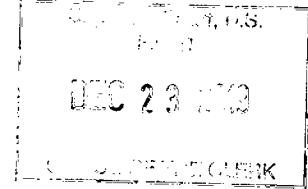


19-7140

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

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
Antonio Medrano Ortiz — PETITIONER  
(Your Name)

vs.

George T. Solomon et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Fourth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Antonio Medrano Ortiz  
(Your Name)

4285 Mail Service Center  
(Address)

Raleigh, N.C. 27699  
(City, State, Zip Code)

(919) 733-0800  
(Phone Number)

### QUESTION(S) PRESENTED

1. Whether The District Court erred by dismissing My Original Complaint As Time-barred by STATUTES OF LIMITATIONS.
2. Whether DR. McKenzie's deliberate Indifference To my Serious medical Needs violated the 8th Amendment's cruel AND unusual punishment.
3. Whether the Excessive Force incidents of October 15, 2015 AND October 24, 2015 violated The cruel AND unusual punishment.
4. Whether DR. METIKO's deliberate indifference To my Serious medical Needs violated the cruel AND unusual punishment of the 8th Amend.

## 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:

George T. Solomon, Paula Smith, Monica Bond,  
Carlton Joyner, Donnie Raynor, DR. METKO,  
William Elderlice, Rodney Rivers, Matthew  
Baum, DR. McKenzie, Nurse Goddard,  
Officer OBi, Sgt. Thayer

Respondents

And

Please see Attached sheet next page  
**RELATED CASES**

N/A

ANTONIO MEDRANO ORTIZ

LIST OF PARTIES

ATTACHED SHEET

Medical Administrator AT CENTRAL PRISON,  
Medical Administrator AT HAGNETT PRISON,  
Medical Administrator AT CALEDONIA PRISON,  
Medical Administrator AT WARREN PRISON,  
Medical Administrator AT TROY PRISON  
Medical Administrator AT LANESBORO PRISON,  
Medical Administrator AT ALEXANDER PRISON,  
Medical Administrator AT MARION PRISON.

Disciplinary Hearing Officer AT CENTRAL PRISON,  
Disciplinary Hearing Officer AT HAGNETT PRISON,  
Disciplinary Hearing Officer AT LANESBORO  
PRISON, Disciplinary Hearing Officer AT  
MARION PRISON.

DIRECTOR OF THE MEDICAL UTILIZATION REVIEW  
BOARD, DIRECTOR OF DEPARTMENT OF PUBLIC  
SAFETY, D. DAVIS, AND JESSICA REID.

RESPONDENTS.

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ANTONIO MEDRANO ORTIZ

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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 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 N/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 N/A court appears at Appendix N/A to the petition and is

☐ reported at N/A; 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 September 30, 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: 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 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 N/A.  
A copy of that decision appears at Appendix N/A.

☐ 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 A N/A.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This CASE involves Amendment VIII To the United STATES CONSTITUTION, Which Provides:

Excessive bail Not be required, Nor Excessive Fines imposed, Nor Cruel AND UNUSUAL Punishment inflicted.

The Amendment is enforced by Title 42, SECTION 1983 United STATES Code:

"Every Person who, under color of ANY STATUTE, ORDINANCE, REGULATION, CUSTOM OF USAGE, OF ANY STATE OR TERRITORY, SUBJECTS, OR CAUSES TO SUBJECT, ANY CITIZEN OF THE UNITED STATES or other or other persons within the Jurisdiction thereof To the deprivation of ANY right, Privilege, or IMMUNITIES Secured by the CONSTITUTION AND LAW, shall be liable To the PARTY injured in AN ACTION AT LAW, SUIT in equity, or other proper proceeding For redress.

## Rules

Rule 56 (c) Fed. R. Civ. P.

## STATEMENT OF the CASE

### A. Medical Claim(s)

My initial Complaint Was brought Against Several North Carolina State Prison Medical Administrator officials For denial of my Right Against Cruel And Unusual Punishment Through Lack of Adequate medical care. On October 26, 2000 upon my Admission into Central Prison Raleigh, North Carolina I Was Medically Screened by the medical department. During this screening I informed the medical staff my issue With Unusually high blood pressure, And that I Would like to receive Corrective (blood pressure checks) Treatment if that Was Possible. I Was Informed by the medical staff that I did Not Need any Continuing Treatment And that I Was Fine. I WAS

## STATEMENT OF THE CASE

Moved From One Prison to Another<sup>1</sup> in  
Which events pursuant to the usual procedure  
I filed multiple medical requests complaining  
of headache, blurred vision, dizziness  
fatigue and urinating problems. I  
tried to inform the medical personnel  
something is wrong with me, but the  
nurses only provided a simple and  
 cursory assessment, sometimes  
the nurses just rolled their eyes and  
walked off ignoring my serious medical  
need. Because of my continuous  
complaining seeking adequate and  
proper medical care pursuant to  
filing numerous medical requests  
for what turn out to be legitimate  
cause, on January 2010 ten-year  
after so much complaining the

---

<sup>1</sup> Please see List of Parties Section for a  
complete list of the prisons I was moved.

ANTONIO MEDRANO ORTIZ

## STATEMENT OF THE CASE

Medical department decided to take a blood sample for testing, then more blood samples were taken from me to reveal I had permanently kidneys damage.

There is no record during the period of October 26, 2000 to January 2010 that I was provided with any blood pressure check, or received any medication for my high blood pressure. After the respondents find out the cause of my kidneys damage were high blood pressure, then the medical department started provide me with high blood pressure medicine, but the damage was already done.

DR. MCKENZIE

ON OR ABOUT MARCH 12, 2014 I UNDERGO SURGERY IN MY LEFT ARM TO PLACE A

Antonio Medrano Ortiz

## STATEMENT OF THE CASE

For pain. I started Dialysis treatment ON AUGUST 2014, the Dialysis Technicians found I was in pain Almost immediately, I even missed Some of my treatment due to that Pain. The Artificial vein in my Arm grew bigger and tender with treatment, nuts about the size of golf balls were developed in my arm creating additional pain. Still DR. McKenzie Refusing to provide me with medicine for pain. I went Two year Complaining About pain to DR. McKenzie, and For two year DR. McKenzie denied me Adequate

ANTONIO MEDRANO ORTIZ

## STATEMENT OF THE CASE

MEDICAL TREATMENT. Finally ON MAY 31, 2016 DR. MCKENZIE DECIDES TO PRESCRIBE IBUPROFEN<sup>3</sup> OR NSAID (NON-STEROIDAL ANTI-INFLAMMATORY DRUG) FOR MY ARM PAIN. SOON THEREAFTER I BEGAN TO DEFECATE BLOOD. THE APPROXIMATE CAUSE OF THIS BLEEDING IS IBUPROFEN WHICH DR. MCKENZIE WITH DELIBERATE INDIFFERENCE PRESCRIBE ME. AS TRAINED AND EXPERIENCED DOCTOR, DR. MCKENZIE WAS AWARE OF THE DANGERS AND RISKS THIS IBUPROFEN WOULD CAUSE TO ME, AND AS A RESULT I HAVE ALREADY UNDERGO TWO MAJOR SURGERIES: ONE COLONOSCOPY

<sup>3</sup> I AM ALLERGIC TO IBUPROFEN AS SHOWN IN MY MEDICAL RECORD. SEE APPENDIX - C ATTACHED TO THIS PETITION.

Antonio Medrano Ortiz

## STATEMENT OF THE CASE

Surgery on January 2, 2018 AND  
ONE EGD (Esophago-gastroscopy)  
ON March 28, 2018. DR. McKenzie's  
denial of adequate medical treatment  
AND the prescription of Ibuprofen  
imposed upon me, Regardless of  
this knowledge, DR. McKenzie ACT  
With deliberate indifference to be  
Free From UNNECESSARY Suffering

B. Use of Excessive Force Incidents October  
15, 2015 AND October 24, 2015.

As set forth in my Complaint. ON  
October 15, 2015 Officers DAYIOUS DAVIS<sup>4</sup>

4 Now deceased



ANTONIO MEDRANO ORTIZ

## STATEMENT OF THE CASE

Rodrique Rivers, IKENNA-OBÍ, AND  
TWO OTHER OFFICERS USED EXCESSIVE  
FORCE AGAINST ME WHILE I WAS ON  
FULL RESTRAINTS<sup>5</sup> INJURING MY LIPS  
WHICH HAD TO BE SURGERICALLY REPAIR,  
AND DR. METIKO REFUSED PROVIDE  
MEDICAL TREATMENT IN MY INJURED  
LIPS. IT WAS NOT UNTIL FEBRUARY  
27, 2017 THAT I HAD SURGERY TO  
REPAIR THE DAMAGE ON MY LIPS.

WILLIAM ELDERDICE WAS THE INVESTIGATING  
OFFICER OF THE FIRST INCIDENT, AND  
VIDEOTAPE WAS NOT PRODUCED BY THE  
RESPONDENTS. MY COMPLAINT FURTHER

---

<sup>5</sup> FULL RESTRAINTS MEAN: HANDCUFFED,  
BEHIND BACK, CHAIN AROUND WAIST, BLACK  
BOX, AND SHACKLES ON LEGS

ANTONIO MEDRANO ORTIZ  
STATEMENT OF THE CASE

STATE THAT ON October 24, 2015  
I WAS LOCKED IN MY CELL ATTEMPTING  
TO WASH MYSELF WHEN OFFICERS  
RODRIGUE RIVERS<sup>6</sup>, MATTHEW BAUM,  
WILLIAM ELDERDICE, SGT. THAYER AND  
FOUR OTHER OFFICERS USED EXCESSIVE  
FORCE WHILE I WAS ON FULL RESTRAINTS.

FIRST INCIDENT OCTOBER 15, 2015

ON OCTOBER 15, 2015 OFFICER DAVIOUS  
DAVIS WAS ESCORTING ME (FULL RESTRAINED)  
FROM CENTRAL PRISON'S SEGREGATION UNIT

---

<sup>6</sup> ONE OF THE VERY SAME OFFICERS  
THAT ATTACKED ME 9 DAYS EARLIER.

ANTONIO MEDRANO ORTIZ

## STATEMENT OF THE CASE

To the URGENT CARE CENTER in CENTRAL Prison's medical UNIT. ONCE in the URGENT CARE CENTER, I WAS informed by ONE of the NURSES that I would be housed in the MEDICAL UNIT rather than in Segregation. I did not become IRATE, COMBATIVE TOWARD ANYBODY, or USED PROFANE LANGUAGE, nor I disobeyed ANY given order, neither I OFFERED ANY THREAT, or RESISTANCE INSTEAD I WAS kind of happy by being housed in the MEDICAL UNIT. My only concern WAS my PERSONAL belongings THAT still in the Segregation UNIT. I ASKED my ESCORT DARIOUS DAVIS About the Fate OF my PERSONAL belongings, I received NO ANSWER FROM OFFICER

ANTONIO MEDRANO ORTIZ

## STATEMENT OF THE CASE

DAVID DAVIS. I ASKED A FEW MORE TIMES ABOUT MY PERSONAL BELONGINGS WHETHER IT WOULD BE BROUGHT TO ME, AT THAT POINT MY ESCORT DAVID DAVIS MIGHT HAVE GOTTEN UPSET, WALKED TOWARD ME AND BEGAN TO SPEAK VERY LOUD, THAT NOISE BROUGHT THE ATTENTION OF OTHER OFFICERS IN THE ROOM WHICH ALSO APPROACH ME. WHEN OFFICER DAVIS SAW THE OTHER OFFICERS APPROACHING OFFICER DAVIS GOT EVEN LOUDLY, I WAS LIKE WOW! STUNNED BY OFFICER DAVIS' SUDDEN AND UNNECESSARY REACTION THAT I KIND OF STAND UP FROM MY SEAT JUST A LITTLE, (STILL IN FULL RESTRAINTS)

Antonio Medrano Ortiz

## STATEMENT OF THE CASE

AT THAT POINT OFFICERS DAYIOUS DAVIS,  
Rodrique Rivers, Ikenna- OBI, AND THE  
TWO OTHER OFFICERS PICKED ME UP  
AND SLAMMED ME ONTO THE HARD  
CONCRETE FLOOR mouth, first bursting  
my lips open<sup>7</sup> the videotape would  
collaborate my statement. However,  
The Respondents claim they don't  
have the footage of the incident  
October 15, 2015. The Respondents  
do provided a black and white picture  
which they attempted to camouflage  
by making it more darken to  
conceal the blood and the injury  
upon my lips.

<sup>7</sup> I have attached a copy of the black  
and white picture Respondents provided  
of the incident October 15, 2015. See  
Appendix - D

ANTONIO MEDRANO OSTIZ  
STATEMENT OF THE CASE

DR. METIKO<sup>8</sup>

Following the incident October 15, 2015 in the Urgent Care Center, I WAS PUT IN AN EMPTY CELL in the "MEDICAL UNIT." I WAS SLEEPING ON THE FLOOR, WAS NOT PROVIDED WITH BASIC NEEDS SUCH AS MY DIALYSIS DIE, WARM SHOWER, CLEAN CLOTHES<sup>9</sup> OR SUNLIGHT, NOR I WAS PROVIDED ANY MEDICAL TREATMENT ON MY INJURED LIPS. ON OR ABOUT OCTOBER 20, 2015 (FIVE DAY AFTER THE FIRST INCIDENT) RESPONDENTS DR. METIKO, AND THEN CENTRAL PRISON WARDEN

---

<sup>8</sup> DR. METIKO IS THE CHIEF DOCTOR AT CENTRAL PRISON MEDICAL UNIT.

<sup>9</sup> I WAS FORCED TO WEAR THE SAME OLD BLOOD STAINED CLOTHING FROM THE FIRST INCIDENT.

Antonio Medrano Ortiz

STATEMENT OF THE CASE

MR. CARLTON JOYNER Along With other PRISON OFFICIALS Stopped by my Cell. Even though my living condition and injury were evident, I Complained to the PRISON OFFICIALS About my living condition, And Why the injury I have in my lips is NOT TREATED.

DR. METIKO STATE " You Going to die Right in the Room" Then

DR. METIKO, AND WARDEN JOYNER Walked OFF ignoring my living condition and my need for medical treatment. I Filed Grievance.

ON 11-27-2015 A Copy of that is Attached to this Petition as APPENDIX - E. IT WAS NOT UNTIL

Antonio Medrano Ortiz

## STATEMENT OF THE CASE

February 27, 2017 that my lips were surgically treated to repair the damage.

### Second incident.

On October 24, 2015 just before 2:00 P.M. I was locked in my cell undressed attempting to wash myself in the sink. Respondent Rodrique Rivers<sup>10</sup> entered my cell with the excuse of conduct "Formal Count" I was startled by Respondent Rivers' presence inside my cell, without a second thought I firmly demanded Respondent Rivers to leave my cell.

---

<sup>10</sup> One of the very same Guards that attacked me 9 days earlier.



Antonio Medrano Ortiz

## STATEMENT OF THE CASE

Respondent Rivers' Response to my demand was "I Will beat your ASS like the first time" AT THAT POINT Respondent Rivers AND myself EXCHANGED WORDS, Respondent Rivers THEN LEFT ONLY TO COME BACK MINUTES LATER ACCOMPANIED WITH RESPONDENTS MATTHEW BAUM, AND WILLIAM ELDERDICE. ELDERDICE ORDERED ME TO SUBMIT TO THE HANDCUFFS, I COMPLY. HOWEVER, THE HANDCUFFS WERE PLACED SO TIGHT IN MY WRISTS THAT ALMOST CUT MY HANDS. I ASKED ELDERDICE TO LOOSE THE HANDCUFFS A LITTLE SO IT DOES NOT HURT SO MUCH ON MY

ANTONIO MEDRANO ORTIZ

## STATEMENT OF THE CASE

Wrist, Respondent Elderdice ignored me and continued to push me towards the elevator. Inside of the elevator, Elderdice pushed against the walls while Respondent Rivers was placing the waist chain on me. At that point I tried to accommodate the cuffs in my wrists on my own when Respondent Elderdice twisted my left arm (the one I use for dialysis) sending a sharp pain throughout my entire body, of course I to that pain and shook my head, Respondent Rivers accidentally got hit, then Respondent Rivers punched me several times in the head, and in my ribs cage. Respondents Rivers and Elderdice then throw me on the floor, once on the floor Respondent

Antonio MEDRANO ORTIZ

## STATEMENT OF THE CASE

Rivers place one of his foot on my neck and press it down, Respondent Elderice was twisting my legs back and forth. Respondent MATTHEW BAUM was outside of the elevator as lookout. Once Respondent Rivers realized there was a camera inside of the elevator he removed his foot off my neck, the elevator went down to the medical's first floor. In the first floor Respondents Rodrigue Rivers, William Elderice, and MATTHEW BAUM dragged me to a holding cell where they pushed me against the walls several times, and kicked me when I went down to the floor. During the

21.

Antonio Medrano Ortiz  
STATEMENT OF THE CASE

ENTIRETY OF THIS INCIDENT **NO**  
**HANDHOLD** CAMERAS WERE USED  
WHICH IS CONTRARY TO POLICY &  
PROCEDURE .1507 (d)(1) AND  
(5) A COPY OF THAT POLICY IS  
ATTACHED TO THIS PETITION AS  
APPENDIX F .

I WAS KEPT IN THAT HOLDING CELL  
FROM ABOUT 2:30 P.M. UNTIL ABOUT  
4:55 P.M. FULL YESTRAINED WITHOUT  
USING THE TOILET, EXERCISE MY  
EXTREMITIES, OR MEALTIMES, WHICH  
IS ALSO CONTRARY TO POLICY &  
PROCEDURE .1504 (g)(1) (B). SEE  
APPENDIX F  
AT ABOUT 5:00 P.M. RESPONDENT

ANTONIO MEDRANO ORTIZ  
STATEMENT OF THE CASE

JEFFREY THAYER, AND FOUR OTHER PRISON GUARDS CAME TO THE HOLDING CELL, STILL IN FULL RESTRAINTS, THAYER AND THE OTHER FOUR GUARDS TORE DOWN MY CLOTHES, AND MADE ME WALK TO THE URGENT CARE CENTER UNDERESSED. IN THE URGENT CARE CENTER THAYER AND THE FOUR GUARDS FORCED SOME PSYCHIATRIC MEDICATION INTO ME, THEN TOOK ME TO A MENTAL HOUSE UNIT AT CENTRAL PRISON WHERE I WAS KEPT FULL RESTRAINED WITHOUT USING THE TOILET, EXERCISE MY EXTREMITIES, OR MEALTIMES. I LOST NOTION OF THE TIME, AND NOT KNEW WHERE I WAS, OR WHO I WAS.

## REASONS FOR GRANTING THE PETITION

### A. CONFLICTS WITH DECISIONS OF OTHER COURTS

The holding of the Courts below dismissing my original complaint as time-barred by STATUTES OF LIMITATIONS is directly CONTRARY to the holding of AT LEAST TWO Federal Circuits. See Hensley v. City of Columbus, 557 F3d 693, 697 (6th Cir. 2009); See Also Tiberi v. Cigna Corp., 89 F3d 1423, 1430-31 (10th Cir. 1996) ("Continuous violation exist if (1) the defendants engage in a continuing wrongful conduct; (2) injury to the plaintiffs accrues continuously, and (3) had the defendants at any time ceased their wrongful conduct further injury would have been avoided")

See Attached sheets

ATTACHED SHEET

ANTONIO MEDRANO ORTIZ  
REASON FOR GRANTING THE PETITION

THE HOLDING OF THE COURTS BELOW THAT DR. MCKENZIE WAS NOT DELIBERATE INDIFFERENT TO MY SERIOUS MEDICAL NEEDS IS DIRECTLY CONTRARY TO THE HOLDING OF THE THIRD CIRCUIT. SEE WEST V. KENE, 571 F.2d 158, 168 (3d Cir. 1978) FINDING THAT INMATE STATE A CLAIM FOR POST-OPERATIVE PAIN MEDICATION ALTHOUGH PLAINTIFF WAS PROVIDED WITH ASPIRIN THIS MAY NOT BE ADEQUATE MEDICAL CARE.

Attached Sheet

Antonio MEDVANS Ortiz

Reason For GRANTING the Petition

The holding OF the Court below THAT  
DR. METIKO WAS NOT deliberate  
INDIFFERENT TO my serious  
medical needs is directly CONTRARY  
TO the holding OF the SEVEN Circuit.  
See Hughes V. Joliet Correctional  
Center, 931 F2d 425, 428  
(7th Cir. 1991) (medical staff  
told prisoner with SPINAL injury  
he WAS "Full of bullshit").

the holding OF the Courts below THAT  
Respondents Rodrigue Rivers, Darius  
Davis, Ikenna-Obi, AND the two other  
Prison Guards did NOT used Excessive



Attached Sheet

ANTONIO MEDRANO ORTIZ  
Reason For GRANTING the Petition

Force AGAINST me On the incident  
October 15, 2015 is Directly CONTRARY  
to the holding of the Fifth Circuit.  
See *Oliver v. Collins*, 914 F.2d 56,  
59 (5th Cir. 1990) (testimony that  
beating was completely gratuitous  
and no force at all was necessary  
would support a finding of  
malice).

The holding of the Courts below  
that Respondents Rodrique Rivers<sup>11</sup>  
William Elderdice, MATTHEW BAUM,  
JEFFREY THAYER, And the other Four

---

<sup>11</sup> Respondent Rodrique Rivers  
participated in both the first  
and second incidents.

ATTACHED SHEET

ANTONIA MEDRANO ORTIZ

REASON FOR GRANTING THE PETITION

GUARDS DID NOT USED EXCESSIVE FORCE  
AGAINST ME ON OCTOBER 24, 2015  
IS DIRECTLY CONTRARY TO THE HOLDING  
OF THE FOURTH CIRCUIT IN MILLER V.  
LEATHER, 913 F.2d 1085, 1088  
(4TH CIR. 1990) (EN BANC) (THE FACT  
THAT THE PLAINTIFF HAD PREVIOUSLY  
FILED A GRIEVANCE AGAINST THE  
OFFICER AND THAT THE OFFICER  
REMOVED HIM FROM HIS CELL  
WITHOUT A SUPERVISOR PRESENT  
IN VIOLATION OF PRISON REGULATIONS  
COULD SUPPORT AN INFERENCE THAT  
THE OFFICER INTENDED TO RETALIATE

Attached Sheet

ANTONIO MEDRANO ORTIZ  
REASON FOR GRANTING THE PETITION

AGAINST THE PLAINTIFF). IN ADDITION  
SEE *Ziembra v. Armstrong*, 433  
F. Supp. 248, 251 (D. Conn. 2006)  
(THE FACTS ALLEGED BY THE PLAINTIFF ARE  
EVIDENCE THAT THE DEFENDANTS WERE  
ACTING "MALICIOUSLY AND SADISTICALLY  
TO CAUSE HARM").

B. IMPORTANCE OF THE QUESTIONS PRESENTED

THIS CASE PRESENTS A FUNDAMENTAL  
QUESTION OF THE INTERPRETATION OF THIS  
COURT'S DECISIONS IN *FARMER v.*  
*BYENNAN*, 511 U.S. 825, 837,

Attached Sheet

Antonio Medrano Ortiz  
Importance of the questions Presented

114 S.Ct. 1990 (1994); Helling v. McKinney, 509 U.S. 25 (1993); And Hudson v. McMillian, 503 U.S. 1, 5, 112 S.Ct. 1995 (1992). The questions Presented are of great public importance because it affects the operations of the Prison System in all 50 States, the District of Columbia, and hundreds of City and County Jails. In view of the large amount of litigation over prisoner's medical treatment, and use of force proceedings.

The issue's importance is enhanced

ATTACHED SHEET

ANTONIO MEDVANO ORTIZ  
IMPORTANCE OF THE QUESTIONS PRESENTED

by the FACTS that the Lower Courts in this case have seriously misinterpreted Farmer, Helling, and Hudson. This Court held in Farmer that "Prisoners retain 8th Amendment right to be free from cruel and unusual punishment. In my case I have lost the use of both my kidneys permanently because the Respondents would not provide blood pressure checks, or medication.

IN Helling This Court held that 8th Amendment claim stated by inmate alleging that prison officials

Attached sheet

ANTONIO MEDRANO ORTIZ  
Importance of the questions presented

With deliberate indifference, exposed him to levels of ETS posing UNREASONABLE RISK OF SERIOUS DAMAGE TO FUTURE HEALTH. IN MY CASE EVEN THOUGH IT IS NOT DIRECTLY ON POINT TO THE HELLING'S ETS EXPOSURE. I ALSO WAS EXPOSED TO LEVELS OF CHEMICAL<sup>12</sup> I WAS ALLERGIC TO, WHICH THE DOCTOR PRESCRIBED ME KNOWINGLY IT WOULD CAUSE ME FUTURE DAMAGE TO MY HEALTH, WHICH IT DID WHEN I WAS DEFECATING BLOOD, AND WORSENING MY ALREADY BAD KIDNEYS DYSFUNCTION.

---

<sup>12</sup> NSAID or Ibuprofen

Attached sheet

ANTONIO MEDRANO ORTIZ

IMPORTANCE OF THE QUESTIONS PRESENTED

IN HUDSON THIS COURT HELD THAT THE USE OF EXCESSIVE PHYSICAL FORCE AGAINST A PRISONER MAY CONSTITUTE CRUEL AND UNUSUAL PUNISHMENT WHEN PRISONER DOES NOT SUFFER SERIOUS INJURY. IN HUDSON, PRISON GUARDS STRUCK THE INMATE IN THE FACE, CHEST, AND ABDOMEN WHILE THE INMATE IN FULL RESTRAINTS AND BEING TRANSFERRED TO AN ADMINISTRATIVE LOCKDOWN CELL, CAUSING MINOR BRUISES, SWOLLEN FACE, AND A BROKEN DENTAL PLATE.

IN MY CASE I WAS ASSAULTED

ATTACHED SHEET  
ANTONIO MEDRANO ORTIZ  
IMPORTANCE OF THE QUESTIONS PRESENTED

TWICE<sup>13</sup> WITHIN THE SPAN OF 9 DAYS.  
I WAS STRUCK IN THE HEAD, AND RIBS  
CAGE SEVERAL TIMES, FOOT PLACED ON  
MY NECK, AND KICKED. ALL OF THESE  
WHILE IN FULL RESTRAINTS AND ON  
THE FLOOR. I SUSTAINED TWO MAJOR  
INJURIES ONE IN MY KIPS THE  
OTHER ONE IN THE ARM I USE FOR  
DIALYSIS, BOTH INJURIES WERE  
SURGICALLY REPAIRED. ARE THE  
RESPONDENTS FREE OF CHARGES. SEE  
FARMER V. BRENNAN, 511 U.S. 825,  
837, 114 S.Ct. 1990 (1994) (ON  
deliberate indifference); Helling V.

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13 Respondents Rodrique Rivers  
AND William Elderdice participated  
IN both these incidents



ATTACHED SHEET  
ANTONIO MEDRANO ORTIZ  
IMPORTANCE OF THE QUESTION PRESENTED

MCKINNEY, 509 U.S. 25 (1993)  
(ON THE EXPOSURE PART);  
HUDSON V. McMILLIAN, 503 U.S.  
1, 5, 112 S. Ct. 995 (1992) (ON  
USE OF EXCESSIVE PHYSICAL FORCE).

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Antonio meek rty-

Date: December 20, 2019