

SUPREME COURT OF THE UNITED STATES

STEVEN A. WALCOTT JR.

CASE: 18-6294

VS.

TERRIBONNE PARISH JAIL MEDICAL DEPARTMENT.

PETITION FOR REHEARING

NOW INTO COURT COMES STEVEN A. WALCOTT JR., PROSE PETITIONER, WHO RESPECTFULLY REQUEST THIS COURT TO GRANT THIS PETITION FOR REHEARING AND STATES THE FOLLOWING TO WIT.

(1).

PETITIONER SUBMITS THIS PETITION IN ACCORDANCE WITH SUPREME COURT RULE 44.

(2).

ON JANUARY 7, 2019 CASE 18-6294, PETITION FOR WRIT OF HABEAS CORPUS WAS DENIED.

(3).

PETITIONER PETITION'S THE COURT FOR REHEARING ON GROUND THAT, (1), THE DEFENDANT'S DID NOT COMPLY WITH FEDERAL RULE OF CIVIL PROCEDURE RULE 12(A)(i).

(4).

PETITIONER PETITION'S THE COURT FOR REHEARING ON GROUND (2). THE PETITIONER ALLEGED ACTS AND OMISSIONS SUFFICIENTLY HARMFUL TO EVIDENCE DELIBERATE INDIFFERENCE TO HIS SERIOUS MEDICAL INJURY STATING A CUPALIZABLE CLAIM UNDER CIVIL RIGHTS STATUTE BECAUSE OF INADEQUATE MEDICAL CARE.

(5).

Ground (3). The alleged insufficiency of the medical treatment requires reinstatement of the complaint because deliberate indifference by medical personnel to a detainee's serious illness or injury constitutes cruel and unusual punishment contravening the Eighth Amendment.

(6).

Ground (4). Regardless of how evidenced, deliberate indifference to a detainee's serious illness or injury states a cause of action under § 1983

(7).

Ground (5). The complaint should not have been dismissed ~~because~~ for failure to state a claim because beyond any doubt the petitioner can prove all set of facts in support of his claim which entitles him to relief.

(8)

Ground (6). The complaint is based solely on the intentional misdiagnosis and intentional inadequate treatment of Herpes simplex 1 and 2 which took the medical personnel over 2 months to identify which certainly, before 3 months when the symptoms first occurred then turned into an injury, an examination from the outside hospital of the serious injury, that the medical personnel knew the symptoms to the injury from treating another detainee and discharging the detainee whom the petitioner contracted the symptoms from, might have been in order and other tests.

conducted that would have led to appropriate diagnosis and treatment for the daily pain and suffering he was experiencing. (9).

Ground (7). The complaint represents a crude challenge to the system of administering medical care in the parish jail where the Petitioner was confined. Fairly constituted, the complaint alleges that he received a serious disabling whole body injury in June 2016, that the responsible medical staff were indifferent to his medical needs, and as a result of that indifference he has been mistreated and his condition has worsened.

(10).

Ground (8). The indifference is allegedly manifested, not merely by the failure or refusal to diagnose and treat his injury properly, but also by the conduct of the medical personnel. Petitioner was returned to his unit ~~and~~ from every nurse station visit intentionally inadequately treated, and delayed adequate treatment for a prolonged period as punishment for retaliation for the victim in his criminal case, for being a Muslim, and for being labeled a confidential informant.

(11).

Ground (9). On the basis of the Petitioner's handwritten complaint it is not impossible to assess the poor quality of the medical attention he received. It is surely not inconceivable that an fairly minded, fully manned medical staff in a crowded jail is following the expedient

COURSE OF ROUTINELY PRESCRIBING NOTHING MORE THAN PAIN KILLERS WHEN A THOROUGH DIAGNOSIS WOULD DISCLOSE AN OBVIOUS NEED FOR REMEDIAL TREATMENT TO THE KNOWN AND DISREGARDED SERIOUS INJURY AND ILLNESS.

(12).

GROUND (10). PETITIONER ALLEGED SUBSTANTIAL HARM NECESSARY TO STATE CLAIM FOR VIOLATION OF HIS EIGHT AMENDMENT RIGHTS IN FAILING TO PROMPTLY TREAT HIS INJURY FOR TWO MONTHS.

(13).

GROUND (11). DEFENDANTS HAD A PRACTICE OF INTENTIONALLY DELAYING THE MEDICAL TREATMENT OF DETAINEE AND THAT DEFENDANTS HAD RETALIATED AGAINST HIM.

(14).

GROUND (12). THE COMPLAINT DESCRIBES HOW THE MEDICAL PERSONNEL IS PROVIDING INADEQUATE MEDICAL CARE TO DETAINEE RATHER THAN ADEQUATE AND PROMPT CARE UNDER THE STANDARD OF CARE REQUIRED BY THE CONSTITUTION.

(15).

GROUND (13). THE COMPLAINT IS MORE PROPERLY VIEWED UNDER THE FOURTEENTH AMENDMENT BECAUSE PETITIONER WAS A PRETRIAL DETAINEE DURING THE RELEVANT EVENTS.

WRITTEN: JAN 14, 2019

MAILED: JAN 16, 2019

Respectfully Submitted,
STEVEN A. WALCOTT JR.
STEVEN A. WALCOTT JR.

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(16)

Ground (14). On two separate observations nurse Kim told Petitioner that he was given the wrong medication. This was because the nurses intentionally kept giving the wrong diagnosis of the worsening symptoms and their treatment wasn't effective causing the symptoms to turn into an injury.

(17)

Ground (15). The defendants did not file an answer within 21 days of service due to the insufficient service of process.

(18).

Ground (16). On November 9, 2018 the electronically filed response to the Supreme Court by the attorney's for the respondents is not in accordance with the claims inside the complaint and has nothing to do with case 18-10294.

(19).

Ground (17). The complaint and claims are in accordance with the prohibition of the Fourteenth and Eighth Amendments of United States Constitution and therefore the writ certiorari should be granted.

Wherefore, Petitioner prays that this Petition be granted

Respectfully Submitted,
Steve A. Walcott Jr.
PRO-SE COUNSEL

Written: January 14, 2019

Mailed: January 16, 2019

CERTIFICATION OF COUNSEL PROSE

I HEREBY CERTIFY THAT I, STEVEN ANTHONY WALCOTT JR., IS THE PROSE COUNSEL IN THIS CASE AND IN THIS PETITION FOR REHEARING AND THAT THE PETITION IS RESTRICTED TO THE GROUNDS SPECIFIED IN SUPREME COURT RULE 44.12. I FURTHER CERTIFY THAT THE PETITION IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY.

PROSE COUNSEL,
Steven A. Walcott Jr.

WRITTEN: JANUARY 14, 2019

MAILED: JANUARY 16, 2019

I SWEAR UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

IN THE SUPREME COURT OF THE UNITED STATES

STEVEN A. WALCOTT JR

CASE: 18-16294

VS

TERREBONNE PARISH JAIL MEDICAL DEPARTMENT

DECLARATION OF INMATE FILING.

I AM AN INMATE/DETAINEE CONFINED IN AN INSTITUTION. TODAY JANUARY 16, 2019, I AM DEPOSITING THE PETITION FOR RELIEF IN THIS CASE IN THE INSTITUTION'S/ THE MENTAL HEALTH SYSTEM'S INTERNAL MAIL SYSTEM. POSTAGE IS BEING PREPAID BY THE INSTITUTION ON MY BEHALF.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Steven A. Walcott Jr.
PRO-SE COUNSEL

WRITTEN: JANUARY 14, 2019

MAILED: JANUARY 16, 2019

IN THE SUPREME COURT OF THE UNITED STATES.

STEVEN ANTHONY WALCOTT JR.

V.S.

TERREBORNE PARISH JAIL MEDICAL DEPARTMENT

CASE: 18-6094

AFFIDAVIT

I SWEAR UNDER THE PENALTY OF PERJURY THAT
THE FOREGOING IS TRUE AND CORRECT TO THE BEST
OF MY KNOWLEDGE, BELIEF, AND INFORMATION.

Steven A. Walcott Jr.
PRO-SE COUNSEL

WRITTEN: JANUARY 14, 2019

MAILED: JANUARY 16, 2019