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ORIGINAL

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

IOAN LELA (PRO SE PETITIONER)

VS.

THOMAS DART, ET AL (RESPONDENTS)

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

PETITION FOR A WRIT OF CERTIORARI

IOAN LELA (PRISONER ID# Y49071)
WESTERN ILLINOIS CORRECTIONAL CENTER
2500 ROUTE #99 SOUTH
MT. STERLING, ILL 62353

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Questions Presented

- (1) Whether the attached baseless and "non-precedential" decision of the U.S. Court of Appeals for the Seventh Circuit pursuant to the highly controversial Rule 32.1 of the Federal Rules of Appellate Procedure is extremely contravening to this Honorable Court's longstanding and landmark decision in Helling v McKinney (1993), which is factually on-all-fours with Petitioner's underlying case; since Helling v McKinney resulted from a similar well-supported prisoner's Writ of Certiorari based on substantially similar issues of national interests concerning unconstitutional conditions of confinement in a correctional facility due to inadequate ventilation.

- (2) Whether the attached totally baseless decision of the U.S. Court of Appeals for the Seventh Circuit reflects a gross misapprehension or disregard for well-documented evidence presented by Petitioner in total opposition to the Respondent's Motion for Summary Judgment as to the Respondents' longstanding and well-documented wilful failure to provide adequate ventilation in wilful violation of controlling state statutory correctional safety regulations and in wilful deprivation of Petitioner's 8th Amendment Constitutional rights.

- (3) Whether the attached totally baseless decision of the U.S. Court of Appeals for the Seventh Circuit reflects a gross misapprehension or disregard for well-documented evidence and controlling federal law presented by Petitioner concerning the proper qualifications of his proffered legal expert and his legal expert opinions relative to the Respondents' said wilful and longstanding liability through their wilful failure to provide adequate ventilation in wilful non-compliance with controlling state statutory correctional safety regulations and in wilful violation of Petitioner's 8th Amendment Constitutional rights; all of which was presented by Petitioner in total opposition to the Respondents' Summary Judgment Motion and is meaningfully void in the said attached baseless decision.

This Honorable U.S. Supreme Court in its longstanding and landmark decision in Helling v McKinney, 509 U.S. 25 (1993), which resulted from a prisoner's Writ of Certiorari based on substantially similar issues of unconstitutional conditions of confinement due to inadequate ventilation in a correctional facility; expressly underscored the national interests of this subject 8th Amendment Constitutional issue by accepting and considering numerous Amici Curiae Briefs presented by Attorney General Offices from all across the United States.

Moreover, this same national issue has been most recently addressed in national news articles, such as " Extreme Heat Exacerbates Dire Prison Conditions with Few Paths to Relief" (June 26, 2025) and " Clearing the Air: Why Indoor Air Quality Matters for Correctional Officers Health " (April 29, 2024) (See attached said news articles as EXHIBIT "EE" and EXHIBIT ~~FF~~^{TV}, respectively in APPENDIX).

More specifically, in 2020 the New York Times expressly labeled the Respondents' Cook County Jail as the WORST JAIL IN THE UNITED STATES FOR VENTILATION ISSUES in its attached news article " Top U.S. Hot Spots as Virus Spreads behind Bars: (See attached EXHIBIT "GG" in APPENDIX)

However, despite the obvious well-documented national interests and the well-published unsettled 8th Amendment issues, as evidenced in the split U.S. Circuit Court decisions as fully addressed below, the attached subject baseless Judgment decision of the U.S. Court of Appeals for the Seventh Circuit was suspiciously issued as "unpublished" and "non-precedented" pursuant to the highly controversial Rule 32.1 of the Federal Rules of Appellate Procedure and in wilful violation of Article III of our United States Constitution, as expressly underscored in Anastasoff v United States, 235 F3d. 1054 (8th Cir. 2000) and in the 2006 Boston Law Review Journal "Missing the Forest for a Tree: Unpublished Opinions and New Federal Rule 32.1 of the Federal Rules of Appellate Procedure"

Therefore, this attached baseless and "non-precedented" decision of the U.S. Court of Appeals for the Seventh Circuit is necessary for this Court's review through this well-supported Writ of Certiorari; since this decision is a far departure from the accepted and usual course of judicial proceeding, particularly for an extremely important subject matter of obvious national interests and well-published unsettled 8th Amendment Constitutional issues, as fully addressed below.

LIST OF PARTIES

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

~~X~~ 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:

Thomas J. Dart,
Michael Miller,
Michael Carberry, and
Karen James Hayes, and
Martha Yoksoullian

RELATED CASES

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IV PETITION FOR WRIT OF CERTIORARI

Joan Lela, an inmate currently at the Western Illinois Correctional Center, Mt. Sterling, Illinois, respectfully petitions, pro se, this Honorable U.S. Supreme Court for a Writ of Certiorari to review the attached totally baseless Decision of the U.S. Court of Appeals for the Seventh Circuit/ EXHIBIT "NN" IN Appendix ; which summarily affirmed the attached Orders of the U.S District Court EXHIBITS "XX", "YY", AND "ZZ" in APPENDIX.

V OPINIONS BELOW

The said attached totally baseless Decision of the U.S. Court of Appeals/ 7th. Circuit / EXHIBIT "NN" (7/9/2025) which summarily affirmed the said attached Orders of the U.S. District Court / EXHIBITS "XX", "YY", AND "ZZ" in APPENDIX.

VII JURISDICTION

Petitioner's Appeal with the U.S Court of Appeals for the Seventh Circuit was dismissed on 7/9/2025/EXHIBIT "NN"; which invokes the jurisdiction of this Honorable Court under 28 U.S.C. 2254, having timely court-filed this Petition for Writ of Certiorari within the required 90 days of the said 7/9/2025 Order/ EXHIBIT "NN".

VIII CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Constitution / Amendment VIII:

" Excessive bails shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted "

VII STATEMENT OF THE CASE

More than 30 years ago, this Honorable United States Supreme Court firmly held and expressly underscored in Helling v McKinney, 509 U.S. 25 (1993) that a prisoner/inmate of a correctional facility has a protected 8th Amendment right to have adequate ventilation as part of his/her conditions of confinement in a correctional facility.

However, since this aforementioned and landmark holding in Helling v McKinney, supra., there has been a number of U.S Appellate Court decisions that have significantly misconstrued this said decision; and furthermore, there are a number of U.S. Appellate Court decisions in direct conflict with other U.S. Appellate Court decisions on this same important constitutional issue, resulting in conflicting circuit court rulings under U.S. Supreme Court Rule 10(a).

Here, consistent with this aforementioned conflicting U.S. Circuit Court rulings, the following "Statement of the Case " clearly demonstrates and documents how the attached and totally baseless decision of the U.S. Appellate Court for the Seventh Circuit clearly reflects a gross misapprehension and/or disregard for well-documented material facts in the court record as to the Respondents' liability for longstanding and widespread unconstitutional conditions of confinement in the Cook County jail in wilful violation of Petitioner's protected 8th Amendment Constitutional rights to proper ventilation.

" STATEMENT OF THE CASE "

- (1) It is well documented and undisputed that Petitioner was fully incarcerated in the Cook County jail from March 2016 through October 2021, as a pretrial detainee relative to his Cook County criminal case// People v Ioan Lela, Case # 16-CR-60007903. (See Petitioner's Deposition pgs 20-26). More specifically, Petitioner was initially placed in Division #10 of the Cook County jail until 6/17/2016; when he was moved to Division #11 due to grievances he filed based on daily foul-smelling smoke emitting from HVAC vents in his cell. (See Petitioner's Dep. Pgs. 22-23). However, these said ventilation problems in Division #10 were a mere tip of the iceberg compared to the extremely contaminated and unsafe air quality and HVAC vents in his Division #11 cell; wherein the extremely dysfunctional HVAC system had not been cleaned for at least a year and half, and consequently the intake and outtake vents in his Division #11 cell had a caked on "1-2" thick covering consisting of elements fo human dead skin and dust mite particles. (See Dep. Of CCDOC engineer Patrick Nolan, pgs 70-80 and Petitioner's Dep. Pags 24-26)

- (2) It is extremely important to note, that the longstanding aforementioned dysfunctional HVAC system in Division #11 was widespread and was fully manifested in the Respondents' own CCDOC compilation of countless Division #11 inmates' " high priority" grievances filed concerning such ventilation/air flow problems from Sept. 2016 to Dec. 2021. (See attached CCDOC Compilation of numerous inmates' grievances//EXHIBIT "FF", that was also attached to Petitioner's previously court-filed Pre-Trial Memorandum/ Dkt. Filing #134).

- (3) However, it is well-documented and admitted that despite such full knowledge of these aforementioned longstanding and widespread unsafe ventilation problems in Division #11 , NO QUALITY AIR TESTING WAS EVER BEEN DONE in wilful non-compliance with Section 701.120 (a)(4) of the Illinois Correctional Administrative Health and Safety Code. (See Deposition of James Morrison/Director of Bldg. Mgmnt & Const. for the Respondent Cook County Sheriff's Office pg 54: 10-15 and Deposition Of Patrick Nolan/ Operating Engineer for Respondent DFM, pags 88-89).

- (4) Moreover, the record also reflects that NO REGULAR SCHEDULED MAINTENANCE OR CLEANING OF THE SUBJECT HVAC SYSTEM IN DIVISION #11 WAS DONE. (See Deposition of Petitioner, pg 63).
- (5) Lastly, it is also extremely important to note and underscore that the above mentioned full documentation of the Respondents' flagrant disregard for the inmates' protected constitutional rights to adequate ventilation/air flow quality was further exacerbated through certain deceitful attempts by Respondents to conceal such outrageous government misconduct through a series of falsified Cook County Jail Inspection Reports from 2016 through 2023 as to proper ventilation/air flow quality testing. (See attached GROUP EXHIBIT "AA" that was previously attached to Petitioner's court-filed SurReply to the Respondents' Motion for Summary Judgment. Dkt. Filing #182).
- (6) It is also extremely important to note and underscore that these said longstanding and widespread unconstitutional conditions of confinement due to severe and unsafe ventilation/quality air flow problems from 2016 through 2021 were preceded by several well-documented years of substantially similar ventilation/quality air flow problems since 2010; all of which personally involved Respondents Sheriff Thomas Dart and Deputy Director Michael Carberry through their well-documented involvement in the attached 2010 DOJ AGREED CONSENT ORDER in USA v Cook County, Illinois, Def. Thomas Dart, et al, U.S. Dist. Ct. #10-C-2946 (N.D. Ill.) This same attached 2010 DOJ AGREED CONSENT ORDER/ EXHIBIT "BB" was previously attached to Petitioner's court-filed Pretrial Memorandum on 9/25/2023. Dkt. Filing #134.
- (7) Likewise, it is well-documented that these aforementioned concerns in the attached 2010 AGREED DOJ CONSENT ORDER/EXHIBIT "BB" as to compliance with correctional safety requirements for adequate ventilation/quality air flow were again underscored in the Federal U.S. District Court's subsequent Compliance Monitor's Report #13 (12/16/2016) as an expressed mandate for the Cook County Dept. of Facilities Mgmnt (DFM) and its Deputy Director Respondent Micheal Carberry. This attached report/ exhibit "CC" was previously attached to Petitioner's court-filed Pre-Rial Memorandum . Dkt. Filing #134.

- (8) Lastly, on October 23, 2017, U.S. District Court Judge Robert M. Dow, Jr. issued a Memorandum Opinion and Order against Respondents Thomas Dart and DFM for their wilful failure to provide adequate ventilation to pretrial detainees in the Cook County Jail from Feb. 2015 to May 2015 and from Oct. 2015 to June 2016. Morton v Dart, et al./Court No: 16 cv 5057 (N.D. Ill. 2016)
- (9) These above mentioned (6) years of well-documented unconstitutional conditions of confinement due to the aforementioned longstanding and widespread unsafe ventilation/quality air flow problems significantly contributed to the historic and deadly COVID-19 crisis in the Cook County Jail in 2020-2021; as fully described in the (2) attached news articles/ EXHIBIT "EE" and EXHIBIT "FF" that were previously attached to Petitioner's Legal Expert's Report abd court-filed on 11/15/2023.
- (10) NOTE: IT IS EXTREMELY IMPORTANT TO NOTE AND EASY TO DISCERN THAT ALMOST ALL OF THE ABOVE MENTIONED WELL-DOCUMENTED EVIDENCE AS TO THE RESPONDENTS' WILFUL FAILURE TO PROVIDE ADEQUATE VENTILATION/QUALITY AIR FLOW WAS NEVER MENTIONED OR ADDRESSED IN THE ATTACHED (3) PAGE BASELESS AND " UNPRECEDENTED " DECISION OF THE U.S APPELLATE COURTS FOR THE SEVENTH CIRCUIT// EXHIBIT "NN" IN APPENDIX.
- (11) As a result of these (6) years of continuous unconstitutional conditions of confinement in the Cook County Jail due to the longstanding and aforementioned dysfunctional HVAC system in both Divisions #10 and #11, Petitioner developed significant and permanent medical problems and complications, as expressly admitted to Petitioner from (2) female agent physicians of the Respondents. (See Petitioner's Dep. Pgs 34, 35, 39, 41-42, 57-58, and 76; and also Petitioner's IDOC medical records.)

(12) Thus, to litigate and redress such outrageous non-compliance and injustice, on June 11, 2018, Petitioner court-filed his well supported pro se Federal Section 1983 lawsuit based on the aforementioned and well-documented longstanding wilful non-compliance with the aforementioned controlling federal court orders and the Illinois Correctional Health and Safety Administrative Code pertaining to proper ventilation/air flow quality in the Cook County jail during his said period of incarceration as a pretrial detainee; all of which eventually and significantly contributed to the well-published horrific and deadly COVID-19 crisis in the said jail and Petitioner's significant and permanent medical problems. (Dkt. Filing #1)

(13) On June 6, 2021, Petitioner was granted leave to file his pro se amended complaint (Dkt. Filing # 50) and to issue summons for service on the newly added defendants.

(14) On ~~June~~ June 16, 2022, Petitioner's Second Amended Complaint was court-filed (Dkt. Filing #93) and on July 8, 2022 Answers to Petitioner's Second Amended Complaint were court-filed by all named Defendants. (Dkt. Filing #95)

(15) On June 20, 2022, the following discovery schedule order was entered based on the parties joint status report:

- (a) Outstanding written discovery due by 9/2/2022.
- (b) Any add'l written discovery due by 11/18/2022
- (c) Party depositions due by 2/10/2023
- (d) Fact discovery completed by 3/31/2023
- (e) Rule 26 (a)(2) disclosures due by 5/20/2023
- (f) Expert discovery completed by 7/31/2023

- (16) On June 28, 2023, the revised following scheduling order was entered during a telephone status conference:
- (a) Plaintiff's Rule 26(a)(2) disclosures due by 8/28/2023
 - (b) Defendant's Rule 26(a)(2) disclosures due by 10/30/2023
 - (c) Expert discovery cutoff was 12/15/2023
 - (d) Deadline for filing dispositive motions was 1/26/2024
 - (e)
- (17) On September 19, 2023, Petitioner court-filed his pro se Pretrial Memorandum with supporting exhibits pursuant to FRCP Rule 16 ©(2). (Dkt. Filing # 134)
- (18) On September 22, 2023 Petitioner's Rule 26 (a)(2) Disclosure deadline was moved to 11/20/2023 and all other deadlines were vacated . (Dkt. Filing # 136)
- (19) On November 15, 2023, in full accordance with the said 11/20/2023 Rule 26 (a)(2) disclosure deadline, Petitioner timely served on the Court and his opposing counsels via email his FRCP Rule 26 (a)(2) expert disclosure (Expert's Report of Atty James Pancratz); however, the Court's clerk erroneously refused its filing, which was later and timely cured on 11/18/2023 through Plaintiff's later Motion for Leave to File Plaintiff's said Expert's Report, instant. (See EXHIBIT "B" to Plaintiff's FIRST FRCP RULE 60 (B)(1) MOTION)
- (20) On December 18, 2023, Respondents court-filed their Motion to Strike Petitioner's said Rule 26 (a)(2) Expert's Report; and a briefing schedule on said Motion allowed Petitioner to file his Response to said Motion by 1/12/2024 and the Respondents to Reply by 1/26/2024. The Court's ruling on said motion was set for 2/9/2024.

- (21) On January 11, 2024, Petitioner timely court-filed his Response along with his Amended Expert's Report in further support of his said Response as well as to further clarify Plaintiff's Expert's qualifications, opinions, and their bases as stated in his original expert's report, in full compliance with FRCP Rule 26 (c) to supplement his prior experts' disclosures.
- (22) However, on February 20, 2024, the Court issued its Order improperly striking Plaintiff's original and amended Rule 26 (a)(2) disclosures for stated reasons that clearly reflected overwhelming and flagrant judicial errors as to gross judicial misapprehension and/or disregard for material and undisputed well-documented presented facts as well as gross misapprehension and/or disregard for well-settled and controlling cited Federal law under Fed. R. Evid. Rule 702; all of which material facts and cited federal law were succinctly provided and fully addressed in Petitioner's said Response and both of Plaintiff's Expert's Reports. (See at4tached said 2/20/2024 Order/EXHIBIT "XX" in Appendix.)
- (23) Thus, on March 2, 2024, Petitioner court-filed his factually and legally well-supported FIRST FRCP RULE 60 (B)(1) MOTION as to the Court's said 2/20/2024 Order/ EXHIBIT "XX" in Appendix , based on well-documented judicial errors as to material facts and cited controlling law. (Dkt. Filing #154)
- (24) On March 11, 2024, the Court issued its " Order on Plaintiff's Motion for Reconsideration " (Dkt. Filing #156); which contained no reference to Petitioner's FIRST FRCP RULE 60 (B)(1) MOTION and also failed to factually and legally support its prior 2/20/2024 Order// EXHIBIT "XX" in Appendix.)
- (25) On March 22,2024, the Respondents electronically court-filed their Motion for Summary Judgment and attachments pursuant to the Court's said 2/20/2024 Scheduling Order; which required the court-filing of Petitioner's Response by April 19, 2024.
- (26) On April 19, 2024, Petitioner timely court-filed his Response with supporting attachments to the Respondents' said Motion for Summary Judgment.

(27) On May 3, 2024, Respondents electronically court-filed their Reply in support of their said pending Motion for Summary Judgment, which included a totally unfounded and baseless assertion that Petitioner had not and could not present any evidence to dispute their Statement of the Facts as to issues of liability, damages, and causation of damages; despite Petitioner's previously court-filed well-supported and uncontroverted Pre-Trial Memorandum with supporting exhibits (Dkt. Filing #134), which contained overwhelming evidence to fully dispute Respondents' said Statement of the Facts under FRCP Rule 56(c)(1)(a).

(28) Thus, on May 21, 2024, the Court granted Petitioner's Motion for Leave to File, Instantly, his factually and legally well-supported PARTIAL RESPONSE TO DEFENDANTS' SUMMARY JUDGMENT based on well-documented evidence already court-filed and in the court record, which fully disputed the Respondents' said Statement of Facts pursuant to FRCP Rule 56 (c)(1)(a). (Dkt. Filing #171).

(29) On June 6, 2024,, Respondents electronically court-filed their SUPPLEMENT TO THEIR REP[LY and addressed Petitioner's said PARTIAL RESPONSE TO DEFENDANTS' SUMMARY JUDGMENT in matters that were never raised in their said REPLY; which legally permits a SURREPLY and/or a FULL RESPONSE TO DEFENDENTS' SUMMARY JUDGMENT MOTION pursuant to Local Rule 56 (1(d) and/or FRCP Rule 56 (c)(1)(a).

(30) Thus, on July 8, 2024, the Court granted Petitioner's Motion for Leave to File, instantly, his SURREPLY AND/OR FULL RESPONSE TO DEFENDANTS' SUMMMARY JUDGMENT MOTION; which included Petitioner's attached invaluable LOCAL RULE 56.1 STATEMENT OF MATERIAL DISPUTED FACTS// EXHIBIT "LL" in appendix. (Dkt. Filing #181).

(31)  IT IS EXTREMELY IMPRTANT TO NOTE AND UNDERSCORE THAT PETITIONER'S ATTACHED INVALUABLE LOCAL RULE 56.1 STATEMENT OF MATERIAL DISPUTED FACTS// EXHIBIT "LL" CONTAINS (5) FULL PAGES OF DETAILED AND WELL-SUPPORTED EVIDENCE TO HIGHLY DISPUTE THE RESPONDENTS' SAID STATEMENT OF FACTS; ALL OF WHICH U.S. DISTRICT COURT JUDGE MATTHEW F. KENNELLY EXPRESSEDLY ADMITTED THAT HE NEVER REVIEWED AND CONSIDERED IN HIS OUTRAGEOUS GRANTING OF RESPONDENTS' SAID SUMMARY JUDGMENT MOTION, AS SUCCINCTLY DOCUMENTED IN HIS ATTACHED 8/2/2024 MEMORANDUM OPINION AND ORDEDR// EXHIBIT "ZZ" IN APPENDIX.

IT IS ALSO EXTREMELY IMPORTANT TO NOTE AND UNDERSCORE THAT THIS ADMITTED AND SIGNIFICANT JUDICIAL ERROR BY JUDGE KENNELLY AS TO PETITIONER'S SAID LOCAL RULE 56.1 STATEMENT OF MATERIAL DISPUTED FACTS//EXHIBIT "LL" WAS NEVER MENTIONED OR ADDRESSED IN THE ATTACHED AND BASELESS ORDER OF THE 7TH CIRCUIT APPELLATE COURT/ EXHIBIT "NN" AS WELL AS NO MENTION OF PETITIONER'S SAID INVALUABLE LOCAL RULE 56.1 STATEMENT OF MATERIAL DISPUTED FACTS/EXHIBIT "LL" IN THE SAID ATTACHED ORDER.

- (32) On 7/8/2024, U.S. Dist. Court Judge Kennelly also issued his absurd Memorandum Opinion and Order // EXHIBIT "YY" in Appendix; wherein Judge Kennelly outrageously grants the Respondents' said Summary Judgment Motion based on a later admitted flagrant and gross misapprehension and/or disregard for well-documented material evidence/facts as well as a flagrant and gross misapprehension and/or disregard for well-settled and controlling cited law. As mentioned above, the foremost example of such flagrant and gross misapprehension and/or disregard of well-documented material evidence/facts is his absurd expressed finding that Petitioner did not comply with Local Rule 56.1 by failing to file his Local Rule 56.1 Statement of Material Disputed Facts; when in fact Petitioner's said Local Rule 56.1 Statement of Material Disputed Facts had been court-filed and was well-documented on pages #10-#15 in his court-filed SURREPLY (Dkt. Filing #181) which served as a significant part of Petitioner's response to Respondents' Summary Judgment Motion.
- (33) It is also extremely important to note and underscore, that this said absurd July 8, 2024 Memorandum Opinion and Order// EXHIBIT "YY" in Appendix contains not only a gross misapprehension and/or disregard for well-documented material evidence/facts but also clearly reflects a gross misapprehension and/or disregard for well-settled and controlling cited law; all of which is substantially similar to Judge Kennelly's prior gross misapprehension and/or disregard for well-documented material evidence/facts as well as well-settled and controlling cited law in his said March 11, 2024 ORDER//EXHIBIT "XX" in Appendix.
- (34) Thus, due to such outrageous and flagrant repeated and prejudicial judicial errors by U.S. Distr. Court Judge Kennelly within only (4) months, Petitioner court-filed his well-supported MOTION FOR JUDICIAL DISQUALIFICATION based on such aforementioned judicial misconduct and obvious partiality against pro se litigants under 28 U.S.C Sec. 144 and 28 U.S.C Sec. 455 (Dkt. Filing #185).
- (35) Likewise, due to such outrageous repeated and prejudicial judicial errors by Judge Kennelly in his said July 8, 2024 absurd Memorandum Opinion and Order// EXHIBIT "ZZ" granting Respondents' Summary Judgment Motion, Petitioner timely court-filed his well-supported SECOND FRCP RULE 60 (B)(1) MOTION (Dkt. Filing #187) to reconsider and vacate his said absurd and falsified Memorandum Opinion & Order/ EXHIBIT "YY".

- // -
- (36) On August 2, 2024, Judge Kennelly issued his 2 ½ page totally baseless Memorandum Opinion and Order// EXHIBIT "ZZ" in Appendix; wherein Judge Kennelly summarily denied Petitioner's said MOTION FOR JUDICIAL DISQUALIFICATION based on a totally unfounded facial defect in said Motion; and also summarily denied Petitioner's said SECOND FRCP RULE 60 (B)(1) MOTION by outrageously asserting that his ADMITTED JUDICIAL ERROR IN NOT REVIEWING PETITIONER'S LOCAL RULE 56.1 STATEMENT OF MATERIAL DISPUTED FACTS WAS SIMPLY A "HARMLESS ERROR".
- (37) Thus, on August 28, 2024, to fully litigate and redress such significant, outrageous, and prejudicial injustice and obvious partiality by Judge Kennelly, Petitioner timely court-filed his Notice of Appeal with the said U.S. District Court, and shortly thereafter fully paid the required filing fee for his totally meritorious appeal.
- (38) On November 7, 2024, Petitioner timely court-filed his (27) page Opening Appellate Brief with numerous supporting attachments.
- (39) On March 10, 2025, following (2) requested extensions of time, Respondents court-filed their Responsive Appellate Brief with no supporting attachments.
- (40) On March 21, 2025, Petitioner timely court-filed his Reply Appellate Brief with supporting attachments.
- (41) On July 9, 2025, the U.S. Court of Appeals for the Seventh Circuit issued its attached baseless and "non-precedented" (3) page Order pursuant to the highly controversial Rule 32.1 of the Federal Rules of Appellate Procedure.
- (42) Thus, in accordance with 28 U.S.C Sec. 1254, Petitioner respectfully submits this Petition for a Writ of Certiorari within 90 days of the subject attached Order/ EXHIBIT "NN" from the U.S. Court of Appeals for the Seventh Circuit dated July 9, 2025.

(3) REASONS FOR REVIEW OF PETITIONER'S WRIT OF CERTIORARI

- (1) The attached and totally baseless decision of the United States Court of Appeals/ Seventh Circuit/ EXHIBIT "NN" in Appendix, is highly contravening to this Honorable U.S. Supreme Court's landmark and controlling decision in Helling v McKinney (1993) and clearly reflects the reasons for the numerous split circuit court decisions on this extremely important 8th Amendment Constitutional issue, as fully addressed below.
- (2) The attached and totally baseless decision of the United States Court of Appeals/ Seventh Circuit/ EXHIBIT "NN" in Appendix, clearly reflects a gross misapprehension of an extremely important issue of constitutional law; which has been extensively reported in the attached most recent national news articles concerning unconstitutional conditions of confinement in our correctional facilities through the United States, as fully addressed below.
- (3) The attached and totally baseless decision of the United States Court of Appeals/Seventh Circuit/ EXHIBIT "NN in Appendix, was improperly and suspiciously issued as " Non-precedented " pursuant to the highly controversial Rule 32.1 of the Federal Rules of Appellate Procedure and clearly represents a far departure from the accepted and usual course of judicial proceedings, particularly for an extremely important constitutional issue with current national interests, as fully addressed below.

< I > THE ATTACHED AND TOTALLY BASELESS DECISION OF THE U.S. COURT OF APPEALS/ 7TH
CIRCUIT IS CLEARLY CONSISTENT WITH THE FOLLOWING NUMEROUS SPLIT CIRCUIT
COURT DECISIONS ON THIS EXTREMELY IMPORTANT 8TH AMENDMENT CONSTITUTIONAL
ISSUE THAT WAS WELL-SETTLED BY THIS HONORABLE U.S. SUPREME COURT IN ITS
LANDMARK DECISION: HELLING V MCKINNEY (1993).

SPLIT CIRCUIT COURT DECISIONS AGAINST THE 8TH AMENDMENT CONSTITUTIONAL RIGHT
TO ADEQUATE VENTILATION AS HELD BY THIS HONORABLE COURT IN HELLING V MCKINNEY.

(A) Chandler, et al v Crosby, 979 F. 3d. 1278 (11th Cir. 2004)

The 11th Circuit Court of Appeals firmly held that the " U.S. Constitution does not mandate comfortable prisons " under the 8th Amendment; citing Rhodes v Chapman, 452 U.S. 337 (1981) and grossly misconstrued Helling v McKinney, supra,

(B) Dixon v Godinez, 114 F. 3d. 640 (7th Cir, 1997)

The 7th Circuit Court of Appeals affirmed the U.S. Dist. Court's decision that the poor ventilation in the prison was not extreme enough during the summer to violate the plaintiff prisoner's 8th Amendment right; citing Farmer v Brennan, 511 U.S. 8334 (1999)

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(c) Tiede, et al v Collier, 23 CV 1004- RP (U.S. S.D. Texas 3/26/2025)

The U.S. District Court summarily denied the plaintiff prisoner's petition for a preliminary injunction relative to inadequate ventilation issues; citing Winter v Nat. Res. Defense Counsels, Inc., 555 U.S. 7 (2008)

SPLIT CIRCUIT COURT DECISIONS IN SUPPORT OF THE 8TH AMENDMENT CONSTITUTIONAL
RIGHT TO ADEQUATE VENTILATION AS HELD BY THIS HONORABLE COURT IN HELLING V
MCKINNEY.

(A) Keenan v Hall, 83 F3d. 1083 (9th. Cir. 1996)

The 9th Circuit Court of Appeals reversed the U.S. District Court's Order of Summary Judgment for prison officials as to the prisoner's claim of inadequate ventilation ; based on the " Ninth Circuit standard that inadequate ventilation and air flow violates the 8th Amendment; if it undermines the health of the inmates and the sanitation of the penitentiary ."

- (B) Elzie Ball, et al v James M. LeBlanc, et al Appeal # 14- 30007 (5th Cir. 2015)

The 5th Circuit Court of Appeals affirmed the U.S. District Court's issuance of a permanent injunction due to inadequate ventilation; citing Farmer v Brennan, 511 U.S. 825 (1994)

- (C) Haywood v Hathaway, 842 F.3d. 1025 (7th Cir. 2016)

The 7th Circuit Court of Appeals found unconstitutional conditions of confinement existed where the prisoner's power and heat in his cell were off (4) days; and when the power was restored, the cell remained frigid and the guards ignored his requests to fix the window or provide blankets, citing Farmer v Brennan, 571 U.S. 834 (1994).

- (D) Gates v Cook, 376 F. 3d. 323 (5th Cir. 2004)

The 5th Circuit Court of Appeals affirmed the U.S. District Court's finding that several challenged prison conditions, including the heat and ventilation, violated the 8th Amendment and entered numerous preliminary injunctions, citing Woods v Edwards, 51 F. 3d. 577 (5th Cir. 1993).

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Thus, due to this above-mentioned and well-documented conflicting circuit court rulings on this aforementioned and extremely important 8th Amendment Constitutional right to adequate ventilation, as succinctly held and underscored by this Honorable U.S. Supreme Court in *Helling v McKinney*, supra.; it is necessary for this Honorable Court to accept this Writ of Certiorari and rectify such judicial confusion and injustice pursuant to U.S. Supreme Court Rule 10 (a).

< II > THE ATTACHED AND TOTALLY BASELESS DECISION OF THE U.S. COURT OF APPEALS/ 7TH
CIRCUIT/ EXHIBIT "NN" IN APPENDIX CONCERNS EXTREMELY IMPORTANT CURRENT
NATIONAL INTERESTS THAT HAVE BEEN WELL PUBLISHED AND JUDICIALLY RECOGNIZED.

- (1) This Honorable U.S. Supreme Court in its longstanding and landmark decision in *Helling v McKinney*, supra., which resulted from a prisoner's Writ of Certiorari based on substantially similar issues of unconstitutional conditions of confinement due to inadequate ventilation in a correctional facility; expressly underscored the obvious national interests of this subject 8th Amendment Constitutional issue by accepting and considering numerous Amici Curiae Briefs by Attorney General Offices from all across the United States.

- (2) Moreover, this same national interests has been most recently addressed in well-published national news articles, such as " Extreme Heat Exacerbates Dire Prison Conditions with Few Paths to Relief" (June 26, 2025) and " Clearing the Air: Why Indoor Air Quality Matters for Correctional Officers Health " (April 29, 2024). (See attached said news articles as EXHIBIT "EE" AND EXHIBIT "TT " , respectively in APPENDIX)
- (3) More specifically, in 2020 the New York Times expressly labeled the Respondents' Cook County Jail as the WORST JAIL IN THE UNITED STATES FOR VENTILATION ISSUES In the attached news article " Top U.S. Spot as Virus Spreads Behind Bars", (See attached news article/ EXHIBIT "GG" in APPENDIX)
- (4) Thus, the attached and baseless decision of the U.S. Court of Appeals/ 7th Circuit/ EXHIBIT "NN" in APPENDIX clearly involves well-published national interests to warrant this Honorable Court's attention and a valid reason to issue Petitioner's Writ of Certiorari.

< III > THE ATTACHED " NON-PRECEDENTED " DECISION OF THE U.S COURT OF APPEALS/SEVENTH
CIRCUIT/ EXHIBIT "NN" IN APPENDIX IS A FAR DEPARTURE FROM THE ACCEPTED AND USUAL
COURSE OF JUDICIAL PROCEEDINGS; PARTICULARLY DUE A WELL-DOCUMENTED GROSS
JUDICIAL MISAPPREHENSION OF IMPORTANT CONSTITUTIONAL ISSUES AND OBVIOUS
NATIONAL INTERESTS.

(1) Despite the obvious aforementioned well-published national interests and the aforementioned well-documented unsettled important 8th Amendment Constitutional issue involved, the attached and "Non-Precedented" decision of the U.S. Court of Appeal for the Seventh Circuit/ EXHIBIT "NN" was suspiciously issued as "unpublished" and "Non-Precedented" pursuant to the highly controversial Rule 32.1 of the Federal Rules of Appellate Procedure and in wilful violation of Article III of our United States Constitution, as expressly underscored in *Anastasoff v United States*, 235 F3d. 1054 (8th Cir, 2000) and in the 2005 Boston Law Review Journal "Missing the Forest for a Tree: Unpublished Opinions under the New Federal Rule 32.1 of the Federal Rules of Appellate Procedure."

(2) Thus, due to the well-documented fact that this subject Decision is a far departure from the accepted and usual course of judicial proceedings, particularly in light of its extremely important subject matter pertaining to a protected U.S. Constitutional right, well-documented unsettled decisions concerning said subject matter, and obvious well-published national interests, the improper issuance of this decision as "Non-Precedented" pursuant to the highly controversial Rule 32.1 of the Federal Rules of Appellate Procedure is another valid reason for this Honorable Court 's review through Petitioner's well-supported Petition for Writ of Certiorari.

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CONCLUSION

WHEREFORE, BASED ON THE (3) AFOREMENTIONED FACTUALLY AND LEGALLY WELL-SUPPORTED REASONS, PETITIONER, IOAN LELA, PRO SE, RESPECTFULLY REQUESTS THIS HONORABLE UNITED STATES SUPREME COURT TO ISSUE HIS WRIT OF CERTIORARI AND REVIEW THE AFOREMENTIONED ATTACHED COURT ORDER OF THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT/EXHIBIT "NN" AND THE ATTACHED UNDERLYING ORDERS OF THE U.S. DISTRICT COURT/ EXHIBITS "XX", "YY" AND "ZZ" ALONG WITH THE OTHER SUPPORTING AND ATTACHED COURT RECORD.

Respectfully submitted

A handwritten signature in dark ink, appearing to read 'Ioan Lela', is written over a horizontal line.

IOAN LELA (PRO SE PETITIONER)

WESTERN ILL. CORRECTIONAL CENTER

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