



United States District Court  
Eastern District Of Wisconsin  
Green Bay Division

Ruben Ortiz Jr

17076-089,

Petitioner,

VS.

Case no. 19-CR-151

Hon. C. Griesbach

United States of America

Respondent.

Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct  
Sentence By A Person In Federal Custody  
Under The First Act Requirements Of 2018.

Comes now the said petitioner; Ruben Ortiz Jr reg. no. 17076-089, respectfully moves this Honorable United States District Court, Eastern District Of Wisconsin, Green Bay Division under the correct ruling of, the Honorable William Griesbach (Address: 125 S. Jefferson #102) to now continue moving under the coding Constitutionality. The petitioner has been sentenced in this court's jurisdiction, on July-7-2022, to a gracious and fair sentence of 105 months or 8 years an 9 months, For conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances,

21 U.S.C. §§ 846 and 841 (b) (1) (A), pursuant to the Sentencing Reform Act of 1984. The guilty plea of the noted petitioner; was then fairly accepted by the Hon. William C. Griesbach, and William J. Roach on or around July 7-2022, as to title 21 U.S.C. §§ 846 and 841 (b) (1) (A), as noted in petitioner's judgment of criminal case no. 19-CR-151. At this time the petitioner acting pro se; humbly place myself at the complete mercy, of or the fairness of both the Hon. William C. Griesbach, and assistant United States Attorney William J. Roach, for a second time, by means of considering these compelling or extraordinary circumstantial conditions, the petitioner in this style case as noted therein, now faces within the custody, of the Federal Bureau of Prisons, specifically U.S.P. Hazelton. This motion under 28 U.S.C § 2255 to vacate, set aside, or correct sentence by a person in Federal Custody, only stems from mismanagement within the F.B.O.P., as noted therein this petition. It saddens the petitioner in this style case to witness; such lack of detail, considering the honorableness of this style case's original jurisdiction, stemming from this United States District Court, Eastern District of Wisconsin, under the ruling of the Hon. William C. Griesbach, whom the said petitioner, Ruben Ortiz Jr., considers to be a man of great integrity and fairness in his judgments. The petitioner must warn this honorable ness; of the disturbing factual allegations, now noted therein regarding the safety of the petitioner. Such factual allegations are explained as stated therein below this point.

On or around June/20/2019; the said petitioner, Ruben Ortiz Jr

Choose to cooperate with the, U.S. Government, against each of the following members, of this style case. (Magistrate Judge Nancy Joseph is the referral judge.) (cav)

The petitioner in this case gave factual Government Testimony, of June/20/2019, stemming from his involvement, of title 21 U.S.C. §§ 846 and 841 (b)(1)(A), Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances. Such cooperation has given the, said petitioner Ruben Ortiz Jr, the street labelling as a rat or snitch.

The petitioner also cooperated with the United States Government; on or around the time of March-September 2021, in giving factual testimony, of Attorney Heather Lynn Richmond.

The United States Government was upon petitioner's sentencing; then in total or complete agreement with, the method of properly informing the Federal Bureau of Prisons, of the petitioner's compelling or extraordinary conditions stemming from the petitioner's safety at or in the F.B.O.P. In terms of correctly placing the petitioner in a Government Facility; in which provides safety for inmates in these compelling or extraordinary conditions, due to their cooperation.

The United States Government is now continuously failing to correctly uphold the fairness, of the petitioner's written or verbal agreement with both the Hon. William C. Griesbach and U.S. attorney

William J. Roach, upon the petitioner's sentencing of July 7/2022, in terms of guaranteeing all safety precaution while in custody. Allowing the petitioner to be attacked by (Latin Kings) gangmembers while in custody at Racine Correctional Facility, and now placing the petitioner in the most dangerous prison in the United States, (U.S.P. Hazelton) is not up-holding or guaranteeing all safety precaution to ensure safety.

U.S.P Hazelton's staff has now failed to correctly screen the petitioner in this style case, for the petitioner's gang involvement. The petitioner was considered to be a High Ranking Latin King; known within this dangerous street gang as "The Chapter Inca" since 2015-2019.

The petitioner disconnected himself from this dangerous street gang with sincere efforts to make a better life in 2019. This fact and petition cooperation with the Government; has placed the petitioner in great danger while in custody, due to the "Latin Kings" placing a bounty on the petitioner's well being. This bounty ordered by "The Latin Kings" has caused the attack in state prison in 2021 at Racine Correctional Facility as noted therein, and now this order has made it to the F.B.O.P also, stemming from sealed documents of both the petition and the petitioner's mother being exposed to the community and to several state and federal institutions.

Considering the compelling or extraordinary circumstantial conditions; as highlighted therein, petitioner's motion under 28 U.S.C.

§ 2255 to vacate, set aside, or correct sentence by a person in Federal custody, under The First Step Act of 2018. Such conditions are considered under the eighth amendment as cruel and unusual punishment. The Eighth Amendment, which forbids, "cruel and unusual punishment" governs the treatment of convicted prisoners. To win an Eighth Amendment case, you must establish both an "objective component" the seriousness of the challenged conditions and a "subjective component", the state of mind of the officials who are responsible for them. See *Helling v. McKinney*, 509 U.S. 25, 33, 113 S. Ct. 2475 (1993) ("a remedy for unsafe conditions need not await a tragic event"). *Engelke*, 943 F. 2d 921, 924 (8<sup>th</sup> cir. 1981) ("the scope of eighth amendment protection is broader than the mere infliction of physical pain", evidence of "fear, mental anguish and misery" can establish the requisite injury for an Eighth Amendment claim); *Ruiz v. Johnson*, 37 F. supp. 2d 855, 929 (S. D Tex. 1999) ("The combination of inmates who are routinely subjected to violence, extortion, and rape, of officers who are aware of inmate-on-inmate victimization but fails accurately to report, among other data, instance of requests for safekeeping and sexual assaults, and as well, the obviousness of the risk to prison official's, when all are considered conditions cruel and unusual by denying inmates safety from their fellow inmates").

See *Potts*, 654 F. 2d 1007, 1013 (5<sup>th</sup> cir. 1981) *Reece v. Groose*, 60 F. 3d 487, 491-92 (8<sup>th</sup> cir. 1995), *Watts v. Laurent* 774 F. 2d 168,

171-73 (7<sup>th</sup> Cir. 1985; Miller v. Shelby County 93 F. supp. 2d 892, 899-900 (W.D. Tenn 2000).

### Conclusion

Petitioner seeks corrections in the form of applying the First Step A to the petitioner's case, due to reasons noted therein.

11-26-2022

Ruben Ortiz Jr  
*Ruben Ortiz Jr*

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