

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STEVEN A. WALCOTT JR. — PETITIONER
(Your Name)

PAT NAUGHTON, vs. RICHARD NEAL,
KIMBERLY BONDREUX, — RESPONDENT(S)
INDIMENT PAID.

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FIFTH CIRCUIT.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEVEN A. WALCOTT JR.
(Your Name)

P.O. BOX 888, ABBA, A-WING.
(Address)

JACKSON, LA. 70748
(City, State, Zip Code)

225-634-4325
(Phone Number)

QUESTION(S) PRESENTED

1. Did the petitioner have a serious medical condition?
2. Did the petitioner's alleged serious medical condition from contracting a deadly disease in jail that caused continuous excruciating pain and injury satisfy section of (PLRA) requiring showing of physical injury for stating a claim and recovering damages?
3. Did the inadequate medical care to the serious symptoms of the deadly disease cause serious harm and injury to the petitioner's body.
4. Did the petitioner have a serious medical condition?
5. Was the defendant's deliberate indifferent to a serious medical need?
6. Was the complaint frivolous?
7. Did the Petitioner allege substantial harm and sufficient facts to overcome the pleading hurdle to state a claim?

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:

TABLE OF AUTHORITIES CITED.

CASES

PAGE NUMBER

<u>McBride vs. Deet;</u>	240 F.2d 1287
<u>Board vs. Farnham;</u>	374 F.2d 469
<u>Hartfield vs. Colburn;</u>	371 F.2d 454
<u>Estelle vs. Gamble;</u>	97 S.Ct. 285
<u>Bell vs. Widdish;</u>	97 S.Ct. 1810
<u>Wilson vs. Seiter;</u>	111 S.Ct. 2321

STATUTES AND RULES

OTHER

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	<i>Decision of United States Court of Appeals Fifth Circuit.</i>
APPENDIX B	<i>Decision of the United States District Court</i>
APPENDIX C	<i>Order and Reasons of the United States District Court</i>
APPENDIX D	<i>1983 Complaint Form and written objections to to a magistrate judge's report and recommendation.</i>
APPENDIX E	
APPENDIX F	

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 _____; 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/C 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 _____ 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 JUNE 21, 2018.

☒ 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 July 14, 2017.
A copy of that decision appears at Appendix B/C.

☐ 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

AMENDMENT # 8

AMENDMENT # 14

STATEMENT OF THE CASE

STEVEN ANTHONY WALCOTT JR. ("HEREINAFTER REFERRED TO AS PETITIONER") A PRETRIAL DETAINEE HOUSED AT THE TERREBONNE PARISH JAIL IN THOMAS, LOUISIANA FILED THIS PROSE AND IN FORMA PAUPERIS COMPLAINT PURSUANT TO 42 U.S.C. § 1983 AGAINST THE DEFENDANTS PAT ALAGUNA, RICHARD NEAL, KIMBERLY BONDREUX, DOMINIC BARD, AND DR. RICHARD HYDALE SR. FOR INADEQUATE MEDICAL CARE AND TREATMENT, DELIBERATE INDIFFERENCE, DENIAL OF PROPER AND TIMELY MEDICAL CARE AND TREATMENT, AND CRUEL AND UNUSUAL PUNISHMENT.

PETITIONER CONTRACTED A DEADLY DISEASE OF HERPES WHILE BEING HELD IN PRETRIAL DETENTION FROM ANOTHER INMATE WHO HAD A VERY SERIOUS BREAKOUT. IT TOOK THE MEDICAL STAFF A LITTLE OVER 2 MONTHS TO VERIFY THE SICKNESS. FROM THE KNOWN AND RECOGNIZING SYMPTOMS THE MEDICAL STAFF REFUSED TO ADEQUATELY TREAT THE ILLNESS BY NOT REFERRING PETITIONER FOR OUTSIDE CARE. THE NURSES AND MEDICAL STAFF WERE NOTIFIED OF EACH TIME WHEN THE KNOWN PAINFUL SYMPTOMS OF THE SICKNESS FIRST OCCURRED AND OF EACH TIME THAT THE SICKNESS PROGRESSED AND THAT PETITIONER NEEDED IMMEDIATE DOCTOR'S CARE BUT STILL REFUSED TO ADEQUATELY TREAT AND PROMPTLY TREAT THE SERIOUS ILLNESS. FOR SIX TO EIGHT WEEKS PETITIONER SUFFERED EXCRUCIATING PAIN CAUSED FROM FAILING TO GIVE PROPER CARE, ADEQUATE CARE AND PROMPT CARE AND TREATMENT TO HIS CONDITIONAL WHICH CAUSED

Painful bloody blisters and boils to his entire body. Petitioner was forced to live in and endure excruciating pain for weeks at a time as the sickness progressed from the estimated decision making by the nurses and doctor who saw and knew the systems of the disease ^{knowing} the progress of the disease and excruciating pain caused by the disease. The pain and suffering, the intentional painful jabbing of the needle in petitioner's arm, the intentional misdiagnoses, intentionally administering the wrong medication, the denial of pain medication, the inadequate treatment and prompt care and the deliberate indifference and denial to outside care was in retaliation for the victim and because the petitioner is a muslim. The defendants had a practice of intentionally delaying the medical care and treatment of pretrial detainees, and the defendants retaliated against the petitioner.

REASONS FOR GRANTING THE PETITION

Disagreement between pretrial detainee and his medical staff and physician concerning whether certain medical care and treatment was ~~was~~ appropriate is actionable under Federal civil rights statute only if there were exceptional circumstances. And stated in the objections and brief are exceptional circumstances.

Medical records of sick calls, examinations, diagnoses, and medications rebut medical staff and physician allegations of adequate and prompt treatment and care and of deliberate indifference to a serious medical need.

Evidence was sufficient to establish that medical staff and physician were deliberately indifferent to the Petitioner's serious medical need of a deadly disease when petitioner was forced to live in and endure excruciating pain from the delay in medical care and treatment, allegedly exacerbating a body injury which, in this instance it is apparent that delay did exacerbate the serious medical problem, that caused substantial harm that constitutes an Eighth Amendment violation.

The petitioner showed he suffered from an objectively serious medical need and that the defendants knew of the need yet deliberately disregarded it even when petitioner ~~he~~ complained of excruciating pain ~~and~~ and serious injury from failure to treat the disease

ESTABLISHING DETRIMENTAL EFFECTS OF ALLEGED DELAY IN TREATMENT, BECAUSE THE SERIOUS CONDITIONS DESCRIBED BY PETITIONER WOULD HAVE BEEN OBVIOUS TO ANY PERSON.

THE NURSE NOTES DEMONSTRATED THAT DR. HYDALE OF RICHARD NEAL AND THE OTHER DEFENDANTS WERE MADE AWARE OF THE PETITIONER'S PAIN AND INJURY WHEN THEY REVIEWED THE NOTES, BUT THEY WITHHELD ADEQUATE TREATMENT FOR NONMEDICAL REASONS. A MATERIAL FACT THEREFORE EXIST TO THE DEFENDANTS BEING DELIBERATELY INDIFFERENT TO PETITIONER'S SERIOUS MEDICAL NEED WHEN THEY FAILED TO ARRANGE FOR ADEQUATE AND OUTSIDE CARE AND TREATMENT UNTIL ABOUT SIX WEEKS AFTER [REDACTED] PETITIONER'S VERBAL NOTIFICATION AND HIS EXAMINATION REQUESTED IT, CAUSING HIM TO SUFFER FURTHER PAIN AND INFECTION. THIS SIX WEEK DELAY IN MEDICAL CARE COUPLED WITH KNOWLEDGE THAT PETITIONER IS SUFFERING, CAN AND DOES SUPPORT FINDING OF EIGHT AMENDMENT AND FOURTEENTH AMENDMENT VIOLATION. A NURSE'S EXAMINATION OF THE SYSTEMS REVEALED DEFORMITY ON THE FEET, LESIONS, OPEN WOUNDS, BLOODY BLISTERS AND BOILS COVERING THE BODY. A LAB REPORT REPORTED THAT A BLOOD TEST SHOWED AFTER 8 WEEKS THE PETITIONER CONTRACTED HERPES SIMPLEX 1 AND 2. BECAUSE THESE FACTS ARE SUPPORTED BY THE PETITIONER'S MEDICAL RECORDS THE DISTRICT COURT ERRED BY DISMISSING THIS CLAIM, AS WELL AS THE APPELLANT COURT, AS FRIVOLOUS AND FOR FAILURE TO STATE A CLAIM AND THAT THE PETITIONER'S MEDICAL-CARE CLAIM DOES NOT INVOLVE A [REDACTED] MEDICAL

problem that is serious nor does it involve deliberate indifference. So since the Petitioner has alleged substantial harm necessary to state a 1983 claim for violation of his Fourteenth and Eighth Amendment rights in failing to adequately and promptly treat his serious medical condition between each examination and treatments despite his complaints of pain and his injury and of continuing pain, the Petitioner, proceeding pro se, has alleged sufficient facts to overcome the pleading hurdle.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Steve A. Walcott Jr.

Date: SEPTEMBER 10, 2018