

19-6217

No. _____

Supreme Court, U.S.
FILED

AUG 08 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JOANNE HALL

(Your Name)

— PETITIONER

vs.

Department of Veterans Affairs

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Fourth Circuit Court of Appeals Richmond, VA

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

PETITION FOR WRIT OF CERTIORARI

Jo Anne Hall

(Your Name)

2909 Cogbill Road

(Address)

Richmond, VA 23234

(City, State, Zip Code)

804 497 9907

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1. Whether the Disabled Veteran Petitioner had Received Adequate healthcare at the Veterans Medical Center?
2. Whether Petitioner's Symptoms, tests, monitoring, and diagnosis were dismissed, ignored, or neglected in lieu of treatment?
3. Whether there was proper patient advocacy at any point between ongoing prescriptions to cover an already recognized criminal ailment, life threatening?
4. When there was a Brain Aneurysm founded 03/2015, why wasn't there a treatment plan developed or administered?
5. What options will I have, if my condition debilitates/worsens. I only have 1 family member
6. Whether ALL of my claims for damages and compensation be ALL counted fairly -

Appendix C

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:

Within my understanding
Pro Se, Rule 29 I did not serve filings with
the Solicitor General of the United States
I ask your pardon if I am incorrect. Can you
please forward if so?
Respectfully

Appendix D

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VIII. TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Ulrich v. Veterans Admin Hosp. 853 F.2d 1078, 1084 (2d Cir. 1988)
Malmberg v. United States, 968 F.2d 200 (2d Cir. 1992)
Oden v. Chemung Cty. Indus. Dev. Agency, 87 N.Y.2d 81, 85-86, 63
N.Y.S.2d 670
661 N.E.2d 142 (1995)
McMillan v. City of New York, Nos.
03-CV-6049, 08-CV-2887, 2008 WL 4287573 Sept 19, 2008
Dalehite v. United States, 346 U.S. 15, 30-31 (1953)
PL 96-385 H.R. 7511

STATUTES AND RULES

28 U.S.C. § 2675 (a)
38 U.S.C. § 1151(a)(1)
38 U.S.C. § 7316 (1)(b)(a)

OTHER

Appendix A

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.

| X, OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☒ reported at <https://www.pacer.gov>; 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.

X. JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 11, 2019.

☐ 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: _____, 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. § 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).

...to the best of my knowledge and ability

XI. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Res ipsa loquitur // obvious breach of duty that speaks for itself. Here lies a breach in Standard Care.

As in the case of Dalehite v. United States a waiver of Sovereignty was placed and tort allowed 346 U.S. 15, 30-31 (1953)

Provisions of FTCA are found in Title 28 of the U.S.C. 28 U.S.C. § 1346(b) § 1402(b), and §§ 2671-2680

In 1944 President Franklin D. Roosevelt in his State of Union address advanced his idea of Second Bill of Rights - the right to adequate medical care and right to achieve and enjoy good health. Proposed amendment "Section 1".

There is also a damage cap and patient compensation fund optional. Indemnity with service connected disabilities with rate of dependency Bill PL 96-385 H.R. 7511: Knows the existence and cause of injury and continuing care of the negligent actor for the same injury.

Malmberg v. U.S. speaks on non-continuance of using offenders medical services, the courts failed to provide adequate analysis to support both the denial of Malmberg's motion to amend, and its decision to award past and future pain and suffering. Was awarded \$500,000 for past pain and suffering, \$1.5 million for future pain and suffering, and \$2,469,859.91 in economic damages from a VA facility.

A misstatement of adequate work abilities, health structures, and importance of health advocates, taken from the McMillan v. City of New York, No. 11-3932 (2d Cir. Mar 4, 13) case

There are no or to be any limitations on the types of economic losses or the types of collateral benefits the offset is intended to reach. Oden v. Chemung Cty. Indus 87, N.Y. 2d 81, 85-86, 63 N.Y.S. 2d 67C 661 N.E. 2d 142 (1995)

XII, STATEMENT OF THE CASE

Since the Petitioner, disabled Veteran JOANNE HALL returned Stateside from battle, nothing has been the same. She has had reoccurring issues, noted as early as 2011 with high blood pressure. She was told to "Calm down and let's wait until the end of the visit, and let's take it again because this too high a reading." Examples of reading ranged from 165/96, 172/101, 161/92; too ~~name~~ a few.

Also, these variations in pressure were never monitored nor diagnosed, of course untreated. Having and continuous high levels of blood pressure can cause a stroke by damaging and weakening your brain's blood vessels, causing them to narrow, rupture or leak. Simultaneously the Plaintiff had/records state reports of throbbing head pains, dizziness, delirium, and fatigue that was uncontrollable. She was passing out in her car at traffic lights at that time as well. {Mayo Clinic Ref.} ONLY MEDICATIONS WERE PRESCRIBED

There were at least 2-4 request for brain scans, CT scans, Xray's or MRI's, thru the attending PCP. Also a Neurologist was requested and received per Reg about 2014. MS Hall also has TBI, which is service connect, the POS screening was ignored. Wrong CT Scan orders were placed. Falshoods about the Petitioner missing her testing were untrue. Even to date, ALL of the Plaintiff brain scans are NOT in her records. She was sent a CD disc that can only be opened by VA personnel.

Case/records show I had a Aneurysm on 03/27/2015, this
medical is before 04/05/2015 when it ruptured.

XIII. REASONS FOR GRANTING THE PETITION

Conditions, medically, are not expected to improve.
Prior to Brain Aneurysm Rupture, Hemorrhagic Stroke;
Petitioner, Plaintiff was able to live independently,
work a variety of jobs, enjoyed an array of social
activities, no problems arterial wise nor any cardiovascular
diseases.

Not getting proper medical care at the VA hospital
currently, cannot endure another misdiagnosis
or form of negligence. Will need to secure outside
healthcare.

These medical occurrences were an
unnecessary Add-on to an already hefty list of
other service-connected disabilities, also stated
on my medical profile since 2005 to include a
positive testing for TBI. The VA has ignored this as
well

This medical malpractice accrues, as the
Petitioner is aware of her injuries and their causes and
should suspect that the doctor who caused the injury
and medical facility (misdiagnosis/non treatment) are both
legally blameworthy.

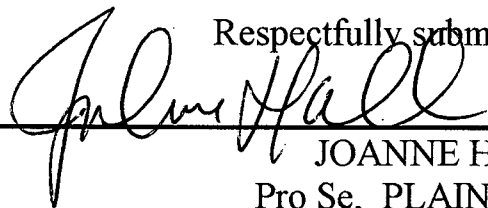
The limitations period had not triggered further until the
Neurologist indicated in record that there was an Aneurysm
formed one month prior to rupture and stroke and clot.
Brain cells, mass and tissues, right frontal lobe are traumatized
Awaiting: Ultimate award for past pain and suffering
Compensation for future pain and suffering
Compensation in Economic changes/damages,
in proper healthcare minus VA free services.

CONCLUSION,

For the Foregoing reasons, JOANNE HALL respectfully requests that this Court issue a writ of certiorari to review the judgment of the US COURT OF APPEALS for the Fourth Circuit

DATED this 1ST Day of August, 2019.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joanne Hall", is written over a horizontal line.

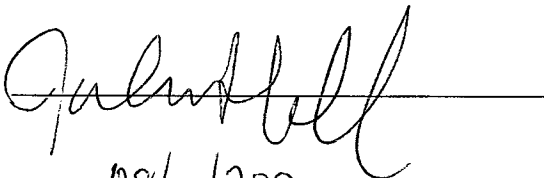
JOANNE HALL
Pro Se, PLAINTIFF

2909 Cogbill Road
Richmond, VA 23234
Tel: 804 497 9907
EMail: joannehall13@gmail.com

XIV. CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 08/01/2009