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IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

THOMAS BARTHOLOMEW SIMPSON — PETITIONER
(Your Name)

VS.

GLENN YOUNGKIN, et. al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

THOMAS BARTHOLOMEW SIMPSON
(Your Name)

P.O. Box 129
(Address)

Haynesville, Va 22472
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Whether COVID-19 Long Haul Prisoners Have a Serious Medical Condition § 1983 Challenge To Prison Conditions And Policies of Overcrowding which State Officials Know or Should Have Known of;

Whether § 1983 Complaint of the COVID-19 Infection and Long Haul Injuries, Related to Prison Officials Cruel and Unusual Punishment and Retaliation Claims, Arise Out of the Same Series of Transactions or Occurences of State Official's Overcrowding Claims; and

Whether Prison Dorms of 40 to 70 plus Inmates with No Social Distancing Constitute Overcrowding After Pandemic Due to the Risk of COVID-19 Infecttions That Cause COVID-19 Long Haul Because Six Feet Social Distancing is Now a Basic Human Need and Right For Sanitation In Order to Protect from Exposure to Dangerous Communicable Diseases.

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:

THOMAS BARTHOLOMEW SIMPSON v. GLENN YOUNKIN; ROBERT MOSIER;
JASON S. MIYARES; HAROLD W. CLARKE; WARDEN TIKKI HICKS;
TONY DARDEN; BRIAN DAWSON; LEONARD LEVIN.

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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 A to the petition and is

☒ reported at Simpson v. Youngkin, 2025 U.S. App. LEXIS 32926 (4th Cir. 2025); 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☐ is unpublished.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 Simpson v. Youngkin, 2024 U.S. Dist. LEXIS 38746 (E.D. Va. March 5, 2024); 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 December 17, 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: _____, 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

Eighth Amendment - Cruel and Unusual Punishment

First Amendment - Freedom of Speech - Retaliation

42 U.S.C. § 1983

Fed. R. Civ. P. 20(a)(2)

Fed. R. Civ. P. 21

28 U.S.C. § 2283 and § 2284

Fed. R. Civ. P. 65

STATEMENT OF THE CASE

1. That Petitioner was transferred to the custody of the Virginia Department of Corrections (VDOC) in November 2016, at Haynesville Correctional Center in Haynesville, Virginia, becoming a ward of the state in excellent health, working out and exercising on a regular bases.

2. That Petitioner joined Virginia Correctional Enterprise (VCE) work program located there at HCC in January of 2017, and 3 months later he was promoted to a new position and joined the VCE Embroidary Department, accepting two job duties of Quality Control and Shipping Clerk. He continued to Receive excellent reviews of his work performance.

3. Director HARLOD W. CLARKE of VDOC Level 2 institutions housed inmates in dorms of 74 individuals. There is 29 to 33 bunkbeds and 16 single-beds. All individuals share four toilets, five sinks, four showers, five phones, two microwaves, and four urinals in the common area. The living space for individuals are as follows:

(A). Twenty-one(21) sets of living-space between bunkbeds in the dorm are 3ft, which two inmates would share(sets are 24 square-ft areas, consisting of two wall lockers on either side, two floor lockers on either side, all inmates personal supplies including laundry bags, and chairs). Also, in most cases one inmate is within 3ft of five other inmates(two on bunks to the right, two on bunk to the left, and one on the top or bottom bunk).

(B). Four(4) sets of living-space between bunkbeds are 5ft apart,, due to structural support I-beams(sets are 40 square-ft areas, consisting of two wall lockers on either side, two floor lockers on either side, all inmates personal supplies including laundry bags, and two chairs). Inmates are within 3ft of three other inmates(two on bunk to the one side, and one on top bunk), and 5ft away from other bunkbed.

(C). Two(2) sets of living-space was next to a wall and bunkbed(sets are 20 square-ft). The inmate does not share the living-space. However, he is 3ft away from two other inmates and next to living-space (A), with a bunky.

(D). Two(2) other sets of living-space was also next to a wall and bunkbed in the middle of the dorm(sets are 65 square-ft areas). The inmate does not share the living-space. However, inmate was 3ft away from two other inmates and had a bunky in living-space (A).

(E). Sixteen(16) other sets of living-space was for single-beds and shared no space(sets are 24 square-ft areas, consisting of one floor locker and one neighbors floor locker on opposite side individual's bed). The single-bed are 3ft apart each other. There was two rows of beds with a 2ft wall seperating 11 beds on each side.(16 single-beds and 6 bunkbeds).

(F). Two(2) bunkbeds and two(2) single-beds share common space areas.

COVID-19 Pandemic and Executive Order No. 55

4 . On March 11, 2020, World Health Organization classified COVID-19 infections a Global Pandemic.

5 . On March 12, 2020, then Governor Ralph S. Northem, declared Virginia a State of Emergency .

6 . On March 30, 2020, the Governor then enacted Executive Order No. 55(E058), which ordered, in part, that:

"[a]ll individuals in Virginia shall remain at their place residence except as provided bellow by this order and Executive Order 53. To the extent individuals use shared or outdoor spaces, whether on land or on water, they must all times maintain social distancing of at least six feet from any other person..."

All public universities and beaches was closed and prohibited. All "parties, celebrations, religious, or social events whether they occur indoor or outdoor," of social gatherings of more than ten individuals. Violations of E055 were deemed punishable as Class 1 misdemeanor via Va. Code §44-146. Workplaces was to maintain six feet social distance.

7 . On April 5, 2020, HCC experienced its first COVID-19 cases in Building 1 and 3. The prison went on lockdown.

8 . On April 8, 2020, a Section 1983 suit was brought against HARALD W. CLARK, TIKKI HICKS, and other Virginia officials relating to prison conditions during the pandemic, raising their awareness of COVID-19 effects, risk, and prevention and the officials responsibilities to prisoners while acting "under color of state law". That they know or have reasons to know that:

"a. Individuals are at higher risk to contract COVID-19 in tightly crowded areas(Complaint for Plaintiff in Whorley v. Northam, 2020 U.S. Dist. LEXIS 86315(2020), ¶115);

b. "inmates are wards of the state and Warden Hicks and Director Clark is responsible for providing reasonable care... That [inmate] have not been provided or protected by prison policies, resources, or [partitions];" and that such protection "can be establish to provide the social distance and reduction in population density" which is necessary to reduce the ongoing risk to eligible inmates able to qualify for early release and those who remain confined; and not having "done so in a reasonable fashion, deprive inmates in an extreme manner via conditions of confinement in violation of 8th and 14th Amend."(id ¶ 143, 175, 177, 181, 182).

c. That inmates "are wards of the Commonwealth of Virginia and remain protected by the constitution of the United States, specifically the 8th Amend, guarantee that they are to be protected from cruel and unusual punishment as applied to the state via the 14 Amend.," and that Warden Hicks and Director Clark has a duty to the inmates at HCC and the Plaintiff to provide, protect, and ensure contemporary standards of decency, at a minimum, the civilized measure of life's necessities.(id ¶ 155 and 156).

d. "Increasing the spatial distance between individuals, specifically by six feet or more, and reducing the amount of individuals in a closed setting, specifically to a number of ten(10) people or less, is a mean of reducing the risk of spreading COVID-19" and such "a [practice] that are not only widely accepted societal norms during COVID-19 pandemic, they have been publicly encouraged via officials at all levels of Government, commercial enterprise, and American culture" because it is the "contemporary standard of decency recognized throughout the United States and the Commonwealth of virginia" which practice has "been enacted into law in most settings via Executive Order promulgated by Gov. Northam."(id 171, 172, 174).

e. That the "spread of COVID-19 to and among inmates,.. poses a substantial, serious, and significant risk to the physical health of inmates." (id ¶ 176).

9. Also, in April 2020, President Trump declares Virginia a "major disaster area" and United States A.G. William Barr issued a State of Emergency within the U.S. Bureau of Prisons.

10. On April 27, 2020, the General Assembly adopted the 'Early Release Plan' (COVID-19 Response: Inmate Early Release Plan), which allowed eligible inmates with one year or less remaining on their sentence to be released early. A memo went out on April 27, 2020, stating that "during the declared emergency [the plan will] assist in maintaining the health, safety and welfare of any prisoner discharged or placed or the prisoners remaining in state correctional facilities..."

11. Warden TIKKI HICKS and Director HARLOD W. CLARKE came to a 'Stipulated Settlement Agreement' with Plaintiffs in the April suit on May 12, 2020, and VDOC officials agreed to free up space in HCC and other VDOC centers by implementing the 'Early Release Plan' for COVID-19. VDOC also agreed to "restrict the transfer of inmates from facility to facility."

12. Another VDOC memo was sent out to inmates on May 22, 2020, stating that COVID-19 "directly enters the body from the droplets of a cough or sneeze of an infected person, landing in their own eyes..." And to protect yourself by "social distance" leaving "at least 6 feet between all persons."

13. In June 2020, inmate Roger Teal should have been deemed eligible for the early release program. His original release date was for January 2021. He had went through radiation treatment due to graves disease from 2009 to 2011. He had went through radiation treatment due to graves disease from 2009 to 2011. He also had Type 2 Diabetes.

Virginia Correctional Enterprise

14. In July 2020, in order to keep Virginia Correctional Enterprise operational, Warden TIKKI HICKS and manager BRIAN DAWSON packed inmate workers into Dorms 1B and 2B, having two different shifts. Plaintiff was moved to Dorm 1B shift. Dorm 1B was packed with 70 plus inmate. Plaintiff lived on bunkbed 11Top. He had living-space (A). (see ¶ 3). Plaintiff and his cut-mate (Inmate 2) shared their 3 ft. living-space. Plaintiff's bunk, sleeping under him, had living-space (C) (Inmate 1). Inmate 1 and Inmate 2 contracted COVID-19 already in the April 2020 outbreak. Next to Plaintiff on the top of bunk 10 was Inmate 3. All four inmates was 3 ft. apart from each other.

15. In Nov. 2020, Gov. Northam signed into law H.B. 5148 'Earned Sentence Credit'.

Eligible inmates could receive up to 15 days of good time for every 30 days served. The bill had a delayed effect of enactment for July 2022, intended for VDOC to have time to develop new systems and re-calculations.

16. In Nov. 2020, TIKKI HICKS and BRIAN DAWSON moved all VCE workers into building 1B Dorm, forcing inmates to live less than 6 ft. from one another by sharing 3 ft. living-space, and forcing them to work six to seven days a week.

17. On January 8, 2021, BRIAN DAWSON yelled at Correctional (CO) Hudnal, VCE's CO, to call back to 1B Dorm and find out why a number of inmates had not reported to work. He yelled they better have an excuse. Plaintiff stood in BRIAN DAWSON's doorway and asked him, "You know they're sick in the dorm, right?" BRIAN DAWSON pulled his mask up and quit his inquiry. BRIAN DAWSON, however, kept the shop open that Friday and the following Monday, Jan. 11, 2021.

18. On Tuesday, Jan. 12, 2021, BRIAN DAWSON kept VCE open until an inmate, Inmate 0 who lived on bunkbed 7 bottom, with living-area(B), went to HCC medical department and tested for COVID-19. BRIAN DAWSON was then forced to shutdown VCE. Dorm 1B went on quarantine, however, living-areas remained the same, never affording inmates 6 ft. social distance, infrastructure, nor partitions to separate inmate's living-space. Plaintiff at all times during the pandemic wore a face mask when proper, washed his hands constantly after touching surfaces, phones, microwaves, door handles, etc.

19. Inmate 0 test for COVID-19 was positive and HCC medical tested 1B Dorm on Friday, Jan. 15, 2021.

20. On Jan. 18, 2021, Plaintiff's COVID-19 test returned 'Positive'. (APPENDIX I). Inmate 3 also tested positive, who lived 3 ft. away from Plaintiff, between Plaintiff and Inmate 0. All positive inmates moved to HCC visitation room.

21. Plaintiff and others positive testing inmates was forced to sleep on the visiting room floor. During this time Plaintiff began to experience shortness of breath with difficulty breathing. He also began coughing on those nights, Jan. 18th through the 19th, 2021, due to the cold concrete floors he slept on with the virus. Plaintiff and others was forced to lay on a three inch mattress. Grievances were filed by Plaintiff and others, but they went unanswered. Plaintiff continued verbal complaints.

22. During the day of Jan. 19, 2021, while Plaintiff and others were suffering from COVID-19 infections and sleeping on the floor, in the gymnasium next door, HCC administration and staff were receiving their first dose of the COVID-19 vaccination. Around 4:30 pm as she was leaving, Warden TIKKI HICKS asked Plaintiff and others how they were doing and he expressed his injuries and them being COVID-19 patients sleeping on three inch mats on the concrete floor. Cotes was brought into the visitation room around 5:30 pm.

23. Later that week Plaintiff and others relocated to 2A Dorm where other inmates were quarantining. Roger Teal, the Type 2 diabetic who had qualified for COVID-19

Response Early Release in June 2020, was still in DOC custody, at the same bunk. He was now past his original release date due to contracting the virus in Jan. 2021.

COVID-19 Long Haul and VCE

24 . During the months of Feb. 2021, Plaintiff's COVID-19 injuries worsen. He had difficulties breathing, chest pains, head aches, and had began to break out in rashes.

25 . On Feb. 23, 2021, before returning to VCE, Plaintiff signed up for a post COVID-19 check-up due to growing concerns for medical issues.

26 . On Feb. 26, 2021, Plaintiff was diagnosed with COVID-19 Long Haul, hypertension with a blood pressure (bp) of 145/105.(In March 2020 it was 123/83). He began taking bp medication. He was treated for his rashes being prescribed Hydrocortisone Cream and Loratadine. Excedrin for head aches.

27 . On March 1, 2021, EO55 mid-night curfew was lefted and outdoor social gatherings was moved from 10 to 20 individuals. VDOC also began transferring inmates from facility to facility later that month.

28 . After returning to work in March through April 2021, Plaintiff continued to experience shortness of breath, head aches, confusion, fatigue, and his coughing became worse. Hypertension would cause him to experience vibrations or shacks or twiches, confusion, and high levels of anxiety.

29 . VCE manager BRIAN DAWSON continued to behave in an abusive pattern towards post COVID-19 inmate workers. He would require inmates to work multiple job position and tripled their work-load with long hours and weeks. VCE's VCE's Embroidery Department two snip table positions remained vacant. The job took skill and percision to prevent damaging expensive fabric and material, keeping re-orders to a minimum. Plaintiff already worked two positions, shipping clerk and quality control. Now BRIAN DAWSON forced him to fill the two snip table positions himself.

30 . Plaintiff began to express his health issues to BRIAN DAWSON who continued ignore them. And on April 21, 2021, due to BRIAN DAWSON's deliberate indifference to Plaintiff's physical and mental needs, by failing to assign one of the new employees to PLaintiff's department, Plaintiff then experienced a high level of anxiety and confusion which caused a shock to his nervous system. Remembering that his COVID-19

Long Haul caused such symptoms, Plaintiff felt it best to tell his lead-man, Belk, that due to the abuse he was suffering from BRIAN DAWSON's gross negligence, he needed to leave in order to seek mental health. Plaintiff informed CO Hudnal and explained BRIAN DAWSON's refusal to provide relief of his extra workload caused Plaintiff problems physically, mentally, and emotionally. And that he needed to seek mental health to get answers as it related to COVID-19 Long Haul. [REDACTED]

31. On April 22, 2021, Plaintiff formally requested mental health and made the Unit Manager aware.

32. On April 27, 2021, Plaintiff reported back to VCE and talked to BRIAN DAWSON, along with CO Hudnal present. Plaintiff informed BRIAN DAWSON that he filed a 'Written Complaint' that morning and was reporting to work to assert VCE Apparel Rules #1, #19, and and #26). [REDACTED] That Rule 19 gave Plaintiff 30 days of medical leave, before BRIAN DAWSON could "consider" terminating him. BRIAN DAWSON told Plaintiff he wasn't feeling the vacant positions. Plaintiff stated he would then need to continue seeking mental health before returning to the same conditions and situations, in order to understand the effect COVID-19 had on him mentally and that putting a post COVID-19 patient through so much physical toll wasn't right. BRIAN DAWSON then told Plaintiff not to return unless he obtained an excuse. [REDACTED]

33. Also on April 27, 2021, the CDC raised restrictions on indoor and outdoor events.

34. On April 29, 2021, after receiving an attachment survey from mental health and filling it ou and submitting it, Plaintiff reported to VCE and informed supervisor Lewis that the mental health process was moving forward in order to seek counsel and obtain BRIAN DAWSON's required excuse. BRIAN DAWSON then yelled at Lewis for calling Plaintiff to work and what was happening.

35. On May 4, 2021, BRIAN DAWSON responded to Plaintiff's 'Written Complaint', which ended by stating: "Job terminated 5/4/21", retaliating on Plaintiff by terminating him from VCE program even after Plaintiff asserted Apparel Shop Rule #19. [REDACTED]

COVID-19 Long Haul and Fungus Infection

36. In May of 2021, Plaintiff moved from VCE's workers 1B Dorm to 2B Dorm.

37. On May 20, 2021, Marine Chemist Service, Inc. analyzed a sample "EM-Tape 2.1" for W. Peyton Akers, Esq., which sample was taken from HCC's 2B Dorm. The report indicated that the building had:

"Hyphal elements presence in indoor sample in a high quantity or as large segment indicate active fungal growth and eventually also lead to mold spore production. The moderate level of hyphal elements here indicate active fungal growth in the building." (Exhibit #13).

38. Between June and July 2021, Plaintiff began complaining of what was determined

~~that the building was contaminated and again that he was terminated for complaining about the infected areas~~

to be fungus on his rear-end and groin area. He was first prescribe creams and a powder. Plaintiff also began to sweat pervasively. The infected areas would continue to sweat or dampen throughout the day. Plaintiff also began complaining about burning in his bladder.

39 . In July 2021, because the fungus remained, before she left HCC medical department, Nurse Practitioner Hammonds prescribed a seven day 'Diflucan' treatment.

40 . After several failed attempts to receive the Diflucan treatment, Plaintiff signed up for sick call on August 2, 2021, and asked Dr. LEONARD LEVIN about the seven day treatment for Plaintiff's fungal issue prescribed to him by Practitioner Hammond. However, LEONARD LEVIN claimed he never heard of the treatment and told Plaintiff he would never get rid of the fungus. Plaintiff had also by then began breaking out with black head pimples, different from white head pimples in that no pus developed, and instead, skin would pill off when wiped with a hot face cloth, exposing flesh and blood. Plaintiff insisted the black head pimples would only appear after exercising in the sun. LEONARD LEVIN contended that it was acne and prescribed acne Benzoyl Peroxide Gel and Clindamycin Phosphate Solution. Plaintiff would stop going out in the sun for two to three weeks at a time, in order for the black head pimple break out to subside, but they would break out immediately after he would return back to exercising in the heat and sun. Other inmates would comment regularly about how abnormal the break out looked.

41 . Plaintiff also complained about a specific rash and dot on his hand. The dot would develop a red line in it as it spread larger, then break the dot out into an open rash or sore. He was prescribed Hydrocortisone cream.

42 . Plaintiff switch several b/p medications for a number of reasons. He began to drink 8 cups of water a day. His head aches continued.

43 . Plaintiff's rear-end and groin fungus infection vanished Jan. 2022 through Feb. 2022. Black head pimples subsided for the same time frame, then both resurfaced as soon as the temperature rouse in March 2022. Plaintiff continued complaining about head aches, blood pressure, rashes, black head pimples, and his fungus infected rear-end and groin area, throughout spring and summer 2022.

New Administration

44 . During the 2021 Governor's race, candidate McCullough led until his last debate stating that parents should have no say in what schools teach their children. Governor GLENN YOUNGKIN won by a narrow margin. Governor GLENN YOUNGKIN and his Attorney General JASON MIYARES campaign vindictively ran against "decarceration" and pushed for an un-Biblical and merciless system of mass incarceration, when all health science pointed

to six feet social distancing in order to save lives during the COVID-19 era.

45. COVID-19 outbreaks continued regularly at HCC through all waves of 2021, 2022, and 2023, until VDOC stopped testing for the virus.

46. After taking office in January 2022, A.G. JASON MIYARES fulfilled campaign promises by swiftly firing the Parole for exercising judgement, mercy, and equity. He also terminated the Conviction Integrity Unit lawyers who work on wrongful convictions.

47. The administration then launched attempts to disrupt H.B. 5148 to fully going into effect. The new law would cause the release of up to 4,500 inmates, who patiently waited for years for the law to go into effect.

48. In June 2022, A.G. JASON MIYARES expressed his ill will towards inmates awaiting the enactment date, by stating during an interview that, "[w]e're trying to make the best out of a horrific situation... This is one of the most disturbing public policy issues I've seen since taking office", referring to H.B. 5148 and its enactment in July 2022.

49. On ~~June~~ 17, 2022, the Virginia General Assembly approved a budget amendment change, which was purposed by Gov. GLENN YOUNGKIN, to mercilessly decrease the number of eligible ESC(2) inmates who would be released on July 1, 2022. Many would not be released or eligible for the policy that would have freed up space in VDOC during the current and future COVID-19 waves. A memo of the disappointment went out June 24, 2022, a week before the effective date, disappointing many.

50. The administration then used unlawful skims after July 1, 2022, by having VDOC Court and Legal to fail to apply ESC(1) and ESC(2) good time to time spent at jails. Furthermore, they unlawfully applied ESC(2) good time to inmates whose crimes were eligible. see Prease v. Clark, 302 Va. 376(2023) and Vasquez v. Dotson, 303 Va. 97(2024).

Eczema and Fungus Infection Breakout

51. In Sep. 2022, Plaintiff noticed the rash on his left hand spreading. He saw Roberts who gave him Hydrocortisone 2.5% and placed him on B/p checks for months. High B/p was much higher and some normal throughout the month.

52. At the end of the month and through November 2022, Plaintiff's left hand rash continued to increase by spreading and began to crack and tear his skin into open sores. Rash also began to develop on his right hand, upper and lower torso, under arms, neck, and privets. The infection on his rear-end and groin began to crack and skin between his privet and anus teared open over and over. Plaintiff could not run or stretch.

53 By Nov. 18, 2022, both Plaintiff's eyes were red around the skin and face covered

with rash. He was able to see the Nurse Practitioner who immediately identified the rash on his face and around his eyes as a fungus infection. She prescribed him three 'Diflucan' tablets to be administered throughout the course of six days. He was also prescribed an antifungal cream, more solution, and Calmoseptine ointment.

54. The infection continued to spread and cover 2/3 Plaintiff's body. Plaintiff could not sleep through the day nor night. His skin itched continually. His skin was red, hot, and painful sores that covered the infected areas. Plaintiff complained of lymph node swelling in his groin on Nov. 22, 2022.

55. On Dec. 2, 2022, Plaintiff saw Dr. LEONARD LEVIN who examined Plaintiff's injuries and issued the seven day 'Diflucan' tablets, which he previously said he knew nothing of. He also issued Nystatin Ointment USP.

56. However, on Dec. 19, 2022, Plaintiff saw Dr. Roberts. They first discussed Plaintiff's hypertension diagnosis and him being a chronic care patient and placed him on B/p medication. They then discussed more 'Diflucan' treatment due to injuries continuing to spread and worsen. Notably, Plaintiff's black head pimples on his forehead had cleared and smoothened out, but now the rash began to appear there. While discussing a possible blood work-test, Dr. Roberts went and got Dr. LEONARD LEVIN and they both examined Plaintiff's injuries. The two came under the impression to diagnose the rash as a rare eczema/fungal breakout/infection. Plaintiff asked to see a Dermatologist and was told to first take a steroid treatment for six days. Both doctors stated the eczema was due to Plaintiff's body reacting to his past COVID-19 infection.

57. Plaintiff began steroid treatment on Dec. 28, 2022, understanding that stress is known to trigger eczema outbreaks.

58. The treatment ended on Jan. 3, 2023, clearing up about 70% of the infected area. The treatment looked very promising combating inflammation of the skin.

59. On Jan. 4, 2023, Plaintiff had his § 1983 Complaint notarized and immediately began to experience retaliation from staff at HCC.

§ 1983 Proceedings

60. Petitioner filed his § 1983 complaint in January 2023. He filed "three different documents, a Complaint, a Declaration, and a Memorandum. Each document contain[ed] supporting facts, claims and arguments." The district court first issued two civil action numbers: 3:23cv32 and 3:23cv60. The district court granted Petitioner in forma pauperis for both cases and began deducting payments from Petitioner's inmate account after he agreed to pay the \$350.00 filing fee per case.

61. On August 22, 2023, the district court ordered that because it appeared that "Case No. 3:23cv60 and No. 3:23cv32 are in fact intended by Plaintiff to be one case, the court will close No. 3:23cv60 as a duplicate of 3:23cv32." (Appendix G).

62. On Oct. 18, 2023, the district court ordered a "Particularized Complaint" and for Petitioner to combine the "three different documents, a Complaint, a Declaration and a Memorandum into "One document, a Particularized Complaint" that contains all facts, claims and arguments.

63. The order also mentioned Fed. R. Civ. P 20(a)(2) joinder. However, Plaintiff reasoned that because the district court just combined all two (2) cases into one two months earlier, he complied with the joinder.

64. The Particularized Complaint consisted of seven claims all relating to prison conditions that caused his COVID-19 infection, prison conditions and medical treatment while dealing with COVID-19 Long Haul, a challenge to state officials overcrowding prison conditions, and retaliation he received after filing his § 1983 Complaint. (Appendix C).

65. On March 5, 2024, the district court issued an order dismissing, without prejudice, all defendants, and claims, but the first named defendant, GLENN YOUNGKIN, and defendants related to Claim V. The court ruled that the complaint was improperly joined. It then dismissed Claim V with prejudice for failure to state a claim as frivolous. The written opinion criticized Petitioner's complaint as poorly written with needless facts. Petitioner appealed to the Fourth Circuit Court of Appeals. (Appendix B).

66. On Dec. 17, 2025, the Fourth Circuit Court of Appeals affirmed the district court's determination. (Appendix A).

REASONS FOR GRANTING THE PETITION

67. The case at bar presents three novel questions arising from COVID-19 related issues this Supreme Court of the United States dissenting Justices left open in Valentine v. Collier, 141 S. Ct 57(2020), namely the conditions of confinement as they relate to the long term health risk COVID-19 infected inmates face as a result of state officials conduct. The Justices concluded that "nothing in the Court's decision today prevents [Plaintiffs] from returning to this Court if it becomes clear that the risk they face as a result of respondents' conduct are even graver than they appear. Because I would not force them to wait until it may be too late".

A. The Fourth Circuit Court of Appeals has Decided an Important Question of Federal Law That Has Not Been, but Should be, Settled by this Court.

68. This case presents a question left open in Valentine v. Collier: Whether COVID-19 Long Haul Prisoners Have a Serious Medical Condition Challenge To Prison Conditions and Overcrowding Policies Because State Officials know or Should Have Known?

69. This Court has ruled in Helling v. McKinney, 509 U.S. 25(1993), that prisoners can mount challenges to conditions of confinement even without an injury if you can show that the conditions put you at serious risk for an injury in the future.

70. In Brown v. Plata, 131 S. Ct. 1910(2011) this Supreme Court ruled that state prison overcrowding that caused serious medical conditions was cruel and unusual punishment because they feel below standards of decency.

71. Also in Nance v. Ward, 597 U.S. 159, 161(2022), the Court stated that, "the 'main aims' of § 1983 is to 'override' - and thus compel change of - state law when necessary to vindicate federal constitutional rights." (quoting Monroe v. Pape, 365 U.S. 167, 173(1961)).

72. The case at bar seeks this Court to settle wither the old standard of overcrowding in prisons have changed because the COVID-19 pandemic revealed that social distance

should now be a "basic human need" of sanitation because of the long term effects and risks of contracting the virus known as COVID-19 Long Haul or COVID-19 Long Term. These serious medical risk to prisoners must be recognized for the best interest of society. The basic human need due all in order to protect ones self from COVID-19 infection and the resulting long term effects is in the public and private interest.

73. Humanity has faced a medical crisis which, not only killed millions of people, but is now revealing that it has altered the long term health of individuals who had contracted the virus and survived. That the best protection is not to have contracted COVID-19 at all.

74. The SARS-Cov-2, famously known as Coronavirus Disease and COVID-19, is an airborne pathogen disease causing infection by targeting a molecule on the walls of the cells lining the lungs and the blood vessels leading to injury. The Coronavirus Disease-19 is the biggest medical challenge in decades resulting in a global pandemic.

(<http://goodrx.com/COVID-19>).

75. COVID-19 "spread mainly through close person to person contact and respiratory droplets. Close contact is considered being within 6 ft of one another."

Air borne respiratory droplets quickly spread when someone sneezes or coughs and its droplet landing on individuals or surfaces.

76. Injuries of COVID-19 contractions began by one having symptoms of the upper respiratory sinus infections such as running or congestive noise, head ache, and sore throat. The infection then travels to ones lower respiratory causing coughing or trouble breathing. COVID-19 affects the lungs, causing bronchitis and severe acute respiratory distress syndrome, resulting in deaths to millions.

77. Growing body of research shows that inflammation plays a big role in COVID-19 symptoms and severity. When the virus infects the body, it triggers an inflammatory response. In particular, an overactive immune response, sometimes called "Cytokine storm," has been linked to more severe outcomes.

78. Recent research on COVID-19 Long Haul, also known as post-COVID conditions,

shows that even three years after infection, about 12% of people still have breathing issues, 11% report fatigue, and 11% have sleep problems. The symptoms can involve brain fog, mood changes, heart issues, and lung problems possibly linked to ongoing inflammation or viral remnants in the body.

79. There are several key scientific resources on the long haul effects of COVID-19. The NIH RECOVER initiative is a major U.S. effort to understand and treat long COVID, while the PolyBio Research Foundation and Solve ME/CFS Initiative also focus heavily on long COVID research. Reviews in journals like Nature Communications highlight that over 65 million people may be infected, with around 200 different symptoms reported.

80. Despite the current politic climate and views on COVID-19's effect, right, middle, and certainly left wing major news media outlets have reported on dangerous effects of COVID-19. Whether conservative warning of vaccination to liberal warnings of reaching herd immunity, news media reported on the serious medical conditions of the previously infected, post-COVID-19 pandemic.

81. Full Measure, a Fox Sunday morning news program, on April 21st 2022, aired a COVID-19 causing brain disorder to the Hippocampus of forebrain structure involved in memory formation. Dr. Michael Neils book, The Indoctrinated Brain, was discussed, and how COVID-19 infection injures the Hippocampus, disrupting ~~one's~~ decision making. On December 17th, 2023, the show reported the term "Microcloding". (See unseenorisis.com). Again, in Sept, 2023, Full Measure interviewed Doctor Von of the National Institutes of Health, who reported that since the COVID-19 pandemic, cancer cases had increased. The term MECFS (Long COVID), Long vac, and Spike Opathy was introduced relating to COVID-19. By May 12, 2024, Full Measure was reporting COVID-19 Long Haul as a serious medical condition due to the enhanced effect on causing cancer called "Super Cancer" or "Turbo Cancer".

82. News Nation anchor Chris Cuomo also vigorously reported on the long term effects of COVID-19 infections. On Jan, 8, 2024, Cuomo's guest, Dr. Purvi Parikh, revealed an NYU study on inflammation causing COVID-19 Long Haul, calling it

an auto immune disease, due to pieces of sleeping virus left behind in the infected blood and brain fluid. [redacted] Cuomo had Dr. Debrah Burkes several times on the show, Jan 10, 2024, and Feb 27, 2024, reporting that "Long-COVID" was caused by spike protein and the immune response is an over reaction-using terms "Leaking" and "Leading Generators". That it caused brain fog and runs a high risk of heart attacks or strokes. She stated that Long-COVID pre dates vaccines. On April 2, 2024, Cuomo interviewed Dr. Mark Hyman, who reported that inflammation caused by COVID-19 drive cancer. Cuomo also interviewed Dr. Putrino on June 18, 2024. He informed the public that there is no such thing as mild COVID-19 infections; that the infection effects long term, the way ones natural T-cells attack other infections; that everytime one gets a COVID-19 infection their body gets weaker (Suffers); and that the only thing we can do is to avoid infections. The Cuomo show reported on March 28, 2024, death rates, cardiac death rates, and Turbo cancer rates as they related to age groups.

83. News Nation, Elizabeth Vargas, reported a link between COVID-19 and cancer on June 6, 2024.

84. On June 3, 2024, Dr. Anthony Fauci, NIAID Director for nearly forty years, testified at a Congressional Hearing about COVID-19, Chinese Bio Weapons program, and that the Global Health Emergency for COVID-19 ended on May 5, 2023.

(i) CLAIM V Was Pro Se Plaintiff's Attempt At Injunctive Relief

85. Petitioner's Claim V was intended to be his claim supporting his injunctive relief from Superior Official's policies of overcrowding prison conditions.

Helling v. McKinney, 509 U.S. 25(1993)(Prisoner can challenge conditions even without an injury if he can show that conditions put him at serious risk for an injury in the future). Petitioner was pro se and unfamiliar with drafting injunctive claims. Hughes v. Rowe, 449 U.S. 5(1988)(Pro Se complaints subject to less stringent standard than formal pleading drafted by lawyers," and should be liberally construed in the Plaintiff's favor).

86. Pursuant to Whorley v. Northam, 2020 U.S. Dist, LEXIS 86315(2020), Petitioner named the Governor in order to seek injunctive relief. After the district court combined his two §1983 cases into one (~~TT~~77-83), ~~they~~ later ordered that all claims be properly joined to the first named Defendant, the Governor. Petitioner, as pro se litigant, reasoned^{that} it meant to spell out a Claim with State Officials names for whom he was seeking injunctive relief.

87. That was a reasonable pro se litigant's mistake due to ambiguous court orders. The Claim should be, therefore, reviewed in a "broader and more generalized" injury and the focus should be on "the combined acts or omissions" of State Officials responsible for operating prisons." Quoting Leer v. Murphy, 844 F.2d 628, 633 (9th Cir. 1988). See also Koehl v. Dalsheim, 85 F.3d 86, 89 (2nd Cir 1996) (affirming dismissal of damage claim against Superintendent for deprivation of prescription eyeglasses, but reversing dismissal of injunctive claim, since Superintendent "Had overall responsibility to ensure that prisoner's basic needs were met")

88. As such, Petitioner requested that this Court reverse the lower court's ruling and remand the case back for injunctive proceedings and COVID-19 related claims I, II, III, IV,, and retaliation claims VI and VII.

(ii) 4th Cir. "Objective Evidence" Determination For CLAIM V

89. Notably, the Fourth Circuit Court of Appeals and the district court's determination does not reject Petitioner's challenge that COVID-19 infections and COVID-19 Long Haul poses a serious medical risk to the health and safety of him or other inmates. Nor does it reject that six feet social distancing is now a basic human need of prison conditions and sanitation in order to protect ones self from infectious diseases. It only erroneously determine that Petitioner failed "to plausibly allege a serious or significant physical or emotional injury resulting from the passage of the amended bill".

(Appedix B pg 19). However, Petitioner is not required to offer such objective evidence because he plausibly demonstrated that the conditions put him and

others at serious risk for an injury in the future due to his COVID-19 Long Haul Conditions, Which the lower courts ignore. Helling v. McKinney, 509 U.S. 25 (1993).

(iii) 4th Cir. Determination Of Subjective Evidence

90. The Fourth Circuit's determination that "the court correctly dismissed Simpson's Eighth Amendmant Claim because he failed to plausibly allege that any of the defendants named therein knowingly disregarded a Substantial risk to his health or safety." (Appendix A). And that because Petitioner, "did not present a colorable claim, the court did not abuse its discretion by decling to appoint him counsel." id. The Petitioner negates both determinations because he showed that there was a substantial risk to Petitioner's health and safety and that the state Official's knew or should have known about them, and that he gave a colorable claim for counsel.

91. Petitioner provided subjective evidence that the Governor, GLENN YOUNGKIN, and Attorney General JASON MIYARES, both were deliberately indifferent, discriminating, and Knew that the overcrowding policies posed a substantial risk to Petitioner's, and other inmates in VDOC, safety and serious injury due to COVID-19 infections and COVID-19 Long Haul. Petitiouer incorporates Appendix C pg27 through 29 (note references to ¶ 3-6 and ¶ 50-54).

92 Superiority Officials around the United States, such as then Governor GLENN YOUNGKIN, Attorney General JASON MIYARES, Secretary of Public Safety and Homeland Security ROBERT MOSLER, and Directors HAROLD W. CLARK and CHADWICK DOTSON, all knew or should have known that overcrowding polociies in prisons during the COVID-19 pandemic and post-COVID-19 pandemic violates the 8th Amendment because it was a Global Health Emergency for COVID-19 which was not lifted until May 5, 2023, a year and a half after they took office. A Cataclysmic event. Advise on social distencing and threats of rampet spread of the virus in crowded areas was public knowledge. Petitioner filed his complaint in Jan 2023 and did reference federal goevernment mandates in his complaint that

officials knew about. (See Appendix C, pg 27 ~~¶~~154 referencing ~~¶~~ 3-6).

93. Therefore, the Fourth Circuit Court of Appeals and the district court's determination that superiorities lacked the "Knowingly Disregarded" standard of a "substantial risk" to inmates health and safety during a global pandemic is unreasonable and calls for this Court to settle such stance. GLENN YOUNGKIN failed to take action to prevent predictable, violations of rights. Valdes v. Crosby, 450 F.3d 1231, 1239-43 (11th Cir 2006). Prisoners are humans with a personal interest in their health and prison conditions and social policies that protect them.

94. Furthermore, COVID-19 Long Haul injuries were reported by news broadcast. (See ~~¶~~98 through 101). Many right, left and middle wing news outlets all reported on the short and long term effects of COVID-19. By 2022 it was public knowledge. Although infection rates were on a decline in the free world, prisons were and still experience high viral infections due to close quarters and overcrowded living conditions, which go untested or detected by state officials in Virginia prisons in violation of Va Code §32.1-12 and §32.1-35 and VAC55-90-80, which require reporting of simple "Suspected" COVID-19 infections. Long term effects have also been acknowledged in the free world while ignored in prisons.

95. Beginning their terms Governor GLENN YOUNGKIN and JASON MIYARES implemented and engaged in discriminatory practices against inmates with overcrowding prison policies. Contrary to the district courts determination that Petitioner failed to mention Defendant's acts by name, he actually did so by incorporating paragraphs which had the defendants name in them with their actions, found in the Statement of Facts. Berkley v. Common Council of City of Charleston, 63 F.3d 295 (4th Cir. 1995) (§1983 extended to legislative votes on local budget).

96. JASON MIYARES revealed the administrations discriminatory intent and prejudice to prisoners, and his support for GLENN YOUNGKIN's policies of overcrowded prison conditions; he reported as much to the media. (See ~~¶~~ 48). He revealed that prisoners who rehabilitated and earned their lawful rights to early release was a "horrific situation". That such hard work by inmates was "disturbing"

to him. His own words show he was intentionally supporting and implementing bias policies of overcrowding in ill will and utter disregard for inmates health. The bias blinded his acknowledgment of COVID-19 infections and COVID-19 Long Haul. Ashcroft v. Iqbal, ___ U.S. ___, 129 S. Ct. 1937(2009)(that officials knew, or reasonably should know, may require a showing that defendants who failed to act on something they knew or should have known would result in a violation of Constitutional Rights, did so having discriminatory intent or deliberately indifferent). He fired the parole board, did away with Virginia's integrity unit, and new Virginia Supreme Court rulings reveal, his opinions in regards to implementation of §53.1-202.3, for a second time, was unlawful. (See **IT**-50).

97.. JASON MIYARES firing of the parole board and termination of the Integrity Unit were both discriminatory acts towards inmates and programs focused on releasing them early or review of convictions. GLENN YOUNGKIN proposed, then signed, a budget bill amendment which mercilessly suspended the early release of thousands of inmates with mixed Earned Sentence Credit 1 and 2 charges. This was done a week before their purposed release dates. Although Petitioner elaborated much on the budget amendment in his complaint, he incorporated all the above policies by reference of paragraphs located in the Statement of Facts. Nance v. Ward, 597 U.S. 161 (2022)(§1983 is to override state law).

98.. Both Virginia Supreme Court rulings that CHADWICK DOTSON was unlawfully detaining individuals threw JASON MIYARES opinions and GLENN YOUNGKIN's policies, proves and shows that defendants acts not only were deliberate indifference to overcrowding prison conditions, but also expose their discriminatory intentions. Budget amendment 19 was not a policy implemented to save funds, but was intended for punishment, along with the other policies. Iqbal v. Hasty, 490 F.3d 143, 172(2d Cir.2007)

99.. Therefore, the Petitioner seeks in the social and private interest, that the United States Supreme Court reverse the Fourth Circuits determination and declare, in the public interest; and settle, that state officials, such as Governor's and Attorney Generals, know and have reason to know that overcrowding prison

olicies, which do not afford inmates the ability to protect themselves from air born viral pathogens, is a threat to their long term health. That such failures are deliberate indifference and utter disregard to a substantial risk to inmate safety. That the defendants policies of overcrowding was intentional and deliberate discrimination against inmates, due to a social interest in recidivism, or whatever relief the Court deem necessary.

B. The Fourth Circuit of Appeals has so Far Departed from the Accepted and Usual Course of Judicial Proceeding, or Sanctioned Such a Departure by a Lower Court, as to Call for an Exercise of this Court's Supervisory Power.

100. This case presents joinder challenges to the Fourth Circuit's practice of dismissing prisoners § 1983 complaints and defendants for misjoinder, in violation of Fed. R. Civ. P. 21: Whether § 1983 Complaint of the COVID-19 Infection and Long Haul Injuries, Related to prison Official's Cruel and Unusual Punishment and Retaliation Claims, Arise Out of the Same Series of Transactions or Occurrences of State Official Overcrowding Claims.

101. The Fourth Circuit has adopted a practice of dismissing prisoners complaints for not properly joining defendants. Knight v. United States, 2026 U.S. Dist. LEXIS 24675(2026)(Claims against other named Defendants besides first named Defendant dismissed). Loney v. United States, 2014 U.S. Dist. LEXIS 165681, 9(2014)(Amended complaint suffers from the same joinder as his particularized complaint and motion to amend denied).

102. However, many circuits agree that the remedy for misjoinder is severance, not dismissal. Deen-Mitchell v. Lappin, 514 Fed. Appx. 81, 86(3d Cir. 2013)(per curiam) (district court erred when it dismissed proposed amended complaint for non-compliance with Fed. Civ. P. 20; while court correctly concluded that plaintiff's attempt to incorporate separate and unrelated claims against multiple of defendants were inappropriate, court overlooked Fed. R. Civ. P. 21, which states that misjoinder of parties is not grounds for dismissing action).

103. In regards to Fed. R. Civ. P. 20(a)(1)(A), (2)(A), there is no bright-line defining of "transaction", "occurrence", or "series". Rumbaugh v. Winifrede, R.R. Co, 331 F.2d 530, 537 n.9 (4th Cir.)(citing Moore's, transaction is concept of flexible meaning); Hanley v. First Investors Corp, 151 F.R.D. 76, 79(E.D. Tex. 1993)(Flexible test).

104. That Fed. Civ. P. 21 states that, "Misjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party."

105. The Fourth Circuit ruled in the case at bar that the district court did not abuse its discretion by dismissing defendants and claims misjoined to the first name Defendant because the did not arise pursuant to Fed. R. Civ. P. 20(a)(2) and that Fed. R. Civ. P. 21 permitted it to do so.

106. In Gordon v. Burt, 2024 U.S. App. LEXIS 10000 (6th Cir. 2024), this Court affirmed the Sixth Circuit Court of Appeals ruling by denying certiorari. The case was properly joined against the Defendants, having Eighth Amendment violation claims they was "deliberately indifferent to the risk that the COVID-19 pandemic presented to him" and First Amendment violations of denying him access to the courts and being denied the of "participating in the legal writer program". id at 1 and 2. The complaint also brought a state tort of gross negligence against the warden and deputy warden.

107. This United States Supreme Court is now called on to exercise its Supervisory power because the Fourth Circuit Court of Appeals has sanctioned its district court's far departure from accepted and usual course to judicial proceeding by utilizing Fed. R. Civ. P. 20(a)(2) to unjustly and arbitrarily dispense with prisoners claims, instead of severing them pursuant to Fed. R. Civ. P. 21.

(i) Fed. R. Civ. P. 21 Required Severance Not Dismissal

108. Fed. R. Civ. P. 21 states that:

"Misjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party."

109. There was no just cause for the district court to dismiss parties and claims as misjoined. This was unjust, arbitrary and compricious.

110. The Petitioner was first assigned two case numbers and willing to pay both fees. (¶77 threw ¶82). The district court then ordered all two cases be combined into one because it said that it appears to be one complaint.

111. The district court then ambiguously ordered a 'Particularized Complaint'. That

Petitioner combine all filed documents and to comply with all joined rules. As a pro se litigant, Petitioner reasoned that since both cases was combined into one, he had no joinder problems, or that maybe he had to create a claim (CLAIM V) with Defendant's names in it with who he was seeking injunction relief from, GLENN YOUNGKIN other state officials, VDOC or Defendants.

112. Due to the ambiguous process the district court ordered the Petitioner to go throw, the dismissal was without just cause and an abuse of discretion.

113. The practice in the Fourth Circuit is arbitrary and compricious, one that violates prisoner's procedural due process and access to the courts. The Fourth Circuit's practice demands the public's interest of this Superior Court.

(ii) All Claims Arouse Out of COVID-19 Infection and COVID-19 Long Haul Series of Transactions or Occurrences and Any Question of Law or Fact Common To All Defendants Will Arise in The Action.

114. CLAIM V stated:

THE UNSAFE PRISON CONDITIONS OF GLENN YOUNGKIN, JASON MAYARES, ROBERT MOSTER, HARLOD W. CLARKE, AND CHADWICK DOILSON VIOLATES PLAINTIFF'S RIGHTS AND CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHT AMENMENT AND FOURTEENH AMENMENT OF THE UNITED STATES CONSTITUTION.

115. The argument begins with, "The Defendants place Plaintiff in serious and extrem conditions because he is suffering from COVID-19 Long Haul, and their official regulations are prejudiced by their individual support of the inhumane system of mass incarceration resulting in overcrowding in prisons, causing unsanitary conditions, depriving Plaintiff of the basic human right of six feet living space, in the post COVID-19 era."
(Appendix C, pg 27).

116. CLAIM V was clearly a claim : (1). About COVID-19 Long Haul; (2) About unsafe prison conditions that cause COVID-19 Infections resulting in COVID-19 Long Haul; (3). injunctive in nature in that it groups state officials in one name, "Defendants"; (4). About overcrowding which caused unsanitary post COVID-19 harm; (5). About six feet living space as now a basic human need; and (6). About cruel and unusual punishment.

117. Merriam-Webster's Dictionary of Law defines "transaction" as: "an act, process, or instance of

"transacting; an action or activity involving two parties or things that reciprocally affect or influence each other."

118. It defines "occurrence" as: "something that takes place; esp: an accident, event, or continuing condition that caused personal or property damage that is unintended or unexpected from the standpoint of an insured party making a claim."

119. Petitioner's CLAIM I was against TIKKI K HICKS, BRIAN DAWSON, and HARLOD W. CLARKE. Petitioner incorporates Appendix C, pg 17 through 20.

120. The Claim arose out of a series of transactions or occurrences and common questions of law and facts arise in CLAIM V.

121. (1). The claim is about COVID-19 infection which caused COVID-19 Long Haul; (2) That Petitioner's COVID-19 infection was caused because of unsafe and unlawful prison conditions during the pandemic; (3). Petitioner then relied on CLAIM V injunctive relief nature protection from future injuries; (4). About overcrowding and unsanitary conditions which caused injuries; (5) That the injuries were due to the lack of 6ft social distancing; and (6) That the Defendant's actions were cruel and unusual punishment.

122. Petitioner's CLAIM II was against TIKKI HICKS. Petitioner incorporates Appendix C, pg 20 through 21.

123. The claim arose out of a series of transactions or occurrences and common questions of law and facts arising in CLAIM V and CLAIM I.

124. (1) The claim is about COVID-19 infection; (2) Its about unsafe prison conditions; (3) The injunctive relief nature of CLAIM V depends on the injuries; (4) About unsanitary prison conditions by having infected COVID-19 inmates sleeping on a mattress on the floor; (5) About COVID-19 infected prisoner's now basic human needs and rights; and (6). That officials treatment was cruel and unusual punishment.

125. CLAIM III was against BRIAN DAWSON. Petitioner incorporates Appendix C, pg 22-23.

126. The claim arose out of a series of transactions or occurrences and common question of law and facts arising in CLAIM V, I, and II.

127. That (1). Claim subject matter is COVID-19 Long Haul; (2). About unsafe prison

conditions at work in prisons post COVID-19 infection; (3) CLAIM V injunctive nature rely on this treatment of COVID-19 Long Haul patient's injuries; (4) About post COVID-19 harm; (5) About basic human needs and rights post COVID-19 infection; and (6). About Defendant's treatment being cruel and unusual punishment.

128. Elements of physical, mental, and emotional injuries prisoner faced due to abuse and COVID-19 Long Haul effects is a series of occurrences CLAIM V needs to support injunctive relief. And this claim introduced retaliation caused by Petitioner seeking help for COVID-19 Long Haul.

129 . CLAIM IV was against TIKKI HICKS and LEONARD LEVIN. Petitioner incorporates Appendix C, pg 23 threw 26.

130. Likewise, the claim arouse out of a series of transactions or occurrences and common question of law and facts arising in CLAIMS V, I, II, and III.

131. It, (1). Is about COVID-19 Long Haul injuries and threats; (2). Unsafe prison conditions that caused a threat to COVID-19 Long Haul patient; (3) CLAIM V injunctive nature relies on the injuries suffered in the claim; (4) About unsanitary post COVID-19 Long Haul harm because of fungal infection; (5). about basic human need and rights to be protected from other infections as COVID-19 Long Hauler; and (6). its about cruel and unusual punishment.

132. CLAIM VI and VII are against CAPTAIN D.C. JACKSON, S.C. KING, S.W. ALLEN, MAJOR A. WHITE, and UNIT MANAGER DOBYNS. Petitioner incorporates Appendix C, pg 29-34.

The claims arouse out of a series of transactions or occurrences and common questions of law and facts arising from CLAIM V, I, II, III, and VI.

133. The claims are about, (1) Retaliation Petitioner suffered for filing complaints and § 1983 COVID-19 related lawsuit.

134. Therefore, all claims in Petitioner's complaint was related to COVID-19 and its long term effects. The district court abused its discretion because there was not to dismiss claims and defendants.

C. That the Fourth Circuit Court of Appeals has Decided an Important Federal Question in a Way that Conflicts with Relevant Decisions of this Court and Circuits.

135. This Court ruled in Helling v. McKinney, 509 U.S. 25, 33 (1993), "that prison officials cannot exhibit deliberate indifference to an inmate's exposure to dangerous communicable diseases." Gordon v. Burt, 2024 U.S. App. LEXIS 10000, at 5 (6th Cir. 2024) referring to Helling.

136. The Ninth Circuit also held in Hampton v. California, 83 F.4th 754, 770 (9th Cir. 2023) that "Helling sent a clear message to prison officials: The Eighth Amendment requires them to reasonably protect inmates from exposure to serious diseases." (Gordon quoting Hampton).

137. The Sixth Circuit ruled in Gordon v. Burt that it is "clearly established... legal principles that, because prisoners have limited or no ability to protect themselves, prison officials have a duty to protect them from involuntary exposure to dangerous prison conditions ." 2024 U.S. App. LEXIS 10000, at 5 (6th Cir. 2024). That "this duty encompasses not exhibiting deliberate indifference to safety risk to inmates presented by the COVID-19 pandemic." id at 6.

138. The Fourth Circuit, however, ruled in the Petitioner's case that he "failed to plausibly allege that any of the defendants named therein knowingly disregarded a substantial risk to his health or safety." Simpson v. Youngkin, 2025 U.S. App. LEXIS 32926 (4th Cir. 2025).

139. This Court is now called on to determine: Whether Prison Dorms of 40 to 70 Plus Inmates with No Social Distancing Constitute Overcrowding After Pandemic Due to the Risk of COVID-19 Long Haul because Six Feet Social Distancing Is Now a Basic Human Need for Sanitation.

140. The Fourth Circuit is in conflict with this Court and other Circuits as to the serious medical threat on COVID-19, and the state officials liability.

141. Inflammation caused by COVID-19 infections have both short-term and long-term effects. "Cytokine Storm" - overactive immune response - can lead to severe complications like lung damage, which Petitioner suffers, organ failure, and even death. Essentially, the body's information system - its immune signaling - can end up driving the severity of the disease.

142. Short-term inflammation during a COVID-19 infection causes injuries to the molecule on the walls of the cells lining the lungs and the blood vessels" and "the damage sustained by these cells may have long-term consequences including blood pressure, stroke, and heart attacks." (<http://www.goodrx.com/COVID-19>).

143. COVID-19 Long Haul -Cytokie Storm - causes what Marielle Hoefnagels, professor

in the Department of Biology at the University of Oklahoma, calls Chronic inflammation. She describes Chronic inflammation as:

"a prolonged response that may last for months or years. The persistent presence of pathogens or toxins can cause any tissue in the body to become chronically inflamed; genetic mutations may also play a role. Medical problems associated with chronic inflammation include rheumatoid arthritis, atherosclerosis, gum disease (gingivitis), diabetes, Alzheimer disease, depression, cancer, Crohn disease, and many other serious illnesses."

- Biology: Concepts and Investigation, Fifth Edition (2021, pg 685).

(i) COVID-19 Infection & COVID-19 Long Haul

144. Due to his COVID-19 infection Petitioner suffers from several serious health issues. (¶ 21 and ¶ 24) (APPENDIX D).

145. He has eczema. It's a chronic inflammation symptom. Its inflammation of the skin. Outbreaks are heightened by stress. There are seven different types of eczema.

146. According to the Center for Disease Control and Prevention, COVID-19 associated fungal infections can lead to severe illness and death."([cdc.gov/fungal/C](https://www.cdc.gov/fungal/C)) ("Fungal Diseases and COVID-19"). Having a COVID-19 and fungal infection at the same time can be deadly.

147. Dr. LEONARD LEVIN and Dr. Roberts both stated that Plaintiff's COVID-19 infection caused his rare eczema/fungal 2022 breakout, reaction of COVID-19 Long Haul. Two dermatologist also diagnosed him with atopic dermatitis.

148. Lab test revealed that the prison has fungus in the prison dorms. (¶ 51-58).

149. LOCHINVAR, which is based on a pilot study, state that "COVID-19 blood pressure endothelium interaction study," reveals that "patients with normal blood pressure at the time of hospital admission with COVID-19 showed a nine-point higher blood pressure [greater than or equal to] 12 weeks after recovery compared to a group without COVID-19." (<https://www.goodrx.com/> [Covid-19]).

150. Hypertension is the state of having high blood pressure, which is above the normal range of no more than 120/80. There are two types of hypertension. Essential Hypertension is when the cause of the increased pressure is unknown or idiopathic. The other is Secondary Hypertension where there is an associated lesion responsible for the elevated blood pressure. Your blood pressure elevating can cause, among a number of issues, cardiovascular conditions.

151 Since suffering from his COVID-19 infection, Petitioner was diagnosed with Chronic hypertension.

(ii) Injunctive Relief

152. The district court and the Fourth Circuit Court of Appeals have both passed on the injunctive relief Petitioner seeks to protect him while suffering from COVID-19 Long Haul. Petitioner incorporates Appendix C, pg. 34 through 36.

153. Virginia prison conditions are pursuant to ¶ 3, leaving them an easy prey and susceptible to communicable diseases. A ruling from this court is warranted in the public, social, and private interest. Individuals sleep overtop one another and within 3 feet of several different people. Two individuals share 3 ft living space 24 hours a day, seven days a week. These conditions make it impossible to protect from COVID-19 infections which leads to COVID-19 Long Haul, or other dangerous communicable diseases which thrive in such environments.

154. Current Virginia law requires that any suspected COVID-19 infections be reported pursuant to Va. Code §§ 32.1-12, 32.1-35, and 12 VAC 5-90-80.

155. Recently in 2026, Haynesville Correctional Center had a serious viral infectious outbreak that rapidly infected 90% of Dorm 5b where the Petitioner lives. Multiple individuals passed out after waking up for morning count: several having bowel and feces movements. No test are being given. No answers as to what the virus/disease is are being made.

156. Therefore, the Petitioner ask this Court to issue injunctions declaring that dorms in prisons without social distancing be in violation of the Eighth Amendment because post COVID-19 pandemic, social distancing in prisons is a basic human need due to sanitation, and a basic human right. All in the best for social, private, and private interest, protecting them from COVID-19 Long Haul.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Thomas B. Sijem

Date: 6/9/2026