

No. **26-5641** **ORIGINAL**

Supreme Court, U.S.
FILED

OCT 17 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

WAYNE RESPER #274319 — PETITIONER
(Your Name)

vs.

SECRETARY, D.P.S.C.S. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

WAYNE RESPER #274319
(Your Name)

P.O. BOX 534 / ROUTE 175
(Address)

JESSUP, MD 20794-0534
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. DOES THE HIGHEST COURT'S DECISION IN ROSS V. BLAKE, 136 S. CT. 1850 (2016) EXTEND TO INCLUDE MARYLAND'S PRISONER LITIGATION ACT (PLA)?

2. AS IT RELATES TO ROSS V. BLAKE, WHERE MULTIPLE PLAINTIFFS ARE AFFECTED BY THE SAME DEPRIVATION, IS IT NECESSARY FOR ALL PLAINTIFFS TO ATTEMPT TO EXHAUST ADMINISTRATIVE REMEDIES, DESPITE THE "UNAVAILABLE" LANGUAGE OF ROSS V. BLAKE?

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

ROSS V. BLAKE, 136 S. CT. 1850 (2016)

WOODFORD V. NGO, 126 S. CT. 2378 (2006)

HARRIS V. MCKENZIE, 241 MD APP. 672 (2019)

MOORE V. BENNETT, 517 F.3D 717 (4TH CIR. 2008)

EVANS V. STATE, 396 MD 256 (2006)

KREMBEL V. UNITED STATES, 837 FED. APPX. 943 (4TH CIR. 2020)

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APPENDIX B	<i>MEMORANDUM OPINION OF THE STATE TRIAL COURT (THE CIRCUIT COURT FOR ALLEGANY COUNTY, MARYLAND)/ (PROOF OF EXHAUSTION - EXHIBIT 1)</i>
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STATUTES AND RULES

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MARYLAND CODE ANNOTATED, COURTS AND JUDICIAL PROCEEDINGS (CJP) 5-1001, 5-1002 AND 5-1003	APPENDICES A, B AND D

OTHER

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☐ is unpublished.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 A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. ("UNREPORTED")

The opinion of the ALLEGANY COUNTY, MARYLAND CIRCUIT court appears at Appendix B to the petition and is

- ☒ reported at C-01-CV-24-000244; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

[✓] FOR CASES FROM STATE COURTS:

THE DATE ON WHICH THE HIGHEST STATE COURT DECIDED MY CASE WAS MAY 14, 2025. A COPY OF THAT DECISION APPEARS AT APPENDIX A.

FOR THE SAKE OF CLARITY, SINCE EACH STATE COURT UTILIZES DISTINCT NUMERICAL REFERENCES, APPENDIX A RELATES TO THE APPELLATE COURT DECISION NO. 1529, WHILE APPENDIX B RELATES TO THE STATE TRIAL COURT DECISION NO. : C-01-CY-24-000244 AND APPENDIX C RELATES TO THE HIGHEST STATE COURT'S DENIAL OF REVIEW, PETITION NO. 170

INVOKING RULE 12.4 AND PURSUANT TO THE COURT'S APRIL 30, 2026 LETTER, REVIEW IS SOUGHT OF "ACMD 1528 (SCMD NO. 169)" AND "ACMD 1529 (SCMD NO. 170)," DENIED ON THE SAME DATE OF AUGUST 22, 2025. ACMD 1528 (SCMD NO. 169) APPEARS IN THE CONTINUATION OF APPENDIX D/EXHIBIT 15.

THE JURISDICTION OF THIS COURT IS INVOKED UNDER U.S.C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION PROVIDES PROTECTIONS FOR FREE SPEECH AND COURT ACCESS. INASMUCH AS PETITIONER'S LITIGATION, I.E., GOOD FAITH EFFORTS FOR REDRESS REPRESENT PROTECTED CONDUCT, THE AGENCY'S DISINGENUOUS ADMINISTRATION OF AND AUTOMATIC RETALIATION FOR AND ENGAGEMENT VIOLATE PETITIONER'S FIRST AMENDMENT RIGHTS.

2. THE EIGHTH AMENDMENT OF THE U.S. CONSTITUTION WAS VIOLATED WHEN PETITIONER'S WHEEL CHAIR WAS CONFISCATED, THEREBY PRECLUDING PETITIONER'S ACCESS TO PHYSICIAN ORDERED BLOOD THINNER TO PREVENT POTENTIALLY FATAL BLOOD CLOTS AND EXPOSING PETITIONER TO CRUEL AND UNUSUAL CONDITIONS OF CONFINEMENT, FOR WHICH NO ADMINISTRATIVE OR STATE REMEDY WAS AVAILABLE AS AN "EMERGENCY" CURE.

3. INASMUCH AS DUE PROCESS IS APPLICABLE TO THE STATES THROUGH THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION, THE MEANS BY WHICH PETITIONER WAS REQUIRED TO SEEK REMEDY WAS FORGOTTEN

THROUGH THE ABSENCE OF AVAILABILITY OF THE A.R.D. SINCE THE RECORD REFLECTS SAID ABSENCE, THE OPINION OF THE APPELLATE COURT OF MARYLAND AND ORDER OF THE CIRCUIT COURT FOR ALLEGANY COUNTY, MARYLAND SHOULD BE REVERSED AND VACATED PURSUANT TO ROSS V. BLAKE, 136 S.C.T.

1850 (2016).

4. MARYLAND'S FAILURE TO PROPERLY GRANT ITS PRISONER LITIGATION ACT (PLA) TO THE INTERPRETED "AVAILABLE" AUTHORITY OF THE PRISONER LITIGATION REFORM ACT (PIRA) DOES NOT RENDER THE PLA IMMUNE TO THE INTERPRETED AUTHORITY BY THIS COURT. APPEARING IN APPENDIX A, THE OPINION OF THE APPELLATE COURT OF MARYLAND IDENTIFIES AN UNAVAILING DEFICIENCY.

STATEMENT OF THE CASE

1. PURSUANT TO MARYLAND RULE 7-201, PETITIONER SOUGHT JUDICIAL REVIEW OF DECISIONS RENDERED BY THE INCARCERATED INDIVIDUAL (I.I.) GRIEVANCE OFFICE (I.I.G.O.), FORMERLY THE INMATE GRIEVANCE OFFICE (IGO), IN CASE NUMBERS C-01-CY-24-000244, C-01-CY-24-000253 AND C-01-CY-24-000271 IN ALLEGANY COUNTY CIRCUIT COURT (ACCC), MARYLAND, ALL OF WHICH REPRESENT THE IDENTICAL EXHAUSTION ISSUE.

FOR THE PURPOSE OF THIS PETITION AND PURSUANT TO THIS COURT'S RULE 12(4), CASE NUMBER C-01-CY-24-000244 IS PRESENTED HERE.

2. DATED AUGUST 23, 2024, THE TRIAL COURT DENIED PETITIONER'S WAIVER REQUEST BASED ON THE ABSENCE OF "ATTACHED PROOF OF EXHAUSTION."

3. IN RESPONSE TO THE COURT'S ORDER, PETITIONER FILED A SECOND PLEADING CLAIMING EXHAUSTION ON AUGUST 16, 2024, TITLED "PROOF OF EXHAUSTION."

4. DATED SEPTEMBER 23, 2024, THE TRIAL COURT ISSUED A SECOND ORDER REFERENCING FAILED PROOF OF EXHAUSTION, THEREBY DENYING WHAT WAS ESSENTIALLY A RECONSIDERATION REQUEST.

FOR THE PURPOSE OF CONVENIENCE, PETITIONER'S "PROOF OF EXHAUSTION" APPEARS IN APPENDIX "B" BETWEEN THE TRIAL COURT'S ORDERS, EXHIBIT 1.

5. DATED MAY 14, 2025, THE APPELLATE COURT OF MARYLAND AFFIRMED THE TRIAL COURT'S JUDGMENT AND A PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF MARYLAND FOLLOWED.

FOR THE PURPOSE OF CONVENIENCE, A COPY OF PETITIONER'S WRIT OF CERTIORARI TO THE SUPREME COURT OF MARYLAND APPEARS IN APPENDIX "A" BEHIND THE APPELLATE COURT'S OPINION AS EXHIBIT 2.

6. DATED AUGUST 22, 2025, THE SUPREME COURT OF MARYLAND (SCM)

DENIED PETITIONER'S WRIT OF CERTIORARI. THAT DENIAL APPEARS IN
APPENDIX "C." A PETITION FOR WRIT OF CERTIORARI TO THIS COURT IS
DUE TO BE FILED WITHIN SIXTY (60) DAYS OF THIS COURT'S NOVEMBER
20, 2025 TO BE ACCEPTED.

REASONS FOR GRANTING THE PETITION

INASMUCH AS MARYLAND'S ADMINISTRATIVE REMEDY PROCESS (ARP) IS DYSFUNCTIONALLY AND DISINGENUOUSLY ADMINISTERED, IS LADEN WITH CONSISTENTLY DEVELOPED DETERRENTS TO ITS USE AND DEMONSTRATES A THREAT TO PRISONER SAFETY AND WELL BEING, THIS PETITION SHOULD BE GRANTED.

1. MARYLAND'S ARP PROCEDURE HAS AN EMERGENCY COMPONENT THAT SUGGESTS AN ALTERNATIVE METHOD OF PROCESSING BASED ON THE NOTIFICATION ON THE FRONT OF THE FORM. (PLEASE SEE EXHIBIT 3).

IN ADDITION TO THIS DESIGNATION, THE ARP FORM REFERENCES "EMERGENCY" TWO ADDITIONAL TIMES ON THE BACK OF THE FORM. (PLEASE SEE EXHIBIT 3(2)).

WHILE PETITIONER HAS SUBMITTED NUMEROUS EMERGENCY REQUESTS TO THE WARDEN, THEY HAVE BEEN REGARDED THE SAME AS NON-EMERGENCY REQUESTS, DESPITE THE CLARITY BY WHICH INFERENCES COULD REASONABLY BE DRAWN. SINCE WHEEL CHAIR DEPRIVATION AND THE DELIBERATE DENIAL OF A PRESCRIBED BLOOD THINNER TO PREVENT POTENTIALLY FATAL BLOOD CLOTS REPRESENT SERIOUS MEDICAL NEEDS, MARYLAND'S ARP PROCEDURE IS A FAILED MECHANISM THAT POSES A SERIOUS THREAT TO PRISONER SAFETY.

THOUGH CLEARLY MARKED "EMERGENCY" AND REFERRING TO THE DESTRUCTIVE ELEMENT OF PAIN, EXHIBIT 8 WAS PROCESSED AND DISMISSED AS ANY ARP HAS BEEN AND WITHOUT ANY MEDICAL CARE BEING RENDERED.

THOUGH WRITTEN TO THE WARDEN ABOUT MEDICAL CARE, EXHIBIT 9 IS REFLECTIVE OF A BEFUDDLING REQUEST THAT REQUIRES THE SEPARATION OF

MEDICAL ISSUES, I. E., THE FILING OF SEPARATE COMPLAINTS. ESSENTIALLY, THIS IS A RIDICULOUS NOTION BECAUSE THE WARDEN IS RESPONSIBLE FOR THE MEDICAL CONTRACTORS' CONDUCT. WHILE PETITIONER DID COMPLY WITH THE REQUEST, NEITHER RESPONSE YIELDED ANY MEDICAL CARE, DEMONSTRATING THE ABSENCE OF EXHAUSTIBLE REMEDY, AS EXHIBIT 11 REFLECTS.

DESPITE THE EMERGENCY RESUBMISSION, EXHIBIT 13 EMBODIES A RESPONSE THAT IS ENTIRELY OBSCURE AND INCONSISTENT WITH MEDICAL NEEDS AND ORDERS. IN FACT, THE WARDEN'S RESPONSE SUPPORTS THE DEPRIVATIONS COMPLAINED OF AND RESULTS IN THE CONTINUED DEPRIVATION OF CRITICAL CARE, DUE TO THE FAILED EFFECTIVENESS OF MARYLAND'S ARP PROCEDURE. (PLEASE SEE EXHIBITS 8 THROUGH 13).

2. DETERRENCE OF ARP USE AT JESSUP CORRECTIONAL INSTITUTION (JCI) REQUIRES THE SIGNATURE RECEIPT OF A LIEUTENANT (LT), WHICH IS INCONSISTENT WITH THE GOVERNING REGULATION. REQUIRING THE SIGNATURE OF A LT. MAKES THE INITIAL STEP VERY DIFFICULT BECAUSE SUCH A SUPERVISOR IS DIFFICULT TO LOCATE. EVEN WHEN FOUND, A LT. COULD REFUSE TO SIGN THE ARP, MAKING THE PROCESS UNAVAILABLE. AS STATED ON THE BACK OF THE ARP FORM, ANY STAFF MEMBER IS AUTHORIZED TO SIGN AND RECEIVE AN ARP COMPLAINT (#S 7 AND 9), HOWEVER, JCI DOES NOT FOLLOW THIS CLEARLY DOCUMENTED PROCEDURE, COMPLICATING THE ALREADY DIFFICULT PROCESS. (PLEASE SEE EXHIBIT 3(2)).

3. THOUGH IN PLACE SINCE MARCH 2018, THE AUTHORITY PERMITTING REVIEW AND DISPOSITION OF MEDICAL MATTERS THROUGH THE ARP PROCEDURE HAS BEEN DISREGARDED BY THE INCARCERATED INDIVIDUAL (I. I.) GRIEVANCE OFFICE (I. I. G. O.) CONSISTENTLY, EXPOSING PETITIONER TO DANGEROUS CONDITIONS OF CONFINEMENT. WHILE THE REGULATION IS CLEAR, THE I. I. G. O.

HAS CONSISTENTLY DENIED JURISDICTION, TO THE DETRIMENT OF PRISONERS. THE I.I.G.O. HAS FAILED TO ADHERE TO ANY ASPECT OF THE ARP PROCEDURE, WHETHER FOUND MERITORIOUS OR MERITORIOUS-IN-PART, THEREBY NULLIFYING THE LEGISLATIVE INTENT OF THE ADMINISTRATIVE REMEDY PROCEDURE ACT (ARPA), WHILE DENYING THE AVAILABILITY OF ANY REMEDY. (PLEASE SEE EXHIBITS 4 THROUGH 6).

4. DESPITE THE FINDINGS OF KREMBEL V. UNITED STATES, 837 FED. APPR. 943 (4TH CIR. 2020), "CONTRACTING OUT PRISON MEDICAL CARE DOES NOT RELIEVE THE STATE OF ITS CONSTITUTIONAL DUTY TO PROVIDE ADEQUATE MEDICAL TREATMENT TO THOSE IN ITS CUSTODY...", "MARYLAND HAS CONSISTENTLY DEPRIVED PETITIONER REMEDY AND MEDICAL CARE THROUGH ITS ABSOLUTELY INEFFECTIVE TO NON-EXISTENT ARP PROCEDURE, SIGNIFICANTLY ENHANCING THE NEED FOR THE GRANTING OF THIS PETITION.

5. WHILE THERE EXISTS NUMEROUS REASONS TO FIND THERE IS AN ABSENCE OF A REMEDY PROCEDURE TO EXHAUST IN MARYLAND, THE CRUX OF PETITIONER'S PLEADING INVOLVES THE LITERAL INTERPRETATION OF THIS COURT'S ROSS V. BLAKE, 136 S.C.T. 1850 (2016) AND THE FACTS TO JUSTIFY ITS APPLICATION VERSUS MARYLAND'S CLAIM OF IMMUNITY FROM INCLUSION BASED ON THE DISTINCTIONS OF THE PRISONER LITIGATION ACT (PLA) FROM THE PRISONER LITIGATION REFORM ACT (PLRA).

WITHIN THE BODY OF ROSS V. BLAKE, THE TWENTY-SIX REFERENCES TO "MARYLAND," ALONG WITH THE SPECIFIC SCRUTINY OF MARYLAND'S ARP PROCESS MAKE IT UNCONSCIONABLE THAT MARYLAND'S COURTS AND PENAL AGENCIES WOULD DENY ROSS V. BLAKE'S APPLICABLE EFFECTS. EVEN IF MARYLAND WAS NOT MENTIONED, THE VERY LANGUAGE OF ROSS V. BLAKE SPEAKS TO THE U.S. PENAL SYSTEM COLLECTIVELY - STATE AND FEDERAL; "AN ADMINISTRATIVE PRO-

CEURE IS UNAVAILABLE WHEN. . ." IRONICALLY, EACH OF THE CIRCUMSTANCES PRESENTED IN ROSS V. BLAKE IS VERIFIABLY AFFLUENT THROUGHOUT MARYLAND'S ARP PROCEDURE. VENTURING FURTHER, SIGNIFICANT EVIDENCE EXISTS THAT REVEALS NOT ONLY THE WARDENS' "ROUTINE DISMISSALS" OF GRIEVANCES DURING THE COURSE OF ILL INVESTIGATIONS BUT WARDENS' ROUTINE DISMISSALS OF LEGITIMATE, WELL SUPPORTED COMPLAINTS THROUGH SCIENTIFIC, WELL DEVELOPED OASURANTICS EMPLOYED BY THE ENTIRE AGENCY WITH A FINAL STAMP OF APPROVAL BY STATE COURTS, AS IN THIS CASE.

AS IF THIS WAS NOT EFFECTIVE GAUNTLET ENOUGH TO DISCOURAGE ONE FROM EVEN REQUESTING AN ARP FORM, THE OFFICE OF THE ATTORNEY GENERAL (OAG) DEFENDS AND ADVANCES AS "LEGALLY CORRECT" THE IIGO'S ERRONEOUS AND CONTRADICTIONARY DECISIONS, REFLECTING A LITTLE KNOWN FACT, THAT THE IIGO IS HEADED BY FORMER AND/OR CURRENT ATTORNEYS GENERAL, MAKING ANY ATTEMPT AT REMEDY VIRTUALLY UNATTAINABLE, NO MATTER THE GRIEVANT'S EXPERIENCE. THIS CREATES A VERY DANGEROUS SCENARIO BECAUSE ONLY VIOLENCE REMAINS WHERE LITIGATION IS FORECLOSED, QUITE PROVOCATIVELY. (PLEASE SEE EXHIBIT 14).

6. INASMUCH AS ROSS V. BLAKE SHINES THE BRIGHTEST LIGHTS IN THE DEEPEST CREYICES OF MARYLAND'S DISINGENUOUSLY ADMINISTERED ARP PROCEDURE, THE AGENCY AND STATE COURTS REJECT ITS APPLICATION TO THE STATE'S PLA, VEHEMENTLY. YET, WHEN THIS COURT ANNOUNCED ITS INTERPRETATION OF "EXHAUSTION" IN WOODFORD V. NGO, 126 S. CT. 2378 (2006) A DECADE EARLIER, THE AGENCY AND STATE COURTS EMBRACED THE WOODFORD V. NGO RULLING WITH SINISTER ALACRITY BECAUSE THEY WERE ABLE TO ADD TO THEIR REPERTOIRE AN ATOMIC ELEMENT BY WHICH REMEDY COULD BE DENIED IN A BROAD AND VERY

DIFFICULT TO CHALLENGE MANNER. ESSENTIALLY, WOODFORD V. NEO CATAPULTED THE AGENCY TO A LEVEL OF SUCH LITIGATION SUPERIORITY THAT THE SLOGAN, "WRITE IT UP, NOTHING IS GOING TO HAPPEN," BECAME CLICHÉ AS MOST PRISONERS ABANDONED USE OF THE ARP PROCEDURE. (PLEASE SEE EXHIBIT 7).

LACKING ANY MEASURE OF FUNDAMENTAL FAIRNESS, MARYLAND'S ARP PROCEDURE IS A DANGEROUS MECHANISM ADMINISTERED WITH DEPRAVED OB-
DURACY AND IS A MASSIVE WASTE OF PAPER, RESOURCES AND TIME. COUPLED WITH A TANGIBLE THREAT TO PRISONER SAFETY, MARYLAND'S ARP PROCEDURE SHOULD NOT ONLY BE RULED ABSOLUTELY UNAVAILABLE BUT SHOULD BE FOUND UNCONSTITUTIONAL. (PLEASE SEE EXHIBITS 8 THROUGH 13).

7. AS IT RELATES TO THE QUESTIONS PRESENTED, IT IS VIVIDLY CLEAR THAT THE LOWER STATE COURTS' DECISIONS ARE CONTRARY TO THIS COURT'S ROSS V. BLAKE RULING AND THAT MARYLAND'S SUPREME COURT IS NOT AT ALL INTERESTED IN THE PROPER AND REASONABLE INTERPRETATION AND APPLICATION OF WHAT IS ACTUALLY THE LAW OF THE LAND - STATE AND FEDERAL, REQUIRING THIS COURT TO EXERCISE ITS EXTRAORDINARY AUTHORITY IN A MATTER OF NATIONAL SIGNIFICANCE AND PARAMOUNT IMPORTANCE BY GRANTING THIS PETITION. (PLEASE SEE EXHIBITS 15 AND 16).

ENCOMPASSING MORE THAN TWO HUNDRED ATTEMPTS TO OBTAIN QUALIFIED, ADEQUATE MEDICAL CARE FOR SERIOUS MEDICAL CONDITIONS, ALL OF WHICH WERE DISMISSED UNDER FRAUDULENT PRETENSES, OTHERS SHOULD NOT BE REQUIRED TO INDULGE THE EXERCISE OF FUTILITY REPRESENTED IN MARYLAND'S DEFUNCT AND DANGEROUS ARP PROCEDURE, WHICH IS ACTUALLY USED TO DEVELOP AND SCIENTIFICALLY PERFECT WAYS TO CIRCUMVENT THE ENTITLED REMEDY.

WHEREFORE, PETITIONER IMPLORES THE COURT TO GRANT THIS PETITION
IN THE INTEREST OF EQUITY AND FOR THE REASONS STATED HEREIN.

RESPECTFULLY SUBMITTED,

Wayne Resper
WAYNE RESPER #274319

P.C.I.

P.O. BOX 534 / ROUTE 175
JESSUP, MD 20794-0534

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THIS PETITION WAS MAILED, POSTAGE
PREPAID, TO: OFFICE OF THE ATTORNEY GENERAL, OPSCS, 6776 REISTERSTOWN
ROAD, SUITE 313, BALTIMORE, MD 21215 ON THIS 6TH DAY OF JANUARY
2026.

Wayne Resper
WAYNE RESPER #274319

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Wayne Tupper

Date: January 6, 2026