

19-6329

No. \_\_\_\_\_

ORIGINAL

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Jackie Lee Boyd — PETITIONER  
(Your Name)

vs.

Carol Monroe; Et. Al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States District Court for the Eastern District  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jackie Lee Boyd

(Your Name)

Telford Unit  
3899 Hwy 98

(Address)

New Boston, TX 75570

(City, State, Zip Code)

N/A

(Phone Number)

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## 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:

Carol Monroe,

Lana Brunette, Gwedolyn Fullen, Sarah Cook, Chad Moore  
all Represented by

Brianna M. Webb  
Assistant Attorney General  
P.O.BX 12548  
Austin, TX 78711-2548

## RELATED CASES

## QUESTION(S) PRESENTED

- (1) Is a constitutional right to be free of the wanton infliction of pain rendered void upon incarceration?
- (2) Is the denial of life sustaining medication a violation of the 8th amendment?
- (3) Is the constitutional right to life made void upon incarceration?
- (4) Is a deliberate indifference to a known psychotic medical condition while in custody a violation of the 8th amendment?
- (5) Is it the function of the United States Supreme Court to settle dispute's concerning inconsistent case law in her lower federal court's?

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Haines V. Kener, 404 U.S. 519(1972) =====	5
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Wilson V. Seiter, 501 U.S. 296(1991) -----	6,7
Rhodes V. Chapman, 452 U.S. 337(1981) -----	6
Domino V. TDCJ-ID, 239 F.3d 752-756(2001) -----	8
Jackson V. Bishop, 404 F.2d 57, 579 CA (1968) ----	8
Rogers V. Boatright, 709 F.3d 403-407(5th2003) -----	4,7

### STATUTES AND RULES

- (1) The 8th Amendment prohibits cruel and unusual treatment. (1771)
- (2) U.S.C.A. Const. Amend. 8th

### OTHER

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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   B   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   A   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 06/07/2019.

☒ 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).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The 8th Amendment prohibits cruel and unusual treatment, passed in 1771. The constitution is the basic law to which all others must conform, 104 F.supp.925

The U.S. Constitution provides an inalienable right to life, religion, freedom of speech, due process, and equal protection of law that cannot be transferred to another, except by the person possessing them.

The Bill Of Rights



## STATEMENT OF THE CASE

In Cause No. 6:17-CV-649, the petitioner was in TDCJ-ID custody, and being treated for an ongoing psychotic medical condition, on the Micheal unit, because of their Diversion Mental Health Program. Petitioner was prescribed (Carbamzipine) for severe depression, and one which require's an offender to be escorted by security (Three time's daily) to be administered, as prescribed by the Doctor. Petitioner, Jackie Lee Boyd present's evidence significant to show that staff were deliberately indifferent to his psychotic medical condition, by refusing to escort Petitioner to retrieve [Life Sustaining] medication, on (79) Seventy Nine occasions in 2017, and directly caused a mental break down, that resulted in an attempt at my own life. Petitioner, sued TDCJ-ID staff, alleging that they were deliberately indifferent to his medical condition, by avoiding their obligation to escort Petitioner to retrieve life sustaining medication, in violation of the 8th Amendment.

The Respondant, Warden; Carol Monroe, and her staff, (Lt. Chad Moore), (Lt. Gwendolyn Fuller), and (Lt. Sarah Cook), together denied Petitioner access to the prescribed medication, (Carbamzipine-Tegretol) to medicate Petitioner's extreme depression, which directly attributed to the attempted suicide. The 5th Circuit of Appeals err's in their conclusion, Dated 6/01/2019, "That Petitioner failed to state a claim denovo." " A claim can only be dismissed if it appears beyond doubt that the plaintiff cannot prove the fact's in support of his claim. which would entitle him to relief." Rogers V. Boatright, 709 F.3rd 403-407(5th.cir.2013) Appendix'es C-through-J show staff's failure to meet State, and Federal standard's, instituted by law, and well past the

threshold of simple negligence. Petitioner instituted the grievance procedure on several occasions to bring this malicious activity to the attention of the Warden; Carol Monroe, to no avail. My plea's for decency were ignored. The grievance's only seemed to illicit retaliation and make the situation worse, and therefore only intensifying the depression that the medication is supposed to treat. " Deliberate indifference to a prisoner's serious illness or injury state's a cause of action under 1983. " To have a valid, or cognizable claim. A prisoner must allege the commission of acts sufficiently harmful to evidence deliberate indifference to serious medical needs that can offend evolving standard's of decency in violation of the 8th Amendment."

Haines V. Kener, 404 U.S. 519(1972) In the Haines test, " It is not wheather the facts alleged in the complaint would intitile the plaintiff to relief, rather it is wheather the court can say with assurance on the basis of the complaint, that beyond any doubt no set fact's could be proved that would intitile the plaintiff to relief." Haines.

The reason for the Haines test are manifest fairly in my arguement, that alleges that prison officials refused to meet obligations set upon them by State and Federal law's, deriving from the 8th Amendment, and denying Petitioner access to life sustaining medication over (79) Seventy Nine times in 2017, as evidenced in Appenix'es C-Through-J. The court erred in their comprehension of my deliberate indifference claim in the constitutional sense, because according to Estelle V. Gamble, 429 U.S. 97(1976) Deliberate indifference is satisfied by showing (1) Prison official knew about the serious medical need and (2) The prison official failed to respond reasonably to it. (at 104) The court held in Estelle that to prove deliberate indifference held in pertinent part, courts most often find deliberate indifference

when non-medical officials interfere with the treatment that the doctor ordered." Estelle, 104-105.. It was non-medical officials that interfered (79) times to deny Petitioner's access to treatment for his serious medical needs, in direct conflict of Supreme Court precedent set forth in Estelle V. Gamble, and a direct violation of the Petitioner's 8th Amendment rights that protect us from such cruel and unusual treatment. The lower court use's the term (Deminimis) in their conclusion to deny relief. Meaning that the indifference performed by these officials is ~~in~~ insignificant. However Petitioner shows by a preponderance of evidence that their malicious treatment fulfills every standard set forth by this court to test against such constitutional violations. It is obvious, and painfully so, that the wanton infliction of pain was profoundly deliberate, and far from (Deminimis) or insignificant. Psychological pain is something that the court can take into account when considering a case alleging a constitutional violation has taken place. The nature of the Supreme Court review in governing review of Certiorari include the existence of confliction between the decision of which review is sought and a decision of another appellate court on the same issue. It is an important function of the Supreme Court to resolve disagreements among lower courts about specific legal questions. Another consideration is the importance to the public that these issues be solved. In Estelle V. Gamble, 429 U.S. 97-103 (1976) Wilson is a second part test. In Wilson V. Seiter, 501 U.S. 296 (1991) The Supreme Court next confronted an 8th Amendment challenge to a deprivation in Rhodes V. Chapman, 452 U.S. 337 (1981) The court rejected that contention, concluding that it amounts at most to what constitutes the unnecessary and wanton infliction of pain that violates the 8th Amendment. Those depriving the minimal civilized

measure of life are sufficiently grave to form the basis of an 8th Amendment violation. In the 5th Circuit of Appeals opinion, dated 06/01/19, They conclude that they were "occasionally missed doses" But the evidence shows no less than (79) Seventy Nine. In Wilson, "Some mental element must be attributed to inflicting harm." Wilson-V. Seiter, 501 U.S. 296(1991) Furthermore, the 5th circuit held "that Petitioner does not challenge the District Courts determination that Respondents could not be liable under the doctrine of vicarious liability." Rogers V. Boatright, 709 F3d 403-407(5th.cir.2003) In appendix (C), (Pg4) of Petitioners response, I expounded that my medication was dire to my well being, and that security personnel were denying my access to that medication prescribed by a Doctor. In Estelle V. Gamble, for example, the challenge was not to a general lack of access to medical care at the prison, but to the inadequate delivery of that treatment given to the plaintiff. Petitioner was denied access to prescribed medication for a severe medical condition, that caused an extreme psychotic episode, that resulted in near death of Petitioner. Petitioner has presented sufficient evidence to prove his allegations throughout every court, as well as precedent handed down by the Supreme Court decided in her court. Now I bring this case to you, because you are duty sworn in your own oath of office to protect all Americans from constitutional violations. Especially those causing mental and physical harm. You set the standards that (WE) rely on.

## REASONS FOR GRANTING THE PETITION

This court is encouraged to grant this Petition for Certiorari, regarding the denial of Petitioner's "Deliberate Indifference Claim" See

Doc# 005149-87582, which relied on Dominoe V. TDCJ-ID, 239 F3d 752-756

(2001) It conflicts with the Supreme Court's decision in Estelle V. Gamble, 429 U.S. 97-103 (1976) Because the 5th Circuit held that with regard to my Deliberate Indifference claim, " The petition failed to meet the requirments of Domino; to wit; (1) The Petitioner did not allege facts that; (1) refused to treat him, (2) ignored his complaint (3) Intentionally treated him incorrectly, And (4) engaged in any similar conduct that would clearly show a disregard for any serious medical need's. (06/01/19) In the 5th Cir. conclusion in Cause No. 6:17-CV-649

"The 8th Amendment embodies broad and idealistic concepts of dignity, and civilized standards of humanity, and decency." Jackson V. Bishop, 404 F2d 571-579 ca(1968) The elementary principles establish the government's obligation to provide medical care for those whom it is punishing by incarceration. An inmate must rely on prison authorities, therefore such a failure may actually produce mental or physical torture, or a lingering death. Jackson V. Bishop, make it clear, regardless of how evidenced, deliberate indifference to a prisoners serious illness or mental deterioration states a cause under 1983.

Therefore Petitioner prays that this court grants Certiorari.

In conclusion, I pray that this court grant Certiorari. Thank you

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jackie Lee Boyd

Date: 9-16-019