Petitioners cases are virtually identical as PETITIONER WILL SHOW NOW:

ASHCROFT was a FIRST AMENDMENT CHALLENGE on the CPPA'S BAN ON VIRTUAL CHILD PORNOGRAPHY in 2256(B)(D).

PETITIONERS CIVIL ACTION IN KUGLER is a
FIRST AMENDMENT CHALLENGE ON Respondents
FACILITY BAN ON LEGAL ADULT PORNOGRAPHY.

IN ASHCROFT THE GOVERNMENT ARGUED
THAT THE BAN ON VIRTUAL CHILD PORNOGRAPHY
IN 2256(C)(D) is justified by the
Government's interest in protecting
children because VIRTUAL CHILD PORNO-
GRAPHY whets the appetites of pedophiles
and encourages them to engage in
illegal conduct, thoughts, and
impulses and unlawful ~~conduct~~ acts
will be committed "at some indefinite
future time."

IN PETITIONERS CIVIL ACTION IN KUGLER
RESPONDENTS ARGUE THAT THE FACILITY
BAN ON LEGAL ADULT PORNOGRAPHY
IS JUSTIFIED BECAUSE IT IS DETRIMENTAL
AND COUNTER-PRODUCTIVE TO THE
GOVERNMENT'S INTEREST TO LOWER SEXUAL
RECIDIVISM IN SEX OFFENDERS AT
THE FACILITY AND PREVENT FUTURE
ACTS OF SEXUAL VIOLENCE.

LET'S NOT MINCE WORDS AND GET
CAUGHT IN A SEMANTICS GAME
IN THIS MATTER RAISED BY PETITIONER,
DEFENDANTS ARGUE THAT THE BAN
ON LEGAL PORNOGRAPHY IS COUNTER
THERAPEUTIC as "resident access to
pornographic materials interfere with
professional efforts to rehabilitate
sexual offenders as well as
those offenders suffering from
an array of mental health
disorders as the goal of
sex offender treatment is to

prevent sexual Recidivism."

WHICH, ONCE THE PANEGYRY OF THE Respondents words are stripped Bare Respondents ARGUMENT IS THE BAN ON LEGAL "ADULT" Pornography at the T.D.F. IS Justified by the Governments interest in protecting society from being sexually assaulted, because legal "adult" pornography whets THE APPETITES OF SEX OFFENDERS and encourages them to engage in thoughts and impulses that will lead to unlawful conduct and acts to be committed "at some indefinite Future Time."

ASHCROFT DID NOT WIN ON THIS ARGUMENT IN THIS COURT IN Relation to virtual child Porn, SO, HOW CAN RESPONDENTS WIN WITH THE SAME ARGUMENT IN Relation TO LEGAL "ADULT" PORNOGRAPHY?

AS PETITIONER HAS POINTED OUT HE WON SUMMARY JUDGEMENT THREE SEPARATE TIMES AS "Plaintiffs additional cited articles and research support his view that consumption of legal pornographic material is not correlated to increased sexual violence and Defendants' pornography ban is not rationally related to the states legitimate interests." Kugler v. SCOTT et al 19-cv-04168-CSB Doc. 95 (Jan. 14 2022) Doc. 127 (March 29, 2023) and Documents 180 and 181 (August 8, 2024, August 9, 2024) Respondents, it appears, could not handel the loss against Petitioner

Relying on such Deplorable and Malodorous Acts such as Fraud and collusion with the District court and U.S. court of Appeals and Petitioners Former legal counsel Devlin Schoop, to overturn Petitioners Summary Judgment victories in violation of Rule 61 of the Federal Rules of Civil Procedure governing Harmful error.

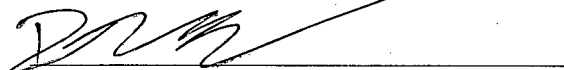
AS THIS COURT HAS MADE CLEAR IN DUNCAN V. CRANSTON, Supreme court of the United States (1971) WL 133,243 (U.S.) Appellate brief) No. 1089 Oct. Term 1970, Feb. 16, 1971 "we submit that court approval of such unfair tactics, let alone authorization for the awarding of compensation under such circumstances, would constitute a dangerous precedent from the standpoint of discouraging members of the bar from representing their clients in exposing fraud and collusion. Approval of such deplorable tactics merely encourages additional utilization of the same and approval of such type of malodorous suit, irrespective of the decision on the merits, can only result in similar or even more objectionable suits, all with untold side effects and direct injury to the litigants, the bar and the courts."

CONCLUSION

For the foregoing reasons,

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'D.M.', written over a horizontal line.

Date: 2/24/2020