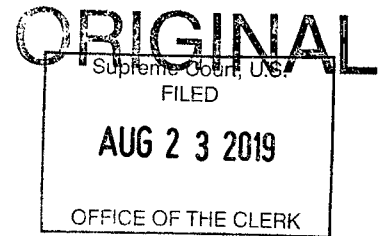


19-6159

No. 18-15764



IN THE

SUPREME COURT OF THE UNITED STATES

RODNEY JEROME WOMACK — PETITIONER
(Your Name)

vs.

SOLICITOR GENERAL OF THE U.S. — 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

RODNEY JEROME WOMACK
(Your Name)

CALIFORNIA STATE PRISON (SATF)
(Address)

P.O. Box 7100 - CORCORAN CA, 93212
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

A. PETITIONER REQUEST THAT THIS COURT DETERMINE IF DEFENDANTS INTENTIONALLY DELAYED HIS DE NOVO CARTILAGE IMPLANTATION ON HIS LEFT- ANKLE FOR (15) FIFTEEN MONTHS.

B. PETITIONER REQUEST THAT THIS COURT DETERMINE IF HIGH DESERT STATE PRISON MEDICAL STAFF HAD A POLICY IN PLACE THAT PROHIBITED INMATES FROM RECEIVING METHADONE OR MORPHINE PAIN MEDICATIONS REGARDLESS IF THAT INMATE NEEDED THESE TYPE OF MEDICATIONS TO MANAGE PAIN.

LIST OF PARTIES

ALL PARTIES APPEAR IN THE CAPTION OF THE CASE ON
THE COVER PAGE.

RELATED CASES

ESTELLE V. GAMBLE, (1976) 429 U.S.

HUTCHINSON V. UNITED STATES, 838 F.2d 390 (9th Cir. 1988)

JETT V. PENNER, 439 F.3d 1091 (9th Cir. 2006)

SNOW V. MCDANIEL, 681 F.3d 978 (9th Cir. 2012)

CHESS V. DOVEY, 790 F.3d 961 (9th Cir. 2015)

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STATUTES AND RULES

42 U.S.C. § 1983 1

28 U.S.C. §§ 1254, 1257 2

28 U.S.C. § 1254 (1) 2

APPENDIX

EASTERN DISTRICT COURT'S FINDINGS AND RECOMMENDATIONS,
DATED FEBRUARY 8, 2018, 1 OF 38 PAGES.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
AFFIRMING DISTRICT COURT PROPERLY GRANTED APPELLEES'
SUMMARY JUDGMENT MOTION, DATED MAY 30, 2019,
1 OF 2 PAGES.

APPELLANT'S MOTION FOR APPOINTMENT OF COUNSEL
IS DENIED, DATED AUGUST 16, 2019, 1 OF 2 PAGES.

PETITIONER DENIED COUNSEL

PETITIONER REQUESTED THAT THE NINTH CIRCUIT COURT OF
APPEALS APPOINT COUNSEL TO HELP IN HIS FILING FOR
PETITION FOR CERTIORARI. ROSS V. MOFFITT (1974) 417
US 600, 610, 41 L ED 2D 341, 351, 94 S Ct 2437. A
PERSON NOT REPRESENTED BY APPOINTED COUNSEL IN THE
NINTH CIRCUIT MAY MOVE THE NINTH CIRCUIT TO APPOINT
COUNSEL FOR THE PURPOSE OF PETITIONING FOR
CERTIORARI." THE NINTH CIRCUIT COURT OF APPEALS DENIED
PETITIONER'S COUNSEL REQUEST."

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 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.

NINTH CIRCUIT COURT OF APPEALS

The opinion of the DENIAL OF COUNSEL FOR CERTIORARI court appears at Appendix C 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 MAY 30, 2019.

☒ No petition for rehearing was timely filed in my case. N/A

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: N/A, 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 N/A (date) on N/A (date) in Application No. A N/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 AUGUST 8, 2019.
A copy of that decision appears at Appendix _____.

☒ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. N/A N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

1 PETITION FOR A WRIT OF CERTIORARI

2
3 PETITIONER RODNEY WOMACK RESPECTFULLY PETITIONS FOR
4 A WRIT OF CERTIORARI TO REVIEW JUDGMENT TO THE UNITED
5 STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, DENYING
6 PETITIONER'S PRO SE CIVIL RIGHTS ACTION PURSUANT TO 42
7 U.S.C. § 1983.

8
9 OPINIONS BELOW

10
11 THE FOLLOWING OPINIONS AND ORDERS BELOW ARE
12 PERTINENT HERE, ALL OF WHICH ARE UNPUBLISHED: [1]
13 DEFENDANTS MOTION FOR SUMMARY JUDGMENT GRANTED BY
14 U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA
15 (HON. MORRISON C. ENGLAND, JR.,) ON FEBVARY 8, 2018;
16 [2] ORDER BY NINTH CIRCUIT COURT OF APPEALS DENYING
17 PETITIONER'S MOTION FOR SUMMARY JUDGMENT AND
18 CLOSED THIS CASE ON MAY 21, 2019. (SEE APPENDIX
19 FOR COPIES.)

20
21 STATEMENT OF JURISDICTION

22
23 THE EASTERN DISTRICT COURT AND THE COURT OF APPEALS
24 FOR THE NINTH CIRCUIT DENIED PETITIONER'S MOTION FOR
25 SUMMARY JUDGMENT. IN ESTELLE V. GAMBLE, 429 U.S.
26 97, 106, 97 S. Ct. 285, 50 (1976), THIS COURT HELD THAT,
27 PURSUANT TO 42 U.S.C. § 1983, THE UNITED STATES SUPREME
28 COURT HAS JURISDICTION, ON CERTIORARI, TO REVIEW A

1 MOTION FOR SUMMARY JUDGMENT BY A CIRCUIT JUDGE OR PANEL
2 OF A FEDERAL COURT OF APPEALS.

3
4 STATUTORY PROVISIONS INVOLVED

5
6 THE RIGHT OF A STATE PRISONER TO SEEK CIVIL RIGHTS
7 ACTION RELIEF IS GUARANTEED IN 42 U.S.C. § 1983. THE
8 STANDARD FOR RELIEF 28 USC §§ 1254, 1257.

9
10 STANDARD REVIEW

11
12 DENIAL OF SUMMARY JUDGMENT

13
14 IN ESTELLE V. GAMBLE, (1976), 429 U.S. 97 S. Ct. 285,
15 SO, DELIBERATE INDIFFERENCE TO A PRISONER'S SERIOUS MEDICAL
16 NEEDS VIOLATES THE EIGHTH AMENDMENT'S PROSCRIPTION AGAINST
17 CRUEL AND UNUSUAL PUNISHMENT.

18
19 STATEMENT OF THE CASE

20
21 IN FEBRUARY 2009, WHILE PETITIONER WAS HOUSED AT NEW
22 FOLSOM STATE PRISON (CSP-SAC), U.C DAVIS ORTHOPEDIC
23 SURGEON ERIC GIZE PERFORMED ARTHROSCOPIC SURGERY ON
24 PETITIONER'S LEFT-ANKLE JOINT.

25 IN MAY 2009, WHILE PETITIONER WAS HOUSED AT
26 (CSP-SAC), U.C. DAVIS ORTHOPEDIC SURGEON DETERMINED
27 THAT PETITIONER WOULD NEED A SECOND SURGERY ON HIS
28 LEFT-ANKLE JOINT. " THE SURGERY IS CALLED A DENOVO

1 CARTILAGE IMPLANTATION". ERIC GIZA WANTED AN MRI PERFORMED
2 ON PETITIONER'S LEFT- ANKLE PRIOR TO THE SECOND SURGERY.
3 ERIC GIZA PRESCRIBED PETITIONER 20 mg of OXYCONTIN EVERY 8
4 HOURS FOR MY LEFT- ANKLE PAIN PENDING MY SECOND SURGERY.
5 CSP- SAC MEDICAL DOCTORS AND PETITIONER AGREED TO AN
6 AGREEMENT THAT PETITIONER WILL HOLD OFF ON HIS SECOND
7 SURGERY (DUE TO THE BRUTAL PROCEDURE) AND TREAT HIS PAIN
8 MANAGEMENT WITH METHADONE MEDICATIONS. PETITIONER WAS
9 BEING PRESCRIBED BETWEEN 30, 40, TO 50 mg OF METHADONE
10 EVERYDAY TO MANAGE HIS LEFT- ANKLE PAIN ISSUES.

11 ON MARCH 18, 2014, PETITIONER WAS TRANSFERED TO
12 HIGH DESERT STATE PRISON (H D S P). H D S P MEDICAL DOCTOR,
13 DR. J. WINDSOR EXPLAINED TO PETITIONER THAT H D S P MEDICAL
14 STAFF HAVE A "POLICY" IN PLACE. A POLICY THAT PROHIBITS ANY
15 GENERAL POPULATION INMATE FROM BEING PRESCRIBED MORPHINE
16 OR METHADONE MEDICATIONS REGARDLESS OF THE INMATES PAIN
17 LEVEL. UPON LEARNING OF THIS POLICY PETITIONER IMMEDIATELY
18 INFORMED DR. WINDSOR THAT HE REQUEST THAT HE BE
19 SCHEDULED FOR HIS SECOND SURGERY", DENOVO CARTILAGE
20 IMPLANTATION ON HIS LEFT- ANKLE JOINT' ASAP!"

21 DR. WINDSOR INTENTIONALLY DELAYED PETITIONER'S DENOVO
22 CARTILAGE IMPLANTATION SURGERY FOR 15 MONTHS.
23 DELAYED, PETITIONER'S UNDER THE FALSE- PRETENSE THAT SHE
24 (DR. WINDSOR) STATED THAT SHE "DID NOT" HAVE PETITIONER'S
25 U.C. DAVIS MEDICAL RECORDS CONCERNING THE DENOVO
26 CARTILAGE IMPLANTATION SURGERY, " WHEN IN FACT DR.
27 WINDSOR DID HAVE PETITIONER'S U.C. DAVIS MEDICAL RECORDS
28 IN HER POSSESSION ON JULY 9, 2014 ."

1 STATEMENT OF PERTINENT FACTS

2
3 A. DR. J. WINDSOR DID PERSONALLY "ADMIT" THAT HOSP
4 MEDICAL STAFF DO IN FACT HAVE A POLICY IN PLACE THAT
5 PROHIBITS ANY GENERAL POPULATION INMATE FROM RECEIVING
6 MORPHINE OR METHADONE MEDICATIONS REGARDLESS OF THE
7 INMATES PAIN LEVEL.

8
9 B. DR. J. WINDSOR DID "INTENTIONALLY" DELAY
10 PETITIONER'S DENOVO CARTILAGE IMPLANTATION SURGERY FOR
11 15 MONTHS. DR. WINDSOR STATED THAT SHE DID NOT HAVE
12 PETITIONER'S U.C. DAVIS MEDICAL RECORDS CONCERNING HIS
13 DENOVO CARTILAGE IMPLANTATION. THE FACT IS THAT DR.
14 WINDSOR HAD A COMPLETE SET OF PETITIONER'S U.C. DAVIS
15 DENOVO CARTILAGE IMPLANTATION MEDICAL RECORDS ON
16 THE DATE JULY 9, 2014. DR. WINDSOR LIED ABOUT NOT
17 HAVING PETITIONER'S U.C. DAVIS MEDICAL RECORDS. DR.
18 WINDSOR LIED TO INTENTIONALLY DELAY OR DENY PETITIONER'S
19 SURGERY. PETITIONER EVENTUALLY RECEIVED HIS DENOVO
20 CARTILAGE IMPLANTATION SURGERY ON SEPTEMBER 4, 2015.

21
22 REASONS FOR GRANTING THE WRIT

23
24 I. ON MARCH 9, 2015, DR. WINDSOR'S ATTORNEY OF
25 RECORD "DERREK J. LEE", FILED A MOTION IN THE EASTERN
26 DISTRICT COURT TITLED "ANSWER AND DEMAND FOR JURY TRIAL".
27 THE ANSWER CLEARLY STATE THAT DR. WINDSOR AND THE
28 DEFENDANTS ADMIT THAT HOSP MEDICAL STAFF DO IN FACT

1 HAVE A POLICY IN PLACE REGARDING METHADONE AND MORPHINE.
2 (ANSWER AND DEMAND FOR JURY TRIAL, PAGE 3 LINES 3 - 6).
3 HDSP MEDICAL SENIOR NURSE T. BARTON AND PSY, T. MURRAY
4 BOTH ADMITTED, EXPLAINED TO PETITIONER THAT MORPHINE
5 IS NOT GIVEN TO INMATES ON GENERAL POPULATION YARDS.
6 (602 APPEAL-HDSP SC 15000433).

7
8 2. ON JULY 9, 2014, DR. WINDSOR AND DEFENDANTS HAD
9 A COMPLETE COPY OF PETITIONER'S U.C. DAVIS DE NUOVO CARTILAGE
10 IMPLANTATION MEDICAL RECORDS. (602 APPEAL-HDSP HC
11 14028252, MEDICAL EXHIBIT'S # 1 OF 10 PAGES).

12 ON SEPTEMBER 8, 2014, DR WINDSOR REPORTS "NO
13 U.C. DAVIS ORTHOPEDIC REPORT IN UNIT HEALTH RECORDS", AND
14 WROTE "OBTAIN U.C. DAVIS RECORDS. (DISTRICT COURT'S FINDINGS
15 AND RECOMMENDATIONS, PAGE 28 LINES 11- 13). DEFENDANT
16 T. MAHONEY DECLARATION STATE: ON SEPTEMBER 25, 2014, I
17 WAS RESPONDING TO 602 APPEAL LOG NO. HDSP HC 14028252,
18 DR. WINDSOR REPORTED SHE WAS WAITING FOR PETITIONER'S
19 MEDICAL RECORDS TO REVIEW THE FINDINGS FROM U.C. DAVIS'S
20 ORTHOPEDICS DEPARTMENT. (T. MAHONEY DECLARATION,
21 PAGE 2 LINES 18 - 23).

22 HERE BOTH DEFENDANTS DR. WINDSOR AND T. MAHONEY
23 FLAT-OUT LIE. BOTH DEFENDANTS LIE AND RECORD THAT THEY
24 "DID NOT" HAVE PETITIONER'S U.C. DAVIS ORTHOPEDIC DEPARTMENT
25 MEDICAL RECORDS. BOTH DEFENDANTS ADMIT TO RESPONDING TO
26 PETITIONER'S 602 APPEAL-HDSP HC 14028252. THIS APPEAL
27 HAS ATTACHED A COMPLETE COPY OF U.C. DAVIS ORTHOPEDIC
28 MEDICAL RECORDS 1 OF 10 PAGES.

1 THE REASONS FOR GRANTING THIS WRIT IS VALID. THE
2 DEFENDANTS DID IN FACT: (1), INTENTIONALLY DELAYED
3 PETITIONER'S LEFT- ANKLE SURGERY FOR FIFTEEN MONTHS.
4 FIFTEEN MONTHS OF EXCRUCIATING PAIN AND SUFFERING ON THE
5 PART OF PETITIONER. ESTELLE V. GAMBLE, 429 U.S. 97, 104
6 (1976) (PRISON OFFICIALS ARE DELIBERATELY INDIFFERENT
7 TO A SERIOUS MEDICAL NEED WHEN THEY "DENY, DELAY, OR
8 INTENTIONALLY INTERFERE WITH MEDICAL TREATMENT. JETT
9 V. PENNER, 439 F.3d 1091, 1096 (9th Cir. 2006) (QUOTING
10 HUTCHINSON V. UNITED STATES, 838 F.2d 390 (9th Cir. 1988)).
11

12 (2), THE DEFENDANTS FLAGRANTLY DISREGARDED U.C. DAVIS
13 ORTHOPEDIC SURGEON, ERIC GIZA'S, RECOMMENDATION THAT
14 PETITIONER IS IN NEED OF HIS DENVO CARILAGE IMPLANT
15 IN HIS LEFT- ANKLE. SNOW V. MCDANIEL, 681 F.3d 978
16 (9th Cir. 2012) (DECISION OF NON- TREATING NON-SPECIALIST
17 PHYSICIANS TO REPEATEDLY DENY RECOMMENDED SURGICAL
18 TREATMENT MAY BE MEDICALLY UNACCEPTABLE UNDER ALL
19 CIRCUMSTANCES).
20

21 (3), THE DEFENDANTS FLAGRANTLY DISREGARDED THEIR
22 OWN ATTORNEY OF RECORD "DERREK J. LEE". DERREK J. LEE
23 FILED A MOTION IN THE EASTERN DISTRICT COURT TITLED
24 "ANSWER AND DEMAND FOR JURY TRIAL". THIS MOTION
25 CLEARLY DOCUMENT, STATE THAT DEFENDANTS ADMIT THAT
26 HIGH DESERT STATE PRISON MEDICAL STAFF DO IN FACT HAVE
27 A POLICY IN PLACE THAT PROHIBITS GENERAL POPULATION
28 INMATES FROM BEING PRESCRIBED MORPHINE OR METHADONE

1 MEDICATIONS REGARDLESS IF THESE INMATES NEEDS THESE TYPE OF
2 MEDICATIONS TO ADEQUATLY MANAGE THEIR PAIN. CHESS V. DOVEY,
3 790, F.3d 961 (9th Cir. 2015) (CHESS ALLEGED THAT DEFENDANTS
4 DISCONTINUED METHADONE SOLELY BECAUSE HIGH DESERT STATE
5 PRISON POLICY IN 2006 TO 2007 PROHIBITED GENERAL
6 POPULATION INMATES FROM RECEIVING THAT MEDICATION).

7 REASONS FOR GRANTING THIS PETITION ARE CONSTITUTIONAL
8 IN NATURE. THIS COURT IN ESTELLE V. GAMBLE SANCTIONED
9 THAT INADEQUATE HEALTH CARE CAN REACH THE LEVEL OF
10 CONSTITUTIONAL VIOLATIONS IF PRISON MEDICAL STAFF ARE
11 DELIBERATELY INDIFFERENT TO A SERIOUS MEDICAL NEED
12 WHEN THEY "DENY, DELAY, OR INTENTIONALLY INTERFERE
13 WITH MEDICAL TREATMENT". DEFENDANTS BY INTENTIONALLY
14 DENYING, DELAYING PETITIONER'S DE NOVO CARTILAGE
15 IMPLANTATION FOR FIFTEEN MONTHS IS CLASSIC ESTELLE V.
16 GAMBLE. FURTHERMORE, THE NINTH CIRCUIT COURT OF APPEALS
17 USED SELECTIVE APPLICATION WHEN DENYING PETITIONER'S
18 CIVIL COMPLAINT. THE NINTH CIRCUIT DENIED PETITIONER'S
19 CIVIL COMPLAINT ON THE GROUNDS: A DIFFERENCE OF OPINION
20 CONCERNING THE COURSE OF TREATMENT DOES NOT AMOUNT TO
21 DELIBERATE INDIFFERENCE); PERALTA V. DILLARD, 744, F.3d
22 1076, 1087 (9th Cir. 2014) (RELIANCE ON THE DECISIONS OF
23 QUALIFIED PROVIDERS DOES NOT CONSTITUTE DELIBERATE
24 INDIFFERENCE); JETT V. PENNER, 439 F.3d 1091, 1098
25 (9th Cir. 2006) (DELAYS MUST RESULT IN SUBSTANTIAL
26 HARM TO CONSTITUTE DELIBERATE INDIFFERENCE). SEE
27 COURT'S DENIAL ORDER, (APPENDIX^{II} A, PAGE 2).

1 PETITIONER ARGUES THE NINTH CIRCUIT COURT'S RELAYING ON
2 PERALTA V. DILLARD IS CONTRARY, A CONTRADICTION TO THIS
3 NINTH CIRCUIT COURT RULING IN A LATER CASE. SNOW V. MCDANIEL
4 681 F.3D 978 (9TH CIR. 2012) (DECISION OF NON-TREATING NON-
5 SPECIALIST PHYSICIANS TO REPEATEDLY DENY RECOMMENDED
6 SURGICAL TREATMENT MAY BE MEDICALLY UNACCEPTABLE UNDER
7 ALL CIRCUMSTANCES). U.C. DAVIS ORTHOPEDIC SURGEON, "ERIC
8 GIZA" RECOMMENDED THAT PETITIONER BE SCHEDULED FOR A DENOVO
9 CARTILAGE IMPLANTATION IN HIS LEFT- ANKLE JOINT. DEFENDANTS
10 INTENTIONALLY DENY, DELAYED PETITIONER'S DENOVO SURGERY FOR
11 FIFTEEN MONTHS. THE NINTH CIRCUIT RELIANCE ON PERALTA V.
12 DILLARD (STANDARD PHYSICIANS) MEDICAL OPINIONS DOES NOT
13 SUPERCEDE A ORTHOPEDIC SPECIALISTS SURGERY RECOMMENDATION
14 AS DECIDED IN SNOW V. MCDANIEL.

15 PETITIONER ARGUES THAT THE NINTH CIRCUIT DENIED HIS CIVIL
16 COMPLAINT ON THE GROUND. JEIT V. PENNER, 439 F.3D 1091,
17 1098 (9TH CIR. 2006) (DELAYS MUST RESULT IN SUBSTANTIAL
18 HARM TO CONSTITUTE DELIBERATE INDIFFERENCE.). SEE COURT'S
19 DENIAL ORDER, (APPENDIX "A", PAGE 2). WHAT THE NINTH
20 CIRCUIT COURT IGNORED WAS THAT PETITIONER SUFFERED
21 EXCRUCIATING PAIN FOR FIFTEEN MONTHS, EXCRUCIATING PAIN
22 AND SUFFERING DUE TO PETITIONER BEING FORCED TO HOBBLE ON
23 A BUM LEFT- ANKLE FOR FIFTEEN MONTHS. THE NINTH CIRCUIT
24 USED SELECTIVE APPLICATION CONCERNING JEIT V. PENNER.
25 JEIT V. PENNER STATES QUOTE: PLAINTIFF "MUST SHOW (1) A
26 SERIOUS MEDICAL NEED BY DEMONSTRATING THAT FAILURE TO
27 TREAT [HIS] CONDITION COULD RESULT IN FURTHER SIGNIFICANT
28 INJURY OR THE UNNECESSARY AND WANTON INFICTION OF PAIN,"

1 AND (2) THAT " THE DEFENDANT'S RESPONSE TO THAT NEED WAS
2 DELIBERATELY INDIFFERENCE. MCGUCKIN V. SMITH, 974 F.2d 1050
3 (9TH CIR. 1991) (SERIOUS MEDICAL CONDITION, IF LEFT UNTREATED,
4 COULD RESULT IN " FURTHER SIGNIFICANT INJURY " AND THE
5 " UNNECESSARY AND WANTON INFLICTION OF PAIN ". MCGUCKIN, 974
6 F.2d at 1059 .

7 PETITIONER CAN NOT PUT INTO WORDS THE EXCRUCIATING PAIN
8 AND SUFFERING HE HAD TO ENDURE DUE TO HIGH DESERT STATE
9 PRISON MEDICAL POLICY COMBINED WITH FIFTEEN MONTHS OF
10 INTENTIONAL DELAYED LEFT- ANKLE SURGERY . ANY AND ALL INMATES
11 OR CITIZENS SHOULD HAVE THE RIGHT TO ADEQUATE HEALTH CARE .
12 ESTELLE V. GAMBLE , (1976) 429 U.S. HAS SET THE STANDARD .
13 THIS COURT HAS SET THE STANDARD . THE MEDICAL CIRCUMSTANCES
14 OBVIOUS IN PETITIONER'S HEREIN WRIT OF CERTIORARI MEETS
15 THESE STANDARDS . " THIS COURT SHOULD SEND A CLEAR MESSAGE TO THE
16 LOWER COURTS THAT THESE TYPES OF ACTIONS WILL NOT BE TOLERATED . "

18 CONCLUSION

19
20 THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED
21
22

23 DATED :

24
25 Rodney J. Womack

26 RODNEY J. WOMACK

27 PETITIONER IN PRO SE
28