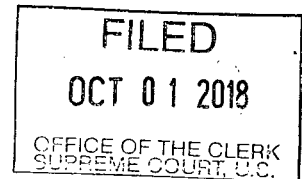


ORIGINAL

18-7073
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Todd James Luh — PETITIONER
(Your Name)

Fulton State Hospital, et al.^{vs.}
and Missouri Department of — RESPONDENT(S)
Mental Health, et al.

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Todd James Luh
(Your Name)

4011 Hawthorn Dr. Apt. 5
(Address)

Imperial, Mo. 63052
(City, State, Zip Code)

636-208-3109
(Phone Number)

QUESTIONS

- 1) Does it serve justice to dismiss my claims when it is clear that testimony will be presented at trial that the defendants have assaulted me themselves and allowed and paid numerous patients to assault me, given that there will also be testimony presented that the defendants also withheld medications, starved me as a punishment as well as a thousand other abuses I have presented, not to mention illegally medicating me with powerful antipsychotics (when I was neither mentally ill or a danger to myself or others), and all of these tortures were done to me as an act of retaliation for my complaints?
- 2) Is it fair in the cases presented, for the defendants to request my private confidential and sensitive medical records from the Veterans Hospital from after my release, which would only be relevant for the purposes of establishing damages after liability was assigned by a jury, and then the courts deny me the emails the defendants have generated about me (which I have requested) which are by Missouri law are public record and discoverable?
- 3) Given that I am chronically exhausted (primarily caused by the torture and abuse of the defendants) shouldn't the courts appoint an attorney to represent me given the disadvantage the defendants have caused for me (at the very least they have made a bad situation worse), additionally given the requirements of the Americans with Disabilities Act (the courts being a government service/benefit/agency), and in particular given the defendants involvement in what amounts to years of torture, shouldn't a dying disabled Honorably Discharged Veteran be provided an attorney and not denied justice and the right to present his claims to a jury?

In The Supreme Court Of The United States
Todd James Luh, Appellant, V.)
Fulton State Hospital and)Docket No.
Missouri Department of Mental Health, et al., Appellees.)

“Petition for a Writ of Certiorari”
“Request to Appeal All Orders of the District Court and the 8th Circuit Court of Appeals
Related to 13-4189 and 15-4112 in the District Court and
All Orders of the 8th Circuit Court of Appeals,
Specifically the Order of July 3rd 2018 in Docket Number 18-1161”
“Motion to Remove the District Court Judge,
To Appoint Counsel for the Disabled Plaintiff,
To Prohibit Defense from Using Any Medical Records from the VA Until Relevant,
For an Extension of Time Until I am Able to Continue or I am Appointed Counsel,
To Sanction the Defense for Harassing Plaintiff at Deposition,
And to Combine 13-4189 and 15-4112 as One Claim”

I, Todd James Luh, come before the Court to plead for Justice where I have been abused and tortured by the Missouri Department of Mental Health in retaliation for my complaints and denied any fairness in the courts as I seek a remedy for the violations to my constitutional rights and my pain and suffering caused by the defendants.

As a preliminary matter the Supreme Court has jurisdiction in this case related to the constitutional nature of the abuses I present in my complaints. I am entitled to proceed In Forma Pauperis given that I have been allowed to proceed as such in both cases in the District Court and also in the 8th Circuit Court of Appeals. I am poor by any standard and should be allowed to proceed In Forma Pauperis.

“Statement of the Case”

For over 10 years the Missouri Department of Mental Health (DMH) has abused me in practically every conceivable way, I have been assaulted by staff (see the photo of my bruised ribs that I suffered because I knocked sugar off of a counter top when I was refused ice I had worked months to get, the photo is one week after the assault by staff and hurt for more than a month), I was assaulted on other occasions also. I was starved from 175 lbs. (my weight on entry to DMH) down to 143 lbs. (when my food portions were reduced as a punishment. I was punished for things no other patient was punished for (thousands of times). Staff employed and allowed other patients to assault me on a regular basis (using the most dangerous and violent gang member to organize my beatings, over 100 while I was at Fulton State Hospital (FSH), I only fought back 2 times since defending yourself is used as a excuse by DMH to claim you are violent). I was given a dangerous combination of medications designed to weaken and kill me with the intent to silence my complaints. Any competent doctor would have known what the outcome of these drugs would be since the fact

sheet on the antipsychotics I was given warned against mixing my HIV medications with antipsychotics (specifically Abilify) (see the letter from my doctor at the VA). I was given powerful and dangerous antipsychotics when I was neither dangerous or insane, as is borne out by the testimony of Dr. Cafer (my treating psychiatrist at FSH) and other doctors who provided testimony at my release hearing. In fact the presiding judge ruled I had been drugged illegally. There were thousands of abuses, far too many to list in this document but there are many of my complaints that I have filed with the courts that would be available when the court records are sent to the Supreme Court (I request that the Court have all the records related to the cases involved in this appeal be forwarded for review by the Court).

The elephant in the room so to speak is my HIV status which has tainted everything that has happened since my arrest. The sheriffs department who took me into custody released this information to what passes as an internet blogger/reporter and also told this person that there was blood in the van I owned at the time (see the note I have recently discovered in my papers, my HIV status is mentioned twice by the sheriff, however there was no blood in my van and an FBI report that would verify this was never reported to the blogger and no retraction was written). This same sheriff was also responsible for the prosecution of a man for murder where a Federal Court ruled it was the worst miscarriage of justice they had ever seen (the sheriff and the prosecutor had to use an English Forensics Expert since no-one in the United States would swear to the facts that were presented by the sheriff and prosecutor). I tried to fire my public defender 4 times and was not allowed to, I was never allowed to speak in my own defense, only portions of the conversations online were submitted by the sheriff (if the entire transcript had been available it would have proved I was only screwing with what I knew were police). By the time I got into court for the NGRI determination I had been drugged up for months. I had no prior criminal record and I am an Honorably Discharge Veteran. The only reason I mention this at all is that there is in the back of peoples minds that I am an evil demon of some sort preying upon the helpless and if that were the case I have no right to complain about any abuse I have suffered. I did not commit a crime (except

for half a gram or so of pot on me) but what I did was really dumb no matter how you look at it, however with my background in Military Intelligence and also in computers I have hacked numerous computer systems (never maliciously) as far back as 1988 (for which I can provide at least one witness) and it is in my nature to attempt to understand what is the nature of the animal I see before me. Furthermore the relevance of my HIV status to the proceedings relates to the release of this private health information by staff at DMH and FSH in order to demonize me and give motivation to patients to assault me (please see the note by Dr. Jeff Nolting).

There are other issues at the heart of the matter in my appeal. I am severely disabled, as well as being HIV positive, years of antipsychotic drugs have left me too weak to properly proceed with this case and I will need the assistance of a court appointed attorney. Since the damage to me (diabetes, liver damage and pancreatic damage to name a few) was a direct result of the unconstitutional illegal acts of the defendants it is only proper and just that I be assigned someone to assist me with these matters. It would also be in line with the Americans with Disabilities Act to provide accommodations for my disability as it relates to my access to the courts. I hereby request the assistance of a court appointed attorney.

Another issue that came up during the District Court proceedings was my request for any Emails about me produced by the defendants and other named administrators in DMH or at FSH. The defense claimed this would be a burden, this is just so much BS, it would take 5 minutes to copy them to a flash drive. Given that I have a written statement from a former employee (Kay Butler) who provides information that the staff at FSH retaliated for my complaint these Emails would be particularly useful to see exactly how far and wide the conspiracy to retaliate reached across the organization. While the defense wants my private medical records from after the time of my release they are not relevant until this case reaches a stage where damages are being established, however I am certain that request for these records is only an attempt by the defense to exploit any information to embarrass and harass me without any legitimate need for these records. During a deposition taken by the defense where I was questioned for more than an hour and a half the defense only

asked one question over and over (not happy with my answer), this was abusive and an act of harassment which I am not required by the Federal Rules of Civil Procedure to put up with, so I walked out. This was used as an excuse to dismiss the case. The defense did not want answers they just sought to upset me and tell the court I was not co-operative, however I told them if they had any other questions I would gladly answer them and they could schedule another deposition. But this is why they cannot be trusted with my private health information. This should not have been difficult for the judge to see what they were up to but he was biased and did not care.

I confess have violated a court order issued by the District Court. I have done so because it is necessary to show that the order was an illegal order. I have contacted a woman named Kay Butler, who at one time worked for DMH and had knowledge of how I was treated by employees of DMH. Her statement is enough to show that if I had not contacted her I would not have shown malice and retaliation for my complaints by the defendants, this is why 15-4112 was dismissed and should now be joined to 13-4189. The other element of the case is "what harm was done?". See the Statement from my doctor at the VA. The District Court has dismissed these cases. The 8th Circuit should have prohibited this and removed the judge from this case for bias and denial of Due Process.

The Defense was not really interested in discovery, they did not present the questions from the interrogatories at the deposition I attended. Why did they ask me the same question at the deposition for roughly an hour and a half? The Defense is only playing games to harass me.

The two cases should be combined since the District Court Order denied me access to vital evidence (Kay Butler's statement) in that case. Fearing Mrs. Butler was being threatened or intimidated by either the District Court, the Attorney General's office or DMH, I was determined to discover why she had not contacted me since the last time we spoke. Mrs. Butler told me that the employees at Fulton were on drugs and had parties that she avoided (I have audio of this). This is typical of a corrupt organizational philosophy and a dysfunctional social fabric that permeates the facilities which DMH controls or is responsible for monitoring and inspecting in Fulton Missouri. In fact a group home in Fulton (for which DMH had an oversight role) used a patient as a slave, fought

him in gladiator fights in a basement (which caused his death), he was later found in a block of concrete in a storage locker and the worst charge anyone will face is a class D felony. This is only possible because law enforcement to include the Missouri Attorney General and the local sheriffs office don't care what happens to mental patients. In fact after he was dead DMH employees tasked with moving him (because of numerous complaints from a former guardian about numerous bruises, caused by the gladiator fights) did not move him or even check to see if he was still alive (he was dead by then) he was found in concrete months later.

I have included a photo of an infection I had on my arm that is often fatal that I contracted since my release, a result of my weakened state caused by the mistreatment by the defendants. I have also included a photo of claw marks caused by a patient who told staff he was going to harm me and they allowed him to do so (both my shoulders were dislocated in this assault). I have included a bill from an ambulance service that transported me from one VA hospital to another one when they discovered that my glucose was over 600 (which could have killed me), I was on an IV for hours. My diabetes was caused by the antipsychotics I was illegally forced to take. I have included the bill I got from Pacer (the system used to provide access to federal court document), I had to use a private account I have which limits the number of pages I can download for free, the reason for this given to me by the clerks at the District Court was that my internet browser would not work with their electronic file system. This is another load of crap. It worked for awhile then it didn't, the 8th Circuit has the same system and it always worked. I now have to pay a Pacer bill and have no current access to my private account, because someone who had my password at the District Court tampered with my account. Computers aren't magical and this is the only way this could have happened. I am literally an expert in these matters. If someone would like to challenge this I will send proof they can choke on.

There are a few other matters that need to be addressed, in Washington v. Harper I cannot be medicated with powerful antipsychotics unless I am dangerous to myself or others and this dangerousness must be a result of a serious mental illness, I was not dangerous or mentally ill at all

as evidenced by my unconditional release a few months later and the many doctors testimony at my release hearing (including Dr. Cafer who was pressured by other doctors to sign the order to medicate me, at the hearing he testified I was not seriously mentally ill and I was not dangerous). Also in Washington v. Harper it says that no matter how proper the procedure if the end result is injustice, then the result is unconstitutional.

I failed to pose a question to the Court to answer as to Certiorari. Given what I have placed before you, was I provided with a chance at justice? I should be allowed to present my case and my witnesses to a jury. My claims are not only plausible it is beyond any doubt true.

Please grant my requests to combine these cases, provide me legal assistance, and correct the errors of the lower courts. Thank you.

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Respectfully Submitted by an
Honorably Discharged Veteran,

Todd J. Luh
11-26-18

