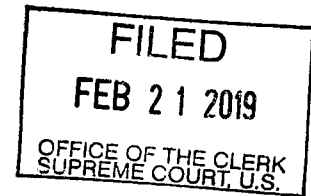


ORIGINAL

18-8310

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

AZHAR LAL

(Your Name)

— PETITIONER

vs.

N/A

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NINTH CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

AZHAR LAL

(Your Name)

CBP-LAC P.O. Box 4490

(Address)

LANCASTER, CA. 93539

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

IF PETITIONER WAS AN INSULIN DEPENDANT DIABETIC AND THE PRISON DOCTOR HAD ORDERED PETITIONERS EVENING DIABETES TREATMENT AS: THAT HE MONITOR HIS BLOOD GLUCOSE LEVELS AND IF THESE LEVELS WERE OVER A 150 mg./dl., THEN HE BE PROVIDED INSULIN ACCORDINGLY BUT THE PRISON NURSES DELIBERATLY FAILED TO PROVIDE THIS TREATMENT ON 30 TO 40 DIFFERENT OCCASSIONS OVER A 2 TO 3 MONTH SPAN IN WHICH TIME PETITIONERS DIABETES HAD WORSENERD DUE TO THEIR ACTIONS IN WHICH HE REQUIRED A PERMINENT AND ADDITIONAL INSULIN ALONG WITH NERVE DAMAGE TO HIS FEET; AMOUNT TO DELIBERATE INDIFFERNECE TO A SERIOUS MEDICAL NEED ?

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:

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STATUTES AND RULES

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OTHER

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 N/A; 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☐ is unpublished.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 _____ 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☐ is unpublished.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 DECEMBER 10, 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: JANUARY 28, 2019, and a copy of the order denying rehearing appears at Appendix A.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

UNITED STATES CONSTITUTION

AMENDMENT I

CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF; OR ABRIDGING THE FREEDOM OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY ASSEMBLE, AND TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

AMENDMENT VIII

EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR EXCESSIVE FINES IMPOSED, NOR CRUEL AND UNUSUAL PUNISHMENT INFLICTED.

STATEMENT OF THE CASE

IN 2006 PETITIONER WAS CONFINED AT HIGH DESERT STATE PRISON AND WAS AN INSULIN DEPENDENT DIABETIC AND WAS PRESCRIBED A PERMANENT INSULIN INJECTION FOR HIS AM TREATMENT AND FOR THE PM TREATMENT HE WAS TO MONITOR HIS BLOOD GLUCOSE LEVELS AND IF THEY WERE OVER 150 mg/dl., ONLY THEN WOULD HE RECEIVE INSULIN ACCORDINGLY.

HOWEVER, ONE OF THE NURSES DEPARTED FROM THE EVENING TREATMENT WHEN HE FELT LIKE IT AND PETITIONER FILED A GRIEVANCE AGAINST IT AND FOLLOWED IT UP WITH A SECOND GRIEVANCE WHEN HE HEARD NOTHING FROM THE FIRST ONE. THEREAFTER A NUMBER OF OTHER NURSES ALSO STARTED TO NOW DEPART FROM THE PRESCRIBED TREATMENT OUT OF RETALIATION AS TREATMENT WAS MISSED OVER 30 TO 40 OR SO TIMES IN A 3 MONTH OR SO PERIOD UNTIL ORDER TO SHOW CAUSE ON HABEAS CORPUS WAS ISSUED AND PETITIONER WAS MOVED TO ANOTHER FACILITY.

HOWEVER, BY NOW PETITIONER'S DIABETES HAD WORSENERED AND HE NOW WAS RECEIVING A PERMANENT INSULIN INJECTION FOR THE EVENING WHEREAS HE WAS NOT BEFORE PLUS HE ALSO HAD NERVE DAMAGE TO HIS FEET, LEGS AND HANDS.

SUMMARY JUDGMENT WAS HAD AFTER PETITIONER HAD FILED MOTIONS TO COMPEL DISCOVERY. ON SUMMARY JUDGMENT DEFENDANTS ALLEGED PETITIONER WAS REFUSING HIS TREATMENT AND PETITIONER ALLEGED DEFENDANTS WERE NOT PROVIDING HIS TREATMENT AND RETALIATED DUE TO THE GRIEVANCES. DEFENDANTS PROVIDED

CONCLUSORY DECLARATIONS WITH THEIR VERSIONS WITH NO POLICIES OR PROCEDURES. PETITIONERS EVIDENCE WAS THAT THE NURSES WERE REQUIRED TO COMPLETE A REFUSAL FOR EXAMINATION AND/OR TREATMENT CDC-7225 FORM FOR ANY REFUSAL DEFENDANTS CONTENDED THEY WERE NOT REQUIRED TO COMPLETE SUCH A FORM.

HOWEVER, THIS POLICY ON COMPLETING A CDC-7225 FORM ON REFUSALS WAS NEVER DISCLOSED DESPITE THE FACT PETITIONER AFTER MOTIONS TO COMPEL, BROUGHT IT TO THE COURTS ATTENTION.

WHEN PETITIONER HAD ATTACHED A PROCEDURE DRAFTED BY ANOTHER PRISON ON THIS CDC-7225 REFUSAL FORMS POLICY IT WAS ALSO REJECTED.

IN THE NINTH CIRCUIT PETITIONER ALLEGED THE DISTRICT COURT ABUSED ITS DISCRETION ON SUMMARY JUDGMENT IN FAVOR OF DEFENDANTS AND FOR NOT REQUIRING THE DISCLOSURE OF A POLICY THAT WAS CENTRAL TO THE DISPUTE AND THEREFORE MATERIAL HOWEVER THOSE ARGUMENTS WERE ALSO REJECTED.

THEREFORE, ALL LOWER COURTS REJECTED THAT THE DEFENDANTS WERE DELIBERATELY INDIFFERANT TO PETITIONERS SERIOUS MEDICAL NEEDS NOR DID THE EVENTS AMOUNT TO RETALIATION EVEN THOUGH TWO GRIEVANCES WERE FILED AND IT RULED THAT A POLICY THAT WAS CENTRAL IN ORDER FOR PETITIONER TO PROVE HIS CASE WAS NOT REQUIRED TO BE DISCLOSED.

REASONS FOR GRANTING THE PETITION

THIS CASE IS VERY IMPORTANT BECAUSE THIS HIGH COURT HAS ESTABLISHED THE STANDARD FOR DELIBERATE INDIFFERENCE TO A SERIOUS MEDICAL NEED, LONG AGO IN *FARMER V. BRENNAN*, 511 US 825, 114 S Ct 1970 (1994) AND THE LOWER COURTS HAVE DEPARTED FROM THIS PRECEDENT AND IF NOT CORRECTED OTHER COURTS WILL ALSO HAVE A RIGHT TO REJECT THE ESTABLISHED STANDARD AS WELL AS FOR THE RETALIATION STANDARD AND MATERIALS THAT ARE CENTRAL TO A DISPUTE WILL NO LONGER HAVE TO BE DISCLOSED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

FEBRUARY 21, 2019

Date: A. J. Lal