

18-9290

NO. _____

Ex 14
Supreme Court, U.S.
FILED

SEP 14 2018

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

ALBERT J. HAMILTON,
Petitioner

v.

JURBAE,

Registered Nurse of
the Cal. Dept. of CMC-East
Health Care Services
Respondent

ORIGINAL

on Petition for Writ of Certiorari to the United
States Court of Appeals for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

ALBERT J. HAMILTON

Pro Se Petitioner

CDCR# A-U2583

P.O. Box 4430, A3-114

Lancaster, California 93539

U.S. Supreme Court Rule 14.

1. DOES THE STATE OF CALIFORNIA CREATE A CONFLICT UNDER THE U.S. CONST. 8TH AND 14TH AMEND. BY NOT PROVIDING A RATIONAL RELATIONSHIP BETWEEN A LEGITIMATE STATE INTEREST AND CLASSIFYING A COER/H_C ILLEGAL (TB) INJECTION?
2. DOES THE STATE OF CALIFORNIA CREATE A CONFLICT UNDER THE U.S. CONST. 8TH AND 14TH AMEND. BY NOT PROVIDING A RATIONAL RELATIONSHIP BETWEEN A LEGITIMATE ~~STATE~~ INTEREST AND CLASSIFYING A (TB) CODE #32, INMATE FROM (1987), BECOMING A (TB) CODE #22, INMATE IN (2015) AT CMC-EAST, HOW IS NOT A COER/H_C - NEGLIGENCE MATTER?
3. DOES THE STATE OF CALIFORNIA CREATE A CONFLICT UNDER THE PEN. CODE #118. BY NOT PROVIDING A RATIONAL RELATIONSHIP BETWEEN A LEGITIMATE STATE INTEREST AND CLASSIFYING THE CIRCUMSTANCES OF ONE COMMITTING THE PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA. HOW IS IT NOT PERJURY BY M. TRUJILLO ON A ~~STATE~~ DOCUMENT, COER/H_C? HOW IS IT NOT PERJURY BY M. MORRISROE, COER/H_C-R/N (SRN-III) WHEN SHE SIGN THE STATE DOCUMENT? AND WHEN M. WALLACE, ALSO SIGN THE STATE DOCUMENT?

4. DOES THE STATE OF CALIFORNIA CREATE A CONFLICT UNDER
INMATES DEFINED IN TITLE 42, UNITED STATES CODE, SECTION
§§12102. BY NOT PROVIDING A RATIONAL RELATIONSHIP BE-
TWEEN A BESTIMATE STATE INTEREST AND CLASSIFYING THE
CAN A (ADAD) INMATE WITH DISABILITY, BE EXCLUDED FROM
PARTICIPATION IN ANY DATE/ACTIVITIES OR REFUSED ANY -
DATE/HE-NEEDS?

WAS MEDICAL BY DATE - DENIED IN THE (ARMSTRONG -
REMEDIAL PLAN; COLEMAN V. WILSON, (U.D. CAL. 1995)
912. F. SUPP. 1287, DATE/HE VIOLATED ALL (ADAD) INMATES

U.S. (ADAD) MEDICAL DISABILITY NEEDS, DID DATE/HE NOT
BE U.S. COURT ORDER TO RECEIVE ADDITIONAL (ADAD) TRAIN-
ING AFTER THIS CLAIMS?

QUESTIONS PRESENTED FOR REVIEW

PETITIONER ALBERT J. HAMILTON, JR PRO SE, WAS AN IN-
MATE AT THE CALIFORNIA MEN'S COLONY FOR A PER CODE § 273.
ON MAY 8, 2015, R/N JORBAR, OF CALIFORNIA MEN'S COLONY

STATE PRISON, INDICATED PETITIONER WITH A (TRB) ILLEGAL - SKIN -
TEST. SHE REFUSED TO ENACT A STATUTE WITHIN PROVIDES ALL
DATE/HE, INMATES MEDICAL RECORDS TO STAFF BEFORE, NOT
AFTER THEY GIVE AN INMATE A (TRB) INDICATION TO SEE
WHAT THAT INMATE WOULD BE.

This includes all the CDR/Hc-staff at CMC-E that acted under color of state law; Monroe v. Pape, 365 U.S. 167 (1961).

1. Does the State of California create a conflict under the U.S. Const. 8th and 14th Amend. By not providing a Rational Relationship Between a legitimate state interest and classifying a CDR/Hc Illegal (TR) injection?

2. Does the State of California create a conflict under inmates defined in Title 42, United States Code, Section 5512102. By not providing a Rational Relationship Between a legitimate state interest and classifying - can a (ADA) inmate with disability, be excluded from participation in any - CDR/Hc activities or refused any - CDR/Hc needs?

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APPENDIX A1 - United State District Court The Eastern District of California, case no (216cv0547-AEP) - Order To Dismissed on April 22, 2016. Also See Exhibit (A1).

APPENDIX B - Superior court of California in and for the county of San Luis Obispo, case no (15HC00402) - Order denied on September 12, 2016. Also - See Exhibit (B).

APPENDIX C - Superior court of California, County of Solano, Department twenty-one, case no (F-12321398) - Order denied on June 19, 2016. Also See Exhibit (C).

APPENDIX C1 - Superior Court of the State of California, County of Solano, Department Four, Case No. (F2R321397) - Order transfer back to Superior Court of California, County of San Luis Obispo, on July 8, 2016. Also see Exhibit (C1).

APPENDIX D - United States District Court Central District of California, Docket No. 00, Case No. (217-cv-03090) Order accepting findings, conclusions and recommendations, on June 9, 2017, Also see Exhibit (D).

APPENDIX D1 - United States District Court Central District of California, Docket (21), Case No. (217-cv-0597) Order Notice of filing report and recommendations, on March 26, 2018, Also see Exhibit (D1).

APPENDIX D2 - United States District Court Central District of California, Docket (24), Case No. (217-cv-0597) Order Notice of Discrepancy, on April 18, 2018, Also see Exhibit (D2).

APPENDIX E - United States District Court Eastern District of California, Application to Proceed In Forma Pauperis by a Prisoner, Case No. (216-cv-00547-AE) Order granted on April 12, 2016, Also see Exhibit (E)

APPENDIX E1- Petition for writ of Habeas corpus with the United States Ninth Circuit Court of Appeals, Case No. (CV1304379 & 1371734,) ALSO see EXHIBIT (E1).

APPENDIX E2- United States District Court Central District of California, Amend. Complaint, Case No. (CV175297), ALSO see EXHIBIT (E2).

APPENDIX E3- United States Court of Appeals for the Ninth Circuit, Appellant's Informal Brief, Case No. (CV173090 & CV175297, ALSO see EXHIBIT (E3).

APPENDIX E4- Ninth Circuit - Order Denied the Petition, Case No. (1855762), ALSO see EXHIBIT (E4).

APPENDIX E5- United States District Court for the Central District of California - Order Revoking Informa Pauper's Status, Case No. (CV21705297 & 9th Cir 1855762), ALSO see EXHIBIT (E5).

EXHAUSTION OF ADMINISTRATIVE ON LTB) ORDER/602 REMEDIES

California Men's Colony ON June 25, 2015 - ORDER-
He Loy No: (CME-HE 15049372 - Decision, (Partially
granted, see EXHIBIT (F).

California State Prison - Solano on March 15, 2016 - CCR/HC log no: Sol-HC 16041604 - Decision, (Partially granted). Also see Exhibit (F1)

Office of Appeals, on May 25, 2016, TLR no: 1510-998/CAC-1502897 - Decision, (Cancellation), Also see Exhibit (F2).

Institution Appeal Branch: on Nov 2, 2016 - Decision, denied, Also see Exhibit (F3)

1. Certiorari should be granted to consider two important and unsettled habeas issues arising under the 8th and 14th amendment to the United States Constitution questions in a way that conflicts with relevant decisions that have been made by CCR/HC medical-records and U.S. and State as well federal-case laws.

2. The law states, cruel or unusual punishment may not be inflicted, (Sec. 17). (U.S. Const., 8th amend, art. 1.) Under the 8th amendment, inmates are entitled to medical care for (serious) medical needs.

3. (TB) is a very (serious) medical need and Hamilton was never seen by any CMC-East Physician before or after Respondent - Turbare, R/N at CMC-East gave Hamilton the illegal (TB) injection.

4. A - ERIC / Physicians had already diagnosed Hamilton for (TB) and gave him the treatment in (1987).

5. But the Respondent - Turbax, RIN at ERIC - east ~~refused~~ to recognize the ERIC - Physicians Prior (TB) results and treatment. The Prior ERIC - Physicians in (1987) had already gave Hamilton (TB) treatment, so why did Respondent - Turbax, RIN at ERIC - east, give Hamilton another (TB) INJECTIONS in (2015)?

6. The Respondent - Turbax, RIN at ERIC - east is the Violation of Hamilton's U.S. Constitution rights - under the 8th & 14th Amendment & his (ADA) rights.

TABLE OF AUTHORITIES CITED

CASES: FEDERAL (Page no:)

Hill v. Dekalb Reg'l Youth Det. Ctr., 40 F.3d 1176,
1187 (11th Cir. 1994). 15

Estelle, 429 U.S. at 104. 15

Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir. 2006).
. 15

Farmer, 511 U.S. at 832. 23

Hudson v. Palmer, 468 U.S. 526-27 (1984).
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Booth v. Churner (2001) 253 U.S. 731 (121 S.Ct. 1819; 149 L. Ed. 2d 958; Porter v. Nussle (2002) 534 U.S. 516; 122 S.Ct. 983; 162 L. Ed. 2d 12) Book	
Gomez v. Winslow (N.D. Cal. 2001) 177 F. Supp. 2d 977. Book →	
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STATE CASES:

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Schmidt v. Odell, (D. Kan 1999), 64 F. Supp. 2d 1014.	
.. Book	

FEDERAL STATUTES AND RULES:

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42 U. S. C. §§ 1983. ■ ■ 5, 9, 27

42 U. S. C. §§ 12132. II

42 U. S. C. §§ 12131. II

CALIFORNIA STATUTES.

Penal Code §§ 118. 19, 20

Penal Code §§ 134. Book

Penal Code §§ 135.5. Book

Penal Code §§ 131. Book

Penal Code §§ 132. 28

Penal Code §§ 7572. Book

Penal Code §§ 7573. Book

Penal Code §§ 7575. Book

Penal Code §§ 7576. Book

Dom §§ 33030.5. 21. Book

Dom §§ 33030.5. 22. Book

Penal Code §§ 6106. Book

Penal Code §§ 6035. Book

Penal Code §§ 6030. Book

Penal Code §§ 6006. Book

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PETITION FOR WRIT OF CERTIORARI

Albert J. Hamilton petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit and United States District Court for the Eastern and Central District of California.

OPINIONS BELOW

The United States District Court for the Eastern District of California - Order denying Hamilton's request for leave to proceed in forma pauperis is attached as Appendix A, & Case Exhibit A. The United States District Court for The Eastern District of California - Order denying Hamilton's request for leave to proceed in forma pauperis is attached as Appendix A1, & Case Exhibit A1.

The Superior Court of California in and for the County of San Luis Obispo - Order denying Hamilton's COER/HZ - Tuberculosis Complaint is attached as APPENDIX B & Exhibit B. The Superior Court of California County of Solano Department twenty-one - Order denying Hamilton's Petition For writ of habeas corpus COER/HZ - Reynard's disease and tuberculosis is attached as APPENDIX C & case Exhibit C. The Superior Court of California County of Solano Department four - Order on Hamilton's Petition for writ of habeas corpus illegal - tuberculosis COER/HZ Injunction is attached as APPENDIX D1 & case Exhibit D1. The United States District Court Central District of California - Order Accepting Findings, Doc (11) is attached as APPENDIX D & case Exhibit D. The United States District Court Central District of California - Notice of filing Report And Recommendation, Doc (21) is attached as APPENDIX D1 & case Exhibit D1. The United States District Court Central District of California - Notice of Discrepancy, Doc (24) is attached as APPENDIX D2 & case Exhibit D2. The United States District Court Eastern District of California - Application To Proceed In Forma Pauperis by a Prisoner, is attached as APPENDIX E & case Exhibit E.

The Ninth Circuit Court of Appeals of California -
Petition for writ of Habeas corpus, is attached as App-
endix E1 & case Exhibit E1. The United States District
Court Central District of California - civil rights com-
plaint, is attached as Appendix E2 & case Exhibit E2.
The United States Court of Appeals for the Ninth Circuit -
Appellants Informal Brief, is attached as Appendix E3
& case Exhibit E3. The United States Court of Appeals for
The Ninth Circuit - Order, is attached as Appendix E4 &
case Exhibit E4. The United States District Court for the
Central District of California - Order Reopening in forma
pauperis status, is attached as Appendix E5 & case Ex-
hibit E5. Health care services - Institution Response for
second level appeal, issue type (TR), is attached as
Appendix F & case Exhibit F. Health care services - in-
stitution Response, issue type (TR), is attached as App-
endix F1 & case Exhibit F1. Office of Appeals - staff
complaints, is attached as Appendix F2 & case Exhibit
F2. The (AOA) Memorandum, is attached as Appendix F2
& case Exhibit F2. Health care services - institution Res-
ponse from Appeals Branch, is attached as Appendix F3
& Exhibit F3. The United States District Courts for the
Eastern District of California and the Northern District
of California United States District Court composed of the
five Judges pursuant to section 2284, title 28 United
States Code, is attached F4 & case Exhibit F4.

The U.S. Department of Justice, Response, Issue Type Armstrong v. Brown, (ADA), is attached as Appendix F5 & Case Exhibit F5. Health Care Services - # CDC 7362, Issue Type (TB), is attached as Appendix F6 & Case Exhibit F6, NO: 4769245. Health Care Services - # CDC 7362, Issue Type (TB), is attached as Appendix F6 & Case Exhibit F6, NO: 4829738. Health Care Services - # CDC 7362, Issue Type (TB), is attached as Appendix F6 & Case Exhibit F6, NO: 4769286. Health Care Services - # CDC 7362, Issue Type (TB), is attached as Appendix F6 & Case Exhibit F6, NO: 1917081. Health Care Services - # CDC 7362, Issue Type (TB), is attached as Appendix F7 & Case Exhibit F7, NO: 4769279. Health Care Services - # CDC 7362, Issue Type (TB), is attached as Appendix F8 & Case Exhibit F8, NO: 4769233. Health Care Services - # CDC 7362, Issue Type (TB) & (ADA), is attached as Appendix F9 & Case Exhibit F9, NO: 1579926. Health Care Services - # CDC 7362, Issue Type (TB), is attached as Appendix F10 & Case Exhibit F10, NO: 1579927. Health Care Services - # CDC 7362, (TB), is attached as Appendix F11 & Case Exhibit F11, NO: 4769229. Health Care Services - # CDC 7362, Issue Type (TB), is attached as Appendix F12 & Case Exhibit F12, NO: 4769196. Health Care Records - Issue Type (TB) records on 5/8/2015, is attached as Appendix F13 & Case Exhibit F13.

The Tuberculin Testing Evaluation/Report by

code, doe no: F46039, issue, (TRB) on 10/1/06, is

attached as Exhibit 6. The Tuberculin Testing Ev-

aluation/Report by code, doe no: F46039, issue, (TRB)

on 11/21/06, is attached as Exhibit 61. The Tuberculin

Testing Evaluation/Report by code, doe no: F46039,

issue, (TRB) on 7/11/07, is attached as Exhibit 62. The

Tuberculin Testing Evaluation/Report by code, doe no:

AU2583, issue, (TRB) on 10/28/14, is attached as Exhibit

63. The Tuberculin Testing Evaluation/Report by code, doe

no: AU2583, issue, (TRB) on 5/8/15, is attached as Ex-

hibit 64. The Tuberculin Testing Evaluation/Report by

code, doe no: AU2583, issue, (TRB) on 5/13/16, is attached

as Exhibit 65. The Primary Care Provider Progress no-

te, issue, (TRB) on 5/18/16, is attached as Exhibit 66.

The Department of Corrections and Rehabilitation

128 - Classification throws on 11/22/06, has prior (TRB)

code 32 as of 10/6/06, doe no: F46039, is attached

as Exhibit 67. The Department of Corrections and

Rehabilitation 128 - Classification throws on 11/29/01,

has prior (TRB) code 32, doe no: K69318, is attached

as Exhibit 68.

The Department of Corrections and Rehabilitation
128 - Classification Chrono on M22100, has prior (TRB)

on 8/18/00, 32, 202 NO: K69318, is attached as Exh-
bit H2. The Department of Corrections and Rehabilitation

128 - Classification Chrono on 7/17/17, has prior (TRB) on 3/13
71, 202 NO: F46039, is attached as Exhibit H3.

The Department of Corrections and Rehabilitation 128-
Classification Chrono on 8/11/14, has no (TRB) 202 NO: 202

NO: A02583, INSTANTANEOUS RECEIVED was, (USP), on
8/11/14, is attached as Exhibit H4. The Department of

Corrections and Rehabilitation - Inmate Mental Health
and Medical/Mirroring Priority Pass, on 6/7/16, 12/9/15,

12/7/15, is attached as Exhibit H5.

JURISDICTION

The date on which the United State Court of Appeals
for the Ninth Circuit decided my case was August 24, 2018.

(Appendix E4).

No Petition for rehearing was timely filed in my case

due to Vagaries governing access to the Prison Law Lib-
rary where Petitioner is incarcerated, and insufficient

time.

U.S.C. 1983.

STATUTORY PROVISIONS

Supreme Court Rules: rule 13.3. States, The Petition for writ of Certiorari in the United States Supreme Court must be filed 90 days after the entry of the appellate court judgment.

United States Constitution Eighth and Fourteenth Amendments Sec. # 17. Cruel and unusual Punishment & Equal Protection Clause.

STATEMENT OF THE CASE

Petitioner Hamilton in Pro se, filed a timely Department of Corrections And Rehabilitation - 602 He - on 5/22/2015, for receiving an illegal (TB) injections at The California Men's Colony, P.O. Box 8101, San Luis Obispo, ca 93409. The CDR/He log NO: CME/He 15049372 is attached as Appendix F & case Exhibit F. On 6/25/2015, Mr. Trujillo, Supervising Registered Nurse II at CMC-East, stated, during Hamilton's (TB) testing he refused the (TB) Skin Test. That he had a prior negative (TST's). Which he was tested while he was at Los Angeles County Jail on (8/11/14) and it was read on (8/13/14) and he was changed from (Previous) code # 32 to 22.

M. Trujillo, (SRN-II) went on to state in her CDR/HZ-report, he was scheduled to be retested during annual (TB) Testing. ON June 25, 2015, M. Trujillo, (SRN-II), California men's colony state prison filed a false CDR/HZ 602 response. She sign it as to be true and correct but its not. Hamilton's never was at Los Angeles County Jail on 8/11/14. Appendix F, case Exhibit F, is not true and correct. The CDR-classification score sheet will-contradict the 8/11/14 date of Hamilton being at Los Angeles County Jail. ESP/WSP-show, Hamilton was (received) into CDR on 8/11/14, not at L.A. County Jail, Appendix H4, case Exhibit H4, attached for proof. Also M. Morrison, (RN)(U) of California men's colony sign her name on the CDR/HZ document, Appendix F, case Exhibit F, attached. M. Wallace also sign her name on the CDR/HZ document, (ESE). Not one CDR/HZ staff review Hamilton's medical records before they sign. Hamilton's claims, CDR-HZ prison medical staff acted under the color of law and signed a false CDR/HZ 602 as evidence, Appendix F, case Exhibit F. The CDR/HZ-staff refused to let a CME-HZ-doctor check Hamilton out after they gave him an illegal (TB) injections. The CDR/HZ-staff refused to sent Hamilton to a outside hospital about his (TB).

The CORE/ITC staff refused to protect Hamilton's

from anymore serious harm they caused. They knew Hamilton was (LAD) and they refused to take any

medial action yet they gave Hamilton the illegal (TRB) Indictment on 8/6/75, Appendix F, Case Exhibit F,

attached. Moore v. Pape (1961) 365 U.S. 167, and Maxwell v. New York City Dept of Social Services

(1978) 436, U.S. 658. The CORE/ITC staff of East-East, looked the other way and violated Prison (TRB)

Policies and Federal and state laws, Appendixes or attached for proof. On 5/16/75 Hamilton received

an illegal CORE/ITC (TRB) Indictment from Turbare

in NY at East-East. She refused to use the CORE

Attacker Tuberculosis - system of Code of Fra-

king all tested (TRB) Code #32 - 'inmate. She

refused to follow the CORE/ITC - operation man-

ual rules for (TRB) set by CORE but all other

CORE/ITC facility do follow all the CORE/ITC -

operation manual rules. Hamilton's contends

that, he was (TRB) Code 32 since (1987), that

he was (TRB) Code 32 at the time Turbare plu

at East-East gave him that illegal (TRB) Indictment

Hamilton's contends that, Mr. Trujillo, Esq. at CMC-East, Mr. Morrisroe and Mr. Waller, both at CMC-East-Hz, committed Perjury in there 6/25/15 CO2E/HZ #602 and Violated Hamilton's U.S. 2A04A constitutional rights and other U.S. constitutional rights. Hamilton's filed a timely CO2E/HZ-602 complaint, the (TBS) issue was partially granted, Appendix F, Case Exhibit F, attached.

PROCEDURAL HISTORY

Hamilton filed a 42 U.S.C. § 1983 to the United States District Court for the Eastern District of California seeking relief, Court (No. 216cv0547 ACP). The 42 U.S.C. § 1983 was denied March 22, 2016, in a reasoned judgment. Hamilton filed a 42 U.S.C. § 1983 to the United States District Court for the Eastern District of California seeking relief, Court (No. 216cv0547 ACP). The 42 U.S.C. § 1983 was denied April 22, 2016, in a reasoned judgment.

Hamilton's filed a Superior Court of California

in and for the County of Santa Luis Obispo, writ of

habeas corpus seeking relief, Court (No. 1542-BD40-2). The writ of habeas corpus was denied September 12, 2016, in a reasoned judgment.

Hamilton's filed a Superior Court of California County of

Solano Department twenty-one, writ of habeas corpus

seeking relief, Court (No. FER321398). The writ of hab-
eas corpus was denied June 19, 2016.

Hamilton's filed a Superior Court of California County of
Solano Department four, writ of habeas corpus seeking
relief, Court (No. FER321397). The writ of habeas corpus
was denied July 8, 2016.

Hamilton's United States District Court Central District
of California, Electronic Filing on June 9, 2017, Court
(No. 2:17-cv-03090-DWS), The United States District Court
Central District of California, Order Accepting Findings,
Doc (11).

Hamilton's United States District Court Central District of
California, Electronic Filing on March 26, 2018, Court (No.
2:17-cv-05297-DWS), The United States District Court Cen-
tral District of California, Notice of Filing, Doc (21).

Hamilton's United States District Court Central District of California, Electronic filing on April 18, 2016 Court (No. 217 CV 05297 DDW SS), The United States District Court Central District of California, Notice of Discrepancy, (Doc 24).

Hamilton's filed a United States District Court Eastern District of California Court Application to Proceed in Forma Pauperis by a Prisoner, Court (No. 216 CV 00547 AZ). was file on April 12, 2016.

Hamilton filed Ninth Circuit Court of Appeals, Petition for writ of habeas corpus Seeking relief, Court (No. CV 13 043790 G HK SS / 1371734, filed May 17, 2013 & Jun 18, 2013, September 2, 2016.

Hamilton filed United States District Court Central District of California, Civil Right Complaint Pursuant to 42 U.S.C. § 1983, Court (No. CV 17 5297 DDW SS). was file on September 4, 2017. was Seeking relief.

Hamilton filed Ninth Circuit Court of Appeals, Appellant's Informal Brief Seeking relief, Court (No. CV 17 3090 & CV 17 65297 DDW SS / 1855762.

Hamilton filed United States District Court for the Central District of California Court, Revoking

In forma Pauperis status, Court (No. CV 217 05297 DDW 9th Cir. 1855762, seeking relief but was denied June 14, 2018.

Hamilton filed United States Court of Appeals for the Ninth Circuit, Court (No. 1855762, 217 CV 05297 DDW SS) was seeking relief but was denied August 24, 2018.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Hamilton filed a COER/He on (TBS) seeking relief in malpractice and negligence, log (No. Sol He 15049372). On June 25, 2015, institution response, Partially granted, Exhibit F.

Hamilton received a COER/He institution response from Soleno State Prison seeking relief in malpractice and negligence, log (No. Sol He 16041164). On March 15, 2016, Partially granted, Exhibit F1.

Hamilton received a Office of Appeals Cancellation for seeking relief on May 25, 2016, log (No THR 1510-998/Enc 1502897, Exhibit F2.

Hamilton received a (AOA) Memorandum at Soleno State Prison on January 11, 2016, Exhibit F2.

Hamilton received a letter from Institution Appeal Branch correspondence on Nov 2, 2016, Appeal is denied and exhausted Hamilton's administrative remedies, Exhibit F3.

REASONS FOR GRANTING THE WRIT

I

CerHortan should be granted to consider two important and unsettled habeas issues arising under the 8th and 14th Amendments to the United States Constitution, (see, #17, civil or unusual punishment may not be inflicted. U.S. Const, 8th Amend, art. I.) under the eighth Amendment, inmates are entitled to (medical needs). (TB) is a very serious medical need. On October 20, 2003, the Department of Corrections, Classification Committee stated, Hamilton, 202 (No. K69318) (TB) code is 32. Confidential file is noted, is attached, Exhibit G-D.

On October 11, 2006, the Department of Corrections (TB) testing evaluation report by CDC/HHS Stated, Hamilton, 202 (No. F46039) has a (Prior History of Positive (TB) skin test), is attached, Exhibit G.

ON November 21, 2006, the Department of Corrections (TB) testing Evaluation report by CDC/HZ stated, Hamilton, CDC (No. F46039). (TB) code 32. States Hamilton did receive (Prior Therapy), is attached, Exhibit G1.

ON July 11, 2007, the Department of Corrections (TB) testing Evaluation report by CDC/HZ stated, Hamilton, CDC (No. F46039). (TB) code 32. States Hamilton has a (Prior History of Positive (TB) Skin test.) States Hamilton did receive (Prior Therapy), is attached, Exhibit G2.

ON November 18, 2014, the Department of Corrections (TB) code 22 is a (Conflict). Not true and correct. CDC/HZ Now stated, Hamilton (Doesn't have a Prior History of Positive (TB) Skin test). (Don't have Prior (TB) Disease). (Don't have Prior (TB) treatment), is attached, Exhibit G3. Hamilton CDC (No. AU2583).

ON May 8, 2015, Respondent - Turbax, R/A at CME-East resulted to recognized the Prior CDC/HZ Doctors treatment, Hamilton had received for (Prior) (TB) treatment in (1987), is attached, Exhibit G4.

ON May 13, 2016, the Department of Corrections (TB) testing Evaluation report by CDC/HZ-Sol, stated, Hamilton CDC (No. AU2583). (TB) code 32, is true and correct. is attached, Exhibit G5.

The (Prior CDE/He doctor in (1987) had already gave Hamilton, (TB) treatment. Now, why did Respondent-Turbax, RN at CME-East give Hamilton that (TB) infection in 2015? Under the fourth & Eighth Amendment of the California Constitution - Respondent is in full violation of Hamilton's U.S. Constitution rights and his (ADA) rights. See, Hill v. DeKalb Reg'l Youth Det. Ctr., 40 F.3d 1176, 1187 (11th Cir. 1994), Estelle, 429 U.S. at 104; Jett v. Penner, 439 F.3d 1091, 1096 (9th Cir. 2006).

On May 18, 2016, the Department of Corrections, Primary Care Provider Progress note, Hamilton (had a prior exposure and was (TB) code 32, is attached, Exhibit G6.

INTRODUCTION

On May 8, 2015, Respondent-Turbax, CME-East RN, gave Hamilton a (TB) infection, see Exhibit G4. She refused to use the CDE/He system of code of tracking for all tested (TB) code 32.

[The Department of Corrections, Operation Manual, Rules at all CDE/He facility, (Dom) 540551, states, the inmate (TB) Alert system is a (critical) component of the Department overall efforts to identify an inmate's (TB) status and to control (TB) within (CDE).

In This 42 U.S.C. § 1983, Respondent - Turban,

Violated (Dom) 5405.1, Never Called the (TRB) Alert System

to find-out was Hamilton already (TRB) Code 32).

The Operation Manual Risk States, (Traveling), Contro-
ling movement of the inmate population is (critical) to
(TRB) control. The inmate (TRB) Alert System addresses the
(Nced) to control this movement. (no inmate shall move
on regular doc transportation until it is determined that
the inmate's (TRB) status allows movement without respo-
nsory precautions. when an inmate is moved without know-
ledge of (TRB) status, there is increased potential for the sp-
read of (TRB) infection. This could result in unnecessary ex-
posure to the staff and inmate population, and require ex-
tensive testing of all exposed inmates and staff. Had the
Respondent - Turban, called the (TRB) Alert System, there
never would have been a (Nced) for her to give Hamilton
that (TRB) infection. Had the Respondent - Turban, called the
Alert System, she would of had personal knowledge he
had (TRB) exposure since (1987). Respondent - Turban, R/A at
Cme-East in violation of (Dom) 5405.2) Turban inter-
rupted Hamilton doc/TRB - treatment. Turban, R/A at Cme

East also in violation of (Dom) 5405.3.

The Operation Manual Rule § Code 32, states, (PPD) test result significant from prior infection/disease - non-infectious. Code § 32 is used when. 1. An inmate has a significant (PPD) reaction from prior exposure to (TB) that has already been prophylactically treated. See Exhibits G-0, G, G1, G2, G5, and G6. But the Respondent-Turbone, R/M at CMC-East, still gave Hamilton a (TB) injection on May 6, 2015, see Exhibit G4. 2. An inmate has a significant (PPD) reaction from a prior case of (TB) disease and the inmate has completed the required treatment. See Exhibits, G0, G1, G2, G5 and G6. What made Respondent-Turbone, R/M at CMC-East still give Hamilton a (TB) injection on May 6, 2015, see Exhibit G4. Turbone Violated (Dom § 54055.7).

The Operation Manual Rule General Requirements, states, The inmate's e-file shall have a documented (TB) Alert Code of 21, 22, 31, (32), 33 or 43. The C&P or CC-III shall notify (Medical Care Services Staff of any missing documentation. No C&P/CC medical documents were missing about Hamilton's (TB), see Exhibit G0, G, G1, G2, G5 and G6. 2. Medical Care Services Staff is responsible for reviewing the inmate's medical file, completing or providing the appropriate copy of the C&P form 128-C or C&P form 128-C1 and for-

woulding it to (Case Records) within 24 hours from
the date of notice by the EPA or 22-III, Turbun

Violated (Dom33 54055.16). Respondent - Turbun, R/A
at East-East may have caused Hamilton significant
injury because of her many DOE/HE - Violations. Ham-
ilton is not a doctor. He is 201 for 20-years. He
do not know what the (TRB) risk could be to his
life but he do know the Respondent - Turbun, R/A
at East-East did give him a illegal (TRB) Indication
on May 6, 2015. DOE/HE should be court order to paid for
all outside medical cost because its all behind DOE/HE
malpractice and negligence. Hamilton was made to
suffer (mental anguish) do to wrongful actions by the
Respondent - Turbun, R/A at East-East. The Respondent -
Turbun is being (sued) for violating Hamilton's
Federal Civil Rights and the many DOE/HE Polys,
(Dom33 54055.1, 54055.2, 54055.3, 54055.7, and 54-
055.16).

IDENTIFICATION

ON May 6, 2015, Respondent - Turbun, R/A at East-
East, refused to review Hamilton Prior 202/medical
Records for (TRB) identification information before
giving Hamilton a (TRB) Indication.