NO. 26-6180

FILED
APR 06 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Torrence Belcher
Plaintiff

v.

Officer Kevin Cross and the Indiana State Prison,
Defendants

Originating Case Information: District Court No: 3:25-cv-00456-JTM-JEM.
Northern District of Indiana, South Bend Division.
District Court Judge James T. Moody

On PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals for the Seventh Circuit

Torrence L. Belcher, Plaintiff, *pro se*
1 Park Row
Michigan City, IN 46360

QUESTION(S)

According to 28 U.S.C. § 1254 (2)

CRUEL and UNUSUAL PUNISHMENT

1. Why isn't Discrimination by a correctional officer not an unreasonable risk of serious harm??
2. Why doesn't discrimination sum up the imminent danger standard??
3. Why doesn't retaliation by a correctional officer sum up the imminent danger standard??
4. How is this any different from a staff member with knowledge that I could be harmed if moved to a certain dorm or cell house and they did so anyhow?? **Example:** *It was four of us with a problem who could be harmed if left in that situation and I'm the only one who don't get moved??* How isn't that imminent danger?? Even if nothing did occur. It still is an unreasonable unnecessary risk of serious harm
5. What else could I, the plaintiff Belcher, be subjected too at the hands of these corrupt officials when unchecked discriminating against an American citizen takes place and nothing is done to ratify the wrong or injury inflicted to one under their authority??
6. So a government official can discriminate about small things and get away with it??
7. Is all forms of discrimination a wrong or injury summed up as a constitutional violation??
8. If I cannot afford to purchase a 30.00$ sweatshirt then how m 'I gone pay a 605.00$ filing fee???
9. Not having adequate clothes in the winter time deprives a prisoner of what human Need???
10. Should a person be entitled to relief if no existing precedent squarely governed the situation??
11. What is the standard for civilized measures of life's necessities??
12. What does it mean to have a right to protection from extreme cold??
13. Why would a government official be entitled to qualified immunity when no existing precedent squarely governed the specific situation?

LIST OF PARTIES

Officer Kevin Cross

Indiana State Prison

Ron Neal

Represented by: Attorney General

Indiana Government Center South, 5th Floor

302 West Washington Street

Indianapolis, In 46204-2770

RELATED CASE

Originating Case Information: District Court No: 3:25-cv-00456-JTM-JEM. Northern District of Indiana, South Bend Division. District Court Judge JAMES T. MOODY
Date of entry of judgment: July 22, 2025

U.S. Court of Appeals for the Seventh Circuit (No. 25-2252)
Date of entry of judgment: 1-15-2026

No. _____

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 in the Appendix, _____ to the petition and is

[√] reported at LEXIX NEXUS ; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears in the Appendix, _____ to the petition and is

[√] reported at LEXIS NEXUS ; 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 1-15-2026 .

[√] 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_____.

The jurisdiction of this Court is invoked under 28 U.S.C § 1254(1).

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JURISDICTION STATEMENT

On 2/13/2025 the plaintiff's altered sweatshirt was confiscated unconstitutionally depriving Mr. Belcher of rights provider by the 8th and 14th Amendments. An Emergency grievance was put in about this incident on 02/13/2025. (Exhibit #5 of document 7, 7-1, and 7-2) because of the unreasonable, undignified risk of serious physical harm and un-necessary suffering I would have to endure and was placed in during the harsh winter and wasn't responder too Intel **6/10/2025**! (Exhibit #5 of document 7, 7-1, and 7-2) A notice of Tort Claim against the government was sought on 03/21/2025 and denied on June 23, 2025. *Citing "Chronis v. United States, 932 F.3d 544"* unlike this case cite, the required demand on the applicable agency was made prior to filing suit. However a plaintiff may invoke a *§1983* regardless of any state tort remedy that might be available to compensate him for the deprivation of these rights.

A lawsuit based on *"42 U.S.C § 1983"* was initiated on 5/22/2025 because of the deliberate indifference by the defendant(s). PRISON OFFICIAL VIOLATE THE EIGHTH AMENDMENT WHEN THEY ACT WITH DELIBERATE INDIFFERENCE TO A PRISON CONDITIONS THAT EXPOSE A PRISONER TO AN **UNREASONABLE RISK OF SERIOUS HARM.** Citing *"Helling v. Mckinnney, 509 U.S. 25, 33 (1993)"*
The placing of the plaintiff Belcher in a non-ideal situation (THEN) where harmed could take place because of the inadequate winter clothes, **I made them aware,** I couldn't afford to purchase! Leaving me subject to unnecessary period of suffering and unpleasantness. Citing *"Dixon v. Godinez, 114 F.3d 640"* And (NOW) The pending winter that could be worst then the prior winter! That I was trying to make provisions for but is still without because I am indigent. No alternative was made or every given to make amends for the lack thereof made by the defendant(s)! On 5/29/2025 the plaintiff was denied leave to proceed *in forma pauperis*. An objection and declaration went in on 6/4/2025, with good faith (Document #5) and the reasons above **sum(s) up the imminent danger standard!** But this case was denied in error on 7/22/2025.

A notice of Appeal was filed on 7/24/2025 with a pro se, *novice* docketing statement and a memorandum of law. The plaintiffs motion to proceed *In Forma Pauperis.* The Affidavit accompanying motion and an official copy of my prisoner trust fund account with Memorandum in support of PLRA motion went forth on 8/07/2025. A motion for appointment of counsel was filed Aug 15, 2025 and denied on 8/18/2025. Then a second motion for appointment of counsel, In Forma Pauperis, the Affidavit and official copy of my prison trust account with Memorandum in support was sent 9/17/25 and also on September 23, 2025 and denied September 24, 2025. Accordingly Motions (Documents #16, #17) were

denied on 8/29/2025 and 11/19/2025. On the basis that I, the plaintiff Belcher, had struck out on more than three occasions pertaining to bringing actions that has been dismissed on grounds of frivolousness or failing to state a claim upon which relief may be granted. Alleging that the plaintiff didn't demonstrate imminent danger of a serious physical injury pursuant to § 1915(g).). PRISON OFFICIAL VIOLATE THE EIGHTH AMENDMENT WHEN THEY ACT WITH DELIBERATE INDIFFERENCE TO A PRISON CONDITIONS THAT EXPOSE A PRISONER TO AN **UNREASONABLE** RISK OF SERIOUS HARM. Citing *"Helling v. Mckinnney, 509 U.S. 25, 33(1993)"*

On 12/1/2025 seven motions were put in, PRO SE, attempting to "STAY" the case, AMEND, CLARIFY and APPEAL the order to dismiss my *IN FORMA PAUPERIS* motion on the basis stated above. On 12/03/2025 it was ordered that any relief requested is denied without court action, pursuant to this court's fee notice and order dated July 24, 2025. But a frivolous extension was granted only to the extent that the appellant pay the $605 appellate filling fees in the district Court by December 17, 2025. With a warning that if I, the appellate failed to do so the result could be the dismissal of my appeal! <u>All this was done with the knowledge that the plaintiff is embarrassing indigent!</u> If I can't afford to purchase a 30$ sweatshirt then how mi. gone pay a 605$ filing fee**???**
On January 15, 2026 My Appeal was incorrectly dismissed! For failure to pay the required docketing fee.

(STATEMENT OF THE ISSUES)

1. My only sweatshirt was confiscated during **-12 degree weather** depriving the plaintiff of his human need to warmth! While the stomach flu was going around. Citing *"Monell v. Dept of Soc. Servs, 436, US. 658."* *Only when execution of a government policy inflicted the injury could a government entity be responsible under 42 USCS § 1983.* We inmates have to enter outdoors to travel to etc., Church, school, medical, recreation, and chow!
2. Several other inmates had their altered sweatshirts confiscated and **RETURNED**! Obviously because the winter weather calls for such clothing. Citing *"Helling v. Mckinney, 509 U.S. 25, 33 (1993)"* **Prison official act with deliberate indifference when they ignore an obvious and serious danger.** Leaving the plaintiff with inadequate clothes to endure the winter properly and subjection, the plaintiff Belcher, to the harsh winter conditions. **And unnecessary suffering** because of the lack of warmth!!
3. Without offering an alternative to suffice the lack thereof made by the defendant(s) This made my confinement inhumane and the reasonable measure were not took to guarantee my human need, health and safety! Depriving Mr. Belcher of rights provider by the 8th and 14th Amendments. Citing *"Parratt v. Taylor"* The State was in a position to provide for the pre-deprivation and also was of the ability to foresee this unnecessary, unreasonable significant hardship.
4. The defendants were made aware that this was my only sweatshirt and that I, the plaintiff didn't have the funds to purchase a new one. With significant debt accumulated!
5. The defendant shows how he has a lack of empathy for the plaintiff's health and wellbeing. And this indifference was with malice intent as retaliation for filing lawsuit on several of their colleagues. Leaving the plaintiff to endure the winters without adequate clothes and lack of warmth!!

(FACTS REVELANT TO ISSUES)

1. Having a alter sweatshirt was against the Indiana State Prisons policy.

2. It is the custom to allow the prison population to wear such clothing during the winter time.
3. We inmates have to enter outdoors to travel to etc., Church, school, medical, recreation, and chow! Just to clarify!
4. Sweatshirt(s) with hoods attached to them were confiscated and the hoods were removed.
5. The prison population who had their sweatshirts took, had their sweatshirts given back! Despite the breaking of policy.
6. **The plaintiff's sweatshirt was never ever returned!**

7. The plaintiff was **discriminated** against and was put in an unreasonable risk of harm. Not only in an unreasonable uncomfortable circumstance!!

8. The plaintiff is and was subjected to prolonged periods of unnecessary suffering. The enduring the harsh conditions without a lack of warmth.

9. The defendant made insensitive jokes that could have made the plaintiff resort to more primitive courses of actions!!!

10. The Plaintiff is indigent and cannot afford to purchase a sweatshirt at this time right now or in the near future.

11. No alternative was sought or given to make amends for this deprivation. Citing *"Helling v. Mckinney, 509 U.S. 25"*

STATEMENT OF THE CASE

On 02/13/2025, the first defendant Officer Cross called me into the check point about my altered sweatshirt with a hood attached to it while I was traveling outdoors to and from chow. The first defendant Office Cross, was made aware that I could not capriciously, just up and buy a new sweatshirt, **because of my indigent status**. The defendant mocked and poked fun at this unfortunate situation. Office Kevin Cross was aware that I was in debt. And despite that fact, the 1st defendant, Officer Cross choose to confiscate my **only** sweatshirt along with over a dozen other inmates who had altered sweatshirts as well. The difference is, theirs's were return and mine was not. They all were altered?? Why Leave me to suffer and endure an unnecessary risk of harm during the winter with inadequate clothes and lack of warmth which is my basis human need. *This was atrocious and unreasonable and show deliberate indifference towards the plaintiff.* This was done during (-12) degree winter conditions with the stomach flu going around. Gross Negligence for my well being and of my property**!!** We the inmates have to enter outdoors to travel to etc., Church, school, medical, recreation, and chow!

No remedy or alternative to correct this lack of empathy was sought. No good faith effort from the administration despite the grievances procedure being used as a complaints! **This is cruel and unusually punishment!** And deprived the plaintiff of a human basis need for warmth.

(SUMMARY OF THE ARGUMENT)

The singling out of Plaintiff Belcher made this imminent danger. Why do I have to suffer with less clothes then I did last year then I do now? Regardless how insignificant this might come off to someone not subject to the same conditions. It's unnecessary, unreasonable and is **retaliation** and shows a glimpse into how I, the plaintiff Belcher, is being treated while in prison by these staff members. How my health and safety has been made out to be a mere joke!

THE ARGUMENT

The enforcing of this policy where altered winter clothes was confiscated during the winter was wrongful and inflicted this injury against the plaintiff, making Officer Kevin Cross and the Indiana State Prison responsible under *"42 USCS § 1983"*. A conscious disregard for the plaintiff Belcher's well-being! The depriving of much needed winter clothes during the winter for reasons un-related to safety was arbitrary, RETAILATION and a form of punishment!! Citing *"Zinerman v. Burch, 494 U.S. 113"* **The Procedural Due Process- Scope of Protection.** *States that the due process claims contain a substantive component that bars arbitrary, wrongful government actions regardless of the fairness of the procedure used to implement them.*

No alternative was given or resolution to ratify these unconstitutional deprivation after the plaintiff tried to resolve this issue through administrative channels! Both Grievances and tort claims were sought to remedy this wrongful act! Subjection the plaintiff Belcher to significant hardship! Citing *"Gillis v. Litscher, 468 F. 3d 488"* **This is not a *De minimis* issue and is not an ordinary situation pertaining to life in prison.**

The plaintiff is indigent and owes filling fees in multiply Court proceeding. The Indiana State Prison is ordered by the District Court and the Appeals Court for the Seventh Circuit to remit any monies received on my trust account. So a mere 30$, the cost of the two sweatshirts, would be seriously deficient and wouldn't suffice or amend this wrong and deprivation. A substantial amount has to be added to my account so I could actually purchase the adequate clothes. The defendant(s) had knowledge of my debt and was made aware of my indigent status. These defendants were aware how bad the winters are and can get and neglected their obligation to my basic human need for warmth. Leaving the plaintiff Belcher, deprived of adequate winter clothes in the extreme cold. Citing *"Haywood v. Hathaway, 842 F.3d 1062"* So for these facts and reasons I' am demanding that these defendants pay $6,000.00 dollars to compensate the plaintiff for this wrong and deprivation! And another $6,000.00 for the prolonged unnecessary suffering and significant hardship I had to endure. Along with nominal damages declaring that a wrong was done in the form of $30.00 dollars, the price of the altered sweatshirt, which was double layer with hood and pockets attached to combat the winter conditions. And punitive damages to ensure this type of wrong and deprivation never occurs again in the amount of $1,200.00 dollars, the price of these filing fees accumulated pursuing this civil suit!

Granting this petition will right the wrongs done to the plaintiff knowingly and unknowingly. And restore mine and the public's trust that has been betrayed. And give some relief to the trauma of being oppressed and the disregarded basis human needs for more than a year and 3months! If this petitions isn't granted it sets a horrible prison standard and opens the door for MORE discrimination and retaliation. And shows that the whole judicial system is a vicious cycle that assaults those incarcerated with HYPROCRITICAL malice intent, mentally and physically. This shows how out of touch those are who have been assigned the responsibility of the well-being of those subjected to imprisonment. This is an attempt to incite me to violence!! Do not let these corrupt official get away with this!!

CONCLUSION

Every second is another moment where the plaintiff is being deprived of his basic human need for warmth! Because he is **still** without adequate winter clothes to help ensure his need for warmth! Should I **steal** or **kill** for another trifling sweatshirt! I' am indigent and a grown ASS man who shouldn't have to ask another man for things like such. This is degrading and embarrassing! What would you do if your only real source of warmth was STOLEN during the harsh winter while you didn't have the funds to purchase a new? Then to throw salt in the wound people more well off then me had theirs returned! And these thieves are laughing like it's just a joke! While I shiver and hold tightly to myself for lack of warmth.

For these reason the WRIT should be granted.

Respectfully Submitted,

_____ Date: _____

Torrence L. Belcher, Plaintiff, *pro se*
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