

USA10 No. 26-6011

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

Randall Edward Fletcher,  
Petitioner,

v.

Rick Whitten, et al.,  
Respondents.

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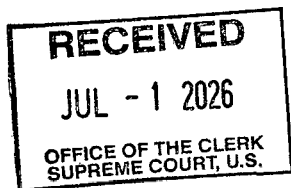
ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

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PETITION FOR A WRIT OF CERTIORARI

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Randall Edward Fletcher, Pro Se  
687347 CC-208  
Great Plains Correctional Center  
P.O. Box 700  
Hinton, Oklahoma 73047-0700

IN THE SUPREME COURT OF THE UNITED STATES

Randall Edward Fletcher  
Petitioner,

v.

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

Rick Whitten, et al.  
Respondent.

PETITION FOR WRIT OF CERTIORARI

To the Honorable Justices of the Supreme Court of the United States:

The Honorable Justice Neil M. Gorsuch, Represents the Tenth Circuit.

The Petitioner respectfully prays that a Writ of Certiorari be issued to review the judgment of the United States District Court for the Western District of Oklahoma and the Tenth Circuit Court of Appeals, entered on February 18, 2026, in the case of 5:24-CV-00692-SLP.

Randall Edward Fletcher  
Oklahoma DOC #687347  
Great Plains Correctional Center  
P.O. Box 700  
Hinton, Oklahoma 73047-0700

QUESTIONS PRESENTED

1. Whether the usage of collective punishment<sup>12</sup> is legal within the terms of the United States Constitution as applied to the States via the Fourteenth Amendment? See *Blake v. Hall*, 668 F.2d 52 (1st Cir. 1981).
2. Whether the lower court's interpretation of the Fourteenth Amendment conflicts with prior decisions of the U.S. Supreme Court?
3. Whether the denial of Petitioners U.S.C.A. Title 42 § 1983 motion to the United States District Court for the Western District of Oklahoma violated Due Process under the Fourteenth Amendment?
4. Whether the Due Process Clause of the Fourteenth Amendment is violated when the Tenth Circuit Court of Appeals, see 2026 WL 372182, affirms the United States District Court's decision stating the United States District Court for the Western District of Oklahoma can decide for the Tenth Circuit Court of Appeals? See 2025 WL 3460947.

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<sup>1</sup> Black's Law Dictionary, Ninth Edition, 2009, page 300: A penalty inflicted on a group of persons without regard to individual responsibility for the conduct giving rise to the penalty. Collective punishment was outlawed in 1949 by the Geneva Convention.

<sup>2</sup> Collective Responsibility in the form of collective punishment is often used as a disciplinary measure in closed institutions ... The effectiveness and severity of this measure may vary greatly, but it often breeds distrust and isolation among their members, and is almost always a sign of authoritarian tendencies in the institution or its home society.

5. When the Tenth Circuit Court of Appeals sends the decision to the Federal District Court for a decision does the Tenth Circuit relinquish their superior jurisdiction to the lower court?

6. Whether the United States District Court for the Western District of Oklahoma ruled correctly when it denies a Petitioner's pleading as to the denial of exculpatory evidence thus violating the United States Constitution and subsequently the Rules of Evidence of the State of Oklahoma and the Federal Rules of Evidence? See *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963).

7. Whether the United States District Court for the Western District of Oklahoma denies due process, by not allowing discovery to be conducted, to prove that the State Actor's violated the laws and rules of the State of Oklahoma? See *Butera v. Boucher*, 798 A.2d 340 (R.I. 2002).

8. Whether Petitioner was deprived of liberty interest as provided in the United States Constitution and applied to the States by the Fourteenth Amendment of the United States Constitution?

#### **PARTIES TO THE PROCEEDING**

Petitioner, Randall Edward Fletcher, Pro se, Oklahoma Department of Corrections # 687347.  
Respondent(s) are Rick Whitten (North Fork Correctional Center Warden), Correctional Sergeant Chris Mattingly (North Fork Correctional Center Disciplinary Coordinator), Chrystal Bryant (North Fork Correctional Center Case Manager), Deputy Warden David Rogers (North Fork Correctional Center Disciplinary Hearing Officer), Mark Knutson (Director Designee Manager of Administrative Review Authority for the Oklahoma Department of Corrections), and Securus Technologies, Inc. (State of Oklahoma Contractor Agency).

#### **RELATED CASES**

Petitioner Fletcher has not been able to find any cases that are closely or factually related to this case. There are cases that cover some of the issues in question but not the facts of Petitioner's case.

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#### OPINIONS BELOW

☒ For cases from federal courts:

The opinion of the United States Court of Appeals appears at Appendix C 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 B to the petition and is

☒ reported at 2026 WL 372182; 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.

The opinion of the Tenth Circuit Court of Appeals was issued on February 18, 2026 and reported in 2026 WL 372182. The opinion of the United States District Court for the Western District of Oklahoma was issued on February 10, 2026 and could not be found on Westlaw. The Report and Recommendation of the United States District Court for the Western District of Oklahoma was issued on December 18, 2024 and reported in 2024 WL 6978238. Petitioner's Objection to Report and Recommendation was issued on December 2, 2025 and reported in 2025 WL 3460947. See *Bell v. Hood*, 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 939 (1946).

#### JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was March 12, 2026. A copy of that decision appears at Appendix C.

☐ 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: \_\_\_\_\_, 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 \_\_\_\_\_.

☐ 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 B.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to \_\_\_\_\_ on \_\_\_\_\_ in Application No. \_\_\_\_\_.

The judgment of the Tenth Circuit Court of Appeals was entered on February 18, 2026 and reported in 2026 WL 372182. This Court has jurisdiction under U.S.C.A. Title 28 § 1257(a).

#### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amend I "...the right to petition Government for a redress of grievances."

U.S. Const. Amend IV "...to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of counsel for his defense."

U.S. Const. Amend IV *"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..."*

U.S. Const. Amend IV, Section 2 *"The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."*

U.S. Const. Amend VIII *"Excessive...Punishments...shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."*

U.S. Const. Amend IX *"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."*

U.S. Const. Amend XIV, § 1 *"...nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protections of the laws."*

#### STATEMENT OF THE CASE

Petitioner, Randall Edward Fletcher, Oklahoma Department of Corrections number 687347, was one of 90 inmates, in a prison facility holding 2300 inmates, to receive a misconduct/write-up on March 21, 2023. American Jurisprudence, Second Edition, 60 Am. Jur.2d Penal and Correctional § 134. Discipline as cruel and unusual punishment.<sup>3</sup> Petitioner Fletcher has no authority or ability to control what other inmates do on the Securus Technologies, Inc. phone system as stated in Oklahoma Department of Corrections policy 030122, Inmate Authority Over Other Inmates which states no inmate shall have authority over another inmates. Petitioner Fletcher, was employed by the Education Department at North Fork Correctional Center located in Sayre, Oklahoma (which was closed by the Oklahoma Department of Corrections Headquarters with both Staff and inmates being moved to Great Plains Correctional Center located in Hinton, Oklahoma in May 2023). Petitioner Fletcher did not leave his work assignment daily until after the 2:00 p.m. facility head count ended. On March 21, 2023 a report from Securus Technologies, Inc. was sent to the Oklahoma Department of Corrections Headquarters stating that a three-way phone call was detected at 3:14 p.m. with no indication of what phone or tablet was detected making the phone call. Petitioner Fletcher called his wife at 3:19 p.m. when Petitioner Fletcher returned from his work assignment. *Coffin v. United States*, 156 U.S. 432, 15 S.Ct. 394, 39 L.Ed. 481 (1895). Within the time limits of the Oklahoma Department of Corrections Disciplinary policy Petitioner Fletcher received a misconduct/write-up 72 hours later for conducting a three-way phone call at 3:14 p.m. At this point every inmate at North Fork Correctional Center who utilized the Securus Technologies, Inc. phone system **at any point** during the day of March 21, 2023 received the **exact same** misconduct/write-up report. Constitution of the State of Oklahoma, Article II-Bill of Rights § 2. Inherent rights. All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry. Constitution of the State of Oklahoma, Article II-Bill of Rights § 27. Due

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<sup>3</sup> Collective Guilt, or guilt by association, is the controversial collectivist idea that groups of humans can bear guilt above and beyond the guilt of individual members, and hence an individual holds responsibility for what other members of their group have done, even if they themselves didn't do this. Contemporary systems of criminal law accept the principle that guilt shall only be personal.

process of law. No person shall be deprived of life, liberty, or property without due process of law. Oklahoma Statute Annotated, Title 12 § 2406. Habit; Routine Practice. *Ibarra v. Lee*, 2023 WL 693936 (10th Cir. 2023).

#### **Disciplinary Coordinator Correctional Sergeant Chris Mattingly**

The Disciplinary Coordinator Correctional Sergeant Chris Mattingly in his assigned role as the facility Disciplinary Coordinator. *Mobley v. Payne*, 484 S.W.3d 746 (Ky. Ct. App. 2016); *Farmer v. Brennan*, 511 U.S. 825, 114 S.Ct. 1970, 128 L.Ed.2d 811 (1994). Oklahoma Department of Corrections policy 100100, Training and Staff Development Standards page 1 states "*The Oklahoma Department of Corrections (ODOC) will provide employees with the opportunity for training and staff development necessary to develop job related expertise, foster professional growth, and encourage the pursuit of career goals.*" "B. Job Specific Training ODOC will provide job specific training that is oriented toward specific learning objectives designed to prepare new employees to perform their jobs in a professional, safe, and effective manner." Oklahoma Department of Corrections policy 060125, Disciplinary Procedures, Section IV. Disciplinary Coordinator and Investigation of Charges, Subsection B. Investigation of Charges, 1. "...*The disciplinary coordinator is responsible for conducting the investigation, gathering all relevant documentary evidence and/or witness statements and will accept any relevant evidence documentary evidence submitted by the inmate during the investigation. The disciplinary coordinator will obtain the inmate's statement regarding the offense and will contact any staff member or inmate who, in the disciplinary coordinator's judgment, may have information pertaining to the offense, ....*" If Disciplinary Coordinator Mattingly had investigated and called the Oklahoma Department of Corrections Intelligence Department, see *Chavis v. Rowe*, 643 F.2d 1281 (7th Cir. 1981), then Petitioner Fletcher would not have been charged nor would Petitioner Fletcher be filing this action. *Wolff v. McDonnell*, 418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974) and *Martinez v. Colon*, 54 F.3d 980 (1st Cir. 1995). The misconduct report was the exact same because a Correctional Staff photocopied the misconduct/write-up report, which was originally written on a computer, printed all 90 copies, and then hand wrote in each inmate's name and other identifying information. The proof of which is that each of the op offense reports have the same misspelled word as inmate was spelled **imnate**. At this point the facility conducted collective punishment by punishing any of the 2300 inmates who used the Securus Technologies, Inc. phone system at any point during the day of March 21, 2023. *Williams v. People of State of New York*, 337 U.S. 241, 69 S.Ct. 1079, 93 L.Ed. 1337 (1949) and *Griffin v. United States*, 183 F.2d 990 (D.C. Cir. 1950). Oklahoma Statute Annotated, Title 12 § 2401. Definition of "Relevant Evidence".

#### **Case Manager Chrystal Bryant**

Case Manager Chrystal Bryant immediately dropped Petitioner Fletcher's security classification level to Level One without the policy required notice being issued to Petitioner as required in Oklahoma Department of Corrections policies 060103(M), 060107 and 060203. Policy 060103(Male) Male Custody Assessment Procedures, page 1 Section I. 2. states "*The inmate will normally be present during the classification assessment review although the committee may ask the inmate to leave during deliberation.... After the committee's review of the action, the inmate will be informed and will sign via the electronic signature pad in the Inmate and Community Offender Network (ICON). If the inmate refuses to sign, the refusal will be noted by the case manager.*" Page 12-13 Section V. Signatures states "*The instrument will be signed and dated by the case manager, members of the classification committee*

and the inmate. In cases where the inmate signature is unattainable, a justifiable (e.g., security, medical and mental health) reason will be thoroughly documented." Page 13 Section VI. Review Authority Approval states "...The inmate's signature will be obtained after the review is complete." Policy 060107 Systems of Incarceration, Section I. D. Requirements When Level Promotions Are Not Approved Number 1. states "The inmate will be notified of the specific reason(s) approval was not granted before signing their "Adjustment Review" (DOC 060203A)." Number 4 further states "The case manager will follow-up with the inmate during the monthly review of inmate progress as outlined in OP-060101 entitled "Overview of Case Management" regarding the inmate's progress toward completion of actions needed to obtain a level promotion. This follow-up will be documented in an inmate case note in ICON." Policy 060203 Adjustment Review page 1 states "A periodic review is conducted to ensure all inmates are knowledgeable of their status in regard to classification, time calculation and program requirements. The facility head will ensure reviews are conducted so the inmate understands the requirements for successful progression during incarceration and the necessary steps for successful re-entry to the community." Page 5-6 Section B. 1. states " The case manager will conduct an adjustment review on each inmate at least every four months and when changes in an inmate's status would prompt an immediate review." Section B. 3. states "The purpose of the adjustment review is to formally review and evaluate the inmate's adjustment, behavior, assigned level, and program participation since the last adjustment review. Reviews will inform the inmate of their classification, system of incarceration level and ensure the inmate is progressing towards a successful re-entry into the community." Section B. 3. d. states "A review/change of an inmate's assigned level will be made utilizing the "Adjustment Review" (DOC 060203A, attached) at the time the inmate becomes eligible for promotion or is to be demoted." Oklahoma Statutes Annotated Title 57 Section 138 covers time for inmates within the State of Oklahoma and regardless of Petitioner's prison sentence is violated by changing Petitioner's security classification without the policy required notice. By Case Manager Bryant not conducted the required Adjustment Review she violated Oklahoma Department of Corrections policy and State Law. The signature on the Adjustment Review serves as notice to the inmate of a change in security classification level. Oklahoma Statutes Annotated Title 57 § 138. Earned Credits. Paragraph F.

#### **Disciplinary Hearing Officer Deputy Warden David Rogers**

At the Disciplinary Hearing Deputy Warden Rogers was asked to play the alleged phone call at which time Deputy Warden Rogers refused to do so for any of the 90 inmates who used the Securus Technologies, Inc. phone system and received a misconduct/write-up report for using the authorized phone system controlled and operated by Securus Technologies, Inc. By refusing to allow Petitioner to hear the evidence used against Petitioner in the finding of guilt Deputy Warden Rogers violated State and Federal law as well as Oklahoma Department of Corrections Policy. *Francis v. Coughlin*, 891 F.2d 43 (2d Cir. 1989) and *Ellison v. Zatecky*, 820 F.3d 271 (7th Cir. 2016). Oklahoma Department of Corrections policy 060125, Disciplinary Procedures, Section VII. Class X Violations and Class A and B Violations in Which Restitution is Being Sought, Paragraph A. Inmate Disciplinary Hearing number 5 states "Only evidence presented during the hearing may be considered when determining guilt or innocence." Section VII, Paragraph D. Finding number 1. states "Upon a finding of guilt, the inmate will be informed of the evidence relied upon for such finding, the basis for the sanction(s) imposed, and the opportunity to appeal. Such findings will be documented in the appropriate sections of the disciplinary hearing report form." Number 2 further states "...The reasons will point out the essential facts upon which inferences were based, mentioning what evidence upon which the disciplinary hearing officer relied. The statement

regarding the evidence relied upon for the finding of guilt will specify the offending behavior of the inmate...." *Marquez v. Mann*, 192 A.D.2d 100, 600 N.Y.S.2d 285 (3d Dep't 1993); *Melnik v. Dzurenda*, 14 F.4th 981 (9th Cir. 2021); *Castleberry v. State*, 590 P.2d 697 (1979 OK CR 16); and *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994).

**Director of Administrative Review Authority Mark Knutson**

When Petitioner Fletcher, in accordance with the Prison Litigation Reform Act, conducted the required administrative remedy of appealing to the Oklahoma Department of Corrections Administrative Review Authority Petitioner Fletcher received the reply from Director Knutson that Petitioner could not appeal a non-response. However, the Administrative Review Authority is the agency with the Oklahoma Department of Corrections tasked with ensuring that the 24 different prisons across the State of Oklahoma follow the established policies and procedures of the Department of Corrections. Oklahoma Department of Corrections policy 020202, Management of Office Records, Section I. Definitions, A. Record, number 2 states "*Information created, received, and maintained as evidence by an organization or person in the transaction of business, or in the pursuance of legal obligations, regardless of media format.*" This is the record of the proceedings conducted in Petitioner's case. Oklahoma Department of Corrections policy 020600, Legislative Initiative Process Section I Board Approval of Department Legislative Initiatives, Section A. Legislative Initiatives states "*The Oklahoma Department of Corrections (ODOC) evaluates its operations within the context of current law, statutes, and court rulings. ODOC may propose legislation to enhance operations, facilitate court decisions, implement new programs and functions, enhance fiscal operations, establish incarceration strategies and policy, and maintain constitutional compliance in meeting the agency's mission.*" Oklahoma Department of Corrections policy 060125, Disciplinary Procedures, Section XIII. Authority to Intervene, Paragraph A. Intervention of Disciplinary Action states "*The agency director or the agency director's designee (Director of the Administrative Review Authority Mark Knutson) retains authority to intervene in any disciplinary action at any stage.*" *Ramirez v. Knutson*, 2019 WL 4261858 (W.D. Okla.); *Piggie v. McBride*, 277 F.3d 922 (7th Cir. 2002); *Little v. Jones*, 607 F.3d 1245 (10th Cir. 2010); *Forbes v. Trigg*, 976 F.2d 308 (7th Cir. 1992); *Winters v. New York*, 333 U.S. 507, 68 S.Ct. 665, 92 L.Ed. 840 (1948); and *Sanders v. Glanz*, 138 F.Supp.3d 1248 (N.D. Okla. 2015). U.S.C.A. Federal Rules of Evidence, Article IV. Relevance and Its Limits. Rule 406. Habit; Routine Practice.

**Securus Technologies, Inc.**

Upon following the requirement of Securus Technologies, Inc., a Government contracting agency with the State of Oklahoma Department of Corrections, user agreement and contacting the Securus Arbitration Department Petitioner Fletcher received from the Securus Technologies lawyer that Petitioner could not receive the requested copy/transcript of any of the five (5) attempted phone calls Petitioner made on March 21, 2023 using the Securus Technologies phone system thus denying Petitioner exculpatory evidence to prove innocence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963) and *Blake v. Hall*, 668 F.2d 52 (1981). See *State ex rel. Griffen v. Sehlmeier*, 165 Ohio St.3d 315, 179 N.E.3d 60 (2021) and Constitution of the State of Oklahoma, Article 2 § 28. Corporate Records, Books and Files. Oklahoma Statute Annotated, Title 15 § 107. Moral or legal obligation on promisor good as consideration; Oklahoma Statute Annotated, Title 15 § 162. What law governs; Oklahoma Statute Annotated, Title 15 § 212. Certain contracts against policy or law.

## Warden Rick Whitten

Warden Rick Whitten affirmed the results of the disciplinary hearing with Petitioner receiving the maximum allowed sanctions issued by Deputy Warden Rogers during the disciplinary hearing. In addition to these sanctions Petitioner Fletcher's Securus Technologies, Inc. phone access was turned off for 92 days (only 90 days are allowed by Oklahoma Department of Corrections policy). The loss of phone usage was not one of the three (3) sanctions issued during the disciplinary hearing but was conducted outside of Oklahoma Department of Corrections policy 060125, Disciplinary Procedures. Oklahoma Department of Corrections policy 060125, Disciplinary Procedures, Section VII. Class X Violations and Class A and B Violations in Which Restitution is Being Sought, Paragraph D. Finding number 3 states "*The Sanction(s) will be imposed as outlined in the allowable range of sanctions as listed in 'Acts Constituting Rule Violation' (Attachment A, attached)....*" Oklahoma Department of Corrections policy 060125, Disciplinary Procedures, Section VII. Class X Violations and Class A and B Violations in Which Restitution is Being Sought, Paragraph E. Review of Disciplinary Actions states "The facility head/administrator of Institutions/Community Corrections or designee will review all disciplinary actions within seven (7) days, after completion of the hearing or imposition of sanctions and may affirm, dismiss, modify the sanctions (Class A or Class B), or order a rehearing. A modification/amendment of a charge requires completion of the 'Amendment of Rule Violation' (DOC 060125G, attached). Modifications of a sanction may not increase the sanction(s) imposed and a modification/amendment of a charge may not increase the charge to a higher class violation. *Gallagher v. Shelton*, 587 F.3d 1063 (10th Cir. 2009); *Freeley v. Sampson*, 570 F.2d 364 (1st Cir. 1978); *Gable v. State*, 424 P.2d 433 (1967 OK CR 25); *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed.2d 407 (Jun. 2012); *Lopez v. LeMaster*, 192 F.3d 756 (10th Cir. 1999); and *Dempsey v. City of Baldwin*, 143 F.Appx. 976 (10th Cir. 2005).

Petitioner Fletcher notified the Oklahoma Department of Corrections legal department to notify them to save all information thus conducting notice to the Oklahoma Department of Corrections Headquarters of Petitioner's intention to file on the misconduct/write-up and subsequent disciplinary hearing. Oklahoma Department of Corrections policy 060125, Disciplinary Procedures, Section VII. Class X Violations and Class A and B Violations in Which Restitution is Being Sought, Paragraph A. Inmate Disciplinary Hearing number 4 states "*The entire disciplinary hearing will be digitally recorded with a digital recorder unless the inmate pleads guilty or waives the hearing....Each hearing will be recorded separately. The digital recording will be the audio record of the hearing. These recordings will be maintained at least nineth (90) days from the date of decision of the ARA.*" Oklahoma Department of Corrections policy 060125, Disciplinary Procedures, Section XIII. Authority to Intervene, Paragraph A. Intervention of Disciplinary Action states "*The agency director or the agency director's designee (Director of the Administrative Review Authority Mark Knutson) retains authority to intervene in any disciplinary action at any stage.*" If proper review had been conducted instead of just refusal by the Administrative Review Authority this action could have been avoided. *Robbins v. Oklahoma*, 519 F.3d 1242 (10th Cir. 2008) and *Griffen v. Maryland*, 378 U.S. 130, 84 S.Ct. 1790, 12 L.Ed.2d 754 (1964).

Petitioner Fletcher proceeded to file a U.S.C.A. Title 42 § 1983 Civil Rights complaint to the United States District Court for the Western District of Oklahoma which was answered approximately two (2) years later. Petitioner Fletcher objected to the Report and Recommendation as required by the rules of the district court. Judge Steven Palk ruled with the Report and Recommendation. *Davis v. Barrett*, 576 F.3d 129 (2nd Cir. 2009); *Dent v. West Virginia*, 129 U.S. 114, 9 S.Ct. 231, 32 L.Ed. 625 (1889); *McGrath v. Johnson*, 67 F.Supp.2d 499 (E.D. Pa. 1999); *Wilson v. Bridges*, 2024 WL 5103448;

*United States v. Long*, 787 F.2d 538 (10th Cir. 1986); *Owen-El v. Robinson*, 442 F.Supp. 1368 (W.D. Pa. 1978); *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978); *Williams v. Bridges*, 2025 WL 585823; *Baker v. McCollum*, 443 U.S. 137, 99 S.Ct. 2689, 61 L.Ed.2d 433 (1979); *Evans v. Bryant*, 2023 WL 8016690 (E.D. Okla.) and U.S.C.A. Fed.R.Civ.P. Rule 5. Serving and Filing Pleading and Other Papers.

Petitioner Fletcher then filed with the Tenth Circuit Court of Appeals which has jurisdiction over the State of Oklahoma. The Tenth Circuit Court of Appeals decided to allow the United States District Court for the Western District of Oklahoma to decide whether to allow Petitioner to continue into the Tenth Circuit. Once Petitioner researched Magistrate Judge Steven Palk, Petitioner discovered that Judge Palk uses the failure to request an extension of time as the primary means to deny any case that Judge Palk does not wish to hear or rule on (personal opinion of Petitioner). Once the Tenth Circuit decided to allow the District Court to decide for the Tenth Circuit as to whether the Tenth Circuit would hear Petitioner's case then that is in fact what Judge Palk ruled (to deny to hear Petitioner's case) regardless of any reason provided to the Tenth Circuit Court of Appeals and NOT to the United States District Court. *Woodard v. State of Oklahoma*, 2023 WL 7301943 (E.D. Okla.); *Graham v. State*, 549 P.2d 360 (1976 OK CR 96) and *Hudson v. McMillian*, 503 U.S. 1, 112 S.Ct. 995, 117 L.Ed.3d 156 (1992).

Thus, Petitioner asks for the United States Supreme Court to hear and rule on Petitioner's case. Petitioner has researched as much as he can on Westlaw and cannot find other case's dealing with collective punishment and violations of due process. Petitioner understands that this may be against his chances of the United States Supreme Court ruling on this case.

Petitioner contends this ruling by the United States District Court for the Western District of Oklahoma conflicts with this Court's precedents protecting Petitioner's rights as given in the United States Constitution and applied to the State of Oklahoma via the Fourteenth Amendment. Petitioner served in the United States military for 29 years, serving in Baghdad, Iraq in 2007 and 2010, protecting the rights of people in other countries who could not protect those rights for themselves and Petitioner Fletcher has decided to fight this misconduct/write-up in order to protect those rights for himself. *Dodds v. Richardson*, 614 F.3d 1185 (10th Cir. 2010); *Elliott v. Martinez*, 675 F.3d 1241 (10th Cir. 2012) and *Harris v. Garner*, 190 F.3d 1279 (11th Cir. 1999).

#### **REASONS FOR GRANTING THE WRIT**

The case presents an important constitutional question affecting the usage of collective punishment versus individual punishment.

The denial of exculpatory evidence to prove innocence in violation of *Brady*.

The decision in Petitioner's case erodes the protection of the U.S. Constitution and the Constitution of the State of Oklahoma and the guarantees provided to all citizens given by the Constitution.

The lack of a decision by the Tenth Circuit Court of Appeals in this case presents a question of constitutional law with significant implications for rights as given in the constitution.

#### **CONCLUSION**

For the foregoing reasons, Petitioner Fletcher respectfully requests that the Supreme Court grant this Petition for a Writ of Certiorari.

Respectfully submitted,

/s/ Randall Edward Fletcher

Randall Edward Fletcher

#687347      CC-208

Great Plains Correctional Center

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Date: May 11, 2026